



**Planning Commission Staff Report
Item # 1 February 6, 2025
Variance No. PA-2400078
Minor Subdivision No. PA-2400079
Prepared by: Stephanie Stowers**

PROJECT SUMMARY

Applicant Information

Property Owner: Sarup S. Srail & Ranjit K. Srail
Project Applicant: Gurjit S. Srail, Esq.
Project Representative: Quartaroli & Associates, Inc (John Glick)

Project Site Information

Project Address: 18809 South Philip Martin Court, Tracy
Project Location: On the southwest corner of South Lammers Road and Philip Martin Court, Tracy.

Parcel Number (APN):	212-090-15	Water Supply:	Private (None)
General Plan Designation:	A/G	Sewage Disposal:	Private (None)
Zoning Designation:	AG-40	Storm Drainage:	Private (None)
Project Size:	10 acres	100-Year Flood:	Yes (AE)
Parcel Size:	10 acres	Williamson Act:	No
Community:	None	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-2400078 to reduce the minimum required parcel size from 40 acres to 5 acres in the AG-40 (General Agriculture, 40-acre minimum) zone.
- Minor Subdivision No. PA-2400079 to subdivide the existing 10-acre parcel into two parcels, each to contain 5 acres. Both proposed parcels have access to publicly maintained roads, and each parcel will utilize private water, storm, and sewer systems. The existing residence located on site will be contained within Parcel 1 of the proposed subdivision.

Recommendation

1. Deny Variance No. PA-2400078 and Minor Subdivision No. PA-2400079 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 E, 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: January 27, 2025.

Number of Public Hearing notices: 81

Date of Public Hearing notice mailing: January 23, 2025.

Referrals and Responses

- **Early Consultation Date:** April 3, 2024
- **Project Referral with Environmental Determination Date:** August 15, 2024
- **Mitigated Negative Declaration Posting Date:** August 15, 2024
- **OPR State Clearinghouse #:** 2024080596

Agency Referrals	Response Date – Early Consultation	Response Date – Referral
County Departments		
Ag Commissioner		
Assessor		
Community Development		
Building Division		
Fire Prevention Bureau		
Public Works	5/22/2024	
Environmental Health	4/11/2024	8/14/2024
Sheriff Office		
General Services		
County Counsel		
State Agencies		
C.R.W.Q.C.B.		9/10/2024
Fish & Wildlife, Division: 3		
CA Tribal TANF Partnership		
Native American Heritage Commission		
Delta Stewardship Council		
Federal Agencies		
F.E.M.A.		
U.S Fish and Wildlife Region		

Agency Referrals	Response Date – Early Consultation	Response Date –Referral
Local Agencies		
Mosquito Abatement		
S.J.C.O.G.	4/4/2024	
San Joaquin Air Pollution Control District		
Naglee Burk Irrigation District		9/11/2024
Tracy United School District		
Tracy Rural Fire District		
1007 Pico & Naglee Reclamation District		
Miscellaneous		
P.G.&E.	4/8/2024 & 5/3/2024	
Haley Flying Service		
Precissi Flying Service		
Sierra Club		
United Auburn Indian Community		
CA Valley Miwok Tribe		
North Valley Yokuts Tribe		
Buena Vista Rancheria		
Sierra Club		
Farm Bureau		

ANALYSIS

Background

On August 31, 1987, the Planning Division approved Certificate of Compliance No. CC-88-0040, to recognize the subject parcel as a legal, nonconforming 10-acre parcel in the EA-40 (Exclusive Agriculture, 40-acre minimum) zone. This parcel was originally created in 1913 as Lot 6 of Block 21 of Tracy Golden Farms Subdivision. On June 27, 1991, the Planning Division approved Private Right-of-Way No. RW-91-0016 to confirm access to adjacent parcels via a private road running along the eastern property line of the subject parcel. Subsequently, as a Condition of Approval for RW-91-0016, this right-of-way was dedicated to San Joaquin County as "Philip Martin Court."

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 and found in Attachment E.

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:

There are 42 parcels that are below the zone minimum of 40 acres within a one-half mile radius of the site and only 6 parcels within the one-half mile radius that are 40 acres or larger. The strict application of Development Title Section 9-203.030(a)(1) only allows 6 parcels within one-half [sic] mile of this site to create a homesite parcels, and deprives 87.5% of the parcels within one-half mile (including this site) the property privileges enjoyed by other properties in the vicinity. All of the properties in the vicinity are zoned AG-40.

Staff's Analysis:

- **This finding cannot be made because the subject parcel has no special circumstances, including size, shape, topography, location, or surroundings, which would deprive it of privileges enjoyed by other properties in the vicinity and under identical zoning classification. According to the applicant's calculation, the subject parcel and 87.5% of nearby properties cannot create homesite parcels due to their non-confirming size in the AG-40 (General Agriculture, 40-acre minimum) zone. Pursuant to Development Title Section 9-203.030(a)(1)(A), a homesite parcel is a two- to five- acre parcel that is created based on clearly prescribed criteria, including that the parcel to be subdivided is conforming in size prior to the subdivision.**

This area was subdivided as part of the Tracy Garden Farms subdivision in 1913, which created 274 parcels pursuant to the standards in place at that time. The subject parcel was zoned EA-10 (Exclusive Agriculture, 10-acre minimum) in 1962, and subsequently, was rezoned to EA-40 (Exclusive Agriculture, 40-acre minimum) in 1974. The EA-40 zone became AG-40 in 1985. This zoning has been carried forward to today. As a result, the creation of a 5-acre parcel has not been permitted in this area for over 60 years, unless a specific exception was utilized. Pursuant to Development Title Section 9-203.030(a)(1), there are several exceptions that allow for the creation of parcels smaller than the zone minimum, each with clearly prescribed criteria. The first exception is the creation of a homesite parcel, as discussed above. The other exceptions include creating parcels for certain specified uses, parcels for dwellings on the same lot, and parcels based on lot size averaging. Ultimately, the

underlying subdivision, as proposed, does not meet any of these exceptions contained in the Development Title.

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

Applicant's Statement:

The granting of this variance will not constitute a grant of special privileges since the majority of the existing parcels (87.5%) are below the 40-acre [sic] zone minimum already. Granting this variance is consistent with the existing [sic] character of the surrounding vicinity.

