

San Joaquin County Development Title Update

Diagnosis Report: Evaluation and Preliminary Recommendations

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Executive Summary

This working paper presents the results of the initial reconnaissance work and preliminary recommendations for the Development Title Update ("Code or Title Update"). This project was initiated to revise San Joaquin County's Development Title, so it implements the 2035 General Plan and also conforms with federal and State law. The objective is to produce an innovative and integrated Development Title by expanding upon, modifying and deleting from the existing Development Title as necessary to implement the 2035 General Plan, streamline the permitting process, and respond to County staff and stakeholder concerns within the restrictions of applicable federal and State law.

The project consists of three phases:

- **Phase 1** includes all of the background work needed to understand the issues and identify regulatory choices for an updated Title. This paper is the culmination of Phase 1 work.
- Phase 2 will include the actual drafting of Code amendments and new sections to be included in the Title for General Plan implementation. It will have updated standards for private development and public infrastructure, public landscaping and building design, and standards for urban services. It also will include updates to the regulations for subdivisions, signs, and wireless communication facilities, and similar special purpose regulations for agricultural lands that are in Title 9. Phase 2 will also include Zoning Map amendments to ensure consistency with the General Plan and some concurrent General Plan amendments. Finally, permitting procedures will be updated and consolidated to facilitate administration and streamline the project review process.
- Phase 3 will include environmental review and the public hearing process leading to ultimate adoption.

As the first step of this effort, San Joaquin County's consultant team evaluated the County's current approach to regulating development and determined if there are alternative approaches that would better implement the General Plan, attract high quality development, and respond to State and federal mandates.

The County's consultant team's work included field reconnaissance of recent development in San Joaquin County; interviews with County staff and community stakeholders; an assessment of existing regulatory tools and design guidelines used by the County and peer jurisdictions; and preliminary recommendations for specific work to be completed for the update.

This working paper summarizes the principal findings and conclusions of the Phase 1 work (Tasks 1 and 2) and recommends a number of ways that Title 9 could be improved to meet the objectives of the Code Update. This paper is intended to form the conceptual framework for further discussion of these issues with the Planning



The Development Title Update will include standards for landscaping and building design, building on examples for exemplary development.

Commission and the Board of Supervisors. After their review and direction, the consultant team will work with County staff to refine the recommendations and prepare an Annotated Outline for the Update to guide actual drafting of the new regulations, which will be reviewed in "modules" by the Planning Commission and other interested committees and organizations. These modules will be posted on the project website (http://www.sjcdtupdate.org) for public review.

PRINCIPAL CONCLUSIONS AND RECOMMENDATIONS

Overall, the current administrative framework for San Joaquin County's development regulations is sound, but it can be comprehensively updated and streamlined. These regulations and procedures also need to be updated to reflect new land use and development policies in the General Plan and dictates of federal and State law. The development title has not been comprehensively updated since 1992. It should be noted that during this comprehensive restructuring of the County's review process, it may be necessary to amend some County's policy objectives to encourage desirable development consistent with the General Plan.

More delegation of responsibility from the Board to the Planning Commission and to County staff, coupled with more "by right" zoning, would make sense and is a central recommendation. It could be advantageous for San Joaquin County to have an updated Development Code that combines different approaches to zoning (e.g., performance-based and design-based, as well as land use-based) to provide an effective tool to implement the General Plan. Instituting the changes that the following recommendations embody could help implement the General Plan and lead to greater ease of use, higher-quality design, clearer standards, and support for desired development.

Recommendations

The recommendations proposed below are consistent with the findings of the County staff and stakeholders' interviews and the review of relevant policies in the General Plan and the existing Development Title. They are grouped into six topical areas for ease of discussion. These recommendations do not all carry the same weight; some are more important and will have more far-reaching effects than others. These differences will be discussed in the body of the paper. Early feedback will ensure that we are not going off in directions that would be unproductive and contrary to Board policy and direction.

Recommendation No. 1: Streamlining Development Review and Approval

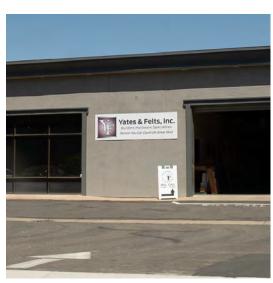
- 1-A Create a Set of Common Procedures for Administration of the Development Title and a Streamlined Track System For Permitting
- 1-B Reduce Reliance on Commission-Level Discretionary Review and Board Involvement in the Permitting Process (e.g., more "by right" uses)
- 1-C Add Provisions for Director-Level Use Permit, replacing Site Approvals
- 1-D Allow Additional Flexibility to Get Relief from Standards for Desired Development
- 1-E Streamline and Expand Provisions for a Planned Development Zone
- 1-F Recognize Differences Among Nonconforming Uses, Structures and Lots

Recommendation No. 2: Making the Development Title Easier to Understand and Use

- 2-A Develop a Consistent and Uniform Approach to Organizing and Displaying Rules, Standards, and Review Procedures
- 2-B Consolidate Standards
- 2-C Simplify, Refine, or Eliminate Unnecessary Regulations and Procedures
- 2-D Modify Zones and Update the Zoning Map as Necessary to Implement the General Plan
- 2-E Use Graphics to Reduce Wordiness and Improve Clarity
- 2-F Tabulate and Cross-Reference Regulations

Recommendation No. 3: Supporting Economic Growth

- 3-A Expand Opportunities for Agricultural Industries and Support Services in Agricultural Zones with Controls to Prevent Adverse Land Use Impacts (e.g., for Mega-Wineries)
- 3-B Update Parking Standards and Create Appropriate Regulations for Truck Parking
- 3-C Streamline and Expand Provisions for a Planned Development Zone
- 3-D Provide Alternative Ways of Meeting Public Service Requirements for New Development
- 3-E Update the Sign Regulations so they are Less Restrictive, including Appropriate Standards for Size, Location, Design, and Construction
- 3-F Update the Regulations for Wireless Communications Facilities to be Consistent with State And Federal Law and Support Emerging Technologies for Cell Service



The Update can expand opportunities for support services in the agricultural zones.

Recommendation No. 4: Addressing Mixed Use and Other Development Opportunities

- 4-A Establish Standards and Incentives for Mixed Use and Multi-family Development
- 4-B Allow Limited Commercial Development in Neighborhoods ("Corner Stores")
- 4-C Continue to Support Winery-related Tourism and Recreational Opportunities in the Delta
- 4-C Rethink Buffering and Transitional Requirements Adjacent to Residential Neighborhoods to Avoid Constraining Development, consistent with Right-to-Farm policies



Winery-related uses would be allowed by-right.

Recommendation No. 5: Promoting Housing Variety and Choice

- 5-A Prepare a Design Manual for Accessory Dwelling Units, including Pre-Approved Building Plans
- 5-B Allow a Mix of Housing Types Where and When Appropriate, including Clustered Executive Housing in Rural Areas and Farmworker Housing
- 5-C Establish Regulations for Small-Lot Single-Family Development
- 5-D Continue to Support Affordable Housing with an Updated Density Bonus Program and Related Incentives
- 5-E Facilitate Upgrades to Older Residential Properties (Manufactured Homes/Trailer Parks)
- 5-F Amend the Zoning Regulations for Farmworker Housing to be Consistent with State Law

Recommendation No. 6: Achieving a High Level of Design Quality

- 6-A Create Appropriate Design Standards for Residential and Non-Residential Development
- 6-B Refine Landscaping Requirements, making them Appropriate to a Development Type and Community
- 6-C Mandate Outdoor Living Area and Usable Open Space in Multi-Family Residential Development

Introduction

Begun in the spring of 2020, the Development Code Update has been evaluating Title 9, San Joaquin County's regulations for land use and development, including zoning, subdivision controls, infrastructure standards and financing mechanisms, sign regulations, grading requirements, resource regulations, Williamson Act requirements, and related provisions. A Code Update is opportune because it will allow the County to adopt regulations affecting many issues that are not adequately addressed in the current Development Code, including agricultural industries and support services, truck parking, urban services and adequate public facilities requirements, and provision for a variety of housing types. It also offers an opportunity to assess the permit process and see how it might be streamlined. Through the Code Update, the County will ensure that its Code provisions respond to community needs, implement General Plan policies, and reflect recent changes in State and federal law affecting land use regulations, including new housing laws, regulations for wireless communications facilities, and limitations on sign controls. How the Title supports implementation of the Delta Plan also will be addressed.

OBJECTIVES OF THE DEVELOPMENT TITLE UPDATE

The Development Title Update is taking a critical look at County policies to see how they can best provide a roadmap for future development and protection of resources. Overall, the Update will strive not only to ensure that regulations are relevant to today's concerns, but also to produce a code that is understandable and easy to use. The objective for this project, as defined by the County, is to produce an innovative and integrated Development Code by expanding upon, modifying and deleting from existing documents as necessary, within the restrictions of applicable federal and State law, and create a San Joaquin County Development Code that:

- Is progressive and comprehensive, utilizing best practices from other jurisdictions and codes, and
 intelligently integrates principles of balanced land use and orderly growth to promote a diverse
 economic base, livable communities, strong agriculture, and sound resource management;
- Is consistent with the San Joaquin County 2035 General Plan, responsive to the Board of Supervisors' policy direction, and cognizant of concurrent amendments to the General Plan;
- Provides for flexibility, where needed and appropriate, consistent with the County's development policies and practices;
- Is logically organized, easy to read and understand, and can be quickly updated to respond to changing market and socio-economic conditions;
- Includes graphics and tables to illustrate key points and minimize the amount of text;
- Is consistent in terms of processes and requirements with other titles in the County Code and relevant provisions of federal and State law;
- Supports the County's agricultural economy;
- Is tailored to local environment and residents' concern and reflects the County's history and culture:
- Allows for Master Plans, Specific Plans and Planned Development zones, where appropriate;
- Provides standards and incentives for affordable housing; and

• Streamlines the review and permitting process for development projects.

The updated Development Title will implement the General Plan, improve procedures, and create a more logical and transparent body of regulations. It will likely retain many of the prescriptive elements that are in the existing Title, combined with new regulations and standards that will be applied to specific portions of the County. The result will be a Development Title that creates certainty in terms of land uses and development, but provides flexibility of use, built form, and design. It will be tailored to the current needs of San Joaquin County, while anticipating future growth and development. Most importantly, it will contain clear processes and objective standards for review. Because the goals are to improve procedures, introduce options, and create a logical and transparent body of land use regulations rather than imposing new limitations on land use and development, the outcome will be "business-friendly" and respect property rights.

ISSUES ADDRESSED IN THIS WORKING PAPER

San Joaquin County's existing regulatory framework may be interfering with the County's ability to achieve its vision, implement the planning policies of the General Plan, and get the highest and best type and quality of development. This conclusion is based on stakeholder and County staff interviews, and analysis of the General Plan and how well it is implemented by Title 91. The following themes provide a framework for the *Diagnosis and Evaluation Working Paper*—running through all of them is the idea of ensuring consistency with the General Plan:

- Making San Joaquin County's regulatory tools easier to locate, use, and understand;
- Addressing development opportunities in the urban and rural communities and City fringe areas and also opportunities for agricultural industry in the agricultural zones;
- Establishing expectations for high quality community design to enhance the character of neighborhoods, corridors, and districts and to promote efficient development;
- Allowing a mix of uses to enhance local communities and support economic development;
- Promoting a range of housing types meeting the needs of all economic segments of the community;
- Protecting the Delta;
- Conserving and enhancing historic resources; and
- Streamlining development review and approval and allowing more "by right" development, while also continuing to provide a transparent and participatory process.

Each of these issues is addressed in subsequent sections of this Working Paper. Specific topical and technical issues, such as religious uses, housing for persons with disabilities, wireless communications facilities, and signs, also are discussed either in the individual recommendations or at the end of this paper.

PROCESS – HOW THIS PAPER WAS PREPARED

The Diagnosis and Evaluation Working Paper is the culmination of the first stage of the Development Title Update, which consisted of a background review of the General Plan and the existing regulations in Title 9. In April

¹ A Summary of Stakeholders Interviews is on the project website (http://www.sjcdtupdate.org).

2020, San Joaquin County's consultant team, led by Dyett & Bhatia, Urban and Regional Planners, began this effort with a review of County staff reports and planning documents, a close reading of the Development Title, field reconnaissance, including a tour of San Joaquin County, and a series of interviews with stakeholders and County staff intended to gather concerns and suggestions for the Development Title Update. Stakeholders interviews are summarized in a separate *Summary of Stakeholders Interviews* (July 2020) available on the project website, which put forward the overarching recommendations of Code users, organized thematically².

Ensuing conversations with County officials and staff, as well as detailed assessments of the General Plan, existing regulations, and case files, have led to the findings and recommendations presented in this Working Paper.

Relation to the General Plan

The recommendations presented in this paper respond directly to the goals and policies of the 2035 General Plan and are intended to be consistent with it. Technical amendments to the General Plan may be prepared later in the process. The Appendix to this paper includes a matrix that summarizes relevant General Plan policies, as an easy reference for readers.

NEXT STEPS

This paper will be the basis for study sessions with the Planning Commission and Board of Supervisors. Comments by the Commission and Board, along with any public input received on the paper, will guide preparation of an Annotated Outline of an updated Development Title and initial drafts of preliminary regulations. They will be presented in "modules" for subsequent review, and additional workshops will be scheduled with the Planning Commission to review these modules.

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² The project website is http://www.sjcdtupdate.org.

Approaches to Zoning

American cities and counties use zoning to accomplish a number of purposes. Some of these purposes are well established—such as the maintenance of stable residential areas and the prevention of health and safety hazards. Others—such as protecting agricultural lands, promoting transit-oriented development, maintaining aesthetic values, encouraging infill development, preserving historic areas, spurring job-generating development, achieving community benefits, and creating walkable communities—are newer. All of the purposes and powers of zoning are rooted in the police powers that the State grants to local governments.

Zoning, subdivision controls, and other regulations also are intended to implement County plans, visions, and goals. A Development Code, such as Title 9 of the San Joaquin County Code, translates the policies of a comprehensive land use plan into parcel-specific regulations. As such, zoning is used to implement land use, urban design, and open space plans, rather than to serve in itself as the primary planning tool to resolve local traffic circulation issues, provide services to seniors, implement parks master plans, protect sensitive habitat, or create new neighborhoods.

Zoning regulations traditionally have been used to separate incompatible land uses, minimize nuisance impacts and environmental harm, and coordinate or time development intensity with supporting public infrastructure. Zoning is also effective for dealing with the geographic location of activities and for regulating the three-dimensional aspects of development with height, bulk, setback, and building design standards. Zoning is a way to make explicit the County's policies for development, urban design, and resource management, to ensure fairness (so all lots in a given zone may be developed to similar intensities and are subject to similar restrictions and public contributions), and to avoid abuses of discretion.

In recent decades, zoning has been called on to address an increasingly diverse variety of public policy goals related to environmental protection, economic development, historic preservation, neighborhood revitalization, public safety, and transportation mode choice. Cities and counties have also used zoning to address market issues (e.g., controls on "fast food" operations, short-term rentals, and large-format retail stores). While zoning can mandate the physical form and uses of land, it is not as effective in realizing public policy goals. Another limitation of zoning is that it works on an incremental basis, as individual parcels develop or redevelop. The General Plan, by contrast, can and should take the lead in providing guidance for Countywide development patterns and for preparation of more detailed area and community plans.

In sum, a Development Title deals with two basic concerns:

- How to minimize the adverse effects that buildings or the use of a property can have on its neighbors; and
- How to encourage and implement optimal development patterns and activities within communities, as expressed in General Plan policies.

TYPES OF ZONING

Three main types of zoning are in use in the U.S. today: Euclidean, performance-based, and physical form codes. The pros and cons of these basic types of zoning are summarized in the table on the following page. In this table, the term "prescriptive" describes a rule-making process and the degree to which clear and objective standards for land use and development provides certainty to landowners, developers and the general public.

TABLE 1: COMPARISONS OF TYPES OF DEVELOPMENT CODES

Type of Development Codes

Euclidean: Named after the City of Euclid's Zoning Code in Ohio, Euclidean zoning schemes divide jurisdictions into districts or zones, wherein certain types and intensities of uses are allowed. These districting schemes typically have separate zones for residential, commercial and industrial uses, and aim to segregate incompatible uses. More recently, Euclidean codes have been used to create mixed use zoning districts. Euclidean zoning typically specifies allowed uses, maximum residential density limits, and bulk and dimensional standards.

Performance-based: Performance-based codes include objective, quantifiable standards that are applied to uses to reduce impacts of development and to promote land use compatibility. The regulations and review procedures in these codes generally focus on how uses operate. These codes contain basic performance standards that directly limit impacts (e.g., noise and shading standards) as well as standards that control indirect impacts by constraining the intensity of operations (e.g., floor area, residential density).

Physical form-based: Form-based codes prescribe the design or type of building, street, or neighborhood subarea, with limited or no restrictions on use. They typically include generic design prototypes for housing and commercial buildings and their relation to the street and to each other. This approach may differentiate neighborhoods, districts, and corridors; provide for a mixture of land uses and housing types within each; and provide specific measures for regulating relationships between buildings and between buildings and outdoor public areas, including streets.

Pros and Cons

Euclidean codes tend to be largely prescriptive and work best at preventing the basic problems or nuisances in a community and protecting agricultural areas. They are less effective in dealing with fine-grain neighborhood character and design issues that often arise in places where infill and redevelopment are most common.

Within newly developing areas, Euclidean codes need to be linked to land division or subdivision regulations. These regulations often play a very important role in supporting zoning because they provide the statutory basis and standards for decisions on street networks, pedestrian connections, and the location of parks, open spaces, and civic facilities.

Performance-based codes are somewhat less prescriptive than form-based codes in terms of design and allow for more architectural creativity and context-based solutions. They may be more complicated to administer than conventional Euclidean zoning or form-based codes but can provide more certainty as to use and density/intensity. As such, they tend to be favored by the development community and neighborhood organizations over codes that prescribe architectural design or rely on discretionary procedures involving public hearings and conditions of approval to ensure land use compatibility.

Form-based codes tend to be highly prescriptive and are therefore thought of as very predictable. They are a way to express what is desired rather than what is discouraged or prohibited. These codes address matters outside those traditionally thought of as zoning (e.g., street design, sidewalks, parks, and civic spaces), and are often portrayed as more "holistic" than conventional Euclidean or performance-based zoning. They provide a way to bring planning and design considerations into zoning. These codes are effective where strong design guidance is needed and limitations on use and intensity are not critical.

Other types of zoning include:

- Incentive zoning involves trade-offs between the County and the developer/property owner: the County relaxes certain zoning requirements in exchange for providing particular amenities, such as public open spaces, or a public benefit, such as affordable housing. Incentive zoning is particularly effective in achieving community benefits defined in a General Plan.
- Hybrid zoning schemes such as contextual or character-based zoning, seek to integrate physical
 design (form-based) standards and performance regulations into otherwise conventional codes,
 while often downplaying use-based regulatory strategies. Character-based zoning may offer
 particular promise for communities grappling with inappropriate development and can be
 combined with other approaches that make sense in newly developing areas, where more flexibility
 may be appropriate.

WHAT TYPE OF ZONING DOES SAN JOAQUIN COUNTY HAVE?

San Joaquin County's Development Title primarily follows a Euclidean scheme, as do most California counties. The majority of use districts within San Joaquin County's zoning classification system separate types of uses (agricultural, residential, commercial, industrial, etc.), although the M-X (Mixed Use) zone does allow for a mix of uses. The County also developed design guidelines and standards that apply to Mountain House and the Woodbridge Community.

As part of the Update, the County may want to consider adopting a more hybrid approach to zoning classifications. Design-based districts may help implement certain General Plan goals and be particularly appropriate for the commercial and mixed use areas. For example, a district that allows a mix of uses with design standards to ensure pedestrian-friendly development, as is done in the Woodbridge Design Guidelines, may be appropriate in some of the urban communities. San Joaquin County may also decide to adopt more contextual zoning as it attempts to preserve the unique character of historic areas.

THE BASIC DILEMMA: FLEXIBILITY VS. CERTAINTY

As San Joaquin County considers how to improve its zoning regulations and update Title 9, one issue will be how to find the right balance between flexibility and certainty that will best implement the General Plan. The dichotomy between these concepts creates tension, not only for County officials and staff who use the code on a day-to-day basis, but also for farmers, business owners, and others who may only come into contact with zoning a few times over the years they may live or work in the County. Everyone wants to know what the rules and standards are by which a use or a project will be judged—how are decisions made to approve, conditionally approve, or reject applications? And, for many, knowing the timeframe as well as the criteria for approval also is important—how long will this take, who has appeal rights, and when is a decision final so a project can proceed.

For many, the issue presented is straightforward—where can I park my trucks—and they just want to know what the rules area; for others, flexibility is important: the site or existing building(s) may be unique and require an individualized approach, or the design is innovative and contextual yet does not adhere to the requirements of the code. Conversely, the public benefits of a project may be so great (more agricultural production or jobs, for example) that proponents don't understand why the County can't just say yes. Many situations require flexibility and some relief from underlying requirements. Perspectives of code users may help inform the discussion about this issue.

Users' Perspectives

Expectations about what zoning should or should not do, and how far it should go, are different, depending on individual perspectives. Applicants view zoning differently than professionals, and County planning staff perspectives are not always the same as those of farmers or business owners. At the risk of over-simplification, we offer the following set of expectations for different code users, which are based on the stakeholders' interviews, as a starting point for thinking about regulatory options.

Applicants

Individuals applying to the County for an entitlement through a permit, an improvement plan, or a site approval generally want to know:

 What are the rules that the County follows for development review? These include use regulations, development standards, and other requirements, review procedures, and criteria for decision-making. Can different permit applications be considered simultaneously?

- What is the timeframe for decision-making and when is a decision final? Is it the day the approval is granted, or is there some stated time they have to wait before they know they can proceed with the next steps (e.g., an appeal period), refine a site plan, prepare submittals for a building permit, solicit bids, and initiate construction? Users also need to know how much time they have to obtain a building permit or business license.
- What relief can they request if a regulation or standard constrains a site plan or otherwise limits what they would like to do with their property or building? In thinking about relief, it often is useful to distinguish concerns about what the allowable uses are (recognizing that use variances should not be granted, and the only way to accommodate different uses would be through a Development Title text or zoning map amendment) from concerns about how to accommodate a building on a lot. Relief may be needed from a use regulation (e.g., expanding on what is a supporting agricultural service), a physical development standard (e.g., setbacks or height limitations), or from performance requirements that relate primarily to the impact of a use or building design on an adjacent lot (e.g., an off-site setback, a noise standard, or on-site detention of stormwater).
- How important are neighbor concerns in the decision-making process? If an applicant follows the rules, does the County have the right to require changes to a design solely because of a neighbor's objections? Are there limitations on conditions of approval, or are all elements of a project "negotiable"? Does the County distinguish "as-of-right" development applications from those requesting exceptions to the standards in weighing how far to go to respond to community concerns? Does the Right-to-Farm override some of these concerns?

Design and Engineering Professionals

Architects, engineers, and other design professionals typically want to know the answer to the same questions applicants pose, but because of their specific role in a project, they often want to know more specifically how much flexibility the code allows for site planning and building design. If the County wants to mandate certain solutions, as opposed to "encouraging" a type of design, the code should say so to avoid misunderstandings during the development review process.

An example of a mandated solution is a requirement for windows and a prohibition of blank walls on retail frontages. In this context, design professionals will want to know whether the mandate is a guideline or a regulation. If it's a regulation and the proposed building design or improvement doesn't benefit from adding more windows, it will be necessary to request administrative relief, which could be a variance or a waiver or modification, in order to deviate from the dimensional requirements. By contrast, if the mandate is a guideline, it may be possible to propose an alternative solution that meets the guideline's objective without applying for a variance or use permit to waive design standards if the Development Title provides for alternative ways to comply with a guideline. The current code does allow for some of this with the "deviation" provisions.

The flexibility that a design professional typically seeks includes:

- Relief from prescriptive standards, including setbacks, building height, bulk and articulation, landscaping, parking, and design standards (e.g., colors, finishes, roof pitches, etc.);
- Relief for buildings with historic character or special designs; and
- Relief for uses or activities with unique needs (e.g., winery tasting rooms, truck parking, artists' studios, Internet server farms, pharmacy drive-through windows, etc.).

Planning Staff and Officials

County planning staff and officials also want flexibility for a number of reasons:

- To respond to community concerns;
- To implement the General Plan and to further public policies;
- To reconcile competing priorities, as is frequently the case with a General Plan and an agricultural community;
- To facilitate the ease of review and approval of development projects; and
- To protect unique and special resources, which may range from the Delta and farmland to historic buildings and special retail uses.

San Joaquin County Residents and Business Owners

While planners and County officials strive to respond to community concerns, farmers, residents and business owners don't always have the same perspective on zoning and the Development Title, particularly if they feel their self-interest is not served. Many critical issues were decided when the General Plan was prepared; however, as implementation details are worked out, community thinking about General Plan direction may evolve, and there may not be consensus on all of the regulatory solutions and Zoning Map designations initially proposed to implement the plan. Many development sites, for example, have remained in an agricultural zone, such as AG-40 or AU-20, because services were not available, but owners believe they can provide the need public facilities (water, sewer, and drainage) without necessarily hooking up to a city or a community services district. They wonder why they can't have the zoning that the General Plan envisioned for their land.

Neighbors want to know with some certainty what can be built, so there are no surprises once construction begins. However, if they have concerns, they would like to know what the process is for community input – how much flexibility the County has to condition approval and what they can do to influence the final result.

Business owners, likewise, want to know whether they can expand or adapt space to new uses or activities. In agricultural zones, they don't always understand why they can't provide a packing service to a neighboring grower to make better use of their facilities. The ability to adaptively reuse historic buildings to current uses also is needed. Some property owners have expressed concern about current zoning not really enabling them to implement planning concepts for the area. Finally, being able to respond quickly to changing markets and needs, such as for independent trucking, is important, and the Development Title should enable a quick answer by County staff at the counter.

Tradeoffs

As the County considers the next steps for the Update, discussion of choices could address these basic philosophical issues:

- Flexibility vs. predictability: Is the Development Title intended as a rule of law or a rule of individuals? Should the area for negotiation be wide or narrow? To what extent should this be determined by the Title or by practice and precedent?
- **Flexibility vs. administrative cost:** What are the costs to the applicant and to the County to provide a streamlined process?

- **Development cost vs. quality:** Standards should be written with an understanding of their effect on business owners', developers' and consumers' costs and on the quality of the environment for both user and community at large.
- **Preservation vs. development:** Will a particular regulation stimulate or dampen change in uses, users, or appearance? A related issue is whether adopting a new standard will result in a proliferation of nonconforming situations, which could also discourage investment.
- Under-regulation vs. over-regulation: How does the County accommodate and facilitate new uses and development with an adequate amount of review? Is there a risk of impeding development through overly strict regulations and procedures or are the risks of inappropriate development through lax regulations too great?

Striking the right balance will not be easy and lessons from similar counties that have recently amended their codes can enable the County to avoid mistakes others have made.

Recommendation No. 1: Streamlining Development Review and Approval

In the Development Title, the administrative provisions governing development review and other administrative matters create the procedural environment through which the County carries out goals and policies laid out in its General Plan. At their best, development review and permitting provisions can promote the type of development the County wants by providing a clear, predictable path to project approval; conversely, overly complicated and sometime vague review processes with unclear requirements can cause business owners, farmers and developers a high level of anxiety, frustrate community residents, and severely dampen a County's ability to attract desirable growth and support the local economy. Unclear regulations also cost the developer/property owner and the County both time and money. A well-organized and clear code can eliminate these problems.

While the County has a "one-stop" counter system, it does require many discretionary approvals to go to the Planning Commission and some (e.g., Master Plans and Special Purpose Plans) have to go to the Board of Supervisors, which introduces additional steps and makes the process longer than if the review and approval of certain types of permits were delegated to the Director. Generally, business owners, farmers, and prospective developers value three central qualities in any administrative ordinance: (1) certainty in the requirements, timelines, and structure of the review process, (2) built-in flexibility to adjust development standards to the needs of individual projects, and (3) opportunities to request relief from requirements that constitute a substantial burden. Certainty about the types of development they can expect to see in their individual communities is also important to residents. The degree to which San Joaquin County can incorporate these qualities into its Development Title will help improve its ability to compete for development in the near future and to support the agricultural economy.

The flexibility of a Development Title is largely defined by its hierarchy of uses and their required permits. This hierarchy establishes the different levels of review the code requires to make various types of zoning decisions. These decisions typically range from a relatively informal counter staff review at the planning counter prior to the issuance of a building permit to more formal and complex procedures requiring public notice and a hearing before the Planning Commission and, in some cases, the Board.

The primary factor influencing a project's place in the hierarchy of uses is whether the proposed use is permitted "as of right," allowed subject to certain conditions which are checked either with review of an Improvement Plan or a Site Approval, or requires a Use Permit. This determination is a reflection of community issues and concerns that have arisen over the years. Decisions about where an application fits in the hierarchy may also, however, be influenced by how a jurisdiction selects and designs administrative techniques. It is often possible, for example, to reduce the review threshold for a particular type of application (i.e., place it lower in the hierarchy with only a Director approval), by increasing the specificity of the use regulations, the development standards and/or the performance-based criteria, along with a related change in one or more of the following:

- Scope of public notice for public input;
- Length of time for public review; and
- Opportunities for informal public review and consultation with departments and outside agencies.

The Development Title Update should set forth clear administrative procedures to be followed for all types of discretionary decisions. The level and extent of administrative process required for different types of decisions will vary, but the overall objective should be to streamline the process, enabling greater certainty and finality.

EXISTING ADMINISTRATIVE PROCEDURES

Decision-Making Bodies

San Joaquin County's Development Title specifically creates a Planning Agency, consistency of the Board of Supervisors, the Planning Commission, and the Director of Community Development, Planning and Development Services Decisions, and an Environmental Review Officer. In practice, although not listed as formally part of the Planning Agency, the Department of Public Works and the Environmental Health Department also are involved in the permitting process, either with referrals or, in the case of subdivisions, specific decision-making responsibilities. Responsibilities for a "zoning administrator" are not defined in the Code itself, nor are there provisions for a Hearing Officer.

Planning Commission

The Planning Commission is part of the Planning Agency for the County and also, in an advisory role, recommends actions to the Board regarding land use and development, including amendments to the Zoning Map, Development Title, and General Plan, Specific Plans, and Special Purpose Plans. Additionally, the scope of the Planning Commission's review includes requests for Use Permits, tentative subdivision maps, and other permits and approvals to ensure compatibility with the General Plan and surrounding uses. When considering the approval of a rezoning or Use Permit, the Commission's charge may include site plan approvals, if appealed.

Board of Supervisors

Under the Development Title, the Board of Supervisors has approval authority for Master Plans, Public Financing Plans, Specific Plans, Special Purpose Plans and Planned Development (PD) applications, General Plan amendments, and Development Title and Zoning Map amendments. Most of these responsibilities are established by the State, but the Board could delegate approval authority for Master Plans and Special Purpose Plans, if retained, to the Planning Commission. It also could separate action on a PD Zone itself, an amendment to the Zoning Map, from approval of an accompanying PD plan with detailed standards, which could be delegated to the Planning Commission and administered through a Use Permit.

Permits and Approvals

Table 2-1 summarizes the types of discretionary land use and development permits and approvals that the current code authorizes, in the order presented in Division 8, and lists the authorities that can issue these approvals.

	CRETIONARY APPROVALS AND ISSUING AUT		
Permit Type	General Purpose	Issuing Authority	
Master Plan	To facilitate implementation of the General Plan for new communities or substantial expand of existing communities	Board of Supervisors with a recommendation from the Planning Commission	
Public Financing Plans	To facilitate implementation of the General Plan for new communities or substantial expand of existing communities	Board of Supervisors with a recommendation from the Planning Commission	
Specific Plans	To enable adoption and implementation of plans conforming to the Government Code	Board of Supervisors with a recommendation from the Planning Commission	
Special Purpose Plans	To facilitate implementation of the General Plan for commercial recreation and freeway services, utilities, roadways, improvements, aesthetics (e.g., signs), and parking	Board of Supervisors with a recommendation from the Planning Commission	
Planned Development	To allow for flexibility in project design, concurrent review of land use, subdivisions, public improvements and siting, flexibility in housing types, increased density, and use of common open space	Board of Supervisors with a recommendation from the Planning Commission	
Site Approvals	To review proposed uses that have the potential to adversely affect other land uses, transportation, or facilities in the vicinity	Director with a notice procedure	
Use Permit	To review proposed uses that have the potential to adversely affect other land uses, transportation, or facilities in the vicinity	Planning Commission after a public hearing review procedure	
Deviations	Enables exceptions to the regulations because of special circumstances only for setback requirements, area, width, and intensity requirements and height requirements	Director with a notice procedure	
Variance	Allows for altering requirements where strict application would deprive a property of similarly situated properties in the vicinity with identical zoning because of special circumstances	Planning Commission after a public hearing review procedure	
Subdivision Application	Required for the division of land into separate lots, tracts, parcels, or condominiums, cooperative, and other forms of ownership	Board of Supervisors for final maps after approval by the County Surveyor, and the County Surveyor for parcel maps; Board also acts on Infrastructure Improvement Plans and financing	

Nonconforming Uses and Structures

Currently, San Joaquin County's Development Code regulates nonconformities, uses or structures that do not comply with current regulations and standards, in a traditional way. The code generally prohibits the expansion, enlargement, extension, or replacement of any nonconforming use and requires that all changes to nonconforming structures bring the site into full compliance with code provisions. A change to another nonconforming use is allowed with Director review and a Site Approval. Replacement of a structure occupied by a nonconforming use is allowed in certain circumstances; nonconforming structures also may be replaced if damaged by a fire, flood, earthquake or other calamity. Historic structures are allowed to be repaired and restored, but this provision is only for those on the National Register or State Landmarks. What happens when

nonconforming uses are abandoned for one year or more is not specified, nor are there provisions for nonconforming site features, setbacks, landscaping, and parking lot layouts. This section also does not distinguish reconstruction rights based on the extent of damage (e.g., less than 50 percent of the replacement cost vs. 50 percent or more) as a way of determining whether a structure may not be restored without being brought into full compliance. Finally, nonconforming lots, meaning those that do not meet a minimum size requirement for the zone where they are located, are not addressed in this section. Chapter 9-872, Lot Line Adjustments, does provide for some relief.

THE ISSUES

Uses that Appear to be Permitted by Right, but Actually Require Review

The current Development Title permits a wide variety of uses and development projects in the zoning district regulations but requires many of those "permitted" projects to undergo a discretionary Improvement Plan review or have a Site Approval requirement. The classification of use types also has been based on the federal Standard Industrial Classifications (SIC) Manual, which complicates administration as definitions are not always related to land use and can create further confusion about what is permitted. The tables of use regulations also indicate when a Use Permit or a Special Purpose Plan is required. As a result, requirements for discretionary review may seem contradictory where district regulations suggest that such uses are permitted by right.

Many jurisdictions have been able to reduce the number of uses that require discretionary review by amending their ordinances and codes to include carefully crafted standards and restrictions that are specific to particular uses (e.g., maximum height or size, additional setbacks, landscaping and locational criteria) and then have a ministerial (e.g., "by right") administrative process for zoning clearances, mainly to check that development plans and proposed uses meet specified standards and use regulations. No public hearings or discretionary review with case-by-case conditions of approval then occurs. The State now requires this type of ministerial review for accessory dwelling units, for farmworkers' housing, and for multi-family housing meeting objective development standards that are in the code.

Standards can also be specific to zones or clearly defined physical locations (e.g., arterial streets, locations within 100 feet of a residential zoning district, sites subject to flood hazards, sites adjacent to a railroad line, freeway, or the airport, or within a resource conservation area, etc.). A set of standard conditions of approval can be included in a code, thus simplifying the administrative reporting and approvals for individual projects because these are incorporated by reference, with only project-specific modifications based on an individual project and its location or other circumstances then having to be added as conditions of approval. This streamlines the permitting process.

There are a variety of approaches the County could use to reduce the number of uses requiring Planning Commission and Board review, including permitting more uses by right, subject to:

- Compliance with development standards that are included in the Title based on General Plan policies;
- Compliance with new standards and requirements that reflect "standard conditions" that are
 typically imposed when such uses have been conditionally approved by the Planning staff or the
 Director; and
- Compliance with specific limitations on location, floor area, hours of operation, vehicle access, and similar features that are the source of potential adverse impact.

The incorporation of limitations for specific uses makes it possible to eliminate discretionary review for those uses that meet specific standards and limitations and do not exceed specified threshold criteria based on size. The permitting system then has three approval tracks: (1) for permitted uses; (2) for limited uses which are subject to specified standards; and (3) for uses that require a use permit with a public noticing process. The County uses this type of system already in the sections that establish special use regulations for the zones. However, these special use regulations are not identified in the tables of use regulations. There also is some duplication as many of the special use limitations are the same in commercial and industrial zones, for example.

To respond to specific situations where flexibility is needed, the Development Title could offer a discretionary option (using a Use Permit) to applicants who can demonstrate that the proposed use is consistent with the purposes of the zone and would be compatible with surrounding uses, even though it does not meet all of the special use standards and limitations. This would allay concerns that may arise from those who think the proposed standards are too rigid. Use Permits would be reserved for uses that pose potential or significant land use compatibility issues. For further streamlining, a two-tier system for Use Permits could be created, with Administrative Use Permits approved by the Director and Conditional Use Permits approved by the Planning Commission. In both cases, neighborhood notice and a public hearing process would be required.

Multi-Step Process for Certain Applications

The Board of Supervisors acts on Master Plans, Planned Development applications, and Special Purpose Plans after they are heard by the Planning Commission. This extends the time required for approvals, and such a multi-step process is not always needed for a thorough review of these applications and concerns raised by residents and reviewing agencies. A Planned Development (PD) application also has two phases; the first for a Conceptual Site Plan, and the second for a Detailed Site Plan. When a PD is relatively small, with a straightforward development plan, this two-step process may be unnecessary and, if eliminated, could reduce costs and approval times. The two-step process could be left in for large projects and projects that will be phased.

Limited Potential for Planned Development

Currently, the Planned Development Zone seems intended mainly for large-scale residential projects and mixed use projects, containing residential, commercial, and/or civic uses. Other uses seeking approval of a development concept that may not conform to the base zone standards could get approval with a Special Purpose Plan or a Specific Plan, but many jurisdictions have found it unnecessary to have separate procedures for residential and mixed use that would not work for an office project or an industrial park. The County further complicates the process by mandating two separate applications: Phase I for a conceptual plan, followed by Phase II with a Detailed Site Plan. The Director can allow an applicant to proceed directly to a Phase II submittal, but this is discretionary on their part, and all of the information required for the Phase I application still must be submitted.

A further limitation of the PD zone, as currently written, is that it includes detailed site design standards geared to residential development. If the idea is to allow for alternative design concepts that deviate from the base zone standards, why limit the options by establishing what the alternative standards are? And, if these standards represent what the County really wants in larger-scale residential development, they should be incorporated into the residential zones.

Many jurisdictions structure their PD zones as a "floating zone" that can be used for a variety of uses on a caseby-case basis. This facilitates development of properties where greater flexibility in design is desired than would be possible through strict application of conventional zone with its restrictive land use regulations and standards. Specific development standards are then set in in the PD plans. Approval of a PD zone would require a finding that the development would be superior to what could be built under the zoning that otherwise would apply. The limitations set for a PD zone would be a minimum area requirement, conformity to the General Plan land use designations, and the maximum residential densities and development intensities set in the General Plan.

No Differentiation between Nonconforming Uses and Structures

Legal nonconforming uses and structures that do not comply with existing land use regulations could be a problem if San Joaquin County tries to promote more specific design standards. This issue also may arise with rezoning for General Plan conformance. The code does not allow a nonconforming structure to be altered unless the entire building is upgraded to comply with current standards. Similarly, a building with a nonconforming use can only be altered if it is damaged or destroyed by a fire, flood, earthquake, or other calamity. A nonconforming structure may be enlarged as long as the nonconformity is not increased. As a consequence, San Joaquin County's current regulations regarding the alteration of nonconforming uses and structures may be hindering some properties from being upgraded and adaptively reused. This is particularly true in historical areas if the buildings are not on a National Register or designated as State Landmarks. An option for a local historic designation could be added to the Development Title for flexibility. In short, these rules place what some may consider undesirable pressure on uses that do not fit current code regulations but are otherwise well established, benign, or even beneficial to the surrounding neighborhood or business district.

The County may want to consider a tiered system that distinguishes between those nonconforming uses and structures that are small and relatively benign and those that are detrimental to surrounding owners and residents. This approach would provide more flexibility than the current requirements. The code could be changed to make it easier to upgrade those nonconforming properties that do not substantially conflict with General Plan policies, are located within a Historic District (and other specified areas if desired), and to eliminate those activities and structures that are clearly incompatible with and detrimental to surrounding uses. A tiered system could include a procedure for licensing nonconforming uses that grants property owners the privilege of continuing nonconforming activities subject to certain requirements.

RECOMMENDATIONS

There are a wide variety of options that San Joaquin County could consider for revising its current regulations to streamline the decision-making process.

1-A Create a Set of Common Procedures for Administration of the Development Title and a Streamlined Track System for Permitting

San Joaquin County could create a common set of streamlined administrative procedures in order to clarify the development process and to provide applicants with consistent expectations for project review. A set of common procedures would improve code usability by helping applicants to understand the general review process more easily and avoid duplication of procedures for individual applications. Supplemental procedures could be included for some specific permit applications, if needed. Elements of a standard set of common administrative procedures include the following:

- A clear and consistent authority for determining whether an application is complete and a timeline for that process;
- Clear procedures and timelines for reviewing and acting on applications and handling appeals;
- Requirements for public notification for all types of public hearings; and

Standards for the conduct of public hearings.

1-B Reduce Reliance on Commission-Level Discretionary Review and Board Involvement in the Permitting Process

The Development Code could allow more uses and other approvals "by right" or subject to appropriate and suitable locational, developmental, and operational standards and limitations without review by the Planning Commission and, in some cases, the Board of Supervisors of building and site design. This recommendation also applies to those uses that appear permitted in district provisions but, in fact, are subject to discretionary review. By allowing these uses by right or as "limited" uses subject to specified standards, San Joaquin County will not only speed up the permit and development process, but also provide additional certainty to business owners and prospective developers that their projects are welcome.

Minor modifications to permits that are substantially consistent with the approved plans and conditions of approval should be handled by the Director or a Zoning Administrator and would not require public notice or a hearing. Modifications that the Director determines are not minor would require approval of the original decision-makers. Public notice and a hearing would be required if the modification is to a use permit. This procedure will streamline the process.

The successful implementation of this strategy would require the County to create a category of allowed uses in each district between those that are permitted and those subject to review. This set of "limited" uses would function as permitted uses so long as they conform to certain development standards or do not exceed threshold intensities (one example might be multi-family developments with fewer than 10 units, or a similarly moderate number). Uses that exceed the threshold intensities in the Code or otherwise do not conform to the stated limitations would require a Use Permit. The review threshold would be quantified explicitly in the tables and generally not require reference back to a definition of a use type in another division of the Title (e.g., what is the difference between "small" and "large").

1-C Add Provisions for Director-level Use Permits, replacing Site Approvals

The current Site Approval process is discretionary, in that conditions of approval can be imposed, but there is no public noticing. Some Use Permits, currently decided by the Planning Commission, could become a Director responsibility or they may only need a Zoning Clearance. The goal then would be to combine these two procedures, enabling the Director to review land use, site layout, building form and architectural detail, landscaping, and other aesthetic elements for certain types of projects that do not pose major land use compatibility questions requiring Planning Commission input. The basic idea then is to:

- Incorporate the Site Approval process into a procedure for Administrative Use Permits; and
- Give the Planning Commission final authority, subject to appeal, for "major" Use Permits.

For both types of Use Permits, specified findings would be required, and a project could be modified through conditions of approval to ensure land use compatibility and respond to concerns raised during the public review process. This also would streamline the environmental review process.

1-D Allow Additional Flexibility to Get Relief from Standards for Desired Development

The County does offer some flexibility already with provisions for Deviations and Variances, but additional flexibility could be built into the Development Title to promote development, such as

allowing a Zoning Administrator to act on certain types of variances. Specific permit approval procedures, enabling relief from standards and incentives for development in City fringe areas and development that cannot hook up to municipal services but can provide adequate public facilities, could promote desired development. Additional standards that could be modified by Deviations could also be listed in Section 9-824. Increases in maximum height and densities might be particularly appropriate for consideration if specified standards are met, as well as operational requirements in some commercial and industrial development such as loading dock dimensions or restrictions on the number of trucks allowed on a site. Finally, the County could allow for alternative landscape plans and parking plans and master sign plans as another way to modify standards.

1-E Streamline and Expand Provisions for a Planned Development Zone

The County could streamline the Planned Development (PD) approval process by only requiring a single PD Plan application, with the option of a two-stage review for complex projects with phased development. It also could separate action on the PD Zone, which would be a Board responsibility, from approval and administration of the PD Plan, which would be a Planning Commission responsibility. A PD zone should be an option for a broader range of development and not be limited to residential and mixed use projects. It would offer the potential for creative development projects incorporating design features that are more sensitive to site conditions and provide greater amenities than would likely result from conventionally planned development and also provide for efficient and cost-effective public services and facilities. The PD Zone would establish basic parameters and limitations on uses and development intensity (e.g., the maximum number of units and square feet of non-residential space), allowing flexibility in setting standards for building heights and their relationships, setbacks, lot sizes, types of structures, parking, landscaping, buffering, and the amount and location of privately-owned open space and outdoor recreation areas. PD Plans would be approved separately and administered through a Use Permit process, meaning that the Board would not be involved in minor amendments to a PD Plan that did not change the basic entitlements established for the PD Zone (e.g., the maximum number of housing units or square feet of non-residential space). This would streamline review and approval of planned development. Special Purpose Plans, some of which have included Planned Development within them, would no longer be needed, as the PD Zone could suffice for such development. Finally, no site design standards should be established for the PD zone, so as not to inhibit developers from attempting to secure the advantages of modern, large-scale sites planned for residential, commercial, or industrial purposes.

1-F Recognize Differences Among Nonconforming Uses, Structures and Lots

The County could expand on how it regulates nonconforming uses to allow it to distinguish among categories of nonconforming uses that should be regulated differently. Benign uses would be treated differently from potentially harmful or detrimental nonconforming uses. Such a system could apply different rules to:

- Benign nonconforming uses that could remain indefinitely, as determined by the Planning Commission, and subject to conditions or limitations, with provisions for revoking its "benign" status if new nuisances arise;
- Uses that should be replaced at some time in the future in order to implement the General Plan's
 long term objectives where redevelopment and/or reuse is unlikely in the near term because of
 economic or market considerations; and

Uses that are inconsistent with the General Plan and zoning regulations, will impede
implementation of the Plan, and are detrimental because of health, safety, or substantial aesthetic
impacts, such as towing yards and unscreened outdoor storage.

In this classification system, benign uses are those that do not have the potential to adversely impact surrounding properties. A small grocery store or home office with employees could be classified, for example, as benign, while an engine rebuilding business, auto body shop, smoke shop, or adult bookstore could not. The Update could include the formulation of test parameters to classify a nonconforming use as benign, which may include the following:

- Does not generate noise or odors or visual nuisances incompatible with surrounding uses;
- Does not create significant traffic; and
- Does not involve activities or processes that are potentially harmful or dangerous.

The process of determining a benign nonconforming use would allow for public comment; it also would provide authority to impose conditions to ensure that uses deemed benign do not change their operations in a way that may adversely affect neighbors (e.g., a condition limiting hours of operation or prohibiting alcohol sales or smoke shops). Enforcement provisions for violations of standards or conditions also will need to be established.

Recommendation No. 2: Making Zoning Easier to Understand and Use

The need to make San Joaquin County's Development Code more user-friendly and concise was one common observation noted during interviews with stakeholders. Many code users commented that the text of the code is complex and hard to interpret, largely because it has been frequently amended over time; others said that the document is difficult to navigate, and the new Code should rely more extensively on helpful examples and have clear references that direct users to appropriate regulations. The following sections contain general observations about the code's organization, format, and usability, as well as strategies for improving them.

EXISTING ORGANIZATION AND STYLE

San Joaquin County's Development Title comprises numerous divisions and chapters of various importance, with no clear structure tailored to the County's needs. These divisions follow a general organizational logic similar to the Development Codes of most counties. The Title first present administrative provisions, followed by general zoning regulations and standards and allowable uses in the base zones—residential, commercial, industrial, agricultural, and others. These divisions are followed by application requirements, subdivision regulations, development regulations, infrastructure requirements and financing, and development agreements, and then technical divisions on grading, natural resources, safety, signs, Williamson Act requirements, and enforcement.

The code has few features that enhance its usability. The text is careful to provide cross-references to other County regulations. However, none of these regulations have been supplemented with graphics in order to provide greater clarity, and besides the land use regulations and standards, few chapters include tables that present requirements in a format that allows fast and easy access to information (e.g., with hyperlinks).

Overall, the structure of San Joaquin County's Development Title could be strengthened by more logical grouping and a hierarchy that subsumes specific topics under general categories. The Title 9 Update should address the organizational problems with a modest restructuring. These issues and recommendations are discussed below.

THE ISSUES

The following observations summarize the concerns noted by County staff and code users as well as independent evaluations made by the consultant team.

Organizational Irregularities

Although the original organization of the County's ordinance was generally consistent and logical, as adapted by the County, it does not always present information where users may expect to find it. In particular, the administrative provisions in Division 2 are separated from the application requirements in Division 8, and the countywide development standard that are closely tied to zone regulations in Divisions 3 through 7 are not presented until Division 10, with sign regulations further back in the Title, in Division 17. Infrastructure requirements are split into two divisions. To its credit, the introductory division does include definitions and a system of use classifications. However, there are some "standards" embedded in the definitions, which violates the principle that definitions should be descriptive and not establish a policy or limitation on a use.

Other organizational aspects may also be impeding usability. San Joaquin County's zoning contains a number of regulations that have been modified by "conditional zoning," which is a cumbersome arrangement. These conditional zones have not been codified. There also are a number of Special Purpose Plans that include regulatory provisions, which also have not been codified. A more user-focused approach would place the development standards in the district divisions where they apply or group them together in a single section on countywide regulations, similar to Division 10, Development Regulations, so that users can access a more comprehensive list of applicable regulations without having to turn to other parts of the ordinance. The Title does have a comprehensive table of contents, but an index would facilitate smooth navigation of the divisions and chapters.

Specification of "Permitted" Uses

The way that San Joaquin County defines allowable uses is comprehensive but somewhat cumbersome; space in an office building, for example, may be used for administrative offices, administrative support services, medical services, professional services, or public services³. Why not simplify this, and just define office space, with possibly a subcategory for offices for walk-in clientele. Interchangeable uses should not require additional parking; they should be allowed as permitted uses. Similarly, it's not obvious, just looking at a table of use regulations for a zone, what is included in the "major impact services" and in "essential public services." The distinctions based on size (small vs. large) also are not obvious and require a reader to flip back to the definitions for use types. These are typically used to establish a threshold for project review, with "small" being permitted by-right, and "large" requiring a Site Approval. It would make more sense to establish thresholds for review separately, if project size is the determinant, and not complicate the table.

Another example of a needless complication is the grocery store; why not have a listing for food and beverage sales? It's not intuitive that groceries are under Retail Sales and Services. In fact, under Retail Sales and Services, three categories are listed – primary, intermediate, and general – but these generic concepts don't readily relate to terms people normally use: the corner store, the shopping center, the strip mall, the large format store, and the liquor store. A further complication is that small groceries are considered "primary," but a supermarket is in the "intermediate" category, and the descriptions do not say what the size threshold is that distinguishes the

There also are some missing uses, such as artists' studios, artisan manufacturing, family day care, short-term rentals, transitional housing and supportive housing, catering and commercial kitchens, instructional services, and social service centers, among others. Also, while hospitals and clinics are health care providers, they are not specifically listed under medical services. Hospitals are classified as an essential public service, but clinics are not named either here or elsewhere. In a post-COVID-19 environment, it makes sense to provide for mobile food vending and for clinics and facilities offering emergency care.



Mobile food vending is one of the uses missing from the list of allowable use types.

³ This classification system is based on the Standard Industrial Classifications Manual, which is overly complicated having been originally designed for labor classifications, not land use regulations. See https://www.osha.gov/pls/imis/sic_manual.html.

The Development Title also includes some "cumulative" zoning, meaning that uses allowed in commercial zones, for example, also are allowed in industrial zones, subject to specified standards, but these provisions are not evident when looking at the table of allowable uses.

Standards of Measurement

The physical standards for development (e.g., height, setbacks, distance between buildings) within San Joaquin County's Development Title generally are expressed in appropriate units (lineal feet or square feet). Problems can occur when the number of employees is listed, as in the parking division, as the basis for determining how much parking is required along with spaces required based on gross square footage. These days some employees may be working remotely. Use of seating capacity also can be problematic if a facility does not have fixed seats and also has space for ancillary uses. Rules of measurement, with diagrams, would be helpful to show, for example, how height is measured on a sloping lot. Division 17, Signs, does have a section on computing sign area, but there are no diagrams to illustrate these rules.

More Tables and Graphics are Needed

The current Development Code contains a minimum number of tables summarizing numerical standards and graphics that illustrate development standards. None show examples of good design. Illustrations can be extensively used to convey concepts and aid usability. Sections where graphics could be particularly helpful include building height and setbacks, landscaping standards, parking lot layouts, buffering between residential and non-residential zones, and supplemental design standard; they may also be useful in illustrating standards of measurement, certain definitions, and other Code provisions, such as a "build-to" line in a historic area, which are difficult to describe clearly through words. The Update should aim to incorporate a number of new tables and graphics in order to clarify ordinance elements. Tables also can include cross-references to sections in other divisions, so a reader would know at a glance where all the rules are that apply to a particular use or standard.

RECOMMENDATIONS

The County should consider the following strategies to make the Development Title easier to understand and use.

2-A Develop a Consistent and Uniform Approach to Organizing and Displaying Rules, Standards, and Review Procedures

The County can improve the organization of its Development Title in a variety of ways. First, all of the provisions related to zoning and physical development should be grouped together as should provisions that relate to infrastructure and services. Second, natural resources, sign and safety regulations should be moved upfront into a division that would include all of the countywide regulations related to development. A final division at the end of the Title can group all definitions and use types together, so that users have access to a comprehensive reference section in an easily located place.

2-B Consolidate Standards

Where standards apply differently to each set of zones, for instance, required setbacks for each category of uses from neighboring zoning district lines, outdoor storage provisions, or fencing requirements for residential, commercial and industrial projects, they should be grouped immediately following the standards for this set of zones. Similarly, why not present in one place the standards that apply

countywide to certain uses and to fireworks, outdoor displays, truck parking, cannabis growing, or accessory uses; these are sometimes scattered through the Code. Rules governing the construction of language, interpretation of code provisions, and measurement should similarly be grouped together in Division 1 to serve as a reference section that can be turned to in the event of uncertainty regarding code provisions. Consolidating all these rules into one section will help to ensure that standards are logical and consistently interpreted and applied.

2-C Simplify, Refine, or Eliminate Unnecessary Regulations and Procedures

San Joaquin County should ensure that its Development Title functions as efficiently and with the fewest number of provisions necessary to achieve its goals. To this end, duplicate regulations and unnecessary sections of the code should be removed in order to avoid ambiguity and reduce the sheer bulk of the code. For example, the tables of uses in zones need only list permitted uses and uses requiring a use permit or other form of discretionary review. The rows of uses that are prohibited can be eliminated, shortening the table. All that is needed is a statement that uses not listed are not allowed.

Similarly, where code regulations list two standards of measurement, such as gross floor area and the number of employees, one standard should be chosen and applied consistently. In the agricultural zones, triggers that require an activity to be classified as commercial rather than private (e.g., doing some packing or processing for a neighbor) should be eliminated to avoid hindering agricultural activity. Limits on expansion, such as no more than 25 percent of the existing floor area, also might be reconsidered. Finally, the number of permits required can be simplified – a recommendation addressed in more detail later in this paper under the section on streamlining the approval process.

Unnecessary permits and procedures can be consolidated or eliminated, consistent with Recommendation 1. These include Improvement Plans (folded into a Zoning Clearance or an Administrative Use Permit) and Site Approvals (to be replaced by an Administrative Use Permit), Special Purpose Plans, and a streamlined process for Planned Development. And, the rule on what the project size is that triggers a review process (e.g., 6,000 square feet or 10 acres) should only be stated once; it need not be repeated for each zone.

The purpose of Master Plans can be met with an updated Planned Development Zone or with Specific Plans, but a separate procedure for them could be carried forward with minimal changes. The original intent for master plans was to enable creation of new communities such as Mountain House; this is still a General Plan goal, and Master Plans are still required for new urban communities along with a Public Financing Plan. As such, it might make sense to retain these provisions.

