



**Planning Commission Staff Report
Item #1 November 21, 2024
Variance No. PA-2400062
Minor Subdivision No. PA-2300296
Prepared by: Makayla Miller**

PROJECT SUMMARY

Applicant Information

Property Owner: M&L Bogetti Trust and A&E Bogetti Trust
Project Applicant: Don Moyer

Project Site Information

Project Address: 35100 South Welty Road, Tracy
Project Location: On the eastside of South Welty Road, approximately 400 feet north of South Ahern Road, southeast of Tracy

Parcel Number (APN):	255-260-17 & -20 (portion)	Water Supply:	Private (None)
General Plan Designation:	A/GJR/R	Sewage Disposal:	Private (None)
Zoning Designation:	AG-40/R-R	Storm Drainage:	Private (None)
Project Size:	8.76 acres	100-Year Flood:	No (X)
Parcel Size:	8.76 acres	Williamson Act:	No
Community:	Vernalis	Supervisory District:	5

Environmental Review Information

CEQA Determination: Mitigated Negative Declaration (Attachment C, Environmental Document)

Project Description

This project is comprised of two applications:

- Variance No. PA-2400062 to reduce the minimum required parcel size from 40-acres to 2.05-acres, 2.05 acres, 2.59-acres and 2.08-acres parcels and reduce the minimum lot width from 330 feet to 150 feet in the AG-40 (General Agriculture, 40-acre minimum) zone.
- Minor Subdivision No. PA-2300296 to subdivide the existing 8.76-acre parcel into 4 parcels. Parcel A to contain 2.59-acres. Parcel B to contain 2.08-acres. Parcel C to contain 2.05-acres. Parcel D to contain 2.05-acres. Parcels B, C, and D are landlocked and will be accessed through a 30-foot private easement as shown on the tentative map. Each parcel will utilize private water, storm, and sewer systems.

Recommendation

1. Deny Variance No. PA-2400062 and Minor Subdivision No. PA-2300296 based on the inability to make Variance Findings Nos. 1 and 3 and Minor Subdivision Findings Nos. 1 and 2 contained in the Staff Report (Attachment D, Findings).

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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: November 10, 2024.

Number of Public Hearing notices: 48

Date of Public Hearing notice mailing: November 8, 2024.

Referrals and Responses

- **Early Consultation Date:** March 27, 2024
- **Project Referral with Environmental Determination Date:** October 11, 2024
- **Mitigated Negative Declaration Posting Date:** August 20, 2024
- **OPR State Clearinghouse #:** 2024080793
- **Project Referral with Environmental Determination Date:** August 20, 2024

Agency Referrals	Response Date -Early Consultation	Response Date –Referral	Response Date – Re- Referral
County Departments			
Ag Commissioner			
Assessor			
Community Development			
Building Division			
Fire Prevention Bureau			
Public Works	5/15/2024	9/19/2024	10/31/2024
Environmental Health	4/8/2024	9/10/2024	10/28/2024
Sheriff Office			
General Services		9/17/2024	
State Agencies			
C.R.W.Q.C.B.		9/17/2024	
Fish & Wildlife, Division: 2			
CA Native American Heritage Commission			
CA Tribal TANF Partnership			
CA Department of Conservation		10/8/2024	
Federal Agencies			

F.E.M.A.			
Army Corps of Engineers			
U.S Fish and Wildlife			
U.S. Postal			

Agency Referrals	Response Date – Early Consultation	Response Date –Referral	Response Date – Re-Referral
Local Agencies			
Mosquito Abatement			
S.J.C.O.G.	3/28/2024		
San Joaquin Air Pollution Control District			
W.S.T.N Irrigation District		9/9/2024	
Tracy United School District			
New Jerusalem School District			
South San Joaquin Fire District	4/3/2024		
Tracy Rural Fire District			
Stanislaus			
Miscellaneous			
P.G.&E.	3/29/2024		
Precissi Flying Service			
Sierra Club			10/30/2024
United Auburn Indian Community			
CA Valley Miwok Tribe			
North Valley Yokuts Tribe			
Buena Vista Rancheria			
Farm Bureau			
Union Pacific Railroad			

ANALYSIS

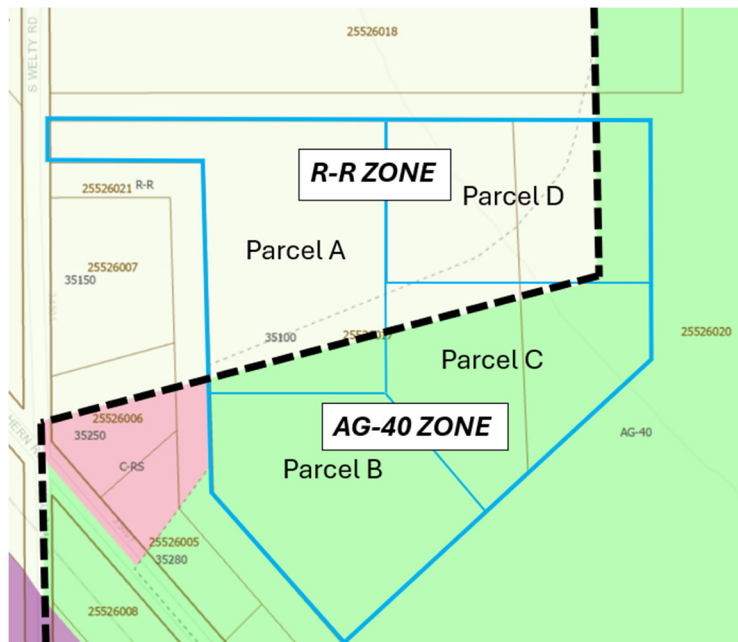
Background

On June 7, 2023, the Community Development Department (CDD) approved Lot Line Adjustment No. PA-2300033 to adjust the property lines among 3 parcels, resulting in the current parcel configuration, that contains both AG-40 (General Agriculture, 40-acre minimum) and R-R (Rural Residential) zones. The current boundary line between R-R and AG-40 zone existed prior to this Lot Line Adjustment. The Lot Line Adjustment resulted in three parcels that were 42.48 acres, 40 acres, and 8.76 acres in size. The 8.76-acre parcel continued to contain dual zoning.

On December 20, 2023, the applicant submitted Minor Subdivision No. PA-2300296 to subdivide the 8.76-acre parcel into four parcels with sizes varying between 2.05 and 2.59 acres. However, because of dual zoning, the proposed parcels did not meet the required minimum lot size, and the application was not deemed complete for processing as a Variance application was required to move forward with the Minor Subdivision.

On March 8, 2024, the applicant submitted Variance No. PA-2400062 to vary the minimum lot size and width in the AG-40 zone. Based on the proposed layout, the resulting parcels will remain dual zoned (R-R and AG-40) if the Variance and Minor Subdivision are approved, as depicted below.

Minor Subdivision No. PA-2300296



Policy Consideration

Variance

Pursuant to Development Title Section 9-805.030, the Planning Commission is required to make four findings in the affirmative in order to approve the Variance application. Staff determined that Finding Nos. 1 and 3 cannot be made in the affirmative, as discussed below.

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

Applicant's Statement:

Since the Bogetti Family farms hundreds of acres in Vernalis, it is essential that they reside adjacent to their farmlands, office, and repair shops.

Staff's Analysis:

- This finding cannot be made because the subject parcel has no special circumstances which would deprive it of privileges enjoyed by other properties in the vicinity and under identical zoning classification. The applicant's proposed finding that denying the Bogetti Family the ability to reside near their farmlands, office, and repair shop does not constitute a finding of deprivation since the parcel's AG-40 (General Agriculture, 40-acre minimum) and R-R (Rural Residential) zoning permits one single-family residence, one accessory dwelling unit, and one junior accessory dwelling unit per parcel without discretionary review. Additionally, the AG-40 zoned portion of the parcel also permits accessory agricultural structures and farm employee housing units, without discretionary review. The California Department of Housing and Community Development defines farm workers as people whose primary incomes are earned through permanent or seasonal agricultural labor. San Joaquin County allows up to 12 farm employee houses on properties located in agricultural zones without additional discretionary approval.
3. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

Applicant's Statement:

The granting of this variance will not give any special privilege to anyone.

Staff's Analysis:

- This finding cannot be made because granting this Variance will constitute a grant of special privileges to the applicant inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. Parcels in the vicinity of the project site that are zoned AG-40 and below the 40-acre minimum in size were created consistent with the General Plan, zoning, and code requirements that were in effect at that time. Surrounding property owners within the vicinity and with the same zoning classification are not permitted to subdivide parcels to less than the 40-acre minimum unless a specific Development Title exception applies. The exceptions to meeting the zone minimum include subdividing properties to create homesite parcels, homesite parcels for financing purposes, parcels for certain specified uses, parcels for dwellings on the same lot, and parcels based on lot size averaging. The underlying subdivision, as proposed, does not meet any of these exceptions.

Findings Nos. 2 and 4 can be made in the affirmative and can be found in Attachment D.

Minor Subdivision

Pursuant to Development Title Section 9-501.030, the Planning Commission is required to make eight findings in the affirmative in order to approve the Minor Subdivision application. Staff recommends that Finding Nos. 1 and 2 cannot be made in the affirmative.

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable Specific Plan, pre-existing Special Purpose Plan, or Master Plan, the Development Title, and other applicable provisions of the County Code.
- This finding cannot be made because Minor Subdivision No. PA-2300296 is not consistent with the General Plan or the Development Title. The AG-40 (General Agriculture, 40-acres minimum) zoned portion of the parcel which implements the A/G (General Agriculture) General Plan designation does not meet the minimum requirements to be subdivided. The

proposed parcels would be below the minimum required lot size of 40-acres and the minimum required lot width of 330 feet. Currently, the proposed subdivision is not consistent with the General Plan or Development Title for AG-40, unless the Planning Commission approves a Variance to reduce the required minimum lot size and lot width for the AG-40 zone. In contrast, the R-R (Rural Residential) zoned portion of the subject parcel permits the creation of parcels that are 2 or more acres in size and the R-R zoning is an implementing zone for the parcel's R/R (Rural Residential) land use designation. As such, this zoning would permit the proposed subdivision of the R-R zoned portion of the parcel. No Master Plan, Specific Plan or Special Purpose Plan are applicable to Minor Subdivision No. PA-2300296.

2. The site is physically suitable for the type of development and the proposed density of the development.
 - This finding cannot be made because the subdivision is proposing additional parcels in the AG-40 zone that do not meet the minimum lot size. The parcel is currently limited to one single-family residence. In the underlying A/G General Plan designation, 0.0 to 0.05, or 1 residence per acre, density range is allowed. If the Minor Subdivision to create four parcels is approved, each parcel would be permitted to have one primary residence. Thus, the density would increase to 0.46 or 4 residences per 8.76 acres. The future residences will utilize a well for water, septic system for wastewater and a storm drainage pond for storm water subject to the rules and regulations of the Environmental Health Department, Department of Public Works, and all minimum development standards contained in the Development Title. The resulting Minor Subdivision affects the density requirements for future development. As a result, the site is not physically suitable for the potential density of future development.

Findings Nos. 3, 4, 5, 6, 7, and 8 can be made in the affirmative and can be found in Attachment D.

West Stanislaus Irrigation District

The Community Development Department received a letter from the West Stanislaus Irrigation District dated September 6, 2024, regarding an existing easement through the subject parcel. The applicant submitted a revised Tentative Map, dated September 27, 2024, that depicts the existing easement within the proposed subdivision. Conditions 7.a. and 7.b. have been incorporated into the recommended Conditions of Approval to ensure future development does not impact WSID facilities.

If the Planning Commission Determines Required Findings Can be Made in the Affirmative

If the Planning Commission determines that all Variance and Minor Subdivision findings can be made in the affirmative, pursuant to Development Title Sections 9-805.030 9-501.070, and approves the project, then staff recommends that the Planning Commission impose reasonable conditions on the project pursuant to Development Title Sections 9-805.040 and 9-501.070. These conditions would include that the applicant submit the Minor Subdivision within 36 months of the Variance approval and the recommended Minor Subdivision conditions found in Attachment E, draft Conditions of Approval.

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RECOMMENDATION

It is recommended that the Planning Commission:

1. Deny Variance No. PA-2400062 and Minor Subdivision No. PA-2300296 based on the inability to make Variance Findings Nos. 1 and 3 and Minor Subdivision Findings Nos. 1 and 2 contained in the Staff Report (Attachment D, Findings).

Attachments:

Attachment A – Revised Tentative Map and Site Plan
Attachment B – Response Letters
Attachment C – Environmental Document
Attachment D – Findings for Variance and Minor Subdivision
Attachment E – Conditions of Approval

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Attachment A **Revised Tentative Map** **and Site Plan**

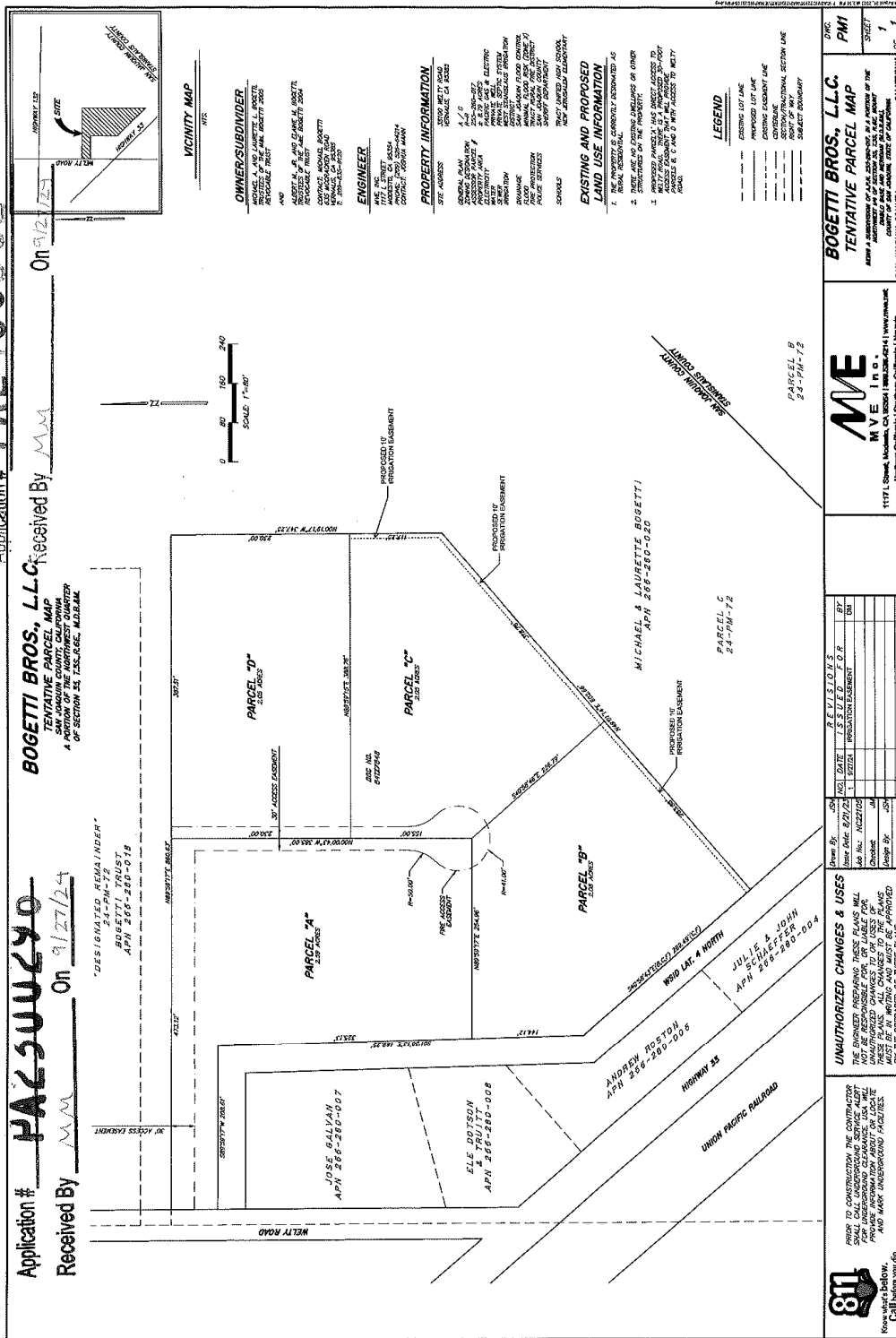
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REVISED TENTATIVE MAP
 Application # **PA2300296**
 Received By **MM** On **9/27/24**

BOGETTI BROS., LLC
 TENTATIVE PARCEL MAP
 A PORTION OF THE NORTHWEST QUARTER
 OF SECTION 33, T12N-R6E, M20AM

BOGETTI BROS., LLC
 TENTATIVE PARCEL MAP
 A PORTION OF THE NORTHWEST QUARTER
 OF SECTION 33, T12N-R6E, M20AM

BOGETTI BROS., LLC
 TENTATIVE PARCEL MAP
 A PORTION OF THE NORTHWEST QUARTER
 OF SECTION 33, T12N-R6E, M20AM



811
 KNOW TO CONSIDERATION THE COMPANY SHALL CALL UNDERGROUND SERVICE UTILITIES PRIOR TO ANY CONSTRUCTION AND MARK UNDERGROUND UTILITIES. Know what's below. Call before you dig.

NO.	DATE	BY	REVISIONS
1	9/27/24	MM	PRELIMINARY
2	10/10/24	MM	REVISIONS
3	10/10/24	MM	REVISIONS
4	10/10/24	MM	REVISIONS
5	10/10/24	MM	REVISIONS
6	10/10/24	MM	REVISIONS
7	10/10/24	MM	REVISIONS
8	10/10/24	MM	REVISIONS
9	10/10/24	MM	REVISIONS
10	10/10/24	MM	REVISIONS

ME
 MME ENGINEERING
 11171 Street, Mission, CA 94041
 (415) 224-4274

BOGETTI BROS., LLC
 TENTATIVE PARCEL MAP
 A PORTION OF THE NORTHWEST QUARTER
 OF SECTION 33, T12N-R6E, M20AM

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Attachment B **Response Letters**

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May 15, 2024

MEMORANDUM

TO: Community Development Department
CONTACT PERSON: Makayla Miller

FROM: Shayan Rehman, Engineering Services Manager *SR*
Development Services Division

SUBJECT: PA-2300296 & PA-2400062 (MS & VR); A Minor Subdivision application No. PA-2300296 to subdivide an existing 9.14-acre parcel into 4 parcels. Parcel 1 to contain 2.59-acres. Parcel 2 to contain 2.08-acres. Parcel 3 to contain 2.05-acres. Parcel 4 to contain 2.05-acres. Parcels 2, 3, and 4 are landlocked and will access through a 30-foot private easement.

This application is submitted concurrently with Variance application No. PA-2400062 to reduce the minimum required parcel size in the AG-40 (General Agriculture, 40-acre minimum) zone in order to facilitate a Minor Subdivision of a 9.14-acre parcel into four parcels; located east of S. Welty Street, approximately 402 feet north of S. Ahern Road (Supervisory District 5)

OWNERS: Michael Tr & Laurette Tr Bogetti

APPLICANT: Don Moyer

ADDRESS: 35100 S. Welty Road, Tracy

APN: 255-260-17

INFORMATION:

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

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

The Traffic Impact Mitigation Fee shall be required when parcels are developed. The fee is due and payable at the time of building permit application.

The Regional Transportation Impact Fee will be required when parcels are developed. The fee is due and payable at the time of building permit application.

