Planning Commission Staff Report  
Item # 1, December 15, 2022  
General Plan Map Amendment No. PA-2200030 & Zone Reclassification No. PA-2200031  
Prepared by: Giuseppe Sanfilippo

PROJECT SUMMARY

Applicant Information
Property Owner: Gurpreet S & Gagandeep K Judge  
Project Applicant: Gurpreet S & Gagandeep K Judge

Project Site Information
Project Address: 3505 East Eight Mile Road, Lodi  
Project Location: At the northwest corner of East Eight Mile Road and North Micke Grove Road, north of Stockton

Parcel Number (APN): 059-210-46  
Water Supply: Private

General Plan Designation: A/L  
Sewage Disposal: Private

Zoning Designation: AL-5  
Storm Drainage: Private

Project Size: 5.0 acres  
100-Year Flood: No

Parcel Size: 5.0 acres  
Williamson Act: No

Community: None  
Supervisorial District: 4

Environmental Review Information
CEQA Determination: Notice of Exemption (Attachment D; Environmental Document)

Project Description
The project includes 2 applications:

- General Plan Map Amendment No. PA-2200030 to change the General Plan designation of a 5.0-acre parcel from A/L (Limited Agriculture) to A/I (Agricultural Industrial).

- Zone Reclassification No. PA-2200031 to change the zoning of the same 5.0-acre parcel from AL-5 (Limited Agriculture, 5-acre minimum) to AI (Agricultural Industrial).

If approved, the applicant has indicated they will apply for an Improvement Plan application for a maximum of 25 combined trucks and trailers.

Recommendation
1. Forward General Plan Map Amendment No. PA-2200030 to the Board of Supervisors with a recommendation to approve based on the ability to make the required Basis for a General Plan Map Amendment (Attachment E; Findings);

2. Forward Zone Reclassification No. PA-2200031 to the Board of Supervisors with a recommendation to approve based on the ability to make the required Bases for a Zone Reclassification (Attachment E; Findings).
NOTIFICATION & RESPONSES

(See Attachment B, Response Letters)

Public Hearing Notices
Legal ad for the public hearing published in the Stockton Record: December 5, 2022
Number of Public Hearing notices: 102
Date of Public Hearing notice mailing: December 2, 2022

Referrals and Responses
- Early Referral Date: June 1, 2022
- Project Referral with Environmental Determination Date: October 13, 2022

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ANALYSIS

Background

On December 9, 2021, the Code Enforcement Division of the Community Development Department opened Enforcement Case No. EN-2100367 for operating a trucking business without the proper permits and the storage of trucks and trailers. The Code Enforcement Division is currently in the process initiating a Compliance Agreement with the applicant to expedite the compliance process, and the applicant has indicated they will enter into a Compliance Agreement.

The applicant has indicated that they intend to park no more than 25 trucks and trailers combined. If this General Plan Map Amendment and Zone Reclassification is approved, the applicant must apply for an Improvement Plan for a maximum of 25 combined trucks and trailers. An Improvement Plan is a ministerial application.

General Plan Amendment

In order to approve a General Plan Map Amendment, the Planning Commission and Board of Supervisors shall determine that the internal consistency of the General Plan is maintained in adoption of the proposed General Plan Amendment. (Development Title Section 9-803.4) The proposed change must be consistent with all of the various General Plan goals, policies, objectives, and implementation measures. An analysis of the proposed project’s consistency with the 2035 General Plan is listed below:

- **Agriculture Industrial (A/I)**
  
  This designation provides for limited dry uses that complement both agricultural and industrial business and will not generate a significant amount of waste or utilize a large amount of water. Other agricultural uses may also be permitted where feasible; however, the Agriculture - Industrial designation generally applies to parcels that are not ideal for large-scale or small-scale farming operations due to size, location, irregular shape or classification of farmland, and are not likely to develop during the planning period of the General Plan due to a lack of available public services. Typical uses include truck parking, truck sales, and other limited dry uses not dependent on public services. Parcels considered for this designation shall be located within a 0.5-mile radius from the centerline of an interchange along Interstate 5, Interstate 205, I-580, State Route 99, or other state highway. Parcels must also have access to a publicly maintained roadway and be located outside of the primary and secondary zones of the Delta.

- The subject parcel meets the outlined locational criteria, as it is located on the northwest corner of East Eight Mile Road and North Micke Grove Road, in an area not designated as Prime Farmland, and is within 0.5 miles from the centerline of the nearest interchange for State Route 99. Additionally, the project site is located outside of the primary and secondary zones of the Delta. Although located across the street from the City of Stockton limits, the City’s General Plan does not permit any growth north of Eight Mile Road.

- The project site is not located in a service district for public water, public sewer, or public storm drainage. As a result, any subsequent development project must be served by an on-site well, on-site wastewater disposal system, and on-site storm drainage for future development. The A/I General Plan designation specifies that the designation is suitable for limited dry uses, which can be accommodated by on-site sewer, water, and storm drainage.

Zone Reclassification

Pursuant to Development Title Section 9-600.1(b), the Agriculture Industrial (AI) Zone is established to provide dry uses that complement both agricultural and industrial businesses on parcels not considered ideal locations for farming due to size, location, irregular shape, or classification of farmland. This zone is intended to implement the Agriculture Industrial (A/I) land use category of the General Plan. The project site is not ideal for farming due to small size of the parcel and the soil classification of Rural Residential Land (R). Therefore, the project site is suitable for the proposed General Plan and Zoning designations.
Additionally, Development Title Section 9-812.4 states that prior to approving a Zone Reclassification, the Planning Commission and Board of Supervisors shall determine that all of the following are true:

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

The proposed zone is Agriculture Industrial (AI), which is an implementing zone of the A/I land use designation. Therefore, if the proposal to amend the land use designation to A/I is approved, the proposed zone change to AI would be consistent with the General Plan. There are no Master Plans or Specific Plans affecting the subject parcel.

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

Pursuant to the 2035 General Plan, on-site water, on-site sewer, and on-site storm drainage are allowed for AI properties located outside of a community. Any on-site services proposed for subsequent projects will be required to meet the requirements of the Environmental Health Department for well and septic systems, and the Department of Public Works for on-site stormwater retention. Additionally, the project site is not designated as Prime Farmland, and is not ideal for crop production. The proposed Zone Reclassification is reasonable and beneficial at this time because there is a great need to provide additional locations for truck parking and truck sales operations due to the demand generated by the increase in warehousing and farming operations in San Joaquin County. The AI (Agriculture-Industrial) zone is intended to continue to permit agriculture and agriculturally related activities, in addition to a limited number of industrial type uses, such as Truck Sales & Services-Parking and Sales.

CEQA Analysis

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), and a Notice of Exemption will be filed if the project is approved. This project will change the General Plan designation and Zoning of a single 5-acre parcel to an Agriculture-Industrial (A/I) General Plan designation and the corresponding Agriculture Industrial (AI) zoning. The subject parcel is currently designated AL-5 (Limited Agriculture, 5-acre minimum). With the proposed applications, the parcels will be limited to primarily agricultural uses with limited industrial uses including limited truck parking and/or truck sales project is limited to truck parking projects with a maximum number of 25 permitted trucks, trailers or combination thereof, and truck sales projects with a maximum total square footage of less than 1,000 square-feet. Any project that exceeds these thresholds will require a discretionary application that is subject to CEQA. For ministerial approval, the maximum square footage of building space utilized for truck sales is 12,500 square-feet. Any projects exceeding this threshold would also require a discretionary application subject to CEQA. Because the proposed ministerial projects will not create a significant impact on the environment, the project is exempt from CEQA.

Neighborhood Opposition

The Community Development Department received 9 letters of opposition regarding the proposed General Plan Map Amendment and Zone Reclassification. The letters cited concerns such as the property values of adjacent landowners, applicants starting their truck use without the property being zoned correctly and without the benefit of the proper land use permits, noise, traffic on Eight Mile Road and Micke Grove Road, concerns regarding the ingress and egress from Micke Grove Road, light emanating from the truck parking site, aesthetics, and the fact that the trucks are not agriculturally related.

Property Values: Impact on property values is not a land use consideration and is not regulated by the Development Title or reviewed by the Community Development Department.

Applicant Illegally Starting Truck Parking Use: While the applicant did start their truck parking use without the benefit of the correct zone and land use entitlement, they are working in good faith to come into compliance by applying for the General Plan Map Amendment and Zone Reclassifications. Additionally, a Compliance Agreement between the County and the applicant will include terms that will
expedite the legalization process. If this project is approved by the Board of Supervisors, the applicant must then apply for an Improvement Plan for a combined maximum of 25 trucks and trailers and obtain the necessary grading permits to legally establish the use. Once that is done, the site will be in full compliance.

**Noise:** Development Title Section 9-1025.9(a)(2) states private development projects that include the development of new transportation facilities or the expansion of existing transportation facilities shall be required to mitigate the noise levels from these transportation facilities so that the resulting noise levels on noise sensitive land uses within and adjacent to said development projects do not exceed the standards specified in Table 9-1025.9, Part I. Development Title Section 9-605.6(bb)(1)(e) requires that a minimum 6- to 8-foot-tall screen shall be installed along the property line adjacent to truck or trailer parking area. The screening may consist of a masonry wall or any solid fencing approved by the Zoning Administrator. Additionally, Development Title Section 9-605.6(bb)(1)(d) requires that a minimum 10-foot-wide setback shall be maintained between the developed area on the subject parcel and adjacent properties. If a residence is located on an adjacent parcel within 100 feet of the project site property line, the setback distance shall be increased to 20 feet from the property line.

**Traffic:** When the Text Amendment for the AI designation was processed, the Department of Public Works reviewed the proposal and determined that 25 trucks and trailers combined or below was the threshold for projects where a Traffic Study or Traffic Technical Memorandum would not be required. At the time of a building and/or grading permit, the applicant will be required to pay the Regional Transportation Impact Fee (RTIF) and the Traffic Impact Mitigation Fee (TIMF), which will be collected by the Department of Public Works. These fees go towards paying for local roadway capacity improvements.

**Access:** The opposition cites concern regarding the driveway at Micke Grove Road. The applicant proposes access to the project from both East Eight Mile Road and Micke Grove Road. At the time of development, the applicant will be required to obtain an Encroachment Permit from the Department of Public Works for the driveway on Micke Grove Road, and the City of Stockton for the driveway on East Eight Mile Road. As a part of this process, the applicant will be required to improve their driveway approach to County improvement standards.

**Aesthetics:** Pursuant to Development Title Section 9-605.6(bb)(1)(e), a minimum 6- to 8-foot-tall screen shall be installed along the property line adjacent to truck or trailer parking. The screening may consist of a masonry wall or any solid fencing approved by the zoning administrator.

**Light:** At the time of development, any permanent lighting is required to be installed under permit. Development Title Section 9-1015.5(g)(4) states that all lighting shall be designed to confine direct rays to the premises. No spillover beyond the property line shall be permitted, except onto public thoroughfares, provided, however, that such light shall not cause a hazard to motorists.

**Not Agriculturally Related Trucks:** The Truck Sales and Service-Truck Parking use type does not limit truck parking in the AI to agriculture trucks.

**City of Stockton**

On October 26, 2022, the Community Development Department received a response letter from the City of Stockton stating inconsistency with the City’s General Plan. County records indicate the project site is not within the City’s Sphere of Influence. The A/I General Plan designation and AI are agricultural designations that allow for very limited industrial uses such as truck parking. The proposed project site is outlined as open space within the City’s General Plan but is not within the City’s Sphere of Influence. As a result, the city does not have jurisdiction over development of the parcel.
RECOMMENDATION

It is recommended that the Planning Commission:

1. Forward General Plan Map Amendment No. PA-2200030 to the Board of Supervisors with a recommendation of intent to approve based on the ability to make the required Basis for a General Plan Map Amendment (Attachment E; Findings);

2. Forward Zone Reclassification No. PA-2200031 to the Board of Supervisors with a recommendation of intent to approve based on the ability to make the required Bases for a Zone Reclassification (Attachment E; Findings).

Attachments:

Attachment A - General Plan Map & Zoning Map
Attachment B - Response Letters
Attachment C - Opposition Letters
Attachment D - Environmental Review
Attachment E - Findings
Attachment A
General Plan Map & Zoning Map
This page intentionally left blank.
Existing General Plan Designation: A/L

Proposed General Plan Designation: A/I
Zone

Existing Zone: AL-5

Proposed Zone: A-I
Attachment B
Response Letters
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October 14, 2022

MEMORANDUM

TO: Community Development Department  
CONTACT PERSON: Giuseppe Sanfilippo

FROM: Christopher Heylin, Development Services Engineer  
Development Services Division

SUBJECT: PA-2200030 (GP) & -031 (ZR); The project includes (2) applications, a General Plan Map Amendment (PA-2200030), and a Zone Reclassification (PA-2200031). The description is as follows:

- PA-2200030: A General Plan Map Amendment to change the General Plan designation of a 4.81-acre parcel from A/L (Limited Agriculture) to A/I (Agricultural Industrial).
- PA-2200031: A Zone Reclassification to change the zoning of the same 4.81-acre parcel from AL-5 (Limited Agriculture, 5-acre minimum) to Al (Agricultural Industrial).

Located on the northwest corner of East Eight Mile Road and North Micke Grove Road, Lodi. (Supervisorial District 4)

OWNER: Gurpreet S & Gagandeep K. Judge  
APPLICANT: Gurpreet S. Judge

ADDRESS: 3505 E. Eight Mile Road, Lodi  
APN: 059-210-46

INFORMATION:

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

The site is within the Phase 2 area of the National Pollutant Discharge Elimination System (NPDES).

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

RECOMMENDATIONS:

1) None.

CH:DS
June 1, 2022

MEMORANDUM

TO: Community Development Department
CONTACT PERSON: Giuseppe Sanfilippo

FROM: Christopher Heylin, Development Services Engineer
Development Services Division

SUBJECT: PA-2200030 (GP) & -031 (ZR); A General Plan Map Amendment No. PA-2200030 to change the General Plan designation of a 4.81-acre parcel from A/L (Limited Agriculture) to A/I (Agriculture Industrial), and Zone Reclassification No. PA-2200031 to change the zoning designation of the parcel from AL-5 (Limited Agriculture, 5-acre minimum) to A-I (Agriculture-Industrial); located on the northwest corner of East Eight Mile Road and North Micke Grove Road, Lodi. (Supervisorial District 4)

OWNER: Gurpreet S. & Gagandeep K. Judge
APPLICANT: Gurpreet S. Judge
ADDRESS: 3505 E. Eight Mile Road, Lodi
APN: 059-210-46

INFORMATION:

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The site is within the Phase 2 area of the National Pollutant Discharge Elimination System (NPDES).

The Traffic Impact Mitigation Fee will 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.

The Water Supply Facilities Impact Mitigation Fee will be required when parcels are developed. The fee is due and payable at the time of building permit application.

RECOMMENDATIONS:

1) None.

CH:DS

1810 East Hazelton Avenue | Stockton, California 95205 | T 209 468 3000 | F 209 468 2999
Follow us on Facebook: @PublicWorksSJC Visit our website: www.sjgov.org/pubworks
October 26, 2022

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

From: Frank Girardi; (209) 616-3044
Senior Registered Environmental Health Specialist

RE: PA-2200030 (GP), PA-2200031 (ZR), Referral, SU0014780, SU0014781
3505 E. Eight Mile Rd., Lodi

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

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

The sewage disposal system shall comply with 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.

Note: The Environmental Health Department (EHD) received a copy of the SSNLS, dated August 16, 2022, and reviewed it on September 8, 2022. The SSNLS was found to be complete, with no concerns pertinent to the project.
June 13, 2022

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

From: Frank Girardi; (209) 616-3044  
   Senior Registered Environmental Health Specialist

RE: PA-2200031 (ZR), Early Consultation, SU0014781  
   3505 E. Eight Mile Rd., Lodi

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

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

   The sewage disposal system shall comply with 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.

2. The well must be repaired under inspection by the Environmental Health Department (San Joaquin County Development Title, Section 9-1115.4(e)) as follows:
   a. Install cement surface seal around the well casing to protect the well casing sufficiently and the integrity of well grout.
   b. Replace the missing handle for the existing sample tap at the wellhead.
SJCOG, Inc.

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

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

To: Giuseppe Sanfilippo, San Joaquin County, Community Development Department
From: Laurel Boyd, SJCOG, Inc. Phone: 209-235-0574 Email: boyd@sjcog.org
Date: October 18, 2022

Local Jurisdiction Project Title: PA-2200030 (GP), PA-2200031 (ZR)
Assessor Parcel Number(s): 059-210-46
Local Jurisdiction Project Number: PA-2200030 (GP), PA-2200031 (ZR)
Total Acres to be converted from Open Space Use: Unknown
Habitat Types to be Disturbed: Agricultural Habitat Land
Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Mr. Sanfilippo:

SJCOG, Inc. has reviewed the application referral for PA-2200030 (GP), PA-2200031 (ZR). This project consists of two applications, a General Plan Amendment (PA-2200030) and a Zone Reclassification (PA-2200031), the description is as follows:

- PA-2200030: A General Plan Map Amendment to change the General Plan designation of a 4.81-acre parcel from A/L (Limited Agriculture) to A/I (Agricultural Industrial).
- PA-2200031: A Zone Reclassification to change the zoning of the same 4.81-acre parcel from AL-5 (Limited Agriculture, 5-acre minimum) to AI (Agricultural Industrial).

The project site is located on the northwest corner of E. Eight Mile Road and N. Micke Grove Road, Lodi (APN/Address: 059-210-46/3505 E. Eight Mile Road, Lodi).

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

At this time, the applicant is requesting a General Plan Map Amendment and Zone Reclassification 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.sjcog.org

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

- Schedule a SJMSCP Biologist to perform a pre-construction survey prior to any ground disturbance.
SJCOG, Inc.

- 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 apply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.

  2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.

  3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
     a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
     b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
     c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
     d. Purchase approved mitigation bank credits.

  4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
     a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
     b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
     c. Purchase approved mitigation bank credits.

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

- Receive your Certificate of Payment and release the required permit.

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

If you have any questions, please call (209) 235-0600.
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 circumstances 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-2200030 (GP), PA-2200031 (ZR)
Landowner: Gurpreet S. & Gagandeep K. Judge
Applicant: Gurpreet S. Judge
Assessor Parcel #s: 059-210-46
T _____ R _____ Section(s): _____
Local Jurisdiction Contact: Giuseppe Sanfilippo

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

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

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

To: Giuseppe Sanfilippo, San Joaquin County, Community Development Department
From: Laurel Boyd, SJCOG, Inc. Phone: 209-235-0574 Email: boyd@sjcog.org
Date: June 2, 2022

Local Jurisdiction Project Title: PA-2200030 (GP), PA-2200031 (ZR)
Assessor Parcel Number(s): 059-210-46
Local Jurisdiction Project Number: PA-2200030 (GP), PA-2200031 (ZR)
Total Acres to be converted from Open Space Use: Unknown
Habitat Types to be Disturbed: Agricultural Habitat Land
Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Mr. Sanfilippo:

SJCOG, Inc. has reviewed the application referral for PA-2200030 (GP), PA-2200031 (ZR). This project consists of a General Plan Amendment (PA-2200030) to change the General Plan designation of a 4.81-acre parcel from AIL (Limited Agriculture) to A/I (Agriculture Industrial), and Zone Reclassification (PA-2200031) to change the zoning designation of the parcel from AL-5 (Limited Agriculture, 5-acre minimum) to A-I (Agriculture-Industrial). The project site is located on the northwest corner of E. Eight Mile Road and N. Moke Grove Road, Lodi (APN/Address: 059-210-46/3505 E. Eight Mile Road, Lodi).

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

At this time, the applicant is requesting a General Plan Map Amendment and Zone Reclassification 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.sjcog.org

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

- Schedule a SJMSCP Biologist to perform a pre-construction survey prior to any ground disturbance
- SJMSCP Incidental Take Minimization Measures and mitigation requirement:
  1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must resubmit 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 ITM:Ms or issuance of a building permit, whichever occurs first, the project applicant must:
   a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
   b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
   c. Purchase approved mitigation bank credits.

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

Receive your Certificate of Payment and release the required permit.

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

If you have any questions, please call (209) 235-0600.
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 circumstances 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 fee 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-2200030 (GP), PA-2200031 (ZR)

Landowner: Gurpreet S. & Gagandeep K. Judge
Applicant: Gurpreet S. Judge

Assessor Parcel #: 059-210-46

T_______, R_______, Section(s): ______

Local Jurisdiction Contact: Giuseppe Sanfilippo

The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.
October 26, 2022

Giuseppe Sanfiippo  
Project Planner  
County of San Joaquin  
Community Development Department  
1810 E. Hazelton Ave.  
Stockton CA 95205

RE: PA-2200030 (GP) and PA-2200031 (ZR) – Proposed GPA and Rezone from AL to AI at 3505 E. Eight Mile Rd (APN 059-210-46)

Dear Giuseppe:

City staff has reviewed the subject application referral. The subject site abuts the Stockton city limits across Eight Mile Road and is located within the City’s general plan boundary. The Envision Stockton 2040 General Plan designates the subject site and adjacent areas north of Eight Mile Road as Open Space / Agriculture.

The proposed general plan amendment (GPA) and rezone from AL (Limited Agriculture) to AI (Agriculture Industrial) is potentially inconsistent with the City’s General Plan land use designation of Open Space / Agriculture. Without knowing the associated proposed development for the site, City staff lacks the necessary information to conduct a complete assessment. We look forward to learning more about any proposed development associated with the proposed GPA and rezone, and opportunity to participate in the upcoming public hearings for the project.

If you would like to discuss this letter, please contact me at bradley.wall@stocktonca.gov or 209.937.8195. Thank you.

Brad Wall, Planning Manager  
City of Stockton | Community Development Department
From: Ann Okubo <Ann.Okubo@stocktonca.gov>
Sent: Wednesday, June 22, 2022 11:46 AM
To: Planning Clerical [CDD]
Cc: Sanfilippo, Giuseppe [CDD]; Asio, Allen [CDD]; Martorella, Domenique [CDD]
Subject: RE: PA-2200030, 31 - General Plan Map Amendment and Zone Reclassification: Agency Referral.

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The Municipal Utilities Department - City of Stockton has reviewed the subject project and has no comments.

Thank you,

Ann Okubo, P.E.
Senior Civil Engineer
Phone: 209.937.8250
Fax: 209.937.8777
ann.okubo@stocktonca.gov
City of Stockton
Municipal Utilities Department
2500 Navy Drive
Stockton, CA 95206

From: Gemma Biscocho <Gemma.Biscocho@stocktonca.gov>
Sent: Wednesday, June 1, 2022 2:34 PM
To: Ann Okubo <Ann.Okubo@stocktonca.gov>; John Wotila <John.Wotila@stocktonca.gov>; Ernesto Lopez <Ernesto.Lopez@stocktonca.gov>
Subject: FW: PA-2200030, 31 - General Plan Map Amendment and Zone Reclassification: Agency Referral.

From: Planning Clerical [CDD] <planningclerical@sjgov.org>
Sent: Wednesday, June 1, 2022 1:51 PM
To: Cheryle Lawson <Cheryle.Lawson@stocktonca.gov>; Stephanie Ocasio <Stephanie.Ocasio@stocktonca.gov>; Michael McDowell <Michael.McDowell@stocktonca.gov>; Ali Gharegozloo <Ali.Gharegozloo@stocktonca.gov>; Gemma Biscocho <Gemma.Biscocho@stocktonca.gov>
Cc: Sanfilippo, Giuseppe [CDD] <gsanfilippo@sjgov.org>; Asio, Allen [CDD] <gasio@sjgov.org>; Martorella, Domenique [CDD] <dmartorella@sjgov.org>
Subject: PA-2200030, 31 - General Plan Map Amendment and Zone Reclassification: Agency Referral.

CAUTION: This email originated from outside the City of Stockton. Do not click any links or open attachments if this is unsolicited email.

Please see the attached documents for project PA-2200030, 31 (GP, ZR). This project was previously referred as a Pre-Application, and a Full Application has now been filed. A copy has been uploaded to Permits Plus.

Thank you,
Planning Division
Hi Giuseppe,

If the CDD participates in the SJMHSCP during the general use permit phase, then it will be sufficient for coverage of burrowing owl and Swainson’s hawk in CDFW’s perspective. For Swainson’s hawk, the CDD will have CESA take coverage as long as it purchases the appropriate credits (nest credits versus foraging credits), pays the fees, and follows the minimization measures as outlined in the SJMSHCP. The SJMSHCP will have SWHA credits for mitigation, an application for coverage, and mitigation measures for SWHA avoidance.

Thank you.

Harvey Tran
Environmental Scientist
California Department of Fish and Wildlife
Region 2 - North Central Region
Habitat Conservation Program
(916) 358-4035

Good Morning Harvey,

Please see e-mail below.

Thanks,

Giuseppe Sanfilippo
Associate Planner
Community Development Department
Main Office: (209) 468-3121
Direct: (209) 468-0227
Fax: (209) 468-3163  
Please also visit us On-line: https://www.sjqov.org/commdev

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From: Tran, Harvey@Wildlife <Harvey.Tran@Wildlife.ca.gov>  
Sent: Tuesday, April 12, 2022 3:15 PM  
To: Martorella, Domenique [CDD] <dmartorella@sjgov.org>; Sanfilippo, Giuseppe [CDD] <gsanfilippo@sjgov.org>  
Cc: Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>; Wilson, Billie@Wildlife <Billie.Wilson@wildlife.ca.gov>; Barker, Kelley@Wildlife <Kelley.Barker@wildlife.ca.gov>; Thomas, Kevin@Wildlife <Kevin.Thomas@wildlife.ca.gov>  
Subject: RE : PA-2200030 & 31 - General Plan Map Amendment and Zone Reclassification Pre-Applications; Agency Referral. - PT 2022-0108

To Whom It May Concern:

The California Department of Fish and Wildlife (CDFW) appreciates the opportunity to comment on the Early Consultation for the PA-2200030 & 31 (GP, ZR, PreApp) (Project). CDFW is responding to the Early Consultation as a Trustee Agency for fish and wildlife resources (Fish & G. Code, §§ 711.7 & 1802, and CEQA Guidelines, §§ 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 et seq.) and/or a California Endangered Species Act (CESA) Permit for incidental take of endangered, threatened, and/or candidate species (California Fish and Game Code Sections 2080 and 2080.1).