2-D Modify Zones and Update the Zoning Map as Necessary to Implement the General Plan

As part of the Update, rezoning will be recommended where existing zoning is not consistent with a General Plan designation. This largely occurs where AU-20 or AG-40 zoning has been retained because services were not considered available at the time of General Plan adoption. For example, over 10,000 acres zoned AU-20 is designated in the General Plan for residential uses, 7,800 acres alone for Low Density Residential. Overall, the County's zones match up with the General Plan land use designations; there are no major gaps indicating that a new zone or set of zones is needed. However, in response to stakeholder comments, a new industrial zone (IX Industrial Mixed) could be established to allow for a greater mixing of industrial uses, subject to a requirement that all of this take place within buildings.

Some stakeholders recommended that the CX Zone be amended so it could apply to more than one quadrant of an intersection, and the list of allowable uses be expanded to meet needs of surrounding residents. This makes sense. It would though require a General Plan amendment to Policy LU-5.7.

Recommended modifications for the PD Planned Development Zone would be as described in Option 1-E.

Overlay zones, which would be combined with base zones by a -letter designator, may be needed for the airport environs, flood and geologic hazards, and extreme wildland fire hazards, but whether they could be codified would depend on the availability of mapped information that can be integrated in the County's geographic information system. Sacramento County, for example, makes effective use of an overlay zoning system, which includes specific overlays for flood hazards, food processing, mobile home parks, natural streams, neighborhood preservation, parkway corridors, surface mining, and the Delta. Finally, the County could consider creating a numbered overlay designation for historic areas, which would enable creation of sitespecific historic conservation plans tailored to the County. Currently, the County only protects



An overlay zone for locally designated historic districts could be added to Title 9.

historic sites and structures on the National Register or designated as a State landmark. Why not allow for a local designation process? This would be consistent with General Plan policies on historic resources calling for preservation of historic and cultural resources and allowing for adaptive reuse of significant historic properties.

2-E Use Graphics to Reduce Wordiness and Improve Clarity

The Update should add graphics in order to further strengthen code provisions. In many instances, graphics can communicate development regulations more clearly and in less space than written standards. For example, images can clearly depict standards for measuring building or sign heights or yard setbacks, while verbal equivalents are prone to misinterpretation and uncertainty. With visual clarification, fewer sections of the Development Title will be subject to competing or incorrect interpretations, and regulations can be cleared of much of the jargon, which obscures the code's intent.

2-F Tabulate and Cross-Reference Regulations

The Update should revisit all textual cross-references to ensure that each provision refers to all additional relevant regulations, and to avoid unnecessary repetition of provisions. Where appropriate, the code can rely more extensively on tables to convey development standards, as they greatly improve the readability of complex regulations. The tables of uses also should include a column with references to sections that have additional requirements and standards for specific uses.

Recommendation No. 3: Supporting Economic Growth

Ensuring long term economic growth and expanded employment opportunities is of primary importance to San Joaquin County. In order to secure continuing economic vitality, particularly in the agricultural and industrial sectors, regulations should support growth of existing business and promote the steady creation of new jobs to maintain a strong and diversified economy and to allow residents better access to local employment. Regulations for the commercial zones are generally well-conceived and can be largely carried forward into the updated Development Title with some minor refinements to respond to technical issues identified by County staff and stakeholders. This section discusses current challenges facing economic development and presents strategies for supporting agriculture, encouraging new industry, and reducing development costs, which taken together will strengthen the County's tax base.

San Joaquin County's economy holds a great deal of promise for the future. The County has three key factors that enhance its attractiveness to business: a prime location adjacent to the San Francisco Bay Area and midpoint in the Central Valley; a diverse and growing population contributing to a sizeable work force; and large amounts of available land in growing areas of the County, including the City Fringe areas and the Urban Communities. Through well-crafted regulations, the Development Title can maximize the County's economic development potential and ensure growth does not create undue impacts on its residents.

EXISTING REGULATION OF ECONOMIC ACTIVITY IN THE DEVELOPMENT TITLE

Currently, San Joaquin County's Development Title has four agricultural zones (AG General Agriculture, AL Limited Agriculture, AU Agriculture-Urban Reserve, and ARM Agricultural Resource Management), nine commercial districts (C-C Community Commercial, C-FS Freeway Service Commercial, C-G General Commercial, C-L Limited Commercial, C-N Neighborhood Commercial, C-O Office Commercial, C-R Recreational Commercial, C-RS Rural Service Commercial, and C-X Crossroads Commercial), five industrial districts (I-G General Industrial, I-L Limited Industrial, I-P Industrial Park, I-T Truck Terminals, and I-W Warehouse Industrial), the AP-X Airport Mixed Use Zone, and the MX Mixed Use Zone; together these provide the framework for all economic activity in the County.

Allowable uses may be permitted by right or require an Improvement Plan or Site Approval. Many also require a Use Permit from the Planning Commission. Also included in the Title are special use regulations for the commercial, industrial and agricultural zones. These impose standards and constraints on development, which have to be met, before an approval is granted and a building permit issues.

The current classifications of use types are broad; they do include some recent additions intended to promote agri-tourism (e.g., wineries, wine cellars, and produce stands). All of the traditional classifications for the agricultural and industrial sectors are included and provide a set of general classifications for many different types of businesses. However, these have not been updated to reflect new and emerging businesses or problem uses of concern to County staff and stakeholders, such as technology, short-term rentals and emergency care clinics, among others.

THE ISSUES

Strengthening San Joaquin County's Economic Base

The County's economy has historically been one that is agricultural-based, but in recent years it has become more diversified and now includes significant trade, transportation, retail, and service sectors. If it is to realize the growth potential outlined in the General Plan, it needs to ensure that upwards of 290 acres of land can be developed each year to meet the needs of existing and new businesses. Having a streamlined approval process along with appropriate regulations for the agricultural, commercial, and industrial zones will be critical to realizing this goal. Most important, accordingly to stakeholders, is the need to facilitate vertical integration of agriculture by allowing research, production, processing, distribution, and marketing of agricultural products with few regulatory hurdles. New development also needs infrastructure and services, and it's not always economically feasible to connect to existing municipal services.

Efforts to improve the jobs-housing balance will help small business development in the County, because workers frequent restaurants and shops near their places of employment. The daily outflow of population to Sacramento and the Bay Area further complicates the creation of an urban environment, because the County lacks the critical mass of people in some of its communities that is necessary during the day to populate its streets and neighborhoods and in Mountain House to fill the schools.

Supporting Preferred Economic Activities

The County's General Plan outlines a number of strategies for carrying out its economic development policies, reflecting the following concepts:

- Creating a balanced and diverse economy that provides well-paying jobs, a high quality of life, and
 a sound tax base is a central theme. Among preferred economic activities are agriculture and agrelated businesses, telecommunications technology, logistics and trade, agri-tourism, recreation,
 eco-tourism, and heritage tourism. Developing a green economy with environmentally-sustainable
 products and services, renewable energy, clean transportation, and water conservation also is listed
 as a County policy for economic development.
- Supporting economic development efforts that expand range of businesses in the County for
 diversification and encouraging high-value food processing and agricultural innovation. The
 County's General Plan also calls for commitments to facilitate vertical integration in the agricultural
 sector. Any activity, which brings new money into the community, is welcome.

The challenge for the Development Title is to identify preferred businesses and then craft appropriate regulations and permitting procedures to provide for a streamlined development review process.

Removing Outdated Use Classifications for Agriculture

Some of the County's classifications of commercial, industrial, and agricultural uses are outdated and do not support or allow for the types of new businesses in California's growth sectors that the County wants to attract. In agriculture, for example, the General Plan seeks to enable vertical integration, but the use types as defined in the Development Title don't always allow this to occur. This is because the descriptions of economic activity are sometimes generic, leaving discretion to the County planner when a new or hybrid business is proposed, or an existing business wants to expand.

Another issue is that the use regulations table are not always consistent with the subclassifications with the Use Types, particularly for agriculture. Under agricultural processing, for example, the use types described

preparations services and food manufacturing, but in the table of allowable uses in the Agricultural zones, the subtypes are "food and grain" and "agricultural chemicals." A further limitation is posed by the special use regulations, which only allow expansion of a pre-existing use, established at the time the property was zoned AG and with a limit on the amount (up to 50 percent of the existing floor area and 25 percent of the site area). Some stakeholders noted that the County's rules limit their ability to use existing facilities, such as a packing shed for a neighboring farmer. Beyond the missed economic opportunities inherent in this situation, the County also is hurt by loss of potential tax revenues.

Some of the stakeholders providing input for the Development Title update said that high volume wineries, also known as "mega-wineries," operate at a much more intensive scale than boutique wineries and traditional family-owned wineries. In the use types established in the Development Title, only one category of winery is described, while the table of use regulations for the agricultural zone separates large and medium wineries from boutique and small wineries and requires a use permit for the medium and large scale facilities. A large winery is defined on the basis of a production of 100,000 gallons of wine per year. Production capacity at a megawinery that might be on the order of 5 to 10 million gallons is treated in the same way as a facility producing 100,000 gallons. Additional regulations are provided in Chapter 9-1075, but these do not address mitigating impacts of high volume facilities. Members of the Lodi District Grape Growers Association and concerned residents have prepared draft amendments to the County's regulations to address this issue; these were shared with County staff and the consultant team and will be considered during the Update.

Addressing Parking Requirements, including Truck Parking

The General Plan calls for reduced parking requirements for new development in exchange for amenities or payment of an in-lieu fee (Policy TM-3.14). It also calls for bicycle storage at employment centers (Policy TM-4.5) and refinement of parking facility design (Policy TM-4.9). It would make sense, at a minimum, to align the parking standards with those of peer jurisdictions, and not impose more stringent requirements, which add to development costs. By way of examples, the Development Title's parking regulations set greater parking stall and aisle widths than those in the Sacramento County, Lodi, and Tracy codes; the number of spaces required for industrial, warehousing, offices, and retail shops also is greater than the numbers set in many peer jurisdictions, sometimes on the order of 50 to 100 percent more! This makes it more expensive to build in the County, a point underscored by some stakeholders.

One issue is how far to go with parking reductions. Should the required number of spaces be reduced just in transit corridors with service frequencies of 15 minutes or less during peak hours? Should there be reduced parking in the Mixed Use zone across-the-board even if high frequency transit service is not available everywhere that conveniently serves major employment centers? In a post-COVID-19 environment, transit operators are likely to have limited funding for service expansion and, even with passage of extensions to funding measures, significant increases in peak-hour line-haul capacity is not expected as operators have competing priorities that must be met as well, such as the conversion of their fleets to zero-emissions buses and meeting service needs of seniors and people with disabilities.

A staged approach to parking reductions coupled with expansion of transit service might be more prudent because average automobile ownership and parking "demand" is not likely to go down significantly in the near-term. Many residents need a car for non-work trips even though they may commute by transit. Similarly, while it does make sense to have parking maximums tied to parking demand, setting arbitrary parking caps, such a 1.5 spaces per 1,000 square feet of floor area, which assume near-term transit service expansion, does not seem warranted, particularly if the journey to work is to a major activity center outside the County.

That said, there may be opportunities for more selective reductions in parking space requirements, such as eliminating excessive parking requirements for industrial and office uses and monitoring parking needs for retail. Parking requirements for efficiency apartments, studios and one-bedroom units with less than 500 square feet likewise might be reduced. The rationale would be that there are more alternative modes available, including car sharing, paratransit, and on-demand services, such as Uber and Lyft, that are attractive to those who seek smaller housing units.

Many stakeholders and County staff noted the need for updated regulations on truck parking because the current rules are judged overly restrictive and do not relate to specific types of trucks used in the County. With the increase in opportunities for self-hauling and the need for more trucking to serve agriculture, the current limits on the number of trucks that can be kept in agricultural zones is quite restrictive. Only one truck is allowed on a site that is two acres or less; four acres is needed for two trucks and two trailers. No employees are allowed to operate agricultural trucks, and maintenance and repair facilities are limited to a single accessory structure. However, existing farm operations need more trucking than is allowed, and so have to park their



Truck parking regulations will be updated.

trucks illegally, risking an enforcement action, contract for off-site trucking services, or keep their trucks off-site in an industrial zone.

Providing Flexibility in Meeting Infrastructure and Urban Service Requirements

Currently, the General Plan offers only a limited number of options to meet infrastructure and service requirements. Policy IS 2.6 states:

The County shall require new development to provide water, sewer, storm water, and/or street lighting service(s), using one of the following methods, subject to County review and approval: 1) Obtain a will-serve letter from an existing Special District, Community Service District, Mello-Roos Community Facilities District or other non-city public utility agency and obtain LAFCo approval for annexation or out-of-agency service; 2) Obtain a will-serve letter from a city and obtain LAFCo approval for out-of-agency service; 3) Fund the formation of a new Community Service District, Mello-Roos Community Facilities District or other non-County public utility agency that would perform ongoing maintenance.; or 4) When approved by the Director of Public Works, fund the formation of a new County Service Area (CSA) that would provide ongoing maintenance services.

Other General Plan policies suggest offering more flexibility for commercial and industrial development. In Policy ED 3.2, for example, the County just has to consider whether: (1) new development must have long-term water supplies to meet the ultimate demand of the development and surrounding area and ensure the continued viability of existing and future development and (2) new development would be contributing their fair share of adequate infrastructure and services that are sufficient to meet the ultimate demand of the development and surrounding area.

Division 11 is fairly restrictive, generally requiring "will-serve" letters from the agency expected to provide the service as a pre-condition to obtain a building permit. There are provisions for special purpose plans if a new water, wastewater or drainage system is proposed, which is a cumbersome procedure. Supplemental system improvements, beyond those needed to service a development, also can be required, but financing arrangements for areas of benefit can be put in place to reimburse developments for such added costs. In addition,

Improvement Plans are required, and these are subject to approval by the Director of Public Works. Finally, developers must provide financial guarantees for improvements, which is normal for subdivisions in California.

The Title does not explicitly allow for on-site wastewater systems, such as package treatment plants, in urban communities and on industrial sites outside of these communities unless the Board has adopted standards for private on-site wastewater disposal facilities under Section 9-1110.5 or a project will use existing structures and there is no sewer main within 200 feet. For water, the mandate to connect to public water systems is similar, and a private water system is only allowed for one parcel in an industrial area outside an urban community, for one parcel in a freeway service area, and for truck terminals.

Eliminating Restrictive Sign Regulations

Currently, many of the standards for signs and billboards that are in the Development Title are rather restrictive, limiting the size and number of signs; they do not reflect "best practices" found in Central Valley sign regulations. The Title also does not provide for new forms of signs, such as digital message centers, display boards and mobile vending, nor does it specifically address certain types of temporary signs, which are unsightly and incompatible their surroundings. General Plan Policy LU-5.12 calls for comprehensive integrated master sign plans for Freeway Service areas and a performance-oriented approach for signage in new commercial development rather than relying on traditional prescriptive standards.

The Development Title update provides an opportunity for San Joaquin County to craft a new regulatory framework for signage that addresses concerns with the current code arising from a 2015 Supreme Court decision (Reed vs. Town of Gilbert)



Controls on temporary signage will be updated.

and set sign standards that are appropriate to their specific settings, while meeting the County's need for adequate communication to support economic development and the desire to maintain and enhance the character of individual urban and rural communities and the City Fringe areas. All of these objectives can be attained, while ensuring conformance with applicable federal and State requirements.

Federal law prohibits the making of laws that "abridge the freedom of speech." The Supreme Court has not interpreted this right as absolute. Rather, in certain situations, government restriction of speech passes constitutional muster. In general, counties can exercise their police power to regulate signs – which constitute speech – in their jurisdictions. In order to survive judicial review, sign regulations must be content neutral. The most common content-neutral regulations are "time, place, and manner" restrictions. As the name suggests, these are restrictions that limit the time, manner, and place of the speech at issue. For instance, time, place, and manner restrictions may include restrictions on the square footage of a sign, how a sign's message may be displayed, where a sign may be located, and the manner in which a sign is illuminated.

⁴ U.S. Const., Amdt. 1.

Over the years, the courts have upheld a variety of sign ordinances as valid time, place, or manner restrictions. To be upheld as a constitutionally valid, such regulations must be content-neutral, serve a significant government interest, and leave open ample alternative avenues for expression.

Standards In Other Jurisdictions

As stated above, San Joaquin County's standards for signs are quite restrictive. The overall limit is two signs per parcel with an allowance for more signage for sites with multiple frontages. The maximum sizes of individual signs are set rather low and make no distinction based on land use or zoning, or the location of a business relative to a freeway. To put the County's standards in context, we compared them to regulations in El Dorado County, Merced County, Sacramento County, Placer County, and the cities of Lodi, Manteca, Stockton and Visalia.

None of the jurisdictions surveyed place as restrictive a limit as the County has adopted on the total number of signs allowed. All have more extensive lists of exempt signs, and most permit signage in commercial zones based on an allowance determined on the basis of the frontage of buildings (e.g., 2 square feet of sign display area per lineal foot of building frontage). This allowance is higher in commercial zones than in office or industrial zones in order to support retail businesses, which typically occur less space than business offices and manufacturers.

By way of example, on an acre site with 300 feet of building frontage, the County would allow up to 360 square feet of signage if there were four tenants, while the City of Stockton would permit 600 square feet of wall signage plus freestanding signs! In the County, the freestanding sign would be limited to 60 square feet or 80 square feet if a monument sign no more than four feet high is installed. By contrast, Stockton would permit 150 square feet, or 300 square feet if freeway-oriented. In Lodi, the freeway-oriented signs can be even larger (up to 720 square feet), and the freestanding signs in other locations may be 168 square feet. In Merced County, the allowance for freestanding signs is one square foot for each foot of primary building frontage plus 50 percent for secondary frontages.

Freestanding Signs. San Joaquin County limits monument signs to four feet in height, while most jurisdictions allow up to six feet. Visalia allows freestanding signs to be up to 12 feet, but these have to be a monument type, with a base that is at least half the width of the sign itself, meaning no pole signs are permitted. Lodi is more generous, allowing freestanding signs up to the height of a building or 75 feet if freeway-oriented. Merced County permits six foot high monument signs and 20-foot high pole signs. Sacramento County sets a similar standard (6 feet) with a required spacing of 50 feet between a freestanding sign and another freestanding sign on an adjacent parcel.

Attached Signs. San Joaquin County exempts all window signage regardless of size but sets a limit on signs that are attached to buildings (25 square feet in the C-L, C-N, C-X, and C-O zones and 80 square feet in other zones). Stockton does not limit individual wall sign sizes, relying instead on the overall size limits for all signage, while Merced County limits wall signs to 32 square feet or one square foot per lineal foot of building frontage. Visalia sets a 30 square foot limit, but also allows projecting signs and awning signs. Similar provisions for specific types of attached signs are included in the sign ordinances for the other counties and cities surveyed. In addition, many of these jurisdictions control window signage as a percentage of total window area, with some, such as Visalia, allowing additional area for temporary window signage that must be removed after a specified period of time.

Temporary and Portable Signs. San Joaquin County only sets limits on balloons, construction/development signs, and real estate signs, allowing both on-site signs and off-site directional signs and portable "open house" signs. Most other jurisdictions surveyed include controls on A-frame signs and other types of portable signs

and many address garage sale signs, temporary business identification signs, holiday decorations, political signs, special event signage, vehicle dealerships, and grand opening banners, among others. Visalia goes further with prohibitions on mobile billboards, banners, inflated signs, streamers, and similar attention-getting devices.

Need for Updated Regulations for Wireless Communications Facilities

The County's regulations for wireless communications facilities in Chapter 9-1065 were adopted in 1997 and have not been amended since then. During this time period, significant federal and State legislation has been passed and administrative rules issued that impose limits on local governments' ability to regulate wireless communications facilities. Local governments still have land use authority over these facilities but only in the context of the rules imposed, and if they are not followed, projects must be "deemed approved."

The Update could implement General Plan Policy ED-1.5 on Telecommunications Technology by supporting development of infrastructure for wireless communications facilities and removing regulatory barriers to deployment of broadband wireless and fifth general or "5G" services. This will facilitate business growth, agricultural and industrial innovation, and education and training in the County.



New regulations for wireless communication facilities are needed to facilitate expansion of broadband wireless services.

Applicable Federal and State Law

Federal law imposes a number of constraints on the ability of local agencies to use zoning and building regulations to regulate wireless telecommunications facilities on private property and in the public right-of-way and expressly preempts any state or local law that has the effect of prohibiting or unduly burdening telecommunications, including 5G deployment. The Federal Telecommunications Act of 1996 preserves local zoning authority over decisions regarding the placement, construction, and modification of wireless facilities so long as it does not (1) unreasonably discriminate among providers of functionally equivalent services, or (2) prohibit or have the effect of prohibiting the provision of personal wire services. Applications for new wireless communications facilities cannot be denied solely because one or more existing carriers serve an area. The rationale for allowing more competition among service providers is that Congress sought to improve service quality and lower prices for consumers and businesses using wireless services.

Section 332 of the Act provides that local authorities must take action on a wireless application within a "reasonable period of time" after the request is filed. In 2009, the Federal Communications Commission (FCC) established "presumptively reasonable periods"—referred to as "shot clocks"—for local action: 90 days for collocation requests, and 150 days for other requests. These shot clocks apply to small cells used for 5G deployment and distributed antenna systems, called "DAS." Local authorities also may not regulate siting based on radiofrequency (RF) emissions but may require that facilities comply with FCC RF standards.

In 2012, Congress adopted Section 6409 of the Middle Class Tax Relief and Job Creation Act (the Spectrum Act), which provides further evidence of Congressional intent to limit state and local laws that operate as barriers to infrastructure deployment. It states that, "[n]otwithstanding section 704 of the Telecommunications Act of 1996 [codified as 47 U.S.C. § 332(c)(7)] or any other provision of law, a State or local government may

not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."

Subsection (a)(2) of the Spectrum Act defines the term "eligible facilities request" as any request for modification of an existing wireless tower or base station that involves (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment. This modification must not involve a "substantial change" in the physical dimensions of the existing wireless communications facilities, and these are defined rather precisely.

In implementing Section 6409 and in an effort to "advance Congress's goal of facilitating rapid deployment," the FCC adopted rules to expedite the processing of eligible facilities requests, including documentation requirements and a 60-day period for local governments to review such requests. The FCC further determined that a "deemed granted" remedy was necessary for cases in which the reviewing authority fails to issue a decision within the 60-day period in order to "ensure rapid deployment of commercial and public safety wireless broadband services."

Following on federal law, California enacted two substantive provisions to streamline the process even further. First, in 2006, the Legislature added Section 65964 to the Government Code, thereby limiting local governments' ability to require escrow deposits, although performance bonds could still be required, and to limit the duration of a permit approval. Time periods of less than 10 years are presumed to be unreasonable.

In 2017, Section 65850.6 was added to the Government Code to require that "colocation facilities" that are put on existing wireless communications facilities have to be allowed as-of-right if the facility to which they are being attached was approved with a discretionary permit, meaning a use permit or similar approval, and CEQA clearance was obtained⁵. This approval must be granted even if there is a substantial change in the physical dimensions of the wireless communications facilities, the only limitation being that the facilities cannot be completely replaced with a new facility.

San Joaquin's Existing WCF Regulations

In Title 9, the land use regulations for the zones do not call out wireless communications facilities as a separate land use type; only "Utility Services" are listed, with distinctions made between Major and Minor service types. The description of Utility Service does not explicitly name telecommunications services, but the definition for "Utility" does list communications, so presumably wireless communications facilities are a permitted use, with site approvals required for major facilities in commercial, industrial, and agricultural zones. Major Utility Service is not allowed in residential zones. Also, no use permit is required in any zone.

Chapter 9-1065 established specified regulations for wireless communications facilities, including a preference for use of existing structures. Standards for freestanding support structures and collocation/siting on publicly owned/controlled property also were included. Specific findings for Site Approvals are not stated, nor are there any standard conditions of approval. This chapter concludes with regulations for maintenance of facilities and for their removal when no longer used. Facilities for emergency communications are exempt from these provisions.

This project will provide an opportunity to update the WCF regulations, codify appropriate provisions required by federal and State law, and develop additional standards and criteria to regulate wireless communications facilities consistent with the General Plan.

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⁵ Interestingly, federal law refers to "collocation," while California law uses the term "colocation facility."

RECOMMENDATIONS

3-A Expand Opportunities for Agricultural Industries and Support Services in Agricultural Zones with Appropriate Controls to Prevent Adverse Land Use Impacts

To allow for vertical integration in agriculture and support a broader range of agricultural activity, the Development Title should include a more inclusive classification for agricultural industry that would allow for greater variety to crop production, including greenhouses, hydroponics and aquaculture, agricultural research and development, artisanal manufacturing, and limited industrial and manufacturing facilities related to agricultural activities, accessory business services and support offices for agricultural uses and related activities. The agricultural zones also should allow agricultural production and industrial processing of agricultural products grown on-site or on neighboring land, subject to appropriate development standards and limitations. Also, to be included would be building bulk, siting and buffering standards for high volume facilities, such as mega-wineries, to ensure that they are compatible uses within the agricultural zones.

3-B Update Parking Standards and Create Appropriate Regulations for Truck Parking

The Update should include a comprehensive assessment of the number of spaces required for various use types, so parking can be "right-sized," meaning that the spaces provided match the demand for parking. Dimensional standards for spaces and aisles should be refined to reflect current vehicle sizes

and turning requirements, and additional detail should be provided for bicycle parking, consistent with General Plan policies. New provisions for shared parking and common area parking also could be added to offer these options "by right" and not subject to discretionary review. Finally, the Development Title should expand opportunities for trucks to park their vehicles without adversely affecting neighbor and allow for more truck use and parking in agricultural zones to support the agricultural economy. The Update would provide clarity on where truck parking is allowed, what standards need to be met, and what the permitting requirements are in different zones. These rules would apply not only to truck parking as a principal permitted use but also to truck parking as an accessory use. Standards in peer jurisdictions should be reviewed so the County's new regulations reflect best practices.



"Right sized" parking standards can reduce development costs.

3-C Provide Alternative Ways of Meeting Public Service Requirements for New Development

San Joaquin County could offer additional ways of meeting infrastructure standards and requirements in Division 11, so projects can proceed when hookups to existing municipal services or to existing service districts are not feasible and it would be cost prohibitive to create a new community service district or community facilities district. This might make particular sense for warehouse developments, agricultural industry, and similar low-intensity industrial projects, which may be on one or more parcels on a freestanding site or in a planned development. Applicants would still be required to demonstrate

that the County's standards would be met for water supply, for treatment and disposal of wastewater, and for drainage. However, review of adequate public facilities would be separated from any rezoning action. Rules for use of on-site systems could be expanded to apply to more areas than just Rural Residential, for example. The County also should eliminate use of "conditional zoning" to ensure provision of public services and facilities, as this is a questionable procedure. Use permits and special purpose plans, which require Board approval, should not be used, as they too are cumbersome and time consuming. Similarly, while a site approval may be appropriate in some instances, by shifting to a performance-oriented approach, based on a determination that public facility and service standards will be met, the County can streamline the approval process and reduce development costs.

3-D Update the Sign Regulations so they are Less Restrictive, including Appropriate Standards for Size, Location, Design, and Construction

As part of the Development Title update, the following specific changes to San Joaquin County's sign regulations are recommended:

- Expanding on the purpose statements, so the objectives of the sign regulations are clearly presented. If there is agreement on the scope of sign regulations, there will be support for the additional standards and regulations that follow.
- Adding definitions for sign types and sign elements that are not now addressed to facilitate administration and make the Code clear and thus easier to use.
- Expanding on what signs are prohibited, including details on animated signs, air-activated graphics, commercial mascots, handheld general advertising, mobile billboards, signs in the public right-ofway, and snipe signs attached to rocks, telephone poles, streetlights, and fences, among other locations.
- Adding to the list of exemptions, including what signs are allowed without a permit provided standards are met.
- Providing greater flexibility by establishing an overall allowance for the amount of sign area permitted, a sign "budget" regulating the total sign display area on a site. Business owners can then decide how to allocate signage between freestanding and attached signs.
- Increasing the allowable size of certain signs, so they are better able to communicate the desired message, be it for individual businesses or for "free speech."
- Establishing clear rules for temporary and portable signs, banners, and pennants, and to allow reasonable and appropriate use, while avoiding sign clutter that detracts from the appearance of individual communities and their neighborhoods and districts.

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⁶ A total of 562 acres currently has an -S designation indicating conditional zoning. Removal of the -S designation would have no effect on the base zone designation, which would remain in effect.

- Establishing rules for relatively newer sign types, such as electronic signs, digital readerboards in shopping centers, and mobile vendors.
- Requiring owners of new billboards to remove old billboards, on one-for-one square foot basis for display area, to avoid a proliferation of offpremises signage in the highway corridors. In Sacramento County, a similar rule has been adopted, but with the removal ratio of four square feet of existing billboard display area for each square foot of new display space.
- Modifying the billboard spacing standards to allow billboards within 500 feet of each other (Sacramento County, for example, only requires 300 feet between billboards), but requiring 2,500 feet between digital display billboards (the same standard in Sacramento County).

sign

• Expanding the master sign program requirements, so they apply to large projects and to shopping centers. With Planning Commission approval, a master sign program could allow for exceptions to the standards on the number, height, and size of individual signs that otherwise would apply. The Board of Supervisors would no longer be involved. This option would be available on a voluntary basis to any applicant. Most peer jurisdictions require master sign programs. Explicitly allowing for variations in the dimensional standards with Planning Commission approval would make this program more attractive to the sign industry than the current rules.

3-F Update the Regulations for Wireless Communications Facilities to be Consistent with State And Federal Law and Support Emerging Technologies for Cell Service

To promote economic development, new regulations for wireless communications facilities (WCF) should include specific provisions for co-location, camouflaging, and "stealth" facilities and provisions that allow modification or waiver of standards when necessary to meet documented service needs. They would respond to federal and State law and incorporate "best practices" in peer jurisdictions. The County's current development standards can be largely respected, but we recommend that a specific procedure be added to allow the Planning Commission to approve exceptions that would not require the specific variance findings (e.g., the hardship must relates to physical conditions, unique and special circumstances on the site itself; that wireless service area and economics cannot be considered). The updated regulations should include:

- A list of exemptions that specifically exclude amateur radio antennas, small devices for over-theair reception, indoor WCF and facilities owned and operated by the California Public Utilities and the County.
- A three track permitting system, with Type 1 and Type 2 WCF permits for ministerial approvals. This seems simpler than trying to use the current process for Use Permits, which are discretionary approvals. Director's decisions on Type 1 and 2 permits would be ministerial approvals, meaning they would be final and not appealable



regulations would be made less

- A pre-application conference that would be mandatory for Type 1 WCF Permits and optional for the other two permits. Certain requirements would be waived when applicants make their case in this "pre-app" conference.
- An expanded Development Standards section, with general standards and facility-specific standards for building-mounted equipment, freestanding towers, and facilities in the public rightof-way.
- A list of preferred locations and preferred support structures.
- A new section on "Notices, Decisions, and Appeals" with specific findings for each type of WCF permit.
- A new section on "Standard Conditions of Approval" to avoid misunderstanding about what is expected post-approval.

Recommendation No. 4: Addressing Mixed Use and Other Development Opportunities

General Plan Policy LU-5.21 calls for encouraging mixed use development in urban communities and, in a subsequent policy, lays out the requirements for new mixed use development. Historically, nearly all of the new residential and mixed use development in San Joaquin County has occurred in cities; in unincorporated areas, single-family homes are the predominant housing type. Mountain House does have a mix of housing, but in most of the other urban and rural communities in the County, the housing has a fairly homogenous character, reflecting its family orientation, and few mixed use projects have been built.

In many communities, small or otherwise substandard lots cannot feasibly be used, so developers often turn to "greenfield" areas where there is vacant land—leaving old neighborhoods on their own. A priority in this Update should be to facilitate mixed use and infill development, consistent with the General Plan, and allow for a broad range of housing types, including accessory dwelling units. This may enable reinvestment in old neighborhoods where residents and owners desire it.

Other development opportunities identified in the General Plan that need to be addressed in the Development Title Update include affordable housing, commercial uses in residential and industrial areas, farm-related housing, live-work units, recreational development in the Delta, short-term rentals, and winery-related development. The General Plan also calls for community supporting uses and preservation of mobile home parks as a means of conserving the affordable housing stock.

ISSUES

Facilitating Multi-family and Mixed Use Development

San Joaquin County's Development Code provides few opportunities for true mixed use development. In commercial zones, residential uses are not generally allowed, and no standards for mixed use development are established. There is one Mixed Use Zone, but it only applies to 54 acres within the County. The Special Use Regulations in Section 9-405.5 also address mixed use but only in a limited way. The Mountain House and Woodbridge design guidelines envision a mix of residential and small office uses, but "by right" zoning for mixed uses is relatively limited.

Physical design standards and limited infrastructure in mostly built-out areas may tend to discourage mixed use and infill development. Many vacant parcels in older areas are small or irregularly shaped, and current requirements for setbacks, density, or overall lot size do not reasonably permit development on them. The Woodbridge Design Guidelines address mixed uses, but no zoning has been adopted to accomplish this. Although the new code could state that small lots created prior to the code's adoption are



The Woodbridge Design Guidelines are effective in allowing for pedestrian-oriented mixed use development.

to be considered as conforming to setback requirements, this exception alone may not prove sufficient to promote mixed use.

Recent State legislation requires local jurisdictions to adopt "objective design standards" for mixed use and multi-family development and then allow projects meeting these standards to be approved "over-the-counter" with a ministerial process, meaning no discretionary or design review and conditions of approval. However, a checklist process can be developed that would meet State requirements.

New standards will need to be formulated to establish direction about what the County would like in terms of building design and site planning and provide clear evaluation criteria that can be used in decision-making.

RECOMMENDATIONS

4-A Establish Standards and Incentives for Mixed Use and Multi-family Development

State law has called on local jurisdictions to facilitate mixed use and multi-family housing development. San Joaquin County should take advantage of these mandates to encourage growth and housing investment in its urban and rural communities, consistent with the General Plan.

The County has a variety of options to provide incentives for mixed use and multi-family development. First, it should expand the scope of development standards to ensure high quality design and land use compatibility. Alternatively, the County could establish a system in which developers are given "points" for providing public amenities and community benefits that could then be traded for specific concessions. For example, the County could grant a certain number of points to developers for providing amenities, such as additional landscaping, public plazas, and outdoor living space. Developers can then "trade-in" these points for a certain percent density bonus or additional floor area that would be proportional to the number of points accrued. If San Joaquin County does not want to establish a point system, the County could also simply list a menu of community benefits and public amenities and say for each one, the specified bonus a project would get.

Development standards for mixed use and multi-family development could be presented in two sections. First, the standards that apply to duplex, townhouse, multi-family, and mixed-use development projects in the urban and rural communities of the County. The standards would deal with fundamental design and contextual relationships and essential attributes, such as building height, building form and relationship to the street, landscaping, and residential open space. The second section would establish standards that apply to some or all projects countywide. These would be grouped together to avoid duplication and include supplemental development standards for building additions, building projections into setback areas, exceptions to height limits, fences and walls, landscaping, parking area access and layout, refuse, recycling and green waste storage, screening of equipment, solar installations, street improvements, and swimming pools and spas.

4-B Allow Limited Commercial Development in Neighborhoods ("Corner Stores")

Many neighborhoods in the Urban and Rural Communities could benefit from a corner store and similar small-scale commercial development that would serve local needs at identified nodes, reflecting spacing criteria in the General Plan. Currently, this type of use is not allowed in residential zones, but the General Plan calls for allowing commercial uses in residential neighborhoods (Policy LU-5.6), subject to certain standards such as store size. For any use larger than a corner store, an Administrative Use Permit could be required and conditions could be imposed to ensure land use compatibility. Corner stores can enhance livability and would likely be a welcome addition in many communities.

4-C Continue to Support Winery-related Tourism and Recreational Opportunities in the Delta

The County's recently adopted Winery Ordinance will be largely carried forward into the updated Title; it can be refined by fine-tuning use regulations and adding standards for high volume production facilities ("mega-wineries"). Additional detail on winery-related uses and agritourism also would be included, as appropriate. Use regulations and standards related to development in the Delta would be updated to implement General Plan policies related to promoting recreation-based Delta tourism and allow for new marinas and recreational vehicle parks. Code amendments would be checked to ensure consistency with Delta development limitations and only allow water-dependent uses, recreation and agricultural uses.



The General Plan calls for allowing corner stores in residential neighborhoods.



The Winery Ordinance will be largely carried forward, with substantive amendments only to address "mega-wineries."

4-D Rethink Buffering and Transitional Requirements Adjacent to Residential Neighborhoods to Avoid Constraining Development, consistent with Right-to-Farm Policies

The County could reduce its buffering requirements in desired development areas to make more intense development possible. In some cases, the existing requirements (20 feet for side and rear yards) constrain the dimensions of development. While San Joaquin County should require some buffers for commercial properties that abut single-family residential districts, it could decrease the required buffers around other types of properties—particularly around wineries where the buffer is measured from an adjacent house. Allowing for an abutting homeowner, for example, to "sign-off" on a reduced setback might be a viable option.

Recommendation No. 5: Promoting Housing Variety and Choice

The future of San Joaquin County is closely tied to the type and quality of housing that is developed in the coming years as well as its employment growth and expansion of the agricultural sector. With Mountain House and available sites for residential development in the Urban and Rural communities, the County has the capacity to meet its near-term needs for affordable housing, but more can be done through the Update to expand the variety of housing and provide housing for those with extremely low and very low incomes. Through design and development standards and incentives targeted to attract diverse and well-designed projects, San Joaquin County can ensure over a longer term than the 10-year timeframe of the General Plan Housing Element that its housing stock is sufficient and meets the needs of all segments of its population.

CURRENT HOUSING POLICY

San Joaquin County's Development Code establishes six residential zones, five of which are used in the Urban and Rural communities and the sixth, for Rural Residential, applies in rural areas. Just over 250 acres is zoned for medium-high and high density multi-family residences; all of the other residential land (about 16,750 acres) is designated for single-family residential use, including attached and detached units. The non-residential zones do not permit housing by right; it may be allowed in a mixed use development. Mixed use development is formally allowed in the M-X Zone.

Under the County's existing zoning, the Housing Element of the General Plan determined that 41,736 units for above moderate income households and 5,947 units for extremely low, low, and moderate income households could be built on vacant and underutilized land. This inventory would more than meet future housing needs, but it would offer little diversity in building type(s) beyond the single-family home on a standard lot, except in Mountain House where a mix of housing is planned. This very limited distribution of housing types in the balance of the County does not provide the framework for housing for all segments of the community that the County wishes to promote. Lastly, while there is a density bonus program for affordable housing, it is out-of-date and does not reflect current State law.

THE ISSUES

This section describes how current zoning regulations present obstacles to achieving San Joaquin County's housing goals delineated in the General Plan.

Lack of Housing Variety

San Joaquin County's current housing regulations generally do not allow for a mixture of different scales of housing in appropriate locations, nor do they facilitate the development of certain types of housing that contribute to affordability. Only the R-M Residential Medium Density Zone would allow a mix of attached and detached single-family units and small lot development. It may make sense to provide opportunities for small lot single-family housing, which can be built at lower costs, subject to appropriate standards and the density limits set in the General Plan.

Other changes that could be considered would be to allow multi-family housing in some commercial zones by right or with only administrative review and to have standards for duplexes, triplexes and fourplexes in the Low and Medium Density zones and ensure that zoning provides for housing for those with special needs and

housing for farmworkers. Manufactured housing, including mobile homes and factory-built units, also can meet housing needs, and should be allowed wherever conventional single-family homes are allowed. This is a requirement of State law. The County does require a Mobile Home Permit and in Mountain House, a Conditional Use Permit; while this is not a significant constraint, it would be preferable just to require a Zoning Clearance for such housing if proposed outside Mountain House. Finally, some stakeholders pointed out that current zoning does not really provide opportunities for clustered executive housing in rural areas. This is the kind of housing that might help the County attract new technology businesses with executives who are looking specifically for this type of living environment outside dense urban areas.

Need to Address Accessory Dwelling Units

Second units, now known as accessory dwelling units (ADUs), are allowed under the current regulations in the Development Title, but the current ADU standards need to be updated to reflect current State law (see below). ADUs offer an opportunity to have lower cost housing to meet the needs of the existing and future residents that can be easily added within existing neighborhoods, and the development standards can ensure that they will be compatible with surrounding use and that adequate water and sewer service will be provided. The permitting process also can be streamlined to reduce the review time and, as a result, the costs to the County and to applicants.

The current standards for Second Dwelling Units could be retained in the Agricultural zones as they would allow units to be larger than the State's standards for ADUs.

State-Required Development Standards, by Type of ADU

Below is a summary of the new development standards established by State Law that will need to be incorporated into the Development Title.

ADU Conversions. A legal existing structure, including attic and basement space in a Single-Family Dwelling may be converted to an ADU "by-right" through the issuance of a building permit (e.g., these projects do not require an ADU Permit issued by the Planning Department prior to applying for a building permit). ADU Conversions are also exempt from site development standards (e.g., lot coverage, parking and setbacks) but are subject to the maximum ADU Floor Area of 1,200 square feet. State regulations allow for new, replacement structures in the same location as the existing, previous structure, as long as the structure meets Fire and Building Codes.

- Raising a home to convert a basement area with a minimum 7 foot ceiling or modifying a roof structure to include dormer windows, for instance, would be considered "new construction." It would not be a "conversion" and would have to meet the new ADU standards.
- For garage/carport conversions, replacement of the parking spaces eliminated as part of the ADU conversion is not required.

New Detached ADUs. A new detached ADU that is: 1) 800 square feet or less; 2) 16 feet or less in height; and 3) set back 4 feet or more from the interior side and rear lot lines is allowed "by right" through issuance of a building permit. These ADUs are exempt from planning review, lot coverage, and setbacks but a building permit is required. Larger detached ADUs have to meet the new standards for ADUs and would require an ADU Permit, which would have to be approved "ministerially" without a public hearing within 60 days of receiving a complete application. This would have to be a staff-level "over-the-counter" review, and a checklist could facilitate the process.

New Attached ADUs. An Attached ADU may not exceed 50 percent of the floor area of the primary dwelling unit and may be up to 1,200 square feet in size. Per State law, those Attached ADUs that are: 1) 800 square feet or less; 2) 16 feet or less in height; and 3) set back 4 feet or more from the interior side and rear lot lines must be approved "ministerially" without a public hearing within 60 days of receiving a complete application. This also has to be a staff-level planning review, confirming that the application complies with all of the ADU development standards.

Junior ADUs. Junior ADUs (JADUs) must be allowed "by-right" through issuance of a building permit; they can be up to 500 square feet in floor area shared with the primary dwelling unit. JADUs can include shared or private bathroom and requires an efficiency kitchen (allowing for smaller appliances). Parking is not required for the JADUs.

Housing Design in a Post-COVID 19 Environment

In a post-COVID-19 environment, how housing is designed and used will likely be different, and the County's Development Title should offer flexibility to respond to these changes. Working from home may be more prevalent and, along with that will be the need to provide opportunities to workout at home and to have more outdoor living area. Homes will be sanctuaries for many; older housing may need to be adapted, and the Update should enable additions and expansion of living area.

State Regulation of Mobile Home Parks

California law governing mobile home parks is contained in the Mobile Home Parks Act (Sections 18200 to 18700 of the Health and Safety Code). California law governing Special Occupancy parks is in the Special Occupancy Parks Act. These laws establish requirements for the permits, fees, and responsibilities of park operators and enforcement agencies, including the Department of Housing and Community Development, and require the Department to develop and enforce both the regulations and the laws. Local governments may require a use permit for mobile home parks. A mobile home park conversion is strictly regulated by the Government Code, and provisions for that, consistent with State law, should be reflected in the Update.

The State's department of Housing and Community Development has adopted Mobile Home Park regulations (see California Code of Regulations, Title 25, Division I, Chapter 2 commencing with section 1000). The regulations include specific requirements for park construction, maintenance, use, occupancy, and design. Also included are requirements for items such as lot identification, lighting, roadway width, plans, permits, mobile home installation, accessory structures and buildings, earthquake resistant bracing systems, application procedures, fees, enforcement, and appeal procedures. The Update also will need to be consistent with these regulations.

Aging Stock of Residential Buildings

About half of the County's housing stock in unincorporated areas is over 50 years old, and the aging of these older homes, including manufactured homes, will continue to cause a number of problems for the County if no steps are taken to rehabilitate them. The Code prevents the rehabilitation and upgrade of many of these older homes because it requires them to comply with all current zoning and building code requirements (e.g., sprinkling and fire safety). Currently, variances can be granted to allow deviations from standard requirements, particularly where modern standards create nonconforming site conditions (e.g., parking requirements or setbacks). While a variance resolves the legal status of these buildings, however, it does not materially improve site conditions and provides a disincentive to their upkeep due to the money and time involved to perform even minor alterations. The County should consider adopting regulations that encourage appropriate physical

improvements to older homes, particularly manufactured homes, while continuing its practice of granting variances to avoid the creation of nonconforming sites.

Farmworker Housing

San Joaquin County's agricultural economy relies on farmworkers for its success, but the lack of affordable housing for them makes it increasingly difficult to attract and maintain a labor force, particularly during peak production periods. The demographics of farmworkers also has been changing, which means their housing needs are changing. In years past, farmworkers were largely young, single-male migrants; today, the workforce is older and with families, and according to Northern California census data, women are comprising a larger proportion of the farm labor workforce.

In the County, the General Plan Housing reported the number of farmworkers has been growing and additional housing for them is needed, including low-cost housing and single-room occupancy (SRO) facilities. However, the availability of grower-offered housing has decreased, so many farmworkers are living in cities, with services nearby. But the housing they get is often overcrowded and substandard, and SRO units have been demolished, reducing the supply of this housing types.

The County's Housing Authority has year-round farmworker housing at Sartini Manor in Thornton; they also operate Mokelumne Manor, the Roberts Family Development Center, the Joseph J. Artesi Migrant Centers, and the Harney Lane Migrant Center, but the Authority's ability to significantly increase the number of units it can provide is limited by budget constraints, which will be further exacerbated by COVID-19 and its depressing effect on tax revenues.

Recent State law, AB 1783 (2019), seeks to increase opportunities for farmworker housing, either built by growers or by certified affordable housing organizations. It requires a streamlined review process, with "by right" approvals, for qualifying projects of employee housing. These would consist of no more than 36 beds in group quarters or 12 single-family units. The County can establish "objective design standards" for this type of housing and ensure these are met with a zoning clearance process. A discretionary review process cannot be used, and these projects would be exempt for environmental review and CEQA clearance.

Other Housing Needs

The General Plan Housing Element has a detailed discussion of other housing needs, including housing for emergency shelters, transitional and supportive housing, and single-room occupancy (SRO) Hotels. The Element notes that the Development Title would need to be updated to address these needs more specifically than it current does, and those recommendations will be incorporated into work on the Update.

RECOMMENDATIONS

5-A Prepare a Design Manual for Accessory Dwelling Units, including Pre-Approved Building Plans

To assist builders and help the County meet its affordable housing goals, a Design Manual for Accessory Dwelling Units (ADUs) would be prepared, building on the updated standards in the Development Title. The Design Manual would include a comprehensive set of illustrations of development standards and design guidelines ("do's and don'ts") to provide guidance for achieving high quality design in unincorporated areas of San Joaquin County and streamline the project approval process. The Design Manual would express the County's expectations upfront to facilitate the development review process, helping applicants in the initial design phase before a project is submitted

and then serving as a reference for County staff and decision makers in the review and approval process. Projects meeting these standards could expect streamlined review. This Manual is needed because recent State legislation requires use of "objective design standards" for ADUs. Development meeting certain requirements must be approved "by right" with no discretionary or design review. Engineering and energy calculations for the prototype plans also would be included.

5-B Allow a Mix of Housing Types Where and When Appropriate, including Clustered Executive Housing in Rural Areas and Farmworkers Housing

San Joaquin County can take a variety of steps toward promoting a greater mix of housing types at all densities. One way to accomplish this is to allow more flexibility in housing types within the Urban and Rural Communities. For example, in the R-L Zone, the County could permit duplexes on corner lots as long as each unit faces a different street. Another way would be to include specific standards for bungalow courts and townhouses along with the standards for ADUs and conventional multi-family housing. The County also could allow development of live/work units and shopkeepers' units in commercial zones and live/work units for artists and artisans in the Limited Industrial Zone. By creating a framework for flexibility in housing



Standards for clustered executive housing in rural areas could be added.

size and design, the County could supplement its housing supply with a diverse range of typologies while maintaining the prevailing characteristics of its existing residential areas.

5-C Establish Regulations for Small-Lot Single-Family Development

The County should consider adopting a residential small-lot development district or subzone or include specific provisions for small-lot development within the R-L zone, which may restrict this option to certain areas or only allow countywide if standards are met. While the PD zone and cluster housing option do allow this type of development, it would be more efficient to incorporate these provisions more formally into the Code in order to enable small-lot, fee-simple development by right on a wider scale, with no requirements for a homeowners' association or common area standards with their maintenance obligations, and to streamline the review process for this type of development. Small-lot single family housing has become an increasingly attractive option in many metropolitan areas; it's sometimes called the "Tiny House" movement. Title 9 could allow subdivision to enable small-lot development, as is done in other counties, where lots as small as 600 square feet could be considered. (In San Joaquin County, the minimum lot size might be greater, say 2,000 to 2,5000 square feet.) Small-lot development could be especially useful in communities with an abundance of irregular lots, including long, narrow lots or other odd shapes. The Title's development standards might provide the option of consolidating long narrow lots with a joint setback as a unified development and to allow zero setbacks between individual units in a townhouse style.

5-D Continue to Support Affordable Housing with an Updated Density Bonus Program and Related Incentives

The County has adopted a well-conceived density bonus program for the residential zones. The density bonus may be requested on its own or with a Planned Development Zone application. Several technical amendments to the current program are recommended to align it with the General Plan Housing Element and State law (e.g., the extremely low income category needs to be added as do provisions for senior housing and senior housing for persons with disabilities). The County also should consider identifying other development standards, such as reduced street width, reduced building separation, and approval of mixed use zoning, which may be appropriate in Mountain House, for example, and other new communities and could be added to the incentives listed in Chapter 9-315, Residential Zones; Density Bonus, along with rules on the location and design of affordable units that will ensure they are integrated into a project's overall design. And, besides just a reduction in fees, the County could explicitly offer "fast track" processing, use of public financing and the option of other regulatory incentives or concessions needed to result in identifiable cost reductions. Finally, the minimum time period for continued affordability must be extended to 55 years, consistent with State law, and equity sharing arrangements need to be added for for-sale units.

The General Plan does call for restrictions on the County's ability to disapprove an affordable housing project or impose conditions that would make it unaffordable to low and moderate income households. These restrictions should be formally codified in the Update.

In addition, fast track processing of applications could be offered for projects with a minimum number of attached units, which, by the very nature, are more affordable than freestanding single-family homes. This would streamline review and reduce development costs.

Other incentives to preserve affordable housing could include replacement requirements if subsidized rental housing is replaced by market housing. Provisions for protection or replacement of existing rental units also needs to be incorporated into the density bonus program; they would apply if a project would affect any existing rental units. (Details are in the Government Code.)

5-E Facilitate Upgrades to Older Residential Properties (Manufactured Homes/Trailer Parks)

The deterioration of older residential areas, including manufactured homes and trailers, will be a problem for San Joaquin County in the near future. Without the proper maintenance and upgrades, the deterioration of these structures can contribute to decreased property values. As these structures continue to grow older, the County needs to find the right balance between encouraging maintenance and physical upgrades and not imposing undue cost burdens on the residents of these areas. San Joaquin County should consider encouraging upgrades to units with incentives that could be approved through a staff-level review process, while recognizing the limitations imposed by State law.

5-F Amend the Zoning Regulations for Farmworker Housing to be Consistent with State Law

The Housing Element of the General Plan calls for increasing the availability of affordable housing for farmworkers and allowing small farm employee housing in all agricultural zones. Amendments to the Development Title would be prepared, consistent with State law, AB 1783 (2019), with the objective of increasing opportunities for farmworker housing, built either by growers or by certified affordable housing organizations. These amendments would include a streamlined review process, with "by right" approvals, for qualifying projects of farm employee housing, consist of no more than 36 beds in group quarters or 12 single-family units. The County also should establish "objective design standards" for

this type of housing, as required by State law, which would be incorporated into the Development Title update. These would be checked through a zoning clearance process; under State law, a discretionary review process cannot be used, and these projects would be exempt for environmental review and CEQA clearance.

Recommendation No. 6: Achieving a High Level of Design Quality

Recent development shows the high value that the County places on well-designed projects, and San Joaquin County should continue to value design quality in new development. The County's existing policies and procedures have ensured to a large degree that new growth is visually appealing and fits well into surrounding communities. This effort is most evident in Mountain House and the non-residential development around Tracy and in the I-5 corridor, where extensive landscaping, community amenities, and attractive architecture stand out. Within the rest of the County, landscaping requirements, particularly the requirement for shade trees in parking lots, are not always being enforced, and Site Approvals have resulted in some unappealing buildings—such as those for strip commercial uses. In historic districts, such as in Woodbridge, attention to design details and materials has provided appealing public facades.

Despite these positive elements, San Joaquin County will face a number of design challenges as it becomes an increasingly urbanized County. One of the primary goals for San Joaquin County's future will be to set design standards for non-residential development, and to recognize differences in design standards to achieve a diversity in housing and a unique sense of place in the urban and rural communities. I-5 corridor development continues to be unfriendly to pedestrians, with expanses of blank walls and frontages, poorly defined street edges, and buildings that are oriented away from sidewalks. In some areas, such as Lockeford and Woodbridge, fostering a pedestrian-oriented environment with active and transparent retail frontages that offer views into shops and displays that engage shoppers has been more important than landscaping in a front setback area. Balancing these needs, as well as others noted in the General Plan, will be a crucial element in the creation of a coherent design vision for the urban and rural communities in the County.

THE ISSUES

Mixing of Urban, Suburban, and Rural Scales

San Joaquin County's Development Title could clearly distinguish among urban, suburban, and rural scales of development. Although the County's goal for development is to create an attractive built environment in each of the urban and rural communities, with opportunities for mixed use development, agri-tourism, and destination uses where appropriate, the Development Title continues to mandate minimum—and not maximum—setbacks for most types of development, and these are generous in the agricultural zones. Only in the Woodbridge design guidelines are there requirements for buildings to be located along a sidewalk or for building entries to face the street. This is an example of how design guidance can assist in quality design and create a strong sense of place.

Zoning also has allowed auto-oriented commercial uses along the State highways, including car sales and drive-through restaurants, to follow suburban designs that place parking and display areas between buildings and the sidewalk. As a result, these corridors have become a mixture of incompatible urban and suburban types of growth with few buffers to resolve resulting nuisances. Single-family detached housing continues to exist directly adjacent to large structures and commercial uses with generous setbacks compromise the walkability created by neighboring businesses. Without changes to development standards to address these problems, the County will be unable to achieve all of its community development goals.

Similarly, suburban scale development is beginning to invade rural enclaves that some residents may want to retain as less developed until sewer infrastructure issues can be resolved. This mixture not only compromises the rural feel of these areas and detracts from their historical character, but also creates physical incompatibilities between properties. Many features of these areas are suitable for rural and equestrian uses with large setbacks but have the potential to become problematic when mixed with suburban-scale homes that occupy larger portions of lots and are closer to the street.

Compatibility issues are also likely to arise from the development of suburban-scale single-family homes next to properties with large animal enclosures and next to active farming operations. As part of this, the County could establish performance standards for agricultural activities, supporting the Right-to-Farm Ordinance, to minimize adverse impacts on neighbors and also revisit its density and setback standards for designated rural areas in order to avoid the further development of these types of incompatibilities in the future.

Lack of Landscaping and Shade Trees

The Development Title has landscaping regulations that are comprehensive in terms of plant selection, earth berms, erosion control, irrigation, and water efficient planting concepts. Standards for street trees, for multi-family development, mobile home parks, planned developments, commercial, and industrial projects, and for parking areas are established, but these are not always as stringent as the standards set by cities in the County. In fact, many jurisdictions set a shading standard for parking lots (e.g., 40 percent) to reduce heat island effects. County staff have indicated that they are not always rigorous in applying the standards to projects in rural and agricultural areas to minimize development costs. As a result, some development looks a little barren, and there is often little landscaping along interior property lines or within parking areas with less than 20 spaces. The rule that all areas not used for buildings, parking, driveways, and walkways shall be landscaped applies in all residential, commercial, and



Current requirements for parking lot landscaping have not always been enforced, resulting in barren lots.

industrial zones. Additional detail on perimeter and buffer planning, shade trees, and foundation planting around buildings along visible frontages could improve the appearance of new development and also, because of the cooling effects of vegetation, help reduce summer heat and improve the livability of residential and commercial areas.