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 size were created consistent with the General Plan, zoning, and code requirements that were in effect at the time of their creation. Surrounding property owners within the vicinity and with the same zoning classification are also 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 (Development Title Section 9-203.030(a)(1)(A)). The underlying subdivision, as proposed, does not meet any of these exceptions. As a result, allowing this property to be subdivided when it is consistent in size with 87.5% of parcels in the vicinity, as calculated by the applicant, would result in a grant of special privileges.**

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, as discussed below and in Attachment E.

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-2400079 is not consistent with the General Plan or the Development Title. Pursuant to the Development Standards for the General Agriculture (A/G) General Plan designation (2035 General Plan, 3.1 Community Development Element, page 3.1-57), the minimum lot size for parcels designated as A/G is 20 acres, or 160 acres where no surface irrigation water is available. The subject parcel is located within an irrigation district (Naglee Burk Irrigation District). Furthermore, the AG-40 (General Agriculture, 40-acres minimum) zoning, which implements the A/G (General Agriculture) General Plan designation, does not allow for parcels to be subdivided below 40-acres. Since the subdivision as proposed does not meet the minimum required lot size of 40-acres, it is not consistent with the General Plan or Development Title, unless the Planning Commission approves a Variance to reduce the required minimum lot size and lot width for the AG-40 zone. Additionally, General Plan Policy LU-7.1 (2035 General Plan, 3.1 Community Development Element, page 3.1-61) states that "the County shall protect agricultural lands needed for the continuation of viable commercial agricultural production and other agricultural enterprises." The creation of two 5-acre parcels would be inconsistent with this policy as parcels under 10 acre in size are generally not considered viable to support agricultural production. No Master Plan, Specific Plan or Special Purpose Plan are applicable to Minor Subdivision No. PA-2400079.**

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, the permitted density range is 0.0 to 0.05, or 1 residence per acre. If the Minor Subdivision to create 2 parcels is approved, each parcel would be permitted to have one primary residence. Thus, the density would increase to 0.2 or 1 residences per 5 acres. 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 also be found in Attachment E.

Naglee Burk Irrigation District

Naglee Burk Irrigation District (NBID) submitted a comment letter dated September 11, 2024. NBID provides irrigation water to the subject parcel and surrounding properties, many of which are currently planted in irrigated row crops. The NBID letter states that the district “does not believe that the project will affect the district’s operation.”

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

If the Planning Commission decides to approve the project, staff recommends that the Planning Commission find a basis for Variance Findings No. 1 and 3 and Minor Subdivision Findings No. 1 and 2, which currently state that no basis for such findings can be made.

Additionally, pursuant to Development Title Sections 9-805.040 and 9-501.070, the Planning Commission can impose reasonable conditions on a project. As a result, if the Planning Commission can make all findings in the affirmative, staff recommends that the Planning Commission adopt the Mitigated Negative Declaration (Attachment C) and Mitigation Monitoring and Reporting Program (Attachment D), and approve the Variance and Minor Subdivision with the recommended Conditions of Approval (Attachment F).

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RECOMMENDATION

It is recommended that the Planning Commission:

1. Deny Variance No. PA-2400078 and Minor Subdivision No. PA-2400079 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 E, Findings).

Attachments:

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

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SAN JOAQUIN
—COUNTY—
Greatness grows here.

Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

Attachment A Tentative Map and Exhibit

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TENTATIVE MAP

Application # **PA2400079**

Received By CAH On 3/13/24

212-100-29
O-LENDORF
TR
ROAD

212-100-14
NIRALI FARMS DELTA, LLC

LAMMERS ROAD



**TENTATIVE
PARCEL MAP**
BEING ALL OF LOT 6 OF
"TRACY GARDEN FARMS"
MAPS AND PLATS, VOL. 8, PAGE 1,
SAN JOAQUIN COUNTY RECORDS
RANCHO EL PESCADERO
SAN JOAQUIN COUNTY, CALIFORNIA