The Project is located on the northwest corner of E. Eight Mile Rd. and N. Micke Grove Rd. in Lodi in San Joaquin County. The Project consists of a General Plan Map Amendment Pre-Application to change the General Plan designation of a 4.81-acre parcel from A/L (Limited Agriculture) to A/I (Agriculture Industrial), and a Zone Reclassification to change the zoning designation of the parcel from AL-5 (Limited Agriculture, 5-acre minimum) to A-I (Agriculture-Industrial).

CDFW recommends the following items be addressed in the future planning of the Project:

Comment 1: Nesting birds
Aerial imagery (Google Earth) of the Project area shows mature trees within the Project area near the outer boundaries. These trees can provide potential nest habitat to migratory birds and raptors during the typical avian nesting season of February 1 to August 31. It is unclear whether the trees within the Project area will be removed. CDFW recommends the Project proponent review and consider Fish and Game Code sections 3503, 3503.5, 3515, 4150 and 4152, which provide protection to nongame birds, migratory birds, their nests and eggs. Because potential habitat for nesting birds and birds of prey may be present within the Project area, the proposed Project should disclose all future potential activities that may incur a direct or indirect take to nongame nesting birds within the Project footprint and its close vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take should be included in the future Project planning. Measures to avoid the impacts should include species specific work windows, biological monitoring, installation of noise attenuation barriers, etc.

Comment #2: Burrowing owl
The nesting birds mentioned in Comment #1 above may also include burrowing owl which is a Species of Special Concern. There is suitable nesting/burrowing habitat (open, dry, sparsely vegetated land with available burrows) within
and around the Project area. California Natural Diversity Database (CNDDB) has records of at least one previous
burrowing owl occurrence within 2.5 miles of the Project area.

If construction activities are planned in suitable burrowing owl habitat, a qualified biologist(s), approved by CDFW, will
need to conduct a survey for burrowing owl following the methodology described in the, Staff Report on Burrowing Owl
Mitigation (CDFW 2012) (Staff Report), within 1-2 weeks prior to the start of construction. If burrowing owls or signs of
burrowing owl presence such as whitewash, feathers, animal dung, etc. are not detected, no further mitigation will be
required. If burrowing owls are observed within 500 feet of the Project area, the Project proponent should develop an
Impact Assessment consistent with the Staff Report on Burrowing Owl Mitigation (CDFW 2012) and submit the Impact
Assessment to CDFW prior to construction work. The final avoidance and mitigation measures will be determined in
coordination with CDFW but the Impact Assessment will at a minimum include the following mitigation measure:

Occupied burrows will not be disturbed. If occupied burrows are found, the biologist will ensure active nests are avoided
and a no disturbance or destruction buffer be established by a biologist. The buffer shall be kept in place until after the
breeding nesting season or biologist confirms the young have fledged, and the nest is no longer active for the season.
The extent of these buffers shall be determined by the biologist and will depend on the species present, the level of
noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other
disturbances, and other topographical or artificial barriers.

Comment 3: Swainson’s hawk

The nesting birds mentioned in Comment #1 above may also include Swainson’s hawk (SWHA) which is a species listed
as a threatened under the California Endangered Species Act (CESA). Besides the suitable nesting trees in and around the
Project area, there is also suitable foraging habitat around the Project area. California Natural Diversity Database
(CNDDB) has records of at least three previous SWHA occurrences within 0.5 miles of the Project area.

If future development of the Project area is to occur, CDFW recommends a qualified biologist conduct a Swainson’s
haw (Buteo swainsoni) survey within a minimum 1/2-mile radius around the Project area. Surveys should be conducted
according to the following the five-period schedule in accordance with the “Recommended Timing and Methodology for
Swainson’s Hawk Nesting Surveys in California’s Central Valley (Swainson’s Hawk Tech. Advis. Comm., 5/2000):”

- January to March 20- One (1) Survey, All Day
- March 20 to April 5- Three (3) Surveys, Sunrise to 1000 / 1600 to Sunset
- April 5 to April 20- Three (3) Surveys, Sunrise to 1200 / 1630 to Sunset
- April 21 to June 10- Monitoring
- June 10 to July 30- Three (3) Surveys, Sunrise to 1200 / 1600 to Sunset

If an occupied nest is found, the Project proponent should consult with CDFW and demonstrate compliance with CESA.
CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened,
endangered, and/or candidate plant and animal species, pursuant to the CESA. CDFW recommends that a CESA
Incidental Take Permit (ITP) be obtained if the Project has the potential to result in “take” (Fish & G. Code § 86 defines
“take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of CESA-listed species,
either through construction or over the life of the Project.

Please note that when acting as a responsible agency, CEQA guidelines section 15096, subdivision (f) requires CDFW to
consider the CEQA environmental document prepared by the lead agency prior to reaching a decision on the Project.
Addressing CDFW’s comments and disclosing potential Project impacts on CESA-listed species and any river, lake, or
stream; and providing adequate avoidance, minimization, mitigation, monitoring and reporting measures; will assist
CDFW with the Early Consultation.

Thank you.

Harvey Tran
From: Martorella, Domenique [CDD] <dmartorella@sjgov.org>
Sent: Wednesday, March 16, 2022 2:37 PM
To: DeBord, Rachel [COB] <rdebord@sjgov.org>; Tyrrell, Scott [BOS] <styrrell@sjgov.org>; Anderson, Michael [BOS] <manderson@sjgov.org>; Rouppet, Chris [BOS] <crouppet@sjgov.org>; Warmardam, Denise [BOS] <dwarmerdam@sjgov.org>; Zapata, Camille [BOS] <czapata@sjgov.org>; Clayton, Jay [CDD] <jayclayton@sjgov.org>; Nurney, Jeff [CDD] <jnurney@sjgov.org>; Butler, Steve [CDD] <sbutler@sjgov.org>; Huerta, Juanita [CDD] <jhuerta@sjgov.org>; Mass, Marcel [CDD] <mmm@sjgov.org>; Niemeyer, Jeff [CDD] <jniemeyer@sjgov.org>; Butler, Steve [CDD] <sbutler@sjgov.org>; Huerta, Juanita [CDD] <jhuerta@sjgov.org>
Cc: Sanfilippo, Giuseppe [CDD] <gsanfilippo@sjgov.org>; Asia, Alan [CDD] <aasio@sjgov.org>
Subject: PA-2200030 & 31 - General Plan Map Amendment and Zone Reclassification Pre-Applications: Agency Referral.

Please see the attached documents for project PA-2200030, 31 (GP, ZR, PreApp). A copy has been uploaded to Permits Plus.

Thank you,

Domenique Martorella
Office Assistant Specialist
Community Development Department
Main Office: (209) 468-3121
Direct: (209) 953-7307
Fax: (209) 468-3163
Please also visit us On-line: https://www.sjgov.org/commdev

THI S E-MAIL IS INTENDED ONLY FOR THE ADDRESSSEE(S) AND MAY CONTAIN CONFIDENTIAL INFORMATION. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE OF THIS INFORMATION OR DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS E-MAIL IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY.
Thank you for consulting with the UAIC
Please complete one form for each notification.

How to submit a consultation notification or project update:

1. One form must be completed for each project.
2. Forms cannot be saved and completed at a later time.
3. Include all relevant project information.
4. Upload file attachments. Multiple files can be attached.
5. Submit form.
6. You will receive a submission receipt via email when submission is complete. UAIC prefers our online submission form over certified or hard copy letters.

Contact the Tribal Office at (530) 883-2390 for questions or concerns. Ask for Tribal Historic Preservation or use the contact form located on our website.

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<th>Contact Information</th>
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<tr>
<td>Consulting on Behalf of</td>
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<tr>
<td>Lead Agency, Consulting Firm, Tribe</td>
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<td>Mailing Address</td>
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<tr>
<td>1810 East Hazelton Avenue</td>
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<tr>
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<td>Is there more than one point of contact for this project?</td>
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This is a □ New Project □ Notice of Preparation (NOP) □ Other
□ Public Hearing □ Notice of Availability (NOA)
□ Request for Information

Project Description
This project was previously reviewed as a Pre-Application and now a Full Application has been submitted. This project is comprised of two applications:
1. General Plan Map Amendment No. PA-2200030 to change the General Plan designation of a 4.81-acre parcel from NL (Limited Agriculture) to NI (Agriculture Industrial), and Zone Reclassification No. PA-2200031 to change the zoning designation of the parcel from AL-5 (Limited Agriculture, 5-acre minimum) to A-I (Agriculture-Industrial). The project site is not under a Williamson Act Contract. Please include a brief project description.

Project/Construction
Unknown
Year □ Please select the year your project will initiate
Project/Construction Season □ Please select the season your project will initiate (if applicable)

Environmental Document Timeline
Please share when your final environmental document is planned for public review

Location
The project site is located on the northwest corner of E. Eight Mile Rd. and N. Micke Grove Rd., Lodi. (APN/Address: 059-210-46 / 3505 E. Eight Mile Rd., Lodi) (Supervisional District: 4)
Please include county, city, and address (if available)

Project Documents
Documents uploaded to this form are secure and only accessible by the Tribal Historic Preservation team

Notification □ Attach notification letters or announcement
PA-2200030, 31 (GP, ZR) Public Hearing - Agency.pdf 200.8KB
50mb maximum upload size (per file)

Reports
Attach project reports, project descriptions, or supporting documents. Please add the following if available: Cultural, Biology, Arborist
50mb maximum upload size (per file)

Location Map
Attach maps and location files. Shape files are preferred
PA-2200030, 31 (GP, ZR) Site Plan.pdf 741.1KB
File extensions allowed: pdf, jpg, png, kmz, kml, dbf, prj, shp, shx, xml, shx, cpg, .zip.
NOTE: 50mb maximum upload size (per file)

Send Submission Receipt To

New Email □ Primary Contact □ Secondary Contact □ Different Email
dmartorella@sjgov.org

***This form submission page is offered for the convenience of consulting agencies, developers, and their respective consultants. UAIC reviews all submissions received, but makes no guarantee that submission via this online form satisfies any particular consultation or notice requirement that exists under state or federal law.***
This page intentionally left blank.
Attachment C
Opposition Letters
I am totally against approval of these applications.

First of all, I'm wondering how the occupants have already been using the property for their trucking business. Why were they allowed to park their trucks, resurface the area, and conduct business where they weren't zoned to do it. Isn't this illegal?

I'm also very worried about the entrance/exit which they installed on the Micke Grove Road side of the lot. What will it be used for and was it legal for them to do it?

Why was I given such short notice about all of this illegal activity? This business across from my home definitely decreases the value of my house and property. Will I receive compensation if these applications are approved?

Please keep me informed.

Sincerely,
Dean Kamei

my address:
10914 N. Micke Grove Road
Lodi, CA. 95240

my cell:
415 786 0604
PLEASE do not allow these applications to be approved. The owners have already violated the existing coding. Do not condone such a bold disregard for due process. Unfortunately, this explains why no notifications were ever made to the surrounding property owners when this site was initially developed last year.

The massive and apparently illegal “truck parking” currently on the project site, is already a substantial visual, noise and light pollutant. The horrific negative impact on my property value is devastating.

There is already an exit driveway built on the N. Micke Grove Rd side (APN059-210-46) of this property. Once in use, it would be catastrophic for the small community of homeowners across the street on the east side of N. Mike Grove Rd.

I would like to be advised of the Commission's hearing date, time and place.

Regards,

Jacqueline Quam
Property Owner and Resident

10926 North Micke Grove Rd
Lodi CA

510.604.2251
jacquelinequam@gmail.com
Joanne Kanemura
Property Owner on Micke Grove Road

I am writing in response to the notice I received about these two projects. The first question I would like answered is how did this trucking company take ownership of the property and then turn it into a trucking operation without the correct applications, notifications, and approvals? The land was zoned as agricultural and there were horses on it before the trucks moved in. It seems like a done deal as their operation has been in business for quite some time, but now they are seeking the correct designations? That is not the right order to do things.

I totally am opposed to this rezoning after the fact of the trucks occupying the property and now the owners are seeking the correct zoning. First and foremost, putting in a trucking operation will have a negative effect on my property value as well as all of my neighbors' properties. I have lived here for over 25 years and moved here for the rural atmosphere. No one wants to live across from a big trucking operation, so our property values have already gone down. The property should stay zoned as Limited Agricultural. There is also the issue of the noise. Would you like to live next to a large property with trucks starting up and coming and going at all hours? Of course not. Look all around this area. We are zoned as residential and agricultural; we are not set up for a large trucking business. At one time, the trucking company wanted their trucks to enter and exit on Micke Grove Road which is ludicrous as Micke Grove Road is only a two lane road, and it would be difficult to maneuver the trucks onto Micke Grove especially so close to Eight Mile Road. It would certainly disrupt the flow of traffic. Also, at one time there was a very bright light shining directly at our homes. It's been turned off for now, but if this property is rezoned and the trucks stay, what's to stop the business from turning the light back on or installing more lights to be more intrusive for all of us on Micke Grove Road?

The owners of this trucking company did not follow the rules to get the land rezoned before the trucks moved in, and they should not have their behavior rewarded by having the land rezoned now to the detriment of us who live on Micke Grove Road.

Thank you.

Sincerely,

Joanne Kanemura
Property Owner on Micke Grove Road
I would like to object to a trucking company going in here due to the fact it is not ag related trucking company. The noise at 3am wakes me up and the constant running of the reefers keeps me awake in the summertime. Thank you John Sergis 209-482-7564.
Good Morning,

I know this is a couple days past the deadline to object to the trucking company going in at Micke Grove/8 Mile Rd. But I just learned of this proposal recently.

In the recent past, I have been witness to several issues in this stretch of 8-Mile with traffic congestion as well as traffic accidents at this very intersection. Due to people seeing this as a country road still and going 55 Mph plus, the last thing we need is a trucking company in the area causing further congestion. 8 Mile is not currently equipped to handle the room that these rigs need to make wide turns in and out. Also, it appears that the City of Stockton is expanding Holman Rd to 8-Mile, which will terminate right in the same area as the front driveway to the trucking company making traffic even more of a nightmare and will inevitably result in more traffic accidents.

Aside from the traffic issues, that land is Zoned agricultural, not commercial. If other area residents are not allowed to violate the terms of established zoning why is it that a trucking company can?

Lastly, the noise of these trucking companies adjacent to a residential area will likely cause much tension between the area residents and the company itself.

These are just some ideas. Some residents in the area contacted me worried about the trucking company and made me aware of the plans going forward. It appears that there is already a company operating there, even if just in a limited capacity. The one thing I do know is the traffic is crazy already in this area and if this company is allowed to fully open and operate I believe it is just going to make it worse.

Thank you,

Matt

Sent from my iPhone
My name is Mike Steed, I own 10930 N. Micke Grove Rd. I am sending this because you asked me too, and to let whoever it concerns that I do not like this. For months now I have 3 bright spotlights going into my front room and kitchen. It lights half of my house up all night long, it is horrible. Also I contacted enforcement about this, and I was told if they have lights they must have permits. And when I asked if they have permits, I was told I don’t know but I’m sure they do. When I questioned further, I was told they spent a lot of money to get this approved and there nice people. When I explained I don’t care how much money they spent, I was told you don’t realize how much money they spent and I’m sure they will help you out on the light. And I was told I’m busy and enforcement wouldn’t call me back, but they will talk to them and try help. It’s obvious to me by this conversation that the county must care about money. And public concerns don’t. But this is what my opinion is if anybody cares.

Sent from my iPhone
Sanfilippo, Giuseppe [CDD]

From: Peggy Boyles <mileygigi@comcast.net>
Sent: Thursday, October 27, 2022 2:01 PM
To: Sanfilippo, Giuseppe [CDD]
Subject: Zoning

Thank you for the job you do.
I am a home owner on Golfview Rd
and I am against changing the zoning on Eight Mile Road to industrial for the trucking company that wants to do
business off Eight Mile Rd.
The traffic is already horrible on this road.
Thank you,
Peggy & Michael Boyles

Sent from my iPhone
Good evening Commissioners

This comment is regarding planning application 2200030 and 2200031 for the general plan amendment and rezone of a parcel located at the northwest corner of Eight Mile and Micke Grove. This project is located in an area ripe for residential development. The proposed rezone and general plan amendment will directly conflict with the residential expansion in the area and already choked section of Eight Mile Road. The increase in truck traffic generated by the uses permitted under the proposed zone will adversely affect traffic in the immediate area when Holman Road eventually intersects with Eight Mile as is apparent. We request that staff include the city of Stockton’s general plan, and adjacent developing lands in their determination for this rezone.

Thank you all
From: michael steed <bella.steed@icloud.com>
Sent: Thursday, November 17, 2022 9:20 AM
To: pcrecords [CDD]
Subject: Pa-2200031,pa-2200030

My name is Mike Steed. I live across the street at 10930 N. Micke Grove Road. Since the beginning of this event that I’m shocked they’re allowed to do. From what I’ve been told is they’re operating out of compliance. I did contact enforcement early on, and was told they’re really nice people who spent a lot of money to do this. When I commented I don’t care how much money they have spent, he replied you don’t understand how much money we’re talking about. So my conclusion is money matters. I have 3 bright spotlights shining through front windows of my house, trucks running all night long and basically a truck stop across the street of my house. When I moved here, there was horses in the field that is now an asphalt parking lot. I know things change, but this is drastic and with no regards to the people it affects. I have a single mid duty non commercial license truck that I tried to park at my house. I was quickly told it was illegal and to quickly move before fines. And now even before permitted I have 25 heavy duty trucks across street running 24 hrs a day.

Sent from my iPhone
Attachment D
Environmental Review
NOTICE OF EXEMPTION

Project Title: General Plan Map Amendment No. PA-2200030 and Zone Reclassification No. PA-2200031.

Project Location – Specific: The project site is located at the northwest corner of E. Eight Mile Rd. and N. Mickey Grove Rd., Lodi. (APN/Address: 059-210-46 / 3505 E. Eight Mile Rd., Lodi) (Supervisorial District: 4)

Project Location – City: Lodi

Project Location – County: San Joaquin County

Project Description: The project includes 2 applications, a General Plan Map Amendment (PA-2200030), and a Zone Reclassification (PA-2200031):

- PA-2200030: A General Plan Map Amendment to change the General Plan designation of a 4.81-acre parcel from AL (Limited Agriculture) to AI (Agricultural Industrial).
- PA-2200031: A Zone Reclassification to change the zoning of the same 4.81-acre parcel from AL-5 (Limited Agriculture, 5-acre minimum) to AI (Agricultural Industrial)

The Property is zoned AL-5 (Limited Agriculture, 5-acre minimum) and the General Plan designation is AL (Limited Agriculture).

Project Proponent(s): Gurpreet S. & Gagandeep K. Judge

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

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

Exemption Status: General Exemptions. (Section 15061[b][3])

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

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

Lead Agency Contact Person:
Giuseppe Sanfilippo Phone: (209) 468-0227 Fax: (209) 468-3163 Email: gsanfilippo@sjgov.org

Signature: ___________________________ Date: ___________________________
Name: Domenique Martorella Title: Deputy County Clerk

Date Received for filing at OPR: ___________________________

Authority cited: Sections 21063 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.
Attachment E
Findings
FINDINGS FOR GENERAL PLAN MAP AMENDMENT
& ZONE RECLASSIFICATION

PA-2200030, -31
GURPREET S. & GAGANDEEP K. JUDGE

General Plan Map Amendment (PA-2200030)

1. The internal consistency of the General Plan is maintained in adoption of the Map Amendment.
   - This finding can be made because the location proposed for a General Plan Map Amendment to the A/I (Agriculture-Industrial) designation is consistent with the goals and locational criteria outlined in the General Plan.

Zone Reclassifications (PA-2200031)

1. The proposed zone is consistent with the General Plan, any applicable Master Plans, and any applicable Specific Plan;
   - The proposed zone is Agriculture Industrial (AI), which is an implementing zone of the A/I land use designation. Therefore, if the proposal to amend the land use designation to A/I is approved, the proposed zone change to AI would be consistent with the General Plan. There are no Master Plans or Specific Plans affecting the subject parcel.

2. The proposed zone district is reasonable and beneficial at the time.
   - Pursuant to the 2035 General Plan, on-site water, on-site sewer, and on-site storm drainage are allowed for AI properties located outside of a community. Any on-site services proposed for subsequent projects will be required to meet the requirements of the Environmental Health Department for well and septic systems, and the Department of Public Works for on-site stormwater retention. Additionally, the project site is not designated as Prime Farmland, and is not ideal for crop production. The proposed Zone Reclassification is reasonable and beneficial at this time because there is a great need to provide additional locations for truck parking and truck sales operations due to the demand generated by the increase in warehousing and farming operations in San Joaquin County. The AI (Agriculture-Industrial) zone is intended to continue to permit agriculture and agriculturally related activities, in addition to a limited number of industrial type uses, such as Truck Sales & Services-Parking and Sales.
Planning Commission Staff Report  
Item # 2, December 15, 2022  
Use Permit No. PA-2000012  
Prepared by: Alisa Goulart

PROJECT SUMMARY

Applicant Information
Property Owner: 157 California Reserve, Inc.  
Project Applicant: NJA Architecture (c/o John Vierra)

Project Site Information
Project Address: 21200 N. Davis Road, Lodi  
Project Location: 0.5 miles along a private access easement on the east side of N. Davis Road, 1 mile south of W. Peltier Road, northwest of Lodi.

Parcel Numbers (APN): 013-090-09, -33, -35, -36, & -37  
Water Supply: Private

General Plan Designation: OS/RC, A/G  
Sewage Disposal: Private

Zoning Designation: AG-40  
Storm Drainage: Private

Project Size: 10.00 acres  
100-Year Flood: Yes

Parcel Size (combined): 88.68 acres  
Williamson Act: No  
Supervisorial District: 4

Community: None

Environmental Review Information
CEQA Determination: Mitigated Negative Declaration (Attachment C; Environmental Document)

Project Description
This project is a Use Permit to establish a small winery in 2 phases over 5 years. (Use Type: Wineries and Wine Cellars – Winery, Small)

Phase 1 includes the construction of:
- a 10,530-square-foot production building; and
- a 2,300-square-foot covered crush pad

Phase 2 includes the construction of:
- a 9,930-square-foot multipurpose building;
- a 1,500-square-foot tasting room; and
- a 9,500-square-foot expansion to the Phase 1 production building

The following winery events are also proposed:
- Marketing Events: 12 annual events with up to of 300 attendees
- Small-scale Accessory Winery Events: 65 annual events with a maximum of 80 attendees
- Large-scale Accessory Winery Events: 40 annual events with a maximum of 300 attendees
- Wine Release Events: 4 annual events with a maximum of 300 attendees at any given time

Outdoor amplified sound is proposed for Marketing Events and Large-scale Accessory Winery Events.
Recommendation

1. Adopt the Mitigated Negative Declaration (Attachment C; Environmental Document);

2. Adopt the Mitigation Monitoring and Reporting Program - MMRP (Attachment D; Mitigation Monitoring and Reporting Program);

3. Adopt the Findings for Use Permit (Attachment E; Findings for Use Permit); and

4. Approve Use Permit No. PA-2000012 with the attached Conditions of Approval (Attachment F; Conditions of Approval).
**NOTIFICATION & RESPONSES**

(See Attachment B, Response Letters)

**Public Hearing Notices**
Legal ad for the public hearing published in the Stockton Record: December 5, 2022.
Number of Public Hearing notices: 71
Date of Public Hearing notice mailing: December 2, 2022.

**Referrals and Responses**

- Early Referral Date: January 28, 2020
- Project Referral with Environmental Determination Date: February 17, 2022
- Negative Declaration Posting Date: February 18, 2022
- OPR State Clearinghouse #: 2022020414

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ANALYSIS

Background

The property is currently developed with a single-family residence that will not be utilized in the winery operation.

Operations and Events

Daily winery operations are planned from 9:00 a.m. to 5:00 p.m., 7 days per week. The winery anticipates having 7 employees, with an average of 200 visitors per week, excluding winery events, and an average of 1 delivery per day.

The applicant has voluntarily reduced the total number of proposed winery events from 156 to 121 events to address neighbors’ concerns. Proposed events include:

- **Marketing Events**: 12 annual events with a maximum of 300 attendees
- **Small-scale Accessory Winery Events**: 65 annual events with a maximum of 80 attendees
- **Large-scale Accessory Winery Events**: 40 annual events with a maximum of 300 attendees
- **Wine Release Events**: 4 annual events with a maximum of 300 attendees

Outdoor amplified sound is proposed for:

- **Marketing Events**, between the hours of 10:00 a.m. and 10:00 p.m.
- **Large-scale Accessory Winery Events**, between the hours of 10:00 a.m. and 9:00 p.m. Sunday through Thursday, and between the hours of 10:00 a.m. and 10:00 p.m. Friday and Saturday.

A Noise Assessment performed by Saxelby Acoustics is discussed below.

Even with the voluntary reduction in the total number of events, the Community Development Department recommends limiting the winery to no more than one type of event per day because of the number of events proposed. This has been included as condition 1.c. of the recommended Conditions of Approval. The applicant concurs with this condition.

Access

The proposed winery site is accessed via a 2,600-foot-long (approximately 1/2 mile) private driveway over a recorded 20-foot-wide easement located on the east side of Davis Road. The private driveway is also utilized by the 2 parcels to the north of the easement (APNs: 013-080-07 and 013-080-08).

Pursuant to Development Title Section 9-1015.5(h)(1), 2-way traffic aisles must have a minimum width of 25-feet. However, pursuant to Development Title Section 9-1015.9, the requirements of the Parking and Loading chapter may be modified by the Director in cases in which the requirements set forth in the Development Title may be considered insufficient or excessive. In this case, the applicant has submitted a modification request to allow a 20-foot-wide driveway because the existing 20-foot-wide easement prevents having a wider driveway and the fire agency determined that a 20-foot-wide driveway is sufficient for emergency vehicle access. Additionally, according to the request, the driveway apron at Davis Road will be wider than 20 feet for ingress and egress from the roadway.

The Community Development Department has reviewed the request and recommends that the Planning Commission approve the requested modification permitting a 20-foot-wide driveway. If approved, the existing driveway will be required to be constructed and maintained to the standards required by the California Fire Code and applicable San Joaquin County Improvement Standards. This requirement has been included in the recommended Conditions of Approval as condition 1.k.1.