Minimal Requirements for Outdoor Living

The recent Stay-at-Home rules have made people more aware of their immediate surroundings and the value of private and common open space where it is provided. The site design standards for Planned Development zones do include specific requirements for open space; it may make sense to extend these to all multi-family and mixed use development to improve livability. The City of Tracy, for example, requires all residential uses in the medium density residential zone to provide minimum usable open space of 100 square feet for each of the first 10 dwelling units, 50 square feet for each of the second 10 units, and 25 square feet for each unit in excess of 20, and Sacramento County requires at least 40 square feet of private open space per unit in multifamily development. Outdoor living area standards for San Joaquin County could be developed that build on

the current provisions for Planned Development, with appropriate adjustments. This would be consistent with the General Plan Policy c-1.2 on character and quality of life in Urban and Rural Communities.

RECOMMENDATIONS

6-A Create Appropriate Design Standards for Residential and Non-Residential Development,

In response to State law, the Code Update could include formulation of objective design standards for residential and non-residential development that foster the type of character desired within various areas of the County. In urban and mixed use areas, for example, the goal should be to have buildings enclose a street to provide an interesting and engaging front, and to make walking and shopping pleasurable. In rural communities and in the freeway corridors, by contrast, development has more of an auto-orientation, and landscaping would be important to screen parking areas and buffer pedestrian walkways from parking lots and from the street. Finally, in agricultural zones and rural residential areas, the built form is much more informal, with deep setbacks and in some areas, stables and paddocks.

Specific design controls that may be used for non-residential development could include:

- Location of a building on a lot;
- Orientation of building entries;
- Transparency along shopping streets pedestrian level windows offering views into buildings and displays;
- Requirements for architectural modulation to promote a variety of building forms;
- Limitations on blank walls along commercial street frontages;
- Screening of outside storage;
- Transitional requirements to improve the relation to adjoining sites with lower-scale buildings;
- Pedestrian amenities and public gathering areas;
- Standards for drive-up and drive-through facilities;
- · Connectivity and walkability within the site and to adjoining areas; and
- Location and screening of parking.

For larger projects, the County should require developers or builders to submit plans showing how individual buildings within subdivisions, for example, will have a variety of housing types and how details on street-facing facades, front doors, porches, stoops and verandas, windows, roofs, landscaping, building materials and color will be addressed.

6-B Refine Landscaping Requirements, Making Them Appropriate to a Development Type and a Community

"one-size-fits-all" rule of landscape requirements may not be the best option for San Joaquin County. Perimeter landscaping and foundation planting requirements should vary depending on the character of the community and the type of development proposed. They also should be updated to reflect standards in peer communities and General Plan policies for landscaping. Performance standards for shading in parking lots, for example, could be required. Standards could be reduced for interior landscaping required in industrial areas. Development Title also could offer developers the option of providing alternative landscape plans with specified standards for percentage of landscaped area and plant quantities, sizes and types. Further, the Title should retain sufficient flexibility for the creative use of native or droughtplanting and have permeability



Perimeter landscaping requirements would still be required for industrial frontage.

requirements to ensure the long-term health and upkeep of landscaped areas.

6-C Mandate Outdoor Living Area and Usable Open Space in Multi-family Residential Development

Instead of listing outdoor space as a design standard only for the Planned Development zone, the County should require usable outdoor living area, including common open space and private open space, in all multi-family and mixed use development. This would be consistent with the policies of the General Plan. Providing balconies or patios or usable common open space with resident amenities can meet this requirement. The numerical standard can vary according to the density of development and whether the outdoor living area is private or shared, possibly ranging from 225 square feet per unit for attached single-family housing in a low- to medium-density project to 60 square feet per unit for a balcony in a high-density project. A sliding scale should be used, and minimum horizontal dimensions established. Excessive open space requirements, such as 30 percent of land area of a project with a minimum size of 10,000 square feet, should not be imposed as they would impose unnecessary costs on developers. Some flexibility may be warranted for certain project types in certain locations.

Other Issues

In addition to the broad categories covered in previous sections, the Update will address a number of narrower concerns raised by the needs of particular areas, uses, and segments of the population. This section looks at how the Update can ensure adequate provisions regarding State and federally protected uses. Although these issues did not fall specifically within the scope of the previous sections, the concerns raised here are important for ensuring that the Development Title meets all goals of the General Plan and is equitable, legally sound, and consistent with applicable policies as well as federal and State law.

PROTECTED USES

California law grants cities and counties relatively broad discretion in the regulation of land uses and development, and the Federal courts and United States Congress have, for the most part, left land use and environmental regulation up to state and local government. There are, however, some important exceptions to this approach. If local regulations conflict with federal law, pursuant to the supremacy clause of the United State Constitution, then local laws are preempted. In some cases, both Congress and the State have identified matters of critical concern that limit the authority of local jurisdictions.

This section discusses some of these protected uses, applicable rules, and potential issues that should be addressed as part of the Development Title Update.

- Religious uses (Federal Religious Land Use and Institutionalized Persons Act of 2000, ARS 41-1493 et. seq.)
- Housing for persons with disabilities (Federal Fair Housing Act Amendments of 1988, Americans with Disabilities Act)

Religious Uses

The Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) requires public agencies to demonstrate a compelling government interest and to use the least restrictive means when making a land use decision that imposes a substantial burden on religious exercise. The Federal Courts have ruled that requiring a church to apply for a conditional use permit, submit information needed to conduct zoning review, or obtain a rezone is, in most cases, not considered to be a "substantial burden" on religious exercise. Local agencies that impose limitations on where religious uses may locate or impose requirements that the applicant considers "burdensome" may, however, be sued in Federal court and, if found in violation of the law, subject to financial penalties. The enactment of RLUIPA followed a decision by the United States Supreme Court ruling that a previous Federal law, the Religious Freedom Restoration Act of 1993, exceeded Congress' power to enforce the Constitution. In the wake of this decision, California adopted their own statutes to protect religious uses from burdensome state and local laws.

San Joaquin County's current planning in most agricultural, residential, and commercial zones subject to either site approval or a use permit and compliance with applicable development standards, landscaping and screening requirements, and setback standards. There are three categories (neighborhood, community and regional), and the description of them is silent on what accessory uses would be allowed, such as day care, social service programs, nursery schools or other forms of education. Some jurisdictions allow religious assembly "by right" but require a use permit for athletic facilities and daycare centers operated in conjunction with a church.

The use types do not define social service organizations nor call out homeless shelters, charity dining facilities, and rescue missions as potential accessory uses, so it's not clear that the operation of such uses within church premises would be considered an adjunct to religious activities or be an activity that would require a separate approval. It is important to ensure that the County makes adequate provision for social and community services such as homeless shelters and food programs because some religious organizations and their supporters have argued that these activities, which have been traditionally provided by religious institutions, are also protected by the Federal law. The County must also ensure that it complies with RLUIPA's equal terms provision by treating religious uses and secular uses with similar land use characteristics, such as other membership assemblies for private schools, in the same manner. See *Centro Familiar v. County of Yuma*, 651 F.3d (9th Cir.2011).

The County must also be wary of requirements or conditions that restrict the number of worshippers, hours of operation or otherwise "burden" religious practice. Conditions of approval should not be applied to religious uses in a way that may conflict with religious values or precepts that are embodied in certain symbols or designs. It would, however, be appropriate to identify a size limit for a rural church that would be smaller than a neighborhood church and eliminate the 10-acre minimum parcel size to enable smaller churches to locate in neighborhoods and rural communities. It also might make sense, as many jurisdictions have done, to combine community assembly and religious assembly and treat them equally to avoid RLUIPA challenges. Finally, the provisions for reasonable accommodations in Chapter 9-245 should be expanded to include religious institutions as well as housing.

Housing for Persons with Disabilities

Various provisions in both Federal and State law limit the authority of local agencies to regulate facilities for mentally and physically handicapped persons. In 1988, Congress extended the 1968 Fair Housing Act's prohibitions against housing discrimination to include discrimination on the basis of handicap or familial status (families with children). The Federal Fair Housing Act Amendments (FHAA) defined "handicapped" to include persons with physical or mental disabilities and recovering alcoholics and drug addicts. The FHAA not only prevents communities from discriminating against handicapped individuals but also requires "reasonable accommodations in rules policies, practices, or services, when such accommodations are necessary to afford [handicapped persons an] equal opportunity to use and enjoy a dwelling."

The U.S. Supreme Court has ruled that a zoning ordinance that defined a "family" to exclude a group of more than five persons who are not related by genetics, adoption, or marriage was an unreasonable restriction on maximum occupancy that could not be used to exclude a group home for 10 to 12 recovering alcoholics and drug addicts from a single-family residential zone. *County of Edmonds v. Oxford House, Inc.* 514 US 725, 131 L Ed 2d 801, 115 S Ct 1776(1995).

San Joaquin County's existing regulations allow group care, which include residential facilities for developmentally disabled persons and licensed and unlicensed group homes for the disabled plus staff in all residential districts, in all residential zones. There are no special use regulations for group care. Some jurisdictions have used spacing requirements to support the objective of dispersing such housing throughout the community. However, courts have found the refusal of a local community to grant an exception to this spacing requirement to be a violation of the reasonable accommodation requirements of the FHAA.

San Joaquin County's Development Title does require a use permit for large Group Homes, but only a Site Approval for Group Residential. It would be prudent to treat these uses similarly.

San Joaquin County's provisions regarding such facilities appear to conform to both Federal and state law but may be confusing to all but the most well-informed code-users because of terminology. Ideally, the code should use the same terminology and definitions as the State statute and provide whatever clarification may be needed

to demonstrate compliance with the Federal law as well. The County should also be aware of the potential for conflict with Federal law when a facility protected by the FHAA is subject to a use permit process. While neighbors' comments about the future residents of a facility are protected by the First Amendment of the U.S. Constitution, the County's denial of a discretionary permit may be subject to challenge if it can be shown that the action was a result of such comments. *White v. Lee*, 227 F3d 1214 (9th Cir 2000).

State law distinguishes between licensed residential facilities serving developmentally disabled persons and other types of group homes and supervisory care facilities, requiring local agencies to regulate licensed residential facilities serving up to six developmentally disabled persons plus support staff necessary to assist residents as a single-family residential use. The Federal law, however, provides broader protection. Under the FHAA, inpatient and out-patient facilities licensed to treat persons with mental disabilities or substance abuse problems must be regulated in the same manner as properties used for treatment of general medical patients.

The Federal and State requirements for accommodating individuals with disabilities also dictate that local jurisdictions establish procedures to allow modification of setback requirements and other standards that may preclude alterations to make buildings accessible. Rather than requiring a property owner to go through the process of obtaining a variance, Chapter 9-245, Reasonable Accommodations, allows for an administrative waiver or modification of such standards based on a determination of necessity under Federal and State disability laws. This review is conducted by the Planning Commission as a use permit also is required. Like the Federal ADA, the State of California requires public agencies to make "reasonable modifications" to its policies, practices, and procedures when necessary; San Joaquin County responds to this requirement in the current manner. Some technical "fine-tuning" may be warranted to allow these provisions also to serve for group care and assisted living.

OTHER ISSUES

Community members have identified a number of specific uses, including alcohol sales, cannabis businesses, packing of farm products, and short-term rentals among others that may be causing local problems due to restrictive use regulations, inadequate design, or performance standards. In the Update, County staff and the consultant team will consider adopting additional standards applicable to each of these uses in order to reduce their possible negative impacts on neighboring uses and better integrate them into local communities. With some types of development, this may include limiting hours of operation, specifying minimum separations between individual establishments or from sensitive receptors (e.g., alcohol sales near schools or parks as is done in other Valley communities). In other situations, the development problem might be adequately solved through heightened levels of community notification before the project is begun.

Next Steps

This *Diagnosis and Evaluation Working Paper* will serve as the starting point for the next phase of the Development Title Update. Following presentations to the Planning Commission and the Board of Supervisors, an annotated outline of the new Development Title will be prepared. This document will have a very specific focus on the elements and structure of the new code, with particular attention to the following items:

- The number, types, and specific purposes of zones and whether they are all appropriate for General Plan implementation;
- The proposed overlay districts;
- The general purpose sections of the revised title, including definitions, supplemental standards applying in some or all districts, permitting and administration, and enforcement;
- The divisions related to subdivisions, infrastructure and financing, and other topics affecting development;
- Permitting procedures and how they can be streamlined;
- The overall organization and numbering system, and procedures for amendments; and
- Graphic illustrations of selected standards and guidelines and review procedures (by title only).

The annotated outline, and accompanying tables and charts, will serve as the final preparatory document before the actual restructuring and revision of the Development Title begins. It will be accompanied by a "disposition table" showing how existing divisions and chapters are incorporated into the updated Title.

Appendix: Checklist for Implementation of General Plan Policies related to San Joaquin Development Title

	CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE							
	✓ Regulation required		ation optional		iscussion	issue		
	10. 5.	District	Specific Area	Countywide				
	al Plan Element and Policy	Standards	Designation	Regulations	Process	Comments		
	D USE	residential .	davalanment ti	race and dan	sitios in s	stablished communities		
	LU 4: Provide opportunities for a variety of minimizing conversion of agricultural and loss			pes and den	sities iii e	stablished Communicies,		
LU 4.1	New Residential Development. The County shall direct most new unincorporated residential development to areas within Urban and Rural Communities and City Fringe Areas.					Done with Zoning Map		
LU 4.2	Rural Homesites. The County shall ensure that rural homesites are sized and located to limit the conversion of agricultural land, maintain the rural character of the surrounding area, support rural living and adjacent farming activities, and satisfy applicable environmental health requirements.	~		?		Will need to update standards for homesites in Agricultural zones		
LU 4.3	Rural Residential Designations. The County shall limit Rural Residential (R/R) development to Rural Communities and areas of existing R/R densities in Urban Communities.					Done with Zoning Map		
LU 4.4	Second Unit Dwellings. The County shall permit second unit dwellings as provided in the San Joaquin County Development Title, even if such a dwelling results in a density greater than the standard density specified for the residential land use designations. Second Unit Dwellings shall meet well and septic requirements per the State Water Resources Control Board Onsite Wastewater Treatment Systems Policy and shall demonstrate the second unit can be adequately served by existing infrastructure or situated on a site that can accommodate multiple, separate septic systems.			*		The Update will add standards for Accessory Dwelling Units, and distinguish these from Second Units in Agricultural Zones		

	CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE						
	✓ Regulation required		ation optional		scussion	issue	
		District	ent Code Compo Specific Area	Countywide			
LU 4.6	Residential Support Services. The County shall encourage the development and siting of residential support services (e.g., convenience commercial uses, parks, schools) in Urban Communities that are accessible by all residents.	Standards ?	Designation	Regulations	Process	Comments This is done with Zoning Map designations for commercial zones and with standards for public facilities. Residential support services also may include Residential Care.	
LU 4.7	Non-residential Uses in Residential Designations. The County may permit residential support services, home occupations, and open space recreation uses in areas designated for residential development, provided they have or obtain through application appropriate underlying zoning.	✓					
LU 4.8	Office Development in Residential Areas. The County may permit office uses in areas designated Medium-High (R/MH) and High Density Residential (R/H), provided the development would not create an imbalance of housing types within a community or area and would not reduce the potential for the development of affordable housing.	✓				It is unclear how office development would create an "imbalance of housing types." A use permit could be required, with a finding that office development would not change the residential character and become a dominant use.	
LU 4.9	Residential Mixed-use. The County may permit residential development in commercially designated areas if the residential uses are part of a mixed-use development or if accessory to the commercial use, such as a caretaker residence	√					
LU 4.10	Incompatible Land Uses. The County shall ensure that residential development is protected from incompatible land uses through the use of buffers, screens, and land use regulations, while recognizing that agriculture and farming operations have priority in rural areas.	~		✓	√		
LU 4.11	Equestrian Facilities. The County may allow equestrian facilities within Urban Communities in areas designated Very Low Density Residential (R/VL) subject to applicable manure	✓					

	CHECKLIST FOR IMPLEMENT		GENERAL P		IES REL	ATED TO
	✓ Regulation required		ation optional		scussion	issue
Genera	al Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations	Review Process	Comments
Genere	management requirements and minimum acreage and locational criteria set forth in the Development Title.	Standards	Designation	Regulations	Troccss	Comments
LU 4.12	Golf Course Communities. The County may allow the development of new residential uses adjacent to or incorporated into golf courses, provided the residential density conforms with the underlying Zoning classification.	✓				
	LU 5: Promote the development of regional rporated County.	and locally-	serving comm	ercial uses in	commun	ities and other areas of the
LU 5.2	Strip Commercial Development. The County shall discourage new strip commercial development, and shall ensure the expansion of existing strip commercial development does not encroach into residential or agricultural areas	✓				
LU 5.3	Commercial Lot Coverage. The County shall limit the lot coverage of new development in the Neighborhood Commercial, Community Commercial, General Commercial, Office Commercial, Freeway Service, and Rural Service Commercial designations to 60 percent of the total development area. Developments in the Commercial Recreation designation shall be limited to 50 percent of the total development area.	✓				
LU 5.4	Commercial Conflicts and Visual Impacts. The County shall require new commercial development to address potential land use conflicts and visual impacts through site specific performance standards related to landscaping, screening, lighting, access, signage, setbacks, and architectural design.				✓	
LU 5.5	Bicycle Access and Parking. The County shall require new commercial development within Urban Communities and City Fringe areas to include bicycle access and secure parking racks.			~		A comprehensive set of bicycle facility standards will be included in the Code.

	CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE						
	✓ Regulation required		ation optional		scussion	issue	
		Developme	ent Code Compo	onents			
Genera	ıl Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations	Review Process	Comments	
LU 5.6	Commercial Uses in Residential and Industrial Areas. The County shall allow limited commercial uses, with appropriate commercial zoning, in residentially- and/or industrially-designated areas within Urban Communities, provided such uses are: located at least one mile from another such business or area designated Neighborhood Commercial; located on a Collector or higher classification roadway; limited in lot size to 1.0 acre and no more than 10,000 square feet of leasable space; developed so that buildings cover no more than 60 percent of the lot and are no more than one story in height; and designed and operated such that lighting, signage, and hours of operation do not adversely affect surrounding residential or industrial areas.	✓				We do not recommend codifying one-mile spacing as some uses may benefit from clustering. The one-mile rule may be appropriate for General Plan designations.	
LU 5.7	Crossroads Commercial Uses in Agricultural Areas. The County shall allow crossroads commercial uses, with appropriate commercial zoning, in areas designated Limited Agriculture and General Agriculture, provided such uses are: located at an intersection on a Minor Arterial or roadway of higher classification; located at least two miles from the nearest area serving a crossroads commercial function or a planned neighborhood or community commercial area; limited to one corner of an intersection; and able to function safely with a septic system and individual water well.	✓	赵			If more than one corner is to be allowed to develop, to respond to stakeholder comments, a General Plan amendment will be required.	
LU 5.8	Administrative and Professional Offices. The County shall direct new single-use administrative and professional offices and office complexes to the Office Commercial designation and shall allow smaller offices in the Community Commercial and Neighborhood Commercial designations as part of a larger commercial development.	✓					

	CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE						
	✓ Regulation required		ation optional		scussion	issue	
		Developme District	ent Code Compo Specific Area	onents Countywide	Review		
Genera	l Plan Element and Policy	Standards	Designation	Regulations	Process	Comments	
LU 5.9	Special Purpose Plans. The County shall require significant new development to prepare a Special Purpose Plan in areas designated Freeway Service, Commercial Recreation, or Mixed-Use, unless the development is in an area that has an existing Master Plan or Specific Plan that can accommodate the proposed development. The Community Development Director shall determine whether a proposed project shall be required to prepare a Special Purpose Plan.	?	?		✓	Do on a case by case basis? The General Plan provides the planning guidance; this should not be codified. If for streamlining purposes, an SPP requirement is dropped, a General Plan amendment will be required.	
LU 5.10	Commercial and Industrial Transition Areas. In areas where a General Commercial land use designation is adjacent to an industrial land use designation, the County shall allow commercial and industrial uses to mix in order to form a transition between the two designated areas. The specific uses that may be allowed must be based upon land use plans and criteria included in an approved Special Purpose Plan, which applies to both designated areas. This policy may not be applied to areas designated by the General Plan as Neighborhood Commercial, Commercial Recreation, or Truck Terminal, and may not be applied to properties that do not have a full range of public infrastructure and services.	√					
LU 5.11	Freeway Service Development. The County shall require that Freeway Service developments are designed in an attractive manner that creates a favorable impression of the County by considering the relationship to adjacent uses, site design and scale of development, building architecture, landscaping, signage, and circulation and parking.	√					
LU 5.12	Limited Freeway Service Centers. The County shall limit the number of Freeway Service designated interchanges					Done with the Zoning Map designations	

	CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE						
	✓ Regulation required		ation optional		iscussion	issue	
		Developme	ent Code Compo	onents			
Genera	ıl Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations	Review Process	Comments	
	to encourage clustering of uses at selected interchanges and maintain the open space and agricultural character of the county experienced by the freeway traveler.						
LU 5.13	Freeway Service Master Sign Plans. The County shall encourage comprehensive or integrated master sign plans for significant Freeway Service areas through the preparation of Special Purpose Plans. Integrated sign regulations included in an approved Special Purpose Plan may supersede the County's specific sign regulations for the CFS zone in the Development Title.			✓	✓	A General Plan amendment may be needed if SPPs are not going to be used, and separate provisions for Master Sign Plans are codified.	
LU 5.14	Commercial Recreation Uses. The County shall ensure that developments within areas designated Commercial Recreation are limited to those serving the recreation area and do not detract from commercial uses within Urban and Rural Communities that provide for the typical commercial and service needs of County residents	~					
LU 5.15	Commercial Recreation Uses in Agricultural Areas. The County may allow commercial recreation uses in planned agricultural areas because of their unique needs, such as direct access to natural resources or roadways or their need for a large land area. These uses shall be subject to approval of a discretionary permit that includes a review of impacts of the proposed use on the surrounding area.	~				Land use regulations for Agricultural zones should be updated accordingly.	
LU 5.16	Commercial Recreation Design. The County shall require Commercial Recreation uses to use a unifying theme that incorporates appropriate standards for grading, landscaping, lighting, noise, and circulation to minimize off-site impacts that could adversely impact surrounding uses.		?		√	Do on a case by case basis?	
LU 5.17	New Marinas. The County shall require proposed new marinas to be evaluated to assess their impacts on the				✓	Add to the CR Zone.	

	CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE						
	✓ Regulation required		ation optional		scussion	issue	
Development Code Componer							
Genero	al Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations		Comments	
	waterways, riparian habitat, adjacent land uses, and traffic circulation.						
LU 5.18	Recreational Vehicle Parks. The County may allow the development of recreational vehicle parks in Freeway Service designated areas to provide accommodations for freeway travelers or for access to nearby recreation areas.	√					
LU 5.19	Golf Course Development. The County may allow the development of new golf courses in areas designated for residential or agricultural uses based on the size of the facility, distance to the population to be served, availability of existing golf courses, and potential impacts on surrounding land uses and circulation.	1			✓		
LU 5.20	Mixed-Use Community Centers and Corridors. The County shall encourage both vertical and horizontal mixed-use development within community centers and near or along transportation and transit corridors, bicycle paths, and pedestrian facilities as a means of providing efficient land use, housing, and transportation options for county residents. The County shall ensure that mixed-use developments include appropriate transit, bicycle, and pedestrian facilities.	4					
LU 5.21	Mixed Uses. The County shall encourage mixed-use development in urban communities, provided it does not create land use conflicts and provides for a close physical and functional relationship of project components.				1		
LU 5.22	Mixed-Use Development. The County shall require new mixed-use developments to be developed under a single plan that details the full buildout of the development and any associated phasing for construction and includes specific design guidelines and standards that address the overall site design, scale of development, relationship to adjacent uses, circulation and parking,	√			✓	Do on a case by case basis	

	CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO						
			VELOPMENT				
	✓ Regulation required	? Regula	ation optional	Æ D	iscussion	issue	
		District	Specific Area	Countywide	Review		
Genera	l Plan Element and Policy	Standards	Designation	Regulations	Process	Comments	
	architecture, infrastructure, and landscaping.						
LU 5.23	Live-Work Development. The County shall encourage mixed-use developments to include live-work floor plans for residents who desire office, commercial, or studio space adjacent to their living space.	✓				Standards for live-work can be included.	
	U 6: Promote the development of new inde						
	e compatible with surrounding land uses and	meet the p	resent and fut	ure needs of	County i		
6.2	Industrial Sites. The County shall designate a sufficient number of industrially planned areas to allow a variety and choice of sites for new businesses in terms of location, parcel size, transportation access, and availability of services and labor.					Done with Zoning Map that will implement General Plan designations.	
6.4	Processing Facilities. The County shall allow industrial processing facilities on agriculturally designated lands and Resource Conservation designated lands only if the facility is directly related to the processing of an agricultural crop produced in the County or a mineral resource extracted on lands adjacent to the facility. Such developments will be required to obtain a conditional use permit that limits the use only to those activities associated with the resource.	√				Land use regulations for Agricultural zones should be updated accordingly.	
6.6	Industrial Lot Coverage. The County shall limit the lot coverage of developments in the Limited Industrial (I/L) and General Industrial (I/G) designations to 60 percent of the total development area, except in areas zoned Warehouse Industrial where they shall be limited to no more than 40 percent of the total development area. The County shall discourage the creation of flag lots for industrial uses.	√					
LU 6.7	Industrial Development. The County shall require new industrial development provide adequate access, parking, landscaping, loading and storage areas, and buffers. The County shall ensure	✓			√		

	CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE							
	✓ Regulation required		ntion optional		iscussion	issue		
		Developme District	ent Code Compo Specific Area	onents Countywide	Review			
General	Plan Element and Policy that industrial uses and employment center developments include appropriate transit, bicycle, and pedestrian facilities.	Standards	Designation	Regulations	Process	Comments		
LU 6.9	Truck Terminal Access. The County shall require new Truck Terminal developments to provide adequate space to allow for easy access and maneuvering of trucks in and out of loading docks, and for parking both trucks and employee vehicles	✓			✓			
LU 6.11	Truck Terminal Location. The County shall limit truck terminal locations limited to areas within one mile of a freeway interchange that are outside Urban and Rural Communities and outside the path of planned urban development.			✓		Done with Zoning Map designation of I-T zones.		
	U 7: Provide for the long-term preservation activities that support the continued viability				modate a	gricultural services and		
LU 7.2	Agricultural Support Uses. The County shall require new agricultural support development and non-farm activities to be compatible with surrounding agricultural operations. New developments shall be required to demonstrate that they are locating in an agricultural area because of unique site area requirements, operational characteristics, resource orientation, or because it is providing a service to the surrounding agricultural area. The operational characteristics of the use may not have a detrimental impact on the operation or use of surrounding agricultural properties. Developments must be sited to avoid any disruption to the surrounding agricultural operations.	✓			~	Land use regulations for Agricultural zones should be updated accordingly.		
LU 7.3	Small Parcel Size Viability. The County shall not allow further fragmentation of land designated for agricultural use, except for the purpose of separating existing dwellings on a lot, provided the Development Title regulations are met	✓						

	CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE						
	✓ Regulation required		ation optional		iscussion	issue	
Genero	al Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations	Review Process	Comments	
LU 7.4	Lot Line Adjustments and Density. The County shall not apply the density requirements of agricultural designations to lot line adjustments if the dwelling unit density for the affected parcels is not increased as a result of the Lot Line Adjustment.		2008	regulation	✓		
LU 7.5	Right to Farm. The County shall strive to protect agricultural land against nuisance complaints from nonagricultural land uses though the implementation of the San Joaquin County Right to Farm ordinance and, if necessary, other appropriate regulatory and land use planning mechanisms.			✓	√		
LU 7.7	Agricultural Buffers. The County shall ensure non-agricultural land uses at the edge of agricultural areas incorporate adequate buffers (e.g., fences and setbacks) to limit conflicts with adjoining agricultural operations.	√					
LU 7.8	Farm-Related Housing. The County shall support the development of farm-related housing which facilitates efficient agricultural operations in agricultural areas. The County shall allow the development of farm employee housing and farm labor camps in areas designated General Agriculture (A/G) where there is a demonstrated need for such housing.	√					
LU 7.10	Agricultural Mitigation Program. The County shall continue to require agricultural mitigation for projects that convert agricultural lands to urban uses.				✓	Do on a case by case basis	
LU 7.12	Agricultural Land Conversion Mitigation. The County shall maintain and implement the Agricultural Mitigation Ordinance to permanently protect agricultural land within the County. (~	Do on a case by case basis	
LU 7.16	Williamson Act Contracts Parcel Size. The County shall limit parcels eligible for Williamson Act contracts to those 20 or more acres in size in the			1			

	CHECKLIST FOR IMPLEMENT		GENERAL P		IES REL	ATED TO
	✓ Regulation required		ation optional		iscussion	issue
Development Code Components						
		District	Specific Area	Countywide	Review	
Genera	al Plan Element and Policy	Standards	Designation	Regulations	Process	Comments
	case of prime land or 40 or more acres in the case of nonprime land.					
LU 7.17	Small Parcel Williamson Act Nonrenewals. The County shall file a notice of non-renewal for parcels smaller than ten acres in size which are held in Williamson Act contracts.			~		No codification needed?
	LU 8: Protect open space for its recreationa en space areas throughout the County.	l, agricultur	al, safety, and	environmenta	al value a	nd provide adequate parks
LU 8.1	Open Space Preservation. The County shall limit, to the extent feasible, the conversion of open space and agricultural lands to urban uses and place a high priority on preserving open space lands for recreation, habitat protection and enhancement, flood hazard management, public safety, water resource protection, and overall community benefit.				✓	Done with Zoning Map and findings required for any requested rezoning.
LU 8.2	Open Space Character. The County shall require new development in Resource Conservation designated areas to be planned and designed to maintain the scenic open space character of the surrounding area, including view corridors from highways. New development should use natural landforms and vegetation in the least visually disruptive manner possible, and use design, construction, and maintenance techniques that minimize the visibility of structures.	✓				May need to update Agricultural zones that apply in Open Space/Resource Conservation areas or create a new zone to implement this policy.
that ar	LU 9: Provide for governmental, utility, insti- e located and designed to complement San Jo orhoods and other uses.					
LU 9.1	Adequate Community Supporting Uses. The County shall encourage the development of a broad range of public and private community-supportive facilities and services within Urban Communities to provide places that serve the varied needs of the community, provide for community meeting places, and provide community				✓	We don't recommend codifying; rather, the County could address this in the review process

	CHECKLIST FOR IMPLEMENT SAN JOA		GENERAL P		IES REL	ATED TO
	✓ Regulation required		ation optional		iscussion	issue
		Developme	ent Code Compo			
Conor	al Plan Flament and Policy	District Standards	Specific Area Designation	Countywide Review		Comments
Genero	al Plan Element and Policy and neighborhood landmark buildings and places.	Standards	Designation	Regulations	Process	Comments
LU 9.2	Buffers. The County shall ensure that residential and other non-compatible uses are separated and buffered from major public facilities, such as landfills, airports, and wastewater treatment facilities, using location appropriate measures (e.g., distance, screens, berms).	✓			✓	
	LU 10: Promote a mix of compatible uses in politan Airport.	appropriat	e areas of the	Airport East	Property	at the Stockton
LU 10.1	Property Uses. The County shall encourage the following types of uses within the Airport East Property: those needing direct runway access; those that would benefit from the airport proximity; those that would benefit from the proximity to State Route 99; large corporate tenants; and uses serving the employees within the Airport East Property.	√			✓	We can list these in purpose statements as allowable uses, but not required; factors to be considered in review process, but not codified.
LU 10.3	Development Considerations. The County shall consider the following in any development of the Airport East Property: aviation, employee, and customer safety; marketability of the airport for aviation uses, including attraction of commercial airlines and passengers; use of a portion of the property for a campus-like business park; and use of a portion of the property near State Route 99 for uses serving the freeway traveler.	✓			✓	We can list these in purpose statements as allowable uses, but not required; factors to be considered in review process, but not codified. Standards for a campuslike business park can be included.
LU 10.6	Airport East Property Adjacent Uses. The County shall require land uses adjacent to the airport entry road present a campus-like appearance on the Airport East Property.				✓	
LU 10.8	Prohibited Uses on Airport East Property. The County shall not allow the following types of land uses on the Airport East Property: uses dealing with significant (nonincidental) amounts of hazardous materials; residential and accessory uses; big box retailers, such as	✓				Use regulations will implement this policy.

	CHECKLIST FOR IMPLEMENT		GENERAL P		IES REL	ATED TO
	✓ Regulation required		tion optional		iscussion	issue
		Developme	ent Code Compo	onents		
Genera	l Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations	Review Process	Comments
	warehouse or discount stores and other large retail stores; power centers; factory outlet malls; and\ the following specific land uses: adult entertainment, boutique sales, community assembly, tent revivals, funeral services, agricultural excavations, religious assembly, quarry excavations, dry cleaning plants, inoperable vehicle storage, animal specialty services, recycling, and scrap operations.					
COMN	1UNITIES					
develop	C 1: Maintain a planning framework that proment within City Fringe Areas, while protectes heritage of the County.					
C 1.2	Character and Quality of Life. The County shall encourage new development in Urban and Rural communities to be designed to strengthen the desirable characteristics and historical character of the communities, be supported by necessary public facilities and services, and be compatible with historical resources and nearby rural or resource uses.		√			We don't recommend codifying but can address this policy in purpose statements and design standards and with Adequate Public Facilities requirements.
C 1.3	Protect Established Communities. Within Urban and Rural Communities, the County shall ensure that new development provides sensitive transitions between existing and new neighborhoods, and require new development, both private and public, respect and respond to those existing physical characteristics, buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of each community.		√		✓	Could be part of findings requirements and done on a case by case basis
C 1.5	Orderly and Compact Development. The County shall promote orderly and compact development within Urban and Rural Communities and City Fringe Areas. The County shall direct urban development	√				Done with Zoning Map designations of zones

	CHECKLIST FOR IMPLEMENT		GENERAL P		IES REL	ATED TO
	✓ Regulation required		ation optional		scussion	issue
		·	ent Code Compo			
General	Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations	Review Process	Comments
	to areas within the designated boundary of each Urban and Rural Community.,		8	8		
C 1.6	Promote Infill. The County shall promote infill development within existing Urban and Rural Communities and City Fringe Areas before expanding community boundaries.	1				The Code could have infill development incentives and allow waivers to make infill work
C 1.9	Available Infrastructure. The County shall only approve new development in Urban Communities and City Fringe Areas where adequate infrastructure is available or can be made available from an existing City, agency, or special district for the development, and there are adequate provisions for long-term infrastructure maintenance and operations.			✓		Should there be an explicit Adequate Public Facilities (APF) Ordinance modeled on what Placer County is considering? A General Plan amendment may be needed to allow for alternatives that may include on-site services.
	Goal C 2: Provide a realistic planning area around each Urban Community that provides a framework for economic development, the provision of infrastructure and services, and overall quality of life.					
C 2.4	Development Standards in Urban Communities. The County shall require new development within Urban Communities to meet an urban standard for improvements, including: curbs, gutters, sidewalks, and streets.	√			✓	
C 2.5	Appropriate Land Uses. The County shall plan Urban Communities with those types of urban land uses which benefit from urban services. Permanent uses which do not benefit from such urban services shall be discouraged within Urban Communities. This is not intended to apply to farming or agricultural support uses, provided that such accessory uses are time-limited.	√				
	3: Maintain a long-term planning area arou nity and maintain overall quality of life.	nd each Ru	ral Community	to clearly d	elineate t	he boundaries of each
C 3.2	Development in Rural Communities. The County shall limit development in Rural Communities to those that have adequate public services to accommodate additional population and commercial services that provide for immediate needs of the community's	✓				Again, an APF Ordinance would facilitate implementation

	CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE								
	✓ Regulation required		ation optional		scussion	issue			
		Developme District	ent Code Compo Specific Area	onents Countywide	Review				
General	Plan Element and Policy residents or the surrounding agricultural community.	Standards	Designation	Regulations		Comments			
C 3.4	Public Services in Rural Communities. To use financial resources efficiently, reduce growth pressure, and maintain the character of rural communities, the County shall not develop new urban-level infrastructure in Rural Communities (e.g., curbs, gutters, sidewalks, and public water and sewer systems), unless those changes respond specifically to stated local needs (e.g., Safer Routes to School). The County shall discourage other public agencies from developing urban-level infrastructure within Rural Communities, unless it is part of a project or process to convert the community into an Urban Community. 4: Ensure that all development within City	Fringe Are	as is well plann	√ Adequate	ly sarved	We don't recommend codifying this as its more a question of negotiation with service providers. Could be part of findings though for rezoning and General Plan amendments.			
	Agriculture-Urban Reserve. The County shall, as appropriate, apply the Agriculture-Urban Reserve designation to unincorporated properties within City Fringe Areas that are planned for future development by cities in their general plans.								
C 4.5	City Development Standards. The County shall continue to notify a city whenever the County receives development applications for discretionary development permits within a City Urban Fringe Area, and solicit input from the City on the proposal. Where the Board of Supervisors finds that a proposed urban development is consistent with County General Plan objectives to approve development within a City Fringe Area, the County shall consider requiring the project to meet the development standards of the city in question and connect to City services.				√	We don't recommend codifying the rule on city service standards but could have it as a possible condition of approval, which may be imposed.			
ECON	OMIC DEVELOPMENT SECTION								

	CHECKLIST FOR IMPLEMENT		GENERAL P		IES REL	ATED TO
	✓ Regulation required		ation optional		iscussion	issue
		Developme District	ent Code Compo Specific Area	onents Countywide	Review	
General	Plan Element and Policy	Standards	Designation	Regulations	Process	Comments
	D 1: To maintain a thriving business common a sound tax base.	unity and gr	owing econom	y that provid	les well-p	aying jobs, a high quality of
ED 1.3	Streamline Project Approvals. The County shall continue to identify and implement processes to streamline permitting and licensing procedures for new businesses that result in a net economic benefit to the County through increased tax base or job creation.				√	
ED 1.5	Telecommunications Technology. The County shall support the development of telecommunications infrastructure and services to facilitate the use of the best available technology for business growth, agricultural and industrial innovation, and education and training advancement.			✓		Updated regulations for wireless communications facilities ordinance will address this.
	D 3: To provide opportunities for expansion			sinesses by e	nsuring av	vailability of suitable sites,
appropr ED 3.2	Considerations for New Commercial and Industrial Development. The County shall consider the following factors when reviewing proposed non-agricultural commercial and industrial development applications: Access. New developments should have ready access to major transportation corridors (i.e., freeways and State highways) to limit additional County-funded roadway development and maintenance. Water. New developments must have long-term water supplies to meet the ultimate demand of the development and surrounding area and ensure the continued viability of existing and future development. Infrastructure. New developments must contribute their fair share of adequate infrastructure and services that	d amenities.			•	Could be incorporated into an Adequate Public facilities (APF) ordinance considerations
	are sufficient to meet the ultimate demand of the development and surrounding area and limit additional					

	CHECKLIST FOR IMPLEMENT		GENERAL P		IES REL	ATED TO
	✓ Regulation required		ation optional	_	scussion	issue
		Developme	ent Code Compo	onents		
Gener	al Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations	Review Process	Comments
	County-funded roadway development and maintenance. Efficiency. New development uses should make efficient use of land within the County and limit the conversion of agricultural lands to maintain the economic viability of farms and recreational resources.			0		
ED 3.3	Ensure Adequate Transportation Improvements. The County shall strive to provide an adequate circulation system to support job growth and economic development, connecting critical goods movement facilities and minimizing conflict with other transportation needs.			4		Could be part of an APF ordinance
Goal	ED 4: To support the continued financial gro	wth of the	agricultural se	ctor and ag-r	elated bu	sinesses.
ED 4.2	Vertical Integration. The County shall encourage the vertical integration of agriculture by allowing research, production, processing, distribution, and marketing of agricultural products in agricultural areas, provided such uses do not interfere with surrounding uses.	✓				Facilitated with land use regulations but integration would not be required,
ED 4.5	Certified Farmers Markets. The County shall support efforts of local communities, local farm groups, and the California Department of Food and Agriculture (CDFA) Certified Farmers Market Program to create certified farmers' markets within the County.	✓				We don't recommend codifying this policy. However, the Development Title should include provisions for Farmers' Markets.
ED 4.6	Produce Markets and Stands. The County shall continue to encourage farmer owned- and operated-produce markets and stands within the unincorporated communities and agricultural areas of the County that sell locally-grown farm products.	√				Standards can be set building on adopted produce stand regulations
ED 4.9	Promote Agricultural Innovation. The County shall encourage agricultural innovation, including research and development, biotechnology, sustainable farm practices, agritourism, and nontraditional agricultural operations in order to expand and improve business	✓				The land use regulations can identify some of these and enable them to locate in agricultural zones.

	CHECKLIST FOR IMPLEMENT				IES REL	ATED TO
	✓ Regulation required		VELOPMENT ation optional		scussion	issue
		Developme District	ent Code Compo		Review	
Genera	I Plan Element and Policy	Standards	Specific Area Designation	Countywide Regulations	Process	Comments
	and marketing opportunities for those engaged in agriculture.			J		
	D 5: To provide a variety of tourism opporal economy.	tunities to	market San Joa	quin County	as a tour	ist destination and expand
ED 5.1	Agritourism. The County shall encourage existing and new agritourism opportunities provided they are associated directly with surrounding agricultural products and are secondary and incidental to the areas agricultural production.	✓				
ED 5.3	Recreation and Ecotourism. The County shall promote recreation-based tourism and ecotourism in the Delta, along County waterways, and in other open space areas of the County, provided such activities do not expose private property or agricultural equipment to trespassing or vandalism.	√				
ED 5.4	Outdoor Recreational Venues. The County shall encourage the development of outdoor recreation facilities and venues in the Delta, along County waterways, and in other open space areas of the County to support biking, hiking, horseback riding, camping, bird watching, hunting, and fishing.	✓				
TRAN	SPORTATION AND MOBILITY					
	M I: To maintain a comprehensive and cocimproves the environment, and is safe, effic			sportation sy	stem that	enhances the mobility of
TM 1.6	Automobile Dependency Alternatives. The County shall support public and private efforts where appropriate to provide alternative choices to single occupant driving.	√				Should there be a formal Transportation Demand Management (TDM) program required for large uses?
TM I.II	Transportation System Improvements. The County shall require new development to provide transportation system improvements necessary to serve the development.				✓	With TDM, more flexibility can be offered, which might reduce a developer's costs.
	M 2: To improve County roadways to incluctive transportation modes.	ıde pedestr	ian, bicycle, an	d transit facil	ities to be	etter serve people who use

	CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE							
	✓ Regulation required		ation optional		iscussion	issue		
		Developme	ent Code Compo	onents				
Genero	al Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations	Review Process	Comments		
TM 2.1	Urban Complete Streets. The County shall require new streets within Urban Communities to be designed and constructed to serve all users, including pedestrians, bicyclists, and transit passengers, of all ages and abilities. This includes: creating multi-modal street connections in order to establish a comprehensive, integrated, and connected transportation network for all modes of travel; minimizing curb cuts along non-local streets to improve safety and capacity; planting street trees adjacent to curbs and between the street and sidewalk to provide a buffer between pedestrians and vehicular traffic, where appropriate; constructing sidewalks and bike lanes on both sides of streets, where feasible; including parking options to provide a buffer between pedestrians and vehicular traffic, where appropriate; coordinating with local jurisdictions and SJCOG to ensure multimodal connections are established and maintained between jurisdictions; and incorporating traffic-calming devices such as roundabouts, bulb-outs at intersections, and traffic tables into the transportation system where appropriate to improve safety and encourage travel by active transportation modes.			✓		These would be integrated into the subdivision design standards.		
TM 2.4	Rural Complete Streets. The County shall strive to serve all users on rural roadways in the County and shall design and construct rural roadways to serve safely bicyclists, transit passengers, and agricultural machinery operators. This includes: constructing wide shoulders to provide a safe space for bicyclists, and agricultural machinery vehicles; removing visual barriers along rural roads, particularly near intersections, to improve the visibility of bicyclists; and coordinating with local jurisdictions and SJCOG to ensure multimodal			✓				

	CHECKLIST FOR IMPLEMENT				IES REL	ATED TO
	SAN JOA ✓ Regulation required		VELOPMENT ation optional		iscussion	issue
Genero	al Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations	Review Process	Comments
Gener	connections are established and maintained between jurisdictions.	Standards	Designation	regulations	1100033	Comments
TM 2.7	New Development. The County shall require all new developments to provide their fair share of roadway facilities for alternative transportation modes to reduce automobile demand.			~	✓	An APF ordinance would facilitate this. Also, Division 12 would need to be updated.
TM 2.8	Private Complete Streets. The County shall encourage large private developments (e.g., office parks, apartment complexes, retail centers) to provide internal complete streets that connect to the existing roadway system.			~	1	
Goal '	TM 3: To maintain a safe, efficient, and cost-	effective ro	adway system	for the move	ment of	people and goods.
TM 3.2	Urban Roadways. The County shall require, where feasible, new development in Urban Communities to construct roadways to County standards and complete streets principles, including curb, gutter, and sidewalks. Bike lanes shall be required, where feasible, for improvements identified in the San Joaquin County Bicycle Master Plan.			✓	✓	
TM 3.3	Onsite Circulation Systems. The County shall require new development to design on-site circulation systems and parking facilities to minimize backup on County roadways.			✓	✓	
TM 3.7	Frontage Standards. For developments that are located adjacent to a County roadway, the County shall require access onto County roads.			✓	√	
TM 3.8	Level of Service Implementation. The County shall base the Level of Service for intersections and roadways on AM or PM peak-hour volumes.			1		
TM 3.12	Development Rights-of-Way. The County shall require dedication and improvement of necessary on and offsite rights-of-way at the time of new development, in accordance with the County's Functional Classification,			~	✓	These may need to be amended to be consistent with the General Plan

	✓ Regulation required	? Regula	ation optional	Æ Di	scussion	issue
Genero	al Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations		Comments
	Standard Drawings, and Level of Service Standards.					
TM 3.14	Reduced Parking Requirements. The County may reduce automobile parking area requirements for new developments in exchange for ownersupplied amenities or facilities (e.g., transit facilities, secure bicycle storage facilities) or in-lieu fee payments for public transit.			✓		This can be incorporated into TDM provisions or addressed in separate regulations with the Parking chapter.
Goal	TM 4: To maintain and expand a safe, contin	uous, and c	onvenient bicy	cle system ar	nd pedest	rian network.
TM 4.5	Bicycle Storage. The County shall encourage bicycle storage facilities (i.e., bicycle racks, lockers) at all new major transportation terminals and employment centers consistent with Development Title, Section 9.			√		Shouldn't this be required?
TM 4.9	Parking Facility Design. The County shall ensure that new automobile parking facilities are designed to facilitate safe and convenient pedestrian access, including clearly defined corridors and walkways connecting parking areas with buildings.			✓		Shouldn't this be required?
TM 4.12	Sidewalk Design. The County shall require that sidewalks in Urban Communities and City Fringe Areas be developed at sufficient width to accommodate pedestrians in accordance with the Americans with Disabilities Act.			√		Address through engineering design standards for subdivisions and conditions of approval for discretionary development.
Goal '	TM 6: To maintain congestion management	strategies to	reduce single	-occupant au	tomobile	use.
TM 6.5	Transportation Management Associations. The County shall encourage large commercial, retail, and residential developments to participate in or create Transportation Management Associations (i.e., a public/private partnership to address regional transportation issues).				√	Could be a part of a TDM program The County could facilitate creation of TMAs in which smaller employers can participate in exchange for development incentives.
TM 6.7	Bicyclist Amenities. The County shall encourage new large employers to provide bicycle racks.			✓		Shouldn't this be required?

	CHECKLIST FOR IMPLEMENT	ATION OF	GENEDAI D	I AN POLIC	IEC DEI	ATED TO
			VELOPMENT		.IE3 REL	AILDIO
	✓ Regulation required	? Regula	ation optional	Æ D	iscussion	issue
		Developme	ent Code Compo	onents		
		District	Specific Area	Countywide	Review	
General	Plan Element and Policy	Standards	Designation	Regulations	Process	Comments
TM 7.7	Truck Traffic Noise Minimization. The County shall seek to minimize noise and other impacts of truck traffic, deliveries, and staging in residential neighborhoods.				✓	Performance standards will address noise impacts
	M 8: To ensure that the air transportation		ommodates the	e growth of a	ir comm	erce and general aviation
TM 8.5	Compatible Land Uses. The County shall require that only compatible land uses be permitted near airports, in accordance with the Airport Land Use Plan.	iding uses.			✓	
INFRA	STRUCTURE AND SERVICES					
Goal IS	6 1: To provide residents and businesses qu	ality, cost-e	effective, and su	ıstainable pul	olic facilit	ies and services.
IS 1.2	Infrastructure Standards. The County shall require new developments that include improvements to existing infrastructure or new infrastructure to meet the requirements and standards of the County or other agencies providing services.			✓		Both Division 11 and an APF ordinance can address.
IS 1.8	Infrastructure Financing, Design, and Construction. The County shall require new development to fund the initial financing, design, and construction of required infrastructure facilities. All financing (including operation and maintenance) and improvement plans shall be subject to County review and approval.			√	~	Do on a case by case basis; financing details should not to be quantified beyond what is in Division 12.
IS 1.9	Maximize Use of Existing Facilities. The County shall require new development to be designed and sited to use existing facilities and services to the extent practical and to the extent that such a design and site choice would be consistent with good design principles.			✓	√	Do on a case by case basis
IS 1.12	Easement and Rights-of-Way Protection. The County shall, in coordination with other agencies, ensure that new development does not encroach on existing public facility easements or on areas planned or needed for future rights-of-way (e.g.,			✓	✓	Can do with conditions of approval

	CHECKLIST FOR IMPLEMENT		GENERAL P		IES REL	ATED TO
	✓ Regulation required		ation optional		iscussion	issue
			ent Code Compo			
Genera	Il Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations	Review Process	Comments
	roadways, interchanges) and infrastructure. The County shall require, as necessary, offers of dedication for future easements.					
IS 1.13	Infrastructure Financing. The County shall approve new development only when financial mechanisms are in place to ensure that adopted County service standards are met and that long-term infrastructure and facility maintenance can be provided.				✓	An APF ordinance can address this, as can Division 12.
IS 1.14	Equitable Infrastructure Financing. The County shall ensure that infrastructure and facility financing mechanisms for urban services are imposed equitably and shall require the reimbursement from subsequent developments which benefit from the improved system.				√	Reimbursement agreements can be required.
IS 1.15	Planning for Ultimate Improvement Needs. When necessary to ensure adequate infrastructure for an area planned for development, the County shall require system improvements beyond those necessary for a proposed new development.			~	✓	
IS 1.16	Master Planned Facilities. The County shall require new development including single-parcel development, to provide necessary on-site and off-site infrastructure improvements. Proposed new developments that cannot be served by an existing service provider shall be required to fund preparation of a master plan or specific plan for the parcel and adjacent areas that includes large enough area and mix of uses to support self-sustaining infrastructure service systems; detailed infrastructure and service plan, financing, and maintenance plan; and approval by the Director of Public Works.	✓		*	~	Do on a case by case basis

Goal IS 2: To ensure appropriate public utility agencies are in place for the long-term maintenance of infrastructure and provision of services.

	CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE								
	✓ Regulation required		ation optional		scussion	issue			
		Development Code Components							
General	Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations	Review Process	Comments			
IS 2.6	New Development Requirements. The County shall require new development to provide water, sewer, storm water, and/or street lighting service(s), using one of the following methods, subject to County review and approval: Obtain a will-serve letter from an existing Special District, Community Service District, Mello-Roos Community Facilities District or other non-city public utility agency and obtain LAFCo approval for annexation or out-of-agency service; Obtain a will-serve letter from a city and obtain LAFCo approval for out-of-agency service; Fund the formation of a new Community Service District, Mello-Roos Community Facilities District or other non-County public utility agency that would perform ongoing maintenance.; or When approved by the Director of Public Works, fund the formation of a new County Service Area (CSA) that would provide ongoing maintenance services.	✓		✓		Address with an APF ordinance			
	5 4: To ensure reliable supplies of water for inesses, while promoting water conservatio								
IS 4.8	Water Conservation Measures. The County shall require existing and new development to incorporate all feasible water conservation measures to reduce the need for water system improvements.			√	~	Do with conditions of approval			
IS 4.14	Assessments. The County shall require new developments over 500 dwelling units in size to prepare a detailed water source sufficiency study and water supply analysis for use in preparing a Water Supply Assessment, consistent with any Integrated Regional Water Management Plan or similar water management plan. This shall include analyzing the effect of new development on the water supply of existing users.			✓	✓				
IS 4.15	Test Wells. Prior to issuing building permits for new development that will				✓				

	CHECKLIST FOR IMPLEMENT SAN JOA		GENERAL P		IES REL	ATED TO
	✓ Regulation required		ation optional		iscussion	issue
		Developme District	ent Code Compo Specific Area	Review		
General	Plan Element and Policy	Standards	Designation	Countywide Regulations		Comments
	rely on groundwater, the County shall require confirmation for existing wells or test wells for new wells to ensure that water quality and quantity are adequate to meet the needs of existing, proposed, and planned future development.					
IS 4.19	Water Efficient Landscaping. The County shall encourage water efficient landscaping and use of native, drought-tolerant plants consistent with the Model Landscape Ordinance.			✓		The Model Ordinance will be refined and codified.
	5 5: To maintain an adequate level of service and future residents and businesses, while				porated a	reas to meet the needs of
IS 5.1	Adequate Water Treatment and Distribution Facilities. The County shall ensure, through the development review process, that adequate water, treatment and distribution facilities are sufficient to serve new development and are scalable to meet capacity demands when needed. Such needs shall include capacities necessary to comply with water quality and public safety requirements.				✓	
IS 5.2	Water System Standards. The County shall require the minimum standards for water system improvements provided in Table IS-I for the approval of tentative maps and zone reclassifications.			✓	✓	
IS 5.3	Water Service in Antiquated Subdivisions. The County shall require water service through a public water system prior to issuance of building permits for new residences on parcels less than two acres in antiquated subdivisions. Individual wells may be allowed if public water is not available and all well and sewage requirements can be met. Consistent Fire Protection			✓	✓	
13 3.0	Standards for New Development. The County, in coordination with local water agencies and fire protection				✓	

	CHECKLIST FOR IMPLEMENT	ATION OF	GENERAL P	LAN POLIC	IES REL	ATED TO
			VELOPMENT			
	✓ Regulation required	? Regula	ation optional	∠ D	iscussion	issue
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		District	Specific Area	Countywide		
General	I Plan Element and Policy	Standards	Designation	Regulations	Process	Comments
	agencies, shall ensure consistent and adequate standards for fire flows and fire protection for new development					
	5 6: To ensure wastewater treatment facilities dispose of wastewater.	ies and sept	ic systems are	available and	adequat	e to collect, treat, store,
IS 6.3	Adequate Wastewater Facilities. The County shall ensure through the development review process that wastewater collection, treatment, and disposal facilities are sufficient to serve existing and new development and are scalable to meet capacity demands when needed.				√	
IS 6.4	Wastewater System Standards. The County shall require the minimum standards for wastewater system improvements provided in Table IS-2 for the approval of tentative maps and zone reclassifications.			✓		
IS 6.5	Wastewater System Requirements. For land uses required to be served by public wastewater treatment systems, new development shall be served by an existing public wastewater treatment agency or by a new public utility service agency if no public agency is empowered to provide wastewater treatment services. For land uses not requiring public wastewater treatment systems, 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.			✓	✓	
IS 6.9	Wastewater Facility Infrastructure Fees. As a condition of approval for new developments, the County shall have verification of payment of fees imposed for wastewater infrastructure capacity per the fee payment schedule from the local wastewater agency.				✓	Do with conditions of approval

	CHECKLIST FOR IMPLEMENT		GENERAL P		IES REL	ATED TO
	✓ Regulation required		tion optional		scussion	issue
		Developme	ent Code Compo	onents		
Comoral	Constitution of the state of th		Specific Area	Countywide	Review Process	Comments
	Plan Element and Policy	Standards	Designation	Regulations	Process	
6.10	Alternative Rural Wastewater Systems. For single, stand-alone residences, the County shall support the use of alternative onsite rural wastewater treatment systems that meet the State Water Resources Control Board Onsite Wastewater Treatment Systems Policy and the approved Local Agency Management Plan.			✓		We don't recommend codifying this as a requirement; do on a case by case basis.
	5 7: To manage stormwater from existing an natural water quality, enhance percolation					
IS 7.1	Adequate Stormwater Facilities. The County shall require that stormwater drainage facilities are properly designed, sited, constructed, and maintained to efficiently capture and dispose of runoff and minimize impacts to water quality.			√		We assume the Building Code requires runoff from new development to be discharged on-site or treated.
IS 7.2	Stormwater Drainage System Standards. The County shall require the minimum standards for stormwater drainage system improvements provided in Table IS-3 for the approval of tentative maps and zone reclassifications.			√	*	Do with conditions of approval
PUBLI	C HEALTH AND SAFETY					
Goal P	HS 2: To protect people and property from	n flood haza	ards.			
PHS 2.1	Restrict Uses in Designated Floodways. The County shall restrict uses in designated floodways except those that do not adversely affect flood elevations or velocities and are tolerant of occasional flooding in accordance with the County's Floodplain Management Ordinance.	*		✓		We will propose additional requirements for areas identified in floodplains. Also need to check Gov. Code 65302.9 for additional requirements applicable to Sacramento-San Joaquin Valley.
PHS 2.3	Evaluation of Flood Protection for New Development. The County shall require evaluation of potential flood hazards prior to approval of new development projects to determine whether the proposed development is reasonably safe from flooding and shall				✓	

	CHECKLIST FOR IMPLEMENT		GENERAL P		IES REL	ATED TO
	✓ Regulation required		ation optional		iscussion	issue
Development Code Components						
Genera	ıl Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations	Review Process	Comments
	approve such development consistent with applicable State and Federal laws.					
PHS 2.7	Preservation of Floodway and Floodplains. The County shall preserve floodways and floodplains for non-urban uses in an effort to maintain existing flood carrying capacities, except that development may be allowed in floodplains with mitigation measures that are in conformance with the County's floodplain management ordinance.			√		Done with Zoning Map and overlay designations for flood zones
PHS 2.8	Levee Setbacks and Easements for New Development. The County shall require setbacks and easements for access to levees and channels, where feasible, from new development. On County-owned land, the County shall also provide unobstructed access, where feasible, to levees for maintenance and flood fighting purposes.			~		
PHS 2.9	Dedication of Levee Footprint. The County shall require new development adjacent to an existing or planned levee to dedicate the levee footprint and necessary setback areas in a manner acceptable to the appropriate levee maintaining agency and in compliance with federal and state standards.				√	
Goal F	PHS 4: To minimize the risk of wildland and	urban fire l	hazards.			
PHS 4.2	Residential Densities in High Hazard Areas. The County shall restrict development to rural residential densities or lower and require on-site fire suppression measures in areas with high or extreme wildfire hazards.	√			✓	Done with Zoning Map
PHS 4.3	Fire Prevention Measures. The County shall implement State recommendations for fire prevention in Fire Hazard Severity Zones and require new and/or existing development to provide clearance around structures, use fire-resistant ground cover, build with fire-resistant roofing materials, participate in fuel load reduction, and take other appropriate measures.			✓	√	Do with conditions of approval. Alternative standards for State-designated High Fire Hazard Zones can be included, rather than imposing them on case-by-case basis, but these only apply to a small portion of the County.