PA-2300296 & PA-2400062 (MS & VR)

RECOMMENDATIONS:

- 1) A Parcel Map is required. (Development Title Section 9-501.030)
- 2) All easements of record shall be shown on the Parcel Map. (Development Title Section 9-505.080)
- 3) The driveway approach shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. R-17 prior to issuance of the occupancy permit for Parcel A. (Development Title Section 9-607.040)
- 4) A minimum twenty-five (25) foot wide proposed private access and utility easement shall be provided for the benefit of Parcels B, C, and D. The requirement for these easements shall be noticed by a statement on the Parcel Map and by a recorded Notice of Minor Subdivision Restriction. The statement shall read as follows:

We also hereby make an irrevocable offer to provide a minimum twenty-five-foot (25') wide private access and utility easement across Parcels A, B, C, & D including turnaround accommodations at its terminations and corner cut-offs at intersecting roads, for the benefit of Parcel B, Parcel C, and Parcel D, upon conveyance of any of the Parcels to another party. Said easement is not created by this map.

- 5) Prior to the issuance of a non-agricultural building permit on Parcels B, C, and D; a private access roadway and turnarounds from Welty Road shall be constructed in conformance with fire road standards and applicable San Joaquin County Improvement Standards. The required improvements shall be noticed on a Declaration of Minor Subdivision Restriction – Non Rescindable and recorded concurrently with the Parcel Map (contact Department of Public Works, Development Services Division for processing) (Development Title 9-608.160[a])(A fee for processing the Declaration will be required.)

Informational Notes:

- (i.) At the time the parcels are developed, the developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards.
- (ii.) Any construction activity that results in the disturbance of at least one (1) acre of soil shall require a State NPDES construction permit. Dischargers whose projects disturb 1 or more acres of soil or whose projects disturb less than 1 acre of soil and is not part of a larger common plan of development, are required to obtain coverage under the current General Permit for Discharges of Storm Water Associated with Construction Activity.
- (iii.) 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.

SR:GM



Environmental Health Department

Jasjit Kang, REHS, Director

Muniappa Naidu, REHS, Assistant Director

PROGRAM COORDINATORS

Jeff Carruesco, REHS, RDI

Willy Ng, REHS

Steven Shih, REHS

Elena Manzo, REHS

Natalia Subbotnikova, REHS

October 21, 2024

To: San Joaquin County Community Development Department
Attention: Makayla Miller

From: Aldara Salinas; (209) 616-3019
Environmental Health Specialist

AS

RE: **PA-2400062 (VR), PA-2300296 (MS), Referral, SU0016162, -63**
35100 S. Welty Rd., Tracy; APN/Address: 255-260-17

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

1. A qualified environmental professional shall prepare a surface and subsurface contamination report, identifying any potential source of surface or subsurface contamination caused by past or current land uses. The report shall include evaluation of non-point source of hazardous materials, including agricultural chemical residues, as well as potential point sources, such as fuel storage tanks, septic systems, or chemical storage areas. If the report indicates there is contamination, corrective action shall be taken, as recommended in the report and concurred with by Environmental Health prior recordation of Parcel Map San Joaquin County Development Title, Section 9-502.070(a)(c)).

Note: EHD has reviewed and approved Surface Subsurface Contamination Report (Service Request #SR0087114) dated August 9, 2023.

2. 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 for each parcel. The studies must be approved by the Environmental Health Department prior to approval of a parcel map. (San Joaquin County Development Title, Section 9-604.010(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.

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/ Nitrate Loading Study findings (San Joaquin County Development Title, Section 9-605.010).
4. 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 9-601.010 (b)).

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

5. 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 recordation of the Parcel Map. Samples are to be taken and analyzed by a State-approved laboratory (San Joaquin County Development Title, Section 9-601.020(j)).
6. Any existing wells or septic systems to be abandoned shall be destroyed under permit and inspection by the EHD (San Joaquin County Development Title, Section 9-605.010 & 9-601.020).
7. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-601.010(b) and 9-601.020(i)).



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0574 • Email: boyd@sjcog.org

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

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

To: Makayla Miller, San Joaquin County, Community Development Department

From: Laurel Boyd, SJCOG, Inc. Phone: (209) 235-0574 Email: boyd@sjcog.org

Date: March 28, 2024

Local Jurisdiction Project Title: PA-2300296 (MS), PA-2400062 (VR)

Assessor Parcel Number(s): 255-260-17

Local Jurisdiction Project Number: PA-2300296 (MS), PA-2400062 (VR)

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 Ms. Miller:

SJCOG, Inc. has reviewed the application referral for PA-2300296 (MS), PA-2400062 (VR). This project consists of a Minor Subdivision application No. PA-2300296 to subdivide an existing 9.14 acre parcel into 4 parcels. Parcel 1 to contain 2.59 acres. Parcel 2 to contain 2.08 acres. Parcel 3 to contain 2.05 acres. Parcel 4 to contain 2.05 acres. Parcels 2, 3, and 4 are landlocked and will access through a 30 foot private easement. Each parcel will utilize private water, storm, and sewer systems. The project site is east of S. Welty Street, approximately 402 feet north of S. Ahern Road (APN/Address: 255-260-17 / 35100 S. Welty Road, 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.

At this time, the applicant is requesting a Minor Subdivision and Variance with no ground disturbance. Any future ground disturbing activities (e.g. roads, curb, gutter, electrical, water, etc.) or any physical structures that require ground disturbance on this or subsequent divided parcels will be subject to participate in the SJMSCP before ANY ground disturbance occurs and should be resubmitted to this agency. Current or future owners of this-or subdivided properties should be made aware of the conditions that are placed by the SJMSCP on future development on the created parcels.

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

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

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

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

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

- Receive your Certificate of Payment and release the required permit

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

If you have any questions, please call (209) 235-0574.

**S J C O G , I n c .***San Joaquin County Multi-Species Habitat Conservation & Open Space Plan*

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

SJMSCP HOLD

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

FROM: Laurel Boyd, SJCOG, Inc.

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

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

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

Project Title: PA-2300296 (MS), PA-2400062 (VR)

Landowner: Michael Tr & Laurette Tr Bogetti

Applicant: Don Moyer

Assessor Parcel #s: 255-260-17

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

Local Jurisdiction Contact: Makayla Miller

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 JOAQUIN
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General Services

Marcia Cunningham, Director
Connie Hart, Assistant Director

Capital Projects · Facilities Management · Parks and Recreation

September 17, 2024

San Joaquin County
Community Development Department
Development Services Division
1810 East Hazelton Ave
Stockton, CA 95205

Re: Application Number PA#2300296 & 2400062

Dear Makayla Miller,

The San Joaquin County Department of Parks and Recreation will require the payment of fee in-lieu of land dedication as a condition of the above-mentioned Application Referral. Based on the information provided in the Application Referral and County Development Title Section 9-1230, et al, the fee is **\$322.06**

Fees are to be paid in person at the Parks and Recreation administrative offices located within Micke Grove Regional Park. Please refer to attached map for direction and additional instructions.

Sincerely,

Alicia Smolke

Administrative Assistant II, Parks and Recreation

11793 N. Micke Grove Rd. | Lodi, California 95240 | T 209 953-8800 F 209 331-2012

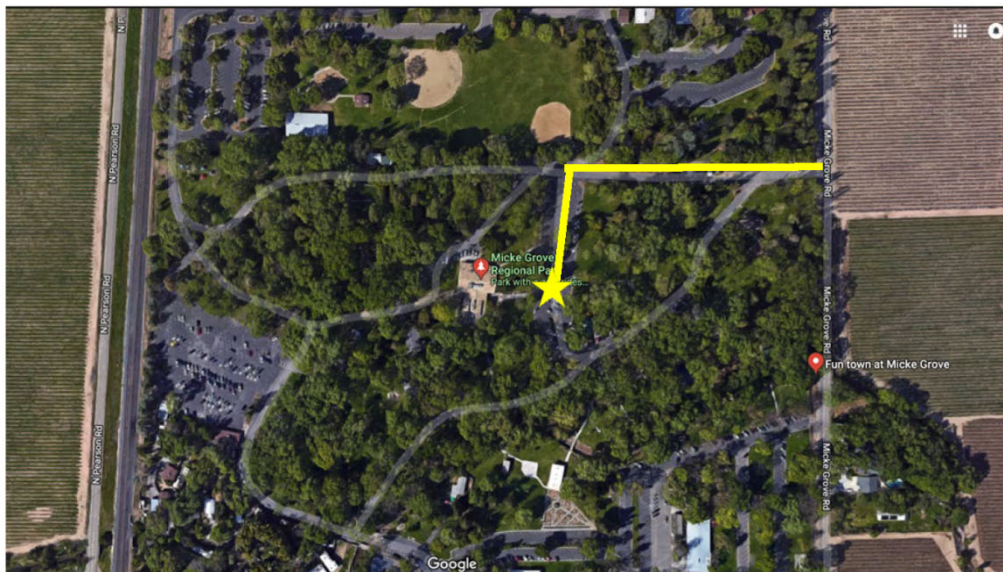
Please bring a copy of this notice and show to the gate attendant as admittance to the park.

11793 Micke Grove Rd, Lodi CA 95240

From 99 North
Exit Armstrong Rd, Take a left back over the freeway onto Armstrong Rd
Turn left onto Micke Grove Rd
Turn right at park gate entrance.

From 99 South
Exit Armstrong Rd, Turn right onto Armstrong Rd
Turn left onto Micke Grove Rd
Turn right at park gate entrance.

Parking available at Administrative Offices.



WEST STANISLAUS IRRIGATION DISTRICT

116 E Street
PO Box 37
Westley, CA 95387



(209)894-3091
Fax (209)894-3383
wsidoffice@weststanislausid.org

September 6, 2024

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

Subject: Project Application Number PA-2300296 (MS).

To Whom It May Concern:

West Stanislaus Irrigation District (WSID, District) is in receipt of a notice for Project Application Number PA-2300296 (MS) to subdivide existing parcel 255-260-17 into 4 parcels and provide comments below.

WSID currently serves irrigation water to parcel 255-260-17 from the District's Lateral 4-North, off turnouts 38 and 39. Splitting this parcel into quadrants may potentially sever water service from WSID. The resulting parcel split may require infrastructure to maintain water services to parcel(s) and shall be provided by owner of parcel at the owner's expense. If new facilities are required to maintain water service, and easement for such facilities shall be established.

Drainage facilities currently serve drainage means for the existing parcel. If new water delivery infrastructure is required, an easement must be provided for pertaining infrastructure to prevent said parcel from being landlocked from drainage services.

An existing pipeline that originates from WSID Lateral 4 North, Turnout 38, transects the existing parcel and it is imperative that said pipeline is protected or replaced per approval of the District General Manager (GM).

Stand-by and Minimum Water assessments are currently assigned to current parcel 255-260-17. Acreage currently assessed and that are located within the proposed parcels will continue to be assessed based on APN acreage in the future, regardless if the ground is or is not farmed.

Should the parcel split request propose to cross WSID facilities, utilities crossing under District facilities must reach a minimum 2 ft. vertical clearance. If overhead utilities are required, power lines must have a vertical clearance of 20 ft. Power poles must be located outside WSID Right of Way (ROW). Drawings must be provided for review, comment, and approval by the District GM. No valves, splices, terminations, or akin items shall exist within the WSID ROW. Upon approval,

utility crossings will require a non-refundable deposit per agreement. An executed agreement must be executed prior to any work occurring on WSID property.

If the ROW request pertains to connecting to WSID facilities, drawings must be provided for review, comment, and approval by the District GM. An appropriate agreement must be executed prior to any work occurring. Should the installation of a new turnout facility is requested, drawings must be provided for review, comment, and approval of by the District GM. An appropriate agreement must be executed prior to any work occurring.

Please contact the office at (209) 894-3091 if there are any questions in this regard and provide written notice to the district when the parcel split is finalized.

Respectfully,



Robert Pierce, P.E.
General Manager



Central Valley Regional Water Quality Control Board

17 September 2024

Makayla Miller
San Joaquin County
Community Development Department
1810 East Hazelton Avenue
Stockton, CA 95205
memiller@sjgov.org

**COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE
DECLARATION, PA-2400062 (VR) AND PA-2300296 (MS) PROJECT,
SCH#2024080793, SAN JOAQUIN COUNTY**

Pursuant to the State Clearinghouse's 20 August 2024 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-2400062 (VR) and PA-2300296 (MS) 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

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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

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

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 and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-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

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/

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

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 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

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/>

PA-2400062 (VR) and
PA-2300296 (MS) Project
San Joaquin County

- 5 -

17 September 2024

If you have questions regarding these comments, please contact me at (916) 464-4684
or Peter.Minkel2@waterboards.ca.gov.



Peter G. Minkel
Engineering Geologist

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

Miller, Makayla [CDD]

From: Planning Clerical [CDD]
Sent: Wednesday, April 3, 2024 2:16 PM
To: Miller, Makayla [CDD]
Subject: FW: PA-2400062 (VR) & PA-2300296 (MS): Agency Referral

From: Daniel Stowe <daniel.stowe@sjcfire.org>
Sent: Wednesday, April 3, 2024 2:15 PM
To: Planning Clerical [CDD] <planningclerical@sjgov.org>
Cc: Fire Plancheck <Fire.Plancheck@sjcfire.org>
Subject: RE: PA-2400062 (VR) & PA-2300296 (MS): Agency Referral

Good afternoon,
SJC Fire Authority has no comments for this project.

Daniel Stowe | Fire Plans Examiner
South San Joaquin County Fire Authority
835 N. Central Avenue, Tracy, CA 95376
209.831.6735 office | 209.831.6703 fax



From: Planning Clerical [CDD] <planningclerical@sjgov.org>
Sent: Wednesday, March 27, 2024 3:00 PM
To: Clayton, Jay [CDD] <jayclayton@sjgov.org>; Davis, Greg [CDD] <gdavis@sjgov.org>; Butler, Steve [CDD] <sbutler@sjgov.org>; Valles, Ruben [CDD] <rvalles@sjgov.org>; ehlanduse [EHD] <ehlanduse@sjgov.org>; Heylin, Christopher [PW] <chevlin@sjgov.org>; Rehman, Shayan [PW] <srehman@sjgov.org>; Montross, George [PW] <gmontross@sjgov.org>; Tyrrell, Scott [BOS] <styrrell@sjgov.org>; SJSO-PLAN-DEV [SO] <sjsso-plan-dev@sjgov.org>; Fire Plancheck <Fire.Plancheck@sjcfire.org>; cega@valleyair.org; boyd@sjcog.org; R2CEQA@wildlife.ca.gov; pgeplanreview@pge.com; mescobedo@cttp.net; ivan@bvttribe.com; staff@sjfb.org; kent.norman03@gmail.com; andrew@sjfb.org
Cc: Miller, Makayla [CDD] <memiller@sjgov.org>
Subject: PA-2400062 (VR) & PA-2300296 (MS): Agency Referral

FC24-0020

Please see the attached documents for project PA-2400062 (VR) & PA-2300296 (MS). A copy has been uploaded to Permits Plus.

Thank you,

Planning Division
Community Development Department
1810 E. Hazelton Ave.
Stockton, CA 95205

Main Office: (209) 468-3121

Fax: (209) 468-3163

General planning questions can be submitted via email to planning@sjgov.org

Please also visit us On-line: <https://www.sjgov.org/commdev>



**SAN JOAQUIN
COUNTY**

Greatness grows here.

Lobby Hours are Mondays through Thursdays 8 am to 5 pm (closed noon to 1 pm) and Fridays 8 am to noon.



COMING SOON – Online Permitting

The County will launch Accela, a new web-based permitting application. Customers can apply for permits, make payments, and monitor the status of their project 24 hours a day, seven days a week.



10/08/2024

County: San Joaquin - San Joaquin County Community Development Department
Makayla Miller
1810 East Hazelton Ave, Stockton, CA 95205, USA
memiller@sjgov.org

Construction Site Well Review (CSWR) ID: 1013089

Assessor Parcel Number(s): 25526017

Property Owner(s): Michael Bogetti

Project Location Address: South Ahern Road, East State Route 132 Tracy, California 95304

Project Title: SCH 2024080793, PA-2400062 (VR), PA-2300296 (MS)

Public Resources Code (PRC) § 3208.1 establishes well reabandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, and geothermal wells.

The California Geologic Energy Management Division (CalGEM) has received and reviewed the above referenced project dated 10/8/2024. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following well evaluation.

The project is located in San Joaquin County, within the boundaries of the following fields:

N/A

Our records indicate there are no known oil or gas wells located within the project boundary as identified in the application.

- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0

The Division categorically advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access including, but not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, roadways, and decking. Maintaining sufficient access is considered the ability for a well servicing unit and associated necessary equipment to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.

There are no guarantees a well abandoned in compliance with current Division requirements as prescribed by law will not start leaking in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells plugged and abandoned to the most current Division requirements as prescribed by law have a lower probability of leaking in the future, however there is no guarantees that such abandonments will not leak.

The Division advises that all wells identified on the development parcel prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations should be provided to the Division in Latitude and Longitude, NAD 83 decimal format. The Division expects any wells found leaking to be reported to it immediately.

Failure to plug and reabandon the well may result in enforcement action, including an order to perform reabandonment well work, pursuant to PRC § 3208.1, and 3224.

PRC § 3208.1 give the Division the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment, or if the well is not accessible or visible. Responsibility for re-abandonment costs may be affected by the choices made by the local

permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for reabandonment as:

1. The property owner - If the well was plugged and abandoned in conformance with Division requirements at the time of abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to reabandon the well and be responsible for the reabandonment.
2. The person or entity causing construction over or near the well - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be reabandoned, or to follow the advice of the supervisor or district deputy not to undertake the construction, then the person or entity causing the construction over or near the well shall obtain all rights necessary to reabandon the well and be responsible for the reabandonment.
3. The party or parties responsible for disturbing the integrity of the abandonment - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the reabandonment.

No well work may be performed on any oil, gas, or geothermal well without written approval from the Division. Well work requiring approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other re-abandonment work. The Division also regulates the top of a plugged and abandoned well's minimum and maximum depth below final grade. CCR §1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this regulation, a permit from the Division is required before work can start.

The Division makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements

near oil or gas wells, the Division recommends that information regarding the above identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.

2. The Division recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.

If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Northern district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.

Should you have any questions, please contact me at (916) 322-1110 or via email at Erwin.Sison@conservation.ca.gov.

Sincerely,

Erwin Sison
Senior Oil and Gas Engineer - Northern District

cc: Makayla Miller - Plan Checker



October 30, 2024

Via e-mail to:

Jennifer Jolley jjolley@sigov.org

Makayla Miller memiller@sigov.org

San Joaquin County

Community Development Department

RE: PA-24000223 and PA-2300266 7-lot Victor subdivision; and PA-2400062 and PA-2300296
4-lot Vernalis subdivision

Ms. Jolley and Ms. Miller et al:

The Sierra Club submits the following comments on these two pending variance and subdivision applications. Our comments apply to the early consultation request for comments on applications PA-24000223 and PA-2300266, and also apply to the Notice of Intent to Adopt a Mitigated Negative Declaration for applications PA-2400062 and PA-2300296.

The first proposal, PA-24000223, is a variance and a maior subdivision application to subdivide two parcels of 14.77 acres into 7 parcels ranging from 2 to 2.43 acres in size. The so-called variance application is to reduce the minimum lot size in the AG-40 (General Agriculture, 40 acre minimum) from 40 acres to 2 acres "in order to facilitate a Major Subdivision." Parcels 1 through 6 are landlocked and will access through a 20-foot private easement accessed on east Tretheway Road. Stockton. The project site is on the east side of Tretheway Road, 660 feet north of Victor Road, in the Victor unincorporated area. (See attached application referral.)

The second proposal, PA-2300266, is a variance and a maior subdivision application to subdivide an existing 8.76-acre parcel into four 2 or 2+-acre parcels. Parcels 2, 3, and 4 are landlocked and will access through a 30-foot private easement. The accompanying variance application is to reduce the minimum required parcel size from 40-acres to 2 acres and lot width from 330 feet to 150 feet in the AG-40 (General Agriculture, 40-acre minimum) zone.