All onsite circulation driveways will be required to meet the 25-foot-wide minimum for 2-way aisles.
**Traffic Study**

The proposed small winery includes the construction of approximately 31,000 square-feet of buildings. The Department of Public Works reviewed the project and determined a traffic impact study was required to identify impacts on traffic and local roadways. A traffic impact study, dated June 22, 2021, was completed by Advanced Mobility Group (AMG). The study concluded that the projected traffic volumes from the proposed winery will have a less than significant impact on traffic conditions. Additionally, the study determined that the project is expected to generate less than 110 automobile trips per day and, therefore, is classified as a small project according to the Technical Advisory on Evaluating Transportation Impacts in CEQA, as published by the California Office of Planning and Research (OPR) in December 2018. According to this OPR guidance, a small project that generates or attracts “fewer than 110 trips per day generally may be assumed to cause a less-than-significant traffic impact.”

**Parking**

The site plan depicts 150 permanent parking spaces for the winery. Pursuant to Development Title Section 9-1015.3, 2.5 parking spaces are required for every 1,000 square-feet of building. As a result, a total of 85 permanent parking spaces are required for both phases combined. Additionally, Development Title Section 9-1075.9(h) requires 1 permanent parking space for every 2 event attendees at Large-scale Accessory Winery Events. The maximum number of attendees proposed for Large-scale Accessory Winery Events is 300; therefore, 150 permanent parking spaces are required to meet the parking space requirement for Large-scale Accessory Winery Events. All other event parking can utilize overflow parking areas. Parking will not be permitted on the private easement driveway nor on any onsite circulation driveways. A total of 150 permanent parking spaces will be required.

**Noise Assessment**

Outdoor amplified sound is proposed during Marketing Events between the hours of 10:00 a.m. and 10:00 p.m. and during Large-scale Accessory Winery Events between the hours of 10:00 a.m. and 9:00 p.m. Sunday through Thursday, and between the hours of 10:00 a.m. and 10:00 p.m. Friday and Saturday.

Pursuant to Development Title Section 9-1075.9(f)(3), a noise study is required prior to permitting outdoor amplified sound for a winery to ensure compliance with the County’s noise standards. A Noise Assessment performed by Saxelby Acoustics dated June 4, 2021, measured existing ambient sound levels and predicted project noise levels at adjacent noise-sensitive receptors utilizing the proposed Event Outdoor Patio area, as depicted on the site plan dated January 10, 2020. The nearest residence is 900 feet north of the project site. The study concluded that the project will comply with the San Joaquin County exterior noise standards for daytime and nighttime hours; therefore, no mitigation measures are required.

**Neighbor Opposition**

The Community Development Department received a single opposition letter from the property owners of the 2 parcels to the north of the private easement (APNs: 013-080-07 and 013-080-08). The neighbors indicate that they are in opposition to the project due to concerns related to increased traffic, unsafe conditions, dust from traffic, the lack of an alternative route in case of emergency, and a loss of privacy. These issues are discussed below. Additionally, the applicant has also responded to these concerns, included in Attachment B. (Response Letters, pages 44-47).

**Site Access**

The recommended Conditions of Approval include a requirement that the private driveway have a minimum width of 20 feet and must be constructed and maintained to the standards required by the California Fire Code and applicable San Joaquin County Improvement Standards. All conditions, including this one, must be met by the applicant to begin operation of the winery. The applicant has stated the driveway will be fully paved which will reduce dust generated by traffic on the road. Additionally, the applicant must maintain the driveway to emergency apparatus road requirements. Finally, the Fire Prevention Division reviewed the site and agreed the private driveway could be improved to meet the standards required.
Loss of Privacy

The project parcel and the adjacent parcels are zoned AG-40 (General Agriculture, 40-acre minimum). A small winery with winery events is a permitted use in the AG-40 zone with an approved Use Permit application. As a permitted use, the winery can operate within the conditions placed on the winery and within the regulations of the Development Title.
RECOMMENDATION

It is recommended that the Planning Commission:

1. Adopt the Mitigated Negative Declaration (Attachment C; Environmental Document);

2. Adopt the Mitigation Monitoring and Reporting Program - MMRP (Attachment D; Mitigation Monitoring and Reporting Plan);

3. Adopt the Findings for Use Permit (Attachment E; Findings for Use Permit); and

4. Approve Use Permit No. PA-2000012 with the attached Conditions of Approval (Attachment F; Conditions of Approval).

Attachments:

Attachment A – Site Plan
Attachment B – Response Letters
Attachment C – Environmental Document
Attachment D – Mitigation Monitoring and Reporting Plan
Attachment E – Findings for Use Permit
Attachment F – Conditions of Approval
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Attachment A
Site Plan
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Attachment B
Response Letters
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BUILDING CODE REQUIREMENTS: The following California Building Code (CBC) and San Joaquin County Ordinance requirements will be applicable to the proposed project. The following conditions shall be addressed prior to submittal of a building permit application to the Building Inspection Division:

1. A building permit for each separate structure or building is required. Submit plans, Specifications and supporting calculations, prepared by a Registered Design Professional (architect or engineer) for each structure or building, showing compliance with the 2019 California Building, Existing Building, Mechanical, Plumbing, Electrical, Energy and Fire Codes as may be applicable. Plans for the different buildings or structures may be combined into a single set of construction documents.

2. A grading permit will be required for this project. Submit plans and grading calculations, including a statement of the estimated quantities of excavation and fill, prepared by a Registered Design Professional. The grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of the code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of the code.

3. The required plans must be complete at the time of submittal for a building permit. Plans must address building design and construction, fire and life safety requirements, accessibility and show compliance with the current California codes and San Joaquin County ordinances. A complete set of plans must include fire sprinkler plans, truss design submittals, metal building shop drawings, structural plans and calculations, plumbing, electrical and mechanical drawings and energy report.

4. A soils report is required pursuant to CBC § 1803 for foundations and CBC appendix § J104 for grading. All recommendations of the Soils Report shall be incorporated into the construction drawings.

5. For each proposed new building, provide the following information on the plans:
   a. Description of proposed use
   b. Existing and proposed occupancy Groups
   c. Type of construction
   d. Sprinklers (Yes or No)
   e. Number of stories
   f. Building height
   g. Allowable floor area
   h. Proposed floor area
   i. Occupant load based on the CBC
j. Occupant load based on the CPC

6. If high piled combustible storage is to be used in a building, an automatic fire sprinkler system will be required.

7. Accessible routes shall be provided per CBC § 11B-206. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve. Where more than one route is provided, all routes must be accessible. §11B-206.2.1

8. At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site. §11B-206.2.2

9. At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility, including mezzanines, which are otherwise connected by a circulation path. §11B-206.2.4

10. Parking spaces will be required to accommodate persons with disabilities in compliance with Chapter 11B of the California Building Code. Note that accessible parking spaces are required for each phase of the project. These parking space(s) shall be located as close as possible to the primary entrance to the building.

11. Adequate sanitary facilities shall be provided for the facility, per the requirements of Chapter 4 of the California Plumbing Code.

12. Pursuant to Section 422.4 of the California Plumbing Code, toilet facilities shall be accessible to employees at all times, should not be more than 500 feet from where employees are regularly employed and accessible by not more than one flight of stairs. The plans shall indicate the location of the toilet facilities and the travel distance from work areas.

13. This project will be required to comply with the Model Water Efficient Landscape Ordinance requirements of the California Code of Regulations, Title 22, Division 2, Chapter 2.7
To: Development Services: Alisa Goulart
From: Fire Prevention: Steve Butler
Subject: PA-2000012(UP)

Project Summary: A Use Permit application for a small winery to be constructed in two (2) phases over five (5) years. Phase 1 includes the construction of a 10,530 square foot winery production building for a variety of uses (work area and barrel storage, refrigerated storage, office, conference room, tank storage & restrooms), and a 2,300 square foot covered crush pad. Phase 2 includes the construction of a 9,930 square foot multi-purpose building for events (event space, kitchen, bar, restrooms & storage), a 1,500 square foot wine tasting room, a water tower, and a 9,500 square foot expansion to Phase 1 winery production building. The project site is located at 20814 N. Davis Rd, Lodi.

The following 2019 California Fire Code (CFC) requirements will be applicable to the proposed project. The following conditions shall be addressed prior to submittal of a building permit application to the Building Inspection Division.

1. CFC 507 Fire Protection
   Water Supply - Fire flow and hydrants shall be provided for the proposed project by the use of: CFC Appendix B.

2. If Fire Protection Systems are required they shall be installed according to the CFC, Chapter 9 and the appropriate standards and guides adopted in Chapter 35 of the California Building Code and the California Electrical Code.

3. CFC, Section 503 Fire Apparatus Access Roads - Shall be provided as required by this section. 503.1.2 - A secondary access may be required.

4. CFC, Section 906 Portable Fire Extinguishers - Provide portable fire extinguishers as required by this section.

5. CFC, Section 506 Key Box - A Knox® Box shall be installed according to the local fire department’s instructions. Make application for the key box at the fire district having jurisdiction of this project. If there is an electronically controlled access gate at this site a Knox® key switch will also be required.

6. CFC, Section 5001.3.3.1 Properties of Hazardous Materials – A complete list of hazardous materials used and or stored at this site shall be provided.

7. A complete review, at building permit submittal, will require compliance with applicable codes and ordinances.

8. CFC, Section 105 Permits: Operational Permit(s) may be required prior to occupancy.
February 25, 2020

MEMORANDUM

TO: Community Development Department
CONTACT PERSON: Alisa Goulart

FROM: Alex Chetley, Engineering Services Manager
Development Services Division

SUBJECT: PA-2000012; A Use Permit application for a small winery to be constructed in two (2) phases over five (5) years. Phase 1 includes the construction of a 10,530 square foot winery production building for a variety of uses (work area and barrel storage, refrigerated storage, office, conference room, tank storage and restrooms) and a 2,300 square foot covered crush pad. Phase 2 includes the construction of a 9,930 square foot multi-purpose building for events (event space, kitchen, bar, restrooms and storage), a 1,500 square foot wine tasting room, a water tower and a 9,500 square foot expansion to the Phase 1 winery production building. Daily winery operations are planned for eight (8) hours per day 9 am to 5 pm, seven (7) days per week with six (6) employees with an average of thirty (30) customers per day Monday through Friday and one hundred (100) customers per day Saturday and Sunday. The winery proposes to have twelve (12) Marketing Events per year with a maximum of three hundred (300) attendees; an average of eighty (80) Small-scale Accessory Winery Events per year with a maximum of eighty (80) attendees; sixty (60) Large-scale Accessory Winery Events per year with a maximum of three hundred (300) attendees; and four (4) Wine Release events per year with a maximum of 300 attendees; located on a private easement 2,600 feet east of North Davis Road, 1 mile south of Pelicer Road, Lodi. (Supervisorial District 4)

PROPERTY OWNER: 157 California Reserve, Inc.
ADDRESS: 20814 N. Davis Road, Lodi

INFORMATION:
The site is currently located within a Federal Emergency Management Agency Designated Flood Hazard Area designated as Zone A, AH & AE. The 100-Year Flood Elevation will be approximately 46-feet NAVD 1988.

The site is within the Phase 2 area of the National Pollutant Discharge Elimination System (NPDES).

REQUIREMENTS:
The applicant shall complete the following requirements before the Department of Public Works can support or deem complete the application for this project:

1. A traffic study shall be required to determine the impacts and mitigation of the proposed project. The developer shall deposit funds with the County for all costs, as estimated by the Department of Public Works Transportation Engineering Division, prior to Department of Public Works preparing or contracting for the required study. (Development Title Section 9-1150.4)

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RECEIVED
Feb 27 2020

San Joaquin County
Community Development

Department of Public Works
Kris Balaji, Director of Public Works
Fritz Buchman, Deputy Director/Development
Jim Stone, Deputy Director/Operations
Najee Zarifi, Interim Deputy Director/Engineering
Kristi Rhea, Manager of Strategic Initiatives
Upon satisfaction of the above requirements, the following Conditions of Approval shall apply. Additional and/or revised Conditions of Approval may be necessary based upon the completed application.

RECOMMENDATIONS:

1) The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be flopped with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-1135)

2) All vehicular parking related to applicant's proposed development shall be onsite at all times. Parking in the County right-of-way for all winery related events shall be prohibited. It is the responsibility of applicant to monitor Davis Road to ensure compliance with this requirement.

3) The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolution R-00-433)

4) The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)

5) A copy of the Final Site Plan shall be submitted prior to release of building permit.

6) This project falls within the definition of a Regulated Project as defined in either the County Post-Construction Standards Manual or the County Phase II National Pollutant Discharge Elimination System (NPDES) permit and shall comply with the following conditions:
   a) A registered professional engineer shall design a system or combination of systems to infiltrate, treat, and/or filter the 85th percentile storm drainage as defined in the County's 2015 "Multi-Agency Post-Construction Stormwater Standards Manual" or the "California Association of Storm Water Quality Agencies" (CASQA) publications and comply with the conditions of the County Phase II National Pollutant Discharge Elimination System (NPDES) permit. CASQA documents are available at http://www.casqa.org. Plans and/or calculations of the proposed system shall be submitted to the County for review and approval prior to clearance for plan check.
   b) Permit Registration Documents (PRD's) shall be filed with the State Water Resources Control Board (SWRCB) to comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity" . The Waste Discharge Identification (WDID) Number issued by SWRCB shall be submitted to the Department of Public Works for the file. Contact SWRCB at (916) 341-5537 for further information. Coverage under the SWRCB General Construction Permit Order 2009-0009-DWQ shall be maintained throughout the duration of all phases of the project.
c) Applicant shall submit a “Storm Water Pollution Prevention Plan” (SWPPP) to Public Works for review. A SWPPP preparation guide is available at the Department of Public Works. A copy of the approved SWPPP and all required records, updates, test results and inspection reports shall be maintained on the construction site and be available for review upon request. The post construction chapter of the SWPPP must identify expected pollutants and how they will be prevented from entering the storm system. The chapter shall also contain a maintenance plan, a spill plan, and a training plan for all employees on proper use, handling and disposal of potential pollutants. The example plans are available in the SWQCCP and CASQ handbooks.

d) Application shall develop a hydromodification management plan to ensure the post-project stormwater runoff flow rate shall not exceed estimated pre-project flow rates for the 2-year 24-hour storm. The hydromodification management plan shall be incorporated into the Project Stormwater Plan prior to clearance for plan check.

e) Owner shall be responsible for providing the County with an annual report of operation and maintenance of any system. The property owner shall also be responsible for the payment to the County of an annual system inspection fee established by Resolution of the Board of Supervisors.

f) A Maintenance Plan shall be submitted and the execution and recordation of a Maintenance Agreement with San Joaquin County will be required for the owner/operator of stormwater controls prior to the release of the building permit.

g) Standard Best Management Practices for the type of development proposed shall be incorporated into the site storm drainage design.

h) Wastewater shall NOT be allowed into the storm drainage system.

i) Documentation shall be provided showing the owner has verified if an Industrial Storm Water Permit is required from the State Water Resource Control Board (SWRCB).

j) All new construction and the substantial improvement of any structure, including conversion of existing structures, in the area of special flood hazard shall be elevated or floodproofed in accordance to San Joaquin County Ordinance Code Section 9-1605.12 (a), (b) and (c).

k) No structures, fill, grading or other construction activity shall occur within the designated floodway of the Mokelumne River.

l) No structures will be allowed within 10 feet of the toe of the Mokelumne River Levee.
MEMORANDUM

TO: Community Development Department
CONTACT PERSON: Alisa Goulart

FROM: Alex Chetley, Engineering Services Manager
Development Services Division

SUBJECT: PA-2000012; A Use Permit application for a small winery to be constructed in two (2) phases over five (5) years. Phase 1 includes the construction of a 10,530 square foot winery production building for a variety of uses (work area and barrel storage, refrigerated storage, office, conference room, tank storage and restrooms) and a 2,300 square foot covered crush pad. Phase 2 includes the construction of a 9,930 square foot multi-purpose building for events (event space, kitchen, bar, restrooms and storage), a 1,500 square foot wine tasting room, a water tower and a 9,500 square foot expansion to the Phase 1 winery production building. Daily winery operations are planned for eight (8) hours per day 9 am to 5 pm, seven (7) days per week with six (6) employees with an average of thirty (30) customers per day Monday through Friday and one hundred (100) customers per day Saturday and Sunday. The winery proposes to have twelve (12) Marketing Events per year with a maximum of three hundred (300) attendees; an average of eighty (80) Small-scale Accessory Winery Eventers per year with a maximum of eighty (80) attendees; sixty (60) Large-scale Accessory Winery Events per year with a maximum of three hundred (300) attendees; and four (4) Wine Release events per year with a maximum of 300 attendees; located on a private easement 2,600 feet east of North Davis Road, 1 mile south of Peltier Road, Lodi. (Supervisorial District 4)

PROPERTY OWNER: 157 California Reserve, Inc.
APPLICANT: John Vierra

ADDRESS: 20814 N. Davis Road, Lodi

INFORMATION:
The site is currently located within a Federal Emergency Management Agency Designated Flood Hazard Area designated as Zone A, AH & AE. The 100-Year Flood Elevation will be approximately 40-feet NAVD 1988.
The site is within the Phase 2 area of the National Pollutant Discharge Elimination System (NPDES).
REQUIREMENTS:

The applicant shall complete the following requirements before the Department of Public Works can support or deem complete the application for this project:

1) A traffic study shall be required to determine the impacts and mitigation of the proposed project. The developer shall deposit funds with the County for all costs, as estimated by the Department of Public Works Transportation Engineering Division, prior to Department of Public Works preparing or contracting for the required study. (Development Title Section 9-1150.4)

Upon satisfaction of the above requirements, the following Conditions of Approval shall apply. Additional and/or revised Conditions of Approval may be necessary based upon the completed application.

RECOMMENDATIONS:

1) The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-1135)

2) All vehicular parking related to applicant’s proposed development shall be onsite at all times. Parking in the County right-of-way for all winery related events shall be prohibited. It is the responsibility of applicant to monitor Davis Road to ensure compliance with this requirement.

3) The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolution R-00-433)

4) The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)

5) A copy of the Final Site Plan shall be submitted prior to release of building permit.

6) This project is a NPDES Phase II regulated area and shall comply with the following conditions. Prior to release of the building permit, plans and calculations shall be submitted and approved by the Public Works Department – Water Resources Division (209-468-9360):

   a) Treatment: A registered professional engineer shall design the site to treat the 85th percentile storm as defined in the County’s 2021 Storm Water Quality Control Criteria Plan (SWQCCP).

   b) Hydromodification: A registered professional engineer shall design the site to comply with the volume reduction requirement outlined in the County’s 2021 SWQCCP.
7) Applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity". The Waste Discharge Identification Number (WDID), issued by SWRCB, shall be submitted to Public Works for file. Contact the SWRCB at (916) 341-5537 for further information.

8) Applicant shall submit the Storm Water Pollution Prevention Plan (SWPPP) to Public Works. A copy of the approved SWPPP and all required records, updates, test results and inspection reports shall be maintained on the construction site and be available for review upon request.

9) Prior to release of the building permit, the owner shall enter into an agreement with San Joaquin County for post-construction maintenance of stormwater quality facilities.

10) Documentation shall be provided showing the owner has verified if an Industrial Storm Water Permit is required from the State Water Resource Control Board (SWRCB).

11) All new construction and the substantial improvement of any structure, including conversion of existing structures, in the area of special flood hazard shall be elevated or flood proofed in accordance to San Joaquin County Ordinance Code Section 9-1605.12 (a) b, (b) and (c).

12) No structures, fill, grading or other construction activity shall occur within the designated floodway of the Mokelumne River.

13) No structures will be allowed within 10 feet of the toe of the Mokelumne River Levee.

Informational Notes:
(i.) Standard Best Management Practices for the type of development proposed shall be incorporated into the site storm drainage design.

(ii.) Wastewater shall NOT be allowed into the storm drainage system.

AC:CH
02/25/2020

To: San Joaquin County Community Development Department  
Attention: Alisa Goulart  

From: Aaron Gooderham; (209) 468-3442  
Environmental Health Specialist  

RE: PA-2000012 (UP), Early Consultation, SU0013002  
20814 North Davis Road, Lodi  

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

1) A soil suitability and nitrate loading study incorporating proposed staff, customer and all existing and proposed onsite wastewater treatment use shall be submitted to the Environmental Health Department, indicating that the area is suitable for septic system usage. The studies must be approved by the Environmental Health Department prior to issuance of a building permit. (San Joaquin County Development Title, Section 9-1105.2(d)).

The review fee will be based on the current schedule at the time of payment.

a) Construction of an individual sewage disposal system(s) under permit and inspection by the EHD is required at the time of development based on the soil suitability & nitrate loading study findings (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4).

2) Submit to the Environmental Health Department revised site plans showing the location and configuration of any existing and proposed sewage disposal systems, along with the area required to be reserved for future sewage disposal repair/replacement (area for 100% sewage disposal replacement) prior to issuance of building permit(s). The plans shall include the design calculations, including the maximum number of persons the sewage disposal system is proposed to serve. In addition, show on revised plans that the disposal field area will be barricaded so it cannot be driven over, parked on, or used as a storage area. This disposal field area must be used for that specific purpose only, and it cannot contain any underground utility lines (San Joaquin County Development Title, Section 9-1110.4(c)(5)).

3) All Onsite Wastewater Treatment Systems (OWTS) must comply with San Joaquin County Local Agency Management Program (LAMP) and current OWTS standards.

a) No leach line shall be under concrete, pavement, or be driven over, parked on, or used as a storage area. (San Joaquin County Onsite Wastewater Treatment Systems Standards, Section 9.5.4).
b) Only domestic sewage is allowed to discharge into the OWTS. No basement, footing or surface drainage or discharge from water softener, iron filter, pool filters, or water treatment systems shall be permitted to enter any part of the OWTS (San Joaquin County OWTS Standards 1.10.1).

c) Prohibited discharges into OWTS include: automobile and garage waste, storm drainage, solvents and toxics, solids, garbage, kitchen wastewater from restaurant or bar, air conditioners, hazardous wastes, backwash, truck terminal wastes, recreational vehicle holding tank waste, industrial and manufacturing waste, and food processing wastes (San Joaquin County Development Title, Section 9-1110.7 and San Joaquin County OWTS).

4) Out of service well (SR0043691) shall be either destroyed under permit and inspection by Environmental Health Department (EHD) or put back in service under EHD permit prior to issuance of building permit (San Joaquin County Development Title, Section 9-1115.5(e).

5) The existing private water wells that will be used for drinking water for the project shall be tested for coliform and E. coli bacteria, the chemical Dibromochloropropane (DBCP) and nitrates with the results submitted to the Environmental Health Department prior to issuance of building permit(s). Samples are to be taken and analyzed by a State-approved laboratory (San Joaquin County Development Title, Section 9-1115.7).

6) Applicant shall contact Robert McClellan, Program Coordinator, Small Public Water System Program, at (209) 468-0332, to determine if the existing well can be permitted as a public water system prior to issuance of building permits.

a) If a public water system is required, applicant shall submit a Small Public Water System preliminary technical report to the California State Water Resources Control Board, Division of Drinking Water (Water Board) at least six months before initiating construction of any water related improvement, as defined. The issuance of a permit to operate a small public water system by the local primacy agency (EHD) is prohibited without the concurrence of the Water Board. Please contact Brian Kidwell, P.E. with the SWRCB Division of Drinking Water at (209): 948-3963 concerning the requirements for preliminary technical report submittal prior to issuance of building permits.

b) If the Water Board determines that an onsite well shall be used as the potable water source, a permit application to operate Small Public Water System shall be submitted to the EHD for approval prior to issuance of building permits. To issue a permit to operate, concurrence from the Water Board is required. A yearly permit to operate a public water system will be required by the EHD prior to sign off of the certificate of final occupancy (San Joaquin County Development Title, Section 9-1120.2 and 9-1115.9).c) The supplier must possess adequate financial, managerial, and technical capability to assure delivery of pure, wholesome, and potable drinking water in accordance with San Joaquin County Development Title, Sections 9-1120.2 and 9-1115.9 and C.C.R., Title 22, and Health and Safety Code, Section 116525-116570.

7) Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-1115.3 and 9-1115.6)

8) Applicant will need to get written approval from a public entity for the disposal of winery wastewater by removal of winery wastewater to an offsite disposal facility or from the Central Valley Regional Water Quality Control Board for discharge to land. That written approval shall
be presented to the Environmental Health Department prior to issuance of building permit and/or final occupancy approval (San Joaquin County Development Title, Section 9-1125.5).

a) Applicant will need to get written approval from a public entity that will accept the proposed winery waste should applicant propose to haul winery wastewater offsite. That written acceptance shall be presented to the Environmental Health Department prior to issuance of building permit and/or final occupancy approval.

9) If the winery plans to be a host kitchen to any catering operation or catering event, a permit must be obtained from EHD for a Host Facility Permit. The applicant may contact Jeff Carruesco, Program Coordinator, Consumer Programs at (209) 468-3438 with questions.

10) Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at cers.calepa.ca.gov and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases). The applicant may contact the Program Coordinator of the CUPA program, Muniappa Naidu (209) 468-3439, with any questions.

a) Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. - Hazardous Waste Program (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)

b) Onsite treatment of hazardous waste – Hazardous Waste Treatment Tiered Permitting Program (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)

c) Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County – Hazardous Materials Business Plan Program (HSC Sections 25508 & 25500 et sec.)

d) Any amount of hazardous material stored in an Underground Storage Tank – Underground Storage Tank Program (HSC Sections 25286 & 25280 et sec.)

i) If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.

ii) Additionally, an EHD UST permit to operate is required once the approved UST system is installed.

e) Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault – Aboveground Petroleum Storage Program (HSC Sections 25270.6 & 25270 et sec.)

i) Spill Prevention, Countermeasures and Control (SPCC) Plan requirement

f) Threshold quantities of regulated substances stored onsite - California Accidental Release Prevention (CalARP) Program (Title 19, Section 2735.4 & HSC Section 25531 et sec.)

i) Risk Management Plan requirement for covered processes
February 25, 2022

To: San Joaquin County Community Development Department
Attention: Alisa Goulart

From: Naseem Ahmed; (209) 468-3436
Senior Registered Environmental Health Specialist

RE: PA-2000012 (UP), Referral, SU0013002
20814 N. Davis Rd, Lodi

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

1. Applicant shall contact Robert McClellan, Program Coordinator, Small Public Water System Program, at (209) 468-0332, to determine if the existing well can be permitted as a public water system prior to issuance of building permits. If a public water system is required, applicant shall submit a Small Public Water System preliminary technical report to the California State Water Resources Control Board, Division of Drinking Water (Water Board) at least six months before initiating construction of any water related improvement, as defined. The issuance of a permit to operate a small public water system by the local primacy agency (EHD) is prohibited without the concurrence of the Water Board. Please contact Brian Kidwell, P.E. with the SWRCB Division of Drinking Water at (209) 948-3963 concerning the requirements for preliminary technical report submittal prior to issuance of building permits.