	CHECKLIST FOR IMPLEMENT		GENERAL P		IES REL	ATED TO
	✓ Regulation required		ation optional		iscussion	issue
Development Code Components						
Genera	ıl Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations	Review Process	Comments
PHS 4.4	Clear Zones. The County shall require clear zones and regular weed abatement around residential structures in high fire hazard areas and assist property owners in identifying how clear zones should be maintained. (✓	✓	Do with conditions of approval
PHS 4.5	Vegetation and Fuel Management. The County shall require new development in high fire-hazard areas to have fire-resistant vegetation, cleared fire breaks separating communities or clusters of structures from native vegetation, or a long-term comprehensive vegetation and fuel management program consistent with State codes 4290 and 4291 for wildland fire interface and vegetation management.			✓		Standards for vegetation management can be set for these areas.
Goal F	PHS 5: To protect public health, agricultural on.	l crops, scei	nic resources, a	and the built	and natu	ral environments from air
PHS 5.6	Toxic Air Contaminants. The County shall require effective buffers between residential areas and other sensitive receptors and non-residential land uses, such as highways, trucking centers, gasoline dispensing facilities, and dry cleaners, that generate toxic air contaminants.				✓	Also will be addressed through CEQA review
Goal P	HS 6: To reduce greenhouse gas emissions a	s part of th	e Statewide eff	ort to comb	at climate	change.
PHS 6.7	New Development. The County shall require new development to incorporate all feasible mitigation measures to reduce construction and operational GHG emissions.				✓	Do with conditions of approval
Goal F	PHS 7: To protect County residents, visitor	s, and prop	erty from haza	rdous materi	ials and w	vastes.
PHS 7.8	Consistency with Hazardous Waste Management Plan. The County shall require all new development to be consistent with the County Hazardous Waste Management Plan (CHWMP). Any proposed hazardous waste facility, or expansion of an existing hazardous waste facility, shall be consistent with the CHWMP.			✓	✓	Do with conditions of approval

	CHECKLIST FOR IMPLEMENT		GENERAL P		IES REL	ATED TO
	✓ Regulation required		ation optional		iscussion	issue
		Developme	ent Code Compo	onents		
Genera	ıl Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations		Comments
	PHS 8: To promote the safe operation of pu	ublic and pri	· · · · · · · · · · · · · · · · · · ·			of County residents.
PHS 8.1	Land Use Compatibility. The County shall prohibit land uses within unincorporated areas that interfere with the safe operation of aircraft or that would expose people to hazards from the operation of aircraft.	✓			~	
PHS 8.4	Compliance with Federal Aviation Administration (FAA) Regulations. The County shall require development within airport approach and departure zones to be in compliance with FAA Regulations that address objects affecting navigable airspace.	√			✓	
PHS 8.6	Transmission Tower and Lines. The County shall not approve any radio, television, power, or related transmission towers and lines that may conflict with aircraft operations.			~	✓	
Goal F	PHS 9: To protect county residents from th	e harmful a	nd nuisance eff	fects of expo	sure to e	xcessive noise.
PHS 9.1	Noise Standards for New Land Uses. The County shall require new development to comply with the noise standards shown in Tables 9-1 and 9-2 through proper site and building design, such as building orientation, setbacks, barriers, and building construction practices.			~		
PHS 9.2	Airport Noise Compatibility Criteria. The County shall require new development within airport areas of influence be consistent with the Airport Noise Compatibility Criteria in the Airport Land Use Compatibility Plan.				*	Do with conditions of approval
PHS 9.3	Screening Distances. The County shall require new development proposed to be located adjacent to major freeways or railroad tracks to be consistent with the Federal Transit Administration (FTA) noise screening distance criteria.			~	~	Do with conditions of approval
PHS 9.7	Require Acoustical Study. The County shall require a project applicant to prepare an acoustical study for any proposed new residential or other				~	

	CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE								
	✓ Regulation required		ation optional		scussion	issue			
		Developme District	ent Code Compo Specific Area	onents Countywide	Review				
General	Plan Element and Policy	Standards	Designation	Regulations	Process	Comments			
	noise-sensitive development when the County determines the proposed development may expose people to noise levels exceeding acceptable General Plan noise levels.								
PHS 9.8	Require Avigation Easements and Soundproofing Near Airports. The County shall require avigation easements and soundproofing for new residential structures in the 65 dB Ldn contours around a public access airport.				✓				
PHS 9.9	Noise Exemptions. The County shall support the exemption of the following noise sources from the standards in this section: Emergency warning devices and equipment operated in conjunction with emergency situations, such as sirens and generators which are activated during power outages. The routine testing of such warning devices and equipment shall also be exempt provided such testing occurs during the hours of 7:00 am to 10:00 pm. Activities at schools, parks, or playgrounds, provided such activities occur during daytime hours. Activities associated with Countypermitted temporary events and festivals.			✓		Will address in noise performance standards			
NATU	RAL AND CULTURAL RESOURCES								
	ICR 2: To preserve and protect wildlife habital integrity.	oitat areas fo	or the mainten	ance and enl	ancemen	t of biological diversity and			
NCR 2.4	Preservation of Significant Oak Groves. The County shall require new development in the vicinity of significant oak groves to be designed and sited to maximize the long-term preservation of the trees and the integrity of their natural setting.			?		Should there be tree preservation standards for oaks or other heritage trees?			
NCR 2.5	No Net Loss of Wetlands. The County shall not allow development to result in a net loss of riparian or wetland habitat.			?		Replacement also can be addressed with CEQA review; should wetlands no net loss provisions be codified?			

	CHECKLIST FOR IMPLEMENT		GENERAL P		IES REL	ATED TO
	✓ Regulation required		ation optional		iscussion	issue
Development Code Components					I	
Genera	I Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations	Review Process	Comments
NCR 2.6	Criteria for Development Impacts to Wetlands. The County shall not approve new development projects that have the potential to fill wetlands, unless: no suitable alternative site exists for the land use, and the use is considered necessary to the public; there is no degradation of the habitat or numbers of any rare, threatened, or endangered plant or animal species as a result of the project; and habitat of greater quantity and superior or comparable quality will be created or restored to compensate for the loss.				?	Should these be codified?
NCR 2.8	Natural Open Space Buffer. The County shall require a natural open space buffer to be maintained along any natural waterway to provide nesting and foraging habitat and to protect waterway quality.			~		
Goal N	ICR 3: To ensure the quality of water for n	nunicipal an	d industrial use	es, agriculture	e, recreat	tion, and fish and wildlife.
NCR 3.5	Low Impact Development. The County shall require new development to minimize or eliminate stormwater quality and hydro-modification impacts through site design, source controls, runoff reduction measures, best management practices (BMPs), and Low Impact Development.				√	CEQA review can address; should BMP and LID requirements also be quantified? Or, do with conditions of approval?
	ICR 4: To provide for the production of mazards caused by resource extraction.	ineral resou	rces while pro	tecting peop	le, prope	rty, and the environment
NCR 4.2	Discretionary Permit to Protect Mineral Resources. The County shall require all new development in areas of significant sand and gravel deposits, as identified by the State Division of Mines and Geology, to obtain a discretionary permit, conditioned to protect the resources.				✓	Should there be an overlay zone or address only through CEQA review?
NCR 4.3	Land Use Compatibility. The County shall ensure that mineral extraction and reclamation operations are compatible with land uses both on-site and within the surrounding area and are performed				✓	Would need a Zoning Map designation or map reference to implement; otherwise, could be with CEQA review

	CHECKLIST FOR IMPLEMENT				IES REL	ATED TO
	✓ Regulation required		VELOPMENT ation optional		iscussion	issue
Development Code Components						
		District	Specific Area	Countywide	Review	
General	Plan Element and Policy	Standards	Designation	Regulations	Process	Comments
	in a manner that does not adversely affect the environment.					
NCR 4.5	Reclamation Plan. The County shall require a reclamation plan, in accordance with the State Surface Mining and Reclamation Act, to accompany all applications for mining or mineral extraction permits.			√	✓	
	ICR 5: To increase energy independence the ration and efficiency.	rough the u	use of renewab	le energy so	urces and	l improved energy
NCR 5.3	Solar Facility Ordinance. The County shall prepare and maintain an ordinance that guides the permitting, construction, operation, and decommissioning of large-scale solar energy facilities.			√		
NCR 5.9	Shaded Parking Lots. The County shall require parking lots to be shaded in the summertime but allow winter solar access to adjacent buildings and sidewalks.			~		
NCR 5.15	Permitting Oil and Natural Gas Resources. The County shall permit the development of its oil and natural gas resources, consistent with State requirements, provided that such development ensures adequate environmental, public health, and safety protection, and is compatible with the current and projected uses of the land.	4				
Goal N	ICR 6: To protect San Joaquin County's val	uable archit	ectural, histori	ical, archeolo	gical, and	l cultural resources.
NCR 6.7	Adaptive Reuse of Historic Structures. The County shall encourage the adaptive reuse of architecturally significant or historic buildings if the original use of the structure is no longer feasible and the new use is allowed by the underlying land use designation and zoning district.	✓				Overlay historic district and landmark zoning can allow for adaptive reuse.
Goal N	ICR 7: To protect and enhance the unique	scenic featu	ires of San Joac	quin County.		
NCR 7.4	Visually Complementary Development. The County shall require new development adjacent to scenic resources to be sited and	?				Should there be a scenic corridor overlay zone?

	CHECKLIST FOR IMPLEMENT SAN JOA		GENERAL P		IES REL	ATED TO
	✓ Regulation required		ation optional		iscussion	issue
		Developme	ent Code Comp			
Genera	l Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations		Comments
	designed to visually complement those resources, except in MR-Z designated areas.					
NCR 7.5	Require Landscape Plans. The County shall require landscape plans for new development along State- or County-designated scenic routes.			✓		
NCR 7.6	Preservation of Ridgelines and Hill Tops. The County shall ensure that ridgelines and major hill tops remain undeveloped.	?				Should ridgelines be mapped or just rely on hillside development regs?
NCR 7.7	Reducing Light Pollution. The County shall encourage project designs, lighting configurations, and operational practices that reduce light pollution and preserve views of the night sky.			✓		Include specific night sky protection standards?
NCR 7.8	Underground Utility Lines. The County shall require all new electric and communication distribution facilities adjacent to scenic routes to be placed underground, whenever feasible. Where overhead utility lines are unavoidable, every effort should be made to reduce the visual impact through elements of design.			✓	✓	
	NCR 8: To develop and maintain a comprehe County park ratio standards and meet the .					
NCR 8.2	Park Ratio Standard. The County shall encourage and support the development of recreational facilities to serve unincorporated communities at a ratio of 10 acres of regional parks and three acres of local parks per 1,000 residents, except for Mountain House, which has an approved park ratio of not less than five acres of parks per 1,000 population. The County shall consider increasing its park ratio standards to address unmet park needs.			✓		Done with subdivision regulations. Has anything been done on a nexus study to justify an increase in parkland dedication standards? The regional park standard is higher than the Quimby Act would allow.
NCR 8.22	Park Dedication and In-lieu Fees. The County shall require dedication of parkland or in-lieu fees for local parks until other methods of sufficient financing are established. In-lieu fees			✓	✓	

	CHECKLIST FOR IMPLEMENT				IES REL	ATED TO
	SAN JOA ✓ Regulation required		VELOPMENT ation optional		scussion	issue
		Developme	ent Code Compo	onents		
		District	Specific Area	Countywide	Review	
Genera	l Plan Element and Policy	Standards	Designation	Regulations	Process	Comments
	shall: be collected for new developments proposed in the county; include land acquisition and site development costs, such as grading, access, drainage, and fencing; and be given to the agency providing local recreation facilities.					
THE D	ELTA					
	4: To regulate development within the De ecosystems, and continuation of Delta herit		e the long-terr	n viability of	agricultui	ral operations, success of
D 4.7	Delta Development Limitations. The County shall regulate new development within flood hazard areas in the Delta consistent with the statutory requirements contained in the Delta Plan. Increased flood protection shall not provide a basis for new residential designations or increased densities beyond those allowed under zoning and general plan designations.	✓				
D 4.8	Limit Non-Agricultural Uses on Delta Islands. The County shall generally limit development in the Delta islands to water-dependent uses, recreation, and agricultural uses.	✓				
D 4.9	Conversion of Delta Farmland to Wetlands. The County shall not allow the conversion of prime farmland within the Delta into wetlands, with the exception of the Lower San Joaquin River Floodplain, as defined in the Delta Plan.	✓				
Goal D	7: To maintain Delta levees and infrastruct	ture to prov	vide safety and	security to r	esidents,	visitors, and agricultural
resourc			·	·		•
D 7.3	New Development Near Levees. The County shall require new development within the Delta to be set back from levees and areas that may be needed for future levee expansion consistent with local reclamation district regulations and the California Department of Water Resources Central Valley Flood Control Plan. The County shall support efforts to address levee encroachments that are detrimental to levee maintenance.	√			✓	Do with conditions of approval

Element and Policy ELEMENT Provide for a broad range of housing ty County shall seek to identify and gate local governmental constraints are development, improvement, and attenance of the housing stock.	Developme District Standards	ent Code Composition Specific Area Designation			Comments
county shall seek to identify and gate local governmental constraints ne development, improvement, and ntenance of the housing stock.	District Standards ypes and de	Specific Area Designation	Countywide		Comments
county shall seek to identify and gate local governmental constraints ne development, improvement, and ntenance of the housing stock.	Standards pes and de	Designation			Comments
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County shall seek to identify and gate local governmental constraints ne development, improvement, and ntenance of the housing stock.		nsities to meet	. 46.0	fall Can I	in County modidants
gate local governmental constraints ne development, improvement, and ntenance of the housing stock.	√		the needs o	i ali san j	Taquin County residents.
County shall encourage the usage of			✓		
County shall encourage the usage of ed-use residential /office/retail elopments in each community's core entown to support affordable sing.	✓				Done with Zoning Map
ision And Planning For Large is. The County shall allow for her subdivision or development of cific plans for sites over 10 acres that identified in the Housing Element int sites inventory and shall facilitate elopment at the expected redability level for each site. To itate the development of housing for er income households, the County a coordinate with developers on a parcels to encourage land divisions specific plans resulting in parcel sizes facilitate developments affordable to er income households in light of e. Federal, and local financing grams. The County shall offer notives for the development of redable housing including, but not ted to: The County shall offer notive for the subdivision maps include affordable housing units; edited review for the subdivision of er sites into buildable lots where the elopment application can be found sistent with the General Plan, icable Specific Plan, and ronmental Impact Report; and				*	Some of this can be codified, but financial assistance would not as its dependent on outside sources.
single of the engine of the en	sion And Planning For Large s. The County shall allow for er subdivision or development of fic plans for sites over 10 acres that dentified in the Housing Element at sites inventory and shall facilitate lopment at the expected dability level for each site. To tate the development of housing for r income households, the County coordinate with developers on parcels to encourage land divisions pecific plans resulting in parcel sizes facilitate developments affordable to r income households in light of pecific plans resulting in parcel sizes facilitate developments affordable to r income households in light of pecific plans resulting in parcel sizes facilitate developments affordable to r income households in light of pecific plans resulting in parcel sizes facilitate developments affordable to r income households in light of pecific plans resulting in parcel sizes facilitate developments affordable to r income households in light of pecific plans resulting in parcel sizes facilitate developments affordable to r income households in light of pecific plans resulting in parcel sizes facilitate developments affordable to r income households in light of pecific plans resulting in parcel sizes facilitate developments for the development of dable housing including, but not ed to: ity processing of subdivision maps include affordable housing units; dited review for the subdivision of r sites into buildable lots where the lopment application can be found stent with the General Plan, cable Specific Plan, and onmental Impact Report; and cial assistance (based on availability deral, State, local foundations, and te housing funds).	sion And Planning For Large s. The County shall allow for er subdivision or development of fic plans for sites over 10 acres that dentified in the Housing Element at sites inventory and shall facilitate lopment at the expected dability level for each site. To tate the development of housing for r income households, the County coordinate with developers on parcels to encourage land divisions pecific plans resulting in parcel sizes facilitate developments affordable to r income households in light of , Federal, and local financing rams. The County shall offer tives for the development of dable housing including, but not ed to: ity processing of subdivision maps include affordable housing units; dited review for the subdivision of r sites into buildable lots where the lopment application can be found stent with the General Plan, cable Specific Plan, and onmental Impact Report; and cial assistance (based on availability deral, State, local foundations, and te housing funds).	sion And Planning For Large 5. 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CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE							
	✓ Regulation required ? Regulation optional ∠ Discussion issue						
		Development Code Components					
General Plan Element and Policy		District Standards	Specific Area Designation	Countywide Regulations	Review Process	Comments	
Policy 2-2	The County shall continue to provide incentives for the provision of affordable housing, such as density bonuses, flexible development standards, deferred payment of fees, and expedited permit processing.			✓			
Policy 2-3	The County shall seek to preserve existing affordable rental housing, such as subsidized apartments for lower-income households, mobile homes in mobile home parks, and low-cost private rental housing.			?		How are to go with this policy: rent control? Mobile home replacement going beyond State law?	
Policy 2-8	The County shall seek to preserve mobile home parks as a means of conserving the affordable housing stock.			✓		Protections consistent with State law can be codified.	
Policy 2-9	The County shall continue to permit second residential units in single-family zones subject to administrative site plan approval and reasonable standards for minimum lot size, unit size, and parking in accordance with State law.	√		√		An updated ADU Ordinance will address this policy. The ADU Design Manual also will help on implementing this policy.	
Policy 2-12	The County shall not disapprove housing projects affordable to low and moderate income households or impose conditions on such projects so as to make them unaffordable to low and moderate income households or infeasible to construct. Consistent with state law, the County may deny or require modifications to a proposed housing project under the following circumstances: where specific public health and safety requirements cannot be mitigated; where approval would cause disproportionate numbers of low income households in a specific neighborhood; or where approval would cause non-compliance with State or Federal laws or the County's General Plan.				~		
Policy 2-13	The County shall continue to provide density bonuses and other incentives in compliance with State law for projects	✓		✓			

	CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO						
	SAN JOAQUIN DEVELOPMENT TITLE						
	✓ Regulation required	? Regula	ation optional	∠ Di	iscussion	issue	
		Developme	ent Code Compo				
General	Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations	Review Process	Comments	
General	that include very low income housing, low, moderate, or senior housing.	Standards	Designation	regulations	1100033	Comments	
	Goal 3: To provide a range of housing opportunities and services for households with special needs within San Joaquin County.						
Policy 3-6	The County shall ensure equal access to housing by providing reasonable accommodation for individuals with disabilities. The County shall provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to relief from the County's various land use, zoning, or building laws, rules, policies, practices, and/or procedures.			✓		We will include provisions for reasonable accommodations, consistent with federal and State law.	
Policy 3-7	The County shall strive to increase the availability of safe, sound, affordable housing for farmworkers.			?		Details would depend on additional funding for the proposed farmworker housing standards study	
Prog. 3-12	Zoning For Farmworker Housing. The County shall amend the Development Title to allow small farm employee housing (i.e., no more than 36 beds in a group quarters used exclusively for farm employees, or 12 units or spaces designed for use by a single family or household) in all zones that allow agricultural uses.	✓					
providir	Goal 4: To create and maintain healthy neighborhoods by improving the condition of the existing housing stock and providing for a variety of housing types, sizes, price ranges, and densities compatible with the existing character and integrity of residential neighborhoods.						
Policy 4-2	The County shall reject public or private projects that displace residents or disrupt or eliminate established neighborhoods unless they would, on balance, contribute to the public's health, safety, and welfare.				✓	How far to go on displacement policies?	
Policy 4-4	To create a balanced community, the County shall encourage and promote mixed-income neighborhoods by encouraging innovative design (e.g., second units, co-housing, halfplexes, zipper lots, zero-lot lines, alley-loaded parking, six-pack subdivisions, live-work units).	✓		~		These housing types can be addressed in standards for residential zones.	

	CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE					
	✓ Regulation required	? Regula	ation optional	€ D	iscussion	issue
		Developme	ent Code Comp	onents		
General	l Plan Element and Policy	District Standards	Specific Area Designation	Countywide Regulations		Comments
Policy 4-6	The County shall promote quality design and appearance of all new multifamily and affordable housing projects so that they blend in with the existing community fabric, add value to the community's built environment, and strengthen acceptance by the local community.	~		✓		
Goal 6	: To ensure energy efficiency and appropria	te weatheri	zation for all n	ew and exist	ing housii	ng units.
Prog. 6-2	Energy Efficiency Through Planning And Design. Through its subdivision site plan review and design review processes, pre-application meetings, promotional literature available at the permit counter, and the posting of information on energy conservation on the city's web site, the County shall continue to promote energy efficiency in residential land use planning and design through techniques, such as: the layout and configuration of homes to take advantage of solar access, the use of landscaping to reduce heat gain during warm weather, the configuration of new developments to provide opportunities for non-motorized forms of travel, the promotion of infill development to reduce travel distances, and the landscaping of parking areas to provide shade.				~	We don't recommend codifying specific requirements; let Title 24 and the Building Code provide for this.

DYETT & BHATIA

Urban and Regional Planners

1330 Broadway Ste. 604 Oakland, CA 94612 415 956 4300 | www.dyettandbhatia.com

San Joaquin County – Development Code Update Interview Questionnaire Meetings on July _ and ___, 2020

Interviews hosted by County staff and consultant team from Dyett & Bhatia. Opening question: Background and interests of interviewees.

•	V V
1.	What types of development are you involved with, and what are the specific areas of the Development Code with which you are most familiar?
2.	Development Code, such as zoning, subdivisions or signs? Please be as specific as possible:
	a
3.	Which of these problems do you think are most significant in terms of their effect on the nature, location, and quality of development and why?
4.	What changes to regulations would you like to see to achieve quality development in the County? To implement the General Plan and promote the types of development that the County is trying to attract and retain?
	• Do you think that the County's development standards are being met on a site-by-site basis, but as a whole, the overall effect is not what is desired?
	• Does Development Code keep out development that is incompatible with with surrounding uses? Development that is poorly designed?
	 Does the Code provides sufficient incentives to attract businesses to locate here in the County?

5.	How effective are the County's processes that allow flexibility in Code requirements i.e. site approvals, planned development, use permits, deviations, variances, and appeals?
6.	What might it do to encourage infill or reuse of older sites?
7.	How do the parking requirements affect development?
	• Are parking requirements seen as a hindrance to development or expansion of certain uses or in certain locations?
8.	How well do the permitting procedures work for development?
	• Are there decisions that require a Commission hearing action that you think should be made at the Staff level?
9.	What are the most important changes that you would like to see in the Development Code?
	a
	b
	c
10.	TIME PERMITTING: Are you aware of any particular Code issues (e.g. height restrictions, use limitations, development requirements) that affect development in the following areas:
	• Development in particular urban or rural communities?
	• Issues in industrial areas? In agricultural areas? Along the freeways?
	• Recreational uses in the Delta, subject to standards and conformance with General Plan policies – potential need for a new zoning district for the Delta to replace Agricultural zoning?
	Airport safety zones
	• Problematic uses
	• Second dwelling units (also known as accessory dwelling units)
	• Home occupations

- Urban reserve areas (AU-20)
- 11. Are there other issues we have not covered that are important for us to consider?



Community Development Department

Planning · Building · Neighborhood Preservation

Planning Commission Staff Report Item # 1, August 20, 2020 Special Purpose Plan No. PA-2000092 Prepared by: John Funderburg

PROJECT SUMMARY

Applicant Information

Property Owner: Shea Properties, LLC

Project Applicant: Kevin McCook

Project Site Information

Project Location: Located at the southwest corner intersection of Mountain House Pkwy.

and Byron Rd., Mountain House.

254-550-29, -21, -

22, -23, -24, -26, -Parcel Numbers (APN's): Water Supply: Public (MHCSD)

27, -28, -30

C/C (Community **General Plan Designation:** Sewage Disposal: Public (MHCSD) Commercial)

C-C (Community **Zoning Designation:** Storm Drainage: Public (MHCSD) Commercial)

28.97 acres **Project Size:** 100-Year Flood: No(X) Parcel Size: 28.97 acres Williamson Act: No Community: Mountain House **Supervisorial District:** 5

Environmental Review Information

CEQA Determination: Notice of Exemption (Attachment C, Environmental Document)

Project Description

A Special Purpose Plan for a Master Sign Program for the Mountain House Town Center Retail and Commercial Plaza. The objective is to establish Signage Design Criteria guidelines for the new Mountain House Town Center Retail and Commercial Plaza and to provide standards and specifications that assure consistent quality, size, variety and placement for tenant signs throughout the project.

Recommendation

1. Forward Special Purpose Plan Application No. PA-2000092 to the Board of Supervisors with a recommendation for approval with the "Basis for Special Purpose Plan" contained in the staff report. (Attachment D, Basis for Special Purpose Plan)

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NOTIFICATION & RESPONSES

(See Attachment B, Response Letters)

Public Hearing Notices

Legal ad for the public hearing published in the Stockton Record: August 10, 2020.

Number of Public Hearing notices: 16

Date of Public Hearing notice mailing: August 7, 2020.

Referrals and Responses

Project Referral with Environmental
 Determination Date: July 1, 2020

Determination Date: July 1, 2020					
Agency Referrals	Response Date - Referral				
County Departments					
Supervisor District 5					
Community Development					
Building Division					
Fire Prevention Bureau					
Environmental Health	7/13/2020				
Public Works	7/1/2020				
Mosquito & Vector Control					
Sheriff Office					
State Agencies					
CA Dept. of Conservation					
CA Dept. of Health Services					
CA Dept. of Parks & Recreation					
CA Dept. of Water Resources					
CA Division of Aeronautics					
CA Fish & Wildlife Region: 3					
CA Highway Patrol					
CA Regional Water Quality Control Board					
Caltrans – District 10					
Delta Protection Commission					
Delta Stewardship Council					
San Luis Delta-Mendolta Water Authority					

OPR State Clearinghouse #: N/A

Agency Referrals	Response Date - Referral
Local Agencies	
Contra Costa County	
South Fire County Authority	
Reclamation District 773 Fabian Tract	
South SJ Irrigation District	
Air Pollution Control District	
Farm Bureau	
City of Livermore Planning	
Area Flood Control Agency	
SJ Regional Transit District	
Tracy Public Library	
Airport Land Use Commission	
Tracy Public Schools	
Alameda County	
Alameda Flood Control & Water Conservation	
Mountain House Fire District	
BART	
Byron-Bethany Irrigation District	
Reclamation District 1007 Pico & Naglee	
San Joaquin Council of Governments	
SJ Delta Community College	
Modesto Irrigation District	
City of Tracy Planning	
Tracy City Fire Department	
Mountain House Community Service District	
Lammersville Unified School District	

	Response
Agency Referrals	Date -
	Referral
Federal Agencies	
US Army Corps	
US Fish & Wildlife	
Miscellaneous	
AT&T	
Audubon Society	
Buchanan & Byron Airports	
Charter Communications	
Chevron	
Clyde Martin	
Comcast	
Delta Keeper	
Haley Flying Service	
Kathy Perez	
Lisa Vonderbrueggen	
Mountain House Developer	•
Agreement List Old River Improvement	
Association	
PG&E	
Precissi Flying Service	
Sierra Club	
Sierra Club	
Stockton Public Library	
Tracy City Manager	
Transamerica Minerals Co.	

ANALYSIS

Background

On June 4, 2020, the Community Development Department approved Improvement Plan application no. PA-1900293 (IP). The approval included the construction and establishment of the "Mountain House Town Center Retail, Commercial, and Office Plaza". The Plaza will contain a new 55,000-square-foot grocer building, a mini-market, a 3,000-square-foot convenience store and gas station with 8 pumps, and 3 individual commercial/retail/office/restaurant buildings.

On May 3, 2020, the project applicant submitted a Special Purpose Plan application for a Master Sign Program for the approved "Mountain House Town Center Retail, Commercial, and Office Plaza". Pursuant to Development Title Section 9-1710.3 (b), *New Signs on Parcels With Four or More Uses*. The review of new signs on parcels that contain 4 or more existing or proposed uses shall be included in the approved Site Approval, Use Permit, or *Special Purpose Plan*.

According to the applicant,

"The comprehensive Signing at the Mountain House Retail/Commercial/Office Plaza is an integral part of the center's image and appeal, so signs shall be carefully placed and proportioned to the individual architectural façade on which they are located. Care in the design and installation of store signs will enhance the customer's appreciation of individual Tenants and contribute to the project site overall success".

Signage

The current sign ordinance Development Title Chapter 9-1710, existing Mountain House community approvals, and recently approved Mountain House Town Center Retail, Commercial, and Office Plaza were considered and reviewed for consistency with the proposed Master Sign Plan (Special Purpose Plan).

The proposed Master Sign Plan deviates from the current Development Title's sign regulations for the number of free standing monument signs per parcel and size of attached wall signs in the C-C (Community Commercial) Zone. The existing standards in the Development Title limit attached wall signs in this zone to a maximum of 80 square-feet. The proposed attached wall sign for the new Safeway is 150 square-feet.

The Community Development Department has determined that the size and number of the proposed signs are the minimum required to identify and direct the public to the activities, services, and products available on the site. This center will provide a major shopping area for the entire Mountain House Community offering a wide range of products and services.

Also.

The use of a Master Sign Plan (Special Purpose Plan) to deviate from current sign standards is applicable as this site is considered as one project area with three direct street frontages with a mix of commercial, office, and retail land uses. The Community Development Department recommends the Planning Commission forward the Special Purpose Plan to the Board of Supervisors for approval.

CEQA Exemption

Pursuant to Government Code Section 15061(b)(3) this project as described is exempt from the California Environmental Quality Act (CEQA), and a Notice of Exemption will be filed if the project is approved. A project is not subject to CEQA if it can be seen with certainty that there is no possibility that the project may have a significant impact on the environment. This is a Special Purpose Plan for a Master Sign Program and will establish unified and cohesive architectural design standards. This Special Purpose Plan will not alter any existing underlying project approvals for the proposed Mountain House Town Center Retail, Commercial, and Office Plaza.

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RECOMMENDATION

It is recommended that the Planning Commission:

1. Forward Special Purpose Plan Application No. PA-2000092 to the Board of Supervisors with a recommendation for approval with the "Basis for Special Purpose Plan" contained in the staff report.

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Community Development Department

Planning · Building · Neighborhood Preservation

Attachment A
Special Purpose Plan

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Mountain House Town Center

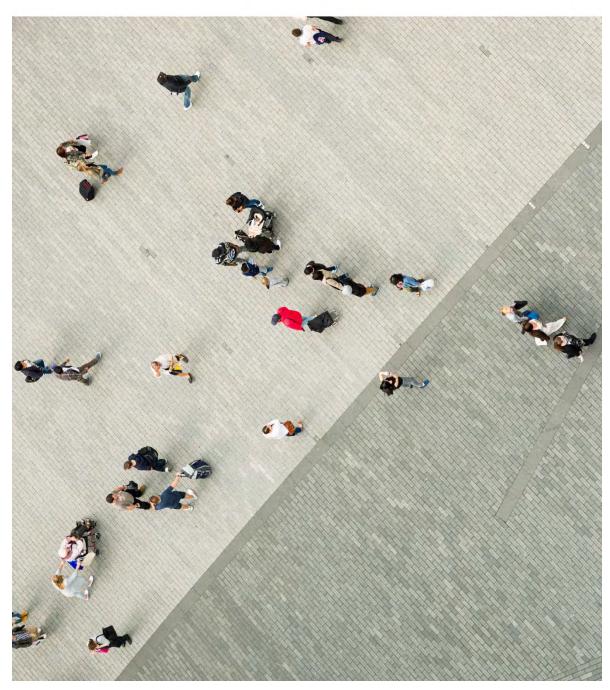
Retail/ Commercial/ Office Plaza

Signage – Special Purpose Plan

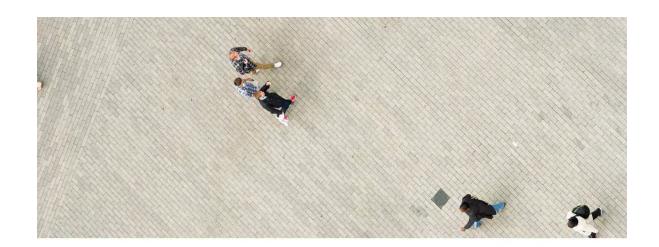
August 04, 2020



iquare Peg Design







Tenant Signage Design Criteria

Objective

The objective of the Tenant Signage Design Criteria guidelines is to provide standards and specifications that assure consistent Fenant signs throughout the project site. quality, size, variety and placement for

The criteria are intended to stimulate creative dialogue between Tenant, Property Manager, invention and achieve the highest standard communication. Such excellence can best and the Property Manager's consultants. be achieved through open and frequent of excellence in environmental graphic

appeal, so signs shall be carefully placed and proportioned to the individual architectural Center Retail/Commercial/Office Plaza is an integral part of the center's image and façade on which they are located. Care in will enhance the customer's appreciation the design and installation of store signs of individual Tenants and contribute to Signing at the Mountain House Town the project site's overall success. Design, fabrication, permitting, and installation any special installation requiring addition or time-clocks, connection to photocells, and of signs, including any structural support, electrical service from Tenant's panel and modification to the shell building requires approval by the Property Manager.

required to implement the sign design concept and installers who are licensed and are well qualified in the techniques and procedures The Tenant shall employ sign fabricators and approved by the Property Manager.

regulations and by all provisions, guidelines The Tenant shall abide by all governmental and criteria contained within the Mountain House Town Center Retail/Commercial/ Office Plaza Signage Purpose Plan.

Only those sign types provided for and specifically approved by the Property drawing package will be allowed. Manager in the Tenants' signage

The Tenant Signage Design Criteria supersedes Mountain House and governing district written Sign Code or regulation regarding the size and placement or storefront signs, the Property permitted under Development Title 9-1700. deviation from the size limitations outlined within, which does not violate any City of If the Tenant can show good cause for a all less restrictive Sign Ordinances as Manager will consider such requests.

Approval Process

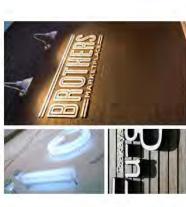
All signs require approval by the Property is to submit a signage drawing package. from the Property Manager, the Tenant Manager. In order to obtain approval The package shall include:

- construction, illumination, electrical, and i. Specifications for colors, materials, installation;
- elevation plans as needed to clearly define ii. Relevant scaled diagrams, cross section construction details; and site, plot, and
- signage will interact with other signs in the all commercial and accessory messaging; including any neighboring signage. This is iii. Photographs showing existing conditions important so the Property Manager and the City may understand how proposed vicinity.

Upon review, the Property Manager will provide to the Oity in order to obtain a signage permit a stamp of approval and/or signature on the drawing package is required to be submitted cover sheet of the signage drawing package to indicate approval. The approved signage



Sign Types and Placement Criteria Primary Tenant Identification Sign:



are allowed a third primary identification sign identification signs located in the designated corners with two or more active storefronts upon approval of the Property Manager. sign zone. Tenants located on building Fenant is allowed up to two primary

depicted in their respective Building Elevations: see Market Building Elevations on pages 14-15; see Gas Station Elevations on page 19. allowed tenant identification locations as The Market Building and Gas Station are

straight line from Lease line to Lease Sign Size: Based upon the Tenant's Leased frontage, as measured in a line for each storefront elevation.

Tenants are to follow Primary Tenant Elevations section: pages 12-19. outlined in the Tenant Building dentification Sign criteria as

Additional Primary Tenant Identification Signs:

primary identification sign per active elevations facing multiple exposures may incorporate one additional storefront exposure, subject to Specific suites with building Landlord's approval.

description of the service. No brand name and a minimum generic word product identity or specific service Signs may identify the business descriptions may be displayed. Blade signs and window text signs shall not count against the Tenant's overall sign square footage allowance.

on the basis of its size and placement. and length, which may differ from the surrounding architectural treatments can dictate the maximum sign height approve or reject any proposed sign general guidelines proposed above. The Landlord reserves the right to NOTE: Specific locations and

Tenant Signage Design Criteria

Sign Types and Placement Criteria: Blade Sign



per storefront exposure. The blade sign program has been established to work Tenants are allowed one blade sign with each Tenant's graphic identity.

non-illuminated. Blade signs shall project enrich the pedestrian environment with building face, and shall be no more than two feet (2'- 6") in overall width and two maximum of six and one quarter (6.25) no more than two feet (2'- 0") from the eet, six inches (2'-6") in height with a The Landlord encourages the Tenant creative use of colors and materials to propose blade sign designs that combined with strong store name identification. Blade signs will be

Clearance from the underside of the blade sign to the finished common Blade signs are generally intended area paving shall be a minimum of square feet of area for each face. to have an equal proportion. eight feet (8'- 0").

wall or suspended from fixed canopy with decorative bracket consistent Blade signs may be attached to with the design of the blade.

responsibility of the Tenant to ensure that overall sign design submission. It is the the fabrication and installation by their be reviewed at the time of the Tenant's Proposals for blade sign designs will contractor includes adequate support for the blade sign.

Sign Types and Placement Criteria: Window Signs and Graphics



Tenants shall be allowed window graphics, not to exceed more than fifteen percent of

on a building frontage. Window graphics can gilded presenting the Tenant name, logo or be concentrated in one window or equally Window applied signs may be allowed on second surface (tenant interior) of glass. Signs may be a decal, hand painted or the ground floor window area and are spread over a tenants occupied space brand.

Sign Types and Placement Criteria: **Drive Through Sign**



maximum 4 sq. ft. of sign area and 4 ft. off grade. landscaped area adjacent to entry drive with a Tenants with drive through service will be allowed (1) one freestanding illuminated entry drive directional sign mounted in



Suite Identification Signs And Store Hours Sign Types and Placement Criteria:



Suite identification signs shall be provided clear vinyl and mounted to second surface indicated in tenant's signage submittals. to the Landlord standard at the Tenant's expense. Signs will include Tenant Suite Fenant can follow or guidelines for area, (interior) of storefront glass. Placement Address, Days and Hours of operation. Storefront suite number, address, and standards and specifications that the store hours printed black on optically should be typical per elevation and Landlord will provide exact design placement and scale if the Tenant wishes to brand their information.

Tenants are allowed to use their own fonts if desired, subject to Landlord approval.

Legally-Required Storefront Signs

Most Tenant suites will include the primary storefront entry doors as a legal means of egress from the

nours" in an upgraded surface mounted provide a sign at storefront entrance to remain unlocked during business interior. If required by code, Tenant doors identifying "these doors are

panel matching the storefront finish. Such

signs shall not be placed as to be visible

from the exterior tenant storefront.

Service Door Signs



shall be provided by the Tenant at the for delivery and emergency purposes. required to identify their service door Tenant's expense. Tenants shall be provide exact design standards and Landlord-designed rear door signs transfer letters indicating the suite letter or number affixed to service above the threshold. Landlord will Tenants shall provide die cut vinyl door centered at five feet (5'- 0") specifications.

Allowable Sign Types and Illumination Methods

Permitted Sign Types

The Signage Purpose plan allows for the following:



- · Mixed media, three-dimensional signs Three (3") to four (4") inches deep
 - halo illuminated letters, white LED the sole discretion of the Landlord and should be proposed only if a LED or neon will be approved at exposed LED or neon. Exposed · Reverse channel letter with or neon halo
- Dimensional, geometric shapes

part of the overall Tenant design concept

- · Front and halo illuminated channel letters
- abraded metals and materials Etched, polished, patinaed or
 - Sand blasted, textured, and/

dimensional letters, pin mounted or burnished metal-leaf faced from façade

- Prismatic face letterforms with full faceted strokes
 - Rounded face letterforms with radius faces and eased edges
- Layered letterforms with face and liner; letter face shall be at least one (1") inch thick, and the liner shall be a minimum of two (2") inches thick
- Screens, grids, or mesh
- Exposed neon as a graphic accent

Prohibited Sign Types

- Unadorned rectangular cabinet signs with translucent or opaque faces
- Awning signs and logos
- sandwich boards, unless specifically Temporary wall signs, pennants, banners, inflatable displays or approved by the Landlord. Projecting Signs
 - Exposed junction boxes, Wires,

by the Landlord (Note: box signs are not allowed, and the use of Window signs unless approved Signs using trim-cap retainers transformers, lamps, tubing, conduits, raceways or neon hanging in display windows crossovers of any type

exposed neon in window displays may be allowed subject to Landlord approval)

- franchise signs, that have not been · Pre-manufactured signs, such as modified to meet these criteria
- · Signs on roofs or equipment screens Paper, cardboard or Styrofoam signs, stickers, or decals hung around or behind storefronts
 - Exposed fasteners, unless
- decorative fasteners are essential · Simulated materials such as to the sign design concept
- · Flashing, oscillating, animated lights wood grained plastic laminates or or other moving sign components, except as specifically approved by wall coverings
- storefront doors or display windows . "Open" or "Closed" signs in the Landlord

Sign Lighting Recommendations



Tenant signs shall be creatively illuminated using a variety of lighting techniques. One or more of the following may be allowed:

- Internally Illuminated acrylic faced Opaque-faced reverse channel (etter with silhouette (halo) channel letters
 - Open channel with exposed or Illumination (LED)
 - decorative neon.
- **Fiber optics**
- integral to the exposed sign design · Incandescent (LED) Light bulbs, if
 - Internally illuminated signs with seamless opaque cabinets and push-through lettering
- must be coordinated with Landlord sign illumination and LED lighting · LED shall be used for all internal project lighting designer and a minimum of 3500K
- allowed as part of the tenant sign No external light fixtures will be Landlord approval

Use of colored neon is subject to

All housings and posts for exposed match or compliment the building façade color immediately behind neon signs shall be painted to and adjacent to the sign



Type Styles, Logos, and Use of Color

Type Styles And Logos

trademarks are included in total sign area, and are subject to sign height standards, submission to assist the Landlord in the but are not subject to sign letter height protected type and marks in their sign multiple lines of copy and may consist locations, provided that these images review process. Logos, graphics and The use of logos and distinctive type styles is encouraged for all Tenants' combined with other graphic and or The Tenant shall identify trademark dimensional elements denoting the are architecturally compatible and The Tenant may adapt established that are in use on similar buildings of upper and/or lower case letters. The typeface may be arranged in type styles, logos and/or images operated by the Tenant in other signs. Sign lettering should be approved by the Landlord. type of business. standards.

Use Of Color

The Project and the individual building selecting colors for Tenants' signing. açade will consist of a variety of The following guidelines are for

encourages the Tenant to consider color and materials. The Landlord these colors when choosing their sign colors.

Tenants are requested to make early color submissions for review by the andlord.

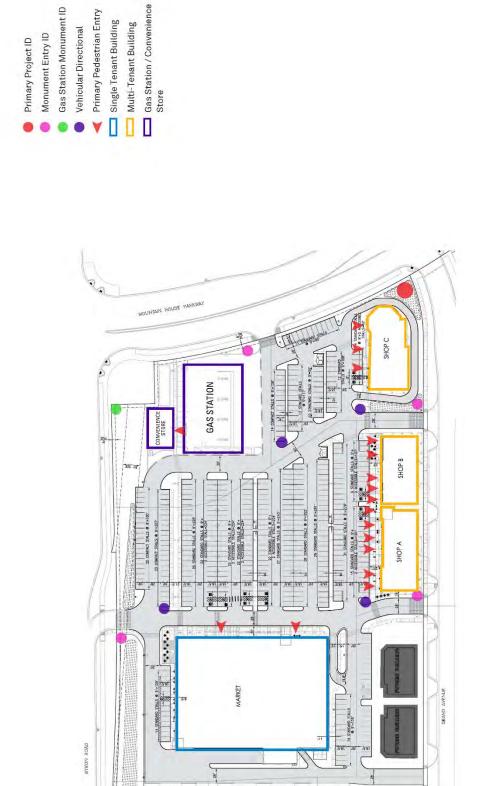
- Signs may incorporate regionally and nationally recognized logo colors
- provide sufficient contrast against · Sign colors shall be selected to building background colors
 - Sign colors shall provide variety. Sign colors shall be compatible with and complement building background colors
- and sophistication
- Color of letter returns shall match daytime readability (black returns contrasting dark grey for good the face of the letter or be a are generally not permitted)
- shall be painted dark when placed Interior of open channel letters against light backgrounds
- LED or neon colors shall complement related signing elements

General Sign Fabrication Criteria

- complimentary to the base building materials. Signs shall be fabricated of durable
 - Dissimilar metals used in sign fabrication gaskets to avoid electrolysis. Additionally, shall be separated with non-conductive stainless steel fasteners shall be used to attach dissimilar metals.
- Threaded rods or anchor bolts shall be used the background panel. Angle clips attached to mount sign letters, which are held off to letter sides will not be permitted.
 - Colors, materials and finishes shall exactly match those submitted to and approved by the Landlord
- Visible welds and seams shall be filled with auto body compound and ground smooth screws or other attachment device shall be visible from any public vantage point before painting. No fasteners, rivets.
- conforming to the highest industry standards Finished metal surfaces shall be free from and runs and shall have a uniform surface oil canning and warping. All sign finishes shall be free of dust, orange peel, drips
- inches (2") off the wall. The letter return depth letters shall have a clear Lexan backing. LED Reverse channel letters shall be pinned two light as required for even light distribution. shall be three (3") to four (4") inches, and
- No labels, plaques, or stickers may be affixed to the sign which are visible to the public.
- Internally illuminated aluminum letters will have white finish for maximum reflection.



Tenant Signage: Location Plan



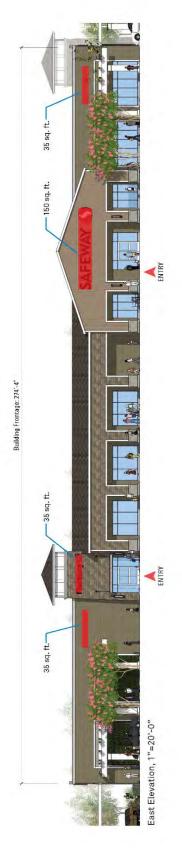


Tenant Signage: Building Elevations



Red Boxes indicate potential sign location and is not indicative of actual sign size. Sign sizes and placement on benature letevation is dependant on allowable sign size per length of actual tenant frontage.





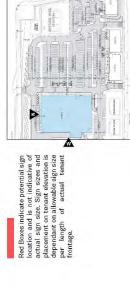
SQPEG

50

2 sq. ft. per 1 ft. of lot frontage = Sign Area Allowed 72/4-4" = 546.8 sq. ft. allowed 469 sq. ft. total signage exhibited primary Tenant ID Max Cap Height: 60" Secondary Service ID Max Cap Height: 30"

Market Building Elevations





Plan View

22 sq. ft.--150 sq. ft. Note on Sign Placement:

All building demising space is for example only Final space plan may change as determined by Landlord & Tenart. Sign placement is representative only Final sign design & location to be determined by Landlord and Tenart. Exhibits for illustrative purposes only to show options for trenant sign placement using estimated sign area.

North Elevation, 1"=20'-0"



2 sq. ft. per 1 ft. of lot frontage = Sign Area Allowed 274-4" = 548.5 sq. ft. allowed 489 sq. ft. total signage achibited 499 sq. ft. total signage achibited Primary Tenart ID Max Cap Height: 50" Secondary Service ID Max Cap Height: 30"

Market Building Elevations



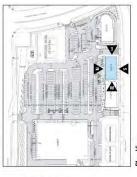
SOPEG

Square Peg Design | Mountain House Town Center - Retail/Commercial/Office Plaza - Signage-Special Purpose Plan | 08.04.2020

Building B Elevations



Red Boxes indicate potential sign location and is not indicative of actual sign size. Sign sizes and placement on tenant elevation is dependant on allowable eign size per length of actual tenant frontage.



1.5 sq. ft. per 1 ft. of tot frontage = Sign Area Allowed 118°-1" = 177.12 sq. ft. allowed 176 sq. ft. total signage exhibited Primary Tenant ID Max Cap Heightt: 24"

Note on Sign Placement:
All building dennising space is for exampte only. Final space plan may change as determined by Landlord & space plan may change as determined by Landlord & lenant. Sign placement is representative only. Final sign design & location to be determined by Landlord and Tenart. Exhibits for illustrative purposes only to show options for tenant sign placement using estimated sign area.

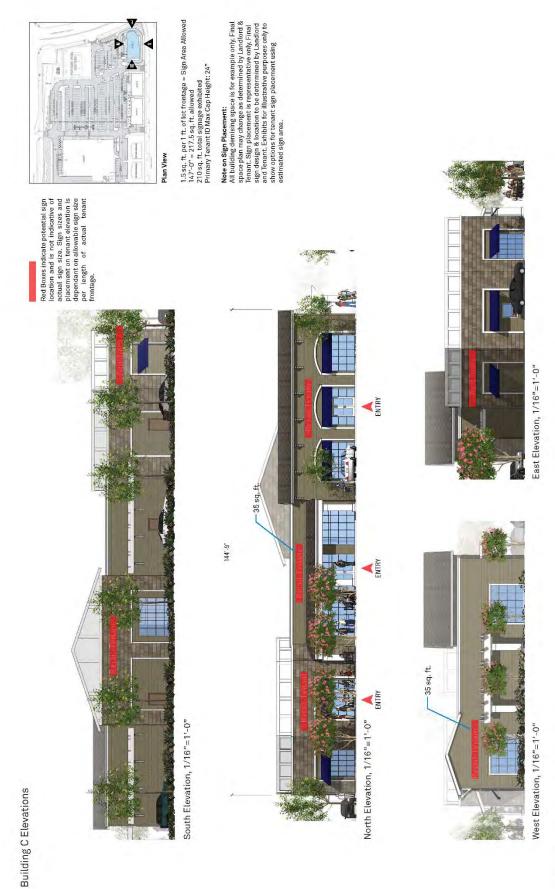




East Elevation, 1/16"=1'-0"



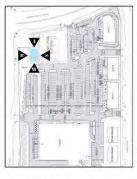




Convenience Store Elevations



Red Boxes Indicate potential sign location and is not indicative of actual signs size. Sign sizes and placement on tenant elevation is dependant on allowable sign size per length of actual tenant frontage.



1.5 sq. ft. per 1 ft. of lot frontage = Sign Area Allowed 72-7" = 108.88 sq. ft. allowed 105 sq. ft. total signage exhibited Primary Tenant ID Max Cap Heightt: 24"

Note on Sign Placement:
All building dennising space is for example only. Final space plan may obtaing as determined by Landlord & space plan may obtaing as determined by Landlord & Tenart. Sign desement is representative only. Final sign design & location to be determined by Landlord and Tenart. Exhibits for illustrative purposes only to show options for tenant sign placement using estimated sign area.





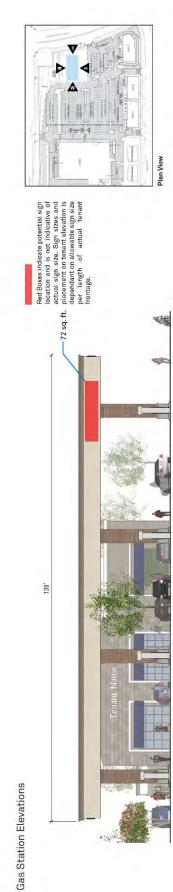


9



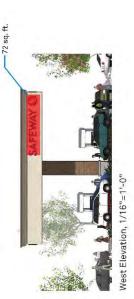
Mountain House Town Center - Retail/Commercial/Office Plaza - Signage-Special Purpose Plan | 08.04,2020 Square Peg Design













10 Square Peg Design | Mountain House Town Center - Retail/Commercial/Office Plaza - Signage-Special Purpose Plan | 08.04.2020

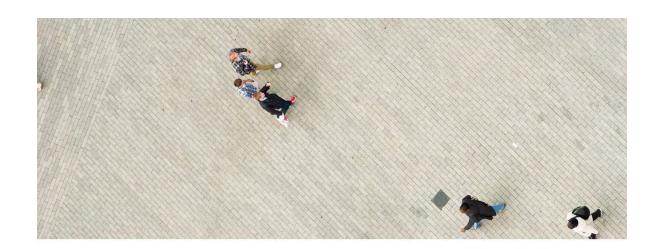
South Elevation, 1/16"=1'-0"

"Cardinal Red" - 3M #3630-53

Vinyl Colors

SUPPORT POLES;
•8" SQUARE TUBE STEEL PAINTED W/ SMOOTH FINISH
• CONCRETE FOOTING PER ENGINEERING

Gas Station Monument ID



Project Site Signage: Circulation Analysis & Location Plan

Site Plan





Site Plan - Phase 1



Project Site Signage: Sign Design Concepts



Square Peg Design | Mountain House Town Center - Retail/Commercial/Office Plaza - Signage-Special Purpose Plan | 08.04.2020 |

Identity & Typography

MOUNTAIN HOUSE VILLAGE

MOUNTAIN HOUSE VILLAGE

Ex. Scale Variations

Place Holder Identities

Design No. 34719 COMMUNITY ORIENTED

GARAGE Elevator D

ABCDEFGHIJKL
MNOPQRSTUVW
XYZabcdefghij
klmnopqrstuvw
x
y
1234567890

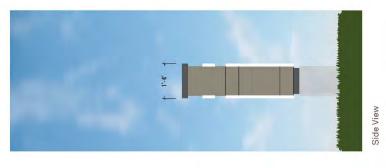
Neutra, Bold

SQPEG

26

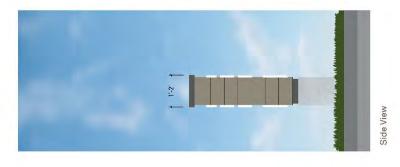
Square Peg Design | Mountain House Town Center - Retail/Commercial/Office Plaza - Signage-Special Purpose Plan | 08,04,2020



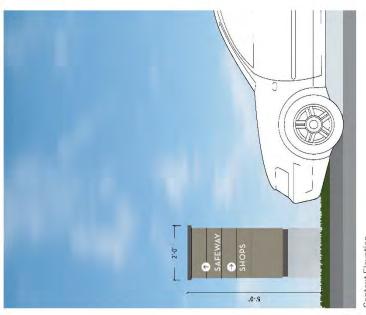


Square Peg Design | Mountain House Town Center - Retail/Commercial/Office Plaza - Signage-Special Purpose Plan | 08.04,2020 | 27





Square Peg Design | Mountain House Town Center - Retail/Commercial/Office Plaza - Signage-Special Purpose Plan | 08.04,2020 | 28







30



Sign Family





Planning · Building · Neighborhood Preservation

Attachment B Response Letters





Department of Public Works

Kris Balaji, Director of Public Works

Fritz Buchman, Deputy Director/Development Jim Stone, Deputy Director/Operations Najee Zarif, Interim Deputy Director/Engineering Kristi Rhea, Manager of Strategic Initiatives

July 1, 2020

$\underline{\mathsf{M}} \underline{\mathsf{E}} \underline{\mathsf{M}} \underline{\mathsf{O}} \underline{\mathsf{R}} \underline{\mathsf{A}} \underline{\mathsf{N}} \underline{\mathsf{D}} \underline{\mathsf{U}} \underline{\mathsf{M}}$

TO:

Community Development Department

CONTACT PERSON: John Funderburg

FROM:

Alex Chetley, Engineering Services Manager AC

Development Services Division

SUBJECT: PA-2000092; A Special Purpose Plan for Master Sign Program for the Mountain House Town Center Retail and Commercial Plaza. The objective of the proposed Signage Design Criteria guidelines for the new Mountain House Town Center Retail and Commercial Plaza is to provide standards and specifications that assure consistent quality, size, variety and placement for Tenant signs throughout the project; located at the southwest corner of the

intersection of Mountain House Parkway and Byron Road, Mountain House.