OWNERS

SARUP S. SRAI AND RANJIT K. SRAI
18809 PHILIP MARTIN COURT
TRACY, CA 95304

SARUP S. SRAI _____ DATE _____

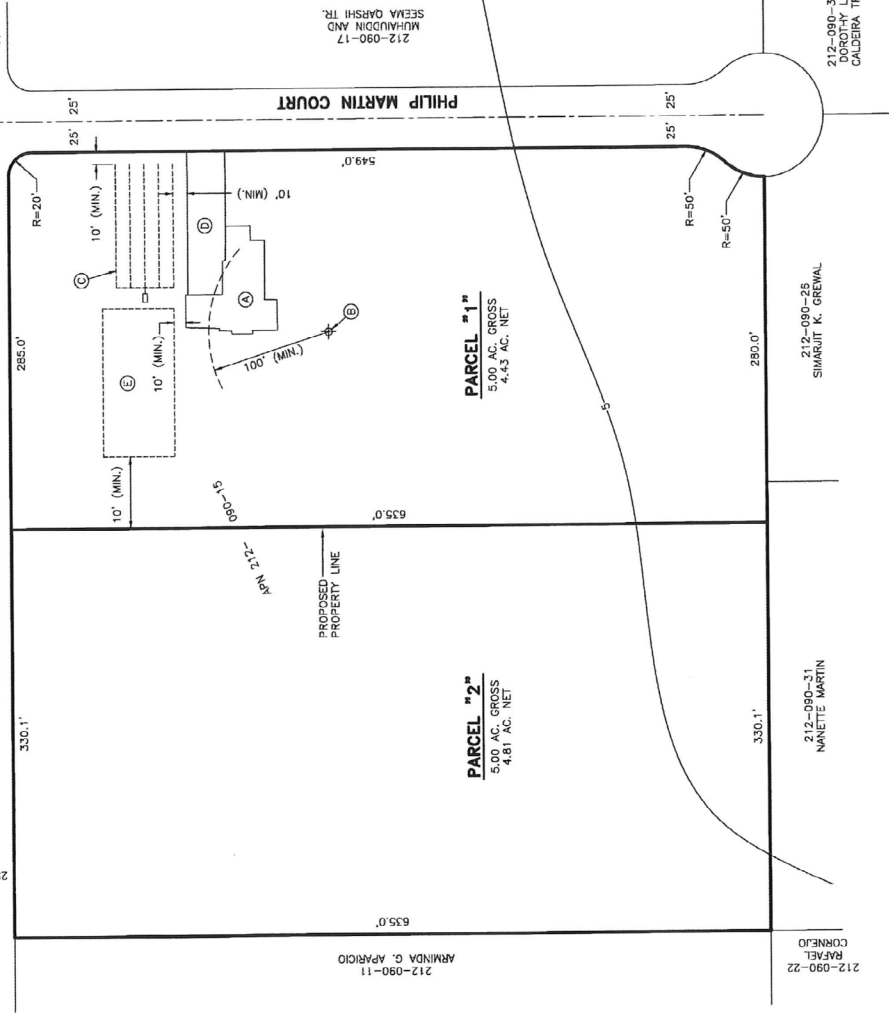
RANJIT K. SRAI _____ DATE _____

NOTES

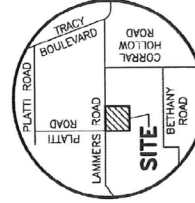
1. THE ASSESSOR'S PARCEL NO. IS 212-090-15.
2. THIS PROPERTY IS ZONED AG-46.
3. THE GENERAL PLAN A/V.
4. DOMESTIC WATER IS BY INDIVIDUAL ON-SITE WELL.
5. SANITARY SEWER IS BY SEPTIC TANK AND LEACH FIELD.
6. SANITARY SEWER SHALL BE 18" IN DIAMETER.
7. THIS PROPERTY IS SUBJECT TO INUNDATION FROM THE 100 YEAR FLOOD. (PANEL.
8. NO. 550F)
9. THIS PROPERTY IS NOT UNDER WILLIAMSON ACT CONTRACT.
10. THE PROPERTY ADJACENT TO THE SUBJECT PROPERTY IS OWNED BY THE SAME PARTY.
11. THE PROPERTY ADJACENT TO THE SUBJECT PROPERTY IS OWNED BY THE SAME PARTY.
12. NOT REPRESENT A FIELD MEASURED SURVEY. NO WARRANTY OR GUARANTEE IS BEING STATED. PREPARED BY THE ASSessor's OFFICE. DIMENSIONS TO STRUCTURES AND IMPROVEMENTS ARE MINIMUM REQUIRED DISTANCES AND NOT FIELD MEASURED.

PARCEL #1"
5.00 AC. GROSS
4.43 AC. NET

PARCEL #2"
5.00 AC. GROSS
4.81 AC. NET



- EXISTING IMPROVEMENTS**
- A. HOUSE
 - B. WELL
 - C. SEPTIC SYSTEM
 - D. DRIVEWAY
 - E. POTENTIAL 100% FUTURE SEPTIC SYSTEM REPLACEMENT AREA



3-11-2024

VICINITY MAP

NO SCALE
© QUARTAROLI & ASSOCIATES, INC., 2024. ALL RIGHTS RESERVED

**TENTATIVE PARCEL MAP
FOR
SARUP S. & RANJIT K. SRAI
SAN JOAQUIN COUNTY, CALIFORNIA**

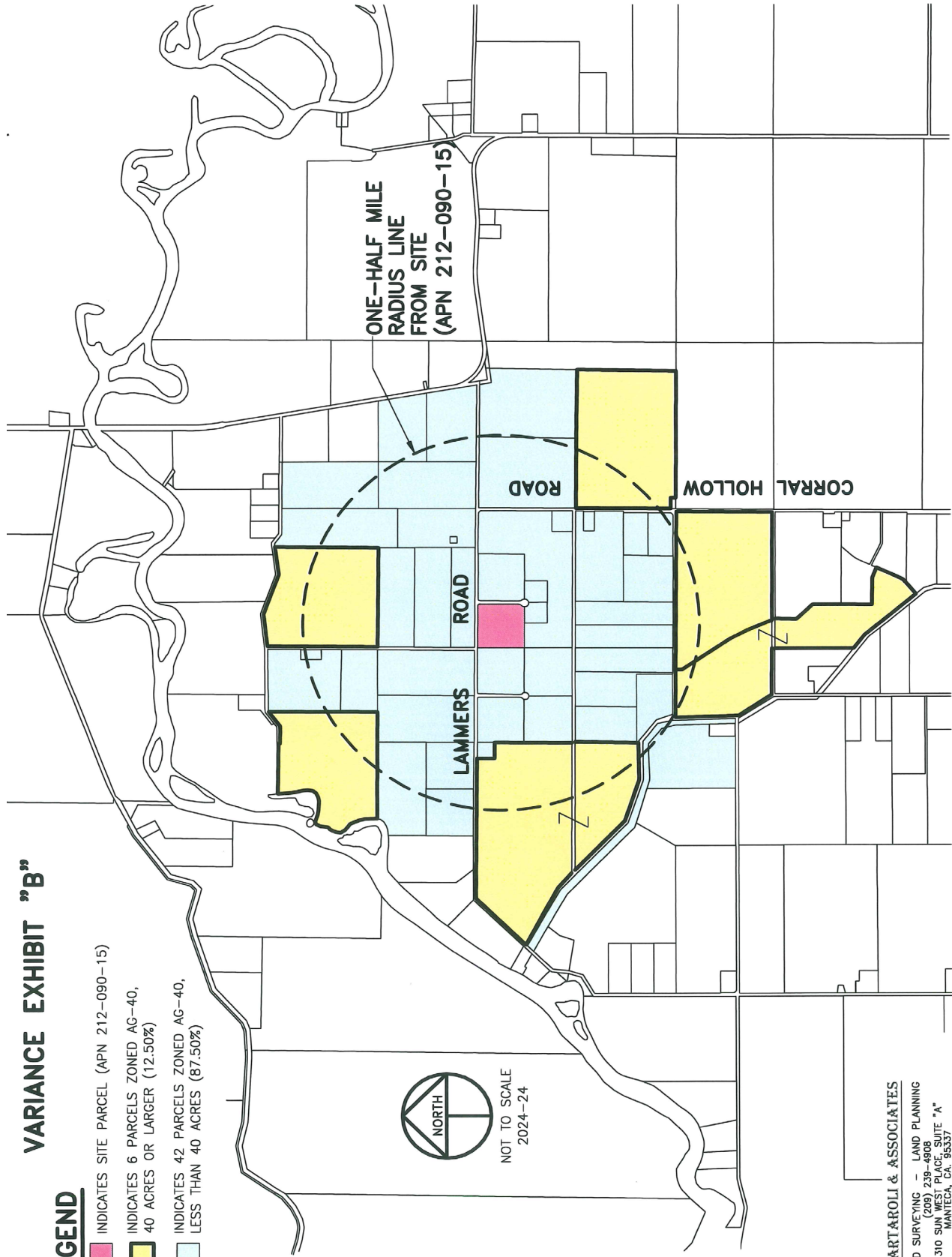
QUARTAROLI & ASSOCIATES
LAND SURVEYING AND PLANNING
(209) 239-4900
310 SUN WEST PLACE, SUITE "A" MANTENCA, CA. 95337