If the Water Board determines that an onsite well shall be used as the potable water source, a permit application to operate Small Public Water System shall be submitted to the EHD for approval prior to issuance of building permits. To issue a permit to operate, concurrence from the Water Board is required. A yearly permit to operate a public water system will be required by the EHD prior to sign off of the certificate of final occupancy (San Joaquin County Development Title, Section 9-1120.2 and 9-1115.9).

The supplier must possess adequate financial, managerial, and technical capability to assure delivery of pure, wholesome, and potable drinking water in accordance with San Joaquin County Development Title, Sections 9-1120.2 and 9-1115.9 and C.C.R., Title 22, and Health and Safety Code, Section 116525 116570.

2. A soil suitability and nitrate loading study incorporating proposed staff and customer use shall be submitted to the Environmental Health Department (EHD), indicating that the area is suitable for septic system usage. The studies must be approved by the EHD prior to issuance of building permit(s). (San Joaquin County Development Title, Section 9-
1105.2(d)). A review fee must be paid at time of submittal to the EHD. The review fee will be based on the current schedule at the time of payment.

The sewage disposal system shall comply with the on site sewage standards of San Joaquin County prior to approval. A percolation test that meets absorption rates of the manual of septic tank practice or E.P.A. Design Manual for onsite wastewater treatment and disposal system is required for each parcel. A permit fee per percolation hole is required. The review fee will be based on the current schedule at the time of payment.

3. Submit to the Environmental Health Department revised site plans showing the location and configuration of any existing and proposed sewage disposal systems, along with the area required to be reserved for future sewage disposal repair/replacement (area for 100% sewage disposal replacement) prior to issuance of building permit(s). The plans shall include the design calculations, including the maximum number of persons the sewage disposal system is proposed to serve. In addition, show on revised plans that the disposal field area will be barricaded so it cannot be driven over, parked on, or used as a storage area. This disposal field area must be used for that specific purpose only, and it cannot contain any underground utility lines (San Joaquin County Development Title, Section 9-1110.4(c)(5)).

4. Construction of an individual sewage disposal system(s) under permit and inspection by the EHD is required at the time of development based on the soil suitability / nitrate loading study findings (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4).

5. The existing private water wells shall be tested for the chemical Dibromochloropropane (DBCP) and nitrates with the results submitted to the Environmental Health Department prior to issuance of building permit(s). Samples are to be taken and analyzed by a State-approved laboratory (San Joaquin County Development Title, Section 9-1115.7).

6. Applicant will need to get written approval from a public entity for the disposal of winery wastewater by removal of winery wastewater to an offsite disposal facility or from the Central Valley Regional Water Quality Control Board for discharge to land. That written approval shall be presented to the Environmental Health Department prior to issuance of building permit and/or final occupancy approval (San Joaquin County Development Title, Section 9-1125.5).

   Applicant will need to get written approval from a public entity that will accept the proposed winery waste should applicant propose to haul winery wastewater offsite. That written acceptance shall be presented to the Environmental Health Department prior to issuance of building permit and/or final occupancy approval.

7. Out of service well (SR0043691) shall be either destroyed under permit and inspection by Environmental Health Department (EHD) or put back in service under EHD permit prior to issuance of building permit (San Joaquin County Development Title, Section 9-1115.5(e)).

8. If the winery plans to act as a host kitchen to any catering operation or catering event, a permit must be obtained from EHD for a Host Facility Permit. The applicant may contact Jeff Carruesco, Program Coordinator, Consumers Program at 209-468-3438 with questions.
9. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-1115.3 and 9-1115.6)

10. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at cers.calepa.ca.gov and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases).

A. Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. – **Hazardous Waste Program** (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)

B. **Onsite treatment** of hazardous waste – **Hazardous Waste Treatment Tiered Permitting Program** (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)

C. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County – **Hazardous Materials Business Plan Program** (HSC Sections 25508 & 25500 et sec.)

D. **Any amount** of hazardous material stored in an Underground Storage Tank – **Underground Storage Tank Program** (HSC Sections 25286 & 25280 et sec.)
   a) If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.
   b) Additionally, an EHD UST permit to operate is required once the approved UST system is installed.

E. **Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault** – **Aboveground Petroleum Storage Program** (HSC Sections 25270.6 & 25270 et sec.)
   a) **Spill Prevention, Countermeasures and Control (SPCC) Plan requirement**

F. **Threshold quantities of regulated substances stored onsite** - **California Accidental Release Prevention (CalARP) Program** (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
   a) **Risk Management Plan requirement for covered processes**
Good morning Alisa,

Apologies for the confusion. If the CDD participates in the SJM HSCP, then it will be sufficient for incidental take coverage of Swainson’s hawk (SWHA). The CDD will have CESA take coverage as long as it purchases the appropriate credits (nest credits versus foraging credits), pays the fees, and follows the minimization measures as outlined in the SJMSHCP. The SJMSHCP will have SWHA credits for mitigation, an application for coverage, and mitigation measures for SWHA avoidance. The CDD will need to get approval from the TAC, which meets monthly. When the CDD participates in the SJMSHCP, SJCOG will be responsible for review and “approval” of any plans.

Thanks,

Harvey Tran
Environmental Scientist
California Department of Fish and Wildlife
Region 2 - North Central Region
Habitat Conservation Program
(916) 358-4035

Good afternoon,

Thank you for your comments on this project.

Regarding your comments on nesting birds and Swainson’s hawk, Community Development Department staff has confirmed that the applicant will participate in the San Joaquin County Council of Governments (SJCOG) Multi Species and Habitat Conservation Plan (SJMSCP). This has been included as both a mitigation measure, and will be contained in the project Conditions of Approval and Mitigation Monitoring and Reporting Plan. The applicant must pay all fees and secure a release from SJCOG prior to issuance of any building and/or grading permits related to the project.

Regarding your comments on riparian habitat adjacent to the Mokelumne River, the San Joaquin
County Development Title requires avoidance of riparian habitats through ordinance standards:

**9-1510.5 NATURAL BANK BUFFER.**

Parallel to any natural bank of a waterway, a natural open space for riparian habitat and waterway protection shall be maintained to provide nesting and foraging habitat and the protection of waterway quality. The minimum width of said open space shall be one hundred (100) feet, measured from the mean high water level of the natural bank or fifty (50) feet back from the existing riparian habitat, whichever is greater. Water-dependent uses may be permitted in this buffer. [Ord. 3675]

This ordinance requirement will be included in the necessary Conditions of Approval for the proposed project. As a result, no impact on the riparian habitat is expected with this application.

However, the Community Development Department has reviewed your comments and understands that you are proposing measures that are above and beyond participation in the SJMSCP. CDD will consider the additional requirements as proposed by CDFW but to include them as mitigation measures or conditions of approval will require CDFW to confirm it will review and approve any plans submitted to CDFW in a timely manner since the review will require expertise that CDD does not possess. CDFW’s approval could be communicated through a confirmation email stating that the applicants have met the required measures/conditions, or by requiring the applicant to obtain a sign-off or release from CDFW prior to issuance of a building and/or grading permit.

Please respond with the following information by Friday, November 4, 2022:

1. Confirmation that CDFW will provide review and “approval” of any plans
2. How CDFW would like to sign off on whether the measures or conditions have been met
3. Confirmation that CDFW will acknowledge any take permit that is issued through participation in the SJMSCP as satisfactory, and that no additional take permit will be required.

Thank you again for your comments. Please feel free to contact me at any time.

Alisa Goulart
Associate Planner
Community Development Department
Main Office: (209) 468-3121
Direct: (209) 468-0222
Fax: (209) 468-3163
Please also visit us On-line: https://www.sjgov.org/commdev

**NOTE - CHANGE IN LOBBY HOURS:** The lobby for the Community Development
To Whom It May Concern:

The California Department of Fish and Wildlife (CDFW) appreciates the opportunity to comment on the Notice of Intent of San Joaquin County to adopt the Initial Study - Mitigated Negative Declaration (MND) for the PA-2000012 - Use Permit (Project). CDFW is responding to the Notice of Intent as a Trustee Agency for fish and wildlife resources (Fish & G. Code, §§ 711.7 & 1802, and CEQA Guidelines, §§ 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 et seq.) and/or a California Endangered Species Act (CESA) Permit for incidental take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

The Project is located 0.5 miles east of N. Davis Rd., 1 mile south of W. Peltier Rd., Lodi in San Joaquin County. The Project proposes to establish a small winery in 2 phases over 5 years. Phase 1 includes the construction of a 10,530-square-foot winery production building, with processing area, barrel storage, refrigerated storage, tanks, office, conference room, & restrooms; and a 2,300-square-foot, covered crush pad. Phase 2 includes the construction of a 9,930-square-foot multipurpose building with event space, kitchen, bar, restrooms and storage; a 1,500-square-foot wine tasting room; a 9,500-square-foot expansion to the Phase 1 winery production building; and a water tower. The Project may require the removal of several trees.

CDFW recommends the following items be addressed in the planning of the Project:

Comment 1: Nesting birds
Aerial imagery (Google Earth) of the Project area shows mature trees within the site and bordering southeast of the site next to the Mokelumne River. These trees can provide potential nest habitat to migratory birds and raptors during the avian nesting season of February 1 to August 31. CDFW recommends the applicant review and consider Fish and Game Code sections 3503, 3503.5, 3515, 4150 and 4152, which provide protection to nongame birds, migratory birds, birds of prey, their
nests and eggs. Because potential habitat for nesting birds and birds of prey may be present within the Project area, the proposed Project should disclose all future potential activities that may incur a direct or indirect take to nongame nesting birds within the Project footprint and its close vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take should be included in the future Project planning, especially if potential nesting trees are being removed. Measures to avoid the impacts should include species specific work windows, biological monitoring, installation of noise attenuation barriers, etc.

**Comment 2: Swainson’s hawk**

The nesting birds mentioned in Comment #1 above may also include Swainson’s hawk (SWHA) which is a species listed as a threatened under the California Endangered Species Act (CESA). Besides the suitable nesting trees in and around the Project area, there is also suitable foraging habitat around the Project area. California Natural Diversity Database (CNDDB) has a record of one previous SWHA occurrence within 0.5 miles of the Project area.

If future development of the Project area is to occur, CDFW recommends a qualified biologist conduct a Swainson’s hawk (Buteo swainsoni) survey within a minimum 1/2-mile radius around the project area. Surveys should be conducted according to the following five-period schedule in accordance with the “Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley (Swainson’s Hawk Tech. Advis. Comm., 5/2000):”

- January to March 20: One (1) Survey, All Day
- March 20 to April 5: Three (3) Surveys, Sunrise to 1000 / 1600 to Sunset
- April 5 to April 20: Three (3) Surveys, Sunrise to 1200 / 1630 to Sunset
- April 21 to June 10: Monitoring
- June 10 to July 30: Three (3) Surveys, Sunrise to 1200 / 1600 to Sunset

If an occupied nest is found, the applicant should consult with CDFW and demonstrate compliance with CESA. CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the California Endangered Species Act (CESA). CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in “take” (Fish & G. Code § 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of CESA-listed species, either through construction or over the life of the Project.

**Comment 3: Riparian habitat**

Riparian habitat is located east of the Project area bordering the Mokelumne River. The Mitigated Negative Declaration indicates that several trees will be removed and Project impacts to riparian habitat is expected to be less than significant (MND page 12). Based on the Site Plan, it is unclear if construction will impact the bordering riparian trees of the Mokelumne River. Additionally, please note that mass grading of the areas for the structures may result in sediment ending up in the bed, bank, channel, and riparian areas of Mokelumne River based on the area topography. CDFW requests clarification on whether the Project will impact the Mokelumne River and its bordering riparian habitat. Section 1602 of the Fish and Game Code requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following:
• substantially divert or obstruct the natural flow of any river, stream or lake;
• substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
• deposit debris, waste or other materials that could pass into any river, stream, or lake.

Please note that “any river, stream or lake” includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. Watercourses with subsurface flow often influence vegetation communities (riparian).

If CDFW determines that the Project activities may substantially adversely affect an existing fish or wildlife resource based on a Project notification under Fish and Game Codes Section 1602, a Lake and Streambed Alteration (LSA) Agreement will be issued which will include reasonable measures necessary to protect the resource. Early consultation with CDFW is recommended, since modification of the Project may avoid or reduce impacts to fish and wildlife resources.

Please note that when acting as a responsible agency, CEQA guidelines section 15096, subdivision (f) requires CDFW to consider the CEQA environmental document prepared by the lead agency prior to reaching a decision on the Project. Addressing CDFW’s comments and disclosing potential Project impacts on CESA-listed species and any river, lake, or stream; and providing adequate avoidance, minimization, mitigation, monitoring and reporting measures; will assist CDFW with the consideration of the MND.

Thank you.

Harvey Tran
Environmental Scientist
California Department of Fish and Wildlife
Region 2 - North Central Region
Habitat Conservation Program
(916) 358-4035

From: Martorella, Domenique [CDD] <dmartorella@sjgov.org>
Sent: Thursday, February 17, 2022 2:38 PM
To: Clayton, Jay [CDD] <jayclayton@sjgov.org>; Niemeyer, Jeff [CDD] <jninemeyer@sjgov.org>; Butler, Steve [CDD] <sbutler@sjgov.org>; Guerrero, Delia [PW] <dguerrero@sjgov.org>; Heylin, Christopher [PW] <cheylin@sjgov.org>; ehlanduse [EHD] <ehlanduse@sjgov.org>; DeBord, Rachel [COB] <rdebord@sjgov.org>; Warmerdam, Denise [BOS] <dwarmerdam@sjgov.org>; ceqa@valleyair.org; Laurel Boyd <boyd@sjcog.org>; Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>; iyan@bytribe.com; pgeplanreview@pge.com; mescobedo@cttp.net; Sahota, Bhupinder@Waterboards <Bhupinder.Sahota@waterboards.ca.gov>; Merab Talamantes <mtalamantes@sjsRTD.com>; msmith@adamsbroadwell.com; aembers@adamsbroadwell.com; Hannah@lozeaudrury.com; Sophie@lozeaudrury.com; michael@lozeaudrury.com
February 5, 2020

Alisa Goulart, Project Planner
San Joaquin County
Community Development Department
1810 East Hazleton Avenue
Stockton, California 95205

Dear Ms. Goulart:

This is in response to your request for comments regarding Application Referral Early Consultation Application Number PA 2000012 (UP), Use Permit application, (APN/Address: 013-090-33, -34, -35/20814 North Davis Road, Lodi).

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of San Joaquin (Community Number 060299), Maps revised October 20, 2016 and City of Lodi (Community Number 060300), Maps revised October 16, 2009. Please note that the City of Lathrop, San Joaquin County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

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

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any development must not increase base flood elevation levels. The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials. A hydrologic and hydraulic analysis must be performed prior to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

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

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community’s floodplain manager for more information on local floodplain management building requirements. The Lodi floodplain manager can be reached by calling Charles E. Swimley, Public Works Director, at (209) 333-6706. The San Joaquin County floodplain manager can be reached by calling John Maguire, Engineering Services Manager, at (209) 953-7617.

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

Sincerely,

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

cc:
Charles E. Swimley, Director, Public Works Department, City of Lodi
John Maguire, Engineering Services Manager, Flood Management Division, Public Works Department, San Joaquin County
Ray Lee, WREA, State of California, Department of Water Resources, North Central Region Office
Patricia Rippe, Senior Floodplain Management Specialist, DHS/FEMA Region IX
Julia Gillespie, Floodplain Management Specialist, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

www.fema.gov
Dear Mr. Sanfilippo:

SJ COG, Inc. has reviewed the application referral for PA-2000012 (UP). This project consists of a Use Permit application for a small winery to be constructed in two (2) phases over five (5) years. Phase 1 includes the construction of a 10,530 square foot winery production building for a variety of uses (work area and barrel storage, refrigerated storage, office, conference room, tank storage & restrooms) and a 2,300 square foot covered crush pad. Phase 2 includes the construction of a 9,930 square foot multi-purpose building for events (event space, kitchen, bar, restrooms & storage), a 1,500 square foot wine tasting room, a water tower, and a 9,500 square foot expansion to the Phase 1 winery production building. Daily winery operations are planned for eight (8) hours per day 9 am to 5 pm, seven (7) days per week with six (6) employees with an average of thirty (30) customers per day Monday through Friday and 100 customers per day on Saturday and Sunday. The winery proposes to have twelve (12) Marketing Events per year with a maximum of eighty (80) attendees; and sixty (60) Large-scale Accessory Winery Events per year with a maximum of 300 attendees; and four (4) Wine Release events per year with a maximum of 300 attendees. Outdoor amplified sound is proposed for use during Marketing Events and Large-scale Accessory events. The site will utilize an on-site private well, septic system, and on-site stormwater drainage. The project site is on a private easement 2,600 feet North of Davis Road, one mile south of Peltier Road, Lodi (APN/Address: 013-090-33, -34, -35/20814 North Davis Road, Lodi).

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

This project is subject to the SJMSCP and is located within the unmapped land use area. Per requirements of the SJMSCP, unmapped projects are subject to case-by-case review. This can be a 90 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package http://www.sjcog.org

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

- Schedule a SJMSCP Biologist to perform a pre-construction survey prior to any ground disturbance
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
  1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant
**SJCOG, Inc.**

1. SJCOG, Inc. must apply 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 circumstances 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 fee for the entirety of the project acreage being covered; or
   b. Dedicate land, in-lieu of fees, either as conservation easements or fee title; or
   c. Purchase approved mitigation bank credits.

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

- Receive your Certificate of Payment and release the required permit

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

If you have any questions, please call (209) 235-0600.
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-2000012 (UP)
Landowner: 157 California Reserve, Inc.  Applicant: John Viera
Assessor Parcel #s: 013-090-33-34-35
T _____ R _____, Section(s): ______
Local Jurisdiction Contact: Alisa Goulart

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.
23 March 2022

Alisa Goulart  
San Joaquin County  
Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 95205  
alisa.goulart@sjgov.org

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, PA-2000012 PROJECT, SCH#2022020414, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse’s 17 February 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the Mitigated Negative Declaration for the PA-2000012 Project, located in San Joaquin County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

**Basin Plan**

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

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by
Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 66-16) 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:
Phase I and II Municipal Separate Storm Sewer System (MS4) Permits
The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

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

Industrial Storm Water General Permit
Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

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.

1 Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.
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/boarddecisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Waste Discharge Requirements – Discharges to Land
The discharge of winery wastewater and residual solids to land is subject to regulation under individual WDRs or Central Valley Water Board Order R5-2015-0005 (the Conditional Waiver of Waste Discharge Requirements for Small Food Processors, Small Wineries and Related Agricultural Processors within the Central Valley Region, or Waiver). The Waiver is structured to regulate winery waste discharge on a tiered basis, based on the volume of waste discharged to land annually. In accordance with California Water Code Section 13260, the project proponent is required to submit a Report of Waste Discharge (RWD) to apply for the Waiver. We recommend that the RWD be submitted 12 to 18 months before the expected startup date.
Pursuant to the State Board’s Onsite Wastewater Treatment Systems Policy, the regulation of the septic system may be regulated under the local agency’s management program.

For more information on waste discharges to land, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_land/index.shtml

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low 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) RS-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 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/

If you have questions regarding these comments, please contact me at (916) 464-4709 or Greg.Hendricks@waterboards.ca.gov.

Greg Hendricks
Environmental Scientist

cc: State Clearinghouse unit, Governor’s Office of Planning and Research, Sacramento
Hi Alisa,

The comment request was for the construction of a 10,350 square foot winery production with a 9,500 square foot expansion later and a 2,300 square foot covered crush pad. Phase 2 includes construction of a 9,930 square foot multi-purpose building, a 1,500 square foot wine tasting room.

Per our phone conversation, after reviewing the project from 2020, the District does not have any comments for this project.

Best regards,

Harout Sagherian
Air Quality Specialist
San Joaquin Valley Air Pollution Control District
1050 E. Gettysburg Ave, Fresno, CA 93726
Harout.Sagherian@valleymir.org
Tel. 559-230-5860
Fax. 559-230-6112

Healthy Air Living
www.healthyairliving.com
Make one change for clean air!
February 24, 2020

Alisa Goulart  
San Joaquin County  
1810 E. Hazelton Ave.  
Stockton, CA 95205

Ref: Gas and Electric Transmission and Distribution

Dear Ms. Goulart,

Thank you for submitting 20814 North Davis Rd - PA-2000012 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](https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf)

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E’s easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe. Ensure a list of the axle weights of all equipment being used is available for PG&E’s Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

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

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

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch
wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches \(\frac{24}{2} + 24 + \frac{36}{2} = 54\) away, or be entirely dug by hand.)

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

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

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

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

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

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

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

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

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.
11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

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

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.
Attachment 2 – Electric Facilities

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

1. Buildings and Other Structures: No buildings or other structures including the footprint 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 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.

5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E’s fee strip(s) and/or easement(s) for electric transmission lines.

6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer’s expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.

7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E’s easement. No trash bins or incinerators are allowed.
8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

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

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

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

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (https://www.dir.ca.gov/Title8/sb5g2.htm), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/oe/G095/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.
March 14, 2022

Alisa Goulart  
San Joaquin County  
1810 E Hazleton Ave  
Stockton, CA 95205

Re: PA-2000012 Small Winery  
20814 N Davis Road, Lodi, CA

Dear Alisa Goulart,

Thank you for giving us the opportunity to review the subject plans. The proposed PA-2000012 Small Winery is within the same vicinity of PG&E’s existing facilities that impact this property.

PG&E operates both overhead and underground electric distribution facilities on this property in areas of proposed development.

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.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E’s Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require.

If you have any questions regarding our response, please contact me at alexa.gardea@pge.com.

Sincerely,

Alexa Gardea  
Land Management  
916-760-5738
Email to be sent to Alisa Goulart, San Joaquin County Project Planner, alisa.goulart@sjgov.org

RE: Application Number: PA-20001212 (UP)

PROPERTY OWNER: 157 California Reserve, Inc.  
67667 Highway 20  
Bend, OR 97701

Applicant: John Vierra  
212 W. Pine St.  
Lodi, CA 95240

Please be advised that as the landowners listed at the end of this email, with property immediately adjoining the half-mile easement from N. Davis Rd., we are opposed to this project for the following reasons:

1. This project will fundamentally change the rural agricultural character of the immediate area and is contrary to over one-hundred- and fifty-years of historical agricultural use. As fourth-generation descendants of ancestors who settled in the 1850s on properties including the property where development is proposed, we were raised in the house built in 1915 at 21030 N. Davis Road, ¼ mile west of Davis Rd, immediately north of the private lane designated to serve the proposed project. If this project proceeds, the peace and tranquility that is a hallmark of this home’s location would be lost forever by the increased flow of traffic to and from the winery and associated proposed amenities. This traffic will not just be from persons attending events but will include vehicles including trucks and delivery vans servicing the winery and events. Furthermore, traffic and event activities will generate annoying noise during evening events.

2. We are very concerned about issues of security and safety associated homes and family farming businesses immediately adjacent to the project. The frequency of people passing by will increase dramatically compromising privacy. Home and farming businesses may experience property crimes associated with persons passing by looking for crimes of opportunity. Currently, owners can monitor traffic and generally know who is passing by. This will not be the case if this project proceeds.

3. Access via the referenced easement is totally inadequate to support what is proposed. The proposal relies on access to the site via a half-mile easement from N. Davis Rd.
   a. The existing road serves as a private driveway serving four residences and farming operations. Unlike a public road, this project will put an extraordinary additional burden on neighbors and will result in a significant and potentially disruptive change of use.
   b. Currently, the one-lane road on this easement varies from eight to ten feet wide, is narrowest as it passes the home mentioned above, and is only marginally improved to support use by the owners of four homes, by farm equipment associated with agricultural operations in the immediate area, and during grape harvest, trucks moving harvested grapes to wineries.
   c. On the immediate south side of the road is a Woodbridge Irrigation District Canal. Therefore, there is little shoulder on the south side. The canal presents the potential for drivers unfamiliar with the road or possibly intoxicated to inadvertently drive into the irrigation canal; clearly an unsafe condition with
potential deleterious consequences. It is common for passing vehicles or farm equipment to have to pull off the road onto the north side unpaved vineyard or bare ground headland to allow vehicles to pass. This is problematic since it causes soil compaction reducing the soil's ability to absorb water runoff from the road. Resulting standing water creates an unsafe condition for any vehicle or farm equipment that must pull off the road. In dry times, dust is generated. This dust flows into the vineyard causing potential crop reduction and fruit unacceptable to wineries.

d. As the road proceeds to the east beyond the home, the shoulder has a hazardous uneven road edge that drops off several inches.

e. During grape harvest, the road experiences heavy use by equipment and trucks at all hours of the day. This condition will exacerbate the potential for accidents.

f. Based on the project application, many events will be “scheduled” beginning and ending at specific times. This means that means the road could be significantly impacted by traffic flow causing disruptions to normal use by neighbors, farm equipment movement, and to timing of cultural operations including cultivation, spraying, and dusting.

g. Currently, no formal arrangement exists for maintaining the existing road since until recent years residents who use the driveway were family and maintenance was shared by informal mutual agreement.

4. The project does not appear to provide any alternative access route to/from the project location in case of an emergency. This could be very problematic for emergency vehicles or if an untimely evacuation is required.

For the reasons cited above, we oppose the county approval of this project.