This property is zoned R-R (Rural Residential)/AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is R/R (Rural Residential)/ A/G (General Agriculture, 40-acre minimum). According to maps provided by staff it appears that approximately one half of the project site is within the Vernalis Rural Community, as designated by the County General Plan and zoned RR, and the other half is in the Agricultural GP designation, with AG-40 zoning. The project site is located east of S. Welty Rd., approximately 402 feet north of S. Ahern Rd., in the Vernalis unincorporated area south of SR 132 near the Stanislaus County line. (See attached application referral and location maps.)

Both Applications are Contrary to State Planning Law and Cannot be Approved by San Joaquin County

It is distressing that these two applications have been accepted by the San Joaquin County Community Development Department, since both applications requesting a variance to reduce the minimum parcel size of properties in the agricultural AG-40 zone from 40 acres to 2 acres are contrary to State planning law. Simply put, jurisdictions in California may not use a variance procedure to reduce parcel size regulations, or modify any other requirements, without adopting findings based on substantial evidence (*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) and more recent decisions).

We doubt that such legal findings could be adopted in these two applications and sustained in a court of law. There is nothing unique about these properties other than they are flat agricultural properties whose owners wish to cash in on building two-acre ranchettes in a rural subdivision in areas that have been designated by the County General Plan as Agriculture and the existing zoning (AG-40) for many years.

Can any of us imagine what the consequences would be to the preservation of agricultural lands if these two ill-fated variance applications were to be approved? Without a doubt, the approval of such illegal applications would open the floodgates for more dubious variance application to reduce the 40-acre minimum parcels size to build ranchettes throughout the rural agricultural areas of San Joaquin County. Is that what the Community Development Department wants to encourage?

If these property owners wish to proceed with a lawful application to subdivide their lands to build ranchettes, then the appropriate actions are to apply for a General Plan Amendment and for a rezoning, to redesignate the lands from Agriculture to Rural Residential, and to rezone the lands from AG-40 to RR. These actions are required by State law to create a rural subdivision of 2-acre lots in an agricultural area.

Legal Definition of a Variance

A variance is a discretionary permit that modifies the requirements of an ordinance or area plan. Variances can be granted in cases where there are practical difficulties or unnecessary hardships in applying the regulations. They can provide relief from standards relating to: principal building height, floor area ratio, and setbacks from property lines.

Variances must be consistent with the zoning ordinance and general plan and not detrimental to the public safety and welfare. There are two types of variances: (1) **area variances**, which allow property owners to construct a building that goes against the physical requirements of a zoning ordinance; and (2) **use variances** allow property owners to use their property or land in a manner that's typically restricted by zoning laws

However, pursuant to state law, variances cannot be approved to allow a use on property which is not normally permitted. Allowing 2-acre ranchettes to be built in an agricultural area with a 40 acre minimum parcel size constitutes a use that is not allowed in the agricultural zone.

Approval of such a variance is clearly prohibited by California planning law. Government Code 65906 states:

Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.

(emphasis added)

The San Joaquin County Development Title has incorporated this prohibition in Chapter 9-805, which states:

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

The County General Plan has established the following minimum parcel size of lands designated Agricultural:

Development Standards

Development within this designation is subject to the following standards:

Minimum Density: N/A

Maximum Density: 0.05 Dwelling Units/Acre (page 3.1-57)

The maximum residential density requirement in the General Plan for agricultural areas is equivalent to one dwelling unit per 20 acres. Approval of a subdivision to allow two acre lots is not an allowed use in the areas designated as Agricultural.

Variances Should Not be Used to Reduce Parcel Sizes

Numerous jurisdictions in California have adopted zoning ordinances and associated planning documents that expressly prohibit the use of a variance application to reduce minimum parcel sizes. For example, **Marin County, San Luis Obispo County, and Imperial County have adopted policies and regulations that state unequivocally that variances cannot be granted to relieve minimum lot size requirements.** Closer to home, the City of Stockton has also adopted such a requirement in their planning documents.

Conclusion

It is unfortunate that we have to remind the San Joaquin County planning staff to follow explicit State planning laws, and the adopted policies and procedures in their own adopted General Plan and zoning regulations.

Please rectify the gross errors that occurred when accepting these fatally flawed variance and subdivision applications and require the applicants to resubmit General Plan Amendments and rezoning applications, if they wish to proceed.

If the County allows these deeply flawed applications to proceed we will take all steps available to oppose this illegal action including seeking legal remedies, if necessary.

Sincerely,

s/s Eric Parfrey, member
parfrey@sbcglobal.net
(209) 641-3380

s/s Margo Praus, Chair,
s/s Mary Elizabeth M.S., R.E.H.S., Conservation Chair
Delta-Sierra Group, Sierra Club

cc: San Joaquin County Planning Commission
San Joaquin County Board of Supervisors
San Joaquin Farm Bureau
Robert Swanson, California Attorney General's Office
Heather Minner and Kevin Bundy, Shute, Mihaly, & Weinberger
Aaron Isherwood and Joya Manjur, Sierra Club Environmental Law Program
Sean Wirth, Mother Lode Chapter Conservation Chair



March 29, 2024

Makayla Miller
County of San Joaquin
1810 E Hazelton Ave
Stockton, CA 95205

Ref: Gas and Electric Transmission and Distribution

Dear Makayla Miller,

Thank you for submitting the PA-2300296 & PA-2400062 C:\Users\M2Te\OneDrive - PGE\Plan_Review_Projects\LAND-045559 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

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

Below is additional information for your review:

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

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

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

Sincerely,

Plan Review Team
Land Management

Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <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 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

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

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

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

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 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 ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

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

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

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

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

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

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

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

Attachment 2 – Electric Facilities

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

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

8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

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

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

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

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

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

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



May 2, 2024

Makayla Miller
County of San Joaquin
1810 E Hazelton Ave
Stockton, CA 95205

Re: PA-2400062 & PA-2300296
35100 S Welty Road

Dear Makayla Miller,

Thank you for providing PG&E the opportunity to review the proposed plans for 35100 S Welty Road dated 3/27/2024. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management

Public

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SAN JOAQUIN
—COUNTY—
Greatness grows here.

Community Development Department

Planning · Building · Code Enforcement · Fire Prevention · GIS

Attachment C Environmental Document

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Jennifer Jolley, Director

Eric Merlo, Assistant Director

Tim Burns, Code Enforcement Chief

Corinne King, Deputy Director of Planning

Jeff Niemeyer, Deputy Director of Building Inspection

MITIGATED NEGATIVE DECLARATION

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

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

☒ County Clerk, County of San Joaquin

PROJECT TITLE: Variance No. PA2400062 (VR), PA-2300296 (MS)

PROJECT LOCATION: The project site is located east of S. Welty Rd., approximately 402 feet north of S. Ahern Rd., Tracy, San Joaquin County. (APN/Address: 255-260-17, -20 / 35100 S. Welty Rd., Tracy) (Supervisory District: 5)

PROJECT DESCRIPTION: This project is comprised of two applications: A Minor Subdivision application No. PA-2300296 to subdivide an existing 8.76-acre parcel into 4 parcels. Parcel 1 to contain 2.59-acres. Parcel 2 to contain 2.08-acres. Parcel 3 to contain 2.05-acres. Parcel 4 to contain 2.05-acres. Parcels 2, 3, and 4 are landlocked and will access through a 30-foot private easement. Each parcel will utilize private water, storm, and sewer systems. This application is submitted concurrently with Variance application No. PA-2400062 to reduce the minimum required parcel size from 40-acres to 2-acres and lot width from 330 feet to 150 feet in the AG-40 (General Agriculture, 40-acre minimum) zone. This parcel is not under a Williamson Act Contract. The Property is zoned R-R (Rural Residential) / AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is R/R (Rural Residential) / A/G (General Agriculture, 40-acre minimum). The site is currently undeveloped farmland; The project site is not under a Williamson Act Contract.

The Property is zoned R-R (Rural Residential) and the General Plan designation is A/G (General Agriculture).

PROPOSER: Michael & Laurette Bogetti TR / Don Moyer

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 Mitigated Negative Declaration and Initial Study can be viewed on the Community Development Department website at www.sjgov.org/commdev under Active Planning Applications.

Date: October 11, 2024

Contact Person:

Makayla Miller Phone: (209) 468-3186 Fax: (209) 468-3163 Email: memiller@sjgov.org

Filed Doc #: 39-10152024-334
10/15/2024 08:28:59 AM

Steve J. Bestolarides
San Joaquin County Clerk

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: Michael & Laurette Bogetti Trust/ Don Moyer

PROJECT TITLE/FILE NUMBER(S): PA-2400062 (VR), PA-2300296 (MS)

PROJECT DESCRIPTION: This parcel is comprised of one legal lot encompassed in two Assessor Parcel Numbers. This project is comprised of two applications: Variance No. PA-2400062 to reduce the minimum required parcel size from 40-acres to 2-acres and lot width from 330 feet to 150 feet in the AG-40 (General Agriculture, 40-acre minimum) zone. This application is submitted concurrently with Minor Subdivision No. PA-2300296 to subdivide an existing 8.76-acre parcel into 4 parcels. Parcel 1 to contain 2.59-acres. Parcel 2 to contain 2.08-acres. Parcel 3 to contain 2.05-acres. Parcel 4 to contain 2.05-acres. Parcels 2, 3, and 4 are landlocked and will access through a 30-foot private easement. Each parcel will utilize private water, storm, and sewer systems. The Property is zoned R-R (Rural Residential) / AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is R/R (Rural Residential) / A/G (General Agriculture, 40-acre minimum). The site is currently farmland; The project site is not under a Williamson Act Contract.

The project site is located east of South Welty Street, approximately 402 feet north of South Ahern Road, Tracy

ASSESSOR PARCEL NO.: 255-260-17, -20

ACRES: 8.76-acres

GENERAL PLAN: A/G (General Agriculture) and R/R (Rural Residential)

ZONING: AG-40 (General Agriculture, 40-acre minimum) and R-R (Rural Residential)

POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S):

A single-family residence, Accessory Dwelling Unit, and Junior Accessory Dwelling Unit for each parcel

SURROUNDING LAND USES:

NORTH: Residential, agricultural with scattered residences.

SOUTH: Agricultural with scattered residences.

EAST: Agricultural with scattered residences, commercial.

WEST: Commercial, agricultural with scattered residences.

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; staff knowledge or experience; and independent environmental studies submitted to the County as part of the project application. Copies of these reports can be found by contacting the Community Development Department.

TRIBAL CULTURAL RESOURCES:

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

No

GENERAL CONSIDERATIONS:

1. Does it appear that any environmental feature of the project will generate significant public concern or controversy?

☐ Yes ☒ No

Nature of concern(s): Enter concern(s).

2. Will the project require approval or permits by agencies other than the County?

☐ Yes ☒ No

Agency name(s): Enter agency name(s).

3. Is the project within the Sphere of Influence, or within two miles, of any city?

☐ Yes ☒ No

City: N/A

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency) On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: Makayla Miller
Assistant Planner

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) 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 cross-referenced).
- 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.
- 7) 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.

Issues:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u>I. AESTHETICS.</u>					
Except as provided in Public Resources Code Section 21099, would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

This project is comprised of two applications: Minor Subdivision application No. PA-2300296 to subdivide an existing 8.76-acre parcel into 4 parcels. Parcel 1 to contain 2.59-acres. Parcel 2 to contain 2.08-acres. Parcel 3 to contain 2.05-acres. Parcel 4 to contain 2.05-acres. Parcels 2, 3, and 4 are landlocked and will access through a 30-foot private easement. Each parcel will utilize private water, storm, and sewer systems. This application is submitted concurrently with Variance application No. PA-2400062 to reduce the minimum required parcel size from 40-acres to 2-acres and lot width from 330 feet to 150 feet in the AG-40 (General Agriculture, 40-acre minimum) zone. This parcel is not under a Williamson Act Contract. The Property is zoned R-R (Rural Residential) / AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is R/R (Rural Residential) / A/G (General Agriculture, 40-acre minimum). The site is currently undeveloped farmland; The project site is not under a Williamson Act Contract.

- a-c) The project site is located to the east of South Welty Road, which is a county-maintained road. The project is not located along a designated scenic route pursuant to 2035 General Plan Figure 12-2. The surrounding area is a mixture of agricultural, residential, commercial, and industrial uses. The potential of a primary dwelling unit and accessory dwelling unit per parcel would not have a significant or adverse effect on visual character, public views, or scenic vistas.
- d) Any future development would be required to follow the San Joaquin Development Title requirements contained in Chapter 9-403 Lighting and Illumination, and as a result, the proposed project is not anticipated to create any new source of substantial light or glare affecting day or nighttime views in the area. As a result, the proposed project is anticipated to have no impact on aesthetics.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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II. AGRICULTURE AND FORESTRY RESOURCES.

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry 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 Protocols adopted by the California Air Resources Board. -- Would the project:

- | | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Impact Discussion:

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- a) The parcel is designated as Prime Farmland on the Farmland Mapping and Monitoring Program of the California Resources Agency. The proposed subdivision of the property would not convert Prime Farmland, Unique Farmland,

or Farmland of Statewide Importance to a non-agricultural use. Potential future development of a single-family residence and accessory dwelling units is permitted in the AG-40 and R-R zones. As a result, potential impacts related to conversion of Farmland to a non-agricultural use would be less than significant.

- b) The subject property is currently partially zoned AG-40 and R-R and the applicant is not requesting to rezone this parcel. Agricultural uses can continue to exist on all lots if the Variance is approved and the applicant applies for a Minor Subdivision. Additionally, the property is not under the California Land Conservation Act (Williamson Act) contract.
- c) The site is not zoned for uses related to timberland or timberland production. The project site also does not exist in forest land, and therefore, does not propose the conversion or loss of forest land to a non-forest use. As a result, the project is anticipated to have no impact related to the loss or conversion of forest land and timberland.
- e) There are no proposals to make changes to the existing environment resulting in the conversion of farmland to a non-agriculture use. As a result, the proposed project is anticipated to have a less than significant impact related to the loss or conversion of forest land, timberland, and Farmland.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
III. AIR QUALITY.					
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in substantial emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

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- a-d) The project site is in the San Joaquin County Valley Air Basin, which is regulated by the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD). The SJVAPCD is the lead air quality regulatory agency for the San Joaquin County. The applicant will be required to meet existing requirements for emissions and dust control as established by SJVAPCD. The project was referred to the SJVAPCD for review. In the event that any new construction occurs, the project would be subject to SJVAPCD's rules and regulations.

According to the SJVAPCD's Small Project Analysis Levels (SPAL), a single-family residence on the use table for SPAL is classified as Single Family, and a Single Family that proposes less than 155 dwelling units for the use and generates less than 800 average daily one-way-trips are presumed to have less than significant impact on air quality. As a result, air quality impacts are anticipated to be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u>IV. BIOLOGICAL -RESOURCES:</u>					
Would the project:					
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

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- a-f) According to the National Wetland Inventory, there are riverines to the immediate north and west of the parcel. The proposed subdivision would permit one single-family dwelling and one accessory dwelling unit per parcel. Pursuant to section 9-707.030 of the San Joaquin County Development Title, the structures would be required to be setback 100 feet from the riparian habitat. This requirement will be included in the Conditions of Approval for the Minor Subdivision and would reduce potential impacts on the habitat resulting in a less than significant level.

A referral was sent to the San Joaquin Council of Governments (SJCOC) on March 27, 2024, for review. The San Joaquin Council of Governments (SJCOC) has determined that the project is subject to the *San Joaquin County*

Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for any future development that results in ground disturbance. Participation in the SJMSCP provides compensation for the conversion of Open Space to non-Open Space uses which affect the plant, fish and wildlife species covered by the Plan. If the Variance and subsequent Minor Subdivision are approved, any future ground disturbance at the site would be subject to the SJMSCP as a Condition of Approval of the Minor Subdivision. 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 SJCOC on December 7, 2000, participation in the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to less-than-significant level.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u>V. CULTURAL RESOURCES.</u>					
Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

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- a-c) The project site does not contain any known historical or archaeological resources, or other human remains. 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 overlie adjacent remains until the coroner of the county has determined the manner and cause of death. Recommendations concerning the treatment and disposition of the human remains shall 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. Therefore, impacts to cultural resources are anticipated to be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u>VI. ENERGY.</u>					
Would 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

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- (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.

Any future development for residential dwellings of the project site will be subject to the California Energy Code (also titled The Energy Efficiency Standards for Residential and Non-residential Buildings). These requirements will also be applicable to any future proposed project ensuring that any impact to the environment due to wasteful, inefficient, or unnecessary consumption of energy will be less than significant and also preventing 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
<u>VII. GEOLOGY AND SOILS.</u>					
Would the project:					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil and create direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

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- a) The Soil Survey of San Joaquin County classifies the soil on the parcel as Vernalis, well-drained, 0 to 2 percent slopes.

Vernalis clay loam is very deep, well-drained nearly level soil on alluvial fans. Vernalis clay has moderate permeability. The unit is used for irrigated crops, orchards, dryland grain crops or homesite development. Vernalis clay loam has a storie index rating of 85 and a land capacity of I irrigated and IVc-1 non irrigated.

According to the California Department of Conservation's California Geological Survey, the project site is not located within an earthquake fault zone. However, like other areas located in seismically active Northern California, the project area is susceptible to strong ground shaking during an earthquake, and the site would not be affected by ground shaking more than any other area in the region. The project site is relatively flat and is not anticipated to directly or indirectly cause potential substantial adverse effects related to seismic-related ground failure or landslides. Therefore, any related impacts are anticipated to be less than significant.

- b-c) As part of the project design process, a soils report will be required for grading and foundations and all recommendations from a soils report must be incorporated into the construction plans. As a result of these grading recommendations, which are required by the California Building Code (CBC), the project would not be susceptible to the effects of any loss of topsoil, soil erosion, potential lateral spreading, subsidence, or liquefaction. Compliance with the CBC and the engineering recommendations in the site-specific soils report would ensure structural integrity in the event that seismic-related issues are experienced at the project site. Therefore, impacts associated with unstable geologic units are expected to be less than significant.
- d) The proposed project is located on property with moderate probability of expansive soil; however, the Building Department will review the required soil study and will not issue a Building Permit if it is found the development of the site could lead to the risk of a loss of life because of the expansiveness of the soil. As a result, it can be anticipated that any risk to life from potential future development would be considered less than significant.
- e) Pursuant to the 2035 General Plan and the Development Title, parcels two-acres or larger may be supported by onsite wastewater septic system for any future developments. The system would be under permit and approval by the San Joaquin County Environmental Health Department and will have to meet the county's standards. As such, the project is expected to have a less than significant impact related to adequately supporting a wastewater system.
- f) The project area has not been determined to contain significant historic or prehistoric archeological artifacts that could be disturbed by potential future site development. The project site also does not contain any known unique geologic features. Therefore, damage to unique paleontological resources, sites or geologic features is expected to be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u>VIII. GREENHOUSE GAS EMISSIONS.</u>					
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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- 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 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 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 energy-efficient 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.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u>IX. HAZARDS AND HAZARDOUS MATERIALS.</u>					
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

This project is comprised of two applications: Minor Subdivision application No. PA-2300296 to subdivide an existing 8.76-acre parcel into 4 parcels. Parcel 1 to contain 2.59-acres. Parcel 2 to contain 2.08-acres. Parcel 3 to contain 2.05-acres. Parcel 4 to contain 2.05-acres. Parcels 2, 3, and 4 are landlocked and will access through a 30-foot private easement. Each parcel will utilize private water, storm, and sewer systems. This application is submitted concurrently with Variance application No. PA-2400062 to reduce the minimum required parcel size from 40-acres to 2-acres and lot width from 330 feet to 150 feet in the AG-40 (General Agriculture, 40-acre minimum) zone. This parcel is not under a Williamson Act Contract. The Property is zoned R-R (Rural Residential) / AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is R/R (Rural Residential) / A/G (General Agriculture, 40-acre minimum). The site is currently undeveloped farmland; The project site is not under a Williamson Act Contract.