DATE	3/11/2024
DRAWN BY	OR
CHECKED BY	JAC
DATE	2024-24
SHEET	1
SHEETS	1

VARIANCE EXHIBIT "B"

LEGEND

- INDICATES SITE PARCEL (APN 212-090-15)
- INDICATES 6 PARCELS ZONED AG-40,
40 ACRES OR LARGER (12.50%)
- INDICATES 42 PARCELS ZONED AG-40,
LESS THAN 40 ACRES (87.50%)



QUARTAROLI & ASSOCIATES
 LAND SURVEYING - LAND PLANNING
 (209) 239-4908
 310 SUN WEST PLACE, SUITE "A"
 MANTECA, CA 95337



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Community Development Department

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Attachment B **Response Letters**

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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 (RTLJ) ADVISORY AGENCY NOTICE TO SJCOG, Inc.

To: Nancy Arroyo, San Joaquin County, Community Development Department
From: Laurel Boyd, SJCOG, Inc. Phone: (209) 235-0574 Email: boyd@sjcog.org
Date: April 4, 2024
Local Jurisdiction Project Title: PA-2400078, -79 (VR, MS)
Assessor Parcel Number(s): 212-090-15
Local Jurisdiction Project Number: PA-2400078, -79 (VR, MS)
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. Arroyo:

SJCOG, Inc. has reviewed the application referral for PA-2400078, -79 (VR, MS). This project consists of a Variance application PA-2400078 to reduce to minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) from 40 acres to subdivide an existing 10-acre parcel into 2 parcels.

Minor Subdivision application No. PA-2400079 to subdivide a 10 gross acre parcel into 2 parcels. Parcel 1 to contain 5 acres. Parcel 2 to contain 5 acres. Both parcels will utilize onsite well and septic systems. Storm water drainage is natural. Parcel 1 proposes access from S. Lammers Road. Parcel 2 proposes access from Phillip Martin Court. The project site is on the southwest corner of S. Lammers Road and Phillip Martins Court, Tracy (APN/Address: 212-090-15 / 18809 S. Phillip Martin Court, 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 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.sicog.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

- 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-2400078, -79 (VR, MS)

Landowner: Sarup S. & Ranjit K. Srail

Applicant: Quartaroli & Associates, Inc.

Assessor Parcel #: 212-090-15

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

Local Jurisdiction Contact: Nancy Arroyo

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.



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

April 11, 2024

To: San Joaquin County Community Development Department
Attention: Nancy Arroyo

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

RE: **PA-2400078, -79 (VR, MS), Early Consultation, SU0016179, -80**
18809 S. Philip Martin Ct., Tracy APN 212-090-15

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 #SR0087828) dated March 14, 2024.

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. 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).

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

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)).
5. The existing private water wells shall be tested for 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)).



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

August 14, 2024

To: San Joaquin County Community Development Department
Attention: Nancy Arroyo

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

RE: **PA-2400078, -79 (VR, MS), Referral, SU0016179, -80**
18809 S. Philip Martin Ct., Tracy, APN 212-090-15

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 #SR0087828) dated March 14, 2024.

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. 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).

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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)).
5. The existing private water wells shall be tested for 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)).

September 11, 2024

Via Electronic Mail Only

Ms. Nancy Arroyo
San Joaquin County Community Development Department
1810 E. Hazelton Avenue
Stockton, CA 95205
narroyo@sjgov.org

Re: Comments on Application Nos. PA-2400078, -79 (VR, MS)

Dear Ms. Arroyo:

I write on behalf of Naglee Burk Irrigation District ("Naglee Burk" or "District") to provide comments on Application Nos. PA-2400078, -79 (VR, MS) seeking a variance to reduce the minimum lot size and to subdivide an existing 10-acre parcel (hereinafter referred to as "Project"). The Project is located on the southwest corner of Lammers Road and Phillip Martin Court in Tracy (APN: 212-090-15) within the boundaries of Naglee Burk. The District holds riparian and pre-1914 water rights in Old River and Tom Paine Slough, and serves approximately 4,230 acres of farmland within its boundaries, including the property where the Project is located.

Based on a review of the information provided, the District does not believe that the Project will affect the District's operations as its irrigation canal is located along the southern property line of APN 212-090-15. However, it appears the proposed property line that will subdivide the property will be located on/along the existing irrigation turnout that serves APN 212-090-15 (see attached map). Naglee Burk wants to ensure that the proposed subdivision does not impair the ability of either of the subdivided parcels to receive irrigation water from the District.

Please provide the District (nagleeburkid@gmail.com) and myself (astevens@somachlaw.com) with any future notices related to this Project and the associated applications. The District's Board of Directors are available to discuss the

Ms. Nancy Arroyo
San Joaquin County Community Development Department
RE: Comments Application Nos. PA00078, -79 (VR, MS)
September 11, 2024
Page 2

District's concerns. Please feel free to call me at (916) 469-3827 if you have questions regarding these comments.

Very truly yours,



Alexis K. Stevens
General Counsel
Naglee Burk Irrigation District

Enc.
cc: John Viera
Naglee Burk Irrigation District Board of Directors
(Via electronic mail: nagleeburkid@gmail.com)
AKS:cr

9/11/24, 11:59 AM

18809 Philip Martin Ct - Google Maps

Google Maps

18809 Philip Martin Ct



Imagery ©2024 Airbus, Maxar Technologies, Map data ©2024 500 ft

<https://www.google.com/maps/place/18809+Philip+Martin+Ct,+Tracy,+CA+95304/@37.7880782,-121.4627583,132m/data=!3m1!1e3!4m6!3m5!1s0x8090183220196729:0x65e8182a3f68f800!8m2!3d3...> 1/3

April 8, 2024

Nancy Arroyo
County of San Joaquin
1850 E Hazelton Ave
Stockton, CA 95205

Ref: Gas and Electric Transmission and Distribution

Dear Nancy Arroyo,

Thank you for submitting the PA-2400078 and PA-2400079 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.