Jeffrey & Julie Thompson
Property address: 21030 N. Davis Rd., APN 013-080-070-000
Mailing address: 837 Cypress Run, Woodbridge, CA, 95258

Craig Thompson
Property address: 21030 N. Davis Rd., APN 013-080-070-000
Mailing address: 21030 N. Davis Rd., Lodi, CA 95242

Lance & Carol Pierovich
Property address: 21282 N. Davis Rd. APN 013-080-080-000
Mailing address: 22600 N. Webber Lane, Acampo, CA 95220
NJA ARCHITECTURE

Date: 07.12.2022

To Jeffrey & Julie Thompson
Craig Thompson
Lance & Carol Pierovich

Subject: PA-20001212 UP Response Opposition Letter from Neighbors
Project Address: 20814 N Davis Rd, Lodi, CA 95342

Background:

Property owner Celia Hung has been a wine grower and member of the Lodi Grape Growers Association for many years. As a small wine grower, Mrs. Hung's goal for the winery, as many wineries have already accomplished, is elevating the wine region through higher quality wine making and visitor experiences.

1. Winery Use: It is acknowledged that the proposed number of winery events will increase traffic along the access road to and from the proposed winery. The project went through a traffic study to analyze impacts and found the proposed number of events and trips generated would not amount to significant impacts and were found acceptable per the standards set by San Joaquin County for this area and use. The road is currently used on a regular basis by trucks, delivery vans, tractors, agricultural equipment, passenger vehicles and visitors. The traffic and sound studies performed noted no adverse effects. The agricultural character of the site will remain and is a quality highly celebrated among Mokelumne River Appellation wineries. Vineyards currently exist on site and will continue to operate as a key component of the proposed winery.

With that said, and after meeting with neighbors Jeff and Craig Thompson Friday May 27th, Mrs. Hung and design team acknowledge the sensitivity and family history of the area and are open to reducing the number of accessory wine events:

Currently, the project proposes (12) annual marketing events with a maximum of 300 attendees. The number of events proposed conforms with the general limits allowed for the size of winery proposed. In addition, the application is asking for (80) small scale accessory events with a maximum of 80 attendees and (60) large scale accessory events with a maximum of 300 attendees. To reduce traffic frequency, stressed as a significant concern, Mrs. Hung proposes amending the land use permit application as follows for Accessory Winery Events:

www.njaarchitecture.com | 1 of 4
(65) small scale accessory events with a maximum of 80 attendees and (40) large scale accessory events with a maximum of 300 attendees.

2. **Easement Access:** The 20' wide easement meets ingress and egress access requirements for local emergency vehicles. This provides sufficient space for emergency vehicles to safely pass commercial traffic.

Survey staking was conducted on Monday, May 30th after it was mentioned during an in-person meeting Friday, May 27th that the easement may be impacted by the existing canal. Staking shows that the canal was placed well beyond the boundary of the 20 ft access easement.

The existing road is proposed to be improved from its current state as a patchy dirt and asphalt driveway to a fully paved access road at Mrs. Hung's cost. Uneven surfaces will be addressed when the new road is improved.

3. Access to the property meets all emergency requirements, and no alternative routes are necessary. The site includes outdoor refuge areas to ensure all occupants can seek safe refuge in the event of an emergency.

4. **Noise:** Noise was mentioned at our in-person meeting Friday May 27th. The nearest neighbor is to the west, approximately 920 ft west from a proposed winery building.

A sound study was performed that analyzed the existing topography in addition to the structures proposed. Please see exhibits A and B of the two locations sound is proposed. Both exhibits depict noise at acceptable levels of less than 45 decibels approximately 620 ft away from the nearest residence.

The proposed winery will also provide an on-call number to the neighbors that could be reached anytime to address immediate concerns. Remaining a good neighbor is a top priority and the winery will want to maintain a direct conduit of communication at all times.

John Vierra  
Owner, NJA Architecture  
212 W. Pine St., Ste.1  
Lodi, CA 95240  
209.400.6080  
john@njaarchitecture.com
Exhibit A

Black Oak Mountain
Vineyard
El Dorado County, California

Figure 3
Daytime Project Noise Contours
(dBA, Lp) - Event Area 1

Legend
- Proposed Building
- Property Boundary

Scale 1:3,500

Saxelby Acoustics

www.njaarchitecture.com | 3 of 4
December 1, 2022

VIA EMAIL agoulart@sjgov.org

Ms. Alisa Goulart
Associate Planner
Community Development Department
1810 E. Hazelton Ave.
Stockton, CA 95205

Re: 157 California Reserve Winery (PA-2000012 [UP]) – Access Matters

Dear Alisa:

This office represents the applicant on the above-referenced planning application. This letter addresses the following two topics.

1. **Request for Modification of Driveway Standard**

   Per discussions with County staff this week, as authorized by Section 9-1015.9 of the Development Title, my client hereby requests a modification of the twenty-five (25) foot private driveway standard width, resulting in a width of twenty (20) feet. The basis for requesting this modification is threefold.

   First, the project site is served by a 20-ft-wide roadway easement, thereby making a 25-ft-wide driveway infeasible if not physically impossible.

   Second, the fire agency having jurisdiction has determined that a 20 ft. wide driveway is sufficient for emergency vehicle access. Moreover, my client has voluntarily reduced the number of events considered in the Project’s initial study, further reducing any traffic impacts from the Project. Accordingly, public safety will not be affected by the proposed modification and the 25-ft. standard can be deemed excessive.

   Third, while the approximately portion of the driveway that runs across the easement will be limited to twenty-feet in width and provides sufficient room for two-way traffic to pass, the driveway connection to the public roadway (Davis Rd.) will include appropriate wider aprons for ingress and egress as may be required by County
ordinance and the Dept. of Public Works, thereby allowing adequate room for two vehicles to safely enter or exit the driveway at the same time.

2. **Condition of Approval re Limits on Daily Events**

We have no objection to the following condition proposed by the County:

“**A maximum of 1 event may be held on any day.**”

Thank you for your work on this application. Should you have any questions, please feel free to contact me.

Very truly yours,

**McKINLEY, CONGER, JOLLEY & GALARNEAU, LLP**

**BRETT S. JOLLEY**

Attorney-at-Law

cc: Corinne King, Deputy Director of Planning (cking@sjgov.org)
Zoey Merrill, Assistant County Counsel (zmerrill@sjgov.org)
John Vierra, project architect (john@njaarchitecture.com)
Attachment C
Environmental Document
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MITIGATED NEGATIVE DECLARATION

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

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

PROJECT TITLE: Use Permit No. PA-2000012

PROJECT LOCATION: The project site is located 0.5 miles east of N. Davis Rd., 1 mile south of W. Peltier Rd., Lodi, San Joaquin County. (APN/Address: 013-090-09, -33, -35, -36, & -37 / 20814 N. Davis Rd., Lodi) (Supervisorial District: 4)

PROJECT DESCRIPTION: Use Permit to establish a small winery in 2 phases over 5 years. Phase 1 includes the construction of a 10,530-square-foot winery production building, with processing area, barrel storage, refrigerated storage, tanks, office, conference room, & restrooms; and a 2,300-square-foot, covered crush pad. Phase 2 includes the construction of a 9,930-square-foot multipurpose building with event space, kitchen, bar, restrooms and storage; a 1,500-square-foot wine tasting room; a 9,500-square-foot expansion to the Phase 1 winery production building; and a water tower. The project will utilize a private, onsite well and septic system. Natural drainage is proposed for storm water.

Access to the site is via a 0.5 mile easement from N. Davis Rd. Daily winery operations are planned from 9:00 a.m. to 5:00 p.m., 7 days per week. Winery events proposed include: 12 annual Marketing Events with a maximum of 300 attendees, 80 annual Small-scale Accessory Winery Events with a maximum of 80 attendees, 60 annual Large-scale Accessory Winery Events with a maximum of 300 attendees, and 4 annual Wine Release events with a maximum of 300 attendees. Outdoor amplified sound is proposed for use during Marketing Events and Large-scale Accessory events. (Use Type: Wineries and Wine Cellars - Winery, Small).

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

PROPOSITOR: 157 California Reserve, Inc. / John Vierra

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: February 17, 2022

Contact Person:
Alisa Goulart Phone: (209) 468-0222 FAX: (209) 468-3163 Email: alisa.goulart@sjgov.org

Filed Doc #: 39-02182022-053
02/18/2022 11:09:16 AM
Steve J. Bestolarides
San Joaquin County Clerk
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INITIAL STUDY/NEGATIVE DECLARATION
(Pursuant to Public Resources Code Section 21080(c) and California Code of Regulations, Title 14, Sections 15070-15071)

LEAD AGENCY: San Joaquin County Community Development Department

PROJECT APPLICANT: John Vierra, NJA Associates

PROJECT TITLE/FILE NUMBER(S): PA-2000012

PROJECT DESCRIPTION: A Use Permit to establish a small winery in 2 phases over 5 years. Phase 1 includes the construction of a 10,530 sq. ft. winery production building, with processing area, barrel storage, refrigerated storage, tanks, office, conference room, & restrooms; and, a 2,300 sq. ft. covered crush pad. Phase 2 includes the construction of a 5,930 sq. ft. multipurpose building with event space, kitchen, bar, restrooms and storage; a 1,500 sq. ft. wine tasting room; a 9,500 sq. ft. expansion to the Phase 1 winery production building; and, a water tower.

The project will utilize a private, onsite well and septic system. Natural drainage is proposed for storm water.

Access to the site is via a 0.5 mile easement from N. Davis Road. Daily winery operations are planned from 9:00 a.m. to 5:00 p.m., 7 days per week. Winery events proposed include: 12 annual Marketing Events with a maximum of 300 attendees; 80 annual Small-scale Accessory Winery Events with a maximum of 80 attendees; 60 annual Large-scale Accessory Winery Events with a maximum of 300 attendees; and, 4 annual Wine Release events with a maximum of 300 attendees. Outdoor amplified sound is proposed for use during Marketing Events and Large-scale Accessory events. (Use Type: Wineries and Wine Cellars – Winery, Small).

The project site is located 0.5 miles east of N. Davis Road, one mile south of W. Peltier Road, Lodi.

ASSESSORS PARCEL NO(S): 013-090-09: -33, -35, -36, -37

ACRES: 88.63 acres

GENERAL PLAN: A/G and OS/RC

ZONING: AG-40

POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S): Structures totaling 31,460 square feet for use in the small winery and a residence.

SURROUNDING LAND USES:

NORTH: Agricultural with scattered residences
SOUTH: Agricultural with scattered residences; Mokelumne River
EAST: Agricultural with scattered residences
WEST: Agricultural with scattered residences

REFERENCES AND SOURCES FOR DETERMINING ENVIRONMENTAL IMPACTS:
Original source materials and maps on file in the Community Development Department including: all County and City general plans and community plans; assessor parcel books; various local and FEMA flood zone maps; service district maps; maps of geologic instability; maps and reports on endangered species such as the Natural Diversity Data Base; noise contour maps; specific roadway plans, maps and/or records of archeological/historic resources; soil reports and maps, etc.

Many of these original source materials have been collected from other public agencies or from previously prepared EIR's and other technical studies. Additional standard sources which should be specifically cited below include on-site visits by staff (note date); staff knowledge or experience; and independent environmental studies submitted to the County as part of the project application. Copies of these reports can be found by contacting the Community Development Department.

TRIBAL CULTURAL RESOURCES:
Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? No

PA-2000012 – Initial Study
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): California Alcohol and Beverage Control

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

☒ Yes  ☐ No

City: Lodi
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.

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology / Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities / Service Systems
- Wildfire
- 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: [Signature]
Date: 7/16/202X

PA-2000012 – Initial Study
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.
I. AESTHETICS.

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

a) Have a substantial adverse effect on a scenic vista? □ □ □ □ □

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? □ □ □ □ □

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 publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? □ □ □ □ □

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? □ □ □ □ □

Impact Discussion:

a) San Joaquin County is set within the greater San Joaquin Valley, with the delta and large expanses of generally flat, agricultural lands and urban development framed by the foothills of the Diablo Range to the west and the foothills of the Sierra Nevada to the east. According to the County’s General Plan, scenic resources within the County include waterways, hilltops, and oak groves (County of San Joaquin 2035).

The project site is located in a generally flat area with scattered residences, is adjacent to the Mokelumne River, and is surrounded by vineyards and other agricultural production. The project site is currently developed with a residence and is reached via a 0.5-mile private easement off of N. Davis Road. Due to the distance of the proposed winery from the main road, the project would not obstruct views of scenic resources within the vicinity of the project site. Therefore, the project would have a less-than-significant impact associated with scenic vistas.

b) There are two officially designated state scenic highways in San Joaquin County: I-580 and I-5 (County of San Joaquin 2035). I-580 is located approximately 30 miles southwest of the project site. I-5 is located approximately 4 miles west of the project site. Due to distance, the project site is not visible from I-580 or I-5.

In addition, the County has designated 26 roadways within the County as local scenic routes (County of San Joaquin 2035). The nearest locally designated scenic route is Eight Mile Road west of Interstate 5, located approximately 8 miles southwest of the project site, which, due to distance, does not have a view of the project site. Therefore, the project would have a less-than-significant impact associated with scenic resources within a state- or locally-designated scenic highway.

c) The project site is located in a generally flat area and is surrounded by agricultural uses and scattered residences. The project includes the addition of 2 winery buildings totaling approximately 31,000 square feet. The project site is reached via a 0.5-mile private easement off of N. Davis Road. Due to the distance of the proposed winery from the main road, the project would not interfere with the existing views of the site or its surroundings. Therefore, the project would have a less-than-significant impact associated with the existing visual quality or character of the site or its surroundings.

d) The existing lighting and glare conditions in the project area are typical of a rural agricultural area. New lighting for the project would include outdoor building lighting and parking lot lighting. Parking lot lighting standards stipulate that all lighting be designed to confine direct rays to the premises, with no spillover beyond the property line except onto public thoroughfares, provided that such light does not cause a hazard to motorists (Development Title Section 9-1015.5).
Therefore, the project is expected to have a less than significant impact from new sources of light or glare on day or nighttime views in the area.
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 a nonagricultural use?

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

- 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))?

- d) Result in the loss of forest land or conversion of forest land to non-forest use?

- 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?

**Impact Discussion:**

- a) The project parcel is designated as Prime Farmland and Farmland of Local Importance on maps provided by the California Department of Conservation’s Farmland Mapping and Monitoring Program. Pursuant to the General Plan, general agriculture includes agricultural production as well as associated processing, sales, and support uses. The project is a small winery involving the processing of an agricultural product, which is an agricultural use. Therefore, the project would not result in a significant impact with respect to conversion of farmland to a nonagricultural use.

- b) The project site is zoned AG-40 (General Agriculture, 40 acre minimum). A winery is an agricultural use that may be conditionally permitted in the AG-40 zone with an approved Use Permit application; therefore, the project will not conflict with existing zoning. The project parcels are not currently under a Williamson Act contract. However, pursuant to Development Title Section 9-1805, a winery is a compatible use with land under a Williamson Act contract, thus allowing the property to be put under contract if desired by the property owner. Therefore, the project will not conflict with existing zoning.
zoning or a Williamson Act contract.

c-d) There are no forest resources or zoning for forests, lands, or timberland, as defined by Public Resources Code and Government Code, located on or near the project site, therefore, the project will have no impact on corresponding zoning or conversion of such land.

e) The proposed project, a small winery, does not conflict with any existing uses as the zoning and General Plan designations will remain the same. Furthermore, it has been determined that a small winery is a conditionally permitted use in the AG-40 (General Agriculture, 40 acre minimum) zone with an approved Use Permit. Therefore, the project would have no impact on converting farmland to a nonagricultural use.
Ill. AIR QUALITY:

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

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?

c) Expose sensitive receptors to substantial pollutant concentrations?

d) Result in substantial emissions (such as those leading to odors) adversely affecting a substantial number of people?

Impact Discussion:

a-d) The proposed project is a small winery with approximately 31,000 square feet of structures. The project site is located within the San Joaquin Valley Air Basin which lies within the jurisdiction of the San Joaquin Valley Air Pollution Control District (APCD). APCD is the local agency established by the State to regulate air quality sources and minimize air pollution.

The project was referred to APCD for review on January 28, 2020. The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory requirements. To identify District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is encouraged to contact the APCD. With implementation of the District Rules' requirements and implementation of recommendations, the project’s impact on air quality is expected to be less than significant.
IV. BIOLOGICAL RESOURCES.

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

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?

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?

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?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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?

Impact Discussion:

a) The California Department of Fish and Wildlife Natural Diversity Database lists *lepidurus packardi* (vernal pool tadpole shrimp), *Buteo Swainsoni* (Swainson’s hawk), and *Pogonichthys macrolepidotus* (Sacramento splittail) as rare, endangered, or threatened species or habitat located on or near the site for the proposed project. Referrals have been sent to the San Joaquin Council of Governments (SJCOG), the agency responsible for verifying the correct implementation of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), which 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. Pursuant to the Final EIR/EIS for SJMSCP, dated November 15, 2000, and certified by SJCOG on December 7, 2000, implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than-significant.

SJCOG responded to this project referral in a letter dated February 7, 2020, that the project is subject to the SJMSCP. The applicant has confirmed that he will participate in SJMSCP. With the applicant’s participation, the proposed project is consistent with the SJMSCP and any impacts to biological resources resulting from the proposed project will be reduced to a level of less-than-significant.
b) The subject property is adjacent to the Mokelumne River, a 95-mile river that, with its main tributary, the Consumnes River, drains 2,143 square miles in parts of five California counties. The project will be required to maintain a natural open space area for riparian habitat, providing nesting and foraging habitat, and for waterway protection and the protection of water quality. The minimum width of said open space shall be one-hundred (100) feet, measured from the mean high water level of the natural bank or fifty (50) feet back from the existing riparian habitat, whichever is greater. Only water-dependent uses may be permitted in this buffer. In this way, the project's impact on riparian habitat is expected to be less than significant.

c) The County geographic information system (GIS) data indicate there are no natural wetlands on the property. Therefore, any impact from the project on wetlands is expected to be less than significant.

d) See answer (b) above. The natural habitat provided by the Mokelumne River will be left undisturbed by the project, therefore, any impact on habitat or migratory corridors is expected to be less than significant.

e) The project may require the removal of several trees but none of the trees to be removed are protected trees such as Native or Historic oaks, therefore, the project's impact on local policies or ordinances protecting biological resources is expected to be less than significant.

f) This application, for a small winery, will be conditioned to participate in the SJ Multi-Species Habitat Conservation and Open Space Plan. The applicant has confirmed his intention to participate in the SJMSCP, therefore, the project's impact on an approved habitat conservation plan is expected to be less than significant.
V. CULTURAL RESOURCES.

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5? □ □ □ □
   □ □ □ □
   □ □ □ □
   □ □ □ □

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? □ □ □ □
   □ □ □ □
   □ □ □ □
   □ □ □ □

c) Disturb any human remains, including those interred outside of dedicated cemeteries? □ □ □ □
   □ □ □ □
   □ □ □ □
   □ □ □ □

Impact Discussion:

a-b) The proposed project is a small winery with buildings totaling approximately 31,000 square feet. If the project is approved and any resources not previously uncovered during any prior disturbance are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site. In this way, any adverse change to a historical or archaeological resource is expected to be less than significant.

c) In the event human remains are encountered during any portion of the project, California state law requires that there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county has determined manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation (California Health and Safety Code - Section 7050.5). In this way, any disturbance to human remains will be reduced to less than significant.
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?  

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Impact Discussion:

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. The code includes energy conservation standards applicable to most buildings throughout California. These requirements will be applicable to the proposed project ensuring that any impact to the environment due to wasteful, inefficient, or unnecessary consumption of energy will be less than significant and preventing any conflict with state or local plans for energy efficiency and renewable energy.
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:

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.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

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?

d) Be located on expansive soil and create direct or indirect risks to life or property?

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?

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Impact Discussion:

a) According to the California Department of Conservation’s California Geological Survey, the project site is not located within an earthquake fault zone. However, similar to other areas located in seismically active Northern California, the project area is susceptible to strong ground shaking during an earthquake, although the site would not be affected by ground shaking more than any other area in the region.

The Project would be required to comply with the most recent version of the California Building Code (CBC), which contains universal standards related to seismic load requirements and is codified within the San Joaquin County Ordinance Code under Section 8-1000. In addition, a soils report is required pursuant to CBC § 1803 for foundations and CBC appendix § J104 for grading. All recommendations of the Soils Report will be incorporated into the construction drawings. As a result, impacts associated with seismic ground shaking or possible ground liquefaction are expected to be less than significant.
The project site is located in an area that is relatively flat and does not contain any slopes that could result in landslides. Therefore, impacts associated with landslides are expected to be less than significant.

b) The project's construction activities would disturb surface soils, therefore, in order to control erosion, the project would be required to comply with state regulations, including the provisions of the California Water Boards Storm Water Program's Construction General Permit (CGP). The CGP requires implementation of temporary and post-construction best management practices and measures to prevent erosion and reduce sediment and pollutants in discharges from the construction site. Once developed, the project site will include buildings, paved surfaces, and other on-site improvements that would stabilize and help retain on-site soils. Remaining pervious disturbed surfaces would consist primarily of landscaping. Therefore, construction impacts and operational impacts associated with soil erosion would be less than significant.

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 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) Expansive soils are characterized by their potential shrink/swell behavior. The Soil Survey of San Joaquin County classifies the project site soil as non-expansive. As a result, the effects of expansive soil on the project buildings are expected to be less than significant.

e) The Project would include an on-site septic tank and associated leach fields to treat wastewater. Septic tanks installed in the County are subject to San Joaquin County Ordinance Code Section 9-1105 which requires issuance of a Sanitation Permit by the San Joaquin County Environmental Health Division for the construction of a private septic system and sets forth requirements for the siting and construction of private septic systems. Prior to issuance of a Sanitation Permit, the San Joaquin County Environmental Health Department will review the proposed septic system to ensure on-site soils would be capable of supporting such a system. Compliance with this process will ensure that adverse impacts associated with on-site soils and septic systems do not occur. Therefore, impacts associated with the soils' ability to support septic systems are expected to be less than significant.

f) If the project is approved and any paleontological resources not previously uncovered during any prior disturbance are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site. In this way, any adverse change to a paleontological resource is expected to be less than significant.
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? □ □ ☒ □ □

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? □ □ ☒ □ □

Impact Discussion:

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 proposed 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 (MtCO₂eq/yr).

As noted previously, the proposed 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. 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. For 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. As such, the analysis herein is limited to discussion of long-term operational GHG emissions.

**IX. HAZARDS AND HAZARDOUS MATERIALS.**

Would the project:

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<td>a)</td>
<td>Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
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<td>b)</td>
<td>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?</td>
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<td>c)</td>
<td>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
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<td>d)</td>
<td>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?</td>
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<td>e)</td>
<td>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?</td>
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<td>f)</td>
<td>Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
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<td>g)</td>
<td>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?</td>
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**Impact Discussion:**

a-c) The proposed project is a small winery that includes the construction of buildings totaling approximately 31,000 square feet. Pursuant to the Hazardous Materials Disclosure Survey submitted with the application, the winery would not handle or store hazardous materials on site. If any hazardous materials should be handled or stored onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) and must comply with all applicable federal, state, and local regulations pertaining to the storage of hazardous materials. In this way, impacts related to the use, transport, or disposal of hazardous materials are expected to be less than significant.

d) The project site is not listed as a hazardous materials site on the California Department of Toxic Substances Control EnviroStor database map, compiled pursuant to Government Code 65962.5 and, therefore, will not result in creating a significant hazard to the public or the environment.

e) The project site is not located within an Airport Influence Area. Therefore, the project's risk of exposing people residing or working in the project area to safety hazards or excessive noise from an airport is expected to be less than significant.
f) The project site is located in a rural area north of the city of Lodi in San Joaquin County. According to the County’s emergency evacuation brochure for the Lodi River and Acampo area in which the project is sited, possible evacuation routes for the area in the event of an emergency are Lower Sacramento Road and Woodbridge Road. The project would not affect these routes, and moreover, the project would not affect the County’s ability to implement its Emergency Operations Plan in the event of an emergency. Therefore, impacts associated with emergency response or evacuation plans are expected to be less than significant.

g) The project location 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.
X. HYDROLOGY AND WATER QUALITY.

Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

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:

i) result in substantial erosion or siltation on- or off-site;

ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

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

iv) impede or redirect flood flows?

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Impact Discussion:

a) The proposed project is a small winery with structures totaling approximately 31,000 square feet. The construction phase of the project, which would include earthwork activities and possible storm water runoff, would require a Construction General Permit for Storm Water Discharges from the State Water Resources Control Board (SWRCB). The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) which requires implementation of best management practices to ensure water quality standards are met and that storm water runoff from the construction work does not degrade water quality.

Additionally, the project will be subject to the Central Valley Regional Water Quality Control Board’s (CVRWQCB) rules and regulations to mitigate for any impacts to surface and ground water. The winery would be required to submit a Report of Waste Discharge (RWD) in order to discharge winery wastewater and residual solids to the land as irrigation for agriculture. Therefore, compliance with the rules and regulations of CVRWQCB and SWRCB will ensure any impacts associated with water and waste discharge are expected to be less than significant.
b) The proposed project, a small winery with structures totaling approximately 31,000 square feet, will have a large enough population to be considered a Transient Non-community Small Public Water System by the State of California. The applicant will have to submit to the Preliminary Technical Report process with the California State Water Resources Control Board Division of Drinking. If the Water Board determines that an onsite well can be used as the potable water source, a permit application to operate a Small Public Water System must be submitted to the San Joaquin County Environmental Health Department (EHD) for approval prior to construction of a private, on site well under permit from the EHD.