- a-d) Any future development of the parcels will be residential or agricultural and the project site is not anticipated to be the site of an industrial or commercial use that might include the use and/or storage of hazardous materials/waste. The site is also not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Additionally, the proposed application will not result in, create, or induce hazards and associated risks to the public. As the proposed application does not include the construction of any dwellings or structures, impacts are anticipated to be less than significant related to the transport, use, or storage of hazardous materials during construction activities. However, potential future construction activities for the project site may involve the use of toxic or hazardous materials such as paint, fuels, and solvents. These 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. The project's propensity for releasing toxins into the environment is also expected to be less than significant.

- e) The project site is not located within the vicinity of a private airstrip, an airport land use plan, or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport. Therefore, the project would not result in a safety hazard or excessive noise for people residing or working in the project area related to airports.
- f) The project does not include any proposed construction, but any future development of the site would be reviewed for emergency access. As a result, impacts related to the impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan are anticipated to be less than significant.
- g) The project site is not located within a Fire Hazard Severity Zone or a Very High Fire Hazard Severity Zone according to the Local Responsibility and State Responsibility Area maps by the California Department of Forestry and Fire Protection (CAL FIRE 2020). Therefore, the project is not expected to expose people or structure, directly or indirectly, to wildland fires and would have a less than significant impact related to wildlands.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u>X. HYDROLOGY AND WATER QUALITY.</u>					
Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

This project is comprised of two applications: Minor Subdivision application No. PA-2300296 to subdivide an existing 8.76-acre parcel into 4 parcels. Parcel 1 to contain 2.59-acres. Parcel 2 to contain 2.08-acres. Parcel 3 to contain 2.05-acres. Parcel 4 to contain 2.05-acres. Parcels 2, 3, and 4 are landlocked and will access through a 30-foot private easement. Each parcel will utilize private water, storm, and sewer systems. This application is submitted concurrently with Variance application No. PA-2400062 to reduce the minimum required parcel size from 40-acres to 2-acres and lot width from 330 feet to 150 feet in the AG-40 (General Agriculture, 40-acre minimum) zone. This parcel is not under a Williamson Act Contract. The Property is zoned R-R (Rural Residential) / AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is R/R (Rural Residential) / A/G (General Agriculture, 40-acre minimum). The site is currently undeveloped farmland; The project site is not under a Williamson Act Contract.

- a-b, e) As there is no proposed construction, the proposed Variance application to facilitate a Minor Subdivision will not degrade surface or ground water quality, substantially decrease groundwater supplies, or interfere substantially with groundwater recharge. However, any future development of the site would be subject to the rules and requirements of the Environmental Health Department related to water quality, and subject to the rules and requirements of the Department of Public Works related to storm drainage and groundwater. As a result, impacts to water quality, groundwater, and storm drainage and any related implementation or management plans are expected to be less than significant.

- c) The site is approximately 2.83 miles west of San Joaquin River and approximately 2.22 miles east of Delta Mendota Canal. The proposed project does not include the construction of any new dwellings or structures, and the Minor Subdivision will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. A Building Permit will be required for any future development of the project site, and any necessary drainage improvements will be subject to the San Joaquin County Development Standards, which are reviewed by the Department of Public Works. Therefore, the project and any future potential development is expected to have a less than significant impact on the drainage pattern of the site.
- d) The project site is not located within a Federal Emergency Management Agency Designated Flood Hazard Area Zone AE. The project site is not located within a tsunami or seiche zone. A referral was sent to the Department of Public Works, Flood Control Division on March 27, 2024 for comments, and any future construction would be subject to applicable rules and regulations regarding floodproofing. As a result, impacts related to flooding are anticipated to be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u>XI. LAND USE AND PLANNING.</u>					
Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

This project is comprised of two applications: Minor Subdivision application No. PA-2300296 to subdivide an existing 8.76-acre parcel into 4 parcels. Parcel 1 to contain 2.59-acres. Parcel 2 to contain 2.08-acres. Parcel 3 to contain 2.05-acres. Parcel 4 to contain 2.05-acres. Parcels 2, 3, and 4 are landlocked and will access through a 30-foot private easement. Each parcel will utilize private water, storm, and sewer systems. This application is submitted concurrently with Variance application No. PA-2400062 to reduce the minimum required parcel size from 40-acres to 2-acres and lot width from 330 feet to 150 feet in the AG-40 (General Agriculture, 40-acre minimum) zone. This parcel is not under a Williamson Act Contract. The Property is zoned R-R (Rural Residential) / AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is R/R (Rural Residential) / A/G (General Agriculture, 40-acre minimum). The site is currently undeveloped farmland; The project site is not under a Williamson Act Contract.

- a-b) The project site is located partially within a rural area outside of a General Plan defined community and partially inside of a General Plan defined community. Therefore, the project will not physically divide an established community. The existing AG-40 and R-R zoning and General Plan designation of A/G (General Agriculture) and R/R (Rural Residential) for the project site will remain the same for the project site, even if the project is approved. If the Variance and Minor Subdivision application are approved, one single family residence and one accessory dwelling unit per parcel could be built under the current AG-40 and R-R zoning. The potential for new units is anticipated to have less than significant impact on surrounding parcels and will not create premature development pressure on surrounding agricultural lands to convert land from agricultural uses to non-agricultural uses. Additionally, the proposed project will not be a conflict with any existing or planned uses or set a significant land use precedent, nor will it be in conflict with any Master Plans, Specific Plans, or Special Purpose Plans, or any other applicable plan adopted by the County. Therefore, impacts related to land use conflicts are anticipated to be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u>XII. MINERAL RESOURCES.</u>					
Would the project:					
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

This project is comprised of two applications: Minor Subdivision application No. PA-2300296 to subdivide an existing 8.76-acre parcel into 4 parcels. Parcel 1 to contain 2.59-acres. Parcel 2 to contain 2.08-acres. Parcel 3 to contain 2.05-acres. Parcel 4 to contain 2.05-acres. Parcels 2, 3, and 4 are landlocked and will access through a 30-foot private easement. Each parcel will utilize private water, storm, and sewer systems. This application is submitted concurrently with Variance application No. PA-2400062 to reduce the minimum required parcel size from 40-acres to 2-acres and lot width from 330 feet to 150 feet in the AG-40 (General Agriculture, 40-acre minimum) zone. This parcel is not under a Williamson Act Contract. The Property is zoned R-R (Rural Residential) / AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is R/R (Rural Residential) / A/G (General Agriculture, 40-acre minimum). The site is currently undeveloped farmland; The project site is not under a Williamson Act Contract.

- 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 project site is not in an area designated MRZ and there is currently no mining activity on the parcel or in the area, and the surrounding area is developed with agricultural uses and scattered residences. No construction or physical changes are proposed to this property as a result of the Variance application. Therefore, the proposed project is anticipated to have a less than significant impact on the availability of mineral resources or mineral resource recovery sites within San Joaquin County.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u>XIII. NOISE.</u>					
Would 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

This project is comprised of two applications: Minor Subdivision application No. PA-2300296 to subdivide an existing 8.76-acre parcel into 4 parcels. Parcel 1 to contain 2.59-acres. Parcel 2 to contain 2.08-acres. Parcel 3 to contain 2.05-acres. Parcel 4 to contain 2.05-acres. Parcels 2, 3, and 4 are landlocked and will access through a 30-foot private easement. Each parcel will utilize private water, storm, and sewer systems. This application is submitted concurrently with Variance application No. PA-2400062 to reduce the minimum required parcel size from 40-acres to 2-acres and lot width from 330 feet to 150 feet in the AG-40 (General Agriculture, 40-acre minimum) zone. This parcel is not under a Williamson Act Contract. The Property is zoned R-R (Rural Residential) / AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is R/R (Rural Residential) / A/G (General Agriculture, 40-acre minimum). The site is currently undeveloped farmland; The project site is not under a Williamson Act Contract.

- a-b) While the Variance and Minor Subdivision application does not propose construction or physical changes to the property, any subsequent development project may have equipment utilized in the future grading of the site that will temporarily increase the areas ambient noise levels. Any future development will be required to comply with the County's Noise Ordinance, including Development Title 9-404.060, which states that noise sources associated with construction are exempt from the provisions of the Noise Ordinance, provided such activities do not take place before 6:00 am or after 9:00 om on weekdays. Therefore, noise generation associated with any future projects is anticipated to be less than significant.
- c) The project is not located within two miles of a public airport, airport land use plan or private air strip. As a result, there are no anticipated impacts related to excessive noise levels related to people residing or working in the project area.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u>XIV. POPULATION AND HOUSING.</u>					
Would the project:					
a) 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

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- a-b) If the Variance and Minor Subdivision application are approved, the creation of 4 parcels could result in a maximum of one single family residence and one accessory dwelling unit per parcel. This would not provide for substantial population growth. The project also would not displace substantial numbers of existing people or housing or necessitate the construction of replacement housing. Therefore, the project is expected to have a less than significant impact on population and housing.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u>XV. PUBLIC SERVICES.</u>					
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

This project is comprised of two applications: Minor Subdivision application No. PA-2300296 to subdivide an existing 8.76-acre parcel into 4 parcels. Parcel 1 to contain 2.59-acres. Parcel 2 to contain 2.08-acres. Parcel 3 to contain 2.05-acres. Parcel 4 to contain 2.05-acres. Parcels 2, 3, and 4 are landlocked and will access through a 30-foot private easement. Each parcel will utilize private water, storm, and sewer systems. This application is submitted concurrently with Variance application No. PA-2400062 to reduce the minimum required parcel size from 40-acres to 2-acres and lot width from 330 feet to 150 feet in the AG-40 (General Agriculture, 40-acre minimum) zone. This parcel is not under a Williamson Act Contract. The Property is zoned R-R (Rural Residential) / AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is R/R (Rural Residential) / A/G (General Agriculture, 40-acre minimum). The site is currently undeveloped farmland; The project site is not under a Williamson Act Contract.

- a) The site is currently served, and the project was referred to the Tracy Rural Fire District for Fire Protection, the Sheriff's Office for police protection, and Tracy Unified School District and New Jerusalem for school services. There are no parks near the project site, and the proposed Variance and Minor Subdivision would not require additional parkland. If the Variance and Minor Subdivision application are approved, the creation of 4 parcels could result in a maximum of one single family residence and one accessory dwelling unit per parcel, which would not have a substantial impact on these public services. Therefore, the project is expected to have a less than significant impact on existing public services and would not create a need for new public services.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u>XVI. RECREATION.</u>					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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- a-b) If the Variance and Minor Subdivision application are approved, the creation of 4 parcels could result in a maximum of one single family residence and one accessory dwelling unit per parcel. Therefore, the project is expected to have a less than significant impact on the use of recreational facilities and does not include or require the construction or expansion of recreation facilities.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u>XVII. TRANSPORTATION.</u>					
Would the project:					
a) Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

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- a) The proposed Variance and Minor Subdivision do not propose to change the General Plan designation or zoning, and any use resulting from the proposed project would not conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities.
- b) While San Joaquin County has not yet adopted guidelines for implementing the requirements of SB 743 to address VMT, it is possible to make a determination of the project's impacts based on Office of Planning and Research (OPR) direction and the preliminary background information developed by the County based on these findings. The project is a small project that is consistent with the San Joaquin Council of Governments Sustainable Communities Strategy and the 2035 General Plan. Based on this information, the project can be deemed to have a less than significant impact on transportation.
- c) Although the proposed project does not propose any new development, if future development is proposed, the applicant would be required to meet design standards for driveways, egress, and ingress as required by the Development Title, the San Joaquin County Development Standards, and the Public Works Department. Therefore, potential impacts from hazards related to geometric design features or incompatible uses are considered to be less than significant.
- d) The Tracy Rural Fire Department is responsible for providing fire protection services and will review any proposed future development projects to ensure the property is able to adhere to development requirements related to fire access. As a result, the project and any future development is anticipated to have adequate emergency access and create a less than significant impact.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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XVIII. TRIBAL CULTURAL RESOURCES.

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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This project is comprised of two applications: Minor Subdivision application No. PA-2300296 to subdivide an existing 8.76-acre parcel into 4 parcels. Parcel 1 to contain 2.59-acres. Parcel 2 to contain 2.08-acres. Parcel 3 to contain 2.05-acres. Parcel 4 to contain 2.05-acres. Parcels 2, 3, and 4 are landlocked and will access through a 30-foot private easement. Each parcel will utilize private water, storm, and sewer systems. This application is submitted concurrently with Variance application No. PA-2400062 to reduce the minimum required parcel size from 40-acres to 2-acres and lot width from 330 feet to 150 feet in the AG-40 (General Agriculture, 40-acre minimum) zone. This parcel is not under a Williamson Act Contract. The Property is zoned R-R (Rural Residential) / AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is R/R (Rural Residential) / A/G (General Agriculture, 40-acre minimum). The site is currently undeveloped farmland; The project site is not under a Williamson Act Contract.

a) A referral was sent to the North Valley Yokuts Tribe, United Auburn Indian Community, Buena Vista Rancheria, California Valley Miwok Tribe, and California Native American Heritage Commission for review on March 27, 2024. If any suspected Tribal Cultural Resources (TCR) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find. A Tribal Representative from culturally affiliated tribes shall be immediately notified and shall determine if the find is a TCR pursuant to Public Resources Code Section 21074. The Tribal Representative will make recommendations regarding the treatment of the discovery. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 52, has been satisfied. The contractor shall implement any measures deemed by the lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. This has been incorporated into the project's Conditions of Approval.

Additionally, should human remains be discovered during any ground disturbing activities, all work shall stop immediately in the vicinity (e.g. 100 feet) of the finds until they can be verified. The County coroner shall be immediately contacted in accordance with Health and Safety Code section 7050.5(b). Protocol and requirements outlined in Health and Safety Code sections 7050.5(b) and 7050.5(c) as well as Public Resources Code section 5097.98 shall be followed.

As a result of the Condition and existing Health and Safety Code regulations, any impact to tribal cultural resources is anticipated to be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u>XIX. UTILITIES AND SERVICE SYSTEMS.</u>					
Would the project:					
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

This project is comprised of two applications: Minor Subdivision application No. PA-2300296 to subdivide an existing 8.76-acre parcel into 4 parcels. Parcel 1 to contain 2.59-acres. Parcel 2 to contain 2.08-acres. Parcel 3 to contain 2.05-acres. Parcel 4 to contain 2.05-acres. Parcels 2, 3, and 4 are landlocked and will access through a 30-foot private easement. Each parcel will utilize private water, storm, and sewer systems. This application is submitted concurrently with Variance application No. PA-2400062 to reduce the minimum required parcel size from 40-acres to 2-acres and lot width from 330 feet to 150 feet in the AG-40 (General Agriculture, 40-acre minimum) zone. This parcel is not under a Williamson Act Contract. The Property is zoned R-R (Rural Residential) / AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is R/R (Rural Residential) / A/G (General Agriculture, 40-acre minimum). The site is currently undeveloped farmland; The project site is not under a Williamson Act Contract.

- a-e) There are no public services available in the area for water, sewer, or storm water drainage. However, the application does not propose any new buildings and any new developments. Any future development utilizing on-site services will also be required to obtain the proper permits for any proposed well or septic system which must be maintained under a permit by the San Joaquin County Environmental Health Department. Pursuant to Development Title Sections 9-602 and 9-604, 2 acres or larger parcels without access to public water systems within 200 feet may utilize onsite well and septic systems, respectively. Additionally, any future developments are required by County ordinance to keep all storm drainage on site and follow all San Joaquin County Public Works rules and requirements pertaining to storm drainage. Pursuant to Development Title Section 9-606, subdivisions with lots 2 acres or larger where there are no terminal drainage facilities within 200 feet may utilize private onsite retention basins. Therefore, the project is expected to have a less than significant impact related to new or expanded utilities and service systems.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u>XX. WILDFIRE.</u>					
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

This project is comprised of two applications: Minor Subdivision application No. PA-2300296 to subdivide an existing 8.76-acre parcel into 4 parcels. Parcel 1 to contain 2.59-acres. Parcel 2 to contain 2.08-acres. Parcel 3 to contain 2.05-acres. Parcel 4 to contain 2.05-acres. Parcels 2, 3, and 4 are landlocked and will access through a 30-foot private easement. Each parcel will utilize private water, storm, and sewer systems. This application is submitted concurrently with Variance application No. PA-2400062 to reduce the minimum required parcel size from 40-acres to 2-acres and lot width from 330 feet to 150 feet in the AG-40 (General Agriculture, 40-acre minimum) zone. This parcel is not under a Williamson Act Contract. The Property is zoned R-R (Rural Residential) / AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is R/R (Rural Residential) / A/G (General Agriculture, 40-acre minimum). The site is currently undeveloped farmland; The project site is not under a Williamson Act Contract.

- a-d) The project location is in a rural, agricultural area southeast of the City of Tracy, CA, and is not identified as a Community at Risk from Wildfire by Cal Fire's "Fire Risk Assessment Program". Communities at Risk from Wildfire are those places within 1.5 miles of areas of High or Very High wildfire threat as determined from CDF-FRAP fuels and hazard data. Therefore, the impact of wildfires on the project are expected to be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u>XXI. MANDATORY FINDINGS OF SIGNIFICANCE.</u>					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

This project is comprised of two applications: Minor Subdivision application No. PA-2300296 to subdivide an existing 8.76-acre parcel into 4 parcels. Parcel 1 to contain 2.59-acres. Parcel 2 to contain 2.08-acres. Parcel 3 to contain 2.05-acres. Parcel 4 to contain 2.05-acres. Parcels 2, 3, and 4 are landlocked and will access through a 30-foot private easement. Each parcel will utilize private water, storm, and sewer systems. This application is submitted concurrently with Variance application No. PA-2400062 to reduce the minimum required parcel size from 40-acres to 2-acres and lot width from 330 feet to 150 feet in the AG-40 (General Agriculture, 40-acre minimum) zone. This parcel is not under a Williamson Act Contract. The Property is zoned R-R (Rural Residential) / AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is R/R (Rural Residential) / A/G (General Agriculture, 40-acre minimum). The site is currently undeveloped farmland; The project site is not under a Williamson Act Contract.

- a-c) Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or surrounding area. Mitigation measures have been identified in areas where a potentially significant impact has been identified and these measures, included as Conditions of Approval, and a Mitigation Monitoring and Reporting Program (MMRP) will reduce these impacts to a less-than-significant level.



Small Project Analysis Levels (SPAL)

November 13, 2020

The San Joaquin Valley Air Pollution Control District (District) has published guidance on determining potential significant impacts and potential mitigation of significant impacts in its Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI).

The District has established thresholds of significance for criteria pollutant emissions, which are based on the District's New Source Review (NSR) offset requirements for stationary sources. Using the project type, size, and number of vehicle trips, the District has pre-quantified emissions and determined values below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants.

In the interest of streamlining CEQA requirements, projects that fit the below descriptions up to the project sizes indicated, and are below **both** of the corresponding non-HHDT and HHDT trip lengths, are deemed to have a less than significant impact on air quality and as such are excluded from quantifying criteria pollutant emissions for CEQA purposes.