Pacific Gas and
Electric Company

Plan Review Team
Land Management

PGEPlanReview@pge.com

May 3, 2024

Nancy Arroyo
County of San Joaquin
1810 E Hazelton Ave
Stockton, CA 95205

Re: PA-2400078 & PA-2400079

Dear Nancy Arroyo,

Thank you for providing PG&E the opportunity to review the proposed plans for PA-2400078 & PA-2400079 dated 4/3/2024. 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



SAN JOAQUIN
COUNTY
Greatness grows here.



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

May 22, 2024

MEMORANDUM

TO: Community Development Department
CONTACT PERSON: Nancy Arroyo

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

SUBJECT: PA-2400078, -79; A Variance application PA-2400078 to reduce to minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) from 40-acres to subdivide an existing 10-acre parcel into 2 parcels.

Minor Subdivision application No. PA-2400079 to subdivide a 10 gross acre parcel into 2 parcels. Parcel 1 to contain 5- acres. Parcel 2 to contain 5-acres. Both parcels will utilize on-site well and septic systems. Storm water drainage is natural. Parcel 1 proposes access from S. Lammers Road. Parcel 2 proposes access from Phillip Martin Ct. This parcel is not under Williamson Act Contract; located on the southwest corner of S. Lammers Road and Phillip Martin Court, Tracy. (Supervisory District 5)

OWNERS: Sarup S. & Ranjit K. Srail

APPLICANT: Quartaroli & Associates

ADDRESS: 18809 S. Philip Martin Court, Tracy

APN: 212-090-15

INFORMATION:

The site is currently located within a Federal Emergency Management Agency Designated Flood Hazard Area designated as Zone AE.

Phillip Martin Court has an existing and planned right-of-way width of 50 feet.

Lammers Road has an existing right-of-way of 45 feet (25' South of CL) 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.

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PA-2400078, -79 (VR & MS)

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)

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



Central Valley Regional Water Quality Control Board

10 September 2024

Nancy Arroyo
San Joaquin County
Community Development Department
1810 East Hazelton Avenue
Stockton, CA 95205
narroyo@sjgov.org

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, VARIANCE NO. PA-2400078 AND MINOR SUBDIVISION NO. PA-2400079 PROJECT, SCH#2024080596, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 15 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 Variance No. PA-2400078 and Minor Subdivision No. PA-2400079 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

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

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required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments 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/wqo/wqo2004-0004.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/wqo/wqo2003-0003.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/>

Variance No. PA-2400078 and Minor - 5 -
Subdivision No. PA-2400079 Project
San Joaquin County

10 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



SAN JOAQUIN
—COUNTY—
Greatness grows here.

Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

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. PA-2400078 and Minor Subdivision No. PA-2400079

PROJECT LOCATION: The project site is on the southwest corner of S. Lammers Road and Phillip Martin Court, Tracy, San Joaquin County. (APN/Address: 212-090-15 / 18809 S. Philip Martin Ct., Tracy) (Supervisory District: 5)

PROJECT DESCRIPTION: This project is comprised of two applications: Variance No. 2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

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

PROPOSER: Sarup S. & Ranjit K. Sriv / Quartaroli & Associates, Inc

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: August 15, 2024

Contact Person:

Nancy Arroyo Phone: (209) 468-3140 Fax: (209) 468-3163 Email: narroyo@sjgov.org

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: Sarup & Ranjit K. Srai

PROJECT TITLE/FILE NUMBER(S): PA-2400078 (VR), PA-2400079 (MS)

PROJECT DESCRIPTION: This project is comprised of two applications: Variance No. 2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

The project site is located on the southwest corner of S. Lammers Road and Phillip Martin Court, North of Tracy.

ASSESSOR PARCEL NO.: 212-090-15

ACRES: 10-acres

GENERAL PLAN: A/G (General Agriculture)

ZONING: AG-40 (General Agriculture, 40-acre minimum)

POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S):
A single-family residence, accessory dwelling unit, and accessory buildings on each lot.

SURROUNDING LAND USES:

NORTH: Agricultural with scattered residences; Old River
SOUTH: Agricultural with scattered residences; City of Tracy
EAST: Agricultural with scattered residences; Tom Paine Slough
WEST: Agricultural with scattered residences; Old River

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.

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: Tracy

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: Nancy Arroyo
Associate Planner

8/9/24
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:

I. AESTHETICS.

Except as provided in Public Resources Code Section 21099, would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

- a-c) The project site is located on the southwest corner of S. Lammers Road and Phillip Martin Court, 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 and residential uses. The potential of an additional single-family residence would not have a significant or adverse effect on visual character, public views, or scenic vistas and would be visually consistent with surrounding development.
- 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 a less than significant 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input 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:

This project is comprised of two applications: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

- a) The parcel is designated as Prime Farmland on the Farmland Mapping and Monitoring Program of the California Resources Agency. Subdivision of the property would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. However, the project site is within an existing developed area, surrounded by small homesites, thus limiting the viability of farming potential onsite. Potential future development of a single-family residence and accessory dwelling units is permitted in the AG-40 zone. Additionally, there is an

existing 15-foot-wide irrigation easement running vertically along proposed Parcel "2" property line. 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 zoned AG-40 and the applicant is not requesting to rezone this parcel. Agricultural uses can continue to exist on both 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-e) The site is not zoned for uses related to timberland or timberland production. The project site is also not existing forest land, and therefore, does not propose the conversion or loss of forest land to a non-forest use. 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.

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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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:

This project is comprised of two applications: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

- 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.

The project was reviewed under the SJVAPCD's Small Project Analysis Levels (SPAL). 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 1,000 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.