Although the project will result in an increase in impervious surface area on the project site, the planned use of gravel for driveways and parking areas will allow more impervious surface area to remain despite the construction project. Much of the site remains pervious to allow continued filtration of water into groundwater. Additionally, the project will reuse wine-making waste water for agricultural irrigation to partially offset water usage. Therefore, the project's impact on the depletion of sustainable groundwater is expected to be less than significant.

c) The construction of the proposed project would result in grading and soil-disturbing activities and the installation of new impervious surfaces. Some modification of the existing on-site drainage pattern would occur to accommodate the structures and related infrastructure. However, most of the site would be preserved in agriculture and existing drainage patterns would be largely retained. A grading permit will be required which requires plans and grading calculations, including a statement of the estimated quantities of excavation and fill, prepared by a Registered Design Professional. The grading plan must show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of the California Building Code (CBC). The plans must also show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of the CDC. In this way, any impacts to the existing drainage pattern of the site will be less than significant.

d) The project site is in flood Zones A and AE which are areas of special flood hazard subject to a 1% annual chance of a 100-year flood. Any development will have to comply with Development Title Section 9-1605 regarding flood hazards. This includes obtaining a Floodplain Encroachment Permit from the Department of Public Works Flood Management Division prior to building and either elevating the structure so that the lowest floor is a minimum of one foot higher that the 100-year flood level or floodproofing the same. The project site is not in a tsunami or seiche zone. Therefore, the risk of release of pollutants due to inundation of the project site is less than significant.

e) The applicant will be required to comply with the San Joaquin County 2021 Storm Water Quality Control Criteria Plan (SWQCCP) to protect surface and groundwater on site and to insure that the project doesn't conflict or obstruct a water quality control plan or sustainable groundwater management plan.
XI. LAND USE AND PLANNING.

Would the project:

a) Physically divide an established community?

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?

Impact Discussion:

a) This proposed project is a small winery with structures totaling approximately 31,000 square feet. The project does not include construction of any feature that would impair mobility within an existing community nor does it include removal of a means of access between a community and outlying area. Currently, the project site is not used as a connection between established communities. Instead, connectivity with the area surrounding the project is facilitated via local roadways. Therefore, the project will not result in dividing an established community.

b) The project site is located within unincorporated San Joaquin County and is subject to the County's General Plan and Development Title. The County’s General Plan Land Use map designates the Project site as Resource Conservation (OS/RC) and General Agriculture (A/G). The zoning map identifies the site as AG-40 (General Agriculture with a 40 acre minimum size) which is an implementing zone for the OS/RC and A/G land use designations.

According to the County’s General Plan, the Resource Conservation designation provides for areas with significant natural resources and may be applicable to any area that is essentially unimproved and planned to remain open in character. In the case of the project site, the Mokelumne River borders the east side of the property, and has a riparian zone which is designated as a natural open space for riparian habitat and waterway protection. An open space with a minimum width of 100 feet, measured from the mean high water level or the natural bank, or 50 feet back from the existing riparian habitat, whichever is greater, must be maintained to provide nesting and foraging habitat and protect waterway quality. No development other than water-dependent uses are permitted in this open space. The A/G designation is meant to provide for large-scale agricultural production and associated processing, sales, and support uses. Typical building types include low-intensity structures associated with farming and agricultural processing and sales. Similarly, the AG-40 zone is intended to preserve agricultural lands for the continuation of commercial agricultural enterprises. According to Development Title Section 9-605.2, the Small Winery use would be permitted within the AG-40 zone with an approved Use Permit application. Therefore, the project is consistent with the County General Plan and Development Title and impacts associated with applicable land use plans, policies, and regulations are expected to be less than significant.
XII. MINERAL RESOURCES.

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?

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?

Impact Discussion:

a-b) Pursuant to the San Joaquin County General Plan Background Report, Chapter 10-Mineral Resources, the primary extractive resource in San Joaquin County is sand and gravel, with the principal areas of sand and gravel extraction located in the southwestern part of the county and along the Mokelumne, Calaveras, and Stanislaus rivers in the eastern portion of the county. The project site is adjacent to the Mokelumne River and is outside of the mapped area designated as an area containing mineral deposits. Therefore, the project will not result in the loss of mineral resources or mineral resource recovery sites within the region.
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?

b) Generation of excessive groundborne vibration or groundborne noise levels?

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?

Impact Discussion:

a) The proposed project is a small winery with structures totaling approximately 31,000 square feet. The project site is located 3,565 feet (0.6 miles) east of N. Davis Road, accessed by a private easement and is currently developed with a single family residence. The parcels surrounding the project parcel are in agricultural production, with scattered residences. The nearest residences that are not on the project site are located approximately 1,695 feet (0.33 miles) east of the project site and 2,000 feet (0.38 miles) west of the project site.

The project proposes daily winery operations for 8 hours per day (9:00 a.m. – 5:00 p.m.), a tasting room, and winery events to include: 12 annual Marketing Events with a maximum of 300 attendees; 80 Small-scale Accessory Winery Events with a maximum of 80 attendees; 60 Large-scale Accessory Winery Events with a maximum of 300 attendees; and, 4 Wine Release Events with a maximum of 300 attendees. The project also proposes having outdoor, amplified sound and/or music at Marketing Events and Large-scale Accessory Winery Events.

Proposed projects that would create new stationary noise sources are required to mitigate the noise levels so as not to exceed the noise level standards specified in Development Title Section 9-1025.9(b), Part II. An Environmental Noise Assessment was performed by Saxelby Acoustics and a report dated June 4, 2021 was submitted. Pursuant to the conclusions of the assessment, it is possible for the project to comply with the County's exterior noise standards assuming the proposed noise limits are followed at each studied activity area. The conclusions provided in the report list the maximum sound system output for the studied 3 locations. Therefore, the project's likelihood of generating substantial temporary or permanent increases in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance are expected to be less than significant.

b) The project does not include any operations that would result in excessive ground-borne vibrations or other noise levels therefore, the project will not have any impact on vibrations or other noise levels.

c) The project site is not located within the vicinity of a private airstrip or an airport land use plan, therefore, the project's impact resulting from airport noise levels to people residing or working in the project area is expected to be less than significant.
XIV. POPULATION AND HOUSING.

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)?

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b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

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Impact Discussion:

a-b) The project site is located in unincorporated San Joaquin County, north of the City of Lodi. The proposed project is a small winery with structures totaling approximately 31,000 square feet. The project will not induce substantial population growth in the area either directly or indirectly because the project is not anticipated to result in a substantial increase in the number of jobs available. The proposed project would not displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere because there are no residences on the project site and the zoning will remain the same if the project is approved. Therefore, the project would have no 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:

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<td>Other public facilities?</td>
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Impact Discussion:

a) The project site is located in unincorporated San Joaquin County north of the City of Lodi and is serviced by the Woodbridge Fire District, the San Joaquin County Sheriff, and the Lodi Unified School District. The Woodbridge Fire District operates 4 fire stations with a staff of 30 and provides fire protection services and emergency medical services to the rural communities of Woodbridge, Lodi, Acampo, Forest Lake, Flag City, and Tower Park. The District's service boundary covers approximately 197 square miles. Police protection services are provided to the project site by the San Joaquin County Sheriff's Office. The Sheriff's Office employs over 800 sworn and support personnel. The project site is located within the Lodi Unified School District. The Lodi Unified School District serves approximately 29,000 students in kindergarten through twelfth grade with a staff of 3,000. There are no public recreation facilities near the project site.

The public service agencies listed above were provided with the project proposal and invited to respond with any project concerns or conditions. Comments were received from the Fire Prevention Division of the Community Development Department with a list of current California Fire Codes that will be applicable to the project. Other responses were not received, indicating there were no concerns about significant impacts resulting from the project. The proposed project is a small winery with structures totaling approximately 31,000 square feet. Therefore, the project is not expected to have a significant impact on, or will not significantly affect, the ability of these service providers to maintain current levels of service.
XVI. RECREATION.

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?

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?

Impact Discussion:

a-b) The proposed project is a small winery with structures totaling approximately 31,000 square feet. The project would not result in an increase in demand for neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, because the project will not generate any new residential units and the project, an expansion of an existing winery, is not expected to result in an increased demand for recreational facilities. Therefore, the project will have no impact on recreation facilities.
XVII. TRANSPORTATION.

Would the project:

a) Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities?  

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b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

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c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

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d) Result in inadequate emergency access?

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Impact Discussion:

a) The proposed project is a small winery with structures totaling approximately 31,000 square feet located in a rural, agricultural area north of the City of Lodi. Regional access to the site is provided by State Route 99, a north-south highway. North Davis Road, Peltier Road, and Woodbridge Road are local roads that provide access to the project site. The project was referred to the Department of Public Works on January 28, 2020. The Department requires a traffic impact study for projects that are expected to generate in excess of 50 vehicles during any hour and a traffic impact study was required for this project. A study was completed by Advanced Mobility Group and a report dated June 22, 2021 was submitted. The study concluded that existing traffic conditions would not be significantly affected by the addition of the projected traffic resulting from the project.

b) Pursuant to a traffic impact study performed by Advanced Mobility Group, the results of which are published in a report dated June 22, 2021, it is estimated that the project will generate approximately 23 vehicle trips on a weekday and 91 trips on a weekend or peak hour. Because it was determined that the project will generate less than 110 automobile trips per day and, therefore, is considered a small project according to the Technical Advisory on Evaluating Transportation Impacts in CEQA, as published by the California Office of Planning and Research (OPR) in December 2018. According to this OPR guidance, a small project that generates or attracts "fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact" with regards to Vehicle Miles Traveled (VMT).

c) The proposed project will not be making any changes to local roadways, therefore, the project's impact on transportation hazards is expected to be less than significant. Additionally, a winery is a permitted use in the general agricultural zones making the project compatible with the surrounding area.

c) The project site is accessed from N. Davis Road and access into the site is provided by a 2,680 foot (0.5 miles) private driveway that must meet the San Joaquin County Fire Chiefs' Association guidelines for providing fire apparatus access as required by the California Fire Code (CFC). Therefore, site access would provide adequate space for fire trucks and emergency vehicles to enter and turn around, and the project is not expected to result in inadequate emergency access.
XVIII. TRIBAL CULTURAL RESOURCES.

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

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

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.

Impact Discussion:

a)  

i) The project site is developed with a single family residence. No buildings on the site are listed on the State Office of Historic Preservation California Register or the National Register of Historic Places. Therefore, the project will not result in a substantial adverse change in the significance of a historical resource as defined by CEQA.

ii) The project site is approximately 30 acres in size and is located in a rural, agricultural area north of the City of Lodi. Less than 1 ½ acres of the parcel has been developed. The eastern border of the property is adjacent to the Mokelumne River. A project referral was mailed January 28, 2020 to the California Native American Heritage Commission, the Buena Vista Rancheria, the California Tribal TANF Partnership, the North Valley Yokuts Tribe, and the United Auburn Indian Community. No comments were received as a result of the referral, indicating there were no concerns about significant impacts resulting from the project.
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?

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

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?

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?

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Impact Discussion:

a) The proposed project is a small winery with structures totaling approximately 31,000 square feet, located in a rural area north of the City of Lodi. The project will utilize a private well, onsite wastewater treatment system, and onsite storm water retention. Therefore, the project will be served by private, onsite services and will not require relocation of existing facilities or require new facilities.

b) The project would be served by a private well. Groundwater is used for both winemaking processes and for domestic use. The applicant is in the process of obtaining a permit for a Public Water System through the California State Water Resources Control Board, Division of Drinking Water (Water Board). The Water Board will provide oversight of the onsite water system and impacts on water supplies are expected to be less than significant.

c) The project would utilize an onsite sewage disposal system to be constructed under an Environmental Health Department permit and is subject to the onsite wastewater treatment system regulations that will ensure compliance with the standards of San Joaquin County.

d-e) The proposed project is a small winery with structures totaling approximately 31,000 square feet. As proposed, the project is not anticipated to generate solid waste in excess of State and local standards and will be able to comply with all regulations related to solid waste.
XX. WILDFIRE.

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?
   - Potentially Significant Impact: □
   - Less Than Significant Impact: □
   - Mitigation Incorporated: □
   - Less Than Significant Impact: □
   - No Impact: □

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?
   - Potentially Significant Impact: □
   - Less Than Significant Impact: □
   - Mitigation Incorporated: □
   - Less Than Significant Impact: □
   - No Impact: □

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?
   - Potentially Significant Impact: □
   - Less Than Significant Impact: □
   - Mitigation Incorporated: □
   - Less Than Significant Impact: □
   - No Impact: □

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?
   - Potentially Significant Impact: □
   - Less Than Significant Impact: □
   - Mitigation Incorporated: □
   - Less Than Significant Impact: □
   - No Impact: □

Impact Discussion:

a-d) The project location is in a rural, agricultural area north of the City of Lodi, 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.
XXI. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California History or prehistory? □ □ ☒ □ □

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? □ □ ☒ □ □

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? □ □ ☒ □ □

Impact Discussion:

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, will reduce these impacts to a less than significant level.
Environmental Noise Assessment

California Reserve Outdoor Music

San Joaquin County, California

June 4, 2021

Project #210407

Prepared for:

NJA Architecture
212 W. Pine Street, Suite 1
Lodi, CA 95240

Prepared by:

Saxelby Acoustics LLC

Principal Consultant
Board Certified, Institute of Noise Control Engineering (INCE)
INTRODUCTION

Saeyby AcoScics was retained by California Reserve to perform a noise study for proposed outdoor activities which may include the use of amplified sound or live music (i.e., wedding receptions, etc.). The project is located at 20814 North Davis Road in San Joaquin County, California. This study analyzes three potential locations where amplified sound or live music could occur.

Figure 1 shows the project site plan. Figure 2 shows an aerial photo of the project site and sensitive receptors.

ENVIRONMENTAL SETIUI

BACKGROUND INFORMATION ON NOISE

Fundamentals of Acoustics

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), then they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second or Hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as (airborne) sound that is loud, unpleasant, unexpected or undesired, and may therefore be classified as a more specific group of sounds. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals), as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by A-weighted sound levels. There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.

The decibel scale is logarithmic, not linear. In other words, two sound levels 10-dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10-dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as a 60-dBA sound, and twice as loud as an 80-dBA sound.
California Reserve Outdoor Music
San Joaquin County, California

Figure 1
Project Site Plan
Figure 2
Noise Measurement Sites

Legend

Project Site

Noise Measurement Site - Long Term

SAXELBY ACOUSTICS
Industrial Noise - Vibration
Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given environment. A common statistical tool is the average, or equivalent, sound level (Leq) which corresponds to a steady-state A-weighted sound level containing the same total energy as a time-varying signal over a given time period (usually one hour). The Leq is the foundation of the composite noise descriptor, Leq, and shows very good correlation with community response to noise.

The day/night average level (DNL) is based upon the average noise level over a 24-hour day, with a +10-decibel weighting applied to noise occurring during nighttime (10:00 P.M. to 7:00 A.M.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. The Community Equivalent Noise Level (CENL) is similar to Leq, but also includes an evening (7:00 A.M. to 7:00 P.M.) with a +5 dB penalty applied to noise occurring during this timeframe.

Table 1 lists several examples of the noise levels associated with common situations. Appendix A provides a summary of acoustical terms used in this report.

<table>
<thead>
<tr>
<th>Common Outdoor Activities</th>
<th>Noise Level (dBA)</th>
<th>Common Indoor Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jet Freighter at 300 m (1,000 ft.)</td>
<td>-110</td>
<td>Rock Band</td>
</tr>
<tr>
<td>Gas Lawn Mower at 1 m (3 ft.)</td>
<td>-100</td>
<td></td>
</tr>
<tr>
<td>Diesel Truck at 2.5 m (50 ft.) at 50 km/hr (50 mph)</td>
<td>-90</td>
<td>Vacuum Cleaner at 3 m (10 ft.)</td>
</tr>
<tr>
<td>Noisy Urban Area, Daytime</td>
<td>-70</td>
<td>Vacuum Cleaner at 3 m (10 ft.)</td>
</tr>
<tr>
<td>Gas Lawn Mower, 30 m (100 ft.)</td>
<td>-60</td>
<td>Normal Speech at 1 m (3 ft.)</td>
</tr>
<tr>
<td>Commercial Area</td>
<td>-50</td>
<td>Large Business Office</td>
</tr>
<tr>
<td>Heavy Traffic at 50 m (100 ft.)</td>
<td>-50</td>
<td>Dishwasher in Next Room</td>
</tr>
<tr>
<td>Quiet Urban Daytime</td>
<td>-40</td>
<td>Theater, Large Conference Room</td>
</tr>
<tr>
<td>Quiet Urban Nighttime</td>
<td>-30</td>
<td>Library</td>
</tr>
<tr>
<td>Quiet Suburban Nighttime</td>
<td>-20</td>
<td>Bedroom at Night, Concert Hall (Background)</td>
</tr>
<tr>
<td>Quiet Rural Nighttime</td>
<td>-10</td>
<td>Broadcast/Recording Studio</td>
</tr>
</tbody>
</table>

EFFECTS OF NOISE ON PEOPLE

The effects of noise on people can be placed in three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction
- Interference with activities such as speech, sleep, and learning
- Physiological effects such as hearing loss or sudden starting

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual’s past experiences with noise.

Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so-called ambient noise level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it.

With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived.
- Outside of the laboratory, a 3 dBA change is considered a just-perceivable difference.
- A change in level of at least 5 dBA is required before any noticeable change in human response would be expected, and
- A 10 dBA change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response.

Stationary point sources of noise—including stationary mobile sources such as idling vehicles—attenuate (lessen) at a rate of approximately 6 dBA per doubling of distance from the source, depending on environmental conditions (i.e., atmospheric conditions, and either vegetative or manufactured noise barriers, etc.). Widely distributed noises, such as a large industrial facility spread over many acres, or a street with moving vehicles, would typically attenuate at a lower rate.
REGULATORY CONTEXT

The San Joaquin County Development Regulations, Section 9-1025.9(b) establishes land use noise level standards for new non-transportation or "stationary" noise sources, as outlined below that would be applicable to the proposed activities under the new permit.

9-1025.9(b) Stationary Noise Sources

### TABLE 2: STATIONARY NOISE SOURCE NOISE STANDARDS

<table>
<thead>
<tr>
<th>Part II</th>
<th>STATIONARY NOISE SOURCES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Outdoor Activity Area</td>
</tr>
<tr>
<td></td>
<td>(Daytime: 7 a.m. to 10 p.m.)</td>
</tr>
<tr>
<td>Hours Equivalent Sound Level (Leq, dBA)</td>
<td>60</td>
</tr>
<tr>
<td>Maximum Sound Level (Leq, dBA)</td>
<td>60</td>
</tr>
</tbody>
</table>

The proposed projects that will create new stationary noise sources shall be required to mitigate the noise levels from these stationary noise sources so as not to exceed the noise level standards specified in Table 9-1025.9(b), Part II.

The proposed music activities will occur during daytime and evening hours. Therefore, the project will be required to comply with the daytime (7 a.m. to 10 p.m.) noise level standards shown in Table 9-1025.9(b), Part I. If activities continue past 10 p.m., the nighttime (11 p.m. to 7 a.m.) noise level standards will apply.

The noise level standard of 45 dBA (L10) and 65 dBA (L90) (corrected for noise consisting primarily of music) would apply at the outdoor activity areas of lands designated for noise sensitive uses during daytime hours. The noise level standard of 40 dBA (L10) and 60 dBA (L90) would apply during nighttime hours.
EXISTING NOISE AND VIBRATION ENVIRONMENT

EXISTING NOISE RECEPTORS

Some land uses are considered more sensitive to noise than others. Land uses often associated with sensitive receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Sensitive noise receptors may also include threatened or endangered noise-sensitive biological species, although many jurisdictions have not adopted noise standards for wildlife areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise.

Sensitivity is a function of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities involved. Sensitive land uses include existing single-family residential uses located north and west of the project site.

EXISTING GENERAL AMBIENT NOISE LEVELS

The existing noise environment in the project area is primarily defined by distant traffic noise and natural sounds such as birds and insects.

To quantify the existing ambient noise environment in the project vicinity, Saxelby Acoustics conducted continuous (24-hr.) noise level measurements at two locations on the project site. Noise measurement locations are shown in Figure 2. A summary of the noise level measurement survey results is provided in Table 2. Appendix B contains the complete results of the noise monitoring.

The sound level meters were programmed to record the maximum, median, and average noise levels at each site during the survey. The maximum value, denoted \( L_{\text{max}} \), represents the highest noise level measured. The average value, denoted \( L_{\text{av}} \), represents the energy average of all the noise received by the sound level meter microphone during the monitoring period. The median value, denoted \( L_{\text{med}} \), represents the sound level exceeded 50 percent of the time during the monitoring period.

Larson Davis Laboratories (LDL) model 812 and 820 precision integrating sound level meters were used for the ambient noise level measurement survey. The meters were calibrated before and after use with a B&K Model 4230 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).
TABLE 3: SUMMARY OF EXISTING BACKGROUND NOISE MEASUREMENT DATA

<table>
<thead>
<tr>
<th>Site</th>
<th>Location</th>
<th>Date</th>
<th>Ldn</th>
<th>Daytime LwA</th>
<th>Daytime LwE</th>
<th>Nighttime LwA</th>
<th>Nighttime LwE</th>
</tr>
</thead>
<tbody>
<tr>
<td>S1A</td>
<td>Western</td>
<td>5/13/21</td>
<td>51</td>
<td>44</td>
<td>41</td>
<td>80</td>
<td>82</td>
</tr>
<tr>
<td>S1B</td>
<td>Eastern</td>
<td>5/13/21</td>
<td>51</td>
<td>46</td>
<td>42</td>
<td>75</td>
<td>77</td>
</tr>
</tbody>
</table>

Notes:
- All values shown in dBA
- Daytime hours: 7:00 a.m. to 11:00 p.m.
- Nighttime hours: 11:00 p.m. to 7:00 a.m.
- Source: Scarry Acoustics 2020

EVALUATION OF PROJECT NOISE EXPOSURE

Scarry Acoustics prepared noise contour graphs showing average (LwA) noise contours for the proposed project at both of the potential activity areas. Noise contours were prepared using the SoundPLAN noise prediction model. Inputs to the model included sound system typical output, existing and proposed buildings, topography, terrain type, and locations of sensitive receptors. These predictions are made in accordance with International Organization for Standardization (ISO) standard 9613-2:1996 (Acoustics - Attenuation of sound during propagation outdoors). ISO 9613 is the most commonly used method for calculating exterior noise propagation. Noise levels are predicted at the outdoor activity areas of sensitive receptors according to the requirements of San Joaquin County for stationary noise sources.

Figure 3 shows the average (LwA) noise contours for daytime noise at Activity Area 1 (Multipurpose).
Figure 4 shows the average (LwA) noise contours for daytime noise at Activity Area 2 (Tasting Room).
Figure 5 shows the average (LwA) noise contours for daytime noise at Activity Area 3 (Winery).

Due to the number of potential activity areas and the different times of day that activities may occur, noise contour graphics are not shown for each potential operating scenario. However, noise levels for each operating scenario are shown in Table 3 for the closest noise-sensitive receptor to the project site.
Figure 3
Daytime Project Noise Contours (dBA_{L_{eq}}) - Event Area

Noise Level (dBA)

- 45 - 47
- 47 - 49
- 49 - 51
- 51 - 53
- 53 - 55

Legend
- Proposed Building
- Property Boundary

Sound System Speakers and Aiming Direction

Scale 1:350

Saxelby Acoustics
Acoustics: Noise: Vibration
Figure 4
Daytime Project Noise Contours (dBA, L_{eq}) - Event Area 2

Legend
- Sound System Speakers and Aiming Direction

Noise Levels, dBA:
- 45 - 47 dB(A)
- 47 - 49 dB(A)
- 49 - 51 dB(A)
- 51 - 53 dB(A)
- 53 - 55 dB(A)
- 55 -

Scale 1:350

SAXELBY ACOUSTICS - Acoustics, Noise, Vibration
Figure 5
Daytime Project Noise Contours (dBA, L_p) - Event Area 3

Legend
- Proposed Building
- Property Boundary

Noise Levels, dBA (L_p)
- 45 ≤ L_p ≤ 47
- 47 ≤ L_p ≤ 49
- 49 ≤ L_p ≤ 51
- 51 ≤ L_p ≤ 53
- 53 ≤ L_p ≤ 55

Scale: 1:350
0 600 1200 1800 Feet

Sound System Speakers and Aiming Direction
Based upon the SoundPLAN noise modeling, Table 3 shows the predicted project noise levels at the adjacent noise-sensitive receptors for the proposed activity areas.

**TABLE 3: PROJECT NOISE LEVELS AT ADJACENT RECEPTORS**

<table>
<thead>
<tr>
<th>Source location</th>
<th>Receiver</th>
<th>Time</th>
<th>Predicted Noise Levels</th>
<th>Noise Standard</th>
<th>Complies with Standards?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multipurpose (Area 1)</td>
<td>R1</td>
<td>Day</td>
<td>24.4 dBA Lₐ</td>
<td>45 dBA Lₐ</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>R2</td>
<td>Day</td>
<td>27.8 dBA Lₐ</td>
<td>45 dBA Lₐ</td>
<td>Yes</td>
</tr>
<tr>
<td>Tasting Room (Area 2)</td>
<td>R1</td>
<td>Day</td>
<td>24.2 dBA Lₐ</td>
<td>45 dBA Lₐ</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>R2</td>
<td>Day</td>
<td>26.8 dBA Lₐ</td>
<td>45 dBA Lₐ</td>
<td>Yes</td>
</tr>
<tr>
<td>Winery (Area 3)</td>
<td>R1</td>
<td>Day</td>
<td>13.8 dBA Lₐ</td>
<td>45 dBA Lₐ</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>R2</td>
<td>Day</td>
<td>20.4 dBA Lₐ</td>
<td>45 dBA Lₐ</td>
<td>Yes</td>
</tr>
</tbody>
</table>

As shown in Table 3, the project noise levels are predicted to comply with the County General Plan Noise Element standards. This conclusion is based on the following assumptions for project-generated noise:

**Activity Area 1:** Daytime (7:00 a.m. to 10:00 p.m.) sound system output shall not exceed 77 dBA Lₐ and 97 dBA Lₚₗ at a distance of 50 feet.

**Activity Area 2:** Daytime (7:00 a.m. to 10:00 p.m.) sound system output shall not exceed 75 dBA Lₐ and 95 dBA Lₚₗ at a distance of 50 feet.

**Activity Area 3:** Daytime (7:00 a.m. to 10:00 p.m.) sound system output shall not exceed 82 dBA Lₐ and 102 dBA Lₚₗ at a distance of 50 feet.

No nighttime (10:00 p.m. to 7:00 a.m.) operation shall occur.
CONCLUSIONS

The proposed project is predicted to comply with the San Joaquin County exterior noise standards assuming the following project noise limits at each activity area:

**Activity Area 1:** Daytime (7:00 a.m. to 10:00 p.m.) sound system output shall not exceed 77 dBA L_{eq} and 97 dBA L_{max} at a distance of 50 feet from the sound system speakers. This assumes the sound system is placed on the south side of the Multipurpose building facing directly south, as shown on Figure 3.