Notes: HHDT means "Heavy-Heavy Duty Trucks". SPAL analysis was performed based on CalEEMod version 2016.3.2

Table 1: Residential

Land Use Type	Size	Unit	Average Daily One-way Trips for all fleet types (except HHDT)	Average Daily One-way for HHDT Trips only (50 mile trip length)
Single Family	155	dwelling unit	800	15
Apartment, Low Rise	224	dwelling unit		
Apartment, Mid Rise	225	dwelling unit		
Apartment, High Rise	340	dwelling unit		
Condominiums/Townhouse	256	dwelling unit		
Condominiums, High Rise	352	dwelling unit		
Mobile Home Park	292	dwelling unit		
Retirement Community	580	dwelling unit		
Congregate Care Assisted Living	536	dwelling unit		

Table 2: Commercial

Land Use Type	Size	Unit	Average Daily One-way Trips for all fleet types (except HHDT)	Average Daily One-way for HHDT Trips only (50 mile trip length)
General Office Building	200,000	square feet	AND LESS THAN	15
Office Park	190,000	square feet		
Government (Civic Center)	92,000	square feet		
Government Office Building	40,000	square feet		
Medical Office Building	68,000	square feet		
Research & Development	256,000	square feet		
Hospital	130,400	square feet		
Bank (with Drive-Through)	19,600	square feet	1,600	25
Pharmacy/Drugstore w/o Drive Thru	24,800	square feet		
Pharmacy/Drugstore with Drive Thru	23,200	square feet		

Table 3: Retail

Land Use Type	Size	Unit	Average Daily One-way Trips for all fleet types (except HHDT)	Average Daily One-way for HHDT Trips only (50 mile trip length)
Free Standing Discount Store	34,000	square feet	AND LESS THAN	25
Regional Shopping Center	47,000	square feet		
Discount Club Store	30,000	square feet		
Supermarket	18,400	square feet		
Free-Standing Discount Superstore	37,600	square feet		
Hardware/Paint Store	36,000	square feet		
Convenience Market (w/o gas pumps)	18,500	square feet		
Convenience Market (w gas pumps)	3,300	square feet	1,900	35
Gasoline/Service Station	16	pump		
Automobile Care Center	105,000	square feet		
Electronic Superstore	52,000	square feet	1,550	25
Home Improvement Superstore	60,000	square feet		
Strip Mall	49,600	square feet	375	7

Table 4a: Industrial

Land Use Type	Size	Unit	AND LESS THAN	Average Daily One-way Trips for all fleet types (except HHDT)	Average Daily One-way for HHDT Trips only (50 mile trip length)
General Light Industry	280,000	square feet			
Heavy Industry	900,000	square feet			
Industrial Park	295,000	square feet		550	70
Manufacturing	472,000	square feet			

Table 4b: Industrial (Warehouse)

Land Use Type	Size	Unit	AND LESS THAN	Average Daily One-way Trips for all fleet types (except HHDT)	Average Daily One-way for HHDT Trips only (146 mile trip length)
Refrigerated Warehouse - No Rail		square feet			
Refrigerated Warehouse - Rail		square feet			
Unrefrigerated Warehouse - No Rail	190,000	square feet		140	15
Unrefrigerated Warehouse - Rail		square feet			

Table 4c: Industrial (Warehouse)

Land Use Type	Size	Unit	AND LESS THAN	Average Daily One-way Trips for all fleet types (except HHDT)	Average Daily One-way for HHDT Trips only (146 mile trip length)
Refrigerated Warehouse - No Rail		square feet			
Refrigerated Warehouse - Rail		square feet			
Unrefrigerated Warehouse - No Rail	190,000	square feet		N/A	25
Unrefrigerated Warehouse - Rail		square feet			

Table 5: Educational

Land Use Type	Size	Unit	Average Daily One-way Trips for all fleet types (except HHDT)	Average Daily One-way for HHDT Trips only (50 mile trip length)
Elementary School	1,880	student	AND LESS THAN	15
Elementary School	156,000	square feet		
Junior High School	1,440	student		
Junior High School	168,800	square feet		
High School	1,160	student		
High School	153,600	square feet		
Junior College (2 year)	1,720	student		
Junior College (2 year)	74,400	square feet		
University/College (4 year)	1,120	student		
Library	38,400	square feet		
Place of Worship	141,000	square feet	1,500	25
Day Care Center	40,000	square feet		

Table 6: Recreational

Land Use Type	Size	Unit	Average Daily One-way Trips for all fleet types (except HHDT)	Average Daily One-way for HHDT Trips only (50 mile trip length)
High Turnover (Sit Down Restaurant)	16,800	square feet	AND LESS THAN	25
Quality Restaurant	24,800	square feet		
Fast Food Restaurant with Drive Thru	4,500	square feet		
Fast Food Restaurant w/o Drive Thru	2,950	square feet		
Hotel	228	room		
Motel	300	room		
Arena	168,000	square feet		
City Park	256	acre		
Golf Course	368	acre		
Health Club	64,000	square feet		
Recreation Club	124,000	square feet	1,100	20
Recreational Swimming Pool	70,400	square feet		
Movie Theater (No Matinee)	23,200	square feet		

Summary Form for Electronic Document Submittal**Form F**

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: _____

Project Title: PA-2400062 and PA-2300296Lead Agency: San Joaquin County Community Development DepartmentContact Name: Makayla MillerEmail: memiller@sjgov.orgPhone Number: 209-468-3186Project Location: Tracy, CaliforniaSan Joaquin*City**County*

Project Description (Proposed actions, location, and/or consequences).

This parcel is comprised of one legal lot encompassed in two Assessor Parcel Numbers. This project is comprised of two applications: Variance No. PA-2400062 to reduce the minimum required parcel size from 40-acres to 2-acres and lot width from 330 feet to 150 feet in the AG-40 (General Agriculture, 40-acre minimum) zone. This application is submitted concurrently with Minor Subdivision No. PA-2300296 to subdivide an existing 8.76-acre parcel into 4 parcels. Parcel 1 to contain 2.59-acres. Parcel 2 to contain 2.08-acres. Parcel 3 to contain 2.05-acres. Parcel 4 to contain 2.05-acres. Parcels 2, 3, and 4 are landlocked and will access through a 30-foot private easement. Each parcel will utilize private water, storm, and sewer systems. The Property is zoned R-R (Rural Residential) / AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is R/R (Rural Residential) / A/G (General Agriculture, 40-acre minimum). The site is currently farmland; The project site is not under a Williamson Act Contract.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

None

Revised September 2011

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

None

Provide a list of the responsible or trustee agencies for the project.

San Joaquin County Department of Public Works
San Joaquin County Environmental Health Department
San Joaquin Council of Governments
South San Joaquin Fire Authority

Mitigation Monitoring Reporting Plan-PA-2400062 and PA-2300296

Impact	Mitigation Measure/Condition	Type of Review		Agency for Monitoring and Reporting Compliance	Action Indicating Compliance or Review	Verification of Compliance or Annual Review of Conditions		
		Monitoring	Reporting			By	Date	Remarks
IV. Biological Resources	Participation in the SJMSCP	X		San Joaquin Council of Governments	Certificate of Payment and Signed ITMM			

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: PA-2400062 (VR) and PA-2300296 (MS)

Lead Agency: Community Development Department

Contact Person: Makayla Miller

Mailing Address: 1810 East Hazelton Avenue

Phone: (209) 468-3186

City: Stockton

Zip: 95205

County: San Joaquin

Project Location: County: San Joaquin

City/Nearest Community: Vernalis, Tracy

Cross Streets: South Ahern Road, East State Route 132

Zip Code: 95304

Longitude/Latitude (degrees, minutes and seconds): _____ ' _____ " N / _____ ' _____ " W Total Acres: 8.76

Assessor's Parcel No.: 255-260-17, -20

Section: _____

Twp.: _____

Range: _____

Base: _____

Within 2 Miles: State Hwy #: State Route 33 and 132

Waterways: Old River, Paradise Cut, Tom Paine Slough,

Airports: _____

Railways: _____

Schools: _____

Document Type:CEQA: ☐ NOP☐ Draft EIRNEPA: ☐ NOIOther: ☐ Joint Document☐ Early Cons☐ Supplement/Subsequent EIR☐ EA☐ Final Document☐ Neg Dec

(Prior SCH No.) _____

☐ Draft EIS☐ Other: _____☒ Mit Neg Dec

Other: _____

☐ FONSI**Local Action Type:**☐ General Plan Update☐ Specific Plan☐ Rezone☐ Annexation☐ General Plan Amendment☐ Master Plan☐ Prezone☐ Redevelopment☐ General Plan Element☐ Planned Unit Development☐ Use Permit☐ Coastal Permit☐ Community Plan☐ Site Plan☒ Land Division (Subdivision, etc.)☒ Other: Variance**Development Type:**☐ Residential: Units _____ Acres _____☐ Office: Sq.ft. _____ Acres _____ Employees _____☐ Commercial: Sq.ft. _____ Acres _____ Employees _____☐ Industrial: Sq.ft. _____ Acres _____ Employees _____☐ Educational: _____☐ Recreational: _____☐ Water Facilities: Type _____ MGD _____☐ Transportation: Type _____☐ Mining: Mineral _____☐ Power: Type _____ MW _____☐ Waste Treatment: Type _____ MGD _____☐ Hazardous Waste: Type _____☐ Other: _____**Project Issues Discussed in Document:**☒ Aesthetic/Visual☐ Fiscal☒ Recreation/Parks☒ Vegetation☒ Agricultural Land☒ Flood Plain/Flooding☐ Schools/Universities☐ Water Quality☒ Air Quality☒ Forest Land/Fire Hazard☒ Septic Systems☒ Water Supply/Groundwater☒ Archeological/Historical☒ Geologic/Seismic☐ Sewer Capacity☒ Wetland/Riparian☒ Biological Resources☐ Minerals☐ Soil Erosion/Compaction/Grading☒ Growth Inducement☒ Coastal Zone☒ Noise☐ Solid Waste☒ Land Use☒ Drainage/Absorption☒ Population/Housing Balance☐ Toxic/Hazardous☐ Cumulative Effects☐ Economic/Jobs☒ Public Services/Facilities☒ Traffic/Circulation☐ Other: _____**Present Land Use/Zoning/General Plan Designation:**

Vacant/ AG-40 and R-R/ A/G and R/R

Project Description: (please use a separate page if necessary)

Please see attached.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Revised 2010

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

<input checked="" type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans District # _____	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input checked="" type="checkbox"/> Regional WQCB #5 _____
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input checked="" type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region #2S _____	<input type="checkbox"/> Tahoe Regional Planning Agency
<input checked="" type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	
<input checked="" type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date _____ Ending Date _____

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: Don Moyer
Address: _____	Address: 3520 Key Lane
City/State/Zip: _____	City/State/Zip: Modesto/California/95355
Contact: _____	Phone: 209-602-7035
Phone: _____	

Signature of Lead Agency Representative: _____ Date: _____

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Revised 2010

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SAN JOAQUIN
—COUNTY—
Greatness grows here.

Community Development Department

Planning · Building · Code Enforcement · Fire Prevention · GIS

Attachment D **Findings for Variance** **& Minor Subdivision**

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FINDINGS

M&L BOGETTI 2005 REVOCABLE TRUST/A&E BOGETTI 2005 REVOCABLE TRUST/A&M BOGETTI BROS, INC.

Variance No. PA-2400062

1. Because of the special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the regulation deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
 - **This finding cannot be made because the subject parcel has no special circumstances which would deprive it of privileges enjoyed by other properties in the vicinity and under identical zoning classification. The applicant's proposed finding that denying the Bogetti Family the ability to reside near their farmlands, office, and repair shop does not constitute a finding of deprivation since the parcel's AG-40 (General Agriculture, 40-acre minimum) and R-R (Rural Residential) zoning permits one single-family residence, one accessory dwelling unit, and one junior accessory dwelling unit per parcel without discretionary review. Additionally, the AG-40 zoned portion of the parcel also permits agricultural structures and up to 12 farm employee housing units, without discretionary review.**
2. The Variance will not be detrimental or injurious to property or improvements in the vicinity of the subject property, or the public health, safety or general welfare.
 - **This finding can be made because the site currently is utilized for crop production, and the applicant is proposing single-family housing. Each parcel would be permitted one single-family residence, one accessory dwelling unit, and one junior accessory dwelling unit. Additionally, the AG-40 zoned portion of the parcel also permits farm employee housing units and agricultural structures, also without discretionary review. The creation of the four lots will not be injurious to property or improvements in the vicinity of the subject property or the public health, safety, or general welfare.**
3. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
 - **This finding cannot be made because granting this Variance will constitute a grant of special privileges to the applicant inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. Parcels in the vicinity of the project site that are zoned AG-40 and below the 40-acre minimum in size were created consistent with the General Plan, zoning, and code requirements that were in effect at that time. Surrounding property owners within the vicinity and with the same zoning classification are not permitted to subdivide parcels to less than the 40-acre minimum unless a specific Development Title exception applies. The exceptions to meeting the zone minimum include subdividing properties to create homesite parcels, homesite parcels for financing purposes, parcels for certain specified uses, parcels for dwellings on the same lot, and parcels based on lot size averaging. The underlying subdivision, as proposed, does not meet any of these exceptions.**
4. The Variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.
 - **This finding can be made because the Variance application does not authorize a use that is not otherwise expressly authorized by the General Plan or Development Title. The Variance request would allow for an underlying subdivision to create parcels below the zone minimum and the proposal does not include any new uses. The property is currently an orchard and is permitted one single-family residence, one accessory dwelling unit, one junior accessory dwelling unit. Additionally, the AG-40 zoned portion of the parcel also permits agricultural structures and up to 12 farm employee housing units without discretionary review. There are no additional uses proposed if the Variance is granted.**

Minor Subdivision No. PA-2300296

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable Specific Plan, pre-existing Special Purpose Plan, or Master Plan, the Development Title, and other applicable provisions of the County Code.
 - **This finding cannot be made because Minor Subdivision No. PA-2300296 is not consistent with the General Plan or the Development Title. The AG-40 (General Agriculture, 40-acres minimum) zoned portion of the parcel which implements the A/G (General Agriculture) General Plan designation does not meet the minimum requirements to be subdivided. The proposed parcels would be below the minimum required lot size of 40-acres and the minimum required lot width of 330 feet. Currently, the proposed subdivision is not consistent with the General Plan or Development Title for AG-40, unless the Planning Commission approves a Variance to reduce the required minimum lot size and lot width for the AG-40 zone. In contrast, the R-R (Rural Residential) zoned portion of the subject parcel permits the creation of parcels that are 2 or more acres in size and the R-R zoning is an implementing zone for the parcel's R/R (Rural Residential) land use designation. As such, this zoning would permit the proposed subdivision of the R-R zoned portion of the parcel. No Master Plan, Specific Plan or Special Purpose Plan are applicable to Minor Subdivision No. PA-2300296.**
2. The site is physically suitable for the type of development and the proposed density of the development.
 - **This finding cannot be made because the subdivision is proposing additional parcels in the AG-40 zone that do not meet the minimum lot size. The parcel is currently limited to one single-family residence. If the Minor Subdivision to create four parcels is approved, each parcel would be permitted to have one primary residence. Thus, the density would increase to 0.46 or 4 residences per 8.76 acres. This increased density would exceed the 0.0 to 0.05, or 1 residence per acre, density range allowed for the underlying A/G General Plan designation. The future residences will utilize a well for water, septic system for wastewater and a storm drainage pond for storm water subject to the rules and regulations of the Environmental Health Department, Department of Public Works, and all minimum development standards contained in the Development Title. The resulting Minor Subdivision affects the density requirements for future development. As a result, the site is not physically suitable for the potential density of future development.**
3. The proposed subdivision, together with the provisions for its design and improvement, are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, unless an Environmental Impact Report (EIR) was prepared and a finding was made that specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible, pursuant to Section 21081(a)(3) of the Public Resources Code.
 - **This finding can be made because the subdivision proposes new residential development in the future. The future ground disturbing activities (e.g. roads, curb, gutter, electrical, water, etc.) and physical structures that require ground disturbance on this or subsequent divided parcels will be subject to participate in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan before any ground disturbance occurs. Disturbance to the riverine on the neighboring the parcel would be mitigated by recommended Condition of Approval 1(g) if the project is approved, which requires new developments be placed a minimum of 100 feet from the mean high-water level of the natural bank or fifty (50) feet back from the existing riparian habitat, whichever is greater. The subdivision is not likely to cause substantial environmental damage or substantially and avoidably injuring fish and wildlife in their habitat.**
4. The proposed subdivision, together with the provisions for its design and improvement, is not likely to cause serious public health problems.

- **This finding can be made because the parcels are permitted one single-family dwelling, one accessory dwelling unit, one junior accessory dwelling unit. Additionally, the AG-40 zoned portion of the parcel also permits agricultural structures and up to 12 farm employee housing units without discretionary review. The Initial Study prepared for this project concludes that the Minor Subdivision creates a less than significant impact on public health.**
5. The proposed subdivision, together with the provisions for its design and improvement, will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The County may approve a map if it finds that alternate easements for access or for use will be provided and that these easements will be substantially equivalent to ones previously acquired by the public.
- **This finding can be made because the design of the subdivision will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision because, if it is found that alternate easements for access or for use are necessary, these will be substantially equivalent to ones previously acquired by the public.**
6. Water and wastewater disposal services will be available and sufficient to serve a proposed subdivision. If the subdivision has more than 500 dwelling units, this finding must be in accordance with Section 66473.7 of the Subdivision Map Act.
- **This finding can be made because parcels in the AG-40 zone and parcels greater than 2 acres in size in the R-R zone allow for the use of a well for water and an individual septic system for wastewater subject to the rules and regulations of the Environmental Health Department. All proposed parcels would be permitted one single-family dwelling, one accessory dwelling unit, one junior accessory dwelling unit, and up to 12 farm employee units. The Environmental Health Department would have to approve the number of residences onsite in accordance with their requirements regarding well water and septic wastewater treatment density. In the event all parcels are permitted the maximum number of residences, the number of residences be less than 500 and exempt from Section 66473.7 of the Subdivision Map Act.**
7. Any land or improvement to be dedicated to the County or other public agency is consistent with the General Plan, any applicable Specific Plan, pre-existing Special Purpose Plan, or Master Plan, and any other applicable plan adopted by the County.
- **This finding can be made because any land or improvements dedicated to the County would be consistent with the General Plan, any applicable Specific Plan and Special Purpose Plan, and other applicable plan adopted by the County because any such improvements or land must meet County standards and requirements of the Department of Public Works for dedication and/or construction.**
8. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.
- **This finding can be made because the proposed Minor Subdivision, as designed, can make use of passive heating and cooler. Future development of single-family housing on the proposed new parcels could be located facing westerly, allowing the afternoon sun to passively or actively heat the new homes with the use of rooftop solar panels.**

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Attachment E **Conditions of Approval**

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CONDITIONS OF APPROVAL

PA-2400062/PA-2300296

M&L BOGETTI 2005 REVOCABLE TRUST/A&E BOGETTI 2005 REVOCABLE TRUST/A&M BOGETTI BROS, INC.

Variance Application No. PA-2400062 and Minor Subdivision Application No. PA-2300296 was approved by the Planning Commission on . The effective date of approval is . This tentative map approval will expire on , which is three (3) years from the effective date of approval, unless (1) all Conditions of Approval have been complied with and (2) a Certificate of Compliance has been filed with and accepted by the County Surveyor.

Unless otherwise specified, all Conditions of Approval and ordinance requirements shall be fulfilled prior to approval of the Certificate of Compliance. 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: Community Development Department, [209] 468-3121)

- a. **APPROVAL:** This approval is for a Minor Subdivision to subdivide a 8.76-acre parcel into 4 parcels. Parcel A to contain 2.59 acres. Parcel B to contain 2.08 acres, Parcel C to contain 2.05 acres, and Parcel D to contain 2.05 acres, as shown on the revised tentative map dated September 27, 2024, and consistent with Variance No. PA-2400062.
- b. **TENTATIVE MAP:** The Parcel Map shall substantially conform with the approved revised tentative map dated September 27, 2024. (Development Title Section 9-512.010).
- c. **RIGHT TO FARM:** Pursuant to San Joaquin County Code Section 6-9004(b), the following note shall be recorded as a Notice of Minor Subdivision Restriction with the Parcel Map.