IV. BIOLOGICAL RESOURCES:

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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 type="checkbox"/>	<input checked="" 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:

This project is comprised of two applications: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

- a-f) A referral was sent to the San Joaquin Council of Governments (SJCOG) on April 3, 2024, for review. The San Joaquin Council of Governments (SJCOG) 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 SJCOG 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 Prior EIR	Analyzed In The
<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:

This project is comprised of two applications: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

- a-c) The 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 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
VI. ENERGY.					
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:

This project is comprised of two applications: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

- (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
VII. GEOLOGY AND SOILS.					
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:

This project is comprised of two applications: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

- a) The Soil Survey of San Joaquin County classifies the soil on the parcel as Grangeville fine sandy loam, partially drained, 0 to 2 percent slopes. The Grangeville series consists of somewhat poorly drained soils on flood plains. Grangeville fine sandy loam is permeability is moderately rapid. The Merritt silty clay loam, partially drained, 0 to 2 percent slopes. The Merritt silty clay loam is permeability is moderately slow. These units are suited to irrigated row and field crops. Most areas are used for irrigated crops which may provide wetland functions and values. If these units are used for homesite development, the main limitation is the high water table. The high water table increases the possibility that septic tank absorption fields will not function properly. The map unit is in capability units IIw-2, irrigated and IVw-2, nonirrigated.

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) The project site is currently served by one onsite wastewater septic system. Any changes or additions to the system will 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
VIII. GREENHOUSE GAS EMISSIONS.					
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<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"/>

Impact Discussion:

This project is comprised of two applications: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

- 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:

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- 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:

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- 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 0.5 miles east of Old River and approximately 1.9 miles east of Tom Paine Slough. The proposed project does not include the construction of any new dwellings or structures, and the potential future 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 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 April 3, 2024, for comments. No recommendations were provided; however, the any future development of the site will have to comply with Development Title Section 9-703 regarding flood hazard requirements. 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: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

- a-b) The project site is located within a rural area outside of a General Plan-defined community. Therefore, the project will not physically divide an established community. The existing AG-40 zoning and General Plan designation of A/G (General Agriculture) 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, three additional dwellings could be built under the current AG-40 zoning. The potential for a new single-family residence and accessory structures 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	Analized No Impact 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: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

- a-b) The project site is not in an area designated MRZ-1 which may contain minerals of significance or known mineral resources. 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. However, 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
XIII. NOISE.					
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: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

- 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 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:

This project is comprised of two applications: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

- a-b) If the Variance and Minor Subdivision application are approved, the creation of 2 parcels could result in a maximum of 2 single-family residences and 2 accessory dwelling units. 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.

XV. PUBLIC SERVICES.

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

- a) The site is currently served, and project description was referred to the Tracy Rural Fire District for Fire Protection, the Sheriff's Office for police protection, and Tracy Unified School District 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 2 parcels could result in a maximum of 2 single-family residences and 2 accessory dwelling units, 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

This project is comprised of two applications: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

- a-b) If the Variance and Minor Subdivision application are approved, the creation of 2 parcels could result in a maximum of 2 single-family residences and 2 accessory dwelling units. 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:

This project is comprised of two applications: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

- 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 District 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
<u>XVIII. TRIBAL CULTURAL RESOURCES.</u>					
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"/>
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"/>

Impact Discussion:

This project is comprised of two applications: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

a) A referral was sent to the North Valley Yokuts Tribe, United Auburn Indian Community, Buena Vista Rancheria, and California Valley Miwok tribe for review on April 3, 2024. If human burials found to be of Native American origin are encountered at the time of development all work shall halt in the vicinity and the County Coroner shall be notified immediately. At the same time, a qualified archaeologist shall be contacted to evaluate the find. 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, the proposed project is anticipated to have a less than significant impact on Tribal Cultural Resources.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
XIX. UTILITIES AND SERVICE SYSTEMS.					
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: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

- 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 the site is already served by an existing well and septic system which must be maintained under a permit by the San Joaquin County Environmental Health Department. Additionally, as an ordinance requirement, the property is required to keep all storm drainage on site and follow all San Joaquin County Public Works rules and requirements pertaining to storm drainage. Any future development utilizing on-site services will also be required to obtain the proper permits for any proposed well or septic system and retain all stormwater on site. 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: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

- a-d) The project location is in a rural, agricultural area north 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: Variance No. PA-2400078 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5-acres; and a Minor Subdivision No. PA-2400079 to subdivide an existing 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots.

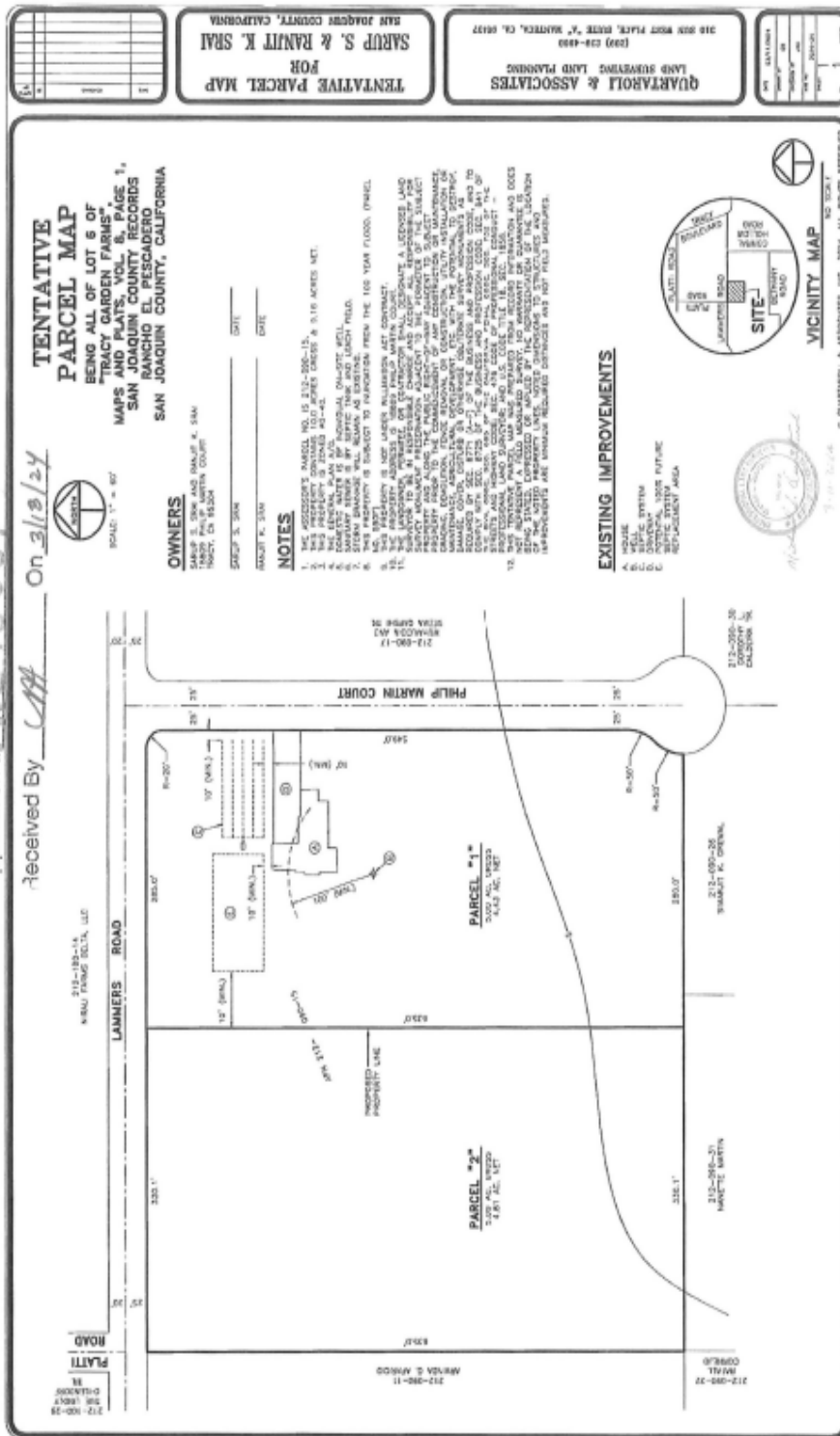
- a-c) Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or surrounding area. Mitigation measures have been identified in areas where a potentially significant impact has been identified and these measures, included as Conditions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