(Supervisorial District 5)

PROPERTY OWNER: Shea Mountain House, LLC

APPLICANT: Same

ADDRESS: 19629 S. Mountain House Parkway, Mountain House

APN: 254-550-29, -21, -22, -23, -24, -26, -27, -28 & -30

INFORMATION:

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

Mountain House Parkway has an existing and planned right-of-way per Mountain House Community Services District.

Byron Road has an existing and planned right-of-way per Mountain House Community Services District.

RECOMMENDATIONS:

1. None.

AC:CH

1810 East Hazelton Avenue | Stockton, California 95205 | T 209 468 3000 | F 209 468 2999 Follow us on Facebook @ PublicWorksSJC Visit our website: www.sjgov.org/pubworks



Environmental Health Department

Wayne Fox, REHS, Interim Director

PROGRAM COORDINATORS Robert McClellon, REHS Jeff Carruesco, REHS, RDI Willy Ng, REHS Muniappa Naidu, REHS Michael Kith, REHS Melissa Nissim, REHS

July 13, 2020

To:

San Joaquin County Community Development Department

Attention: John Funderburg

From:

Naseem Ahmed; (209) 468-3436

Registered Environmental Health Specialist

RE:

PA-2000092 (PP), Referral, SU0013459

19629 S. Mountain House Pkwy, Mountain House

The Environmental Health Department has no comment, these parcels will be served by public services.

1868 E. Hazelton Avenue | Stockton, California 95205 | T 209 468-3420 | F 209 464-0138 | www.sjgov.org/ehd



Planning · Building · Neighborhood Preservation

Attachment C
Environmental Document



Planning · Building · Neighborhood Preservation

NOTICE OF EXEMPTION

TO:

X

Office of Planning & Research P. O. Box 3044, Room 212 Sacramento, California 95812-3044 FROM:

San Joaquin County Community Development Department

1810 East Hazelton Avenue Stockton, California 95205

X

County Clerk, County of San Joaquin

Project Title: Special Purpose Plan No. PA-2000092

Project Location - Specific: The project site is located at the southwest corner intersection of Mountain House Parkway and Byron Road, Mountain House. (APN/Address: 254-550-29, -21, -22, -23, -24, -26, -27, -28, & -30/19629 S. Mountain House Parkway, Mountain House) (Supervisorial District: 5)

Project Location - City: Mountain House

Project Location - County: San Joaquin County

Project Description: A Special Purpose Plan application for a Master Sign Program for the Mountain House Town Center Retail and Commercial Plaza. The objective is to establish Signage Design Criteria guidelines for the new Mountain House Town Center Retail and Commercial Plaza and to provide standards and specifications that assure consistent quality, size, variety and placement for tenant signs throughout the project.

The Property is zoned C-C (Community Commercial) and the General Plan designation is C/C (Community Commercial).

Project Proponent(s): Shea Properties, LLC / Kevin McCook

Name of Public Agency Approving Project: San Joaquin County Planning Commission

Name of Person or Agency Carrying Out Project: John Funderburg, Principal Planner

San Joaquin County Community Development Department

Exemption Status:

General Exemptions. (Section 15061[b][3])

Exemption Reason:

Processed under the provisions of California Code of Regulations Section 15061(b)(3), which are exempt from CEQA.

This project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines section 15061(b)(3). Section 15061(b)(3) states that "CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." There is no possibility that this project may have a significant effect on the environment and, therefore, the project is not subject to CEQA.

Lead Agency Contact Person:

John Funderburg Phone: (209) 468-3160 FAX: (209) 468-3163 Email: jfunderburg@sjgov.org

Signature:		Date:	
Name:	Domenique Martorella	Title:	Deputy County Clerk
	Signed by Lead Agency		
Date Received	for filing at OPR:		-

Authority cited: Sections 21083 and 21110, Public Resources Code. Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.



Planning · Building · Neighborhood Preservation

Attachment DBasis for Special Purpose Plan

BASIS FOR SPECIAL PURPOSE PLAN

- 1. The proposed Special Purpose Plan is consistent with the General Plan, any applicable Master Plan, and any Specific Plan.
 - This determination can be made because the proposed Special Purpose Plan is consistent with the General Plan policies and Mountain House Master Plan policies for the development of commercial areas. The Master Sign Plan (Special Purpose Plan) regulates the design, style, height, number, and placement for the project site.



Planning · Building · Neighborhood Preservation

Planning Commission Staff Report Item # 2, August 20, 2020 Use Permit No. PA-1800316 Prepared by: Giuseppe Sanfilippo

PROJECT SUMMARY

Applicant Information

Property Owner: Ahmed Hussein

Project Applicant: Schack and Company (C/O: Dylan Wooten)

Project Site Information

Project Address: 7300 W. Delta Ave., Tracy

Project Location: On the south side of W. Delta Ave., 3,000 feet east of S. MacArthur

Dr., Tracy

Parcel Number (APN):

213-020-38 & 41

Water Supply:

Private (Well)

A/G

Sewage Disposal:

AG-40

Private (On-site)

Project Size:3.0 acres100-Year Flood:YesParcel Size:40.39 acresWilliamson Act:YesCommunity:TracySupervisorial District:5

Environmental Review Information

CEQA Determination: Initial Study, Mitigated Negative Declaration. (Attachment C,

Environmental Review)

Project Description

This project is a Use Permit application for a chicken farm for a maximum of 1,500 chickens and an animal processing facility on a 40.39-acre parcel. The project proposes the construction of a 4,000-square-foot agricultural building with 2,400 square-feet utilized as agricultural storage and 1,600 square-feet utilized for animal processing. The project also proposes the construction of two 800-square-foot metal barns within a 6,000-square-foot chicken enclosure. The metal barns will be used for sheltering chickens and for collecting and storing manure. The project site is under a Williamson Act contract. (Use Types: Agricultural Processing-Food Manufacturing, Animal Raising-Small) (See Attachment A, Site Plan)

Recommendation

- 1. Adopt the Mitigated Negative Declaration. (Attachment C, Environmental Review)
- Approve Use Permit No. PA-1800316 with the Findings, Williamson Act Principles of Compatibility, and Conditions of Approval contained in the Staff Report. (Attachment D, Findings for Use Permit, Attachment E-Williamson Act Principles of Compatibility, Attachment F, Conditions of Approval).

NOTIFICATION & RESPONSES

(See Attachment B, Response Letters)

Public Hearing Notices

Legal ad for the public hearing published in the Stockton Record: January 27, 2020.

& August 10, 2020

Number of Public Hearing notices: 57

Date of Public Hearing notice mailing: January 24, 2020. & August 7, 2020

Referrals and Responses

• Early Consultation Date: December 28, 2018

 Project Referral with Environmental Determination Date: December 31, 2019 & July 3, 2020 • Mitigated Negative Declaration Posting Date: December 27, 2019

• OPR State Clearinghouse #: 2019129099

Agency Referrals	Response Date - Early Consultation	Response Date - Referral	Response Date – Revised Referral
County Departments			
Supervisor District 5			
Ag Commissioner			
Animal Control			
Assessor			
Community Development			
Building Division	1/9/2019		
Fire Prevention Bureau			
Enforcement			
Public Works	1/28/2018	7/15/2019	7/6/2020
Environmental Health	1/30/2019	7/19/2019	8/3/2020 & 8/10/2020
Sheriff Office		1/10/2020	
Resource Conservation			
State Agencies			
A.B.C.			
Department of Transportation: 10			
CA N.A.H.C.			
C.H.P.			
C.R.W.Q.C.B.	1/17/2019		7/30/2020
C.V.F.P.B.			
CA Fish & Wildlife, Division: 3			
CA Dept. of Conservation			

Agency Referrals	Response Date - Early Consultation	Response Date - Referral	Response Date – Revised Referral
Federal Agencies	<u>.</u>		
F.A.A.			
F.E.M.A.	1/10/2019	1/9/2020	
Army Corps of Engineers			
Local Agencies			
Mosquito & Vector Control	1/7/2019	1/7/2020	
S.J.C.O.G.	1/9/2019		
San Joaquin Farm Bureau	1/23/2019	1/29/2020	
San Joaquin Air Pollution Control District		2/6/2020	
South San Joaquin County Fire Authority	1/2/2020	1/2/2020	
Naglee-Burk Irrigation District			
Lathrop Irrigation District			
Pescadero Reclamation District 2058	2/6/2020	2/21/2020	8/6/2020
City of Lathrop		2/23/2020	
Miscellaneous			
A.T.&T.			
B.I.A.			
Builders Exchange			
Carpenters Union			
Haley Flying Services			
P.G.&E.	1/3/2019	2/24/2020	
Precissi Flying Service			
Sierra Club			
Banta School District			
Tracy School District			
Delta Commission			
Buena Vista Rancheria			
Delta Stewardship			
California Tribal TANF			
CA Valley Miwok Tribe			
North Valley Yokuts Tribe			
United Auburn Indian Community		7/21/2020	
Delta Keeper			

ANALYSIS

Background

On September 24, 2018, Code Enforcement No. EN-1800411 was initiated at the project site for grading an elevated pad without proper grading permits, installing cargo containers without the benefit of a permit, and Recreational Vehicle storage in the General Agriculture, 40-acre minimum (AG-40) zone. The applicant is in the process of obtaining grading permits for the elevated pad. The parcel is currently located within the Federal Emergency Management Agency Designated Flood Hazard Area designated as Zone AE and the 100-year flood elevation is approximately 22-feet NAVD 1988. If the project is approved, all of the proposed development will be required to be elevated.

On December 18, 2018, this Use Permit was deemed complete for processing. The original project description included a request for up to 3,000 chickens, as well as a proposal for an animal processing facility. This project was originally scheduled to be heard at the February 6, 2020, Planning Commission. Right before the Planning Commission hearing date, the Community Development Department (CDD) received comments from various property owners and a representative of Reclamation District 2058 requesting additional time to review the potential environmental impacts of the project. After reviewing the comments, CDD requested that the Planning Commission continue the project to a date uncertain in order to address the concerns raised by the letters. The continuance was granted and CDD has been diligently working with the applicant to revise the project to address the concerns of the public and agencies.

Ultimately, the applicant reduced the maximum number of chickens proposed by half; from 3,000 to 1,500. In addition, the original project proposal to spread manure on the property amongst crops has been revised and the current project proposal is that all manure will be removed from the site a minimum of one time per month. A revised Manure Management Plan is required as a condition of approval to ensure that the project operates consistently with the approval. The animal processing operation remains unchanged from the original proposal.

Project Level Approval

This project proposes to establish two separate uses. The first use, animal processing, is classified as the Agricultural Processing-Food Manufacturing use type, which may be conditionally permitted in the General Agriculture, 40-acre minimum (AG-40) zone with an approved Use Permit application. The second use, a chicken farm, is classified as the Animal Raising-Small use type, which may be conditionally permitted in the AG-40 zone with an approved Site Approval application. Development Title Section 9-220.7 states that projects that require more than one type of application may be processed concurrently, and the Director shall determine the sequence for action by the Review Authorities. In this case, the Site Approval component for the project is subordinate to the Use Permit component; therefore, this project is processed under the Use Permit application procedure.

The applicant also states that he will have a variety of other livestock, such as cattle, sheep and goats. These animals will be located on the remainder of the parcel and will graze outside of the chicken enclosure. A land use permit is not required to have cattle, sheep and goats on a parcel of this size pursuant to Development Title Tables 9-605.2 (Uses in Agricultural Zones) and 9-1045.3 (Animal Standards).

Flood Zone

As discussed above, the project site is in the AE flood designation. As a result, any new buildings constructed in the flood zone must be elevated a minimum of 22 feet above grade on an elevated pad. As a condition of approval, the Department of Public Works will require that all new construction and the substantial improvements of any structures, including conversion of existing structures, shall be elevated or flood proofed in accordance to San Joaquin County Development Title Section 9-1605.12(a)(b) and (c). The septic system is also required to be constructed on the elevated pad. Because of this requirement, the Environmental Health Department (EHD) also required a Soil Suitability/Nitrate Loading Study (SSNL) prior to project level approval to determine whether the location of the septic system is adequate. According to EHD, the SSNL Study and onsite wastewater treatment system designed by an engineer was reviewed by Questa Engineering Corp, dated September 6, 2019 and the response, dated November 20, 2019. The results were determined to be adequate.

Animal Processing Operations

The applicant's animal processing activities will be small in scope. The applicant states that an average of 1 animal per day will be processed, but that the activity may not occur every day. At the completion of processing, the applicant will take the renderings and place them in a sealed container to be delivered directly to the tallow plant for disposal. The applicant has provided confirmation from a bona fide operator (Sisk Recycling, memo dated June 5, 2019) stating that it has the capacity to accommodate the tallow generated from this animal processing operation (See Attachment B, Response Letters). Additionally, the proposed facility will be regulated by the California Department of Food and Agriculture (CDFA). The CDFA requires any building permitted for animal processing to have a concrete floor so that the ground and groundwater is not contaminated with animal wastes. A 1,600 square-foot portion of a 4,000 square-foot building is proposed for animal processing. Pursuant to Development Title Section 9-605.3(a), the applicant could potentially expand the existing building up to 25% provided the proposed expansion, in the opinion of the Director, will not have a substantial, adverse effect on adjacent property(ies). If an expansion exceeds 25% of floor area, a new land use permit is required.

Chicken Ranch Operations

Development Title Table 9-1045.3 states that a maximum of 35 chickens may be permitted on parcels 3 acres or larger, and only 3 may be roosters. An approved discretionary application for the Animal Raising-Small use type is required for projects that will exceed this number of chickens. A Manure Management Plan dated September 6, 2019, was originally approved by the Environmental Health Department during the review period. The Manure Management Plan stated that the manure generated by the chickens (and other livestock) will be spread throughout the property and utilized as fertilizer for crop production. The applicant has since revised his project to reduce the maximum number of chickens from 3,000 to 1,500. As a result, the applicant has also revised his plans for manure removal. As a condition of approval, EHD will require the approval of a revised Manure Management Plan prior to issuance of any building permits. The Manure Management Plan will include details that are consistent with the information contained in the Initial Study and Mitigated Negative Declaration. Specifically, the chicken manure will be raked and stored within a 3-sided, roofed holding pen (1 of the 800 square-foot metal buildings) with the open side facing the east, opposite of the predominate wind direction. In addition, the applicant will be required to remove manure from the site a minimum of one time per month by a reputable company (this requirement is also included in the Community Development Department conditions of approval). The applicant states he intends to use 1 of 2 bona-fide operators for manure disposal; Ralph Hayes and Sons, Inc., or Keifer Landfill in Sacramento County. The applicant may also choose to dispose of manure at a different reputable company that will accept animal waste.

Modification Request

The applicant has requested a surfacing modification request to use asphalt grindings in lieu of asphalt concrete or Portland cement concrete for all access, circulation and parking areas. Development Title Section 9-1015.9 states that requirements of the chapter may be modified by the Director in cases in which, due to the unusual nature of the establishment proposed or the development proposal submitted for it, the requirements set forth in the Chapter may be considered insufficient or excessive. The Director has reviewed the request, and has determined the substitution of asphalt grindings is appropriate.

Letters Received

Letters of Support: The Farm Bureau submitted 2 letters of support for the project dated January 23, 2019 and January 29, 2020. The department also received 2 letters of support from the public. These letters are included in Attachment B (Response Letters).

Letters of Opposition: CDD received letters of opposition from multiple sources. These letters include a letter from the city of Lathrop, the Pescadero Reclamation District 2058 (sent 3 letters), a developer Califia, LLC (sent 2 letters), multiple letters from 5 different members of the public (See Attachment B, Response Letters). The concerns raised in these letters included the lack of time given for the public to review the project, inconsistent information in the Initial Study, potential air quality impacts, pest control issues, water quality impacts and aesthetic impacts. The Initial Study was revised to correct the inconsistent information and was recirculated for review to provide additional time for agencies and the public to comment.

• Air Quality: The San Joaquin Valley Air Pollution Control District responded in a letter dated February 6, 2020, that the project would not exceed any of the District's significant thresholds. Manure will be collected and disposed of a minimum of one time per month. The manure will be stored in a 3-sided building with a roof to ensure that manure is contained in 1 location. Renderings from animal processing will be contained in a sealed container and taken off-site once per week and recycled at an approved location (Sisk Recycling Company, see letter dated June 5, 2019). All animal processing activities are conducted indoors and, with the removal of renderings on a weekly basis, any potential air quality impacts are considered less than significant. In addition, processing of animals and raising chickens are considered an agricultural operation.

All properties within any zone in San Joaquin County 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."

The project is appropriately located on a property with agricultural zoning that is also surrounded by various agricultural uses.

Pest Control: The applicant states that he will use a pest control company (ex; Orkin Pest Management or Patriot Pet Management). In addition he will spray eco-friendly insecticide and use bait stations, particularly during warmer times of the year. In addition, animal feed will be stored in locked bulk containers stored on-site to reduce the potential for rodents and other varmints. These details will be included in the revised Manure Management Plan filed and enforced by the Environmental Health Department.

Water Quality: All manure will be raked and stored on-site within a covered, 3-sided building.
This will alleviate the potential for manure to leak into the soil during periods of rainy weather.
By removing the manure a minimum of 1 time per month, as proposed as part of the project and required in the conditions of approval, staff determined the potential for any type of water contamination to be less than significant.

Previously, the applicant proposed to distribute manure throughout his property for fertilizer, but he then revised the project to include the monthly removal of all manure. The manure is to be scraped on a weekly basis into the 3-sided building and then removed at a minimum of 1 time per month.

The property owner is required to file a Manure Management Plan with the Environmental Health Department. That Department uses the Plan to regulate the manure management practices. If that Department determines that a property owner is not complying with their Manure Management Plan, then the property owner is subject to enforcement actions and/or fines. In the case of this project, the removal of manure from the site on a monthly basis will be a requirement of the Manure Management Plan *and* a requirement of the land use permit.

Any changes to disposal of the manure will require a Revision of Approved Actions application to amend the condition of approval. A Revision of Approved Actions will require an additional public hearing.

The animal processing facility will not result in any impacts to water quality because any waste generated by the processing of the animals will be contained on-site and will be disposed of off-site when completed.

• <u>Aesthetics</u>: The project is located approximately 800 - 900 feet south of Delta Ave. The nearest residence is located approximately 900 feet north of the project site. To the east, the nearest residence is located approximately 1,700 feet from the project site and to the west the nearest residence is located 1,600 from the developed area of the parcel. Residences to the south are located at least 2,500 feet from the project site. This agricultural project, proposed on an agriculturally zoned parcel, will consist of 3 agricultural buildings of standard height. All development will occur on an elevated pad in conformance with the flood standards. Due to the location of the proposed project and the significant distance between any project-related development and surrounding residences, the potential for aesthetic impacts is considered less than significant.

Williamson Act Principles of Compatibility

The proposed project site is currently under Williamson Act contract No. WA-71-C1-264. The contract restricts development to uses that are compatible with the Williamson Act and Development Title Section 9-1805. "Compatible use" as defined in the Williamson Act includes uses determined by the County to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to contract. (Government Code Section 51201[e]) (Development Title Section 9-1810.3[b]) All findings can be made in the affirmative and can be viewed in Attachment E (Williamson Act Principles of Compatibility).

RECOMMENDATION

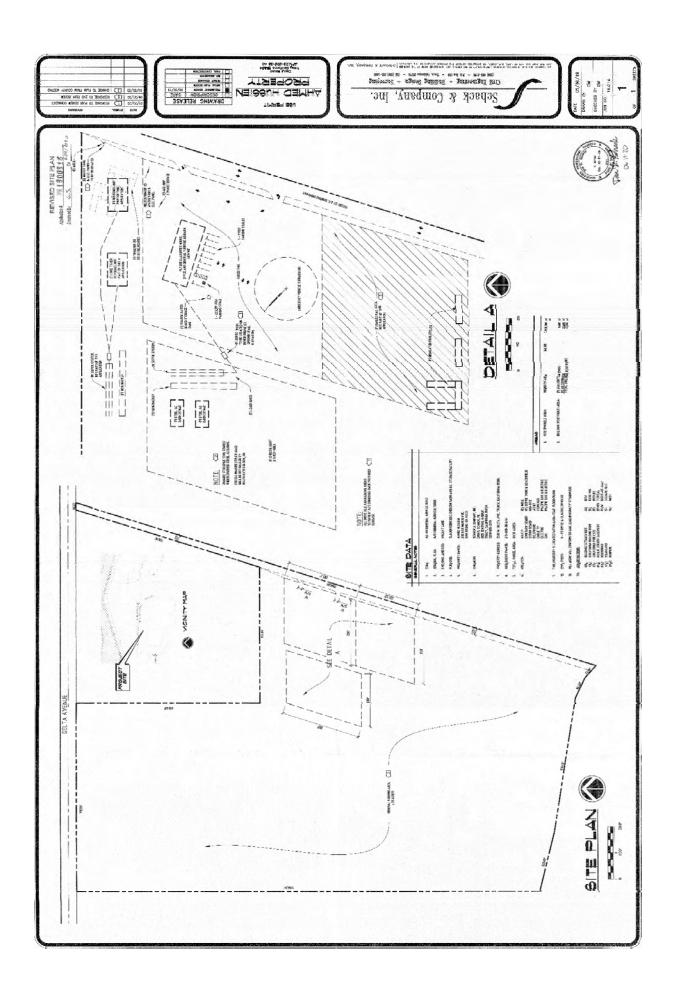
It is recommended that the Planning Commission:

- 1. Adopt the Mitigated Negative Declaration. (Attachment C, Environmental Review)
- 2. Approve Use Permit No. PA-1800316 with the Findings for Use Permit, Williamson Act Principles of Compatibility, and Conditions of Approval contained in the Staff Report. (Attachment D-Findings for Use Permit, Attachment E-Williamson Act Principles of Compatibility, Attachment F-Conditions of Approval)



Planning · Building · Neighborhood Preservation

Attachment A
Site Plan





Planning · Building · Neighborhood Preservation

Attachment B Response Letters



SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

1810 E. HAZELTON AVE., STOCKTON, CA 95205-6232 PHONE: 209/468-3121 FAX: 209/468-3163

DATE: January 9, 2019 PA-1800316 (UP)

Property owner: Ahmed Hussein

Applicant: Same

APN / Address: 7300 West Delta Ave Tracy

Planner: Giuseppe Sanfilippo

Project Description:Slaughterhouse Building and Chicken Enclosure Building

BUILDING CODE REQUIREMENTS: The following California Building Code (CBC) and San Joaquin County Ordinance requirements will be applicable to the proposed project. The following conditions shall be addressed prior to submittal of a building permit application to the Building Inspection Division:

- 1. A building permit for each separate structure or building is required. Submit plans, Specifications and supporting calculations, prepared by a Registered Design Professional (architect or engineer) for each structure or building, showing compliance with The 2016 California Building, Existing Building, Mechanical, Plumbing, Electrical, Energy and Fire Codes as may be applicable. Plans for the different buildings or structures may be combined into a single set of construction documents.
- 2. A grading permit will be required for this project. Submit plans and grading calculations, including a statement of the estimated quantities of excavation and fill, prepared by a Registered Design Professional. The grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of the code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of the code.
- 3. The required plans must be complete at the time of submittal for a building permit. Plans must address building design and construction, fire and life safety requirements, accessibility and show compliance with the current California codes and San Joaquin County ordinances. A complete set of plans must include fire sprinkler plans, truss design submittals, metal building shop drawings, structural plans and calculations, plumbing, electrical and mechanical drawings and energy report.
- 4. A soils report is required pursuant to CBC § 1803 for foundations and CBC appendix § J104 for grading. All recommendations of the Soils Report shall be incorporated into the construction drawings.
- 5. For each proposed new building, provide the following information on the plans:
 - a. Description of proposed use
 - b. Existing and proposed occupancy Groups
 - c. Type of construction
 - d. Sprinklers (Yes or No
 - e. Number of stories

1 | Page

- f. Building height
- g. Allowable floor area
- h. Proposed floor area
- i. Occupant load based on the CBC
- j. Occupant load based on the CPC
- Accessible routes shall be provided per CBC § 11B-206. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve. Where more than one route is provided, all routes must be accessible. §11B-206.2.1
- 8. At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site. §11B-206.2.2
- At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility. §11B-206.2.4
- 10. Parking spaces will be required to accommodate persons with disabilities in compliance with Chapter 11B of the California Building Code. Note that accessible parking spaces are required for each phase of the project. These parking space(s) shall be located as close as possible to the primary entrance to the building.
- 11. Adequate accessible sanitary facilities shall be provided for the facility, per the requirements of Chapter 4 of the California Plumbing Code and Chapter 11B of the California Building Code.
- 12. Pursuant to Section 422.4 of the California Plumbing Code, toilet facilities shall be accessible to employees at all times, should not be more that 500 feet from where employees are regularly employed and accessible by not more than one flight of stairs. The plans shall indicate the location of the toilet facilities and the travel distance from work areas.
- 13. This project will be required to comply with the Model Water Efficient Landscape Ordinance requirements of the California Code of Regulations, Title 22, Division 2, Chapter 2.7

2 | Page





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

RECEIVED

JAN 292019

San Joaquin County

Community Development

January 28, 2018

MEMORANDUM

TO:

Community Development Department CONTACT PERSON: Giuseppe Sanfilippo

FROM:

Alex Chetley, Engineering Services Manager

Development Services Division

SUBJECT:

PA-1800316; A Use Permit application for a slaughterhouse and chicken farm. The project includes the construction of a 4,000 square foot agricultural building to include a 1,600 square foot portion to be utilized as a slaughterhouse. The project also includes the construction of a 6,000 square foot chicken enclosure for a maximum of 600 chickens; located on the south side of Delta Avenue, 3,000 feet east of MacArthur Drive, Tracy. (Supervisorial District 5)

PROPERTY OWNER: Ahmed Hussein

APPLICANT: Same

ADDRESS: 7300 W. Delta Avenue, Tracy

APN: 213-020-38, -41

INFORMATION:

The site is currently located within a Federal Emergency Management Agency Designated Flood Hazard Area designated as Zone AE. The 100-Year Flood Elevation will be approximately 22 feet NAVD 1988.

Delta Avenue has an existing and planned right-of-way width of 60 feet.

RECOMMENDATIONS:

- The Traffic Impact Mitigation Fee shall be required for any incremental traffic resulting from this
 application. The fee is due and payable at the time of building permit application. The fee will be
 based on the current schedule at the time of payment. The fee shall be automatically adjusted July 1
 of each year by the Engineering Construction Cost Index as published by the Engineering News
 Record. (Resolutions R-00-433)
- The Regional Transportation Impact Fee shall be required for any incremental traffic resulting from this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- 3. The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-1135)

1810 East Hazelton Avenue | Stockton, California 95205 | **T** 209 468 3000 | **F** 209 468 2999

- 4. A copy of the Final Site Plan shall be submitted prior to release of building permit.
- 5. An encroachment permit shall be required for all work within road right-of-way. (Note: Driveway encroachment permits are for flatwork only all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-1145.4 and 9-1145.5)
- Prior to issuance of the occupancy permit, the approach for the private drive shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. R-17. (Development Title Section 9-1145.5)
- 7. Permit Registration Documents (PRDs) shall be filed with the State Water Resources Control Board (SWRCB) to comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity". The Waste Discharge Identification Number (WDID) issued by SWRCB, shall be submitted to Public Works for file. Contact SWRCB at (916) 341-5537 for further information. Coverage under the SWRCB General Construction Permit Order 2009-0009-DWQ shall be maintained throughout the duration of all phases of the project.
- 8. Owner shall check with the State Water Resource Control Board (SWRCB) to determine if an Industrial Storm Water Permit will be required.
- All new construction and the substantial improvements of any structures, including conversion of
 existing structures, shall be elevated or floodproofed in accordance to San Joaquin County ordinance
 Code Section 9-1605.12 (a) b, (b) and (c).

Informational Notes:

- (i.) A Solid Waste Diversion Plan for all applicable projects must be submitted to the Building Division of the Community Development Department prior to issuance of the building permit. Contact the Solid Waste Division (468-3066) for information.
- (ii.) This property is subject to the requirements of San Joaquin County Mosquito & Vector Control District (209-982-4675) and the California Health and Safety Code for the prevention of mosquitoes. Best Management Practices (BMP) guidelines for stormwater devices, ponds and wetlands are available.
- (iii.) All future building permits for projects located within a Special Flood Hazard Area at the time of permit issuance shall meet the San Joaquin County flood hazard reduction requirements (Title 9, Chapter 9-1605) and all requirements of the State of California (CCR Title 23) that are in force at the time of permit issuance. As an example, these requirements may include raising the finish floor elevation one foot above the expected flood level and/or using flood resistant materials.

AC:CH

- If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.
- Additionally, an EHD UST permit to operate is required once the approved UST system is installed.
- 5. Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault Aboveground Petroleum Storage Program (HSC Sections 25270.6 & 25270 et sec.)
 - Spill Prevention, Countermeasures and Control (SPCC) Plan requirement
- 6. Threshold quantities of regulated substances stored onsite California Accidental Release Prevention (CalARP) Program (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
 - Risk Management Plan requirement for covered processes





Department of Public Works

Kris Balaji, Director of Public Works

Fritz Buchman, Deputy Director/Development
Alex Chetley, Interim Deputy Director/Engineering
Jim Stone, Deputy Director/Operations
Kristi Rhea, Manager of Strategic Initiatives

RECEIVED

JUL 232019

San Joaquin County
Community Development

July 15, 2019

TO:

MEMORANDUM

Community Development Department

CONTACT PERSON: Giuseppe Sanfilippo

FROM: Awni Taha, Interim Engineering Services Manager

Development Services Division

SUBJECT: PA-1800316; A Use Permit application for a slaughterhouse and chicken farm. The project

includes the construction of a 4,000 square foot agricultural building, with 2,400 square feet utilized as ag storage and 1,600 square feet utilized as a slaughterhouse. The project also proposes the construction of two (2) 800 square foot metal ag barns within a 6,000 square foot chicken enclosure to be utilized as chicken shelters for a maximum of 3,000 chickens; located

on the south side of Delta Avenue, 3,000 feet east of MacArthur Drive, Tracy.

(Supervisorial District 5)

PROPERTY OWNER: Ahmed Hussein APPLICANT: Same

ADDRESS: 7300 W. Delta Avenue, Tracy APN: 213-020-38 & 213-020-41

INFORMATION:

The site is currently located within a Federal Emergency Management Agency Designated Flood Hazard Area designated as Zone AE. The 100-Year Flood Elevation will be approximately 22 feet NAVD 1988.

Delta Avenue has an existing and planned right-of-way width of 60 feet.

RECOMMENDATIONS:

- The Traffic Impact Mitigation Fee shall be required for any incremental traffic resulting from this
 application. The fee is due and payable at the time of building permit application. The fee will be
 based on the current schedule at the time of payment. The fee shall be automatically adjusted July 1
 of each year by the Engineering Construction Cost Index as published by the Engineering News
 Record. (Resolutions R-00-433)
- The Regional Transportation Impact Fee shall be required for any incremental traffic resulting from this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- 3. The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall

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Community Development Department PA-1800316 (UP)

be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-1135)

- 4. A copy of the Final Site Plan shall be submitted prior to release of building permit.
- 5. An encroachment permit shall be required for all work within road right-of-way. (Note: Driveway encroachment permits are for flatwork only all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-1145.4 and 9-1145.5)
- Prior to issuance of the occupancy permit, the approach for the private drive shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. R-17. (Development Title Section 9-1145.5)
- 7. Permit Registration Documents (PRDs) shall be filed with the State Water Resources Control Board (SWRCB) to comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity". The Waste Discharge Identification Number (WDID) issued by SWRCB, shall be submitted to Public Works for file. Contact SWRCB at (916) 341-5537 for further information. Coverage under the SWRCB General Construction Permit Order 2009-0009-DWQ shall be maintained throughout the duration of all phases of the project.
- 8. Owner shall check with the State Water Resource Control Board (SWRCB) to determine if an Industrial Storm Water Permit will be required.
- 9. All new construction and the substantial improvements of any structures, including conversion of existing structures, shall be elevated or floodproofed in accordance to San Joaquin County ordinance Code Section 9-1605.12 (a) b, (b) and (c).

Informational Notes:

- (i.) A Solid Waste Diversion Plan for all applicable projects must be submitted to the Building Division of the Community Development Department prior to issuance of the building permit. Contact the Solid Waste Division (468-3066) for information.
- (ii.) This property is subject to the requirements of San Joaquin County Mosquito & Vector Control District (209-982-4675) and the California Health and Safety Code for the prevention of mosquitoes. Best Management Practices (BMP) guidelines for stormwater devices, ponds and wetlands are available.
- (iii.) All future building permits for projects located within a Special Flood Hazard Area at the time of permit issuance shall meet the San Joaquin County flood hazard reduction requirements (Title 9, Chapter 9-1605) and all requirements of the State of California (CCR Title 23) that are in force at the time of permit issuance. As an example, these requirements may include raising the finish floor elevation one foot above the expected flood level and/or using flood resistant materials.

AT:CH





Department of Public Works

Kris Balaji, Director of Public Works

Fritz Buchman, Deputy Director/Development Jim Stone, Deputy Director/Operations Najee Zarif, Interim Deputy Director/Engineering Kristi Rhea, Manager of Strategic Initiatives

July 6, 2020

$\underline{\mathsf{M}} \; \underline{\mathsf{E}} \; \underline{\mathsf{M}} \; \underline{\mathsf{O}} \; \underline{\mathsf{R}} \; \underline{\mathsf{A}} \; \underline{\mathsf{N}} \; \underline{\mathsf{D}} \; \underline{\mathsf{U}} \; \underline{\mathsf{M}}$

TO:

Community Development Department

CONTACT PERSON: Giuseppe Sanfilippo

FROM:

Alex Chetley, Engineering Services Manager

Development Services Division

SUBJECT: PA-1800316; A Use Permit application for two separate uses. The first use is an animal processing facility that will be conducted within a new 4,000 square foot agricultural building, 2,400 square feet utilized as agricultural storage and 1,600 square feet for animal processing. The facility will process on average of one (1) animal per day. The second use is a chicken farm for a maximum of 1,500 chickens. The chickens will be kept in a fenced enclosure with an area of approximately 6,000 square feet. Within this enclosure there will be two (2) 800 square foot metal agricultural barns for the storage of manure. Manure will be hauled off-site to an approved manure facility a minimum of once per month and not be utilized for crop production on the property. The majority of the remainder of the property will continue to be planted with varying crops. In addition this area may have grazing animals such as goats, sheep or cattle; located on the south side of West Delta Avenue, 3,000 feet

east of South MacArthur Drive, Tracy. (Supervisorial District 5)

PROPERTY OWNER: Ahmed Hussein

APPLICANT: Same

ADDRESS: 7300 W. Delta Avenue, Tracy

APN: 213-020-38 & 213-020-41

INFORMATION:

The site is currently located within a Federal Emergency Management Agency Designated Flood Hazard Area designated as Zone AE. The 100-Year Flood Elevation will be approximately 22 feet NAVD 1988.

Delta Avenue has an existing and planned right-of-way width of 60 feet.

RECOMMENDATIONS:

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Community Development Department PA-1800316 (UP)

- The Traffic Impact Mitigation Fee shall be required for any incremental traffic resulting from this
 application. The fee is due and payable at the time of building permit application. The fee will be
 based on the current schedule at the time of payment. The fee shall be automatically adjusted
 July 1 of each year by the Engineering Construction Cost Index as published by the Engineering
 News Record. (Resolutions R-00-433)
- The Regional Transportation Impact Fee shall be required for any incremental traffic resulting from this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- 3. The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-1135)
- 4. A copy of the Final Site Plan shall be submitted prior to release of building permit.
- An encroachment permit shall be required for all work within road right-of-way. (Note: Driveway
 encroachment permits are for flatwork only all vertical features, including but not limited to
 fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the rightof-way.) (Development Title Sections 9-1145.4 and 9-1145.5)
- Prior to issuance of the occupancy permit, the approach for the private drive shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. R-17. (Development Title Section 9-1145.5)
- 7. Permit Registration Documents (PRDs) shall be filed with the State Water Resources Control Board (SWRCB) to comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity". The Waste Discharge Identification Number (WDID) issued by SWRCB, shall be submitted to Public Works for file. Contact SWRCB at (916) 341-5537 for further information. Coverage under the SWRCB General Construction Permit Order 2009-0009-DWQ shall be maintained throughout the duration of all phases of the project.
- Owner shall check with the State Water Resource Control Board (SWRCB) to determine if an Industrial Storm Water Permit will be required.
- All new construction and the substantial improvements of any structures, including conversion of existing structures, shall be elevated or floodproofed in accordance to San Joaquin County ordinance Code Section 9-1605.12 (a) b, (b) and (c).

AC:CH



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

January 30, 2019

To:

San Joaquin County Community Development Department

Attention: Giuseppe Sanfilippo

From:

Naseem Ahmed; (209) 468-3436 V Environmental Health Specialist

RE:

PA-1800316 (UP), SU0012103

7300 W. Delta Ave, Tracy

The following requirements 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 issuance of building permit(s). (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 the onsite wastewater treatment systems standards of San Joaquin County prior to approval. A percolation test conducted in accordance with the E.P.A. Design Manual - Onsite Wastewater and Disposal Systems is required for each parcel. The fee will be based on the current schedule at the time of payment.

- B. Submit to the Environmental Health Department revised site plans showing the location and configuration of any existing and proposed sewage disposal systems, along with the area required to be reserved for future sewage disposal repair/replacement (area for 100% sewage disposal replacement). The plans shall include the design calculations, including the maximum number of persons the sewage disposal system is proposed to serve. In addition, show on revised plans that the disposal field area will be barricaded so it cannot be driven over, parked on, or used as a storage area. This disposal field area must be used for that specific purpose only, and it cannot contain any underground utility lines (San Joaquin County Development Title, Section 9-1110.4(c)(5)).
- C. Construction of an individual sewage disposal system(s) under permit and inspection by the Environmental Health Department is required at the time of development based on the Soil Suitability/ Nitrate Loading Study findings (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4).

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- D. Construction of an individual domestic water well under permit and inspection by the Environmental Health Department is required at the time of development (San Joaquin County Development Title, Section 9-1115.3).
- E. The existing private water wells shall be tested for the chemical Dibromochloropropane (DBCP) and nitrates with the results submitted to the Environmental Health Department prior to issuance of building permit(s). Samples are to be taken and analyzed by a Stateapproved laboratory (San Joaquin County Development Title, Section 9-1115.7).
- F. The existed well must be repaired under permit and inspection by the Environmental Health Department (San Joaquin County Development Title, Section 9-1115.4(e)) as follows:
 - 1. Install a sanitary surface seal around well casing.
- G. Applicant will need to get written approval from a rendering plant for the disposal of animal waste due to animal slaughter activities or from the Central Valley Regional Water Quality Control Board for discharge to land. That written approval shall be presented to the Environmental Health Department prior to issuance of building permit and/or final occupancy approval (San Joaquin County Development Title, Section 9-1125.5).
- H. Applicant is to prepare a manure management plan outlining the handling of all bird(s) wastes and incorporating vector control measures. (Porter-Cologne Water Quality Act, Chapter 4, Section 13260-13263). The fee will be based on the current schedule at the time of payment.
- I. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at cers.calepa.ca.gov/ and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases).
 - Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. — Hazardous Waste Program (Health &Safety Code (HSC) Sections 25404 & 25180 et sec.)
 - Onsite treatment of hazardous waste Hazardous Waste Treatment Tiered Permitting Program (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
 - 3. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County Hazardous Materials Business Plan Program (HSC Sections 25508 & 25500 et sec.)
 - 4. Any amount of hazardous material stored in an Underground Storage Tank Underground Storage Tank Program (HSC Sections 25286 & 25280 et sec.)



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

July 9, 2019

To:

San Joaquin County Community Development Department

Attention: Giuseppe Sanfilippo

From:

Steven Shih; (209) 468-9850 V

Lead Senior Registered Environmental Health Specialist

RE:

PA-1800316 (UP) (Early Consultation), SU0012103

7300 W. Delta Ave, Tracy

The following requirements 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 issuance of building permit(s). (San Joaquin County Development Title, Section 9-1105.2(d)). The fee will be based on the current schedule at the time of payment.

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- B. Submit to the Environmental Health Department revised site plans showing the location and configuration of any existing and proposed sewage disposal systems, along with the area required to be reserved for future sewage disposal repair/replacement (area for 100% sewage disposal replacement). The plans shall include the design calculations, including the maximum number of persons the sewage disposal system is proposed to serve. In addition, show on revised plans that the disposal field area will be barricaded so it cannot be driven over, parked on, or used as a storage area. This disposal field area must be used for that specific purpose only, and it cannot contain any underground utility lines (San Joaquin County Development Title, Section 9-1110.4(c)(5)).
- C. Construction of an individual sewage disposal system(s) under permit and inspection by the Environmental Health Department is required at the time of development based on the Soil Suitability/ Nitrate Loading Study findings (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4).

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- D. Construction of an individual domestic water well under permit and inspection by the Environmental Health Department is required at the time of development (San Joaquin County Development Title, Section 9-1115.3).
- E. The existing water wells shall be tested for the chemical Dibromochloropropane (DBCP) and nitrates with the results submitted to the Environmental Health Department prior to issuance of building permit(s). Samples are to be taken and analyzed by a State-approved laboratory (San Joaquin County Development Title, Section 9-1115.7).
- F. The existed well must be repaired under permit and inspection by the Environmental Health Department (San Joaquin County Development Title, Section 9-1115.4(e)) as follows:
 - 1. Install a sanitary surface seal around well casing.
- G. Applicant will need to get written approval from a rendering plant for the disposal of animal waste due to animal slaughter activities or from the Central Valley Regional Water Quality Control Board for discharge to land. That written approval shall be presented to the Environmental Health Department prior to issuance of building permit and/or final occupancy approval (San Joaquin County Development Title, Section 9-1125.5).
- H. Applicant is to prepare a manure management plan outlining the handling of all bird(s) wastes and incorporating vector control measures. (Porter-Cologne Water Quality Act, Chapter 4, Section 13260-13263). The fee will be based on the current schedule at the time of payment.
- I. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at <u>cers.calepa.ca.gov/</u> and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases).
 - Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. – Hazardous Waste Program (Health &Safety Code (HSC) Sections 25404 & 25180 et sec.)
 - Onsite treatment of hazardous waste Hazardous Waste Treatment Tiered Permitting Program (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
 - 3. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County Hazardous Materials Business Plan Program (HSC Sections 25508 & 25500 et sec.)
 - Any amount of hazardous material stored in an Underground Storage Tank Underground Storage Tank Program (HSC Sections 25286 & 25280 et sec.)
 - If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.

- Additionally, an EHD UST permit to operate is required once the approved UST system is installed.
- Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault – Aboveground Petroleum Storage Program (HSC Sections 25270.6 & 25270 et sec.)
 - Spill Prevention, Countermeasures and Control (SPCC) Plan requirement
- 6. Threshold quantities of regulated substances stored onsite California Accidental Release Prevention (CalARP) Program (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
 - Risk Management Plan requirement for covered processes



Wayne Fox, REHS, Interim Director

PROGRAM COORDINATORS
Robert McClellon, REHS
Jeff Carruesco, REHS, RDI
Willy Ng, REHS
Muniappa Naidu, REHS
Michael Kith, REHS
Melissa Nissim, REHS

SCANNED

August 3, 2020

To:

San Joaquin County Community Development Department

Attention: Giuseppe Sanfilippo

From:

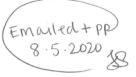
Naseem Ahmed; (209) 468-3436 V

Registered Environmental Health Specialist

RE:

PA-1800316 (UP), Re-Referral, SU0013461

7300 W. Delta Ave, Tracy



The following requirements have been identified as pertinent to this project. Other requirements may also apply. These requirements cannot be modified.

- Questa Engineering Corp reviewed the soil suitability and nitrate loading (SSNL) study and onsite wastewater treatment system (OWTS) designed by an engineer, dated September 6, 2019 and the response, dated November 20, 2019, for the Environmental Health Department (EHD). Based on the information provided, the EHD finds that the SSNL study meets requirements of San Joaquin County and Code Title 9, section 9-1105.2 (d)).
- 2. Submit to the Environmental Health Department revised site plans showing the location and configuration of any existing and proposed sewage disposal systems, along with the area required to be reserved for future sewage disposal repair/replacement (area for 100% sewage disposal replacement). The plans shall include the design calculations, including the maximum number of persons the sewage disposal system is proposed to serve. In addition, show on revised plans that the disposal field area will be barricaded so it cannot be driven over, parked on, or used as a storage area. This disposal field area must be used for that specific purpose only, and it cannot contain any underground utility lines (San Joaquin County Development Title, Section 9-1110.4(c)(5)).
- 3. Construction of an individual sewage disposal system(s) under permit and inspection by the Environmental Health Department is required at the time of development based on the Soil Suitability Study findings (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4).
- 4. All new and replacement water supply and sanitary sewage system shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters (San Joaquin County Development Title, Section 9-1605.13(a).
- 5. Applicant will need to get written approval from a rendering plant for the disposal of animal waste due to animal slaughter activities or from the Central Valley Regional Water Quality Control Board for discharge to land. That written approval shall be presented to the Environmental Health Department prior to issuance of building permit and/or final occupancy approval (San Joaquin County Development Title, Section 9-1125.5).
- 6. A revise manure management plan shall be submitted for approval to the Environmental Health Department to reflect the proposed project. The number of animals per acre shall be consistent with appropriate waste management practices. The fee will be based on the current schedule at the time of payment. Compliance with San Joaquin County Development Title 5, and the California Code of

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Regulations, Title 23, Division 3, Chapter 15, Article 6 shall be addressed in the manure management plan.

Note: Environmental Health Department has received a revised manure management plan dated July 16, 2020.

- 7. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at <u>cers.calepa.ca.gov/</u> and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases). The applicant may contact the Program Coordinator of the CUPA program, Muniappa Naidu (209) 468-3439, with any questions.
 - a. Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. Hazardous Waste Program (Health &Safety Code (HSC) Sections 25404 & 25180 et sec.)
 - Onsite treatment of hazardous waste Hazardous Waste Treatment Tiered Permitting Program (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22. Section 67450.1 et sec.)
 - c. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County Hazardous Materials Business Plan Program (HSC Sections 25508 & 25500 et sec.)
 - d. Any amount of hazardous material stored in an Underground Storage Tank Underground Storage Tank Program (HSC Sections 25286 & 25280 et sec.)
 - i. If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.
 - Additionally, an EHD UST permit to operate is required once the approved UST system is installed.
 - Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault – Aboveground Petroleum Storage Program (HSC Sections 25270.6 & 25270 et sec.)
 - i. Spill Prevention, Countermeasures and Control (SPCC) Plan requirement
 - f. Threshold quantities of regulated substances stored onsite California Accidental Release Prevention (CalARP) Program (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
 - i. Risk Management Plan requirement for covered processes



Wayne Fox, REHS, Interim Director

PROGRAM COORDINATORS
Robert McClellon, REHS
Jeff Carruesco, REHS, RDI
Willy Ng, REHS
Muniappa Naidu, REHS
Michael Kith, REHS
Melissa Nissim, REHS

August 10, 2020

To:

San Joaquin County Community Development Department

Attention: Giuseppe Sanfilippo

From:

Naseem Ahmed; (209) 468-3436

Registered Environmental Health Specialist

RE:

PA-1800316 (UP), Re-Referral, SU0013461

7300 W. Delta Ave, Tracy

The following requirements have been identified as pertinent to this project. Other requirements may also apply. These requirements cannot be modified.

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- 2. Submit to the Environmental Health Department revised site plans showing the location and configuration of any existing and proposed sewage disposal systems, along with the area required to be reserved for future sewage disposal repair/replacement (area for 100% sewage disposal replacement). The plans shall include the design calculations, including the maximum number of persons the sewage disposal system is proposed to serve. In addition, show on revised plans that the disposal field area will be barricaded so it cannot be driven over, parked on, or used as a storage area. This disposal field area must be used for that specific purpose only, and it cannot contain any underground utility lines (San Joaquin County Development Title, Section 9-1110.4(c)(5)).
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- 4. All new and replacement water supply and sanitary sewage system shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters (San Joaquin County Development Title, Section 9-1605.13(a).
- Applicant will need to get written approval from a rendering plant for the disposal of animal waste due to animal slaughter activities or from the Central Valley Regional Water Quality Control Board for discharge to land. That written approval shall be presented to the Environmental Health Department prior to issuance of building permit and/or final occupancy approval (San Joaquin County Development Title, Section 9-1125.5).
- 6. A revise manure management plan shall be submitted for approval to the Environmental Health Department to reflect the proposed project. The number of animals per acre shall be consistent with appropriate waste management practices. The fee will be based on the current schedule at the time of payment. Compliance with San Joaquin County Development Title 5, and the California Code of

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Regulations, Title 23, Division 3, Chapter 15, Article 6 shall be addressed in the manure management plan.

- 7. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at <u>cers.calepa.ca.gov/</u> and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases). The applicant may contact the Program Coordinator of the CUPA program, Muniappa Naidu (209) 468-3439, with any questions.
 - a. Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. Hazardous Waste Program (Health &Safety Code (HSC) Sections 25404 & 25180 et sec.)
 - Onsite treatment of hazardous waste Hazardous Waste Treatment Tiered Permitting Program (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
 - c. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. <u>Carbon dioxide</u> is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County **Hazardous Materials Business Plan Program** (HSC Sections 25508 & 25500 et sec.)
 - d. Any amount of hazardous material stored in an Underground Storage Tank Underground Storage Tank Program (HSC Sections 25286 & 25280 et sec.)
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 - i. Spill Prevention, Countermeasures and Control (SPCC) Plan requirement
 - f. Threshold quantities of regulated substances stored onsite California Accidental Release Prevention (CalARP) Program (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
 - i. Risk Management Plan requirement for covered processes

Zimbra

gsanfilippo@sjgov.org

PA-1800316

From : Harty, Arthur W <AWHarty@sjgov.org>

Fri, Jan 10, 2020 09:34 AM

Subject: PA-1800316

1 attachment

Jece 11 A 1000510

To:gsanfilippo@sjgov.org

Cc: Taiariol, Nicholas <ntaiariol@sjgov.org>

Greetings,

We do not have any concerns with this project itself; however, if there are any objections (whether in writing or verbally), please keep me updated with the nature of such objections as well as future date(s).

Respectfully,

Lieutenant Art Harty
District Commander
San Joaquin County Sheriff's Office
7000 Michael Canlis Blvd.
French Camp, CA 95231
(209) 468-4150 Desk
(209) 468-4167 Fax
awharty@sjqov.org



01/10/2020, 12:55 PM

1 of 1





Central Valley Regional Water Quality Control Board

17 January 2019

Giuseppe Sanfilippo San Joaquin County Community Development Department 1810 East Hazelton Avenue Stockton, CA 95205 **CERTIFIED MAIL** 7018 1830 0001 0062 6726

COMMENTS TO REQUEST FOR REVIEW FOR THE APPLICATION REFERRAL, PA-1800316 (UP) PROJECT, SAN JOAQUIN COUNTY

Pursuant to the San Joaquin County Community Development Department's 28 December 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-1800316 (UP) 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 131.38.

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

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Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, 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/

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 Implementation Policy is available on page 74 at: https://www.waterboards.ca.gov/centralvalley/water issues/basin plans/sacsir 201805.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.sht ml

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 (USACE). If a Section 404 permit is required by the USACE, 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 USACE at (916) 557-5250.

Clean Water Act Section 401 Permit - Water Quality Certification

If an USACE 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.

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

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements - Discharges to Waters of the State

If USACE 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 Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water issues/waste to surface water/

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 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: https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulator y_information/for_growers/coalition_groups/ 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 11-100 acres are currently \$1,277 + \$8.53/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.

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: https://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:

https://www.waterboards.ca.gov/centralvalley/help/permit/

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

Jordan Hensley

Environmental Scientist





Central Valley Regional Water Quality Control Board

30 July 2020

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

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, PA-1800316 - USE PERMIT APPLICATION FOR A SLAUGHTERHOUSE AND CHICKEN FARM PROJECT, SCH#2019129099, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 2 July 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the PA-1800316 - Use Permit application for a slaughterhouse and chicken farm 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

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PA-1800316 - Use Permit application - 2 - for a slaughterhouse and chicken farm Project San Joaquin County

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 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 Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water issues/basin plans/sacsjr 2018 05.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

Pesticide Discharge Permits

If the proposed project involves the application of pesticides at, near, or over waters of the United States that could result in the discharge of pollutants, the proposed project will require coverage under one or more of the State Water Resources Control Board (State Water Board) National Pollutant Discharge Elimination System (NPDES) Pesticide Permits. For more information regarding the Pesticides Permits, visit the State Water Board website at:

https://www.waterboards.ca.gov/water issues/programs/npdes/pesticides/

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

PA-1800316 - Use Permit application - 3 - for a slaughterhouse and chicken farm Project San Joaquin County

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.sht ml

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 (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit - Water Quality Certification

If an USACE 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. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

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Waste Discharge Requirements - Discharges to Waters of the State

If USACE 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 Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water-issues/waste-to-surface-water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wgo/wgo2004-0004.pdf

Waste Discharge Requirements - Discharges to Land

Pursuant to the State Board's Onsite Wastewater Treatment Systems Policy, the regulation of the septic system may be regulated under the local agency's management program.

Please note that only domestic wastewater coming from bathrooms and kitchens should be discharged to septic systems. Cannabis cultivation can generate other wastewaters such as irrigation runoff, water treatment effluent, cleaning agents, and wash waters. Discharges of these wastewaters to an on-site wastewater system such as a septic tank and leach field must obtain separate regulatory authorization, such as waste discharge requirements (WDRs), a conditional waiver of WDRs, or other permit mechanism, prior to discharge. The application to obtain WDRs or a conditional waiver of WDRs can take over a year to process and requires that you characterize the wastewater chemistry and volume. In lieu of discharging to a septic system, Water Board staff recommends that wastewaters from cannabis cultivation activities be discharged to a holding tank and then hauled by a servicing company to a community wastewater treatment plant for disposal.

For more information on waste discharges to land, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water issues/waste to land/index.shtm

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

xx July 2020

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General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. 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 Threat 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/wgo/wgo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.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:
 https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/reg
 - https://www.waterboards.ca.gov/centralvalley/water issues/irrigated lands/regulatory information/for growers/coalition groups/ 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 11-100 acres are currently \$1,277 + \$8.53/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.

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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:

https://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: https://www.waterboards.ca.gov/centralvalley/help/permit/

If you have questions regarding these comments, please contact me at (916) 464-4856 or Nicholas. White@waterboards.ca.gov.

Nicholas White

Water Resource Control Engineer

State Clearinghouse unit, Governor's Office of Planning and Research,

Sacramento

U.S. Department of Homeland Security FEMA Region IX 1111 Broadway, Suite 1200 Oakland, CA. 94607-4052



January 10, 2019

Giuseppe Sanfilippo, Project Manager Community Development Department Development Services Division 1810 East Hazelton Avenue Stockton, California 95205

Dear Mr. Sanfilippo:

This is in response to your request for comments regarding Application Referral Application Number PA 1800316 (UP) (APN/Address: 213-020-38, -41/7300 West Delta Avenue, Tracy) (Supervisorial District 5).

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of San Joaquin (Community Number 060299), Maps revised October 20, 2016 and City of Tracy (Community Number 060303), Maps revised October 16, 2009. Please note that the City of Tracy, San Joaquin County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials. A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

Giuseppe Sanfilippo, Project Manager Page 2 December 18, 2018

• Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Tracy floodplain manager can be reached by calling Kevin Jorgensen, Chief Building Official, at (209) 831-6415. The San Joaquin County floodplain manager can be reached by calling John Maguire, Engineering Services Manager, at (209) 953-7617.

If you have any questions or concerns, please do not hesitate to call Brian Trushinski of the Mitigation staff at (510) 627-7183.