All persons purchasing parcels within the boundaries of this approved map should be prepared to accept the inconveniences or discomforts associated with agricultural operations or activities, such as noise, odors, insects, dust, or fumes. San Joaquin County has determined that such inconveniences or discomforts shall not be considered to be a nuisance.

d. **VARIANCE NO. PA-2400062:**

e. **LOT SIZE:** The following lot size and width regulations shall apply to this map:

1. Parcel A shall have a minimum lot size of 2.59 acres.
2. Parcel B shall have a minimum lot size of 2.08 acres.
3. Parcel C shall have a minimum lot size of 2.05 acres.
4. Parcel D shall have a minimum lot size of 2.05 acres.

f. **LOT WIDTH:** The following lot size and width regulations shall apply to this map:

1. Parcel A shall have a minimum lot width of 230 feet, measured at the front yard setback line.
2. Parcel B shall have a minimum lot width of 254.95 feet, measured at the front yard setback line.
3. Parcel C shall have a minimum lot width of 155 feet, measured at the front yard setback line.
4. Parcel D shall have a minimum lot width of 230 feet, measured at the front yard setback line.

- g. **LOT DEPTH:** Parcels A, B, C, and D shall have a minimum lot depth of 65 feet. (Development Title Section 9-200.030)
- h. **RIPARIAN HABITAT:** Parallel to northern and western parcel lines, a natural open space area for riparian habitat and waterway protection shall be maintained to provide nesting and foraging habitat and the protection of waterway quality. The minimum width of said open space shall be one hundred (100) feet, measured from the mean high-water level of the natural bank or fifty (50) feet back from the existing riparian habitat, whichever is greater. Water-dependent uses may be permitted in this buffer. The mean high-water level and the edge of the riparian habitat shall be shown on the Final/Parcel Map.

2. COUNTY COUNSEL

- a. **HOLD HARMLESS PROVISION:** Pursuant to Section 66474.9 of the Government Code, the subdivider shall defend, indemnify, and hold harmless the local agency or its agents, officers, and employees from any claim, action, or proceeding against the local agency or its agents, officers, or employees to attack, set aside, void, or annul an approval of the local agency, advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time provided for in Section 66499.37 of the Government Code.

3. 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). At the time of development, any structures that require ground disturbance on this or subsequent divided parcels will be subject to participate in the SJMSCP and should be resubmitted to the San Joaquin Council of Governments to ensure biological and mitigation obligations are satisfied. The following note shall be recorded as a Notice of Minor Subdivision Restriction:
 - 1. Parcel A through Parcel D are subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). At the time of development of Parcel 1 and/or the designated remainder, any structure(s) that require ground disturbance on this or subsequent divided parcels will be subject to participate in the SJMSCP and development plans should be submitted to the San Joaquin Council of Governments to ensure biological and mitigation obligations are satisfied.

4. DEPARTMENT OF PUBLIC WORKS (Contact: [209] 468-3000)

- a. A Parcel Map is required. (Development Title Section 9-501.030)
- b. All easements of record shall be shown on the Parcel Map. (Development Title Section 9-505.080)
- c. The driveway approach shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. R-17 prior to issuance of the occupancy permit for Parcel A. (Development Title Section 9-607.040)
- d. A minimum twenty-five (25) foot wide proposed private access and utility easement shall be provided for the benefit of Parcels B, C, and D. The requirement for these easements shall be noticed by a statement on the Parcel Map and by a recorded Notice of Minor Subdivision Restriction. The statement shall read as follows:
 - 1. We also hereby make an irrevocable offer to provide a minimum twenty-five-foot (25') wide private access and utility easement across Parcels A, B, C, & D including turnaround accommodations at its terminations and corner cut-offs at intersecting roads, for the benefit of Parcel B, Parcel C, and Parcel D, upon conveyance of any of the Parcels to another party. Said easement is not created by this map.

- e. Prior to the issuance of a non-agricultural building permit on Parcels B, C, and D; a private access roadway and turnarounds from Welty Road shall be constructed in conformance with fire road standards and applicable San Joaquin County Improvement Standards. The required improvements shall be noticed on a Declaration of Minor Subdivision Restriction – Non Rescindable and recorded concurrently with the Parcel Map (contact Department of Public Works, Development Services Division for processing) (Development Title 9-608.160[a])(A fee for processing the Declaration will be required.)

Informational Notes:

1. At the time the parcels are developed, the developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards.
2. Any construction activity that results in the disturbance of at least one (1) acre of soil shall require a State NPDES construction permit. Dischargers whose projects disturb 1 or more acres of soil or whose projects disturb less than 1 acre of soil and is not part of a larger common plan of development, are required to obtain coverage under the current General Permit for Discharges of Storm Water Associated with Construction Activity.
3. 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.

5. ENVIRONMENTAL HEALTH DEPARTMENT (Contact: [209] 468-3420)

- a. A qualified environmental professional shall prepare a surface and subsurface contamination report, identifying any potential source of surface or subsurface contamination caused by past or current land uses. The report shall include evaluation of non-point source of hazardous materials, including agricultural chemical residues, as well as potential point sources, such as fuel storage tanks, septic systems, or chemical storage areas. If the report indicates there is contamination, corrective action shall be taken, as recommended in the report and concurred with by Environmental Health prior recordation of Parcel Map San Joaquin County Development Title, Section 9- 502.070(a)(c)).

Note: EHD has reviewed and approved Surface Subsurface Contamination Report (Service Request #SR0087114) dated August 9, 2023.

- b. 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 for each parcel. The studies must be approved by the Environmental Health Department prior to approval of a parcel map. (San Joaquin County Development Title, Section 9-604.010(d)). The fee will be based on the current schedule at the time of payment.
- c. 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.
- d. 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 9-605.010).
- e. 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 9-601.010 (b)).

6. GENERAL SERVICES DEPARTMENT (Contact: [209] 468-3357).

- a. The San Joaquin County Department of Parks and Recreation will require the payment of fee in-lieu of land dedication as a condition of the above-mentioned Application Referral. Based on the information provided in the Application Referral and County Development Title Section 9-1230, et al, the fee is **\$322.06**.
- b. Fees are to be paid in person at the Parks and Recreation administrative offices located within Micken Grove Regional Park. Please refer to attached map for direction and additional instructions.

7. WEST STANISLAUS IRRIGATION DISTRICT (Contact [209] 894-3091)

- a. At the time of development, new facilities are required to maintain water service, and easement for such facilities shall be established with the district.
- b. Any development on the resultant parcels must maintain appropriate setbacks from all West Stanislaus Irrigation District facilities.



**Planning Commission Staff Report
Item # 2 November 21, 2024
Conditional Use Permit No. PA-2400226
Prepared by: Makayla Miller**

PROJECT SUMMARY

Applicant Information

Property Owner: Dario G. & Natalie R. Leventini Revocable Trust and Camillo T. and Joanne C. Leventini 1996 Revocable Trust
Project Applicant: SAC Wireless c/o Verizon Wireless

Project Site Information

Project Address: N/A
Project Location: Along a private access road approximately 7,400 feet southwest of West Eight Mile Road, 6,435 feet West of North Atherton Road, Stockton

Parcel Number (APN):	069-090-33	Water Supply:	Private (None)
General Plan Designation:	A/G OS/RC	Sewage Disposal:	Private (None)
Zoning Designation:	AG-40	Storm Drainage:	Private (None)
Project Size:	1,120 square feet	100-Year Flood:	Yes (AE)
Parcel Size:	179.91 acres	Williamson Act:	Yes (PA-0300439 [FS])
Community:	None	Supervisory District:	4

Environmental Review Information

CEQA Determination: Exempt, Section 15303 Class 3 (Attachment F)

Project Description

A Conditional Use Permit application for the construction of a 130-foot tall, unmanned telecommunications monopole with accessory equipment within a 1,120 square foot lease area.

Recommendation

1. Approve the Findings for the Williamson Act Principles of Compatibility and Conditional Use Permit No. PA-2400226 (Attachment G); and
2. Approve the Conditions of Approval for Conditional Use Permit No. PA-2400226 (Attachment H).

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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: November 10, 2024.

Number of Public Hearing notices: 47

Date of Public Hearing notice mailing: November 8, 2024.

Referrals and Responses

- **Early Consultation Date:** July 16, 2024
- **Project Re-Referral Date:** October 15, 2024
- **Project Referral with Environmental Determination Date:** September 5, 2024

Agency Referrals	Response Date – Early Consultation	Response Date – Referral	Response Date – Re-Referral
County Departments			
Ag Commissioner			
Assessor			
Community Development			
Building Division			
Fire Prevention Bureau			
Public Works	8/22/24		10/21/24
Environmental Health	8/8/24	9/18/24	10/18/24
Sheriff			
State Agencies			
Department of Conservation			
Fish & Wildlife, Division: 3			
CA Native American Heritage Commission			
Delta Protection Commission	8/6/24		10/24/24
CA State Lands Commission			
Division of Aeronautics			
Federal Agencies			
F.E.M.A.	8/22/24		11/14/24
Army Corps of Engineers			
U.S Fish and Wildlife			
FAA			
Local Agencies			
Mosquito Abatement			
S.J.C.O.G.	7/22/24	9/5/24	10/15/24
San Joaquin Air Pollution Control District			
Lodi Unified School District			

Agency Referrals	Response Date – Early Consultation	Response Date – Referral	Response Date – Re- Referral
Local Agencies			
San Joaquin Resource Conservation District			
Airport Land Use Commission			
Miscellaneous			
Airport			
Precissi Flying Service			
Sierra Club			
United Auburn Indian Community			
North Valley Yokuts Tribe			
Buena Vista Rancheria			
Farm Bureau			10/30/24
AT&T			
PG&E			10/18/24
Delta Keeper			

ANALYSIS

Background

The project site has historically been farmed and contains a dock and irrigation pump.

On November 23, 2003, the Board of Supervisors of the County of San Joaquin approved Farmland Security Zone contract No. PA-0300439 for the subject parcel. The site remains under contract.

Telecommunications Act of 1996

Pursuant to the Telecommunications Act of 1996, *T-Mobile USA Inc. v. City of Anacortes*, 572 F.3d 987, and a related line of cases, the County shall not deny an application for a wireless communication facility, such as a cell tower, if the applicant has shown that there is a significant gap in cellular coverage and that the proposed location is the least intrusive means to close that gap unless the County can show the “existence of a potentially available and technologically feasible alternative to the proposed location.”

With this application the applicant provided coverage maps (Attachment C) depicting a gap in Verizon's network coverage/capacity in the area surrounding the proposed tower. Additionally, the applicant provided projected service maps with the tower in operation, which show increased coverage throughout the area. Staff has not received and is not aware of any contrary technical information rebutting the gap in Verizon's coverage or that the proposed tower will fill the existing radio frequency service gap.

Additionally, the applicant provided alternative site analysis information. The Applicant considered 4 other properties for the proposed tower located within the coverage/capacity gap area. The applicant concluded that the alternative sites were unfeasible due to location, property owner interest, height limitations, and accessibility. Pursuant to the information provided, the applicant concluded that other locations were infeasible to fill the gap in Verizon's coverage. Staff has not received and is not aware of any other less intrusive locations to fill the gap in coverage.

Additionally, no person or agency has provided any available and technologically feasible alternatives to the proposed tower to fill the gap in coverage.

Accordingly, pursuant to the Telecommunications Act of 1996 and *T-Mobile USA Inc. v. City of Anacortes*, 572 F.3d 987, and a related line of cases, if County does deny the application, it will constitute an effective prohibition of service in violation of the Telecommunications Act of 1996.

Farmland Security Zone Contract

The project site is under Farmland Security Zone Contract No. PA-0300349. Farmland Security Zone Contracts are a type of Williamson Act contract with a longer term (20 years versus 10 years) and increased tax reduction (25% versus 12.5%) that landowners may enter into with the County to restrict their land to agricultural or open space uses. All Williamson Act contracts are rolling contracts that renew annually for the applicable 10 or 20 year term.

Pursuant to Development Title Section 9-702, land use approved for the parcels under contract must be compatible with the intent of preservation. Development Title Section 9-702.060 includes a list of uses that the Board of Supervisors has deemed compatible with the Williamson Act. For uses not specifically allowed, the Planning Commission shall determine that the intended use is comparable to or no more intensive than the approved uses, which is determined by meeting the Principles of Compatibility (Attachment G) regarding limiting potential impacts to the long-term productive capability or potential displacement or impairment of agricultural operations on the subject parcel or other contracted lands, as well as the not resulting in the potential removal of adjacent contracted land from agricultural or open space uses. The Community Development Department (CDD) reviewed the Principles of Compatibility and recommends that the intended communication tower is consistent with these principles because the proposed communications tower would be located in an area that is already disturbed but would not interfere with any on-site or off-site agricultural operations. If the tower is approved, it would enhance cellular service in the area, allowing local farmers to connect to the internet with their farming tools that enhance precision and efficiency, and

improve their ability to reach emergency services. Additionally, the tower is required to visually blend into the surrounding area as recommended Condition of Approval 1.f.

Project Response

The Community Development Department received emails from the Delta Protection Commission (DPC) and San Joaquin Farm Bureau Federation (Farm Bureau) asking that the County consider aesthetics, land use compatibility, and safety.

Aesthetics

Pursuant to Development Title Section 9-411.050(a)(6), the facility must be designed to visually blend into the surrounding area. The applicant is proposing to camouflage the communication tower by painting or constructing it with tan-colored material to remove any glare and blend into the surrounding farmland. This has been included as recommended Condition of Approval No. 1.f. As a result, the communication tower is not anticipated to negatively impact the aesthetics of the surrounding area.

Land Use Compatibility

The proposed communication tower is compatible with the existing farmland because the site is within an existing, disturbed area that is not currently farmed. As such, the proposed location of the tower does not require removal of active farmland from production or impair agricultural operations on the subject parcel or adjacent parcels. Additionally, the communication tower will enhance the cellular service in the area, allowing local farmers to connect to the internet with farming equipment. Furthermore, the tower will also provide cellular service to boaters in the area, increasing safety in the Delta.

Safety and Lighting

The DPC originally had concerns about the provision of safety lighting. All communications towers are required to meet the Federal Aviation Administration's requirements for tower lighting, which was communicated to DPC staff. As a result, these concerns were resolved. The Farm Bureau had concerns about aerial safety and requested adopting the lighting and painting recommendations from the Federal Aviation Administration. The CDD will require the communication facility to meet all requirements of the Federal Aviation Administration.

Fencing Modification Request

The applicant proposes to install an 8-foot chain link fencing with slats and 1 foot of barbed wire around the lease area to prevent theft and secure the area. Development Title Section 9-411.050(a)(6) states that any fencing or enclosures proposed for wireless communications facilities must be designed to blend with the surroundings. Additionally, barbed wire may only be allowed to secure a wireless facility if the need significantly outweighs the potential danger to the public. Staff has reviewed the request and recommends that barbed wire be permitted with the proposed fencing as included with recommended Condition of Approval No. 1.i.

Private Right-of-Way

The project site is landlocked and does not currently have confirmed documented access to an existing public right-of-way. As a result, prior to issuance of any building permits, the applicant must submit a Zoning Compliance Review for Private Right-of-Way, and staff must confirm access. A fee is required for this application.

CEQA Exemptions

The Community Development Department determined that the proposed project is exempt from the California Environmental Quality Act.

ct (CEQA) pursuant to Section 15303 (Class 3, Categorical Exemptions) which applies to projects consisting of construction and location of limited numbers of new, small facilities or structures that have been determined to not have a significant impact on the environment. The proposed 900 square foot concrete pad with the telecommunications tower and equipment is a small structure consistent with this exemption. As a result, if the project is approved, a Notice of Exemption will be filed.

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RECOMMENDATION

It is recommended that the Planning Commission:

1. Approve the Findings for the Williamson Act Principles of Compatibility and Conditional Use Permit No. PA-2400226 (Attachment G); and
2. Approve the Conditions of Approval for Conditional Use Permit No. PA-2400226 (Attachment H).

Attachments:

Attachment A – Site Plan
Attachment B – Alternative Site
Attachment C – Telecommunication Coverage
Attachment D – Radio Frequency Exposure Report
Attachment E –Response Letters
Attachment F – Environmental Document
Attachment G – Findings for Williamson Act Principles of Compatibility & Conditional Use Permit
Attachment H – Conditions of Approval

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Attachment A **Site Plan**

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Attachment B **Alternative Sites**

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Alternative Candidate Analysis



San Joaquin Islands
11530 Eight Mile Rd., Stockton, CA 95219
APN: 069-090-33



Summary of Site Evaluations

Conducted by: SAC Wireless

Introduction:

In early 2024, it became necessary for Verizon Wireless to pursue new coverage in San Joaquin County. Due to increased usage of wireless devices requiring cellular data, Verizon's existing sites in the nearby area are approaching overload, which will create disruptions to Verizon users, including personal, commercial, and emergency users. Therefore, Verizon Wireless is proposing a new wireless facility, which is described below, to provide offload capacity relief and improved coverage to San Joaquin County.

Through multiple conversations with San Joaquin County as well, the pressing needs of the constituents were made known to Verizon that an increase of coverage is needed in this area.

Based on a comprehensive search of available sites and after careful location analysis, Verizon Wireless has concluded that the site located at 11530 Eight Mile Road, Stockton, CA 95219 constitutes the least intrusive alternative to help fill the identified significant gap in coverage/capacity based on the guidelines set forth by San Joaquin County. Through this process alternatives were reviewed and eliminated based upon engineering analysis, lack of cooperation by potential landlords, or unresponsiveness by potential landlords. With these sites exhausted, Verizon Wireless proposes a New 130' Monopole at 11530 Eight Mile Road, Stockton, CA 95219. This property will be described further in this Alternative Analysis. While it is not the only feasible site which meets the San Joaquin County requirements, as well as the coverage and capacity needs of the community as well as emergency service providers, it is the only site candidate which reaches both the Radio Frequency Engineer (RF) coverage requirements while having Landlord interest.

I. Coverage/Capacity Gap

This project's primary objective is to provide much needed service in San Joaquin County. Another objective is to offload other surrounding Verizon tower sites. There is also currently little to no 4G LTE AWS signal in the area. Coverage is limited to the street coverage, but there is no in vehicle or in building coverage in most areas of the proposed cell site location due to an increase of the use of wireless devices, as well as increased rates of streaming. Verizon Wireless recognizes that the need is high, which reduces its ability to provide stable service to Verizon customers in the area.

This also results in a disruption to access to emergency services; since many police, fire, and ambulance services use the Verizon 4G network to track their resources, dispatch assets, and relay data, should an emergency occur during a sector overload, the systems they rely on could be unusable. The proposed site meets the required objectives as well as provides adequate coverage for emergency services.

II. Methodology

Once a significant coverage/capacity gap is determined, Verizon Wireless seeks to identify a site that will provide a solution through the "least intrusive means" based upon Verizon Wireless's experience with designing similar facilities and working within local regulations. In addition to seeking the "least intrusive" alternative, sites proposed by Verizon Wireless must be feasible. In this regard, Verizon Wireless reviews the topography, radio frequency propagation, elevation, height, available electrical and telephone utilities, access, and other critical factors such as a willing landlord in completing its site analysis. Wherever feasible, Verizon Wireless seeks to identify collocation opportunities that allow placement of wireless facilities with minimal impacts. There were none located within the search ring for collocation that were in the Search Ring but too far from the target area to be considered. The next best option was to find a suitable site where Verizon's location could be located against the surrounding areas. Verizon was able to locate land with a willing Landlord, property to build a site with sufficient height needed to meet the coverage need while simultaneously fitting with the character and surroundings of the area.

III. Analysis

Verizon Wireless has sought a suitable location for a wireless facility to serve the surrounding area, of the San Joaquin County area. As collocation of facilities is generally preferred, Verizon Wireless first searched for collocation sites which could meet the needs of the coverage and capacity gap. With no feasible existing wireless towers available to co-locate, Verizon surveyed the coverage/capacity gap area for available building and ground sites for a new wireless facility. The property at 11530 Eight Mile Road, Stockton, CA 95219, site was chosen as the preferred location because it had the best location for wireless reach, appropriate height for coverage, and the least construction concerns.