**Activity Area 2:** Daytime (7:00 a.m. to 10:00 p.m.) sound system output shall not exceed 75 dBA L_{eq} and 95 dBA L_{max} at a distance of 50 feet from the sound system speakers. This assumes the sound system is placed near the Tasting Room facing towards the southwest, as shown on Figure 4.

**Activity Area 3:** Daytime (7:00 a.m. to 10:00 p.m.) sound system output shall not exceed 82 dBA L_{eq} and 102 dBA L_{max} at a distance of 50 feet from the sound system speakers. This assumes the sound system is placed near the Winery facing directly north, as shown on Figure 5.

No nighttime (10:00 p.m. to 7:00 a.m.) operation shall occur.
Acoustics

The science of sound.

Ambient Noise

The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.

ASTC

Apparent Sound Transmission Class. Similar to STC but includes sound from flanking paths and correct for room reverberation. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.

Attenuation

The reduction of an acoustic signal.

A-Weighting

A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.

Decibel or dB

Fundamental unit of sound. A Bel is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bel.

CNEL

Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by +5 dBA and nighttime hours weighted by +10 dBA.

DNL

See definition of Ldn.

IIC

Impact Insulation Class. An integer-number rating of how well a building floor attenuates impact sounds, such as footsteps. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.

Frequency

The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz (Hz).

Ldn

Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.

Leq

Equivalent or energy-averaged sound level.

Lmax

The highest root-mean-square (RMS) sound level measured over a given period of time.

L(n)

The sound level exceeded a described percentile over a measurement period. For instance, an hourly L50 is the sound level exceeded 50% of the time during the one-hour period.

Loudness

A subjective term for the sensation of the magnitude of sound.

NIC

Noise Isolation Class. A rating of the noise reduction between two spaces. Similar to STC but includes sound from flanking paths and no correction for room reverberation.

NNIC

Normalized Noise Isolation Class. Similar to NIC but includes a correction for room reverberation.

Noise

Unwanted sound.

NRC

Noise Reduction Coefficient. NRC is a single-number rating of the sound-absorption of a material equal to the arithmetic mean of the sound-absorption coefficients in the 250, 500, 1000, and 2000 Hz octave frequency bands rounded to the nearest multiple of 0.05. It is a representation of the amount of sound energy absorbed upon striking a particular surface. An NRC of 0 indicates perfect reflection; an NRC of 1 indicates perfect absorption.

RT60

The time it takes reverberant sound to decay by 60 dB once the source has been removed.

Sabin

The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 Sabin.

SEL

Sound Exposure Level. SEL is a rating, in decibels, of a discrete event, such as an aircraft flyover or train pass by, that compresses the total sound energy into a one-second event.

SPC

Speech Privacy Class. SPC is a method of rating speech privacy in buildings. It is designed to measure the degree of speech privacy provided by a closed room, indicating the degree to which conversations occurring within are kept private from listeners outside the room.

STC

Sound Transmission Class. STC is an integer rating of how well a building partition attenuates airborne sound. It is widely used to rate interior partitions, ceilings/floors, doors, windows and exterior wall configurations. The STC rating is typically used to rate the sound transmission of a specific building element when tested in laboratory conditions where flanking paths around the assembly don’t exist. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.

Threshold of Hearing

The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.

Threshold of Pain

Approximately 120 dB above the threshold of hearing.

Impulsive

Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

Simple Tone

Any sound which can be judged as audible as a single pitch or set of single pitches.
### Measured Ambient Noise Levels vs. Time of Day

<table>
<thead>
<tr>
<th>Time</th>
<th>1:00</th>
<th>2:00</th>
<th>3:00</th>
<th>4:00</th>
<th>5:00</th>
<th>6:00</th>
<th>7:00</th>
<th>8:00</th>
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<tbody>
<tr>
<td>Value</td>
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</tr>
</tbody>
</table>

**Statistics**
- **Max**: 18
- **Min**: 18
- **Mean**: 18
- **Median**: 18

**Noise Measurement Site**

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**Planning Commission Staff Report, PA-2000012 (UP)**  
**Environmental Document**
### Measured Ambient Noise Levels vs. Time of Day

<table>
<thead>
<tr>
<th>Time</th>
<th>Thursday, May 13, 2021</th>
<th>Time of Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>0:00</td>
<td>42</td>
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<td>1:00</td>
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Traffic Impact Analysis for the Proposed Winery Project Located at 20814 N. Davis Road, Lodi, CA

for San Joaquin County, CA

June 22, 2021
Traffic Impact Analysis for the Proposed Winery Project Located at 20814 N. Davis Road, Lodi, California

Final Report

Prepared for:
San Joaquin County

Prepared by:
Advanced Mobility Group

June 22, 2021
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1.0 INTRODUCTION AND EXECUTIVE SUMMARY

INTRODUCTION
The purpose of this report is to document results of a traffic impact study for the proposed Winery Project located at 20814 N. Davis Road, Lodi. The Site Vicinity Map is shown in Figure 1.

SUMMARY
Based on the results of the analysis, the following is a summary of our findings:

Existing Traffic Conditions
All the intersections operate at acceptable Level of Service (LOS) D or better indicating acceptable conditions.

Proposed Project Trip Generation
At buildout, the winery will include 9,930 square feet (sf) multi-purpose building, 1,500 sf wine testing room and 20,030 sf winery production building. The winery also proposed to host approximately 76 large scale events in the evening or weekend with a maximum of 300 attendees.

It is estimated that the Project will generate approximately six trips during the AM peak hour and 17 trips during the PM peak hour. Assuming a typical 300 guests Special Events, it is estimated that the Project will generate approximately 91 trips during the evening or weekend peak hour.

Existing Plus Approved Projects (EPAP) Traffic Condition
County records did not show any significant County projects in the area. Based on discussions with the County, it was assumed there is no other significant approved projects in the vicinity of the proposed Project.

Existing Plus Approved Plus Project Traffic Condition
Similar to the Existing scenario, it is estimated that all intersections operate acceptably at LOS D or better during both peak hours.

Cumulative (No Project) Conditions
The scenario is similar to the Existing Conditions, but with a projected growth rate of one percent per year applied over 20 years to project traffic demands for the Year 2041. It is estimated that all intersections will operate acceptably at LOS D or better during both peak hours.

Cumulative plus Project Conditions
The LOS of all study intersections will remain unchanged except the intersection of W. Turner Road/N. Davis Road will change from LOS B to LOS C which is still considered acceptable. It is estimated that all intersections will operate at LOS D or better.
2.0 EXISTING SETTING

This section describes the existing transportation conditions in the vicinity of the study area, including descriptions of the existing street system and intersection operating conditions. The study area is shown in Figure 1.

EXISTING STREET SYSTEM

Important roadways adjacent to the Project site are discussed below:

Regional Roads

The Project site is located north of the City of Lodi, in an unincorporated part of San Joaquin County. The Project site is served by the following regional roadways:

**Interstate 5 (I-5)** is a north-south interstate highway that extends from Southern California into Oregon and Washington. I-5 is located approximately three and half (3.5) miles west of the Project site. I-5 has four lanes in the immediate vicinity of the Project site. Access to and from I-5 is provided by Turner Road and Peltier Road.

**State Route 99 (SR 99)** is located to the east of the Project and travels north-south through the Project area. The limited access highway has four-lanes (two in each direction) in the area is approximately four (4) miles from the Project location. SR 99 provides access between Fresno (south of Lodi) to Sacramento (north of Lodi). SR 99 has interchanges in the vicinity of the Project at Peltier Road, Woodridge Road and Turner Road.

Local Roads

There are four major east-west roadways within three miles of the Project area. These are key roadways that connect from I-5 to the west and SR 99 to the east.

**W. Peltier Road** is a two-lane east-west rural roadway with no paved shoulders and located approximately one mile to the north of the Project site. There is full northbound and southbound ramp access at I-5 and SR 99. The average daily traffic (ADT) volume near the Project vicinity is approximately 3,696 vehicles per day (vpd).

**W. Woodbridge Road** is a two-lane east-west rural roadway with no paved shoulders and located approximately one mile to the south of the Project site. There is no direct ramp access at I-5. Access to SR 99 is provided through frontage road and button-hook ramps.

**W. Turner Road** is a two-lane east-west rural roadway with no paved shoulders and located approximately two miles to the south of the Project site. Paved shoulder and sidewalks (to the east of the canal near Golden Oak Drive) are available within the City of Lodi boundary. There is full northbound and southbound ramp access at I-5 and SR 99. The access to SR 99 is through several partial cloverleaf loop ramps. The average daily traffic (ADT) volume near the Project vicinity is approximately 4,437 vehicles per day (vpd).

**N. Davis Road** is a two-lane north-south rural roadway with no paved shoulders and approximately less than 0.5 mile from the Project site. The road starts from the north near Mokelumne Road and extends further south for nearly 10-miles towards Hammer Lane in Stockton.
EXISTING PEDESTRIAN FACILITIES

Pedestrian facilities consist of crosswalks, sidewalks, pedestrian signals, and off-street paths, which provide safe and convenient routes for pedestrians to access the destinations such as institutions, businesses, public transportation, and recreation facilities.

In the Project vicinity, due to the rural nature of the area, nearly all roadways lack sidewalks, crosswalks, and street lighting. There are no bus stops in the immediate vicinity of the Project site.

EXISTING BICYCLE FACILITIES

Bicycle paths, lanes and routes are typical examples of bicycle transportation facilities, which are defined by Caltrans as being in one of the following four classes:

1. Class I – Provides a completely separated facility designed for the exclusive use of bicyclists and pedestrians with crossing points minimized.
2. Class II – Provides a designated lane for the exclusive or semi-exclusive use of bicycles with through travel by motor vehicles or pedestrians prohibited, but with vehicle parking and cross-flows by pedestrians and motorists permitted.
3. Class III – Provides a route designated by signs or pavement markings and shared with motorists.
4. Class IV – A separated bikeway, often referred to as a cycle track or protected bike lane, is for the exclusive use of bicycles, physically separated from motor traffic with a vertical feature.

The area is primarily farmland and rural with two-lane rural roadways. Bicycle facility does not exist in the Project vicinity.

EXISTING TRANSIT FACILITIES

There is no transit service within the Project vicinity.

EXISTING PEAK HOUR VOLUMES

Intersection turning movement counts were collected for the four intersections on February 4, 2021. AMG evaluated existing traffic conditions at the selected study intersections during the AM (7-9) and PM (4-6) peak hour on a typical weekday. These counts need to be adjusted to pre-C19 condition.

The study intersections and associated traffic controls are as follows:

1. W. Turner Road/N. Davis Road
2. W. Woodbridge Road/N. Davis Road
3. Project Access/N. Davis Road
4. W. Pettier Road/N. Davis Road
PeMs Analysis for I-5

A very reliable source to check for Pre-C19 traffic condition is the Performance Measurement System (PeMS) Data Source provided by Caltrans. AMG checked PeMs for traffic volume comparison along I-5 close to the Project area. PeMs traffic data collection stations for pre-C19 and post-C19 are available on I-5 NB off-ramp at Turner Road and I-5 NB mainline north-off Peltier Road.

Based on results of the comparison and proximity of the freeway to study intersections, to be conservative the following factors were applied to collected intersection turning movements volumes at study intersections. That is, to increase collected counts by the percentages listed:

1. W. Turner Road/N. Davis Road — factor February 2021 counts by 15%
2. W. Woodbridge Road/N. Davis Road — factor February 2021 counts by 10%
3. Project Access/N. Davis Road — factor February 2021 counts by 10%
4. W. Peltier Road/N. Davis Road — factor February 2021 counts by 20%

Appendix A includes all the data sheets for the collected intersection vehicle, bicycle and pedestrian counts. Figure 1 shows the existing conditions peak hour traffic volumes and lane geometry and traffic control at the study intersections.

In addition, AMG collected 24-hour classification counts on W. Peltier Road and W. Turner Road near the Project site. The intersection turning movement counts conducted are within the peak hours indicated on the ADT. The ADT counts on W. Peltier Road and W. Turner Road near the Project site are contained in Appendix A.

The classification information collected were used as heavy vehicle input for intersection analysis. Peak hour factors and truck percentages used in the analysis were based on the counts.

Based on input from County staff, the weekday AM and PM peak hour traffic conditions for the following five scenarios were analyzed:

i. Existing
ii. Existing plus Approved Projects
iii. Existing plus Approved Projects plus the Proposed Project
iv. Cumulative No Project
v. Cumulative plus the Proposed Project
Traffic Impact Analysis for the Proposed Winery Project Located at 20814 N. Davis Road, Lodi, CA

Project Vicinity & Existing Peak Hour Volumes Lane Geometry and Controls

Legend
- Study Intersection
- Stop Sign
- All Way Stop
XX AM Peak Hour Volume
(XX) PM Peak Hour Volume
帕 ADT Counts

Figure 1

Intersection #1
W. Turner Rd. & N. Davis Rd.

Intersection #2
N. Davis Rd. & Woodbridge Rd.

Intersection #3
N. Davis Rd. & Access Rd./Project Driveway

Intersection #4
N. Davis Rd. & W. Peifer Rd.

Not to Scale
LEVEL OF SERVICE METHODOLOGY

Level of Service is a qualitative index of the performance of an element of the transportation system. Level of Service (LOS) is a rating scale running from A to F, with A indicating no congestion of any kind, and F indicating intolerable congestion and delays.

The 2010 Highway Capacity Manual (HCM) is the standard reference published by the Transportation Research Board and contains the specific criteria and methods to be used in assessing LOS. There are several software packages that have been developed to implement HCM. In this study, the Synchro software was used to calculate the LOS at the study intersections.

**Signalized Intersections**

The relationship between average control delay, driver’s perception of traffic, and LOS for signalized intersections is summarized in Table 1.

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<thead>
<tr>
<th>LOS</th>
<th>Driver’s Perception and Traffic Operation Description</th>
<th>Delay in Seconds</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Operations with very low delay occurring with favorable progression and/or short cycle length.</td>
<td>&lt; 10</td>
</tr>
<tr>
<td>B</td>
<td>Operations with low delay occurring with good progression and/or short cycle lengths.</td>
<td>&gt; 10 – 20</td>
</tr>
<tr>
<td>C</td>
<td>Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.</td>
<td>&gt; 20 - 35</td>
</tr>
<tr>
<td>D</td>
<td>Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, and high volume-to-capacity (V/C) ratios. Many vehicles stop, and individual cycle failures are noticeable.</td>
<td>&gt; 35 – 55</td>
</tr>
<tr>
<td>E</td>
<td>Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.</td>
<td>&gt; 55 – 80</td>
</tr>
<tr>
<td>F</td>
<td>Operation with delays unacceptable to most drivers occurring due to oversaturation, poor progression, or very long cycle lengths.</td>
<td>&gt; 80</td>
</tr>
</tbody>
</table>

**Unsignalized Intersections**

The method of unsignalized intersection capacity analysis used in this study is from Chapter 19, “Two-Way Stop-Controlled Intersections” of the Highway Capacity Manual. This method applies to two-way STOP sign or YIELD sign-controlled intersections (or one-way STOP sign or YIELD sign controlled intersections at three-way intersections). At such intersections, drivers on the minor street are forced to use judgment when selecting gaps in the major flow through which to execute crossings or turning maneuvers. Thus, the capacity of the controlled legs of an intersection is based on three factors:

1. The distribution of gaps in the major street traffic stream.
2. Driver judgment in selecting gaps through which to execute their desired maneuvers.
3. Follow-up time required to move into the front-of-queue position.

The level of service criterion for two-way STOP controlled intersections is somewhat different from the criterion used for signalized intersections. The primary reason for this is the difference that drivers expect a signalized intersection to carry higher traffic volumes than unsignalized intersections. Additionally, several driver behavior conditions combine to make delays at signalized intersections less onerous than at unsignalized intersections.
The HCM provides procedures for calculating LOS on the minor street approaches and individual movements. It does not specify how a local agency must utilize that information. Depending on the availability of gaps, the minor approach might be operating at LOS D, E, or F while the overall intersection operates at LOS C or better. A minor approach that operates at LOS D, E, or F does not automatically translate into a need for a traffic signal. A signal warrant would still need to be met. There are many instances where only a few vehicles are experiencing LOS D, E, or F on the minor approach while the whole intersection operates at an acceptable LOS. A signal is usually not warranted under such conditions.

Table 2 summarizes the relationship between delay and LOS for unsignalized intersections. At side-street stop-controlled intersections, the delay is calculated for each stop-controlled movement, the left-turn movement from the major street, as well as the intersection average. The intersection average delay and highest movement/approach delay are reported for side street stop-controlled intersections.

**SIGNIFICANCE CRITERIA**

San Joaquin County

As per the San Joaquin County 2035, General Plan Draft Environmental Report dated October 2014, CMP Level of Service - The County is to maintain and enforce Level of Service (LOS) standards consistent with the San Joaquin Council of Governments (SJCOC) Congestion Management Program (CMP) for State highways and designated County roadways and intersections of regional significance. Per the CMP, all designated CMP roadways and intersections shall operate at LOS D or better except for roadways with "grandfathered" LOS. LOS for State highways shall be maintained in cooperation with Caltrans. The County LOS standards for intersections is LOS "D" or better on Minor Arterials and roadways of higher classification and LOS "C" or better on all other roads. The County shall maintain the following:

1. On State highways, LOS D or Caltrans standards whichever is stricter.
2. Within a city's sphere of influence, LOS D, or the city planned standards for that level of service.
3. On Mountain House Gateways, as defined in the Master Plan, LOS D, on all other roads, LOS C.

For State highways that are designated as part of SJCOC's CMP, both the Caltrans and CMP LOS standards shall apply. Where roadways are designated as part of SJCOC's CMP, both the County and CMP LOS standards shall apply. (Source: Existing GP, Transportation, Roadways, Policy 8, modified)

For CMP intersections or roadways currently operating or expected to operate at LOS E or F under No Project conditions, the Project would result in a significant impact if it would increase:

1. Average delay by 4 seconds or more (intersections); or
2. The volume-to-capacity (V/C) ratio by 1.0 or more.

---

Table 2: Unsignalized Intersection LOS Criteria

<table>
<thead>
<tr>
<th>LOS</th>
<th>Driver's Perception and Traffic Operation Description</th>
<th>Delay in Seconds</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>Little or no delays</td>
<td>&lt; 10</td>
</tr>
<tr>
<td>B</td>
<td>Short traffic delays</td>
<td>&gt; 10 – 15</td>
</tr>
<tr>
<td>C</td>
<td>Average traffic delays</td>
<td>&gt; 15 – 25</td>
</tr>
<tr>
<td>D</td>
<td>Long traffic delays</td>
<td>&gt; 25 – 35</td>
</tr>
<tr>
<td>E</td>
<td>Very long traffic delays</td>
<td>&gt; 35 – 50</td>
</tr>
<tr>
<td>F</td>
<td>Extreme traffic delays with intersection capacity exceeded</td>
<td>&gt; 50</td>
</tr>
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</table>
3.0 EXISTING TRAFFIC CONDITION

This section presents the assessment of traffic conditions without the proposed Project.

INTERSECTION LEVEL OF SERVICE

To accurately model the traffic condition, AMG created a Synchro traffic analysis model to determine the intersection LOS. The Existing Conditions traffic operations were evaluated based on levels of service criteria using Synchro. Several intersection attributes (such as lane geometries, truck percentage, signal phasing and traffic control) were coded into the Synchro software model to evaluate the study intersections.

The results of the LOS analysis for the existing intersections are shown in Table 3. All the intersections operate at acceptable LOS D or better indicating acceptable conditions.

Table 3: Existing LOS of Study Intersections

<table>
<thead>
<tr>
<th>ID</th>
<th>Intersection</th>
<th>Existing Control</th>
<th>A.M. Delay</th>
<th>A.M. LOS</th>
<th>P.M. Delay</th>
<th>P.M. LOS</th>
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<td>1</td>
<td>W. Turner Road/N. Davis Road</td>
<td>AWS 9.3</td>
<td>A</td>
<td>12.0</td>
<td>B</td>
<td></td>
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<td>2</td>
<td>W. Woodbridge Road/N. Davis Road</td>
<td>AWS 7.5</td>
<td>A</td>
<td>7.9</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Project Access/N. Davis Road</td>
<td>TWS 9.5</td>
<td>A</td>
<td>9.2</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>W. Peltier Road/N. Davis Road</td>
<td>AWS 8.4</td>
<td>A</td>
<td>9.6</td>
<td>A</td>
<td></td>
</tr>
</tbody>
</table>

Note:
AWS - All Way Stop control
TWS - Two Way Stop control

Detailed level of service worksheets is provided in Appendix B.

4.0 EXISTING PLUS APPROVED (NO PROJECT) TRAFFIC CONDITION

The Existing Plus Approved (No Project) Traffic Condition (EPAP) AM/PM condition is a near-term future background condition. This condition is referred to in this traffic impact study as EPAP No Project conditions. Development of land uses, and roadway improvements associated with previously approved projects are assumed in this condition.

However, County records did not show any significant County projects in the area. Based on discussions with the County, it was assumed there is no other significant approved projects in the Project vicinity.¹

¹ March 12, 2021 email from County staff
5.0 EXISTING PLUS APPROVED PLUS PROJECT TRAFFIC CONDITION

The proposed winery Project located at 20814 N. Davis Road, Lodi, CA. The Project site is on a private easement 2,600 feet east of North Davis Road, one (1) mile south of Peltier Road, Lodi. Figure 2 shows the proposed Project site plan.

The proposed winery would be constructed in two (2) phases over five (5) years.

Phase 1:
Construction of a 10,530 sf winery production building (work area, office, conference room etc.).

Phase 2:
Includes the construction of a 9,930 sf multi-purpose building.
- 1,500 sf wine tasting room, and
- 9,500 sf expansion to the Phase 1 winery production building.

Daily Winery Operations
- Eight (8) hours per day 9 AM to 5 PM, seven (7) days per week with six (6) employees.
- Average of thirty (30) customers per day Monday through Friday and 100 customers per day on Saturday and Sunday.

Annual Events
- Twelve (12) Marketing Events per year for a maximum of 300 attendees.
- Average of eighty (80) Small-scale Accessory Winery Events per year with a maximum of eighty (80) attendees.
- Sixty (60) Large-scale Accessory Winery Events per year with a maximum of 300 attendees.
- Four (4) Wine Release events per year with a maximum of 300 attendees.

TRIP GENERATION

Trip generation is defined as the number of "vehicle trips" produced by a particular land use or project. A trip is defined as a one-direction vehicle movement. The total number of trips generated by each land use includes the inbound and outbound trips.

Commute Peak Hours
Based on the 2008 Traffic Study Guidelines, the peak hour trip generation for a project should be estimated based on the Trip Generation, 10th Edition (most current), published by the Institute of Transportation Engineers (ITE). AMG used ITE 970 Winery to estimate potential trip generation during the AM/PM peak hour. It is estimated that the Project will generate approximately six (6) trips during the AM peak hour and seventeen (17) trips during the PM peak hour as shown in Table 4. It is evident that estimated Project trips are not significant during the commute hours.

Special Events
However, as indicated earlier, the proposed Project plans to hold sixty (60) Large-scale Accessory Winery Events per year with a maximum of 300 attendees, twelve (12) Marketing Events per year for a maximum of 300 attendees and four (4) Wine Release events per year with a maximum of 300 attendees.
To estimate the trip generation during these special events, AMG used the trip rates from a previously approved winery in the County. The estimated trip generation rates was based on driveway counts conducted during a fund-raising event (Moonlight Gala in the County by the American Cancer Society) at the Raverty Off-site Wine Cellar facility on Saturday, June 20, 2009. The fund-raising event was attended by 350 people which started at 6:00 p.m. and ended at 11:00 p.m.

AMG used the driveway trip rates from the study to estimate potential trips for the proposed Project during special events. Assuming a typical 300 guest Special Events, it is estimated that the Project will generate approximately 91 trips during the evening or weekend peak hour as shown in Table 4.

Table 4: Proposed Project Trip Generation

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Source</th>
<th>Size</th>
<th>Daily</th>
<th>A.M. Peak</th>
<th>P.M. Peak</th>
<th>Size</th>
<th>Evening Peak</th>
</tr>
</thead>
<tbody>
<tr>
<td>Winery</td>
<td>ITE 970</td>
<td>1.50 klf</td>
<td>45.92</td>
<td>66.9</td>
<td>3.38</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

Note:
A - 1.5 klf Tasting Room  

Special Events

2 Traffic Impact Study for the Proposed Raverty Off-site Wine Cellar Facility in the San Joaquin County November 12, 2009
TRIP DISTRIBUTION

Trip distribution is a process that approximates the “proportion of vehicles” between a project site and various destinations outside the project study area. The trip assignment process determines the various routes that vehicles would take from the Project site to each destination using the estimated trip distribution.

The Project is expected to “generate” and “attract” trips throughout the County and from other locations throughout the area. Directional trip distribution for Project generated trips was estimated based on existing traffic flow patterns, geographic location of the Project site, and location of other similar destinations.

Since it is a winery development, it is estimated that visitor traffic accessing the Project site would primarily be coming from the I-5 and SR 99 freeway. The estimated trip distribution patterns are shown on Figure 3 and Project only trips are shown on Figure 4.

INTERSECTION LEVEL OF SERVICE ANALYSIS

This section presents the assessment of potential transportation impacts of the proposed Project. Figure 5 shows the Existing plus Approved plus Project (EPAPP) Conditions peak hour turning movement volumes and lane geometry.

Table 5 shows the LOS under EPAPP Conditions during the Peak Hour. Similar to the Existing scenario, all intersections operate acceptably at LOS D or better during both commute peak hours and special events. It should be noted that the PM commute peak hour volumes were used to analyze LOS during the special events. This could be considered conservative or worst-case scenario since typically traffic volumes are lower during the off-peak. Detailed level of service worksheets is provided in Appendix D.