Mitigation Monitoring and Reporting Plan

Project #	PA-2400078, 79				
Date	8/8/2024				
Impact	Mitigation Measure/Condition	Type of Review		Action Indicating Compliance or Review	Verification of Compliance or Annual Review of Conditions
		Monitoring	Reporting		Remarks
IV. Biological Resources	Participation in the SIMSCP	X		Certificate of Payment and Signed ITMM	
				San Joaquin Council of Governments	
				By	Date



Application # PA240070

Received By APF On 3/18/24

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-2400078 (VR), PA-2400079 (MS)

Lead Agency: San Joaquin County - Community Development Department

Contact Name: Nancy Arroyo

Email: narroyo@sjgov.org

Phone Number: 209-468-3140

Project Location: 212-090-15; Tracy, CA
City

San Joaquin
County

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

The proposed project is a Variance application requesting to reduce the minimum required parcel size in the AG-40 (General Agriculture, 40 acre minimum) zone to facilitate a Minor Subdivision to subdivide a 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence on the proposed "Parcel 2" and an accessory dwelling on each of the newly created lots.

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

The Variance application, which will allow for a future minor subdivision of the subject site if approved, may result in the development of an additional single-family residence and an accessory dwelling on each of the newly created lots. Any future ground disturbance related to the development of the subject site will require the applicant to participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan. This will mitigate any negative impacts associated with biological resources in the area.

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.

A referral was sent to the San Joaquin Council of Governments (SJCOG) on April 3, 2024, for review. The San Joaquin Council of Governments (SJCOG) 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 General Plan, Zone Reclassification and Administrative Use Permit are approved, any future ground disturbance at the site would be subject to the SJMSCP as a Condition of Approval of the Administrative Use Permit. Pursuant to the Final EIR/EIS for San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), dated November 15, 2000, and certified by SJCOG on December 7, 2000, participation in the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to less-than-significant level.

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

Public Works
Environmental Health Department
San Joaquin County Council of Governments

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-2400078 (VR), PA-2400079 (MS)

Lead Agency: San Joaquin County - Community Development Department

Contact Person: Nancy Arroyo

Mailing Address: 1810 East Hazelton Avenue

Phone: 209-468-3140

City: Stockton

Zip: 95205

County: San Joaquin

Project Location: County: San Joaquin

City/Nearest Community: Stockton

Cross Streets: Ratto Road, North Hildreth Lane

Zip Code: 95212

Longitude/Latitude (degrees, minutes and seconds): ° ' " N / ° ' " W **Total Acres:** 10-acres

Assessor's Parcel No.: 212-090-15

Section: 00

Twp.: 2S

Range: 5E

Base:

Within 2 Miles: State Hwy #: 205

Waterways: Old River, Tom Paine Slough

Airports:

Railways:

Schools: Tracy Unified School District

Document Type:

CEQA: ☐ NOP

☐ Draft EIR

NEPA: ☐ NOI

Other: ☐ 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 2-4 Acres 10

☐ Office: Sq.ft. Acres Employees

☐ Transportation: Type

☐ Commercial: Sq.ft. Acres Employees

☐ Mining: Mineral

☐ Industrial: Sq.ft. Acres Employees

☐ Power: Type MW

☐ Educational:

☐ Waste Treatment: Type MGD

☐ Recreational:

☐ Hazardous Waste: Type

☐ Water Facilities: Type MGD

☐ 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:

Agriculture with a single-family residence/ AG-40 (Agriculture 40-acre minimum)/ A/G (General Agriculture)

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

The proposed project is a Variance application requesting to reduce the minimum required parcel size in the AG-40 (General Agriculture, 40 acre minimum) zone to facilitate a Minor Subdivision to subdivide a 10-acre parcel into two 5-acre parcels. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence on the proposed "Parcel 2" and an accessory dwelling on each of the newly created lots.

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 checked="" type="checkbox"/> Caltrans District # 10	<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 # 2	<input type="checkbox"/> Tahoe Regional Planning Agency
<input 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 8/13/24 Ending Date 9/12/24

Lead Agency (Complete if applicable):

Consulting Firm: <u>Quartaroli & Associates, Inc.</u>	Applicant: <u>Gurjit S. Srai</u>
Address: <u>310 Sunwest Place, Ste. A</u>	Address: <u>445 West Weber Ave., Ste 139</u>
City/State/Zip: <u>Manteca, CA 95337</u>	City/State/Zip: <u>Stockton, CA 95203</u>
Contact: <u>John Glick</u>	Phone: <u>951-323-0590</u>
Phone: <u>209-239-4908</u>	

Signature of Lead Agency Representative: [Signature] Date: 8/13/24

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

Revised 2010



SAN JOAQUIN
—COUNTY—
Greatness grows here.

Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

Attachment D Mitigation Monitoring and Reporting Plan

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Mitigation Monitoring and Reporting Plan

Project #	PA-2400078, 79				
Date	8/8/2024				
Impact	Mitigation Measure/Condition	Type of Review		Agency for Monitoring and Reporting Compliance	Action Indicating Compliance or Review
IV. Biological Resources	Participation in the SIMSCP	Monitoring	Reporting	San Joaquin Council of Governments	Certificate of Payment and Signed ITMM
			X		
			By	Date	Verification of Compliance or Annual Review of Conditions
					Remarks

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SAN JOAQUIN
—COUNTY—
Greatness grows here.

Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

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

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FINDINGS

PA-2400078 & PA-2400079
SRAI/QUARTAROLI & ASSOCIATES

Variance No. PA-2400078

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, including size, shape, topography, location, or surroundings, which would deprive it of privileges enjoyed by other properties in the vicinity and under identical zoning classification. According to the applicant's calculation, the subject parcel and 87.5% of nearby properties cannot create homesite parcels due to their non-confirming size in the AG-40 (General Agriculture, 40-acre minimum) zone. Pursuant to Development Title Section 9-203.030(a)(1)(A), a homesite parcel is a two- to five- acre parcel that is created based on clearly prescribed criteria, including that the parcel to be subdivided is conforming in size prior to the subdivision.

This area was subdivided as part of the Tracy Garden Farms subdivision in 1913, which created 274 parcels pursuant to the standards in place at that time. The subject parcel was zoned EA-10 (Exclusive Agriculture, 10-acre minimum) in 1962, and subsequently, was rezoned to EA-40 (Exclusive Agriculture, 40-acre minimum) in 1974. The EA-40 zone became AG-40 in 1985. This zoning has been carried forward to today. As a result, the creation of a 5-acre parcel has not been permitted in this area for over 60 years, unless a specific exception was utilized. Pursuant to Development Title Section 9-203.030(a)(1), there are several exceptions that allow for the creation of parcels smaller than the zone minimum, each with clearly prescribed criteria. The first exception is the creation of a homesite parcel, as discussed above. The other exceptions include creating parcels for certain specified uses, parcels for dwellings on the same lot, and parcels based on lot size averaging. Ultimately, the underlying subdivision, as proposed, does not meet any of these exceptions contained in the Development Title.

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 is currently developed with a single-family residence, and the applicant is not proposing to construct any new structures. If this parcel is approved, the newly created parcels may each be developed with a single-family residence and accessory dwelling unit, and accessory structures. The additional parcel will not be detrimental or injurious to other properties in the vicinity because 1 additional single-family residence and accessory dwelling unit 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 size were created consistent with the General Plan, zoning, and code requirements that were in effect at the time of their creation. Surrounding property owners within the vicinity and with the same zoning classification are also 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 (Development Title Section 9-203.030(a)(1)(A)). The underlying subdivision, as proposed, does not meet any of these exceptions. As a result, allowing this property to be subdivided when it is consistent in size with 87.5% of parcels in the vicinity, as calculated by the applicant, would result in a grant of special privileges.

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 developed with a single-family residence, which is a permitted use in the AG-40 (General Agriculture, 40-acre minimum) zone, and would allow for residential and agricultural development as permitted in the AG-40 zone on the subsequent parcels. The subdivision as proposed appears to meet Development Title requirements if the Variance is granted.**

Minor Subdivision No. PA-2400079

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-2400079 is not consistent with the General Plan or the Development Title. Pursuant to the Development Standards for the General Agriculture (A/G) General Plan designation (2035 General Plan, 3.1 Community Development Element, page 3.1-57), the minimum lot size for parcels designated as A/G is 20 acres, or 160 acres where no surface irrigation water is available. The subject parcel is located within an irrigation district. Furthermore, the AG-40 (General Agriculture, 40-acres minimum) zoning, which implements the A/G (General Agriculture) General Plan designation, does not allow for parcels to be subdivided below 40-acres. Since the subdivision as proposed does not meet the minimum required lot size of 40-acres, it is not consistent with the General Plan or Development Title, unless the Planning Commission approves a Variance to reduce the required minimum lot size and lot width for the AG-40 zone. No Master Plan, Specific Plan or Special Purpose Plan are applicable to Minor Subdivision No. PA-2400079.**
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, the permitted density range is 0.0 to 0.05, or 1 residence per acre. If the Minor Subdivision to create 2 parcels is approved, each parcel would be permitted to have one primary residence. Thus, the density would increase to 0.2 or 1 residences per 5 acres. 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 will facilitate future residential development. 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. 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 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 would 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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SAN JOAQUIN
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Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

Attachment F **Conditions of Approval**

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CONDITIONS OF APPROVAL

PA-2400078 & PA-2400079
SRAI/QUARTAROLI & ASSOCIATES

Variance Application No. PA-2400078 and Minor Subdivision Application No. PA-2400079 was approved by the Planning Commission on February 6, 2025. The effective date of approval is February 16, 2025. This tentative map approval will expire on February 16, 2028, 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 10-acre parcel into 2 parcels. Parcel 1 and 2 to each contain 5 acres, as shown on the Tentative Map dated March 18, 2024, and consistent with Variance No. PA-2400078.
- b. **TENTATIVE MAP:** The Parcel Map shall substantially conform with the approved Tentative Map dated March 18, 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. **LOT SIZE:** The following lot size and width regulations shall apply to this map:

1. Parcel 1 shall have a lot size of 5 gross acres.
2. Parcel 2 shall have a lot size of 5 gross acres.

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 1 and 2 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 Parcel 2, 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)

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.

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.

- c. Construction of an individual sewage disposal system(s) under permit and inspection by the Environmental Health Department is required at the time of development based on the Soil Suitability/ Nitrate Loading Study findings (San Joaquin County Development Title, Section 9-605.010).
- d. Construction of an individual domestic water well under permit and inspection by the Environmental Health Department is required at the time of development (San Joaquin County Development Title, Section 9-601.010 (b)).

- e. The existing private water wells shall be tested for 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)).
- f. 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).
- g. 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)).