Sincerely,

Gregor Blackburn, CFM, Branch Chief Floodplain Management and Insurance Branch

cc:

Kevin Jorgensen, Chief Building Official, City of Tracy John Maguire, Engineering Services Manager, San Joaquin County Ray Lee, WREA, State of California, Department of Water Resources, North Central Region Office

Brian Trushinski, NFIP Planner, DHS/FEMA Region IX Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

U.S. Department of Homeland Security FEMA Region IX 1111 Broadway, Suite 1200 Oakland, CA. 94607-4052



January 9, 2020

Giuseppe Sanfilippo, Project Manager San Joaquin County Community Development Department 1810 E. Hawthorne Avenue Stockton, California 95205

Dear Mr. Sanfilippo:

This is in response to your request for comments regarding Application Referral Early Consultation Application Number PA 1800316 (UP), Use Permit application (APN/Address: 213-020-38, -41/7300 West Delta Avenue, Tracy) (Supervisorial District 5) dated December 31, 2019.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of San Joaquin (Community Number 060299), Maps revised October 20, 2016 and City of Tracy (Community Number 060303), Maps revised October 16, 2009. Please note that the City of Tracy, San Joaquin County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials. A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

Giuseppe Sanfilippo, Project Manager Page 2 January 9, 2020

• Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Tracy floodplain manager can be reached by calling Kevin Jorgensen, Chief Building Official, at (209) 831-6415. The San Joaquin County floodplain manager can be reached by calling John Maguire, Engineering Services Manager, Flood Management Division, at (209) 953-7617.

If you have any questions or concerns, please do not hesitate to call Patricia Rippe at (510) 627-7015 or Julia Gillespie at (510) 627-7248 of the Mitigation staff.

Sincerely,

Gregor Blackburn, CFM, Branch Chief Floodplain Management and Insurance Branch

cc:

Kevin Jorgensen, Chief Building Official, City of Tracy

John Maguire, Engineering Services Manager, Flood Management Division, Public Works Department, San Joaquin County

Ray Lee, WREA, State of California, Department of Water Resources, North Central Region Office

Patricia Rippe, Senior Floodplain Specialist, DHS/FEMA Region IX Julia Gillespie, Floodplain Specialist, DHS/FEMA Region IX

Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX



ED LUCCHES! MANAGER

BOARD OF TRUSTEES

GARY LAMBDIN PRESIDENT CITY OF STOCKTON

JAY COLOMBINI VICE PRESIDENT SAN JOAQUIN COUNTY

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GREGORY O'LEARY SAN JOAQUIN COUNTY

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GREG SELNA CITY OF TRACY

MARC WARMERDAM SAN JOAQUIN COUNTY

LEGAL ADVISOR CHRISTOPHER K ELEY January 7, 2019

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

Re: PA-1800316 (UP)

San Joaquin County Mosquito and Vector Control District has reviewed the listed application referral(s) and provides the following comment(s):

1. PA-1800316 (UP):

 Applicant must incorporate mosquito prevention best management practices for the design, construction, operations and maintenance of the proposed stormwater pond (copy of mosquito prevention/stormwater management guidelines attached).

Do not hesitate to contact me if you have any questions or need additional information.

Sincerely

John Fritz

Assistant Manager

7759 S. AIRPORT WAY, STOCKTON, CALIFORNIA 95206-3918 (209) 982-4675 · FAX (209) 982-0120 · www.sjmosquito.org

General Stormwater Management Mosquito Control BMPs

- Ensure Mosquito Control Agencies have access to infrastructure to inspect or make appropriate treatments when necessary.
- Manage sprinkler and irrigation systems to minimize runoff entering stormwater infrastructure.
- Avoid intentionally running water into stormwater systems by not washing sidewalks and driveways, washing cars on streets or driveways, etc.
- Inspect facilities weekly during warm weather for the presence of standing water or immature mosquitoes.
- Remove emergent vegetation and debris from gutters and channels that accumulate water.
- Consider mosquito production during the design, construction, and maintenance of stormwater infrastructure.
- Design and maintain systems to fully discharge captured water in 96 hours or less.
- · Include access for maintenance in system design.
- Design systems with permanent water sources such as wetlands, ponds, sumps, and basins to minimize mosquito habitat and plan for routine larval mosquito inspection and control activities with the assistance of a local mosquito control program.

Stormwater Treatment Ponds and Constructed Treatment Wetlands

- Whenever possible, stock stormwater ponds and constructed wetlands with mosquito-eating fish available from local mosquito control programs.
- Design and maintain accessible shorelines to allow for periodic maintenance and/or control of emergent and shoreline vegetation, and routine monitoring and control of mosquitoes. Emergent plant density should be routinely managed so mosquito predators can move throughout the vegetated areas and are not excluded from pond edges.
- Whenever possible, design and maintain deep zones in excess of four feet (1.2 m) to limit the spread of invasive emergent vegetation such as cattails. The edges below the water surface should be as steep as practicable and uniform to discourage dense plant growth that may provide immature mosquitoes with refuge from predators and increased nutrient availability.
- Use concrete or liners in shallow areas to discourage plant growth where vegetation is not necessary.
- · Whenever possible, provide a means for easy dewatering if needed.
- Manage the spread and density of floating and submerged vegetation that encourages mosquito production (i.e., water hyacinth, water primrose, parrot's feather, duckweed, and filamentous algal mats).
- If possible, compartmentalize managed treatment wetlands so the maximum width of ponds does not exceed two times the effective distance (40 feet [12 m]) of land-based application technologies for mosquito control agents

Reference:

Best Management Practices for Mosquito Control in California (July 2012) Vactor-Borne Disease Section California Department of Public Health http://www.westnile.ca.gov/resources.php



ED LUCCHESI MANAGER

BOARD OF TRUSTEES

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GARY HASKIN CITY OF ESCALON

MICHAEL MANNA SAN JOAQUIN COUNTY

GREGORY O'LEARY

GLENN PAGE CITY OF MANTECA

GREG SELNA CITY OF TRACY

MARC WARMERDAM

SAN JOAQUIN COUNTY

LEGAL ADVISOR CHRISTOPHER K. ELEY January 7, 2020

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

Re: PA-1800316 (UP)

San Joaquin County Mosquito and Vector Control District has reviewed the listed application referral(s) and provides the following comment(s):

- 1. PA-1800316(UP):
 - Applicant must incorporate mosquito prevention best management practices for the design, construction, operations and maintenance of the proposed stormwater Infrastructure (copy of mosquito prevention/stormwater management guidelines attached).

Do not hesitate to contact me if you have any questions or need additional information.

John -

John Fritz Assistant Manager

7759 S. AIRPORT WAY, STOCKTON, CALIFORNIA 95206-3918 (209) 982-4675 · FAX (209) 982-0120 · www.sjmosquito.org

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Reference:

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S J C O G, 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: January 9, 2019

Local Jurisdiction Project Title: PA-1800316 (UP)
Assessor Parcel Number(s): 213-020-38, -47

Local Jurisdiction Project Number: PA-1800316 (UP)

Total Acres to be converted from Open Space Use: Unknown

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-1800316 (UP). This project consists of a Use Permit application for a slaughterhouse and chicken farm in the Ag-40 (General Agriculture, 40-acre minimum) zone. The project includes the construction of a 4,000 square foot agricultural building to include a 1,600 square foot portion to be utilized as a slaughterhouse. The project also includes the construction of a 6,000 square foot chicken enclosure for a maximum of 600 chickens. Operations are planned for eight (8) hours a day, seven (7) days a week, and are expected to generate six (6) vehicle trips per day. The site will utilize a private well and septic system and be provided access from West Delta Avenue. The project site is on the south side of Delta Avenue, 3,000 feet east of MacArthur Drive, Tracy (APN/Address: 213-020-38, -47/7300 West Delta Avenue, Tracy).

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.

This project is subject to the SJMSCP and is located within the unmapped land use area. Per requirements of the SJMSCP, unmapped projects are subject to case-by-case review. This can be 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.sjcog.org

After this project is approved by the Habitat Technical Advisory Committee and the SJCOG Inc. Board, the following process must occur to participate in the SJMSCP:

- Schedule a SJMSCP Biologist to perform a pre-construction survey prior to any ground disturbance
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
 - 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.
 - Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 - . Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must
 - Post a bond for payment of the applicable SIMSCP 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:
 - Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - 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, Inc.

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:
 - 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.
 - Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 - 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
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entircty 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
 - Purchase approved mitigation bank credits.

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

Project Title: PA-1800316 (UP)

Landowner/Applicant: Ahmed Hussein

Assessor Parcel #s: 213-020-38, -47

T , R , Section(s):

Local Jurisdiction Contact: Giuseppe 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.

SAN JOA YUIN FARM BUREAU TEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

January 23, 2019

San Joaquin County Community Development Department Development Services Division Attn: Giuseppe Sanfilippo 1810 E. Hazelton Avenue Stockton, CA 95205

RE: PA-1800316 (UP)

Dear Mr Sanfilippo:

The San Joaquin Farm Bureau Federation is a private, not for profit, volunteer organization dedicated to the advancement of agriculture in San Joaquin County. As such, we are pleased to support application PA-1800316, a Use Permit application for a slaughterhouse and chicken farm.

Maintaining and growing our agricultural industry in San Joaquin County is imperative to the economic viability of the entire county and we are encouraged to see applications of this nature. Projects such as the one proposed in the aforementioned application that grow agricultural business and processing contribute significantly to our local economy through job creation, taxes, and most importantly, promoting the incredible local agricultural products that growers produce locally.

We encourage your staff as well as the Planning Commission, if referred, to approve this application. Please keep us informed as this project moves forward. If you have any questions, please do not hesitate to contact the Farm Bureau staff at (209) 931-4931.

Sincerely,

President

Cc: Ahmed Hussein

Jim Gerrare

3290 NORTH AD ART ROAD • (209) 931-4931 • STOCKTON, CALIFORNIA 95215

SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

January 29, 2020

San Joaquin County Community Development Department Development Services Division Attn: Giuseppe Sanfilippo 1810 E. Hazelton Avenue Stockton, CA 95205

RE: PA-1800316 (UP)

Dear Mr Sanfilippo:

The San Joaquin Farm Bureau Federation is a private, not for profit, volunteer organization dedicated to the advancement of agriculture in San Joaquin County. As such, we are pleased to support application PA-1800316, a Use Permit application for a slaughterhouse and chicken farm.

Maintaining and growing our agricultural industry in San Joaquin County is imperative to the economic viability of the entire county and we are encouraged to see applications of this nature. Projects such as the one proposed in the aforementioned application that grow agricultural business and processing contribute significantly to our local economy through job creation, taxes, and most importantly, promoting the incredible local agricultural products that growers produce locally.

We encourage your staff as well as the Planning Commission, if referred, to approve this application. Please keep us informed as this project moves forward. If you have any questions, please do not hesitate to contact the Farm Bureau staff at (209) 931-4931.

Sincerely,

David Strecker President

3290 NORTH AD ART ROAD • (209) 931-4931 • STOCKTON, CALIFORNIA 95215





February 6, 2020

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

Project: PA-1800316 (UP)

District CEQA Reference No: 20200035

Dear Mr. Sanfilippo:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of a use permit application for a slaughterhouse and chicken farm (Project). The Project proposes the construction of a 4,000 square foot agricultural building with 2,400 square foot utilized as ag storage and 1,600 square foot utilized as a slaughterhouse. The Project also proposes the construction of two 800 square foot metal ag barns within a 6,000 square foot chicken enclosure to be utilized as chicken shelters for a maximum of 3,000 chickens. The Project is located at 7300 West Delta Avenue, in Tracy, CA. The District offers the following comments:

- 1. Based on information provided to the District, Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.
- 2. Per District Rule 9510 (Indirect Source Review) section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule

Samir Sheikh Executive Director/Air Pollution Control Officer

Northern Region 4800 Enterprise Way Modesto, CA 95356-8718 Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office) 1990 E. Gettysburg Avenue Fresno, CA 93726-0244 Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region 34946 Flyover Court Bakersfield, CA 93308-9725 Tel: 661-392-5500 FAX: 661-392-5585

www.vallevair.org www.healthyairliving.com

2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the Project referenced above.

Therefore, the project proponent is required to obtain a District Authority to Construct prior to installation of equipment that controls or may emit air contaminants, including but not limited to emergency internal combustion engines, boilers, and baghouses. For more information please visit http://www.valleyair.org/busind/pto/ptoforms/1ptoformidx.htm or contact the District's Small Business Assistance.

- 3. The proposed Project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.
- The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please call Sharla Yang at (559) 230-5934.

Sincerely,

Arnaud Marjollet Director of Permit Services

Robert Gilles Program Manager

AM: sy



South San Joaquin County Fire Authority

Community Risk Reduction Division

835 Central Avenue Tracy, CA 95376 PH: (209) 831-6707 FAX: (209) 831-6703 fire.prevention@cityoftracy.org

Date:

1/2/2020

Project #:

City/County Project #: PA-1800316 (UP)

Project Description: Use Permit for Slaughterhouse & Chicken Farm

Project Address:

7300 W. Delta Ave.

This project has been reviewed based on the California Fire Code and Tracy Municipal Code.

At this time, project is conditionally approved subject to satisfying the following requirements:

- 1. Prior to approval of building construction permit, applicant shall incorporate the following into construction documents:
 - a. Specify occupancy.
 - b. Fire protection systems are dependent on occupancy and shall be installed in accordance with 2016 CFC.
 - c. Provide access to each structure with access in accordance with 2016 CFC Section 503 and San Joaquin County's Fire Apparatus Access Road Standards.
 - d. Specify water source for fire suppression. If water tanks are proposed, they must conform to California Fire Code and NFPA 1142 standards.
- 2. Prior to approval of building construction permit, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval. Electronic submittal is encouraged, but not mandatory. Click here for more information on the Electronic Plan Review Requirements.
- 3. At time of application to South San Joaquin County Fire Authority, additional requirements may be required, based on submittal and review.
- 4. Prior to final inspection, emergency radio responder coverage shall be tested for each building in accordance with 2016 CFC Section 510. If adequate coverage is not available, applicant shall apply for a construction permit for installation.

Plans Reviewed by: Courtney Wood, Plans Examiner (209) 831-6707 courtney.wood@cityoftracy.org

South San Joaquin County Fire Authority



South San Joaquin County Fire Authority

Community Risk Reduction Division

835 Central Avenue Tracy, CA 95376 PH: (209) 831-6707 FAX: (209) 831-6703 fire.plancheck@sjcfire.org

Date:

7/30/2020

Project #:

FC20-0002 pc-3 County Application #:PA-1800316 (UP)

Project Description: Use Permit for Slaughterhouse & Chicken Farm

Project Address:

7300 W. Delta Ave.

Jurisdiction:

San Joaquin County

At this time, project is conditionally approved subject to satisfying the following requirements:

- 1. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
 - a. Construction documents shall be designed to the current edition of the California Code of Regulations, Title 24, as amended by San Joaquin County Municipal Code.
 - b. Specify occupancy classifications, type of construction, use and square footage of each structure to be built. Each structure will have its own Fire Permit.
 - c. Fire protection systems are dependent on occupancy and use and shall be installed in accordance with California Fire Code, as amended by the San Joaquin County Municipal Code.
 - d. Deferred submittals shall be listed on the coversheet of each page. Each deferred submittal shall be submitted, reviewed and approved by SSJCFA prior to installation.
 - e. If proposed, fire protection water supply must be submitted separately from construction permit. All piping and installation shall be in accordance with CFC §507 & NFPA standards. Approval of grading and/or on-site improvements does not grant installation of underground
 - f. If proposed, fire sprinklers shall be designed by a licensed fire protection contractor or engineer. Hydraulic calculations, specifications and plans shall be submitted prior to issuance of building permit.
 - Provide a truck turning template which clearly shows the truck turning radius of 29'-9" inside and 47'-7" outside. Truck turning template shall show all ingress and egress paths available.
- 2. Applications received by our offices are subject to the current fee schedule for South San Joaquin County Fire Authority.

South San Joaquin County Fire Authority

- a. Application processing fees and minimum plan review fees are due at time of submittal of construction documents.
- b. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
- Permit holder is responsible for any additional inspection fees incurred, and shall be paid prior to final inspection.
- 3. Prior to occupancy of new business, the tenant shall contact South San Joaquin County Fire Authority for a new business inspection. Additional fees may be required for New Business, Annual and Operational Fire Permits. All fees shall be paid prior to approval of inspections.
- Prior to construction, all-weather fire apparatus access roads shall be installed. Fire apparatus access roads during construction shall have a minimum 20' unobstructed width in accordance with CFC §503.
- 5. All hydrants shall be installed, inspected and tested prior to bringing combustible materials onsite, including storage.
- 6. Knox boxes shall be required for all buildings and gates. The operator of the building shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. The key to such shall be secured in the key box.
- 7. Building and each tenant space shall be provided with approved address identification in accordance with CFC §505.
- 8. Additional comments may occur upon submittal of construction documents.

Feel free to contact our offices, should you have any questions.

Thank you, Courtney Wood Fire Plans Examiner (209) 831-6707 main line courtney.wood@sjcfire.org

cc: fire.plancheck@sjcfire.org, permit file

- End -

2



ATTORNEYS AT LAW

500 CAPITOL MALL, SUITE 1000, SACRAMENTO, CA 95814

OFFICE: 916-446-7979 FAX: 916-446-8199

SOMACHLAW, COM

February 6, 2020

Via Electronic Mail
Giuseppe Sanfilippo
San Joaquin County Planning Commission
1810 E. Hazelton Avenue
Stockton, CA 95205
gsanfilippo@sjgov.org

Re. February 6, 2020 Planning Commission Meeting: Agenda Item 1: Use Permit No. PA-1800316 of Ahmed Hussein (c/o Shack & Company)

Dear Mr. Sanfilippo:

I serve as General Counsel for Pescadero Reclamation District 2058 (District). The purpose of this correspondence is to request the Planning Commission continue any action on the consent item regarding proposed Use Permit No. PA-1800316 of Ahmed Hussein (c/o Schack & Company) for a slaughterhouse, chicken farm, and two (2) metal barns with a 6,000-foot chicken enclosure (hereinafter, "Project") until at least the Commission's March meeting.

The District's Board had its first meeting since receiving notice of the Project yesterday, February 5, 2020. This was the Board's first opportunity to discuss the Project and Initial Study/Mitigated Negative Declaration (IS/MND). The District's Board has questions and significant concerns with the Project based on the limited initial review it has been able to conduct. The District and affected landowners require additional time to evaluate the documentation supporting the recommendation to approve the Project. These documents include the following: the IS/MND, Findings for Use Permit, Williamson Act Principles of Compatibility, and Conditions of Approval.

The District's engineer provided initial comments regarding possible impacts the Project may have on the District's water conveyance facilities; however, the District's Board has additional questions and other, substantial concerns. These concerns include access to District facilities, water quality, drainage, traffic, road degradation, and vector and varmint control.

Similarly, at the District's February 5, 2020 Board Meeting, the Board learned that several District landowners also have questions and concerns regarding the Project. Such concerns include, but are not limited to odor, noise, traffic, drainage, and manure

San Joaquin County Planning Commission

Re. February 6, 2020 Planning Commission Meeting: Agenda Item 1: Use Permit No. PA-1800316 of Ahmed Hussein (c/o Shack & Company)

February 6, 2020

Page 2

management. During this same meeting, the Board also learned that an adjacent landowner did not even receive notice of the Project and another landowner received notice the day before the deadline for written comments on the IS/MND. The postmarked envelope transmitting that notice (attached) shows that it was sent only four (4) days prior to the comment deadline.

This "notice" period is alarming. It has also been brought to my attention that several landowners have not be notified of the Project at all. The adjacent landowner, and other concerned landowners, value the opportunity to ask questions and express their concerns regarding the Project at this evening's meeting, but are unable to attend the meeting. Each serve as primary caregivers for ill and elderly family members and are unable to arrange suitable alternate care in light of the short notice provided. Additional time is required for affected residents to review the documents and provide the County with their comments and concerns.

Accordingly, the District, on behalf of itself and its landowner, respectfully requests that the Commission continue taking any action on the Project until at least the Commission's March meeting. The Commission should not take any action until after the District and affected landowners have had an adequate opportunity to review the documents, provide comments, and confer with staff as appropriate, at which time a hearing may be held for the public and Commission to discuss the Project.

Best regards.

Alexis K. Stevens

AKS:mb

Enclosure



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February 21, 2020

Via Electronic Mail
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1810 E. Hazelton Avenue
Stockton, CA 95205
gsanfilippo@sjgov.org

Re. Initial Study/Mitigated Negative Declaration for Use Permit No. PA-1800316 of Ahmed Hussein (c/o Shack & Company)

Dear Mr. Sanfilippo:

On behalf of Pescadero Reclamation District 2058 (District), I am submitting these additional comments regarding proposed Use Permit No. PA-1800316 of Ahmed Hussein (c/o Schack & Company) for a slaughterhouse, chicken farm, and two (2) metal barns with a 6,000-foot chicken enclosure (Project). The District appreciates the opportunity for additional time to evaluate the Project and Initial Study/Mitigated Negative Declaration (IS/MND), as well as the materials included with the Staff Report prepared for the Planning Commission's February 6, 2020 agenda (Staff Report).

The District is a special district formed and existing pursuant to Division 15 of the California Water Code, section 50000 et seq. It is located in the southern portion of the Sacramento-San Joaquin Delta on the westerly and southerly side of Paradise Cut. The District provides reclamation (drainage and flood control) and irrigation services to the lands lying within its boundaries. The District is responsible for the operation and maintenance of nearly 9 miles of levees, which protect approximately 8,000 acres of agricultural, residential, commercial and industrial land in San Joaquin County near the city of Tracy. The District holds pre-1914 appropriative and riparian water rights to divert water from Tom Paine Slough for irrigation.

The Project has the potential to result in a number of significant impacts of concern to the District that are not adequately addressed or mitigated in the IS/MND, including impacts to water quality, air quality, and from an increase in vectors and varmints, as well as access to District facilities.

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I. The IS/MND Fails to Accurately, Consistently, and Adequately Describe the Project.

The IS/MND and Staff Report present inconsistent and conflicting information about important aspects of the Project, including manure generation and handling, vector control, and permitting requirements. These inconsistencies raise questions about the scope of potential Project impacts and appear to undercut the IS/MND's determination that the Project does not have the potential to result in significant impacts.

For example, on page 2, the IS/MND states that no permits are required other than from San Joaquin County (County). This appears to be incorrect, as the Initial Study and correspondence from the County Department of Public Works and other agencies such as the Regional Water Quality Control Board (RWQCB) indicate that permits from other agencies are required. (See, e.g., Staff Report, Attachment B, p. 4 [July 15, 2019 letter from County Public Works referencing State Water Resources Control Board (SWRCB) and RWQCB permit requirements]; *id.*, pp. 25-29 [January 17, 2019 letter from RWQCB referencing multiple permit requirements, including Waste Discharge Requirements]; Staff Report, Attachment C, p. 11 [IS/MND discussion of air quality stating Project will need to meet requirements of San Joaquin County Air Pollution Control District (APCD)]; *id.*, p. 20 [discussion of hydrology – reference to meeting requirements of RWQCB].) There is no analysis of how the various applicable permits will ensure that significant impacts do not occur, and there are no mitigation measures requiring the applicant to obtain the full range of permits and comply with any conditions to those permits.

The Manure Management Plan documentation included in the Staff Report contains a number of inconsistent descriptions of the Project that raise questions about Project impacts. For example, the August 8, 2019 Manure Management Plan (provided as a response to Michael Keith from Dylan Wooten) states, "The total manure from the animals will be one wheelbarrow to a maximum of a half a cubic yard." (Staff Report, Attachment C, p. 41.) This does not square with the estimated annual manure production identified in the subsequent Manure Management Plan by Don Chesney of Chesney Consulting, dated September 6, 2019, which identifies a total of 244 tons per year of manure production. The August 8, 2019 response further states that "There is no anticipation of any manure storage areas," (Id.) whereas the September 6, 2019 plan states, "Manure from all animal types will be raked up from the pens and stored in holding bins." (Staff Report, Attachment C, p. 36.)

II. The IS/MND Fails to Identify or Incorporate any Mitigation Measures

CEQA requires that a proposed mitigated negative declaration must include "any mitigation measures included in the project to avoid potentially significant effects." (CEQA Guidelines, § 15071.) The IS/MND is clearly identified as a "mitigated negative declaration"

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and makes the finding that "San Joaquin County has determined that through the Initial Study that contains proposed mitigation measures all potentially significant effects on the environment can be reduced to a less than significant level." (Staff Report, Attachment C, p. 3.) However, the IS/MND does not identify any mitigation measures. It is not clear which actions that have been incorporated by the applicant into the Project are considered mitigation measures and which of the proposed conditions of approval are actually mitigation measures necessary to avoid significant impacts.

The lack of clarity is compounded by the failure to include a mitigation monitoring and reporting program (MMRP) with the Staff Report, as required by CEQA. (CEQA Guidelines, § 15074, subd. (d).) Without an MMRP, there will be no mechanism for the County or public to track and ensure compliance with Project mitigation measures. The IS/MND must be revised to clearly identify the mitigation measures incorporated into the Project to avoid or substantially lessen Project impacts, including any additional measures necessary to address impacts identified in these comments and by other members of the public, and those measures must be included in an MMRP adopted by the Planning Commission if it approves the Project.

III. The IS/MND Does Not Clearly Demonstrate that the Project Will Not Result in Significant Impacts to Water Quality

The District is particularly concerned about the Project's potential to result in significant impacts to surface and groundwater quality, due to the volume and treatment of Project-generated manure. The September 6, 2019 Manure Management Plan states that manure will be spread onto the Project site and disced into the soil. (Staff Report, Attachment C, p. 36.) This treatment presents the potential for groundwater and surface water contamination from nitrogen, phosphorus, and pathogens. However, only nitrogen is discussed in the manure management plan documentation and IS/MND, and what analysis is provided is inadequate, as discussed below. A September 20, 2019 letter from Mr. Chesney (Staff Report, Attachment C, p. 54) clarifies that manure will be stored with a top to keep rainwater out, but this does not address the potential for stormwater runoff across the Project site to come into contact with stored manure and carry contaminants into surface waters. No information is provided in the IS/MND regarding the site hydrology, including the expected direction of any surface water runoff relative to the planned manure storage facilities.

¹ Other potential impacts to groundwater are not resolved through the IS/MND. The District notes that the Project will rely on well water, but the IS/MND contains no information about the estimated water use or availability and contains only a bare conclusion that impacts to groundwater supplies will not be significant. (Staff Report Attachment C, p. 20.)

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Stormwater and irrigation runoff from the Project site has the potential to degrade surface water in Tom Paine Slough, which is the source of the District's water supply. Application of manure that exceeds agronomic rates also has the potential to substantially degrade surface and groundwater quality. The District's questions and concerns stem from conflicting statements in the various manure management plan documents, the lack of information and analysis in the IS/MND about the range of potential water quality impacts beyond potential nitrogen effects, and the lack of mitigation measures to ensure that actions identified by the applicant's engineer as essential to avoid nitrogen-related water quality impacts are implemented.

Mr. Chesney states, "Crops planted will consist of grain-type plants such as rye, oats, wheat and orchard grass." (Staff Report, Attachment C, p. 36.) He then presents the estimated nitrogen fractions from the manure to be generated by the Project (up to 244 tons per year), as well as nitrogen uptake estimates based on crop types and acreage. (Id., p. 37.) Mr. Chesney concludes that the calculations demonstrate that "barley, oats and wheat crops will assimilate nitrogen produced from manure land applications provided these crops are double cropped meaning that two crops are grown per year on the subject acreage." (Id., p. 38.) The analysis of nitrogen uptake, and Mr. Cheney's conclusion about the assimilative capacity of on-site crops, is based on nitrogen uptake values of barley, oats, wheat, and orchard grass; no information is provided about uptake values for rye, and the analysis and conclusion does not include rye. Thus, there is no evidence to demonstrate that nitrogen uptake will be sufficient if rye is planted on site, as is indicated on page 1 of the Manure Management Plan. (Staff Report, Attachment C, p. 36.) And Mr. Chesney's nitrogen assimilation conclusion indicates that double cropping is necessary to ensure sufficient nitrogen assimilation (Id., p. 38), but there are no commitments or mitigation measures to ensure that double cropping will occur.

Mr. Chesney also states that no synthetic nitrogen fertilizers should be applied to the cropland. (*Id.*) However, no mitigation measures are included that prohibit the use of synthetic nitrogen fertilizers.

Mr. Chesney further states that sufficient nitrogen uptake will occur only if the organic fraction of the manure mineralizes to plant available nitrogen (PAN), which depends on "certain environmental conditions." (*Id.*) These specific conditions are not identified in the Manure Management Plan nor in the IS/MND, thus, there is no information to demonstrate that the appropriate environmental conditions necessary to ensure mineralization to PAN of the organic fraction of the manure will be present on site. Mr. Chesney also states that mineralization will occur in the spring and summer months of the year. (*Id.*) This indicates the need for a mitigation measure limiting manure spreading to the spring and summer months. The lack of mitigation measures, and lack of any information about manure handling

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outside of spring and summer months, also leaves unanswered the question of how manure will be disposed, and water quality impacts avoided, in the fall and winter months. Manure application immediately preceding a significant rain event is a high pollution risk and should be avoided.

Finally, Mr. Chesney states:

It is imperative that equal distribution of manure prior to cropland planting be observed. Animal pens that are installed in the cropland must also be rotated when manure accumulates and the crop has mostly been completed.

(*Id.*) These essential operating conditions are plainly mitigation measures and must be included in the IS/MND and MMRP.

It is possible that permits required by other regulatory agencies would ensure that groundwater and surface water quality are protected, and substantial degradation and significant impacts from manure spreading are avoided. However, the IS/MND fails to clearly address the permitting requirements, or include enforceable mitigation measures with performance standards that would ensure that significant impacts are avoided.

In its January 17, 2019 comment letter (Staff Report, Attachment B, pp. 25-29), the RWQCB identifies a number of applicable regulatory requirements, including waste discharge requirements and compliance with the Irrigated Lands Regulatory Program; a mitigation measure should be included to require compliance with this program and all permits identified by the RWQCB. The San Joaquin County Environmental Health Department Confined Animal Facility Manure /Solid Waste Management Plan Guidance Document is included with the Manure Management Plan documentation (Staff Report, Attachment D, p. 44); however, the IS/MND does not explain whether the Project complies with these guidelines. Further, the proposed Conditions of Approval state "Owner shall check with the SWRCB to determine if an Industrial Storm Water Permit will be required." (Staff Report, Attachment F, p. 6, Condition 2.h.) This condition does not ensure that the owner will obtain any permit or comply with the conditions to a storm water permit.

The County, as the CEQA lead agency, has the obligation to ensure that impacts are clearly avoided and to adopt adequate enforceable mitigation measures. The IS/MND must be revised to include a mitigation measure requiring that the owner consult with the SWRCB and, if necessary, obtain an Industrial Storm Water Permit, and comply with all conditions of any such permit. Finally, the IS/MND also should include mitigation measures ensuring compliance with the operating conditions outlined in Mr. Chesney's Manure Management Plan analysis, as discussed above.

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IV. The IS/MND Fails to Demonstrate that Air Quality Impacts Will Not Be Significant

The Project has the potential to result in significant localized impacts from dust and odors that are not analyzed or mitigated, as noted by Califia, L.L.C. in its February 6, 2020 letter regarding the Project. In addition to the Califia comments, the District notes that the IS/MND indicates that the Project will be required to meet the requirements for emissions and dust control as established by the APCD, and on that basis, concludes "that impacts to air quality will be reduced to less than significant." (Staff Report, Attachment C, p. 11.) The IS/MND contains no evidence or analysis regarding the level of potential emissions, nor does it discuss what APCD emissions and dust control requirements will be required. Thus, there is no way for the District to know the scope of potential Project emissions and dust impacts. At a minimum, the IS/MND must be revised to include a mitigation measure requiring the applicant to consult with the APCD, apply for any required permits, and comply with APCD permit requirements.

IV. The Project May Result in Potentially Significant Impacts to Public Health and Safety and District Facilities from Vectors

There is insufficient information in the IS/MND to demonstrate that the Project will not result in potentially significant impacts from vectors, including rodents. The Manure Management Plan is merely an "outline" that states that a local pest control company will be hired and pesticides and traps will be used. (Staff Report, Attachment C, p. 43.) The proposed conditions of approval contain an "informational note" that the Project is subject to the requirements of the San Joaquin County Mosquito and Vector Control District and the CA Health and Safety Code." (Staff Report, Attachment F, p. 6, note 2.) The note to the conditions of approval further states that "Best Management Practices (BMPs) guidelines for stormwater devices, ponds and wetlands are available." (Id.) It is unclear whether this "informational note" states a condition of approval. Condition 6a requires the applicant to incorporate mosquito best prevention BMPs for the design, construction, operations, and maintenance of the proposed stormwater infrastructure. (Staff Report, Attachment F, p. 9.) However, this condition is limited to potential impacts of the stormwater infrastructure and does not address other vectors that may be attracted to the Project site, such as rodents, which may pose a risk to public health and safety from disease, as well as potential degradation of District levees from burrowing rodents.

The IS/MND does not explain what requirements of the San Joaquin County Mosquito and Vector Control District apply to the Project or how they will avoid significant impacts from vectors and mosquitos. To ensure that impacts from vectors will not be significant, at a minimum, the IS/MND must be revised to include a mitigation measure requiring the applicant to consult with the Mosquito and Vector Control District, provide documentation of

Giuseppe Sanfilippo

San Joaquin County Planning Commission

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applicable requirements, including BMPs, and comply with all applicable requirements (not just those limited to stormwater infrastructure). The MMRP should require that the applicant provide proof of such consultation and ongoing proof of compliance with applicable requirements.

 The IS/MND Does Not Address Potential Impacts to the District's Water Conveyance Facilities

As noted in the February 3, 2020 correspondence from the District's engineer, there appears to be a District owned, operated, and maintained irrigation pipeline that runs along the south side of the Project boundary. No proposed buildings or other facilities may be located within the District's easement. The IS/MND and conditions of approval should clearly state that any work done within the District easement would require an encroachment permit.

VI. Conclusion

The IS/MND fails to comply with CEQA in a number of respects, and there are unresolved questions about the Project and its impacts. As a result, the County is not able to make the required finding for the use permit that "Issuance of the permit will not be significantly detrimental to the public health, safety or welfare, or be injuries to the property or improvements of adjacent properties." (Staff Report, Attachment D, p. 3.) Given these shortcomings, the County must revise and recirculate the IS/MND for public review prior to the Planning Commission's consideration of the IS/MND or Project use permit. In particular, the IS/MND must be revised to identify enforceable mitigation measures with clear performance standards that can be adopted by the County to ensure that potentially significant impacts will be clearly avoided or substantially lessened, and a MMRP must be prepared to ensure that all mitigation is actually implemented, and to document compliance with mitigation measures.

The District's Board of Trustees are available to discuss the District's concerns. Please contact me at (916) 469-3827 if you have questions regarding these comments.

Sincerely,

Alexis K. Stevens

Aloris Sturm

AKS:mb



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August 6, 2020

Via Electronic Mail
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Re. Revised Initial Study/Negative Declaration for Use Permit No. PA-1800316 of Ahmed Hussein (c/o Shack & Company)

Dear Mr. Sanfilippo:

On behalf of Pescadero Reclamation District 2058 (District), I am submitting these comments on the revised Initial Study/Negative Declaration (IS/ND) dated July 2, 2020 (Revised IS/ND) prepared for proposed Use Permit No. PA-1800316 of Ahmed Hussein (c/o Schack & Company) for a slaughterhouse and chicken farm, to include a 4,000-square-foot agricultural building and a 6,000-foot chicken enclosure with two (2) 800-square-foot metal agricultural barns for the storage of manure (Project).

As noted in the District's February 21, 2020 comments (attached as Exhibit A) on the previous Initial Study/Mitigated Negative Declaration for this Project dated December 27, 2019 (IS/MND), the District is a special district formed and existing pursuant to Division 15 of the California Water Code, section 50000 et seq. It is located in the southern portion of the Sacramento-San Joaquin Delta on the westerly and southerly side of Paradise Cut. The District provides reclamation (drainage and flood control) and irrigation services to the lands lying within its boundaries. The District is responsible for the operation and maintenance of nearly nine (9) miles of levees, which protect approximately 8,000 acres of agricultural, residential, commercial, and industrial land in San Joaquin County near the city of Tracy. The District holds pre-1914 appropriative and riparian water rights to divert water from Tom Paine Slough for irrigation.

The District has reviewed the Revised IS/ND and appreciates that the Project has been revised in several ways that respond to some of the primary concerns identified in the District's previous comments. In particular, the reduction of the number of chickens

¹ The District focuses its comments herein on areas of concern that directly relate to its facilities and operations. The District notes however, that the Revised IS/ND remains inadequate in a number of areas for which the

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from 3,000 to 1,500, the plan to store chicken manure in a shed (with a top and sides) "on an elevated pad above the flood zone," and the elimination of discing of manure should help reduce the potential for water quality degradation, including in Tom Paine Slough. Although inconsistences between the Project as described in the Revised IS/ND and the proposed Manure Management Plan (MMP) remain, the District understands the Revised IS/ND to require the MMP to be revised consistent with the revised Project description in the Revised IS/ND if the Project is approved. Despite these improvements, the Revised IS/ND did not correct or address a number of problems identified in the District's February 21, 2020 comments on the IS/MND, and to the extent changes were not made to address the defects in the IS/MND, those comments remain applicable to the Revised IS/ND.

I. The Revised IS/ND Identifies the Need for Conditions of Approval that Function as Mitigation Measures; Fails to Identify or Incorporate any Mitigation Measures

The Revised IS/ND contains multiple references to conditions of approval that will be imposed on the Project, that clearly function as mitigation measures to avoid significant impacts (such as conditions related to water quality impacts) and further identifies the need for mitigation measures related to cultural resources (to address potentially significant impacts), but corresponding mitigation measures are not included.² Because the Project has the potential to result in significant impacts, and measures have been identified as necessary to reduce impacts, a negative declaration is improper. At a minimum, San Joaquin County (County) must prepare a legally adequate initial study and mitigated negative declaration, which clearly identifies all applicable mitigation measures, as required by the California Environmental Quality Act (CEQA). (See CEQA Guidelines, § 15074, subd. (d).) Without specific mitigation measures identified, it is not possible for the District to evaluate whether

District is not providing detailed comments, including, but not limited to, the lack of analysis of impacts related to greenhouse gas emissions, noise impacts, groundwater sustainability, and lack of mitigation for potentially significant cultural resource impacts. For example, the discussion and conclusions regarding operational noise impacts is unclear and inconsistent. The Revised IS/ND (p. 22) states that agricultural uses are exempt from the County's Development Title standards, but in the subsequent paragraph states that the Project would be subject to these same standards and cites required compliance with the noise standards as the basis for the conclusion noise impacts would be less than significant. It is entirely unclear whether the Project will be subject to the Development Title standards, and no information is provided to indicate whether it would comply with such standards or otherwise have a potentially significant impact on noise sensitive land uses, including the single family residence located approximately 835 feet north of the site, which the Revised IS/ND identifies as a noise sensitive land use. Also, even though the Project will rely on well water, the Revised IS/ND contains no information about the estimated water use, availability, or sustainability, and contains only a bare conclusion that impacts to groundwater supplies will not be significant.

 $^{^2}$ Despite the title of Negative Declaration, the checklist on page 3 identifies that a "Mitigated Negative Declaration" will be prepared.

Giuseppe Sanfilippo

San Joaquin County Planning Commission

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the Project will have any significant impacts or for the County to properly conclude that the Project will have no significant impact.

The Revised IS/ND must be amended to clearly identify the mitigation measures incorporated into the Project to avoid or substantially lessen Project impacts, including any additional measures necessary to address impacts identified in these comments and by other members of the public, and those measures must be included in a mitigation, monitoring, and reporting program (MMRP), as required by CEQA, if the Project is approved. (CEQA Guidelines, § 15074, subd. (d).)

II. The Revised IS/ND Does Not Clearly Demonstrate that the Project Will Not Result in Significant Impacts to Water Resources

The changes and clarifications regarding manure management facilities and practices appear to have addressed most of the District's concerns about the Project's potential to result in significant impacts to surface and groundwater quality, due to the volume and treatment of Project-generated manure, provided the changes are incorporated into a revised MMP. However, further corrections and clarifications are required to ensure that the changes discussed in the Revised IS/ND accomplish the stated objectives and are successfully implemented.

The County, as the CEQA lead agency, has the obligation to ensure that impacts are clearly avoided and to adopt adequate enforceable mitigation measures. The Revised IS/ND should be amended to clearly describe how the County will monitor and enforce compliance with a revised MMP, and include mitigation measures to ensure compliance with applicable regulatory requirements. For example, despite the statement in the Revised IS/ND (p. 19) that chicken manure will be stored on a raised pad, the Revised Site Plan dated June 11, 2020 (Revised Site Plan, attached as Exhibit B), does not indicate a raised pad in the area of the chicken barns (the westernmost area of the site detail). Instead the Revised Site Plan states "Manure stockpile to be stored under covered steel ag barns." By contrast, the easternmost portion of the site detail (where the proposed slaughterhouse is indicted) does identify a raised pad. If the Project is approved, the conditions of approval should specify that all facilities that will generate or store manure will be constructed on an elevated pad above the flood plain.

Further, the Revised IS/ND (p. 19) states that "the project has been conditioned so that all storm water is required to remain on site." However, no such mitigation measure or

³ The Revised Site Plan has a notation for the southern portion of the Project site indicating "raised pad area not part of this application." It is not clear how this raised pad area relates to the raised pad area discussed in the Hydrology section of the Revised IS/ND.

Giuseppe Sanfilippo
San Joaquin County Planning Commission
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condition of approval is included in the Revised IS/ND. Additionally, in its January 17, 2019 comment letter on the IS/MND, the Regional Water Quality Control Board (RWQCB) identified a number of applicable regulatory requirements, including waste discharge requirements and compliance with the Irrigated Lands Regulatory Program; a mitigation measure should be included to require compliance with this program and all permits identified by the RWQCB. A mitigation measure also should be included requiring documentation of how the revised MMP complies with the San Joaquin County Environmental Health Department Confined Animal Facility Manure /Solid Waste Management Plan Guidance Document. Finally, the Revised IS/ND should be amended to include a mitigation measure requiring that the owner consult with the State Water Resources Control Board and, if necessary, obtain an Industrial Storm Water Permit, and comply with all conditions of any such permit.

IV. The Revised IS/ND Does Not Adequately Resolve Questions About Potentially Significant Impacts to Public Health and Safety and District Facilities from Vectors

There is insufficient information in the Revised IS/ND to demonstrate that the Project will not result in potentially significant impacts from vectors, including rodents, which may pose a risk to public health and safety from disease, as well as potential degradation of District levees from burrowing rodents. The Revised IS/ND must be amended to identify specific requirements of the County Mosquito and Vector Control District (Vector Control District) and the California Health and Safety Code that apply to the Project and explain how those requirements will avoid significant impacts. To ensure that impacts from vectors will not be significant, at a minimum, the Revised IS/ND must be amended to include a mitigation measure requiring the applicant to consult with the Vector Control District, provide documentation of applicable requirements, and comply with all applicable requirements. The MMRP should require that the applicant provide proof of such consultation and ongoing proof of compliance with applicable requirements.

V. The Revised IS/ND Does Not Address Potential Impacts to the District's Water Conveyance Facilities

As indicated in Revised Site Plan (Exhibit B), a District-owned, operated, and maintained irrigation pipeline runs along the south side of the Project boundary, and a District drainage canal runs along the north side of the Project boundary. It does not appear that the Project proposes to locate buildings or other facilities in proximity to the District facilities. However, to ensure that District facilities are not damaged, and that the District retains access to this critical public infrastructure, a condition of approval should be included requiring the applicant dedicate a 30-foot easement for the District pipeline and a 60-foot easement for the District drainage canal, measured from the center of the pipeline and canal. The conditions of

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approval should clearly state that any work done within the District's easement would require the applicant to obtain an encroachment permit.

VI. Conclusion

Despite improvements to the Project, the Revised IS/ND, like the prior IS/MND, fails to comply with CEQA in a number of respects, and there remain unresolved questions about the Project and its impacts. Revisions are necessary in order for the County to comply with CEQA and make the required finding for the use permit that "Issuance of the permit will not be significantly detrimental to the public health, safety or welfare, or be injurious to the property or improvements of adjacent properties." Given these shortcomings, the County must amend the Revised IS/ND prior to the Planning Commission's consideration of it or the Project use permit. In particular, the Revised IS/ND must include a mitigated negative declaration that clarifies elements of the Project, particularly those related to water quality, and identifies enforceable mitigation measures with clear performance standards that can be adopted by the County to ensure that potentially significant impacts will be clearly avoided or substantially lessened, including a requirement for an easement to protect District facilities. The further revised IS/MND must be circulated for public review. A MMRP must be prepared to ensure that all mitigation is actually implemented, and to document compliance with mitigation measures.

The District's Board of Trustees is available to discuss the District's concerns. Please contact me at (916) 469-3827 if you have questions regarding these comments.

Sincerely,

Alexis K. Stevens

Aloxis Sturm

Enclosures

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EXHIBIT A



A PROFESSIONAL CORPORATION

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February 21, 2020

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Re. Initial Study/Mitigated Negative Declaration for Use Permit No. PA-1800316 of Ahmed Hussein (c/o Shack & Company)

Dear Mr. Sanfilippo:

On behalf of Pescadero Reclamation District 2058 (District), I am submitting these additional comments regarding proposed Use Permit No. PA-1800316 of Ahmed Hussein (c/o Schack & Company) for a slaughterhouse, chicken farm, and two (2) metal barns with a 6,000-foot chicken enclosure (Project). The District appreciates the opportunity for additional time to evaluate the Project and Initial Study/Mitigated Negative Declaration (IS/MND), as well as the materials included with the Staff Report prepared for the Planning Commission's February 6, 2020 agenda (Staff Report).

The District is a special district formed and existing pursuant to Division 15 of the California Water Code, section 50000 et seq. It is located in the southern portion of the Sacramento-San Joaquin Delta on the westerly and southerly side of Paradise Cut. The District provides reclamation (drainage and flood control) and irrigation services to the lands lying within its boundaries. The District is responsible for the operation and maintenance of nearly 9 miles of levees, which protect approximately 8,000 acres of agricultural, residential, commercial and industrial land in San Joaquin County near the city of Tracy. The District holds pre-1914 appropriative and riparian water rights to divert water from Tom Paine Slough for irrigation.

The Project has the potential to result in a number of significant impacts of concern to the District that are not adequately addressed or mitigated in the IS/MND, including impacts to water quality, air quality, and from an increase in vectors and varmints, as well as access to District facilities.

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I. The IS/MND Fails to Accurately, Consistently, and Adequately Describe the Project.

The IS/MND and Staff Report present inconsistent and conflicting information about important aspects of the Project, including manure generation and handling, vector control, and permitting requirements. These inconsistencies raise questions about the scope of potential Project impacts and appear to undercut the IS/MND's determination that the Project does not have the potential to result in significant impacts.

For example, on page 2, the IS/MND states that no permits are required other than from San Joaquin County (County). This appears to be incorrect, as the Initial Study and correspondence from the County Department of Public Works and other agencies such as the Regional Water Quality Control Board (RWQCB) indicate that permits from other agencies are required. (See, e.g., Staff Report, Attachment B, p. 4 [July 15, 2019 letter from County Public Works referencing State Water Resources Control Board (SWRCB) and RWQCB permit requirements]; *id.*, pp. 25-29 [January 17, 2019 letter from RWQCB referencing multiple permit requirements, including Waste Discharge Requirements]; Staff Report, Attachment C, p. 11 [IS/MND discussion of air quality stating Project will need to meet requirements of San Joaquin County Air Pollution Control District (APCD)]; *id.*, p. 20 [discussion of hydrology – reference to meeting requirements of RWQCB].) There is no analysis of how the various applicable permits will ensure that significant impacts do not occur, and there are no mitigation measures requiring the applicant to obtain the full range of permits and comply with any conditions to those permits.

The Manure Management Plan documentation included in the Staff Report contains a number of inconsistent descriptions of the Project that raise questions about Project impacts. For example, the August 8, 2019 Manure Management Plan (provided as a response to Michael Keith from Dylan Wooten) states, "The total manure from the animals will be one wheelbarrow to a maximum of a half a cubic yard." (Staff Report, Attachment C, p. 41.) This does not square with the estimated annual manure production identified in the subsequent Manure Management Plan by Don Chesney of Chesney Consulting, dated September 6, 2019, which identifies a total of 244 tons per year of manure production. The August 8, 2019 response further states that "There is no anticipation of any manure storage areas," (Id.) whereas the September 6, 2019 plan states, "Manure from all animal types will be raked up from the pens and stored in holding bins." (Staff Report, Attachment C, p. 36.)

II. The IS/MND Fails to Identify or Incorporate any Mitigation Measures

CEQA requires that a proposed mitigated negative declaration must include "any mitigation measures included in the project to avoid potentially significant effects." (CEQA Guidelines, § 15071.) The IS/MND is clearly identified as a "mitigated negative declaration"

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and makes the finding that "San Joaquin County has determined that through the Initial Study that contains proposed mitigation measures all potentially significant effects on the environment can be reduced to a less than significant level." (Staff Report, Attachment C, p. 3.) However, the IS/MND does not identify any mitigation measures. It is not clear which actions that have been incorporated by the applicant into the Project are considered mitigation measures and which of the proposed conditions of approval are actually mitigation measures necessary to avoid significant impacts.

The lack of clarity is compounded by the failure to include a mitigation monitoring and reporting program (MMRP) with the Staff Report, as required by CEQA. (CEQA Guidelines, § 15074, subd. (d).) Without an MMRP, there will be no mechanism for the County or public to track and ensure compliance with Project mitigation measures. The IS/MND must be revised to clearly identify the mitigation measures incorporated into the Project to avoid or substantially lessen Project impacts, including any additional measures necessary to address impacts identified in these comments and by other members of the public, and those measures must be included in an MMRP adopted by the Planning Commission if it approves the Project.

III. The IS/MND Does Not Clearly Demonstrate that the Project Will Not Result in Significant Impacts to Water Quality

The District is particularly concerned about the Project's potential to result in significant impacts to surface and groundwater quality, due to the volume and treatment of Project-generated manure. The September 6, 2019 Manure Management Plan states that manure will be spread onto the Project site and disced into the soil. (Staff Report, Attachment C, p. 36.) This treatment presents the potential for groundwater and surface water contamination from nitrogen, phosphorus, and pathogens. However, only nitrogen is discussed in the manure management plan documentation and IS/MND, and what analysis is provided is inadequate, as discussed below. A September 20, 2019 letter from Mr. Chesney (Staff Report, Attachment C, p. 54) clarifies that manure will be stored with a top to keep rainwater out, but this does not address the potential for stormwater runoff across the Project site to come into contact with stored manure and carry contaminants into surface waters. No information is provided in the IS/MND regarding the site hydrology, including the expected direction of any surface water runoff relative to the planned manure storage facilities.

¹ Other potential impacts to groundwater are not resolved through the IS/MND. The District notes that the Project will rely on well water, but the IS/MND contains no information about the estimated water use or availability and contains only a bare conclusion that impacts to groundwater supplies will not be significant. (Staff Report Attachment C, p. 20.)

Giuseppe Sanfilippo
San Joaquin County Planning Commission
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Stormwater and irrigation runoff from the Project site has the potential to degrade surface water in Tom Paine Slough, which is the source of the District's water supply. Application of manure that exceeds agronomic rates also has the potential to substantially degrade surface and groundwater quality. The District's questions and concerns stem from conflicting statements in the various manure management plan documents, the lack of information and analysis in the IS/MND about the range of potential water quality impacts beyond potential nitrogen effects, and the lack of mitigation measures to ensure that actions identified by the applicant's engineer as essential to avoid nitrogen-related water quality impacts are implemented.

Mr. Chesney states, "Crops planted will consist of grain-type plants such as rye, oats, wheat and orchard grass." (Staff Report, Attachment C, p. 36.) He then presents the estimated nitrogen fractions from the manure to be generated by the Project (up to 244 tons per year), as well as nitrogen uptake estimates based on crop types and acreage. (Id., p. 37.) Mr. Chesney concludes that the calculations demonstrate that "barley, oats and wheat crops will assimilate nitrogen produced from manure land applications provided these crops are double cropped meaning that two crops are grown per year on the subject acreage." (Id., p. 38.) The analysis of nitrogen uptake, and Mr. Cheney's conclusion about the assimilative capacity of on-site crops, is based on nitrogen uptake values of barley, oats, wheat, and orchard grass; no information is provided about uptake values for rye, and the analysis and conclusion does not include rye. Thus, there is no evidence to demonstrate that nitrogen uptake will be sufficient if rye is planted on site, as is indicated on page 1 of the Manure Management Plan. (Staff Report, Attachment C, p. 36.) And Mr. Chesney's nitrogen assimilation conclusion indicates that double cropping is necessary to ensure sufficient nitrogen assimilation (Id., p. 38), but there are no commitments or mitigation measures to ensure that double cropping will occur.

Mr. Chesney also states that no synthetic nitrogen fertilizers should be applied to the cropland. (*Id.*) However, no mitigation measures are included that prohibit the use of synthetic nitrogen fertilizers.

Mr. Chesney further states that sufficient nitrogen uptake will occur only if the organic fraction of the manure mineralizes to plant available nitrogen (PAN), which depends on "certain environmental conditions." (*Id.*) These specific conditions are not identified in the Manure Management Plan nor in the IS/MND, thus, there is no information to demonstrate that the appropriate environmental conditions necessary to ensure mineralization to PAN of the organic fraction of the manure will be present on site. Mr. Chesney also states that mineralization will occur in the spring and summer months of the year. (*Id.*) This indicates the need for a mitigation measure limiting manure spreading to the spring and summer months. The lack of mitigation measures, and lack of any information about manure handling

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outside of spring and summer months, also leaves unanswered the question of how manure will be disposed, and water quality impacts avoided, in the fall and winter months. Manure application immediately preceding a significant rain event is a high pollution risk and should be avoided.

Finally, Mr. Chesney states:

It is imperative that equal distribution of manure prior to cropland planting be observed. Animal pens that are installed in the cropland must also be rotated when manure accumulates and the crop has mostly been completed.

(*Id.*) These essential operating conditions are plainly mitigation measures and must be included in the IS/MND and MMRP.

It is possible that permits required by other regulatory agencies would ensure that groundwater and surface water quality are protected, and substantial degradation and significant impacts from manure spreading are avoided. However, the IS/MND fails to clearly address the permitting requirements, or include enforceable mitigation measures with performance standards that would ensure that significant impacts are avoided.

In its January 17, 2019 comment letter (Staff Report, Attachment B, pp. 25-29), the RWQCB identifies a number of applicable regulatory requirements, including waste discharge requirements and compliance with the Irrigated Lands Regulatory Program; a mitigation measure should be included to require compliance with this program and all permits identified by the RWQCB. The San Joaquin County Environmental Health Department Confined Animal Facility Manure /Solid Waste Management Plan Guidance Document is included with the Manure Management Plan documentation (Staff Report, Attachment D, p. 44); however, the IS/MND does not explain whether the Project complies with these guidelines. Further, the proposed Conditions of Approval state "Owner shall check with the SWRCB to determine if an Industrial Storm Water Permit will be required." (Staff Report, Attachment F, p. 6, Condition 2.h.) This condition does not ensure that the owner will obtain any permit or comply with the conditions to a storm water permit.

The County, as the CEQA lead agency, has the obligation to ensure that impacts are clearly avoided and to adopt adequate enforceable mitigation measures. The IS/MND must be revised to include a mitigation measure requiring that the owner consult with the SWRCB and, if necessary, obtain an Industrial Storm Water Permit, and comply with all conditions of any such permit. Finally, the IS/MND also should include mitigation measures ensuring compliance with the operating conditions outlined in Mr. Chesney's Manure Management Plan analysis, as discussed above.

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IV. The IS/MND Fails to Demonstrate that Air Quality Impacts Will Not Be Significant

The Project has the potential to result in significant localized impacts from dust and odors that are not analyzed or mitigated, as noted by Califia, L.L.C. in its February 6, 2020 letter regarding the Project. In addition to the Califia comments, the District notes that the IS/MND indicates that the Project will be required to meet the requirements for emissions and dust control as established by the APCD, and on that basis, concludes "that impacts to air quality will be reduced to less than significant." (Staff Report, Attachment C, p. 11.) The IS/MND contains no evidence or analysis regarding the level of potential emissions, nor does it discuss what APCD emissions and dust control requirements will be required. Thus, there is no way for the District to know the scope of potential Project emissions and dust impacts. At a minimum, the IS/MND must be revised to include a mitigation measure requiring the applicant to consult with the APCD, apply for any required permits, and comply with APCD permit requirements.

IV. The Project May Result in Potentially Significant Impacts to Public Health and Safety and District Facilities from Vectors

There is insufficient information in the IS/MND to demonstrate that the Project will not result in potentially significant impacts from vectors, including rodents. The Manure Management Plan is merely an "outline" that states that a local pest control company will be hired and pesticides and traps will be used. (Staff Report, Attachment C, p. 43.) The proposed conditions of approval contain an "informational note" that the Project is subject to the requirements of the San Joaquin County Mosquito and Vector Control District and the CA Health and Safety Code." (Staff Report, Attachment F, p. 6, note 2.) The note to the conditions of approval further states that "Best Management Practices (BMPs) guidelines for stormwater devices, ponds and wetlands are available." (Id.) It is unclear whether this "informational note" states a condition of approval. Condition 6a requires the applicant to incorporate mosquito best prevention BMPs for the design, construction, operations, and maintenance of the proposed stormwater infrastructure. (Staff Report, Attachment F, p. 9.) However, this condition is limited to potential impacts of the stormwater infrastructure and does not address other vectors that may be attracted to the Project site, such as rodents, which may pose a risk to public health and safety from disease, as well as potential degradation of District levees from burrowing rodents.