The following is a summary of prior sites reviewed within the search area. Each of these sites were subsequently eliminated as candidates due to a variety of reasons, including but not limited to technical deficiencies identified by the Radio Frequency Engineer (RF), lack of landlord response or unwillingness to have towers on their property, or better options for a given Landlord.

San Joaquin Islands - Candidates Considered but Not Proposed

1. Heritage Land Co. Inc.

555 Zuckerman Rd., Stockton, CA 95206

APN: 129-080-760

38° 1'26.03"N, 121°30'29.47"W

* Landlord unresponsive to inquiries/disinterested.

2. Pacific Bell Tel Co./AT&T California

20730 W. Mandeville Levee Rd., Stockton, CA 92506

APN: 005-430-004

38° 0'30.03"N 121°32'9.77"W

* This is a 108' existing tower (collocation) but the existing available height for Verizon equipment was not sufficient enough to satisfy RF objectives.

3. Cooper / Escorpiso / L & L Farms

APN: 129-030-160,129-030-190

38° 1'45.69"N , 121°30'22.18"W

* Location only accessible via boat

4. Weinstein Jeffrey L Tr

APN: 069-090-320

38° 2'40.47"N, 121°29'42.87"W

* Too far North to cover the traffic South, approx 4 miles away

Conclusion-

Based on this thorough analysis and evaluation, Verizon Wireless concludes that the proposed installation at 11530 Eight Mile Road, Stockton, CA 95219 is the most effective, least intrusive, and most easily constructible site available to address the significant gap in coverage/capacity and the community's wireless needs. This site also represents the best possible candidate based on its limited visual impact, ease of access, and proximity to utilities.



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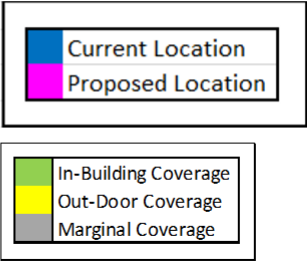
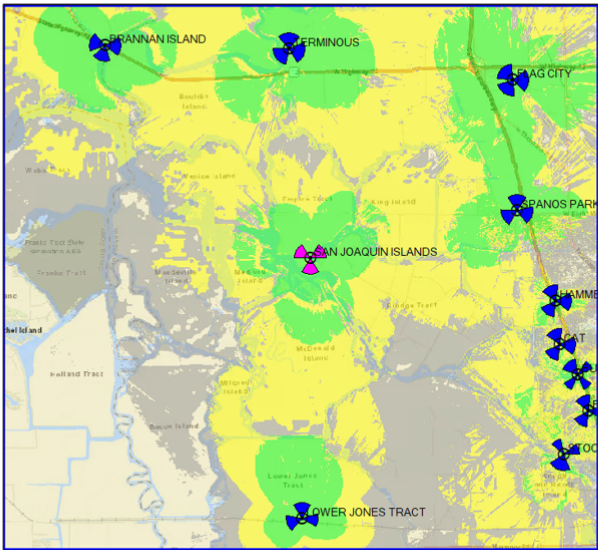
Community Development Department

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Attachment C Telecommunication Coverage

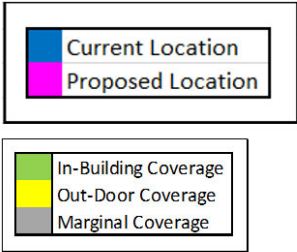
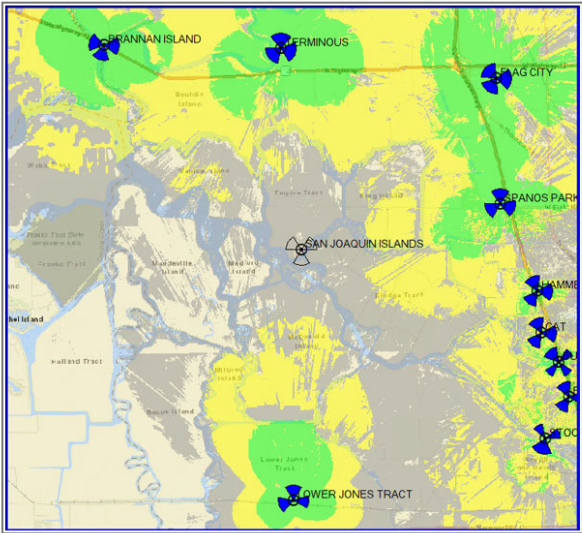
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After AWS Coverage Map at 47 centerline



Verizon confidential and proprietary. Unauthorized disclosure, reproduction or other use prohibited.

Existing AWS Coverage Map



Verizon confidential and proprietary. Unauthorized disclosure, reproduction or other use prohibited.

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Attachment D Radio Frequency Exposure Report

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WATERFORD

Radio Frequency Emissions Compliance Report for Verizon Wireless

Site Name:	San Joaquin Islands	Site Structure Type:	Monopole
Address:	11530 Eight Mile Road	Latitude:	38.041858
	Stockton, CA 95219	Longitude:	-121.48154
Report Date:	February 2, 2024	Project:	New Build


Compliance Statement

Based on information provided by Verizon Wireless and predictive modeling, the San Joaquin Islands installation proposed by Verizon Wireless will be compliant with Radiofrequency Radiation Exposure Limits of 47 C.F.R. §§ 1.1307(b)(3) and 1.1310. RF alerting signage and restricting access to these areas to authorized personnel that have completed RF safety training is required for Occupational environment compliance. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent buildings. As predicted RF power densities will not exceed the FCC General Population limits, no mitigation action other than restricting access to the tower is required to achieve or maintain compliance.

Certification

I, David C. Cotton, Jr., am the reviewer and approver of this report and am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation, specifically in accordance with FCC's OET Bulletin 65. I have reviewed this Radio Frequency Exposure Assessment report and believe it to be both true and accurate to the best of my knowledge.




David Charles Cotton, Jr.
Registered Professional Engineer (Electrical)
State of California, 18838

General Summary

The compliance framework is derived from the Federal Communications Commission (FCC) Rules and Regulations for preventing human exposure in excess of the applicable Maximum Permissible Exposure ("MPE") limits. At any location at this site, the power density resulting from each transmitter may be expressed as a percentage of the frequency-specific limits and added to determine if 100% of the exposure limit has been exceeded. The FCC Rules define two tiers of permissible exposure differentiated by the situation in which the exposure takes place and/or the status of the individuals who are subject to exposure. General Population / Uncontrolled exposure limits apply to those situations in which persons may not be aware of the presence of electromagnetic energy, where exposure is not employment-related, or where persons cannot exercise control over their exposure. Occupational / Controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment, have been made fully aware of the potential for exposure, and can exercise control over their exposure. Based on the criteria for these classifications, the FCC General Population limit is considered to be a level that is safe for continuous exposure time. The FCC General Population limit is 5 times more restrictive than the Occupational limits.

In situations where the predicted MPE exceeds the General Population threshold in an accessible area as a result of emissions from multiple transmitters, FCC licensees that contribute greater than 5% of the aggregate MPE share responsibility for mitigation.

Table 1: FCC Limits

Frequency (MHz)	Limits for General Population/ Uncontrolled Exposure		Limits for Occupational/ Controlled Exposure	
	Power Density (mW/cm ²)	Averaging Time (minutes)	Power Density (mW/cm ²)	Averaging Time (minutes)
30-300	0.2	30	1	6
300-1500	f/1500	30	f/300	6
1500-100,000	1.0	30	5.0	6

f=Frequency (MHz)

Based on the computational guidelines set forth in FCC OET Bulletin 65, Waterford Consultants, LLC has developed software to predict the overall Maximum Permissible Exposure possible at any location given the spatial orientation and operating parameters of multiple RF sources. The power density in the Far Field of an RF source is specified by OET-65 Equation 5 as follows:

$$S = \frac{EIRP}{4 \cdot \pi \cdot R^2} \text{ (mW/cm}^2\text{)}$$

where EIRP is the Effective Radiated Power relative to an isotropic antenna and R is the distance between the antenna and point of study. Additionally, consideration is given to the manufacturers' horizontal and vertical antenna patterns as well as radiation reflection. At any location, the predicted power density in the Far Field is the spatial average of points within a 0 to 6-foot vertical profile that a person would occupy. Near field power density is based on OET-65 Equation 20 stated as

$$S = \left(\frac{180}{\theta_{BW}} \right) \cdot \frac{100 \cdot P_{in}}{\pi \cdot R \cdot h} \text{ (mW/cm}^2\text{)}$$

where P_{in} is the power input to the antenna, θ_{BW} is the horizontal pattern beamwidth and h is the aperture length.

Some antennas employ beamforming technology where RF energy allocated to each customer device is dynamically directed toward their location. In the analysis presented herein, predicted exposure levels are based on all beams at full utilization (i.e. full power) simultaneously focused in any direction. As this condition is unlikely to occur, the actual power density levels at ground and at adjacent structures are expected to be less than the levels reported below. These theoretical results represent maximum-case predictions as all RF emitters are assumed to be operating at 100% duty cycle.

Analysis

Verizon Wireless proposes the following installation at this location:

- (9) NEW VERIZON WIRELESS 8' TALL PANEL ANTENNAS, (3) PER SECTOR
- (3) NEW VERIZON WIRELESS AIR6419 ANTENNAS, (1) PER SECTOR
- (1) NEW VERIZON WIRELESS MICROWAVE ANTENNA, (2) TOTAL, (1) 6'Ø & (1) 4'Ø
- (12) NEW VERIZON WIRELESS RADIOS

The antennas will be mounted on a 130-foot Monopole with centerlines 126 & 128.80 feet above ground level. Proposed antenna operating parameters are listed in Appendix A. Other appurtenances such as GPS antennas, RRUs and hybrid cable below the antennas are not sources of RF emissions. No other antennas are known to be operating in the vicinity of this site.



Figure 1: Antenna Locations

Power density decreases significantly with distance from any antenna. The panel-type antennas to be employed at this site are highly directional by design and the orientation in azimuth and mounting elevation, as documented, serves to reduce the potential to exceed MPE limits at any location other than directly in front of the antennas. For accessible areas at ground level, the maximum predicted power density level resulting from all Verizon Wireless operations is 8.0480% of the FCC General Population limits. Incident at adjacent buildings depicted in Figure 1, the maximum predicted power density level resulting from all Verizon Wireless operations is 26.8727% of the FCC General Population limits. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent buildings. As predicted RF power densities will not exceed the FCC General Population limits, no mitigation action other than restricting access to the tower is required to achieve or maintain compliance.

Compliance Requirement Diagram (Access Location)



Figure 2: Mitigation Recommendations

Appendix A: Operating Parameters Considered in this Analysis

Antenna #:	Carrier:	Manufacturer:	Pattern:	Band (MHz):	Mech Az (deg):	Mech DT (deg):	H BW (deg):	Length (ft):	TPO (W):	Channels:	Loss (dB):	Gain (dBd):	ERP (W):	EIRP (W):	Rad Center (ft):
1	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	700	60	0	65	8	60	2	0	13.49	2680	4397	126
1	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	850	60	0	62	8	60	2	0	13.69	2807	4604	126
1	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	1900	60	0	66	8	60	4	0	15.83	9188	15073	126
2	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	700	60	0	65	8	60	2	0	13.49	2680	4397	126
2	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	850	60	0	62	8	60	2	0	13.69	2807	4604	126
2	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	2100	60	0	62	8	30	4	0	16.3	5119	8398	126
2	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	2100	60	0	62	8	30	4	0	16.3	5119	8398	126
3	Verizon	ERICSSON	SON AIR6419 TB 03.21.2023 3700 VZW	3700	60	0	11	2.4	320	1	0	23.45	70819	116185	128.8
4	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	700	180	0	65	8	60	2	0	13.49	2680	4397	126
4	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	850	180	0	62	8	60	2	0	13.69	2807	4604	126
4	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	1900	180	0	66	8	60	4	0	15.83	9188	15073	126
5	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	700	180	0	65	8	60	2	0	13.49	2680	4397	126
5	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	850	180	0	62	8	60	2	0	13.69	2807	4604	126
5	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	2100	180	0	62	8	30	4	0	16.3	5119	8398	126
5	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	2100	180	0	62	8	30	4	0	16.3	5119	8398	126
6	Verizon	ERICSSON	SON AIR6419 TB 03.21.2023 3700 VZW	3700	180	0	11	2.4	320	1	0	23.45	70819	116185	128.8
7	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	700	300	0	65	8	60	2	0	13.49	2680	4397	126
7	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	850	300	0	62	8	60	2	0	13.69	2807	4604	126
7	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	1900	300	0	66	8	60	4	0	15.83	9188	15073	126
8	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	700	300	0	65	8	60	2	0	13.49	2680	4397	126
8	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	850	300	0	62	8	60	2	0	13.69	2807	4604	126
8	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	2100	300	0	62	8	30	4	0	16.3	5119	8398	126
8	Verizon	COMMSCOPE	NHH-65C-R2B 03DT	2100	300	0	62	8	30	4	0	16.3	5119	8398	126
9	Verizon	ERICSSON	SON AIR6419 TB 03.21.2023 3700 VZW	3700	300	0	11	2.4	320	1	0	23.45	70819	116185	128.8
10	Verizon	ANDREW	VHLP4-11	11000	335	0	1.5	4	0.2	1	0	38.7	1483	2432	116
11	Verizon	GENERIC	MICROWAVE 6FT	6000	210	0	1.5	6	0.2	1	0	38.7	1483	2432	116

Notes: Table depicts recommended operating parameters for Verizon Wireless proposed operations

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Attachment E **Response Letters**

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Department of Public Works

Fritz Buchman, Director

Alex Chetley, Deputy Director - Development

Kristi Rhea, Deputy Director - Administration

David Tolliver, Deputy Director - Operations

Najee Zarif, Deputy Director - Engineering

August 22, 2024

M E M O R A N D U M

TO: Community Development Department
CONTACT PERSON: Makayla Miller

FROM: Shayan Rehman, Engineering Services Manager ^{SR}
Development Services Division

SUBJECT: PA-2400226 (A); A Conditional Use (Administrative Use Permit) Application, An Administrative Use Permit application for the construction of a 130-foot tall, unmanned telecommunications monopole with accessory equipment within a 1,120 square foot lease area. This parcel is under Williamson Act contract; located south of W Eight Mile Road, 6,435 feet West of N Atherton Road.
(Supervisory District 4)

OWNER: LEVENTINI, CAMILLO T JR & J TR ET **APPLICANT:** COURTNEY STANDRIDGE

ADDRESS: 11530 Eight Mile Road, Stockton **APN:** 069-090-33

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 is approximately 9 feet NAVD 1988.

RECOMMENDATIONS:

- 1) 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 grading 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)
- 2) 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 grading permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)

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- 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 9-606)
- 4) A copy of the Final Site Plan shall be submitted prior to release of building permit.
- 5) Prior to release of the building permit all new construction and the substantial improvement of any structure or tanks in the area of special flood hazard shall be elevated or floodproofed in accordance with San Joaquin County Ordinance Code Section 9-1605.12 (a), (b) and (c). Plans and calculations shall be submitted and approved by the Public Works Department – Water Resources Division (209-468-9596)

SR:GM



Environmental Health Department

Jasjit Kang, REHS, Director

Muniappa Naidu, REHS, Assistant Director

PROGRAM COORDINATORS

Jeff Carruesco, REHS, RDI

Willy Ng, REHS


Steven Shih, REHS

Elena Manzo, REHS

Natalia Subbotnikova, REHS

October 18, 2024

To: San Joaquin County Community Development Department
Attention: Makayla Miller

From: Naseem Ahmed; 209-616-3018 
Senior Registered Environmental Health Specialist

RE: **PA-2400226 (C), Re-Referral (Revised Site-Plan), SU-2400053**
11530 Eight Mile Road, Stockton

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

1. Any existing wells or septic systems to be abandoned shall be destroyed under permit and inspection by the EHD (San Joaquin County Development Title, Section 9-605.010 & 9-601.020).
2. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-601.010(b) and 9-601.020(i)).
3. 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). The applicant may contact the Program Coordinator of the CUPA program, Elena Manzo (209) 953-7699, 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.)
 - b. 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.

1868 E. Hazelton Avenue | Stockton, California 95205 | T 209 468-3420 | F 209 464-0138 | www.sjcehd.com

- ii. Additionally, an EHD UST permit to operate is required once the approved UST system is installed.
- e. 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.)
 - Risk Management Plan requirement for covered processes**



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 (RTL) ADVISORY AGENCY NOTICE TO SJCOG, Inc.

To: Makayla Miller, San Joaquin County, Community Development Department
From: Laurel Boyd, SJCOG, Inc. Phone: (209) 235-0574 Email: boyd@sjcog.org
Date: October 15, 2024
Local Jurisdiction Project Title: PA-2400226 (C)
Assessor Parcel Number(s): 069-090-33
Local Jurisdiction Project Number: PA-2400226 (C)
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 Ms. Miller:

SJCOG, Inc. has reviewed the application referral for PA-2400226 (C). This project consists of a Conditional Use Permit application for the construction of a 130-foot tall, unmanned telecommunications monopole with accessory equipment with a 1,120 square foot lease area. The project site is located south of W Eight Mile Road, 6,435 feet west of N. Atherton Road (APN/Address: 069-090-33 / 11530 Eight Mile Road, Stockton).

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

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>

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

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

- Receive your Certificate of Payment and release the required permit

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

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



S J C O G , I n c .

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

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

SJMSCP HOLD

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

FROM: Laurel Boyd, SJCOG, Inc.

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

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

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

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

Project Title: PA-2400226 (C)

Landowner: Leventini Camillo T Jr. & T Tr Et

Applicant: Courtney Standridge

Assessor Parcel #s: 069-090-33

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

Local Jurisdiction Contact: Makayla Miller

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.

From: Avina_Mike@DPC
To: [Miller_Makayla \[CDD\]](#)
Cc: Blodgett_Bruce@DPC
Subject: PA-2400226
Date: Tuesday, August 6, 2024 12:02:01 PM
Attachments: [image001.png](#)
[August 9 SJO.pdf](#)

Dear Ms. Miller:

We are submitting comments on the attached project. We encourage the County to consider any aesthetic affects on the surrounding landscape – the application is unclear regarding the location of the proposed tower. Given the existing marina and other non-agricultural and uses, it may (or may not) be consistent with the overall character of the landscape. We also encourage you to require safety lighting on the tower so it does not create a hazard to aviation such as crop dusting. Sacramento County recently imposed a condition that a similar wireless tower should have two independently controlled safety lights so that there is redundant lighting in case one light fails. Please feel free to contact us with any questions.

Mike Aviña

Senior Environmental Planner

[Delta Protection Commission](#) – a California state agency

Mobile: (530) 750-6727

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From: Avina_Mike@DPC
To: [Miller, Makayla \[CDD\]](#); [Mueller, Leanne](#)
Subject: Lighting for Wireless Towers
Date: Thursday, October 24, 2024 3:46:59 PM
Attachments: [Outlook-Delta Prot.png](#)

Makayla and Leanne -

I am copying both of you on this message because Makayla had a question regarding a comment from DPC regarding our suggestion that cell towers have redundant lighting (two lights) for safety. Makayla indicated that the towers in San Joaquin County would comply with FAA standards. Not having the exact standard in front of me I am inclined to say that if a tower complies with FAA standards I feel that is probably adequate. Thank you.

Mike Aviña

Senior Environmental Planner

[Delta Protection Commission](#) – a California state agency

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SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

October 30th, 2024

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

RE: PA- 2400226(C)

Dear Ms. Miller:

The San Joaquin Farm Bureau Federation is a private, not for profit, volunteer organization. The Farm Bureau is San Joaquin County's oldest agricultural organization, dedicated to the promotion and advancement of agriculture for over one hundred years. We would like to express our concern regarding this application, a Site Approval for an unmanned telecommunications project to include an 130-foot, monopole tower with associated ground equipment.