The IS/MND does not explain what requirements of the San Joaquin County Mosquito and Vector Control District apply to the Project or how they will avoid significant impacts from vectors and mosquitos. To ensure that impacts from vectors will not be significant, at a minimum, the IS/MND must be revised to include a mitigation measure requiring the applicant to consult with the Mosquito and Vector Control District, provide documentation of

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applicable requirements, including BMPs, and comply with all applicable requirements (not just those limited to stormwater infrastructure). The MMRP should require that the applicant provide proof of such consultation and ongoing proof of compliance with applicable requirements.

 The IS/MND Does Not Address Potential Impacts to the District's Water Conveyance Facilities

As noted in the February 3, 2020 correspondence from the District's engineer, there appears to be a District owned, operated, and maintained irrigation pipeline that runs along the south side of the Project boundary. No proposed buildings or other facilities may be located within the District's easement. The IS/MND and conditions of approval should clearly state that any work done within the District easement would require an encroachment permit.

VI. Conclusion

The IS/MND fails to comply with CEQA in a number of respects, and there are unresolved questions about the Project and its impacts. As a result, the County is not able to make the required finding for the use permit that "Issuance of the permit will not be significantly detrimental to the public health, safety or welfare, or be injuries to the property or improvements of adjacent properties." (Staff Report, Attachment D, p. 3.) Given these shortcomings, the County must revise and recirculate the IS/MND for public review prior to the Planning Commission's consideration of the IS/MND or Project use permit. In particular, the IS/MND must be revised to identify enforceable mitigation measures with clear performance standards that can be adopted by the County to ensure that potentially significant impacts will be clearly avoided or substantially lessened, and a MMRP must be prepared to ensure that all mitigation is actually implemented, and to document compliance with mitigation measures.

The District's Board of Trustees are available to discuss the District's concerns. Please contact me at (916) 469-3827 if you have questions regarding these comments.

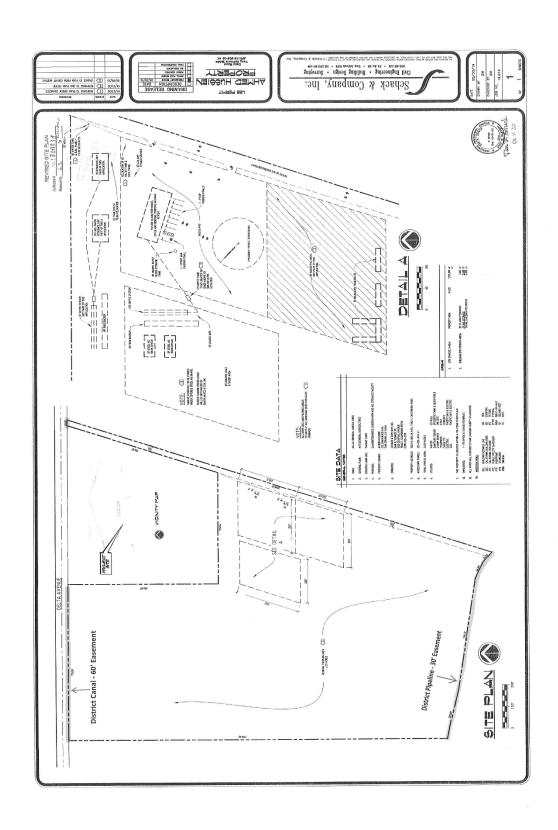
Sincerely,

Alexis K. Stevens

Aloxis Sturm

AKS:mb

EXHIBIT B





Community Development Department Planning Division

390 Towne Centre Drive– Lathrop, CA 95330 Phone (209) 941-7290 – Fax (209) 941-7268 www.ci.lathrop.ca.us

July 23, 2020

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

Re:

Project Referral for PA-1800316 (UP) (7300 West Delta Avenue, Tracy, CA 95304,

APNs: 213-020-38 and -41)

Mr. Sanfilippo:

The City of Lathrop is in receipt of the referral for the above referenced project and would like to submit the comments below for the record and your consideration:

- The Project Description states that "the facility will process on average of one (1) animal per day." The Referral and Initial Study do not include any additional information as to the type of animal slaughtered, the storage of remains, or specific odor control measures. Additionally, the Referral and Initial Study do not include a floor plan of the agricultural building or description of the interior layout of the animal processing portion of the building. On average one (1) animal per day will be processed – does the Conditional Use Permit allow for more than one (1) animal per day? Is there a maximum? Why is it limited to one (1) animal per day? The presence of the "future slaughterhouse, office and general purpose ag barn" on the Site Plan, dated May 30, 2019, leads us to believe that this is the beginning of a larger slaughterhouse operation.

As stated in various Sections of the Initial Study, processing of animals and raising chickens are considered an agricultural farming operation. However, the Project Description needs to be revised to be more specific and provide additional detail on the proposed use.

- As stated in Section III: Air Quality on Page 8 of the Initial Study, "the facility will process on average one (1) animal per day" and that "the second use is a chicken farm for a maximum of 1,500 chickens within a 6,000 sq. ft. enclosure with two (2) 800 square foot metal agricultural barns for the storage of manure." As you are aware, the River Islands Master Planned Community is within the City limits of Lathrop, approximately one (1) mile from the project site down-wind to the east and south-east. River Islands will eventually be a community of up to 11,000 homes and will have as many as 30,000 residents at build-out.

Although the San Joaquin Valley Air Pollution Control District (SJVAPCD) response letter, dated February 6, 2020, states that project specific annual emissions are below the significance thresholds established by the District, the Initial Study fails to adequately analyze potentially significant impacts related to "substantial emissions (such as those leading to odors) adversely affecting a substantial number of people)." In addition to the comment above, the Project Description does not include information related to odor control measures for the 1,600 square foot animal processing portion of the agricultural building to reduce odor impacts to a less than significant level. Additionally, the storage of manure may produce objectionable odors that may be considered a significant impact.

The City of Lathrop requests that an Air Quality Analysis be prepared by a qualified professional to analyze potentially significant impacts related to odor, and once completed, the Initial Study must be re-circulated for public review.

The Manure Management Plan (MMP), dated September 6, 2019 is not consistent with the Project Description. The Project Description states that "manure will be hauled offsite to an approved facility a minimum of once per month, and not utilized for crop production on the property." However, the Manure Management Plan describes how manure will be spread on the cropland (Page 1 of MMP) and that manure deposited from pastured animals will not be raked up. According to the Project Description and MMP, the project will also include pastured animals (cows, goats, and sheep/lamb) but the MMP is not consistent with the Project Description in how manure will be managed. Additionally, the MMP states that approximately 3,000 chickens will be present on the site and housed in environmental houses. However, the Project Description states that approximately 1,500 chickens will be kept in a fenced enclosure with an area of approximately 6,000 square feet. It appears that the MMP has not been updated to the revised Project Description. The City of Lathrop requests that the MMP be updated and that the Initial Study be re-circulated for public review.

The City of Lathrop formally requests to be notified of any future referrals and if the project is referred to the Planning Commission.

The City of Lathrop appreciates the opportunity to comment on the referral and look forward to the San Joaquin County working cooperatively with the City of Lathrop on this project. If you have any questions please call me at (209) 941-7296 or email me at mmeissner@ci.lathrop.ca.us.

Sincerely,

Mark Meissner,

Community Development Department

Cc:

Stephen Salvatore, City Manager Glenn Gebhardt, City Engineer Michael King, Public Works Director Rick Caguiat, Principal Planner Salvador Navarrete, City Attorney Brad Taylor, Associate Engineer Susan Dell'Osso, River Islands Development Ramon Batista, River Islands Development



Plan Review Team

PGEPlanReview@pge.com

6111 Bollinger Canyon Road 3370A San Ramon, CA 94583

January 3, 2019

Pacific Gas and

Electric Company

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

Ref: Gas and Electric Transmission and Distribution

Dear Mr. Sanfilippo,

Thank you for submitting PA-1800316 (UP) 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/buildingand-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 851filing 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

PG&E Gas and Electric Facilities

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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.)

PG&E Gas and Electric Facilities

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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,

PG&E Gas and Electric Facilities

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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.

PG&E Gas and Electric 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

PG&E Gas and Electric Facilities



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.

PG&E Gas and Electric Facilities





PGEPlanReview@pge.com

6111 Bollinger Canyon Road 3370A

July 24, 2020

Pacific Gas and

Electric Company

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

Ref: Gas and Electric Transmission and Distribution

Dear Giuseppe Sanfilippo,

Thank you for submitting the 20309 N De Vries Rd 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/buildingand-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 851filing 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

PG&E Gas and Electric Facilities



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: https://www.usanorth811.org/images/pdfs/CA-LAW-2018.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

PG&E Gas and Electric Facilities



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.

PG&E Gas and Electric Facilities



- 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.

PG&E Gas and Electric 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.

PG&E Gas and Electric Facilities



- 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.

From:

Richard Hawkins < richardh@buenavistatribe.com>

Sent:

Tuesday, July 21, 2020 12:44 PM

To:

Jolley, Jennifer [CDD]

Cc:

Mike DeSpain

Subject:

FW: PA-1800316 (UP) 7300 West Delta Ave. Tracy, CA

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Forwarded as per request by Giuseppe Sanfilippo

From: Richard Hawkins

Sent: Tuesday, July 21, 2020 11:41 AM

To: gsanfilippo@sjgov.org

Cc: Mike DeSpain <mike@buenavistatribe.com>

Subject: PA-1800316 (UP) 7300 West Delta Ave. Tracy, CA

July 24, 2020

Mr. Giuseppe Sanfilippo- Project Planner Community Development Department San Joaquin County 1810 Hazelton Avenue Stockton, CA 95205

Dear Mr. Sanfilippo,

Thank you for the notification dated July 3, 2020 and received July 14 2020 about the use permit application for an animal processing facility 7300 West Delta Avenue Tracy, California.

It is noted of the intent to adopt a Mitigated Negative Declaration for the project.

After review of the document and examination of the property by viewing images using the Google satellite map application,

it is determined there is no objection by the Buena Vista Rancheria of Me-Wuk Indians for commencement of project PA-1800316 (UP).

It is clearly evident the land is previously cultivated but should cultural resources are encountered during the work, Buena Vista Rancheria requests additional notification so action may be taken to protect and preserve them.

Respectfully,

Richard Hawkins THPO Coordinator Buena Vista Rancheria 1418 20th Street, Suite 200

Sacramento, CA 95811 office: (916) 941-0011 ext. 255 Cell: (209) 890-5685 Fax: (916) 941-0012



American Muslim Association

26320 GADING ROAD www.786AMA.org

HAYWARD CA 94544 510-786-2662

February 4, 2020 Date:

To Whom It May Concern To: American Muslim Association From: Re: Ahmed Hussein, Navu Farms

This letter is to confirm that brother Ahmed Hussein is an active and commendable member of American Muslim Association located in Hayward, CA.

Ahmed has always been very supportive and does work for the betterment of the community; which is evident by his current project of building a Halal Slaughterhouse. Our community lacks a proper venue where slaughtering can be done in an authentic Islamic manner. As an organization and community, we are very supportive and appreciative of his efforts. This will greatly help the community, as finding a trustworthy facility where slaughtering is done according to the Islamic requirements has been a challenge. This will also help the future generation preserve an important requirement in our religion as it will ease them in getting reliable halal meat.

Please do not hesitate to contact me at 510.329.1090 with any questions.

We look forward to your support in this much-needed project for our community.

Singerely,

Mohammed I. Khan

Chairman, Board of Directors American Muslim Association

HAYWARD ISLAMIC CENTER

AMA LADIES LEAGUE AMA YOUTH DEVELOPMENT

AMA EDUCATION



February 4th, 2020

To whom it my concern,

Ahmed Hussein is a member in our community at the Tracy Islamic Center in which he is currently working to start Navu Farms and providing an area for abattoir. This will allow us to process halal meat for our community. We understand that Navu Farms will be using best practices and the animals will be free range.

There are many benefits of free-range farming, some being that free-range animals are much more healthier because they are able to graze and roam as they wish. Another benefit for having a free-range farm is the diet of the animals. Animals that are caged or locked within a set area and are solely fed commercialized food or fillers are different from animals that are able to graze and forage themselves, the nutrients and vitamins are absorbed differently. Research has shown that free range animals are happier in general and as Muslims, we have the upmost respect for the animals that we consume.

We at Tracy Islamic Center encourage and support Ahmed Hussein and Navu Farms in allowing us to continue with our religious traditions and culture. Tracy Islamic Center are not part of this business/have with no financial ties/affiliation/obligations towards Navu Farms, but we encourage and support to have this local business for our community.

Respectfully,

Asif Mohammed Tracy Islamic Center

Tracy Islamic Center, (TIC) is a 501@(3)non-profit religious organization.

Tax ID #94-3332338

11970 Larch Road, Tracy, CA 95304

Tel: 209-830-6286 Email: Info@TracyIslamicCenter.org

http://www.tracyislamiccenter.org

Sanfilippo, Giuseppe

From:

Ed Alves <ealves@jps.net> Friday, January 31, 2020 3:16 PM

Sent: To:

Sanfilippo, Giuseppe

Subject:

Application # PA-1800316 regarding slaughterhouse and chicken farm

My concerns are why does he need a 4000 sq ft agriculture building with 2400 sq ft as ag storage and 1600 sq ft as a slaughterhouse and also 2 800 sq ft metal ag barns within a 6000 sq ft chicken enclosure as chicken shelters for a maximum of 3000 chickens. To be operated as planned for 7 days a week and 6 vehicle trips per day. That's seems like a lot for one chicken per day.

Edward Alves Parcel # 213 020 04

From:

Ed Alves <ealves@jps.net>

Sent:

Tuesday, August 4, 2020 2:21 PM

To:

Jolley, Jennifer [CDD]

Subject:

PA 1800316-UP

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Edward Alves and I am a land owner near this project. I have some concerns with this project and they are as follows:

- 1. I was going over the list of referrals and I noticed that the city of Lathrop was not on the list. This project is 3/8 of a mile from their city limits I also think that River Islands should be included as someone to be notified.
- 2. I see from my information regarding this project that 1500 chickens would be the maximum. I don't see any amount for the goats, sheep and cattle. What numbers are we looking at? We could be looking at a lot of tons of manure which could bring in mosquitos and flies plus the odor.
- 3. This project is also in a flood zone. I believe that the last time it flooded out there was in 1997. If it was to flood again some of the possible issues could be flooded roads, manure floating with flood waters and going into ditches and other landowners property.
- 4. I don't think this is the right place for this project because there are multiple homes within close proximity and also a public golf course.

Thank you for hearing my concerns. Please let me know that you received this email and that you will forward my concerns to the planning commission.

Thank you

Edward Alves ealves@jps.net 209-835-8267

From:

glo242@aol.com

Sent:

Thursday, August 6, 2020 11:18 AM

To:

Sanfilippo, Giuseppe [CDD]; Jolley, Jennifer [CDD]

Subject:

PA-1800316 (UP)

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: SJC Community Development Department

From: Gloria Costamagna glo242@aol.com

RE: PA-1800316

I am a land owner near the proposed project PA-1800316 and have concerns with the project and its effects on the environment.

Chicken operations cause odors and emissions of ammonia, hydrogen sulfide and poultry dust which contain bacteria, bacterial toxins and chicken skin debris. Nearby residents breathe the polluted air emanating from these chickens. Airborne ammonia causes eye and lung irritation. Because of the high winds in this area the dust will travel to most nearby residents in the area.

Runoff from areas with chicken manure and waste have potential to contaminate groundwater, which are sources of drinking water. The nitrogen in chicken manure is easily converted to nitrate in water sources for drinking water. Nitrate contamination is prevalent in groundwater in San Joaquin County. The area has many private residential wells.

There are also concerns for increases in fly populations. Flies do not stay on the property and it is difficult to control flies on surrounding properties. Fly control is so difficult that pest control companies will not do service for flies.

I would appreciate your considering these problems and not approving the project to safeguard the health and safety of the residents of this area.

I also request that a full E.I.R. be done.

Thank you.

Gloria Costamagna

5760 W Delta Ave

Tracy, CA 95304

Glo242@aol.com

From: Sent: Glenn Page <gwpage@caldsl.net> Thursday, August 6, 2020 1:05 PM

To:

Jolley, Jennifer [CDD]

Subject:

Fwd: opposition to PA-1800316 (UP)

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Original Message -----

From: Glenn Page <gwpage@caldsl.net>

To: gsanfilippo@sjgov.org

Date: August 6, 2020 at 12:57 PM Subject: opposition to PA-1800316 (UP)

We are opposed to application # PA-1800316 (UP). We are the Pages of 18777 Tom Paine Rd. and you would be able to see we are very close to the site. We are afraid the impact of an animal processing plant is going to be awful. We are afraid the smell of the manure and slaughterhouse will be terrible and the impact on the roads will not be good. Another major concern is the impact on our water table because the increased demand has to be substantial. All in all this is a long time established row crop farming area with some small hobby farms with no real negative impact. We feel this will have a bad impact on our community now and in the future when they grow it will only get worse because it a business and it has to grow. regards Glenn Page



February 6, 2020

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

Subject:

County Planning Commission Review of PA-1800316 (Proposed Slaughterhouse

at 7300 Delta Avenue, Tracy, CA)

Dear Mr. Sanfilippo:

As a property owner in the vicinity of the subject property, we are concerned about the lack of notice provided for the proposal and about the potential that the project could result in environmental impacts to sensitive receptors on property we own. We have just learned of the slaughterhouse proposal on this site from Reclamation District No. 2058 and were not notified directly by the County.

Additionally, it is apparent, despite the small scale of the operation (as stated in the County's staff report) that the use has the potential for environmental impacts not adequately addressed in the initial study. As a property owner just north of the site, we are concerned about these potential impacts, in particular air quality impacts (odors) that are typical of such operations. The proposed use is near the City of Lathrop and the River Islands master planned community that already contains thousands of residents and will have as many as 30,000 residents at build out. These residents should be considered sensitive receptors to the proposed use and the environmental review documentation should include this fact and propose appropriate mitigations (if available).

Given the lack of notice, we were able to only briefly review the Mitigated Negative Declaration prepared by the County for the project. On the issue of air quality, the only issue we have had time to briefly review, there is no analysis of the potential for odors. The statement that a manure management plan will be prepared defers both the analysis of the impact of odors and the ability to mitigate the impact to our residents. This clearly violates CEQA and various cases addressing deferred analysis of impacts. The analysis also does not address the potential for odors from other activities at the proposed slaughterhouse.

This is but one issue of concern. We urge the County Planning Commission to pull this item from its consent calendar and table it until a more thorough environmental analysis can be performed.

Should you have any questions about this letter, you may contact me (209) 879-7900 or sdellosso@riverislands.com. We also request that we be added to the County's list of recipients of any public notices associated with this proposal.

Sincerely,

Susan Dell'Osso

President

cc:

Stephen Salvatore, City of Lathrop City Manager

Mark Meissner, City of Lathrop Community Development Director

Reclamation District No. 2058

Califia, LLC 1676 N. California Blvd., Suite 420, Walnut Creek, CA 94596 (925) 933-1405 | FAX (925) 933-1404



July 28, 2020

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

Subject:

County Planning Commission Review of PA-1800316 (Proposed Slaughterhouse

at 7300 Delta Avenue, Tracy, CA) - Revised Application and Negative

Declaration

Dear Mr. Sanfilippo:

We first provided comments on this application on February 6, 2020; a copy of that letter is attached. We are in receipt of the notice for the resubmitted application, site plan and initial study, as well as County staff's recommendation for the adoption of a mitigated negative declaration for the revised proposal We continue to have concerns regarding the proposal and the appropriateness of a negative declaration with the information that has been provided. We note the following issues:

- 1. Lack of Detail in Project Description and Deferral of Impact Analyses: The project description states that "the facility will process on average of one (1) animal per day." The referral and initial study do not include specifics as to the types of animal slaughtered, where the carcasses will be stored before final disposal, where they are to be disposed of, what odor and water quality controls will be in place for the remains and other appropriate mitigations for such a facility. We are also concerned that the site plan notes a "future slaughterhouse, office and general purpose ag barn," which indicates an incrementalization of the use into a larger facility that the CEQA review being offered does not analyze. Under Sundstrom v. County of Mendocino, 202 Cal. App. 3d 296 (1988), and Gentry v. City of Murrieta, 36 Cal. App. 4th 1359 (1995), the determination of whether a project will have significant environmental impacts, and the formulation of measures to mitigate those impacts, must occur before the project is approved; they cannot be segmented. We do not believe the whole of the action is being considered and that additional impacts are either not being fully described or are being deferred.
- Air Quality Impacts: As stated in Section III of the initial Study, "the facility will process on average one (1) animal per day" and that "the second use is a chicken farm for a maximum of 1,500 chickens within a 6,000 sq. ft. enclosure with two (2) 800 square foot metal agricultural barns for the storage of manure." As you were notified in our February 6, 2020 letter, we are the property owners and developer of the River Islands Master Planned Community within the City of Lathrop, only one (1) mile from the project site. River Islands is an approved urban development that already has constructed 2,000 residences, two schools, parks, and other non-residential uses. The River Islands project

is downwind of the project site and is approved at this time to include 11,000 dwelling units at with over 30,000 residents. These residents, existing and future, are sensitive receptors of the odors that will emanate from the proposed slaughterhouse.

As noted in the City of Lathrop's response to your referral, dated July 23, 2020 and provided to you, the initial study fails to adequately analyze potentially significant impacts related to "substantial emissions (such as those leading to odors) adversely affecting a substantial number of people)." In addition to the comment above, the project description does not include information related to odor control measures for the 1,600 square foot animal processing portion of the agricultural building to reduce odor impacts to a less than significant level. Additionally, the storage of manure may produce objectionable odors that may be considered a significant impact.

As a result, we also request that an Air Quality Analysis be prepared by a qualified professional to analyze potentially significant impacts related to odor. This would be in addition to the detailed information and data necessary to describe the whole of the action described above.

3. Manure Management Plan: The Manure Management Plan (MMP), dated September 6, 2019 is not consistent with the project description. The project description states that "manure will be hauled off- site to an approved facility a minimum of once per month, and not utilized for crop production on the property." However, the Manure Management Plan describes how manure will be spread on the cropland (Page 1 of MMP) and that manure deposited from pastured animals will not be raked up. According to the project description and MMP, the project will also include pastured animals (cows, goats, and sheep/lamb) but the MMP is not consistent with the project description in how manure will be managed. Additionally, the MMP states that approximately 3,000 chickens will be present on the site and housed in environmental houses. However, the project description states that approximately 1,500 chickens will be kept in a fenced enclosure with an area of approximately 6,000 square feet. The MMP has not been updated to the revised project description.

We urge the County Planning Commission delay action on the application and negative declaration until a more thorough environmental analysis can be performed and be recirculated for public review. A more robust document (e.g. EIR) may be required.

Should you have any questions about this letter, you may contact me (209) 879-7900 or sdellosso@riverislands.com. We also request that we continue to be notified of any proposed action regarding this application.

Califia, LLC 1676 N. California Blvd., Suite 420, Walnut Creek, CA 94596 (925) 933-1405 | FAX (925) 933-1404 Sincerely,

Susan Dell'Osso President

Stephen Salvatore, City of Lathrop City Manager Mark Meissner, City of Lathrop Community Development Director Reclamation District No. 2058

Califia, LLC 1676 N. California Blvd., Suite 420, Walnut Creek, CA 94596 (925) 933-1405 | FAX (925) 933-1404

Sanfilippo, Giuseppe [CDD]

From: Diana Alves <dianaalves@sbcglobal.net>
Sent: Wednesday, February 5, 2020 2:54 PM

To: Sanfilippo, Giuseppe

Subject: Request for hearing delay and opposition letter Permit PA-1800316

As a landowner of the lands impacted by Permit PA-1800316 I request a delay of the hearing to be held on February 6, 2020. A notice of this hearing has a postage stamp date of 1/27/2020. It did not arrive until 1/30 and brought to my attention on 1/31/2020. I did not receive any other notices. I have not had adequate time to study this nor could I change my plans for being out of the area in order to attend this meeting.

The surrounding land owners have not been fairly treated. Most never received a notice. I request that all land owners within a mile or even 2 miles be notified as the stench of 244 yearly tons of manure will be great, especially for us who are directly down wind. (Monthly total of 20 tons). These figures are from the manure management assessment.

The manure management plan has a lot to be desired. An assessment still has to be made regarding if pens are used in pasture.

It also mentions the weather. The Diablo winds blow in our area. It is a fierce wind that has blown gravel on the ground like missiles. It blows several times a year. In addition, it's not uncommon to have high wind advisories in our area. Is my front yard and house to be pelted by manure? All of the manure needs to be fully contained.

There are other concerns regarding the safety of our water and drainage. There are concerns regarding flies and mosquitoes as well. Also, our crops use air pesticide spraying. There is drift, is he moving his animals from the pasture during these times?

The initial application states there will be no impact on aesthetics. That is a lie. My vista will be greatly impacted. There will be buildings elevated up for flood control blocking my west views of our gorgeous sunsets. I encourage you to visit my property and see how close I am to this permit and that my view is unobstructed.

In addition to local land owners, I do not see where the cities of Tracy or Lathrop were notified. PETA was not informed and is scrambling to get information to me by tomorrow.

This is not a small family farm but a commercial enterprise. Who is to say what happens afterwards should this pass. Does 20 cows become 50; 3,000 chickens become 4,000; 50 goats and sheep become 100?

I have said it before I will say it again, I am against the slaughter of animals. The slaughter house is unobstructed from my view. I am sickened by the knowledge of what will daily take place there. As the application states it will be a 7 day per week operation. This operation does not fit in with the surrounding crops or orchards. Again, I invite you to my property to view this.

I request that this permit not be granted. At the very least, I request a delay in the hearing so that all surrounding land owners can be notified and have a chance to voice there concerns.

Respectfully submitted,

Diana Alves

Sent from my iPhone

Sanfilippo, Giuseppe

From:

Diana Alves <dianaalves@sbcglobal.net>

Sent:

Friday, January 31, 2020 4:14 PM

To:

Sanfilippo, Giuseppe

Subject:

Opposition to Permit NO. PA 1800316

My aunt, Mary Perry, has asked me to send this on her behalf. She is 93 yrs old and does not have email.

I, Mary Perry, am the land owner of the following parcels:

213 020 030 000

213 020 020 000

213 020 200 000

and the business partner in the following parcels:

213 020 040 000

213 090 270 000

213 100 150 000

213 090 260 000

213 090 170 000

I oppose the building of a slaughterhouse and chicken farm, Permit NO PA 1800316.

Our family land is all around the area of the permit. I do not want to see it, smell it, hear it or know that the slaughtering of animals is taking place.

Respectfully submitted, Mary Perry, via email of Diana Alves Sent from my iPhone

Sanfilippo, Giuseppe

From: Diana Alves <dianaalves@sbcglobal.net>

Sent: Friday, January 31, 2020 3:59 PM

To: Sanfilippo, Giuseppe

Subject: Opposition to Permit No PA-1800316

I, Diana L Alves, am in opposition to the building of a slaughterhouse and chicken farm; Permit NO. PA-1800316. I am the land owner of parcels:

213 020 040 000

213 090 270 000

213 100 150 000

213 090 260 000

213 090 170 000

I am also the business partner on these parcels:

213 020 030 000

213 020 020 000

213 020 200 000

The agriculture in this area is either crops or orchards. It's been this way for generations. Essentially, only a handful of farming families farm and live here as we have for at least 3 generations.

A slaughterhouse nor a chicken farm fits into the neighborhood of crops, orchards and homes. It will be noisy, smelly and mentally traumatic to hear the slaughter of animals take place or even to know that is happening.

I oppose this and I will lawfully protest it should it pass. It's a shame Mr Hussein doesn't want to fit in the neighborhood or be a good neighbor.

Respectfully submitted Diana Alves

Sent from my iPhone

From:

Diana Alves <dianaalves@sbcglobal.net> Wednesday, August 5, 2020 9:51 PM

Sent: To:

Jolley, Jennifer [CDD]

Subject:

Permit: PA-1800316(UP)

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

August 5, 2020

I continue to oppose this project. The proposed project is a commercial business that will operate 7 days a week. With it comes increased traffic, horrific smell, flys and other insects, and potential water contamination. Chickens, in large numbers, also cause disease in humans.

Our area is made up of small family farms that have been here for multiple generations. A slaughterhouse is not a small family farm. It does not fit in the surrounding community. Not only will it smell 24/7 it will also block my view of the sun setting. Many evenings I sit on my front porch to watch the sun set. The slaughterhouse, as it has to be elevated, will destroy my view.

The owner now proposes 1500 chickens which remains too high. He is welcome to have a small family farm with several chicken, goats, sheep, and cows. Animals in the thousands is not a small family farm. A slaughterhouse is not a small family farm. The idea of seeing a slaughterhouse across the street from me makes me sick!

The owner plans to haul the manure away on a monthly basis. Manure, of this amount, needs to be removed weekly if not more often to help with the smell, the flys and contaminating the ground water.

This project is a disaster and will destroy the landscape and culture of this area. I am frightened for our air quality, the smell and our ground water.

I invite you to visit our area and see for yourself how this project does not fit the area. Visit with the surrounding neighbors, on Delta and Tom Paine Rds, and hear their concerns. Would you want to live across the street from this project?

Respectfully submitted, Diana Alves

Sent from my iPhone

From: Steve Rau <SRau@assemigroup.com>
Sent: Thursday, August 6, 2020 6:58 PM

To: Jolley, Jennifer [CDD]; Sanfilippo, Giuseppe [CDD]

Cc: Ernie Costamagna; Gloria Costamagna

Subject: Objection to Consideration of Application #: PA-1800316 (UP), Ahmed Hussein

Applicant

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms Jolley and Mr. Filipponi: On behalf of Gloria Costamagna (who owns property adjacent to property which is the subject of this Application) and the Costamagna family, we strongly object to the consideration of this matter without the preparation and consideration of a full and complete EIR as required by CEQA. Given the significant number and magnitude of several potential environmental consequences of this proposed meat processing and chicken farming operation, action predicated only upon negative declaration is ludicrous. As you are aware, this is little more than list of unsubstantiated opinions regarding the environmental fallout of the project. Potential material adverse impacts on extant environmental conditions include, but are not limited to: water quality (including drinking water contamination), air quality degradation including odors, contamination of soils with microbial pathogens and/or feed additives, noise (24/7), increased traffic (including trucks), adverse effects on fish and other wildlife, etc. The thorough examination of all these potential impacts is exactly the reason we have CEQA. The proposed uses may be fine with appropriate study and mitigation but please do not shortcut the necessary process. Thank you for your consideration of these serious matters.

Sincerely,

Steven G. Rau, Attorney 383 Orlando Dr Cambria, CA 93428 559 323 8053 srau@assemigroup.com

Sent from my iPad

From: Sent: Glenn Page <gwpage@caldsl.net> Thursday, August 6, 2020 1:05 PM

To:

Jolley, Jennifer [CDD]

Subject:

Fwd: opposition to PA-1800316 (UP)

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Original Message -----

From: Glenn Page <gwpage@caldsl.net>

To: gsanfilippo@sjgov.org

Date: August 6, 2020 at 12:57 PM Subject: opposition to PA-1800316 (UP)

We are opposed to application # PA-1800316 (UP). We are the Pages of 18777 Tom Paine Rd. and you would be able to see we are very close to the site. We are afraid the impact of an animal processing plant is going to be awful. We are afraid the smell of the manure and slaughterhouse will be terrible and the impact on the roads will not be good. Another major concern is the impact on our water table because the increased demand has to be substantial. All in all this is a long time established row crop farming area with some small hobby farms with no real negative impact. We feel this will have a bad impact on our community now and in the future when they grow it will only get worse because it a business and it has to grow. regards Glenn Page



Environmental Health Department

Kasey Foley, REHS, Interim Director

PROGRAM COORDINATORS Robert McClellon, REHS Jeff Carruesco, REHS, RDI Willy Ng, REHS Muniappa Naidu, REHS Michael Kith, REHS Melissa Nissim, REHS

December 6, 2019

Ahmed Hussein Navu Farms, Inc. 232 San Marco Ave San Bruno, Ca 94066

RE: Soil Suitability/Nitrate Loading Study 7300 West Delta Avenue, Tracy

APN 213-020-38 and 213-020-41, PA-1800316, SR0081147

Questa Engineering Corp reviewed the Soil Suitability/Nitrate Loading (SSNL) Study and the onsite wastewater treatment system (OWTS) designed by an engineer, dated September 6, 2019, and the response, dated November 20, 2019, for the Environmental Health Department (EHD).

The SSNL Study was prepared to determine the suitability of the above noted parcel for OWTS usage and the potential impact of nitrate to groundwater for a development project at above noted location. The development project includes a 4,000 square foot agricultural building and slaughterhouse, a 6,000 square foot chicken enclosure, three employees and two customers operating 2 days per week plus holidays for the above noted location.

Based on the information provided, the EHD can make the following findings:

- 1. The SSNL Study supports the suitability for the OWTS usage with the following conditions:
 - a. The OWTS designed by an engineer, dated September 6, 2019, has been reviewed and accepted.
 - o. The comments and recommendations resulting from the review are attached for your consideration.
- 2. According to EHD records, the existing well was constructed in 2012 for agricultural use and is not a suitable source for the potable water supply for the new development. A potable water supply that can provide a consistent source of safe and clean water adequate for human consumption, cooking, and sanitary purposes for the proposed development project needs to be established prior to the issuance of building permits (2016 CA Plumbing Code, Section 601.2).

If you have any questions please contact Michael Kith, REHS, Program Coordinator at mkith@sigov.org or (209) 468-3444.

Michael Kith, REHS Program Coordinator

Attachment

c: Don Chesney, PE, Chesney Consulting Giuseppe Sanfilippo, Community Development Department

1868 E. Hazelton Avenue | Stockton, California 95205 | T 209 468-3420 | F 209 464-0138 | www.sjgov.org/ehd



Environmental Health Department

Kasey Foley, REHS, Interim Director

PROGRAM COORDINATORS Robert McClellon, REHS Jeff Carruesco, REHS, RDI Willy Ng, REHS Muniappa Naidu, REHS Michael Kith, REHS Melissa Nissim, REHS

November 25, 2019

Ahmed Hussein Navu Farms, Inc. 232 San Marco Ave San Bruno. Ca 94066

RE: Soil Suitability/Nitrate Loading Study 7300 West Delta Avenue, Tracy APN 213-020-38 and 213-020-41, PA-1800316, SR0081147

Questa Engineering Corp reviewed the Soil Suitability/Nitrate Loading (SSNL) Study and the engineered OWTS design, dated September 6, 2019, and the response, dated November 20, 2019, for the Environmental Health Department (EHD).

The SSNL Study was prepared to determine the suitability of the above noted parcel for onsite wastewater treatment system (OWTS) usage and the potential impact of nitrate to groundwater for a development project at above noted location. The development project includes a 4,000 square foot agricultural building and slaughterhouse, a 6,000 square foot chicken enclosure, 3 employees and 2 customers operating 2 days per week plus holidays for the above noted location.

Based on the information provided, the EHD can make the following findings:

- 1. The SSNL Study supports the suitability for the OWTS usage with the following conditions:
 - a. The engineered system, dated September 6, 2019, has been reviewed and accepted.
 - b. Annual permit is required. Fee for annual operating permit is due at time of OWTS permit application.
 - c. To monitor the effectiveness of the engineered system, which is designed to mitigate the requirement for minimum soil depth from the bottom of the dispersal system to the groundwater, quarterly sampling of the groundwater for nitrate near dispersal field is required. The first sampling shall be done six (6) months after the OWTS installation. Sampling results shall be submitted to EHD for review. The EHD may reduce the sampling frequency after one year of sampling.
 - d. Sampling port shall be installed under EHD permit and inspection.
 - e. The comments and recommendations resulting from the review are attached for your consideration.
- 2. According to EHD records, the existing well was constructed in 2012 for agricultural use and is not a suitable source for the potable water supply for the new development. A potable water supply that can provide a consistent source of safe and clean water adequate for human consumption, cooking, and sanitary purposes for the proposed development project needs to be established prior to the issuance of building permits (2016 CA Plumbing Code, Section 601.2).

1868 E. Hazelton Avenue | Stockton, California 95205 | T 209 468-3420 | F 209 464-0138 | www.sjgov.org/ehd

7300 West Delta Avenue, Tracy, SR0081147 Page 2

If you have any questions please contact Michael Kith, REHS, Program Coordinator at mkith@sigov.org or (209) 468-3444.

Michael Kith, REHS Program Coordinator

Attachment

c: Don Chesney, PE, Chesney Consulting Giuseppe Sanfilippo, Community Development Department



MEMORANDUM

TO:

Kasey Foley, REHS

Interim Director, San Joaquin Environmental Health Department

FROM: Norman Hantzsche, PE, Questa Engineering Corporation

DATE: November 22, 2019

SUBJECT: Final - OWTS Design Review for Navu Farms, Inc., 7300 West Delta Ave, Tracy

In my design review memorandum of November 13, 2019, I noted that the OWTS design for the subject project proposed a 5-ft groundwater separation below the disposal field rather than 8-ft, as required by San Joaquin County OWTS regulations (Table 1.10.2). The response letter of November 20, 2019 from the designer (Don Chesney), argued against imposing the 8-ft separation standard on the basis that: (a) the clay loam soil conditions provide suitable texture and biological activity for treatment of bacteria and viruses and (b) due to the very small volume of wastewater discharge and oversized leachfield, there will be more than adequate time and space for soil absorption and treatment.

I agree with the above rationale presented by the designer and believe it satisfies the footnote exception to the County percolation-groundwater separation criterion (Table 1.10.2) which allows for an alternative separation distance if "...mitigated by the system design or enhancement".

Box 70356, 1220 Brickyard Cove Rd. Suite 206 Pt. Richmond, CA 94807

T: 510/236.6114 F: 510/236.2423 E: Questa@QuestaEC.com



6/5/2019

To Whom It May Concern,

Sisk Recycling is a Tallow company that has been in business since 1965. We service dairies, restaurants, and meat stores throughout the Northern CA region.

Our company is quite interested in working with Ahmed Hussein when his Slaughter Company is up and running. We have the means and facility to handle the loads he has outlined to us.

If you have any questions the office hours are:

Monday – Friday 8am to 4:30pm.

Regards,

Carolyn Harwood, Office Mgr.

Sisk Recycling

O: 209-667-1451

F: 209-667-1672

C: 209-366-3868

From:

Ahmed Hussein <ahmed_hussein_1@hotmail.com>

Sent:

Thursday, August 6, 2020 3:02 PM

To: Cc: Jolley, Jennifer [CDD] Ahmed, Naseem [EHD]

Subject:

Fwd: Manure

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

FYI

Ahmed Hussein Command Sergeant Major (Ret) United States Army

One team one fight

(650) 676-9687

Begin forwarded message:

From: Ahmed Hussein <ahmed_hussein_1@hotmail.com>

Date: August 6, 2020 at 8:43:30 AM PDT

To: "ddchesney@charter.net" <ddchesney@charter.net>, Dylan Wooten <dylan@schackandco.com>,

"dan@schackandco.com" <dan@schackandco.com>

Subject: FW: Manure

FYI

Conformaination from Kiefer landfill

Ahmed Hussein Command Sergeant Major (Ret)

United States Army

(650) 676-9687

From: Pereira. Kenneth

Sent: Thursday, August 6, 2020 8:39 AM To: ahmed hussein 1@hotmail.com

Subject: Manure

Hello Ahmed,

Thanks for the call. Yes, the Kiefer Landfill (KLF) can accept animal manure waste.

Feel free to visit $\underline{www.sacgreenteam.com}$ to help you with most questions/answers.

Thanks,

Ken Pereira

Supervising Waste Management Specialist | County of Sacramento Department of Waste Management & Recycling Office: (916) 876 - 9458





Department of Waste Management & Recycling

Kiefer Landfill Hard to Handle Materials and Fees

12701 Kiefer Boulevard and Grant Line Road, Sloughhouse, CA 95683

Effective July 1, 2016

Hard to Handle - Large/Bulky Materials

\$48.00 per ton

- Large rocks, concrete chunks, and asphalt chunks in excess of three feet in diameter
- Large tree stumps
- Treated wood waste
- Wood crates, wire rope spools (empty), and/or any wood structures larger than six feet in length, and reinforced with metal supports/ strapping
- Baled material (if strapping material is not cut and removed)
- Non-whole mattress parts (stuffing, wire, wood frame, etc.)
- Metal railings, empty tanks (must be cut in half), crates, heavy duty piping larger than six feet in length
- Large/commercial refrigeration, air conditioning, and/or storage units
- Commercial loads containing 50% by volume or more of car seats or furniture (excludes mattresses and/or box springs)
- Any large structure over 10 feet
- Mobile homes, office trailers Must be free of liquids, tires, and other unacceptable materials
- Automobile frames/parts, trailers, campers/shells Must be free of liquids, tires, and any other unacceptable materials
- Boat hulls (stripped of all metals, cables, electronics, fuel tanks, and motors) Must be free of liquids, tires and any other unacceptable materials

Hard to Handle - Special Handling

\$60.00 per ton

Accepted Tuesdays and Thursdays, 9:00 am to 2:30 pm ONLY

- Animal parts/carcasses
- · Grit & screening material (pre-approval required)
- · Pesticide containers (empty)
- Non-friable asbestos
- Autoclaved medical waste
- · Concrete with excessive rebar
- · Dated and/or contaminated food products
- · Confidential files, records, and/or reports
- · Law enforcement evidence
- Customer requests for disposal of personal property
- Other material requiring special handling (Site Supervisor or Manager Discretion)
 - * Grit material must be accompanied by a certificate of acceptance (COA). To obtain a COA call Ken Pereira at 916-876-9458.

Please visit SacGreenTeam.com or call 916-875-5555 for more information.

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Community Development Department

Planning · Building · Neighborhood Preservation

Attachment C
Environmental Review

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Community Development Department

Planning · Building · Neighborhood Preservation

REVISED MITIGATED NEGATIVE DECLARATION

TO:

X

Office of Planning & Research P. O. Box 3044 Sacramento, California 95812-3044 FROM: San Joaquin County

Community Development Department 1810 East Hazelton Avenue Stockton, California 95205

X

County Clerk, County of San Joaquin

PROJECT TITLE: Use Permit No. PA-1800316

PROJECT LOCATION: The project site is located on the south side of West Delta Avenue, 3,000 feet east of South Mac Arthur Drive, Tracy, San Joaquin County. (APN/Address: 213-020-38 & -41/7300 West Delta Avenue, Tracy) (Supervisorial District: 5)

PROJECT DESCRIPTION: A Use Permit application for two separate uses. The first use is an animal processing facility that will be conducted within a new 4,000-square-foot agricultural building (2,400 square feet utilized as agricultural storage and 1,600 square feet for animal processing). The facility will process on average of one (1) animal per day. The second use is a chicken farm for a maximum of 1,500 chickens. The chickens will be kept in a fenced enclosure with an area of approximately 6,000 square feet. Within this enclosure there will be two (2) 800-square-foot metal agricultural barns for the storage of manure. Manure will be hauled off-site to an approved manure facility a minimum of once per month, and not utilized for crop production on the property. Operations are planned for seven (7) days a week, and are expected to generate six (6) vehicle trips per day. The site will utilize a private well for water and septic system for sewage disposal. The majority of the remainder of the property will continue to be planted with varying crops. In addition this area may have grazing animals such as goats, sheep, or cattle. Access will be provided from West Delta Avenue. The project site is under a Williamson Act Contract. (Use Types: Agricultural Processing - Food Manufacturing, Animal Raising-Small)

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

PROPONENT: Ahmed Hussein

This is a Notice of Intent to adopt a Mitigated Negative Declaration for this project as described. San Joaquin County has determined that through the Initial Study that contains proposed mitigation measures all potentially significant effects on the environment can be reduced to a less than significant level. The Negative Declaration and Initial Study can be viewed on the Community Development Department website at www.sjgov.org/commdev under Active Planning Applications.

Date: July 2, 2020

Contact Person:

Giuseppe Sanfilippo Phone: (209) 468-0227 FAX: (209) 468-3163 Email: gsanfilippo@sigov.org

1810 E. Hazelton Avenue | Stockton, California 95205 | (209) 468-3121 | www.sjgov.org/commdev

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INITIAL STUDY/NEGATIVE DECLARATION

[Pursuant to Public Resources Code Section 21080(c) and California Code of Regulations, Title 14, Sections 15070-15071]

LEAD AGENCY: San Joaquin County Community Development Department

PROJECT APPLICANT: <u>Hussein/Schack & Company</u>
PROJECT TITLE/FILE NUMBER(S): PA-1800316 (UP)

PROJECT DESCRIPTION: This project is a Use Permit application for two separate uses. The first use is an animal processing facility that will be conducted within a new 4,000 square foot agricultural building (2,400 square feet utilized as agricultural storage and 1,600 square feet for animal processing). The facility will process on average of one (1) animal per day. The second use is a chicken farm for a maximum of 1,500 chickens. The chickens will be kept in a fenced enclosure with an area of approximately 6,000 square feet. Within this enclosure there will be two (2) 800 square foot metal agricultural barns for the storage of manure. Manure will be hauled off-site to an approved manure facility a minimum of once per month, and not utilized for crop production on the property. Operations are planned for seven (7) days a week, and are expected to generate six (6) vehicle trips per day. The site will utilize a private well for water and septic system for sewage disposal. The majority of the remainder of the property will continue to be planted with varying crops. In addition this area may have grazing animals such as goats, sheep, or cattle. Access will be provided from West Delta Avenue. The project site is under a Williamson Act Contract. (Use Types: Agricultural Processing-Food Manufacturing, Animal Raising-Small)

The project site is located on the south side of West Delta Avenue, 3,000 feet east of South Mac Arthur Drive, Tracy

ASSESSOR PARCEL NO.: 213-020-38,-41

ACRES: 40.39-acres
GENERAL PLAN: A/G

ZONING: AG-40

POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S):
A 4,000 square foot agricultural building with a 1,600 portion utilized as an animal processing building, two (2)
800 square foot pole barns, and a 6,000 square foot chicken enclosure for a maximum of 1,500 chickens

SURROUNDING LAND USES:

NORTH: Agricultural with scattered residences on agricultural properties/City of Lathrop (0.3 miles north of the project site)

SOUTH: Agricultural with scattered residences on agricultural properties/City of Tracy (1.7 miles south of the

project site)

EAST: Agricultural with scattered residences on agricultural properties
WEST: Agricultural with scattered residences on agricultural properties

REFERENCES AND SOURCES FOR 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. Additional standard sources which should be specifically cited below include on-site visits by staff (Site Visit, January 23, 2020; Sisk Recycling letter dated June 5, 2019; Manure Management Plan dated September 6, 2019, Soil Suitability and Nitrate Loading Study Environmental Health Department response dated November 25, 2020, San Joaquin Valley Air Pollution Control District letter dated February 6, 2020). Copies of these reports can be found by contacting the Community Development Department.

1

TRIBA	L CULTURAL RESOURCES:
consul for ex	California Native American tribes traditionally and culturally affiliated with the project area requested tation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, ample, the determination of significance of impacts to tribal cultural resources, procedures regarding entiality, etc.?
<u>No</u>	
GENER	RAL 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): Enter concern(s).
2.	Will the project require approval or permits by agencies other than the County?
	Yes No California Department of Food and Agriculture, and Central Regional Water Quality Control Board
	Agency name(s): Enter agency name(s).
3.	Is the project within the Sphere of Influence, or within two miles, of any city? No
	City: <u>Lathrop, Tracy</u>

The e a "Pot	environmental factors checked be tentially Significant Impact" as in	elow would be poter dicated by the chec	ntially affected by this cklist on the following	s project, involving at least one impact that in pages.
	Aesthetics	☐ Agriculture	and Forestry Resour	ces Air Quality
	Biological Resources	☐ Cultural Re	esources	☐ Energy
- No.	Geology / Soils	Greenhous	se Gas Emissions	Hazards & Hazardous Materials
	Hydrology / Water Quality	Land Use /	Planning	☐ Mineral Resources
	Noise	Population	/ Housing	☐ Public Services
	Recreation	☐ Transporta	tion	Tribal Cultural Resources
	Utilities / Service Systems	Wildfire		Mandatory Findings of Significance
D 	ECLARATION will be prepared.			ct on the environment, and a NEGATIVI
D If ef M R I in all de	pecception will be prepared. find that although the proposed particle in this case because revision in the proposed project M. REPORT is required. find that the proposed project M. find that the proposed project M. find that the proposed project M. ppicable legal standards, and escribed on attached sheets. An	roject could have a ions in the project (ATION will be prepay have a significant of the project	significant effect on the have been made between the environment of th	ct on the environment, and a NEGATIVE the environment, there will not be a significant y or agreed to by the project proponent. A comment, and an ENVIRONMENTAL IMPACT the or "potentially significant unless mitigated analyzed in an earlier document pursuant to measures based on the earlier analysis a serequired, but it must analyze only the effect
DD If et MM If RR In a dd thr	FECLARATION will be prepared. find that although the proposed profect in this case because revised in the proposed profect Market in the proposed profect in the proposed in the proposed in the proposed in the profect in the proposed in the profect in the profet in the pr	roject could have a ions in the project carlon will be prepared. AY have a significant of the project could have analyzed adequate have been avoide	significant effect on the have been made beared. Interfect on the environment of the env	the environment, there will not be a significar y or agreed to by the project proponent. A comment, and an ENVIRONMENTAL IMPAC t" or "potentially significant unless mitigated analyzed in an earlier document pursuant to measures based on the earlier analysis a

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

ls	sues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No	Analyzed In The Prior EIR
E:	AESTHETICS. Keept as provided in Public Resources Code Section 21099, build the project:	impaci	moorporated	Impaci	Impact	THOLEIN
	Have a substantial adverse effect on a scenic vista?			\boxtimes		
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			\boxtimes		
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publically accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			\boxtimes		
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			\boxtimes		

a-d) The project is Use Permit application for two uses. The first use is an animal processing facility that proposes the construction of a 4,000 square foot agricultural building (2,400 square feet utilized as agricultural storage and 1,600 square feet for animal processing). The facility will process on average of one (1) animal per day. The second use is a chicken farm for a maximum of 1,500 chickens within a 6,000 square foot enclosure with two (2) 800 square foot metal agricultural barns for the storage of manure. The project site is not located along a designated scenic route pursuant to 2035 General Plan Figure 12-2, and the surrounding area is a mixture of agricultural and residential uses. Because the property is in the Flood Zone Designation AE, Code requirements mandate that any new construction be elevated a minimum of (22) above grade. All development is located approximately 900 feet from any public road (West Delta Avenue) and over 835 feet from the nearest residence. Because of the large distance between the proposed development and any roadways and/or residences, the proposed project is not anticipated to result in any aesthetic impacts.

	Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No	Analyzed In The
II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources an significant environmental effects, lead agencies may refer the California Agricultural Land Evaluation and Sit Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessin impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, an significant environmental effects, lead agencies may refer to information compiled by the California Department of Forest and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project, and forest carbon measurement methodology provided in Forest Protocol adopted by the California Air Resources Board Would the project:	o e e e e e e e e e e e e e e e e e e e	Incorporated	Impact	Impact I	Prior EIR
a) Convert Prime Farmland, Unique Farmland, or Farmlan of Statewide Importance (Farmland), as shown on th maps prepared pursuant to the Farmland Mapping an Monitoring Program of the California Resources Agency to nonagricultural use?	i		\boxtimes		
b) Conflict with existing zoning for agricultural use, or Williamson Act contract?	· 🗆		\boxtimes		
c) Conflict with existing zoning for, or cause rezoning o forest land (as defined in Public Resources Code sectio 12220(g)), timberland (as defined by Public Resource Code section 4526), or timberland zoned Timberlan Production (as defined by Government Code sectio 51104(g))?	i i		\boxtimes		
d) Result in the loss of forest land or conversion of forest land to non-forest use?	t 🗆		\boxtimes		
e) Involve other changes in the existing environment which due to their location or nature, could result in conversio of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			\boxtimes		
Impact Discussion:					
a-e) The project is a Use Permit application for an animal of one (1) legal parcel totaling 40.39-acres in the AG					re portion
The proposed project site is currently under Willia development to uses that are compatible with 1805. "Compatible use" as defined in the Williamson with the agricultural, recreational, or open-space (Government Code Section 51201[e]) (Development	the William Actincludes use of land	son Act and D uses determined within the prese	evelopment by the Count	Title Se y to be co	ection 9- ompatible
 The use will not significantly compromise subject contracted parcel or parcels or on other 				capability	of the

- This Principle of Compatibility can be made because an agricultural processing facility and chicken
 farm are an agricultural use and that the remainder of the parcel will remain planted in varying
 crops. The use on the subject property will remain in agriculture and will therefore not significantly
 compromise the long term productive capability of the subject contracted parcel or other contracted
 lands in agricultural preserves. The use is an approved use, and is compatible with contracted land
 pursuant to Development Title Section 9-1810.3.
- 2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted land in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands including activities such as harvesting, processing, or shipping.
 - This Principle of Compatibility can be made because the proposed agricultural processing facility and chicken farm is a bona fide agricultural operation directly related to the production of agricultural product (animals). An "agricultural operation" means any land-related activity on agriculturally zoned lands whose purpose is cultivating or raising plants or animals, or conserving or protecting lands for such purposes, and is not a surface mining or burrow pit operation (Development Title Section 9-110.4). As a result, the uses proposed are considered compatible uses for a Williamson Act contracted parcel.
- The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use. In evaluating compatibility a board or council shall consider the impacts on non-contracted lands in the agricultural preserve or preserves.
 - This Principle of Compatibility can be made because the proposed uses, an agricultural processing facility and chicken farm, will encourage continued and expanded agricultural uses in the area. The surrounding properties contain agricultural uses and will not be affected by the project. The Agricultural Processing Food Manufacturing, and Animal Raising-Small Animals use types are a permitted uses on property under contract and are consistent with the A/G (General Agriculture) General Plan Designation. Therefore, the agricultural processing facility will not negatively impact agricultural uses on adjacent contracted lands and will not result in the significant removal of adjacent contracted land from agricultural or open-space.

The project will not affect any agricultural uses, nor will it affect properties under Williamson Act contracts to the south and west (parcels are not under contract to the north and east). Therefore, the proposed application will have a less than significant impact on agriculture. The proposed project does not conflict with any existing or planned uses as the zoning and General Plan designations will remain the same. Therefore, this project will not set a significant land use precedent in the area. There are no applicable Master Plans, Specific Plans, or Special Purpose Plans in the vicinity. Referrals have been sent to the Department of Conservation for review and no comments were received

111	AID OUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
Wh app dist	AIR QUALITY. lere available, the significance criteria established by the blicable air quality management or air pollution control trict may be relied upon to make the following erminations. Would the project:					
a)	Conflict with or obstruct implementation of the applicable air quality plan?				\boxtimes	
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			\boxtimes		
c)	Expose sensitive receptors to substantial pollutant concentrations?			\boxtimes		
d)	Result in substantial emissions (such as those leading to odors) adversely affecting a substantial number of people?			\boxtimes		

The project is Use Permit application for two uses. The first use is an animal processing facility that proposes the construction of a 4,000 square foot agricultural building (2,400 square feet utilized as agricultural storage and 1,600 square feet for animal processing). The facility will process on average of one (1) animal per day. The second use is a chicken farm for a maximum of 1,500 chickens within a 6,000 square foot enclosure with two (2) 800 square foot metal agricultural barns for the storage of manure. A Manure Management Plan (MMP) was prepared by Chesney Consulting (dated September 6, 2019). The MMP was originally approved by the Environmental Health Department for approximately 3,000 chickens. However, the applicant has since reduced the operation to permit a maximum of 1,500 chickens. The MMP also took into consideration that approximately 5-20 cows, 20-50 goats, 20-50 sheep/lamb will be on site in addition to the 1,500 chickens. Pursuant to Development Title Table 9-1045.3 (Animal Standards), there is no limit on the amount of cows, goats and/or sheep permitted on a parcel over 40 acres in size, and no land use permit is required for the number of cows, goats, and/or sheep proposed.

Although the MMP originally proposed to spread the manure on the property as fertilizer, this is no longer the case. The applicant has confirmed that the manure will be hauled off site to an approved location by Ralph Hayes and Sons, Incorporated. The applicant states that the manure will be removed from the site at least once a month.

Additionally, animals harvested as a part of the animal processing operation will have their renderings placed in a sealed container, and the container will be delivered directly to Sisk Recycling for rendering disposal (see letter dated June 5, 2019).

The San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. In a response letter dated February 6, 2020, the SJVAPCD stated that project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (Sox), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). As a result, the district determined the project would have a less than significant impact on air quality. At the time of future development, the applicant will be required to meet the requirements for emissions and dust control as established by SJVAPCD. As a result, any impacts to air quality will be reduced to less-than-significant.

Processing of animals and raising chickens are considered an agricultural farming operation. All properties within any zone in San Joaquin County 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, any incidental odors related to any agricultural farming activity are not be to be considered a nuisance.

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

The Natural Diversity Database list the Swainson's hawk (Buteo Swainsoni), tricolored blackbird (Agelaius tricolor), Suisun marsh aster (Aster lentus), Great Valley Valley Oak Riparian Forest, and the burrowing owl (Athene Cunicularia) as rare, endangered, or threatened species as potentially occurring in or near the site. Referrals have been sent to the San Joaquin Council of Governments (SJCOG) for review. SJCOG has determined that the project is subject to the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), and the applicant has confirmed participation. As a result, the proposed project is consistent with the SJMSCP, as amended, and this will be 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. The applicant has confirmed he will participate in the SJMSCP. Proof of participation will be required prior to issuance of any building or grading permits.

There are is no riparian habitat within the project area and no fish will be impacted by this project. Additionally, there are no trees subject to a preservation policy on the project site.

<u>V. (</u>	CULTURAL RESOURCES.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No	Analyzed In The Prior EIR
Wo	ould the project:					
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to§ 15064.5?			\boxtimes		
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			\boxtimes		
c)	Disturb any human remains, including those interred outside of dedicated cemeteries?			\boxtimes		

a-c) In the event human remains are encountered during any portion of the project, California state law requires that there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to contain adjacent remains until the coroner of the county has determined manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation (California Health and Safety Code - Section 7050.5). At the time development, if Human burials are found to be of Native American origin, the developer shall follow the procedures pursuant to Title 14, Division 6, Chapter 3, Article 5, Section 15064.5(e) of the California State Code of Regulations.

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No	Analyzed In The Prior EIR
	ENERGY.					
	ould the project:					
a)	Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?			\boxtimes		
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			\boxtimes		

a,b) The California Energy Code (also titled The Energy Efficiency Standards for Residential and Non-residential Buildings) was created by the California Building Standards Commission in response to a legislative mandate to reduce California's energy consumption. The code's purpose is to advance the state's energy policy, develop renewable energy sources and prepare for energy emergencies. These standards are updated periodically by the California Energy Commission. The code includes energy conservation standards applicable to most buildings throughout California. These requirements will be applicable to any development at the time of building permit. This will ensure that any impacts to the environment due to wasteful, inefficient, or unnecessary consumption of energy will be reduced to less than significant and help to prevent any conflict with state or local plans for energy efficiency and renewable energy.

			Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
		OLOGY AND SOILS.					
	Dir	the project: ectly or indirectly cause potential substantial adverse ects, including the risk of loss, injury, or death involving:			\boxtimes		
	i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			\boxtimes		
	ii)	Strong seismic ground shaking?			\boxtimes		
	iii)	Seismic-related ground failure, including liquefaction?			\boxtimes		
	iv)	Landslides?			\boxtimes		
b)	Re	sult in substantial soil erosion or the loss of topsoil?			\boxtimes		
c)	wo pot	located on a geologic unit or soil that is unstable, or that uld become unstable as a result of the project, and tentially result in on- or off-site landslide, lateral reading, subsidence, liquefaction or collapse?			\boxtimes		
d)		located on expansive soil and create direct or indirect ss to life or property?					
e)	sep wh	ve soils incapable of adequately supporting the use of otic tanks or alternative waste water disposal systems ere sewers are not available for the disposal of waste ter?			\boxtimes		
f)		ectly or indirectly destroy a unique paleontological source or site or unique geologic feature?				\boxtimes	
lm	pact	Discussion:					
(a-	f)	The Soil Survey of San Joaquin County classifies the drained, 0 to 2 percent slopes; Merritt silty clay loam, ploam, partially drained, 0 to 2 percent slopes.					
		Columbia fine sandy loam's permeability is moderately irrigated row and field crops. Columbia fine sandy loan irrigated and IIw nonirrigated.					
		Merritt silty clay loam's permeability is slow and water crops. Merritt silty clay loam has a storie index rating of					
		Grangeville clay loam's permeability is moderately ra irrigated row and field crops. Grangeville clay loam h irrigated and llw nonirrigated.					

The project site contains expansive soil. At the time of future development, the Building Division will require a soils report to be submitted with a Building Permit application. Therefore, the effects of expansive soil to the underlying project are expected to be less than significant.

A Soil Suitability/Nitrate Loading study approved by the Environmental Health Department has determined that soil of the project site can support the use of septic tanks, and that the septic system proposed by the project applicant can meet all on-site wastewater disposal standards.

The proposed project will not cause the risk of injury or death as a result of a rupture of a known earthquake fault, seismic activity, or landslides because there are no faults located near the project site, and the site is relatively flat. The proposed project will not result in substantial soil erosion or the loss of topsoil. The proposed project will not destroy a unique paleontological resource or site or unique geological feature. The proposed project is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

	Potentially Significant Impact	Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
VIII. GREENHOUSE GAS EMISSIONS.	•	•	•	•	
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			\boxtimes		
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			\boxtimes		

a-b) Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on earth. An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

Implementation of the underlying project would cumulatively contribute to increases of GHG emissions. Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO₂) and, to a lesser extent, other GHG pollutants, such as methane (CH₄) and nitrous oxide (N₂O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The primary source of GHG emissions for the project would be mobile source emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO₂ equivalents (MTCO₂e/yr).

As noted previously, the underlying project will be subject to the rules and regulations of the SJVAPCD. The SJVAPCD has adopted the Guidance for Valley Land- use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA and the District Policy - Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency. 1 The guidance and policy rely on the use of performance-based standards, otherwise known as Best Performance Standards (BPS) to assess significance of project specific greenhouse gas emissions on global climate change during the environmental review process, as required by CEQA. To be determined to have a less-than-significant individual and cumulative impact with regard to GHG emissions, projects must include BPS sufficient to reduce GHG emissions by 29 percent when compared to Business As Usual (BAU) GHG emissions. Per the SJVAPCD, BAU is defined as projected emissions for the 2002-2004 baseline period. Projects which do not achieve a 29 percent reduction from BAU levels with BPS alone are required to quantify additional project-specific reductions demonstrating a combined reduction of 29 percent. Potential mitigation measures may include, but not limited to: on-site renewable energy (e.g. solar photovoltaic systems), electric vehicle charging stations, the use of alternative-fueled vehicles, exceeding Title 24 energy efficiency standards, the installation of energy-efficient lighting and control systems, the installation of energyefficient mechanical systems, the installation of drought-tolerant landscaping, efficient irrigation systems, and the use of low-flow plumbing fixtures.

It should be noted that neither the SJVAPCD nor the County provide project-level thresholds for construction-related GHG emissions. Construction GHG emissions are a one-time release and are, therefore, not typically expected to generate a significant contribution to global climate change.

¹ San Joaquin Valley Air Pollution Control District. Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA. December 17, 2009. San Joaquin Valley Air Pollution Control District. District Policy Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency. December 17, 2009.

IX.	HAZARDS AND HAZARDOUS MATERIALS.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No	Analyzed In The Prìor EIR
Wo	uld the project: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			\boxtimes		
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?					
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?					
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			\boxtimes		
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			\boxtimes		
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			\boxtimes		
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			\boxtimes		
lmį	pact Discussion:					
a-g	The project is Use Permit application for two uses. The construction of a 4,000 square foot agricultural building square feet for animal processing). The facility will procis a chicken farm for a maximum of 1,500 chickens will foot metal agricultural bams for the storage of manure.	(2,400 squa ess on aver	re feet utilized as age of one (1) an	agricultural s imal per day	storage a	and 1,600 cond use
	The project site is not located on a site which is include to Government Code Section 65962.5 and, as a result					

environment.

The applicant proposes to process an average of one (1) animal per day. The renderings from the processing will be collected, and taken to Sisk Recycling in Company Turlock, California. A letter confirming collection of renderings is attached. Additionally, the slaughterhouse will be subject to the regulations of the California Department of Food and Agriculture.

The project would not result in, create or induce hazards and associated risks to the public. Construction activities for the project typically involve the use of toxic or hazardous materials such as paint, fuels, and solvents.

Construction activities would be subject to federal, state, and local laws and requirements designed to minimize and avoid potential health and safety risks associated with hazardous materials. No significant impacts are anticipated related to the transport, use, or storage of hazardous materials during construction activities.

The project site is not located within two (2) miles of an airport land use plan, nor would the project result in a safety hazard or excessive noise for people residing or working in the project area. The proposed project will not impair or physically interfere with an adopted emergency response plan or emergency evacuation plan. The proposed subdivision will not expose people or structures to significant risk of loss and injury or death involving wildland fires.

X	HYDROLOGY AND WATER QUALITY.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No	Analyzed In The Prior EIR
Wo	violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			\boxtimes		
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			\boxtimes		
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			\boxtimes		
	i) result in substantial erosion or siltation on- or off-site;			\boxtimes		
	 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; 			\boxtimes		
	iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			\boxtimes		
	iv) impede or redirect flood flows?			\boxtimes		
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			\boxtimes		
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			\boxtimes		÷
lm	pact Discussion:					
a-e)	The project is Use Permit application for two uses. The construction of a 4,000 square foot agricultural building square feet for animal processing). The facility will procise a chicken farm for a maximum of 1,500 chickens with foot metal agricultural barns for the storage of manus Chesney Consulting (dated September 6, 2019). The Department for approximately 3,000 chickens. Howe permit a maximum of 1,500 chickens. The MMP also the structure of the storage of two permits of the storage of the sto	(2,400 squa cess on aver thin a 6,000 re. A Manur MMP was or ver, the app	re feet utilized as age of one (1) an square foot encle e Management I iginally approved licant has since	agricultural s nimal per day osure with tw Plan (MMP) d by the Envi scaled back	storage and the second	and 1,600 econd use 00 square epared by ital Health eration to

Included with typical operation, manure from animals will be disposed of as follows:

 Manure from chickens will be raked up from pens and stored in holding bins. Proper pest control will be implemented as necessary. Manure will be stored in a top and side covered lean-to that allow accessibility

goats, 20-50 sheep/lamb will be on site in addition to the 1,500 chickens. The applicant has stated they will have 5 cows, 25 goats, and 25 lamb. Pursuant to Development Title Table 9-1045.3 (Animal Standards), there is no limit on the amount of cows, goats and/or sheep permitted on a parcel over 40 acres in size.

with a front –end loader. The top cover will keep rainwater out. Fly pesticides will be used to keep the fly population under control. (The current MMP states that manure may be stored in windrows and tarped. This practice is not approved and a revised MMP will be required prior to issuance of any building permits). As needed, the manure will be hauled off-site to an approved manure facility, and not utilized for crop production on the property. As a minimum, the manure will be removed once per month. This will be required as a condition of approval for this project if approved.

Manure from other pastured animals will not be raked. Pasture grazing will dependent on the stage of
growth of the crop being grown. Grazing may occur near or at crop maturity. If the animals are put into
pens, then the manure will need to be raked up from the pens and stored in holding bins to later be spread
out on crops.

To ensure compliance with the project as proposed, and as reviewed, the following Conditions of Approval will be included in the project approval:

- o Manure shall be stored in a three-sided building with a cover so that manure is adequately contained.
- o Chicken manure shall be hauled off site by Ralph Hays & Sons a minimum of one (1) time per month.

The project area is located approximately 610 feet south of the Paradise Cut. The project site also falls within the boundaries of Reclamation District 2058. The project is designed so that all water will remain onsite. Because manure will be stored in a top and side covered lean-to that allows accessibility with a front—end loader, and because the top cover will keep rainwater out, a less than significant impact related to water contamination from manure is anticipated.

The project will operate in compliance with a revised MMP discussed above and, as a result, the potential impacts to groundwater quality are less than significant. In addition, all of the manure collected and stored on the project site will be located on an elevated pad above the flood zone and will be stored in a covered building in a manner that will prevent storm water run-off from moving the manure off of the pad and into the flat areas and/or into areas such as drainage ditches near West Delta Ave. In addition, the project has been conditioned so that all storm water is required to remain on site

		Potentially Significant	Less Than Significant with Mitigation	Less Than Significant	No	Analyzed In The
XI.	LAND USE AND PLANNING.	Impact	Incorporated	Impact	impaci	t Prior EIR
Vο	uld the project:					
a)	Physically divide an established community?				\boxtimes	
0)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			\boxtimes		
mp	act Discussion:					
0)	The project is Use Permit application for two uses. The construction of a 4,000 square foot agricultural building square feet for animal processing). The facility will pro is a chicken farm for a maximum of 1,500 chickens w foot metal agricultural barns for the storage of manure. and not utilized for crop production on the property. T with any existing or planned uses. The Agricultural F Animals use types may be conditionally permitted in subject to an approved Use Permit application. The project site is located within the Secondary Zon-Commission and the Delta Stewardship Council on Jun The proposed project will not be a conflict with any exist The proposed project is not in conflict with any Master I applicable plan adopted by the County.	J (2,400 squa cess on aver ithin a 6,000 Manure will be he project is Processing- F In the AG-40 e of the Delt e 17, 2019 fo sting or plann	re feet utilized as rage of one (1) an square foot enclose hauled off-site to not a growth-induffood Manufacturi (General Agriculta). Referrals were review, and no couled uses or set as	agricultural and per day obsure with two an approvincing action and Anir ture, 40-Acriture, 40-ments has significant la	storage 7. The s 8. Yo (2) 8 8. He discount of the second of the seco	and 1,600 econd use 00 square facility, in conflict sing-Small num) zone Protection received.

-	MINERAL RESOURCES. uld the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No	Analyzed In The Prior EIR
	Result in the loss of availability of a known_mineral resource that would be of value to the region and the residents of the state?			\boxtimes		
b)	Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			\boxtimes		
	4 P.					

a, b) San Joaquin County applies a mineral resource zone (MRZ) designation to land that meets the significant mineral deposits definition by the State Division of Mines and Geology. The proposed project is not in a designated MRZ zone. The proposed project will not result in the loss of availability of a known mineral resource of a resource recovery site because the site does not contain minerals of significance or known mineral resources. Therefore, the proposed project applications will have less than a significant impact on the availability of mineral resources or mineral resource recovery sites within San Joaquin County.

		Potentially Significant Impact	Significant with Mitigation Incorporated	Less Than Significant Impact	No Impaci	Analyzed In The Prior EIR
	<u>III. NOISE.</u> /ould the project result in:					
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			\boxtimes		
b)	Generation of excessive groundborne vibration or groundborne noise levels?			\boxtimes		
c)	For a project within the vicinity of a private airstrip or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			\boxtimes		

a-c) The project is a Use Permit application for an animal processing facility and chicken farm on a three (3) acre portion of one (1) legal parcel totaling 40.39-acres in the AG-40 (General Agriculture, 40-acre minimum). The processing of animals will be conducted entirely within the slaughterhouse/ agricultural storage building. Additionally, the raising of chickens, goats, and other livestock animals is an agricultural activity. Development Title Section 9-1025.9 states that noise sources associated with agricultural activities are exempt from the County noise ordinance if the activity is conducted on agriculturally zoned lands.

The nearest single family residence is located approximately 835 feet north of the project site. Development Title Section 9-1025.9 lists the Residential use type as a noise sensitive land use. Development Title Section Table 9-1025.9 Part II states that the maximum sound level for stationary noise sources during the daytime is 70 dB and 65dB for nighttime. Development Title Section 9-1025.9 lists the Residential use type as a noise sensitive land use. Development Title Section Table 9-1025.9 Part II states that the maximum sound level for stationary noise sources during the daytime is 70 dB and 65dB for nighttime. This applies to outdoor activity areas of the receiving use, or applies at the lot line if no activity area is known. Additionally, noise from construction activities are exempt from noise standards provided the construction occur no earlier than 6:00 A.M. and no later than 9:00 P.M. The proposed project would be subject to these Development Title standards. Therefore, noise impacts from the proposed project are expected to be less than significant.

_	√. POPULATION AND HOUSING.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impac	Analyzed In The t Prior EIR
a)	build the project: Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				\boxtimes	
b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				\boxtimes	

a-b) The project is a Use Permit application for an animal processing facility and chicken farm on a three (3) acre portion of one (1) legal parcel totaling 40.39-acres in the AG-40 (General Agriculture, 40-acre minimum). The project does not propose housing within the project boundary. Therefore, the project will not induce substantial unplanned population growth in the area. The project also will not displace substantial numbers of existing people or housing as there is no reduction in the number of available housing units. Therefore, the project's impact on population and housing will be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
XV. PUBLIC SERVICES. a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				\boxtimes	
Fire protection?				\boxtimes	
Police protection?				\boxtimes	
Schools?				\boxtimes	
Parks?				\boxtimes	
Other public facilities?				\boxtimes	

a) The project is Use Permit application for two uses. The first use is an animal processing facility that proposes the construction of a 4,000 square foot agricultural building (2,400 square feet utilized as agricultural storage and 1,600 square feet for animal processing). The facility will process on average of one (1) animal per day. The second use is a chicken farm for a maximum of 1,500 chickens within a 6,000 square foot enclosure with two (2) 800 square foot metal agricultural barns for the storage of manure. Manure will be hauled off-site to an approved manure facility, and not utilized for crop production on the property. The existing fire protection is provided by the Tracy Rural fire district, existing law enforcement protection is provided by the San Joaquin County Sheriff's Department, and the existing school services are provided by the Tracy Unified School District with the nearest school located approximately 4.8 miles southeast of the project site. There are no parks in the vicinity, and none are required to be provided. Therefore, the project will not result in the need for additional fire protection, police protection, schools, parks, or other public facilities.

XVI. RECREATION.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	Analyzed No In The Impact Prior EIR	
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			\boxtimes		
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			\boxtimes		
Impact Discussion:		**	d d	-1t b	

a,b) The proposed project will not substantially increase the use of existing neighborhood and regional parks because no increase in housing or people is associated with this application. Additionally, the project does not include recreation facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. Impacts to recreation opportunities are anticipated to be less than significant.

XVII. TRANSPORTATION. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No	Analyzed In The Prior EIR
 a) Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities? 				\boxtimes	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				\boxtimes	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			\boxtimes		
d) Result in inadequate emergency access?			\boxtimes		

a-d) The project is a Use Permit application for an animal processing facility and chicken farm on a three (3) acre portion of one (1) legal parcel totaling 40.39-acres in the AG-40 (General Agriculture, 40-acre minimum). Operations are planned for eight (8) hours a day, seven (7) days a week, and are expected to generate six (6) vehicle trips per day. The Department of Public Works has reviewed the proposal and has determined the project is not expected to exceed 50 vehicles during any hour. Projects that have a traffic volume that is less than 50 trips per hour have a less than significant impact on traffic pursuant to Development Title Section 9-1150.4(a).

The project is not expected to conflict with a program plan, ordinance, or policy addressing the vehicle circulation system. There will be no changes to the geometric design of roads or to emergency access routes. The proposed Emergency access is provided by a fire road/access road with adequate width and surfacing. The proposed project is not expected to result in inadequate emergency access.

XV a)	Wo the Put feat defi	RIBAL CULTURAL RESOURCES, and the project cause a substantial adverse change in significance of a tribal cultural resource, defined in olic Resources Code section 21074 as either a site, ture, place, cultural landscape that is geographically ined in terms of the size and scope of the landscape, ared place, or object with cultural value to a California cive American tribe, and that is:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
	i)	Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				\boxtimes	
	ii)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				\boxtimes	

a) At the time development, if Human burials are found to be of Native American origin, the developer shall follow the procedures pursuant to Title 14, Division 6, Chapter 3, Article 5, Section 15064.5(e) of the California State Code of Regulations. If human remains are encountered, all work shall halt in the vicinity and the County Coroner shall be notified immediately. At the same time, a qualified archaeologist shall be contacted to evaluate the finds. If Human burials are found to be of Native American origin, steps shall be taken pursuant to Section 15064.5(e) of Guidelines for California Environmental Quality Act. A referral was sent to the North Valley Yokuts Tribe and United Auburn Indian Community for review, and no consultation was requested.

XIX	X. UTILITIES AND SERVICE SYSTEMS.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
	ould the project:			\boxtimes		
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			\boxtimes		
c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			\boxtimes		
d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				\boxtimes	
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				\boxtimes	

a-c) There are no public services available in this area for water, sewer, or storm water drainage. Parcels zoned as agricultural may use a well for water, a septic tank for sewer, and retain all drainage on-site. Any new development will have to be accommodated by an on-site well for water, and septic system for sewage. Stormwater drainage will have to be retained on-site. Department of Public Works will determine the specifications of the stormwater drainage system prior to issuance of a building permit.

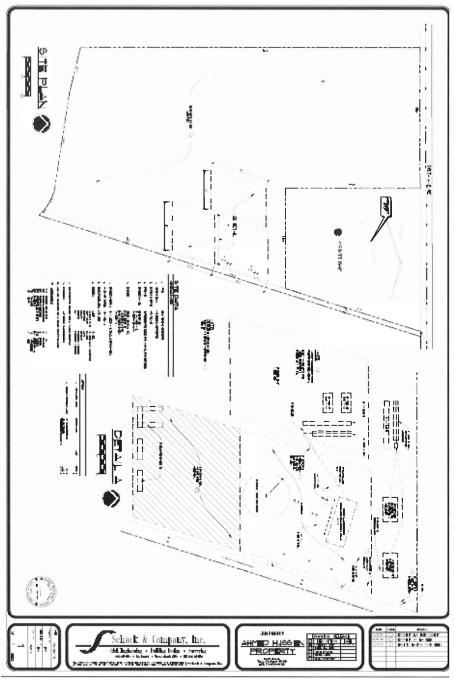
A Soil Suitability/Nitrate Loading study approved by the Environmental Health Department has determined that the soil of the project site can support the use of septic tanks, and that the septic system proposed by the project applicant can meet all on-site wastewater disposal standards. Additionally, Conditions of Approval from the Environmental Health Department will ensure that the water supply can meet all applicable regulations.

222		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No	Analyzed In The Prior EIR
If cla pro	WILDFIRE. located in or near state responsibility areas or lands satisfied as very high fire hazard severity zones, would the object: Substantially impair an adopted emergency response			⊠		
	plan or emergency evacuation plan?	Ш			Ш	
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			\boxtimes		
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?					
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			\boxtimes		

a-d) The project is a Use Permit application for two uses. The first use is an animal processing facility that proposes the construction of a 4,000 square foot agricultural building (2,400 square feet utilized as agricultural storage and 1,600 square feet for animal processing). The facility will process on average of one (1) animal per day. The second use is a chicken farm for a maximum of 1,500 chickens within a 6,000 square foot enclosure with two (2) 800 square foot metal agricultural barns for the storage of manure. Manure will be haul off-site by Ralph Hayes and Sons, Incorporated a minimum of once per month, and not utilized for crop production on the property. Pursuant to the San Joaquin Fire Severity Zone map, the project site is located in an area with non-wildland/non-urban fire zone designation.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No	Analyzed In The Prior EIR
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?					
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?					
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				\boxtimes	
Impact Discussion:					
a-c) The proposed application does not have the potential community. The project would not result in significant continuous project would not result in significant continuous project with the proposed application does not have the potential community. The project would not result in significant continuous project with the proposed application does not have the potential community.					

ATTACHMENT: (MAP[S] OR PROJECT SITE PLAN[S])





4506 S. Commons Rd. Turlock, Ca. 95380

6/5/2019

To Whom It May Concern,

Sisk Recycling is a Tallow company that has been in business since 1965. We service dairies, restaurants, and meat stores throughout the Northern CA region.

Our company is quite interested in working with Ahmed Hussein when his Slaughter Company is up and running. We have the means and facility to handle the loads he has outlined to us.

If you have any questions the office hours are:

Monday – Friday 8am to 4:30pm.

Regards,

Carolyn Harwood, Office Mgr.

Sisk Recycling

O: 209-667-1451

F: 209-667-1672

C: 209-366-3868



MANURE MANAGEMENT PLAN Navu Farms, Inc.

Proposed Abattoir/Ag Building/Livestock Facility

7300 West Delta Avenue Tracy, California 95304

Assessor's Parcel Number: 213-020-38 and 213-020-41

Zoning: AG-40 General Plan: A/G

Permit Application Number: PA-1800316

September 6, 2019

Prepared for; Mr. Ahmed Hussein 232 San Marco Ave. San Bruno, CA 94066 (650) 676-9687 RECEIVED

SEP 1 1 2019

ENVIRONMENTAL HEALTH PERMIT/SERVICES

and

The San Joaquin County Environmental Health Department

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F.O. Box 3794 + Turlock, CA 95381 + (209) 402-1652 + ddchesney@charter.net

INTRODUCTION

Mr. Ahmed Hussein, Command Sergeant Major (Ret.) United States Army, is proposing to construct an Ag Building, an Abattoir and livestock holding pens on property he owns at 7300 West Delta Ave. in Tracy CA.

The San Joaquin County Environmental Health Department (EHD) is requiring a Manure Management Plan (MMP) regarding the on-site animals. Mr. Dylan Wooten of Schack & Company had submitted an MMP to EHD dated August 8, 2019 with the Manure Animal Facility Manure/Solid Waste Management Plan Guidance Document. This document was completed by the Applicant, Mr. Hussein.

The EHD responded with a clarification letter, dated September 3, 2019. My document addresses these questions and provides additional information. The answers below correspond with the numbered question on the EHD document.

- 1. The livestock will be mostly confined to pens. However, goats, sheep, and particularly cattle may be grazed in fenced-in pasture land on Parcel 213-020-38, which is 36.46 acres. It is anticipated to use 35.0 of these 36.46 acres for cropland production.
- 2. Pasture grazing will be dependent on the stage of growth of the crop being grown. Grazing may occur near or at crop maturity. Total animals are between 5-20 cows, 20-50 goats, 20-50 sheep/lamb and approx. 3,000 chickens. The chickens will be housed in environmental houses, whereby manure drops to the ground and is then raked up.
- 3. Manure from all animal types will be raked up from the pens and stored in holding bins. Proper pest control will be implemented if needed. When manure can be spread on the cropland, it will be loaded into a manure spreader pulled by a tractor to be equally deposited on the cropland and then incorporated into the soil by discing. Preferably, manure incorporation will occur immediately prior to crop planting so that the plants can uptake nutrients from the manure, especially nitrogen. Manure deposited from pastured animals will not be raked up. If pens are used in the pasture, an assessment will be made as to manure accumulation. Penned areas within open pasture must be rotated when manure accumulation is observed.
- 4. Crops planted will consist of grain-type plants such as 1ye, oats, wheat, and orchard grass.
- 5. Severe weather conditions during the winter may warrant adjustments in circulating animals from pens to pasture. However, animal populations will be much lower during the winter months, thus making animal housing management easier than the remaining months of the year when the weather is favorable.
- 6. Feeding will be conducted by hand. Feed will be in bulk containers (e.g., bags, totes, plastic drums, etc.) which will be stored in a locked sea container.

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ANALYSIS

To analyze the amount nitrogen from the on-site manure the subject property cropland can assimilate, samples were obtained from goat and chicken manures. There are no cattle presently on the subject property, therefore manure samples could not be obtained. Book values were used. Sheep and goats are similar in manure nitrogen content and production.

TABLE 1

ANIMAL	MANURE PRODUCTION	NITROGEN FRACTIONS (As Tested)							
	PER YEAR (Est.)	NITRATE NITROGEN	ORGANIC NITROGEN	AMMONIA NITROGEN	TOTAL NITROGEN				
Goat	6 lbs./day 100 goats/sheep = 600 lbs./day x 365 d/y = 219,000 lbs./y = 110 tons/y	0.003% = 0.06 lbs/ton = 0.02 lbs/ton (as rev'd.)	1.64% = 32.8 lbs./ton = 13.2 lbs./ton (as rev'd.)	0.007% = 0.14 lbs./ton = 0.056 lbs./ton (as rcv'd.)	1.65% = 33 lbs/ton = 13.3 lbs/ton (as rev'd) = 110 tons /yr x 13.3 lbs N/ton = 1,465 lbs N/yr				
Chicken	0.33 lbs./day 3,000 chickens = 990 lbs./day x 365 d/y = 361,350 lbs/y = 181 tons/y	0.003% = 0.06 lbs./ton = 0.02 lbs./ton (as rev'd.)	4.34% = 87 lbs/ton = 29.6 lbs/ton (as rev'd.)	0.087% = 1.7 lbs./ton = 0.58 lbs./ton (as rev'd.)	4.65% = 93 lbs/ton = 31.6 lbs./ton (as rcv'd) = 181 tons /yr x 31.6 lbs N/ton = 5.720 lbs N/yr				
Beef Cattle (Book Values)	7 lbs./day 20 steers= 140 lbs./day x 365 d/y = \$1,000 lbs./y = 26 tons/y				26 tons/yr x 12 lbs N/ton = 312 lbs N/yr				
TOTALS	244 tons/y				7,495 lbs N/yr				

TABLE 2

CROP TYPES TO BE PLANTED	TYPICAL YIELD PER ACRE	TOTAL NITROGEN UPTAKE (CROP REMOVAL) BY INDIVIDUAL CROPS BASED ON YIELD
BARLEY	2.5 tons/104 Bu	160 lbs N/Ac x 35 Ac = 5,600 x 2 (double cropped) = 11,200 lbs N
OATS	1.6 tons/100 Bu	115 lbs N/Ac x 35 Ac = 4,025 x 2 (double cropped) = 8,050 lbs N
WHEAT	3 ton/100 Bu	175 lbs N/Ac x 35 Ac = 6,125 x 2 (double cropped) = 12,250 lbs N
ORCHARD GRASS	6 tons	300 lbs N/Ac x 35 Ac = 10,500 lbs N lbs N (no double cropping)

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RESULTS

The calculations above demonstrate that barley, oats and wheat crops will assimilate nitrogen produced from manure land applications provided these crops are double-cropped meaning that two crops are grown per year on the subject acreage. By double-cropping (or single crop for orchard grass), all the crops should readily assimilate the nitrogen produced from manure exclusively. No synthetic nitrogen fertilizers should be applied to the cropland. These nitrogen production calculations from manure are based upon the maximum number of animals, year-round. Animal populations will not be at the maximum all year, thus incorporating a significant safety factor.

The organic fraction of the manure must mineralize to plant available nitrogen (PAN), which is nitrate and ammonium. This only occurs under certain environmental conditions. Typically, an approximation of 30% of the organic nitrogen fraction is mineralized per year therefore allowing the plants a slower rate of assimilation. Mineralization will occur in the spring and summer months of the year when the crop can be replanted or recovers from grazing.

It is imperative that equal distribution of manure prior to cropland planting be observed. Animal pens that are installed in the cropland must also be rotated when manure accumulates and the crop has mostly been consumed.

If there should be any questions regarding this document, please contact the undersigned.

Respectfully submitted, CHESNEY CONSULTING

Don Chesney, PE

Registered Civil Engineer #C75479

CA Certified Crop Advisor and Registered Nitrogen Management Specialist #341829

CA Agricultural Pest Control Advisor #74363

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REFERENCES

California Fertilizer Association. Western Fertilizer Handbook. Ninth Ed.

Crohn, D. 2006. <u>Optimizing organic fertilizer applications under steady-state conditions.</u> J. Environ. Qual. 35:658-669.

Gale, E.S., D.M. Sullivan, C.G. Cogger, A.I. Bary, D.D. Hemphill, and E.A. Myhre. 2006. Estimating plant-available nitrogen release from manures, composts, and specialty products. J. Environ. Qual. 35:2321-2332.

Nitrogen Notes. Number 4. International Plant Nutrition Institute.

San Joaquin Local Health District, San Joaquin County Ordinance Code Rules and Regulations

The Nature and Properties of Soils, 13th Ed., Brady and Weil.

University of California. Manure Nutrient Management. www.manure@ucdavis.edu

APPENDICES

APPENDIX A: SCHACK & COMPANY MANURE MANAGEMENT PLAN OUTLINE

APPENDIX B: EHD CLARIFICATION LETTER

APPENDIX C: CHEMICAL ANALYSES OF GOAT MANURE

APPENDIX D: CHEMICAL ANALYSIS OF CHICKEN MANURE

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APPENDIX A

SCHACK & COMPANY MANURE MANAGEMENT PLAN OUTLINE



Community Development Department

Planning · Building · Neighborhood Preservation

July 2, 2020

MEMORANDUM

TO:

PA-1800316 File

FROM:

Giuseppe Sanfilippo Associate Planner

SUBJECT:

Use of existing Manure Management Plan in Initial Study

Although information in the Manure Management Plan (MMP) dated September 6, 2019 was analyzed and referred to in the document, the applicant modified their operation. Therefore, the MMP will need to be updated. The modifications include reducing the number of animals proposed from 3,000 chickens to 1,500 chickens, and changing the method of manure disposal from on-site distribution on crops to removal of all manure on a monthly basis. A revised Manure Management Plan with information pertinent to the new project description will be required to be submitted and reviewed by the San Joaquin County Environmental Health Department prior to issuance of Building or Grading Permits.



Environmental Health Department

Kasey Foley, REHS, Interim Director

PROGRAM COORDINATORS Robert McClellon, REHS Jeff Carruesco, REHS, RDI Willy Ng, REHS Muniappa Naidu, REHS Michael Kith, REHS Melissa Nissim, REHS

November 25, 2019

Ahmed Hussein Navu Farms, Inc. 232 San Marco Ave San Bruno, Ca 94066

RE: Soil Suitability/Nitrate Loading Study
7300 West Delta Avenue, Tracy
APN 213-020-38 and 213-020-41, PA-1800316, SR0081147

Questa Engineering Corp reviewed the Soil Suitability/Nitrate Loading (SSNL) Study and the engineered OWTS design, dated September 6, 2019, and the response, dated November 20, 2019, for the Environmental Health Department (EHD).

The SSNL Study was prepared to determine the suitability of the above noted parcel for onsite wastewater treatment system (OWTS) usage and the potential impact of nitrate to groundwater for a development project at above noted location. The development project includes a 4,000 square foot agricultural building and slaughterhouse, a 6,000 square foot chicken enclosure, 3 employees and 2 customers operating 2 days per week plus holidays for the above noted location.

Based on the information provided, the EHD can make the following findings:

- 1. The SSNL Study supports the suitability for the OWTS usage with the following conditions:
 - a. The engineered system, dated September 6, 2019, has been reviewed and accepted.
 - b. Annual permit is required. Fee for annual operating permit is due at time of OWTS permit application.
 - c. To monitor the effectiveness of the engineered system, which is designed to mitigate the requirement for minimum soil depth from the bottom of the dispersal system to the groundwater, quarterly sampling of the groundwater for nitrate near dispersal field is required. The first sampling shall be done six (6) months after the OWTS installation. Sampling results shall be submitted to EHD for review. The EHD may reduce the sampling frequency after one year of sampling.
 - d. Sampling port shall be installed under EHD permit and inspection.
 - e. The comments and recommendations resulting from the review are attached for your consideration.
- 2. According to EHD records, the existing well was constructed in 2012 for agricultural use and is not a suitable source for the potable water supply for the new development. A potable water supply that can provide a consistent source of safe and clean water adequate for human consumption, cooking, and sanitary purposes for the proposed development project needs to be established prior to the issuance of building permits (2016 CA Plumbing Code, Section 601.2).

1868 E. Hazelton Avenue | Stockton, California 95205 | T 209 468-3420 | F 209 464-0138 | www.sjgov.org/ehd

7300 West Delta Avenue, Tracy, SR0081147 Page 2

If you have any questions please contact Michael Kith, REHS, Program Coordinator at mkith@sigov.org or (209) 468-3444.

Michael Kith, REHS Program Coordinator

Attachment

c: Don Chesney, PE, Chesney Consulting Giuseppe Sanfilippo, Community Development Department



MEMORANDUM

TO:

Kasey Foley, REHS

Interim Director, San Joaquin Environmental Health Department

FROM: Norman Hantzsche, PE, Questa Engineering Corporation

DATE: November 22, 2019

SUBJECT: Final - OWTS Design Review for Navu Farms, Inc., 7300 West Delta Ave, Tracy

In my design review memorandum of November 13, 2019, I noted that the OWTS design for the subject project proposed a 5-ft groundwater separation below the disposal field rather than 8-ft, as required by San Joaquin County OWTS regulations (Table 1.10.2). The response letter of November 20, 2019 from the designer (Don Chesney), argued against imposing the 8-ft separation standard on the basis that: (a) the clay loam soil conditions provide suitable texture and biological activity for treatment of bacteria and viruses and (b) due to the very small volume of wastewater discharge and oversized leachfield, there will be more than adequate time and space for soil absorption and treatment.

I agree with the above rationale presented by the designer and believe it satisfies the footnote exception to the County percolation-groundwater separation criterion (Table 1.10.2) which allows for an alternative separation distance if "...mitigated by the system design or enhancement".

1

Box 70356, 1220 Brickyard Cove Rd. Suite 206 Pt. Richmond, CA 94807

T: 510/236.6114 F: 510/236.2423 E: Questa@QuestaEC.com





February 6, 2020

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

Project: PA-1800316 (UP)

District CEQA Reference No: 20200035

Dear Mr. Sanfilippo:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of a use permit application for a slaughterhouse and chicken farm (Project). The Project proposes the construction of a 4,000 square foot agricultural building with 2,400 square foot utilized as ag storage and 1,600 square foot utilized as a slaughterhouse. The Project also proposes the construction of two 800 square foot metal ag barns within a 6,000 square foot chicken enclosure to be utilized as chicken shelters for a maximum of 3,000 chickens. The Project is located at 7300 West Delta Avenue, in Tracy, CA. The District offers the following comments:

- 1. Based on information provided to the District, Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.
- 2. Per District Rule 9510 (Indirect Source Review) section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule

Samir Sheikh Executive Director/Air Pollution Control Officer

Northern Region 4800 Enterprise Way Modesto, CA 95356-8718 Tel: (209) 557-6400 FAX: (209) 557-6475 Central Region (Main Office) 1990 E. Gettyaburg Avenue Fresno, CA 93726-0244 Tel: (559) 230-6000 FAX: (559) 230-6061 Southern Region 34946 Flyover Court Bakersfield, CA 93308-9725 Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org

www.healthyairliving.com

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2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the Project referenced above.

Therefore, the project proponent is required to obtain a District Authority to Construct prior to installation of equipment that controls or may emit air contaminants, including but not limited to emergency internal combustion engines, boilers, and baghouses. For more information please visit http://www.valleyair.org/busind/pto/ptoforms/1ptoformidx.htm or contact the District's Small Business Assistance.

- 3. The proposed Project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.
- 4. The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please call Sharla Yang at (559) 230-5934.

Sincerely,

Arnaud Marjollet Director of Permit Services

Robert Gilles Program Manager

AM: sy



Community Development Department

Planning · Building · Neighborhood Preservation

Attachment D
Findings for Use Permit

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FINDINGS FOR USE PERMIT

- 1. The proposed use is consistent with the General Plan, any applicable Master Plan, Specific Plan, and Special Purpose Plan and any other applicable plan adopted by the County.
 - This finding can be made because the Agricultural Processing-Food Manufacturing, and Animal Raising-Small use types are consistent with the 2035 General Plan General Agriculture (A/G) designation and may be conditionally permitted with a Use Permit application in the General Agriculture, 40-acre minimum (AG-40) zone. The proposed project is consistent with the goals, policies, standards, and maps of the General Plan, and there are no Master Plans or Special Purpose Plans applicable to this site.
- 2. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways.
 - This finding can be made because the necessary facilities and improvements are existing or proposed. The Soil Suitability/Nitrate Loading Study approved by the Environmental Health Department has determined the proposed on-site wastewater treatment system is adequate for the development. The water supply will be provided by an on-site well permitted and regulated by the Environmental Health Department. Also as a Condition of Approval, the Department of Public Works is requiring the developer to provide drainage facilities that meet the requirements of San Joaquin County Development Standards for any additional runoff attributed to this project development.
- 3. The site is physically suitable for the type of development and for the intensity of development.
 - This finding can be made because the 40.39-acre parcel is of adequate size and shape to accommodate the proposed animal processing, chicken farm and all necessary improvements. The site plan shows that there is sufficient area for parking and circulation, in compliance with the standards of the Development Title. The access driveway meets the 25-foot minimum requirement for two-way access.
- 4. Issuance of the permit will not be significantly detrimental to the public health, safety, or welfare or be injurious to the property or improvements of adjacent properties.
 - This finding can be made because the Initial Study prepared for the project found no potentially significant environmental impacts that could not be mitigated to a less than significant level.
- 5. The use is compatible with adjoining land use.
 - This finding can be made because the proposed use will not interfere with nor alter the current land uses on adjacent properties. The surrounding parcels are agricultural with scattered residences. The proposed uses are agricultural in nature and may be conditionally permitted in the AG-40 zone with an approved Use Permit application.

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Community Development Department

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Attachment EWilliamson Act Principles of Compatibility

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WILLIAMSON ACT PRINCIPLES OF COMPATIBILITY

The proposed project site is currently under Williamson Act contract No. WA-71-C1-264. The contract restricts development to uses that are compatible with the Williamson Act and Development Title Section 9-1805. "Compatible use" as defined in the Williamson Act includes uses determined by the County to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to contract. (Government Code Section 51201[e]) (Development Title Section 9-1810.3[b])

- 1. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.
 - This Principle of Compatibility can be made because an agricultural processing facility and chicken farm are agricultural uses and the remainder of the parcel will remain planted in varying crops. The use on the subject property will remain in agriculture and will, therefore, not significantly compromise the long term productive capability of the subject contracted parcel or other contracted lands in agricultural preserves. The uses may be conditionally permitted, and are compatible with contracted land pursuant to Development Title Section 9-1810.3.
- 2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted land in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands including activities such as harvesting, processing, or shipping.
 - This Principle of Compatibility can be made because the proposed agricultural processing facility and chicken farm are bona fide agricultural operations directly related to the production of agricultural product (animals). An "agricultural operation" means any land-related activity on agriculturally zoned lands whose purpose is cultivating or raising plants or animals, or conserving or protecting lands for such purposes, and is not a surface mining or burrow pit operation (Development Title Section 9-110.4). As a result, the uses proposed are considered compatible uses for a Williamson Act contracted parcel.
- 3. This use will not result in significant removal of adjacent contracted land from agricultural or open-space use. In evaluating compatibility a board or council shall consider the impacts on non-contracted lands in the agricultural preserve or preserves.
 - This Principle of Compatibility can be made because the proposed uses, an agricultural processing facility and chicken farm, will encourage continued and expanded agricultural uses in the area. The surrounding properties contain agricultural uses and will not be affected by the project. The Agricultural Processing Food Manufacturing and Animal Raising-Small Animals use types are permitted uses on property under contract and are consistent with the A/G (General Agriculture) General Plan Designation. Therefore, the agricultural processing facility will not negatively impact agricultural uses on adjacent contracted lands and will not result in the significant removal of adjacent contracted land from agricultural or open-space.

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Community Development Department

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Attachment FConditions of Approval

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CONDITIONS OF APPROVAL

Use Permit Application No. PA-1800316 was approved by the Planning Commission on . The effective date of approval is . This approval will expire on , which is 18 months from the effective date of approval, unless (1) all Conditions of Approval have been complied with, (2) all necessary building permits have been issued and remain in force, and (3) all necessary permits from other agencies have been issued and remain in force.

Unless otherwise specified, all Conditions of Approval and ordinance requirements shall be fulfilled prior to the establishment of the use and the issuance of any building permits. Those Conditions followed by a Section Number have been identified as ordinance requirements pertinent to this application. Ordinance requirements cannot be modified, and other ordinance requirements may apply.

- 1. COMMUNITY DEVELOPMENT DEPARTMENT (Contact: [209] 468-3121)
 - a. **APPROVED USE:** This approval is for an animal processing facility and chicken ranch for a maximum of 1,500 chickens as shown on the revised site plan dated June 12, 2020. (Agricultural Processing-Food Manufacturing; Animal Raising-Small Animals).

This project includes the construction of the following structures:

- 4,000-square-foot agricultural building (2,400 square-feet for storage and 1,600 square-feet for animal processing).
- Two 800-square-foot metal barns (a minimum of 1 of these buildings shall be 3-sided and covered with a roof to store chicken manure).
- b. BUILDING PERMIT: Submit an "APPLICATION-COMMERCIAL GRADING PERMIT". The Site Plan required as a part of the grading permit must be prepared by a registered civil engineer or licensed architect. This Plan must show drainage, driveway access details including gates, on-site parking, landscaping, signs, existing and proposed utility services, and grading (refer to the "SITE PLAN CHECK LIST" for details). Foundation and soils investigation shall be conducted in conformance with Chapter 18 of the California Building Code at the time of permit application. A fee is required for the Site Plan review. (Development Title Section 9-884)
- c. **CAPITAL FACILITY FEE:** This project may be subject to the Capital Facility Fee. If the Capital Facility Fee is applicable, the County shall collect the fees before the issuance of any building permits.
- d. **PARKING:** Off-street parking shall be provided and comply with the following:
 - 1. All parking spaces, driveways, and maneuvering areas shall be surfaced and permanently maintained with asphalt grindings to provide a durable, dust free surface. Bumper guards shall be provided when necessary to protect adjacent structures or properties. (Development Title Section 9-1015.9)
 - 2. A minimum of 7 parking spaces shall be provided. (Development Title Section 9-1015.3[c]) (2.5 spaces per 1,000 square-feet for Agricultural Processing-Food Manufacturing and 0.67 spaces per 1,000 square-feet for Animal Raising-Small Animal).
 - Parking spaces for persons with a disability shall be provided as required by Chapters 11A and 11B of the California Building Code.
 - 4. Each parking stall shall be an unobstructed rectangle, minimum 9 feet wide and 20 feet long. (Development Title Section 9-1015.5[b])
- e. **ACCESS AND CIRCULATION:** The following requirements apply and shall be shown on the Site Plan:

- 1. Access driveways shall have a width of no less than 25 feet for two-way aisles and 16 feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than 20 feet wide. (Development Title Section 9-1015.5[h][1])
- f. **MANURE MANAGEMENT:** Chicken manure shall be raked and stored in one or both of the 800 square-foot metal buildings. Any building used for manure storage shall be 3-sided with a roof. In addition, chicken manure shall be disposed of using a reputable company a minimum of 1 time per month.
- g. **SIGNS:** Signs shall be provided and comply with the following:
 - 1. Sign details shall be consistent with Chapter 9-1710 of the Development Title and be included on the Site Plan. All portions of any sign shall be set back a minimum of 5 feet from any future right-of-way line, including any corner cut off (snipe). (Development Title Section 9-1710.2[g])
- h. **BUILDING CODE REQUIREMENTS:** The following California Building Code (CBC) and San Joaquin County Ordinance requirements will be applicable to the proposed project. The following conditions shall be addressed prior to submittal of a building permit application to the Building Inspection Division:
 - A building permit for each separate structure or building is required. Submit plans, Specifications and supporting calculations, prepared by a Registered Design Professional (architect or engineer) for each structure or building, showing compliance with the 2016 California Building, Existing Building, Mechanical, Plumbing, Electrical, Energy and Fire Codes as may be applicable. Plans for the different buildings or structures may be combined into a single set of construction documents.
 - 2. A grading permit will be required for this project. Submit plans and grading calculations, including a statement of the estimated quantities of excavation and fill, prepared by a Registered Design Professional. The grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of the code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of the code.
 - 3. The required plans must be complete at the time of submittal for a building permit. Plans must address building design and construction, fire and life safety requirements, accessibility and show compliance with the current California codes and San Joaquin County ordinances. A complete set of plans must include fire sprinkler plans, truss design submittals, metal building shop drawings, structural plans and calculations, plumbing, electrical and mechanical drawings and energy report.
 - 4. A soils report is required pursuant to CBC § 1803 for foundations and CBC appendix § J104 for grading. All recommendations of the Soils Report shall be incorporated into the construction drawings.
 - 5. For each proposed new building, provide the following information on the plans:
 - a. Description of proposed use
 - b. Existing and proposed occupancy Groups
 - c. Type of construction
 - d. Sprinklers (Yes or No
 - e. Number of stories
 - f. Building height
 - g. Allowable floor area
 - h. Proposed floor area
 - i. Occupant load based on the CBC

- i. Occupant load based on the CPC
- 6. Accessible routes shall be provided per CBC § 11B-206. At least 1 accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve. Where more than one route is provided, all routes
- 7. At least 1 accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site. §11B-206.2.2
- 8. At least 1 accessible route shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility. §11B-206.2.4
- 9. Parking spaces will be required to accommodate persons with disabilities in compliance with Chapter 11B of the California Building Code. Note that accessible parking spaces are required for each phase of the project. These parking space(s) shall be located as close as possible to the primary entrance to the building.
- 10. Adequate accessible sanitary facilities shall be provided for the facility, per the requirements of Chapter 4 of the California Plumbing Code and Chapter 11B of the California Building Code.
- 11. Pursuant to Section 422.4 of the California Plumbing Code, toilet facilities shall be accessible to employees at all times, should not be more than 500 feet from where employees are regularly employed and accessible by not more than one flight of stairs. The plans shall indicate the location of the toilet facilities and the travel distance from work areas.
- 12. This project will be required to comply with the Model Water Efficient Landscape Ordinance requirements of the California Code of Regulations, Title 22, Division 2, Chapter 2.7

2. DEPARTMENT OF PUBLIC WORKS: (Contact: [209] 468-3000)

- a. The Traffic Impact Mitigation Fee shall be required for any incremental traffic resulting from this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolutions R-00-433)
- b. The Regional Transportation Impact Fee shall be required for any incremental traffic resulting from this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- c. The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with 6 foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-1135)
- d. A copy of the Final Site Plan shall be submitted prior to release of building permit.
- e. An encroachment permit shall be required for all work within road right-of-way. (Note: Driveway encroachment permits are for flatwork only all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-1145.4 and 9-1145.5)
- f. Prior to issuance of the occupancy permit, the approach for the private drive shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. R-17. (Development Title Section 9-1145.5)

- g. Permit Registration Documents (PRDs) shall be filed with the State Water Resources Control Board (SWRCB) to comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity". The Waste Discharge Identification Number (WDID) issued by SWRCB, shall be submitted to Public Works for file. Contact SWRCB at (916) 341-5537 for further information. Coverage under the SWRCB General Construction Permit Order 2009-0009-DWQ shall be maintained throughout the duration of all phases of the project.
- h. Owner shall check with the State Water Resource Control Board (SWRCB) to determine if an Industrial Storm Water Permit will be required.
- i. All new construction and the substantial improvements of any structures, including conversion of existing structures, shall be elevated or floodproofed in accordance to San Joaquin County ordinance Code Section 9-1605.12 (a) b, (b) and (c).

Informational Notes:

- 1. A Solid Waste Diversion Plan for all applicable projects must be submitted to the Building Division of the Community Development Department prior to issuance of the building permit. Contact the Solid Waste Division (468-3066) for information.
- 2. This property is subject to the requirements of San Joaquin County Mosquito & Vector Control District (209-982-4675) and the California Health and Safety Code for the prevention of mosquitoes. Best Management Practices (BMP) guidelines for stormwater devices, ponds and wetlands are available.
- 3. All future building permits for projects located within a Special Flood Hazard Area at the time of permit issuance shall meet the San Joaquin County flood hazard reduction requirements (Title 9, Chapter 9-1605) and all requirements of the State of California (CCR Title 23) that are in force at the time of permit issuance. As an example, these requirements may include raising the finish floor elevation one foot above the expected flood level and/or using flood resistant materials.

3. ENVIRONMENTAL HEALTH DEPARTMENT (Contact: [209] 468-3420)

- a. Questa Engineering Corp. reviewed the soil suitability and nitrate loading (SSNL) study and onsite wastewater treatment system (OWTS) designed by an engineer dated September 6, 2019 and the response, dated November 20, 2019, for the Environmental Health Department (EHD). Based on the information provided, the EHD finds that the SSNL study meets the requirements of San Joaquin County and Code Title 9, section 9-1105.2(d).
- b. Submit to the Environmental Health Department revised site plans showing the location and configuration of any existing and proposed sewage disposal systems, along with the area required to be reserved for future sewage disposal repair/replacement (area for 100% sewage disposal replacement). The plans shall include the design calculations, including the maximum number of persons the sewage disposal system is proposed to serve. In addition, show on revised plans that the disposal field area will be barricaded so it cannot be driven over, parked on, or used as a storage area. This disposal field area must be used for that specific purpose only, and it cannot contain any underground utility lines (San Joaquin County Development Title, Section 9-1110.4[c][5]).
- c. Construction of an individual sewage disposal system(s) under permit and inspection by the Environmental Health Department is required at the time of development based on the Soil Suitability/ Nitrate Loading Study findings (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4).
- d. All new and replacement water supply and sanitary sewage system shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters (San Joaquin County Development Title, Section 9-1605.13(a)).

- e. Applicant will need to get written approval from a rendering plant for the disposal of animal waste due to animal slaughter activities or from the Central Valley Regional Water Quality Control Board for discharge to land. That written approval shall be presented to the Environmental Health Department prior to issuance of building permit and/or final occupancy approval (San Joaquin County Development Title, Section 9-1125.5).
- f. A revised manure management plan shall be submitted for approval to EHD to reflect the proposed project. The number of animals per acre shall be consistent with appropriate waste management practices. The fee will be based on the current schedule at the time of payment. Compliance with San Joaquin County Title 5, and the California Code Regulations, Title 23, Division 3, Chapter 15, Article 6 shall be address in the manure management plan.
- g. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at cers.calepa.ca.gov/ and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases).
 - Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. – Hazardous Waste Program (Health &Safety Code (HSC) Sections 25404 & 25180 et sec.)
 - 2. Onsite treatment of hazardous waste Hazardous Waste Treatment Tiered Permitting Program (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
 - 3. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet-for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic-feet (137 pounds) or more onsite in San Joaquin County Hazardous Materials Business Plan Program (HSC Sections 25508 & 25500 et sec.)
 - 4. Any amount of hazardous material stored in an Underground Storage Tank Underground Storage Tank Program (HSC Sections 25286 & 25280 et sec.)
 - If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.
 - Additionally, an EHD UST permit to operate is required once the approved UST system is installed.
 - 5. Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault Aboveground Petroleum Storage Program (HSC Sections 25270.6 & 25270 et sec.)
 - 2. Spill Prevention, Countermeasures and Control (SPCC) Plan requirement
 - 6. Threshold quantities of regulated substances stored onsite California Accidental Release Prevention (CalARP) Program (Title 19, Section 2735.4 & HSC Section 25531 et sec.
 - 3. Risk Management Plan requirement for covered processes.
- 4. SAN JOAQUIN COUNCIL OF GOVERNMENTS (Contact: [209] 235-0600).
 - a. This project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (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. Compliance with the SJMSCP shall be required prior to issuance of any grading or building permits.

5. SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY (Contact [209] 831-6707)

- a. Prior to construction, the applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval:
 - 1. Construction documents shall be designed to the current edition of the California Code of Regulations, Title 24, as amended by San Joaquin County Municipal Code.
 - 2. Specify occupancy classifications, type of construction, use and square footage of each structure to be build. Each structure will have its own Fire Permit.
 - 3. Fire protection systems are dependent on occupancy and shall be installed in accordance with the California Fire Code, as amended by the San Joaquin County Municipal Code.
 - 4. Deferred submittals shall be listed on the coversheet of each page. Each deferred submittal shall be submitted, reviewed and approved by SSJCFA prior to installation.
 - 5. If proposed, fire protection water supply must be submitted separately from construction permit. All piping and installation shall be in accordance with CFC Section 507 & NFPA standards.
 - 6. If proposed, fire sprinklers shall be designed by a licensed fire protection contractor or engineer. Hydraulic calculations, specifications and plans shall be submitted prior to issuance of a building permit.
 - 7. Provide a truck turning template which clearly shows the truck turning radius of 29 feet-9 inches inside and 47 feet-7 inches outside. Truck turning template shall show all ingress and egress paths available.
- Applications received by our offices are subject to the current fee schedule for South San Joaquin County Fire Authority.
 - Application processing fees and minimum plan review fees are due at the time of submittal of construction documents
 - 2. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
 - 3. Permit holder is responsible for any additional inspection fees incurred, and shall be paid prior to final inspection.
- c. Prior to occupancy of new business, the tenant shall contact SSJCFA for a new business inspection. Additional fees may be required for New Business, Annual and Operational Fire Permits. All fees shall be paid prior to approval of inspection.
- d. Prior to construction, all-weather fire apparatus access roads shall be installed. Fire apparatus access roads during construction shall have a minimum 20 foot unobstructed width in accordance with CFC Section 503.
- e. All hydrants shall be installed, inspected and tested prior to bringing combustible materials onsite, including storage.
- f. Knox boxes shall be required for all buildings and gates. The operator of the building shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. The key to such shall be secured in the key box.

g.	Building	and	each	tenant	space	shall	be	provided	with	approved	address	identification	in
	accordance with CFC Section 505.												

h. Additional comments may occur upon submittal of construction documents.