Aerial sprayers provide many valuable services to both the agricultural industry and to the community at large. In agriculture, we use crop dusters to eliminate crop damaging pests and the County's Mosquito and Vector Control District also regularly uses aerial spraying for mosquito abatement purposes to control disease carrying insects for the public. Pursuant to the San Joaquin County Development Titleⁱ, the proposed project shall not significantly displace or impair agricultural operations. Here, we have reservations about this project in a highly agricultural area that regularly utilizes the services of aerial sprayers. Following best agricultural practices, crop dusters fly lower than regular air traffic to maximize their efficiency and only spray the crop, eliminating drift to the greatest extent possible. Thus, we must make certain that the monopole communication tower is clearly marked and maintained to ensure adequate visibility to protect the aerial sprayers, so we can maintain the existing agricultural operations in the region.

As a condition of approval for this application, we recommend the county require that the applicant follow the FAA painting and lighting recommendations for structures that may pose a hazard to air navigation. The unique circumstances of the project and the site warrant such consideration and it would best serve the agricultural and public safety interests at stake. If you have any further questions, please do not hesitate to contact the Farm Bureau at (209) 931-4931.

Sincerely,

Andrew Genasci
Executive Director, San Joaquin Farm Bureau

3290 NORTH AD ART ROAD • STOCKTON, CA • 95215 • (209) 931-4931 • (209) 931-1433 Fax
WWW.SJFB.ORG

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



October 28, 2024

Makayla Miller, Project Planner
San Joaquin County, Community Development Department
1810 E. Hazelton Avenue
Stockton, California 95205

Dear Ms. Miller:

This is in response to your request for Application Referral Short Review Period, 2-week response time, Application Number PA 2400226 (C), Conditional Use Permit, (APN/Address: 069-090-33/11530 Eight Mile Road, Stockton) (Supervisory District 4).

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the City of Stockton (Community Number 060302), Maps revised October 16, 2009, and County of San Joaquin (Community Number 060299), Maps revised October 20, 2016. To locate FIRMs online, visit the Map Service Center (MSC) at <https://msc.fema.gov>. Please note that the City of Stockton, 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.

www.fema.gov

Makayla Miller, Project Planner

Page 2

October 28, 2024

- 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 <https://www.fema.gov/flood-maps/change-your-flood-zone/paper-application-forms>.

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 Stockton floodplain manager can be reached by calling John Schweigerdt, Building Official, at (209) 937-8561. The San Joaquin County floodplain manager can be reached by calling Ashley Couch, Watch Resource Manager, at (209) 468-3605.

If you have any questions or concerns, please do not hesitate to contact Carlos Rendo of the Mitigation staff at carlos.rendo@fema.dhs.gov.

Sincerely,

XING LIU Digitally signed by XING LIU
Date: 2024.10.28 21:57:04
-07'00'

Xing Liu, Branch Chief
Floodplain Management and Insurance Branch

cc:

John Schweigerdt, Building Official, City of Stockton, CA

Ashley Couch, Watch Resource Manager, San Joaquin County, CA

Alex Acosta, State of California, Department of Water Resources, North Central Region Office

Kelly Soule, State of California, Department of Water Resources, Sacramento Headquarters
Office

Carlos Rendo, NFIP Planner, DHS/FEMA Region IX

Jeffrey Smyly, Environmental Regional Officer, DHS/FEMA Region IX

www.fema.gov



October 18, 2024

Makayla Miller
County of San Joaquin

Re: PA-2400226
11530 Eight Mile Road

Dear Makayla Miller,

Thank you for providing PG&E the opportunity to review the proposed plans for the PA-2400226 dated 10/15/2024. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management

Public



October 17, 2024

Makayla Miller
County of San Joaquin

Ref: Gas and Electric Transmission and Distribution

Dear Makayla Miller,

Thank you for submitting the PA-2400226 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/account/service-requests/building-and-renovation.html>.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

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

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

Sincerely,

Plan Review Team
Land Management

Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <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 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

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

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

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

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 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 ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

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

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

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

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

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

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

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

Attachment 2 – Electric Facilities

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

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

8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

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

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

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

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

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

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

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SAN JOAQUIN
—COUNTY—
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Community Development Department

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Attachment F Environmental Document

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NOTICE OF EXEMPTION

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

☒ County Clerk, County of San Joaquin

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

Project Title: Conditional Use Permit No. PA-2400226

Project Location - Specific: The project site is located along a private access road approximately 7,400 feet south west of West Eight Mile Road, 6,435 feet west of North Atheron Road, Stockton. (Supervisory District: 4)

Project Location – County: San Joaquin County

Project Description: A Conditional Use Permit application to construct a 130-foot-tall, unmanned telecommunications monopole with accessory equipment within a 1,120-square-foot lease area. This parcel is under a Williamson Act (Farmland Security Zone) contract.

Project Proponent(s): San Joaquin County

Name of Public Agency Approving Project: San Joaquin County Board of Supervisors

Name of Person or Agency Carrying Out Project: Makayla Miller, Associate Planner
San Joaquin County Community Development Department

Exemption Status:
Categorical Exemption. (Section 15303, Class 3)

Exemption Reason:

This project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303 (Categorical Exemptions, Class B), which applies to projects consisting of construction and location of limited numbers of new, small facilities or structures that have been determined to not have a significant impact on the environment. The proposed 900-square-foot concrete pad containing the 130-foot telecommunications tower and equipment is a small structure consistent, and therefore, the project is exempt from CEQA.

Lead Agency Contact Person:

Makayla Miller Phone: (209) 468-3186 FAX: (209) 468-3163 Email: memiller@sjgov.org

Signature: _____ Date: _____

Name: Lorraine Gonzalez Title: Deputy County Clerk

Signed by Lead Agency

Date Received for filing at OPR: _____

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Attachment G **Findings for Williamson Act** **Principles of Compatibility** **& Conditional Use Permit**

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FINDINGS

Williamson Act (Farmland Security Zone) Principles of Compatibility Findings

Pursuant to Development Title Section 9-702.060, in order to approve the Conditional Use Permit application for developments on parcels under a Williamson Act/Farmland Security Zone contract, the Planning Commission is required to make the following findings in the affirmative.

1. The use will not significantly compromise the long-term productive agricultural capability of the property, or of other contracted land.
 - **This finding can be made because the communication tower will not negatively affect the agricultural capability of the property or other land under contract. No hazardous materials that would deteriorate the land and affect future agricultural development or the neighboring waterway are proposed for use by the project. Additionally, the communication tower is not anticipated to create any odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions that could impact the agricultural capability. As a result, the proposed communication tower will not significantly compromise the long-term agricultural capability of the property and other contracted land.**
2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the parcel or on other contracted lands.
 - **This finding can be made because the proposed lease area, including the communication tower, is located along the southeast property line of the parcel within an already disturbed area near the existing irrigation canal. This area is not currently farmed, and the location of the 1,120 square foot lease area is not anticipated to interfere with the remaining 179.9 acres currently in agricultural operation, as it will not impede access for farming equipment. Additionally, the proposed improvements for the telecommunications tower encompasses a small area and only requires periodic maintenance after construction, limiting the amount of non-agricultural traffic that would need to access the site. As a result, the communication tower and associated lease area is not anticipated to displace or impair agricultural operations.**
3. The use will not result in significant removal of contracted land from agricultural or open-space use.
 - **This finding can be made because the project does not include removal of an area used for agricultural operations, and development of a communication tower within a 1,120-square-foot lease area that is not actively farmed is not a significant removal of open-space area.**
4. Conditions are included that mitigate or avoid those on-site and off-site impacts that would otherwise render the proposal inconsistent with the Williamson Act principles of compatibility.
 - **This finding can be made because the communication tower will have no long-term negative impacts on the property or nearby properties. The project site is located near an existing irrigation canal and the 130-foot communication tower will be camouflaged in a tan coloring to match the surrounding farmland. The U.S. Fish and Wildlife Department found that towers over 350 feet are the increased risks to birds. The tower height is unlikely to affect migrating birds. No hazardous materials that would deteriorate the land and affect future agricultural development or the neighboring waterway are proposed for use by the project. Furthermore, the Federal Communications Commission has determined that there is no significant impact on human health due to radio frequency exposure. As such, the project was determined to be exempt from the California Environmental Quality Act under a Class 3 Categorical Exemption because the project is a small structure and not anticipated to result in any potentially significant impacts. Furthermore, Government Code Section 51238 states, "Notwithstanding any determination of compatible uses by the county or city pursuant to this article, unless the board or council after notice and hearing makes a finding to the**

contrary, the erection, construction, alteration, or maintenance of gas, electric, water, communication, or agricultural laborer housing facilities are hereby determined to be compatible uses within any agricultural preserve.” The proposed communication tower is consistent with the Williamson Act (Farmland Security Zone) principles of compatibility.

5. The productive capability of the land has been considered as well as the extent to which the proposed use(s) may displace or impair agricultural operations.
 - **This finding can be made because the proposed lease area, including the communication tower, is located within an already disturbed area of the parcel along the southeastern parcel line near the existing irrigation canal. This area is not currently farmed, and the proposed 1,120 square foot lease area is not anticipated to interfere with the remaining 179.9 acres of agricultural operation. As a result, the communication tower and associated lease area are not anticipated to displace or impair agricultural operations.**
6. The proposed use(s) are consistent with the intent of the Williamson Act to preserve agricultural and open-space land.
 - **This finding can be made because the communication tower will be located in a 1,120-square-foot lease area and will not negatively impact the surrounding agricultural production and open-space land. As a recommended Condition of Approval, any potential impacts to species or habitat in the area as a result of the project will be mitigated through the San Joaquin County Multi-Species Habitat Conservation and Open Space plan. Additionally, the communication tower will enhance the cellular service in the area, allowing local farmers to connect to the internet with their farming tools. Furthermore, nearby boaters and visitors in the delta will have better cellular connection for emergency response. As a result, this improvement in cellular service will aid in preserving and promoting agricultural and open-space land.**

Conditional Use Permit Findings

Pursuant to Development Title Section 9-804.050, in order to approve the Conditional Use Permit application, the Planning Commission is required to make the following findings in the affirmative.

1. The proposed use is consistent with the goals, policies, standards, and maps of the General Plan, any applicable Master Plan, Special Purpose Plan, Specific Plan, and Planned Development zone; and any other applicable plan adopted by the County.
 - **This finding can be made because the proposed Telecommunications Tower and ancillary equipment may be conditionally permitted in the AG-40 (General Agriculture, 40-acre minimum) zone with an approved Conditional Use Permit application. The project site has a General Plan designation of A/G (Agriculture General), and the AG-40 zone is an implementing zone for this designation. Additionally, the project is compatible with the Williamson Act Principles of Compatibility, and therefore, the Farmland Security Zone contract. Therefore, the proposed Telecommunication Tower is consistent with the goals, policies, standards and maps of the General Plan, and there are no Master Plans, Specific Plans, and/or Special Purpose Plans in the project vicinity.**
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 there are no new utility or roadway improvements required. A Telecommunications Tower is an unmanned facility and will not impact on existing public utilities. This project will not require the use of public water or a septic system, and all storm water will be retained on site. The proposed project will be accessed from a private roadway on the south side of West Eight Mile Road. There may be a slight increase in road traffic during the construction of the tower, but the facility is unmanned and will only require periodic maintenance visits after its construction. The applicant must**

submit a Zoning Compliance Review application for a private right-of-way as recommended Condition of Approval No. 1. D. prior to the issuance of any building permits. As recommended Condition of Approval Nos. 2.a. and 2.b., the applicant will also pay fees towards future roadway improvements to ensure that the proposed use has adequate access.

3. The site is physically suitable for the type of development and for the intensity of development.
 - This finding can be made because the 179.9-acre project site is of adequate size to accommodate the proposed use and the Site Plan shows that all setbacks, and other requirements of the Development Title can be met. According to the Federal Aviation Administration section § 77.9, the only time the construction or alteration of a tower requires notice is when it has an above ground level (AGL) measurement over 200 feet at its site. The proposed communication tower is 130 feet which is 70 feet below, triggering this requirement. According to the Federal Communications Commission section § 1.61, there is no absolute limit for the height of antenna towers. However, the erection of an antenna structure exceeding 1,000 feet in height must be accompanied by a statement from the Federal Aviation Administration that the proposed structure will not constitute a menace to air navigation. The proposed communication tower will not exceed 130 feet, which is below the height where a statement is needed for the Federal Aviation Administration.
4. The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
 - This finding can be made because the proposed telecommunications tower encompasses a small area and only requires periodic maintenance after construction, limiting the amount of traffic that would need to access the site. The tower will not increase ambient noise, dust, or other nuisances, and the proposed tan coloring will minimize any anticipated glare of the tower structure and camouflage the structure. Additionally, the proposed project is a compatible use in the AG-40 zone. As a result, the proposed project is not anticipated to adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
5. The proposed use will not create any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding ambient conditions.
 - This finding can be made because the proposed use as an unmanned telecommunications tower is not anticipated to create any odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions.
6. The site of the proposed use is adequately served by highways, streets, water, sewer, storm drainage, and other public facilities and services.
 - This finding can be made because the project will be accessed from a private roadway on the south side of West Eight Mile Road. The Community Development Department will review the private access prior to the issuance of any building permits for the project. As previously noted, the applicant will also pay fees towards future roadway improvements to ensure that the proposed use has adequate access as recommended Condition of Approval Nos. 2.a. and 2.b. The proposed use does not require water or sewer, and all storm water will be retained on site.
7. The proposed use complies with all applicable provisions of this title.
 - This finding can be made because the proposed use is classified under the Communication Facility - Tower use type, which may be conditionally permitted in the AG-40 (General Agricultural, 40-acre minimum) zone subject to a Conditional Use Permit application and the proposed use meets the Williamson Act Principles of Compatibility. Furthermore, the proposed communication tower meets all standards pursuant to Development Title

Sections 9-702 and 9-411: Wireless Facilities and will be consistent with the Development Title if the project is approved with the proposed Conditions of Approval provided by the reviewing departments and agencies.

8. The project complies with all applicable development standards in this chapter.
 - **This finding can be made because the communication tower proposes tan paint coloring to conceal the structure. Does not propose landscaping, proposes a chain link fence with barbed wire and slats which will conceal the equipment from view, only proposes required signage, is not anticipated to exceed noise limitations, and future allocations have the necessary space to be added to the proposed site. The project is applicable with the development standards pursuant to Development Title Section 9-411.050.**
9. The applicant has provided a meaningful comparative analysis that demonstrates all alternative designs and locations identified in the application review process are either technically infeasible or not potentially available.
 - **This finding can be made because the applicant submitted analysis comparing various alternative sites and the reasoning for each site rejection as the site for the communication tower.**
10. All necessary and reasonable conditions of approval will be imposed to ensure land use compatibility and compliance with the standards of this Chapter.
 - **All reasonable and necessary Conditions will be imposed to ensure compatibility and compliance with Development Title Section 9-411.**
11. The Commission's decision on a Type 3 WCF Permit is a discretionary action; it is appealable to the Board of Supervisors (see subsection (f) below).
 - **The decision of this Conditional Use Permit is a discretionary action that is appealable to the Board of Supervisors.**



SAN JOAQUIN
—COUNTY—
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Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

Attachment H **Conditions of Approval**

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CONDITIONS OF APPROVAL

PA-2400226
LEVENTINI/ SAC WIRELESS C/O VERIZON WIRELESS

Conditional Use Permit Application No. PA-2300248 was approved by the Planning Commission on . The effective date of approval is . This approval will expire on , which is thirty-six (36) 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. **BUILDING PERMIT:** Submit an "APPLICATION-COMMERCIAL BUILDING PERMIT". The Site Plan required as a part of the building 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 9-802.110[a][2])
- b. **APPROVED USE:** This approval is for a 130-foot monopole telecommunications facility with related equipment within a 1,120 square foot lease area shown on the site plan dated October 14, 2024. (Use Type – Communications Facility – Tower)
- 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. (Development Title Section 9-610.070)
- d. **PRIVATE RIGHT-OF-WAY:** A Zoning Compliance Review for Private Right-of-Way must be approved prior to the issuance of any Building Permits. A fee is required for this application.
- e. **SETBACKS:** The structure shall comply with the following setback requirements;
 1. The freestanding tower, and associated antennas, shall be setback a minimum of 130 feet from property lines. (Development Title Section 9-409.060[a][2])
- f. **CONCEALMENT:** All facilities must be designed to visually blend into the surrounding area. (Development Title Section 9-411.050[a][6])
- g. **REMOVAL OF FACILITIES:** Freestanding structures, antennas, and supporting equipment associated with wireless telecommunication shall be removed by the provider of such facilities and the site restored to its pre-construction state if said facilities have not been operational or used for a period of six (6) consecutive months. Removal and site restoration shall be completed within ninety (90) days of the end of said six (6) month period. (Development Title Section 9-511.130)
- h. **LIGHTS:** Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and fully shielded lights such that the light source is not directly visible from any adjacent residential land uses. All aircraft warning lighting must use lighting enclosures that avoid illumination impacts on residential land uses to the maximum extent feasible. (Development Title Section 9-411.050[a][1])
- i. **FENCES, ENCLOSURES AND SECURITY:** Fencing must comply with the following standards.

1. An 8-foot chain link fence with slats and 1-foot of barbed wire is permitted.
 2. Anti-climbing measures, such as a ladder guard or removable ladder rungs, to prevent unauthorized access, vandalism and other attractive nuisances must be incorporated. (Development Title Section 9-411.050[a][6])
 - j. **GROUND-MOUNTED EQUIPMENT:** All ground-mounted equipment must be concealed within an existing or new structure, opaque fences, or other enclosures subject to the Approval Authority's approval. (Development Title Section 9-411.050[c][3])
 - k. **PERMITTEE'S CONTACT INFORMATION:** The applicant shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one specific person. All such contact information for responsible parties shall be provided to the Zoning Administrator. (Development Title Section 9-411.100[e])
 - l. **MAINTENANCE:** The facility must be maintained in a neat and clean manner and in accordance with all approved plans and Conditions of Approval. (Development Title Section 9-411.100[g])
2. DEPARTMENT OF PUBLIC WORKS (Contact: [209] 468-3000, see memo dated, 2024)
- 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 grading 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 grading 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 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 9-606)
 - d. A copy of the Final Site Plan shall be submitted prior to the release of building permit.
 - e. Prior to release of the building permit all new construction and the substantial improvement of any structure or tanks in the area of special flood hazard shall be elevated or floodproofed in accordance with San Joaquin County Ordinance Code Section 9-1605.12 (a), (b) and (c). Plans and calculations shall be submitted and approved by the Public Works Department – Water Resources Division (209-468-9596)
3. ENVIROMENTAL HEALTH DEPARTMENT (Contact: [209] 616-3032, see memo dated September 18, 2024)
- a. Any existing wells or septic systems to be abandoned shall be destroyed under permit and inspection by the EHD (San Joaquin County Development Title, Section 9-605.010 & 9-601.020).
 - b. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-601.010(b) and 9-601.020(i)).
 - c. 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). The applicant may contact the Program Coordinator of the CUPA program, Michelle Henry (209) 468-3454, with any questions.

- d. 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.)
 - e. 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.)
 - f. 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.)
 - g. 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.
 - ii. Additionally, an EHD UST permit to operate is required once the approved UST system is installed.
 - h. 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 requirements**
 - i. Threshold quantities of regulated substances stored onsite - **California Accidental Release Prevention (CalARP) Program** (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
 - a. **Risk Management Plan requirement for covered processes**
4. SAN JOAQUIN COUNCIL OF GOVERNMENTS (Contact: [209] 235-0600, see memo dated September 5, 2024)
- a. This project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) must provide a Certificate of Payment prior to issuance of any grading or building permits.