Table 5: EPAP plus Project (EPAPP) Peak Hour LOS

<table>
<thead>
<tr>
<th>ID</th>
<th>Intersection</th>
<th>Existing Control</th>
<th>A.M.</th>
<th>P.M.</th>
<th>Existing Control</th>
<th>A.M.</th>
<th>P.M.</th>
<th>Existing Control</th>
<th>A.M.</th>
<th>P.M.</th>
<th>Evening Peak</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Delay</td>
<td>LOS</td>
<td>Delay</td>
<td>LOS</td>
<td>Delay</td>
<td>LOS</td>
<td>Delay</td>
<td>LOS</td>
<td>Delay</td>
</tr>
<tr>
<td>1</td>
<td>W. Turner Road/N. Davis Road</td>
<td>AWS</td>
<td>9.3</td>
<td>A</td>
<td>12.0</td>
<td>B</td>
<td>AWS</td>
<td>9.3</td>
<td>A</td>
<td>12.2</td>
<td>B</td>
</tr>
<tr>
<td>2</td>
<td>W. Woodbridge Road/N. Davis Road</td>
<td>AWS</td>
<td>7.5</td>
<td>A</td>
<td>7.9</td>
<td>A</td>
<td>AWS</td>
<td>7.5</td>
<td>A</td>
<td>7.9</td>
<td>A</td>
</tr>
<tr>
<td>3</td>
<td>Project Access/N. Davis Road</td>
<td>TWS</td>
<td>9.5</td>
<td>A</td>
<td>9.2</td>
<td>A</td>
<td>TWS</td>
<td>9.5</td>
<td>A</td>
<td>9.5</td>
<td>A</td>
</tr>
<tr>
<td>4</td>
<td>W. Pelletier Road/N. Davis Road</td>
<td>AWS</td>
<td>8.4</td>
<td>A</td>
<td>9.6</td>
<td>A</td>
<td>AWS</td>
<td>8.5</td>
<td>A</td>
<td>9.6</td>
<td>A</td>
</tr>
</tbody>
</table>

Note:
TWS - Two Way Stop Control
AWS - All Way Stop Control
* - Special Events
Traffic Impact Analysis for the Proposed Winery Project Located at 20814 N. Davis Road, Lodi, CA

Project Trip Distribution

Figure 3

LEGEND

• Study Intersection

Percentage Distributions

15%

15%

25%

10%

15%

5%

Proposed Project Site
20814 N. Davis Rd.

P1900145 - 4/12/2021 - CT
Traffic Impact Analysis for the Proposed Winery Project Located at 20814 N. Davis Road, Lodi, CA

Existing plus Approved plus Project Peak Hour Volumes and Lane Configurations

**Figure 5**

### Intersection #1
W. Turner Rd. & N. Davis Rd.

- Study Intersection
- Stop Sign
- All Way Stop
- AM Peak Hour Volume
- PM Peak Hour Volume
- Special Events Peak Hour Volume

### Intersection #2
N. Davis Rd. & Woodbridge Rd.

### Intersection #3
N. Davis Rd. & Access Rd./Project Driveway

### Intersection #4
N. Davis Rd. & W. Peltier Rd.

---

Not to Scale
PROPOSED ACCESS, PARKING AND CIRCULATION

The Project site is on a private easement 2,600 feet east of North Davis Road, one (1) mile south of Peltier Road, Lodi. Access will be provided by a private easement from North Davis Road as shown in Exhibit 1.

AMG reviewed the Project site plan with regards to key issues such as safe access, sight distance and potential queuing. As shown in Exhibit 1, the proposed easement to the east of N. Davis Road is clear of any obstruction so the sight distance should be acceptable. Vehicles would be entering and exiting the Project site from N. Davis Road which is a two-lane rural roadway without turn lanes as shown in Exhibit 1.

Access

Based on the peak hour count as shown in Figure 1, there is approximately 66 and 68 peak hour trips respectively in the southbound and northbound during the PM peak. These are considered very low peak hour volumes at the entrance/exit site and it is expected that traffic would be able to operate acceptably without any queuing issues during the daily commute peak. Assuming that the commute PM peak hour volumes would be as high during the Special Events Evening peak, the southbound left-turn volumes from N. Davis Road into the proposed easement road would still encounter less than two (2) vehicles per minute. Therefore, it is anticipated that the projected 26 southbound left-turn volumes during the Special Events might not generate any queuing in the southbound direction.
To ensure that in the unlikely event the southbound through vehicles might encounter any queue due to southbound left-turning vehicles, AMG recommends that the shoulder lane should be improved for at least approximately 200-300 feet through the intersection. The northbound shoulder near the intersection should also be improved to accommodate the projected 59 northbound right-turning vehicles during Special Events.

**Circulation and Parking**

The proposed Project would be accessed through a single easement road on N. Davis Road as shown in Exhibit 2. Once inside the winery, vehicles would be able to turn left or right to park their vehicles. Both angled and 90-degree parking spaces are provided. 203 full size parking spaces are proposed at the site. The proposed circulation seems to be acceptable. Scaled drawings for the parking spaces was not provided so AMG could not comment on the parking space design.
6.0 CUMULATIVE NO PROJECT CONDITIONS

This section details expected traffic conditions at the study intersections under Cumulative (No Project) Conditions. This analysis scenario is defined as Cumulative conditions without the proposed Project. The scenario is similar to the Existing Conditions, but with a projected growth rate of one percent per year applied over 20 years to project traffic demands for the Year 2041.

Figure 6 shows projected turning movement volumes at the study intersection for the Cumulative No Project Conditions for AM and PM peak hours.

INTERSECTION LEVEL OF SERVICE - CUMULATIVE NO PROJECT CONDITIONS

The intersection LOS analysis results for Cumulative No Project Conditions are summarized in Table 6. Under this scenario, all intersections operate at acceptable LOS D or better.

Table 6: Cumulative (No Project) Peak Hour LOS

<table>
<thead>
<tr>
<th>ID</th>
<th>Intersection</th>
<th>Existing Control</th>
<th>Existing A.M. Delay</th>
<th>Existing A.M. LOS</th>
<th>Existing P.M. Delay</th>
<th>Existing P.M. LOS</th>
<th>Cumulative NP A.M. Delay</th>
<th>Cumulative NP A.M. LOS</th>
<th>Cumulative NP P.M. Delay</th>
<th>Cumulative NP P.M. LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>W. Turner Road/N. Davis Road</td>
<td>AWS</td>
<td>9.3</td>
<td>A</td>
<td>12.0</td>
<td>B</td>
<td>AWS</td>
<td>9.8</td>
<td>A</td>
<td>13.9</td>
</tr>
<tr>
<td>2</td>
<td>W. Woodbridge Road/N. Davis Road</td>
<td>AWS</td>
<td>7.5</td>
<td>A</td>
<td>7.9</td>
<td>A</td>
<td>AWS</td>
<td>7.6</td>
<td>A</td>
<td>8.0</td>
</tr>
<tr>
<td>3</td>
<td>Project Access/N. Davis Road</td>
<td>TWS</td>
<td>9.5</td>
<td>A</td>
<td>9.2</td>
<td>A</td>
<td>TWS</td>
<td>9.5</td>
<td>A</td>
<td>9.2</td>
</tr>
<tr>
<td>4</td>
<td>W. Peltier Road/N. Davis Road</td>
<td>AWS</td>
<td>8.4</td>
<td>A</td>
<td>9.6</td>
<td>A</td>
<td>AWS</td>
<td>8.8</td>
<td>A</td>
<td>10.1</td>
</tr>
</tbody>
</table>

Note:
AWS - All Way Stop control
TWS - Two Way Stop control

Detailed calculation sheets for Cumulative No Project Conditions are contained in Appendix E.
Traffic Impact Analysis for the Proposed Winery Project Located at 20814 N. Davis Road, Lodi, CA

Cumulative No Project Peak Hour Volumes and Lane Configurations

<table>
<thead>
<tr>
<th>Intersection #1</th>
<th>Intersection #2</th>
<th>Intersection #3</th>
<th>Intersection #4</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM Peak Hour Volume</td>
<td>PM Peak Hour Volume</td>
<td>AM Peak Hour Volume</td>
<td>PM Peak Hour Volume</td>
</tr>
<tr>
<td>Study Intersection</td>
<td>Stop Sign</td>
<td>Traffic Signal</td>
<td>Special Events Peak Hour Volume</td>
</tr>
</tbody>
</table>

**Legend:**
- Study Intersection
- Stop Sign
- Traffic Signal
- AM Peak Hour Volume
- PM Peak Hour Volume
- Special Events Peak Hour Volume
7.0 CUMULATIVE PLUS PROJECT CONDITIONS

This scenario is identical to Cumulative Conditions, with the addition of projected traffic from the proposed development of the Project. Trip generation, distribution, and assignment for the proposed Project are identical to that assumed under Existing plus Approved plus Project Conditions. Figure 7 shows projected turning movement volumes at the study intersection for Cumulative plus Project Conditions.

INTERSECTION LEVEL OF SERVICE ANALYSIS – CUMULATIVE PLUS PROJECT CONDITIONS

The intersection LOS analysis results for Cumulative plus Project Conditions are summarized in Table 7. All intersections are estimated to operate acceptably at LOS D or better during both commute peak hours and special events. The LOS of all study intersections will remain unchanged except the intersection of W Turner Road/N. Davis Road will change from LOS B to LOS C which is still considered acceptable. It is estimated that all intersections will operate at LOS D or better.

<table>
<thead>
<tr>
<th>ID</th>
<th>Intersection</th>
<th>Cumulative No Project</th>
<th>Cumulative plus Project</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Existing Control</td>
<td>A.M.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Delay</td>
</tr>
<tr>
<td>1</td>
<td>W. Turner Road/N. Davis Road</td>
<td>AWS</td>
<td>9.8</td>
</tr>
<tr>
<td>2</td>
<td>W. Woodbridge Road/N. Davis Road</td>
<td>AWS</td>
<td>7.6</td>
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<tr>
<td>3</td>
<td>Project Access/N. Davis Road</td>
<td>TWS</td>
<td>9.5</td>
</tr>
<tr>
<td>4</td>
<td>W. Perrier Road/N. Davis Road</td>
<td>AWS</td>
<td>8.8</td>
</tr>
</tbody>
</table>

Note:
- TWS - Two Way Stop control
- AWS - All Way Stop control
- * - Special Events

Detailed calculation sheets for Cumulative plus Project Conditions are contained in Appendix F.
### Traffic Impact Analysis for the Proposed Winery Project Located at 20814 N. Davis Road, Lodi, CA

**Cumulative plus Project Peak Hour Volumes and Lane Configurations**

<table>
<thead>
<tr>
<th>Intersection #1</th>
<th>Intersection #2</th>
<th>Intersection #3</th>
<th>Intersection #4</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM Peak Hour Volume</td>
<td>PM Peak Hour Volume</td>
<td>Special Events Peak Hour Volume</td>
<td>AM Peak Hour Volume</td>
</tr>
<tr>
<td>33 (23) 40</td>
<td>35 (19) 50</td>
<td>0 (0) 11</td>
<td>0 (1) 12</td>
</tr>
<tr>
<td>325 (190) 166</td>
<td>78 (27)</td>
<td>6 (1)</td>
<td>34 (6)</td>
</tr>
<tr>
<td>42 (13) 13</td>
<td>42 (13) 13</td>
<td>8 (1)</td>
<td>8 (1)</td>
</tr>
<tr>
<td>25 (19) 19</td>
<td>25 (19) 19</td>
<td>9 (1)</td>
<td>9 (1)</td>
</tr>
<tr>
<td>7 (13) 13</td>
<td>110 (76) 76</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>22 (23) 23</td>
<td>87 (41) 41</td>
<td>5 (5)</td>
<td>5 (5)</td>
</tr>
<tr>
<td>7 (13) 13</td>
<td>47 (21) 21</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>22 (23) 23</td>
<td>22 (16) 16</td>
<td>5 (5)</td>
<td>5 (5)</td>
</tr>
</tbody>
</table>

**Legend**
- **Study Intersection**
- **Stop Sign**
- **Traffic Signal**
- **AM Peak Hour Volume**
- **PM Peak Hour Volume**
- **Special Events Peak Hour Volume**

- Not to Scale

*Figure 7*

*PA-2000012 (UP)*

Planning Commission Staff Report, PA-2000012 (UP)  
Environmental Document 79
8.0 CONCLUSION

Based on the results of the analysis, the following is a summary of our findings:

Existing Traffic Conditions
All the intersections operate at acceptable Level of Service (LOS) D or better indicating acceptable conditions.

Proposed Project Trip Generation
At buildout, the winery will include 9,930 square feet (sf) multi-purpose building, 1,500 sf wine tasting room and 20,030 sf winery production building. The winery also proposed to host approximately 76 large scale events in the evening or weekend with a maximum of 300 attendees.

It is estimated that the Project will generate approximately six trips during the AM peak hour and 17 trips during the PM peak hour. Assuming a typical 300 guests Special Events, it is estimated that the Project will generate approximately 91 trips during the evening or weekend peak hour.

Existing Plus Approved Projects (EPAP) Traffic Condition
County records did not show any significant County projects in the area. Based on discussions with the County, it was assumed there is no other significant approved projects in the vicinity of the proposed Project.

Existing Plus Approved Plus Project Traffic Condition
Similar to the Existing scenario, it is estimated that all intersections operate acceptably at LOS D or better during both peak hours.

Cumulative (No Project) Conditions
The scenario is similar to the Existing Conditions, but with a projected growth rate of one percent per year applied over 20 years to project traffic demands for the Year 2041. It is estimated that all intersections will operate acceptably at LOS D or better during both peak hours.

Cumulative plus Project Conditions
The LOS of all study intersections will remain unchanged except the intersection of W. Turner Road/N. Davis Road will changed from LOS B to LOS C which is still considered acceptable. It is estimated that all intersections will operate at LOS D or better.
REFERENCES

1. Trip Generation, 10th Edition, published by the Institute of Transportation Engineers (ITE)
2. Performance Measurement System (PeMS) Data Source
3. Traffic Impact Study for the Proposed Raverty Off-site Wine Cellar Facility in the San Joaquin County, November 12, 2009

Advanced Mobility Group
Christopher Thnoy, PE, AICP  Principal/Project Manager
Joy Bhattacharya, PE, PTOE  QA/QC
Shruti Shrivastava  Project Engineer

Persons Consulted
Jeffrey Levers, T.E.  Department of Public Works
TRAFFIC IMPACT ANALYSIS FOR THE PROPOSED WINERY PROJECT LOCATED AT 20814 N. DAVIS ROAD, LODI, CALIFORNIA

Appendix A Traffic Volume Counts
June 22, 2021

Appendix A  TRAFFIC VOLUME COUNTS
TRAFFIC IMPACT ANALYSIS FOR THE PROPOSED WINERY PROJECT LOCATED AT 20814 N. DAVIS ROAD, LODI, CALIFORNIA

Appendix B  Intersection LOS Analysis: Existing Conditions LOS Calculation Sheets
June 22, 2021

Appendix B  INTERSECTION LOS ANALYSIS: EXISTING CONDITIONS LOS CALCULATION SHEETS
TRAFFIC IMPACT ANALYSIS FOR THE PROPOSED WINERY PROJECT LOCATED AT 20814 N. DAVIS ROAD, LODI, CALIFORNIA

Appendix C: Analysis: Existing plus Approved plus Project Conditions
June 22, 2021

Appendix C  ANALYSIS: EXISTING PLUS APPROVED PLUS PROJECT CONDITIONS

- LOS CALCULATION SHEETS
Appendix D  ANALYSIS: CUMULATIVE NO PROJECT CONDITIONS

- LOS CALCULATION SHEETS
Appendix E  ANALYSIS: CUMULATIVE PLUS PROJECT CONDITIONS

- LOS CALCULATION SHEETS
Attachment D
Mitigation Monitoring and Reporting Program
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure/Condition</th>
<th>Type of Review</th>
<th>Agency for Monitoring and Reporting Compliance</th>
<th>Action Indicating Compliance or Review</th>
<th>Verification of Compliance or Annual Review of Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>IV. Biological Resources</td>
<td>Participation in the SJMSCP</td>
<td>X</td>
<td>San Joaquin Council of Governments</td>
<td>Certificate of Payment and Signed ITMM</td>
<td></td>
</tr>
</tbody>
</table>


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Attachment E
Findings for Use Permit
1. The proposed use is consistent with the goals, policies, standards, and maps of the General Plan, any applicable Master Plan, Specific Plan, and Special Purpose Plan, and any other applicable plan adopted by the County.
   - This finding can be made because the use type Wineries and Wine Cellars – Winery, Small may be conditionally permitted in the AG-40 (General Agriculture, 40 acre minimum) zone with an approved Use Permit application. The project site has a General Plan designation of OS/RC (Resource Conservation) and A/G (General Agriculture), and the AG-40 zone is an implementing zone for these designations. There are no Master Plans, Specific Plans, or Special Purpose Plans in the vicinity.

2. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways.
   - This finding can be made because adequate utilities, access driveway, sanitation, drainage, and other necessary facilities have been proposed and the proposed improvements are properly related to existing and proposed roadways. The private driveway accessing the site must be improved and maintained to meet county standards for an emergency vehicle apparatus road. The project will be served by an on-site well, wastewater treatment system, and on-site storm drainage constructed under permit and inspection by the Environmental Health Department.

3. The site is physically suitable for the type of development and for the intensity of development.
   - This finding can be made because the combined parcels are 88.63 acres in size and are of adequate size and shape to accommodate the proposed, and existing, uses, and all yards, building coverage, setbacks, parking areas and other requirements of the Development Title.

4. Issuance of the permit will not be significantly detrimental to the public health, safety, or welfare, or be injurious to the property or improvements of adjacent properties.
   - This finding can be made because the project has been conditioned to meet San Joaquin County development regulations that protect public health, safety, and welfare and ensure the project is not injurious to adjacent properties.

5. The use is compatible with adjoining land uses.
   - This finding can be made because the proposed use is an agricultural use that is compatible with the adjoining land uses. The parcels to the north, south, east, and west are currently used for agricultural purposes with scattered residential development.
Attachment F
Conditions of Approval
Use Permit No. PA-2000012 was approved by the Planning Commission on . The effective date of approval is . This approval will expire on , which is 3 years from the effective date of approval, unless (1) all Conditions of Approval have been complied with, (2) all necessary building permits have been issued and remain in force, and (3) all necessary permits from other agencies have been issued and remain in force.

Unless otherwise specified, all Conditions of Approval and ordinance requirements shall be fulfilled prior to the establishment of the use and the issuance of any building permits. Those Conditions followed by a Section Number have been identified as ordinance requirements pertinent to this application. Ordinance requirements cannot be modified, and other ordinance requirements may apply.

1. **COMMUNITY DEVELOPMENT DEPARTMENT** (Contact: [209] 468-3121)
   
   a. **BUILDING PERMIT:** Submit an "APPLICATION-COMMERCIAL BUILDING PERMIT". The Site Plan required as a part of the building permit must be prepared by a registered civil engineer or licensed architect. This Plan must show drainage, driveway access details including gates, on-site parking, landscaping, signs, existing and proposed utility services, and grading (refer to the "SITE PLAN CHECK LIST" for details). Foundation and soils investigation shall be conducted in conformance with Chapter 18 of the California Building Code at the time of permit application. A fee is required for the Site Plan review. (Development Title Section 9-884)

   b. **APPROVED USE:** This approval is for a small winery to be constructed in 2 phases over 5 years as depicted on the site plan dated January 10, 2020. (Use Type: Wineries and Wine Cellars – Winery, Small)
      
      - Phase 1, building permits to be issued within 3 years of the date of approval:
        - Construction of a 10,530-square-foot production building
        - Construction of a 2,300-square-foot covered crush pad

      - Phase 2, building permits to be issued within 5 years of the date of approval:
        - Construction of a 9,930-square-foot multipurpose building
        - Construction of a 1,500-square-foot tasting room
        - Construction of a 9,500-square-foot expansion to the Phase 1 production building

   c. **APPROVED EVENTS:** The winery is approved for the following events. Winery events are limited to no more than one type of event per day.
      
      - **Marketing Events:**
        - A maximum of 12 Marketing Events are permitted annually.
        - Each event shall have a maximum attendance of 300 people.
        - Marketing Events shall end by 10:00 p.m. (Development Title Section 9-1075.9[j])
        - Outdoor amplified sound is permitted at Marketing Events between the hours of 10:00 a.m. and 10:00 p.m. with this approval.

      - **Small-scale Accessory Winery Events:**
        - A maximum of 65 Small-scale Accessory Winery Events are permitted annually
        - Each event shall have a maximum attendance of 80 people.
        - Small-scale Accessory Winery Events shall end by 10:00 p.m. (Development Title Section 9-1075.9[j]).
        - Outdoor amplified sound is not permitted at Small-scale Accessory Winery Events.

      - **Large-scale Accessory Winery Events:**
        - A maximum of 40 Large-scale Accessory Winery Events are permitted annually.
- Each event shall have a maximum attendance of 300 people.
- Large-scale Accessory Winery Events shall end by 10:00 p.m. (Development Title Section 9-1075.9[[j]].)
- Outdoor amplified sound is permitted at Large-scale Accessory Winery Events between the hours of 10:00 a.m. and 9:00 p.m. Sunday through Thursday, and between the hours of 10:00 a.m. and 10:00 p.m. Friday and Saturday with this approval.

- **Wine Release Events:**
  - A maximum of 4 Wine Release Events are permitted annually.
  - Each event shall have a maximum attendance of 300 attendees at any given time.
  - Wine Release Events shall end by 10:00 p.m. (Development Title Section 9-1075.9[[j]].)
  - Outdoor amplified sound is not permitted at Wine Release Events.

- **MARKETING CALENDAR:** A Marketing Calendar shall be filed with the Community Development Department and updated as required for any winery or off-site wine cellars and be available prior to commencing Marketing Events, Industry Events, Wine Release Events and Large-scale or Small-scale Accessory Winery Events.

- **PRODUCTION CAPACITY:** A small winery shall have a minimum production capacity of 201 gallons of wine per year and a maximum production capacity of 36,000 gallons of wine per year. (Development Title Section 9-1075.5[a])

- **TASTING ROOM:** The maximum size of a stand-alone wine tasting room or structure, or area designated for wine tasting within a multipurpose building at an on-site wine cellar, shall not exceed 30% of the area designated for production facilities or 2,000 square-feet, whichever is greater. (Development Title Section 9-1075.6[n][1])

- **CAPITAL FACILITY FEE:** This project may be subject to the Capital Facility Fee. If the Capital Facility Fee is applicable, the County shall collect the fees before the issuance of any building permits. (Development Title Section 9-1245.2)

- **LOT LINE ADJUSTMENT or MERGER:** A Lot Line Adjustment or Merger application may be required to result in the winery improvements being located on one lot. If required, a Notice of Lot Line Adjustment or a Merger shall be recorded prior to the issuance of any Building or Grading Permits for the facility. A fee is required for this application.

- **IMPROVEMENT PLAN FOR PRIVATE RIGHT-OF-WAY:** An Improvement Plan for Private Right-of-Way for the entire length of the private driveway easement to be constructed and maintained to the standards required by the California Fire Code and applicable San Joaquin County Improvement Standards is required prior to the issuance of a building permit. (Development Title Section 9-1150.14[a])

- **PARKING:** Off-street parking shall be provided and comply with the following:
  1. Parking spaces may be surfaced with chip seal or an alternative surfacing material. (Development Title Section 9-1075.5[[j]])
  2. A minimum of 150 permanent parking spaces shall be provided. (2.5 spaces are required for every 1,000 feet of building area.) (1 parking space is required per every 2 event attendees) (Development Title Sections 9-1015.3 and 9-1075.9[h][1])
  3. Parking is not permitted along the access driveway. (Development Title Section 9-1075.5[c][1][A])

- **ACCESS AND CIRCULATION:** The following requirements apply and shall be shown on the Site Plan:
  1. The private access driveway over the 20-foot-wide easement shall have a width of no less than 20 feet and shall be constructed and maintained to the standards required by the California Fire
Conditions of Approval

2. Access and circulation driveways located on the winery parcel(s) shall have a minimum width of 25 feet for two-way aisles and 16 feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than 20 feet wide. (Development Title Section 9-1015.5[h][1])

l. **LIGHTING:** Lighting shall be provided and comply with the following:

   1. If the parking areas are to be used at night, parking lot lighting shall be installed. (Development Title Section 9-1015.5[g])

   2. Any lighting shall be designed to confine direct rays to the premises. No spillover beyond the property lines shall be permitted except onto public thoroughfares, provided, however, that such light shall not cause a hazard to motorists. (Development Title Section 9-1015.5[g][4])

m. **SIGNS:** Sign details shall be consistent with Chapter 9-1710 and 9-1075.5 of the Development Title and be included on the Site Plan. All portions of any sign shall be set back a minimum of 5 feet from any future right-of-way line, including any corner cut-off (snipe). (Development Title Sections 9-1075.5[f]) and 9-1710)

n. **TREE PRESERVATION:** Future development on the parcel(s) shall be consistent with the requirements of the County’s Tree Preservation Ordinance (Development Title Section 9-1505.2). The following note shall be placed on the Final/Parcel Map and also shall be recorded as a separate instrument:

   1. The removal of a Native Oak Tree, Heritage Oak Tree, or Historical Tree shall require an approved Improvement Plan application. Replacement of any tree removed under Development Title Section 9-1505.3 shall be as specified in Section 9-1505.4.

o. **RIPARIAN HABITAT:** Parallel to the Mokelumne River, a natural open space area for riparian habitat and waterway protection shall be maintained to provide nesting and foraging habitat and the protection of waterway quality. The minimum width of said open space shall be 100 feet, measured from the mean high-water level of the natural bank or 50 feet back from the existing riparian habitat, whichever is greater. Water-dependent uses may be permitted in this buffer.

   The mean high-water level and the edge of the riparian habitat shall be shown on the Site Plan. The open space buffer required above shall be shown on the Site Plan with the following note:

   1. Pursuant to Section 9-1510.5 of the San Joaquin County Development Title, this area is designated as a natural open space for riparian habitat and waterway protection. No development other than water dependent uses shall be permitted in this space.

p. **TRIBAL CULTURAL RESOURCES:** If, in the course of development, potential tribal cultural resources (TCRs) are discovered, all work within 100 feet of the find shall halt until a Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area can evaluate the materials and make recommendations for further action.

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

   1. A building permit for each separate structure or building is required. Submit plans, Specifications and supporting calculations, prepared by a Registered Design Professional (architect or engineer) for each structure or building, showing compliance with the 2019 California Building, Existing Building, Mechanical, Plumbing, Electrical, Energy and Fire codes as may be applicable. Plans for the different buildings or structures may be combined into a single set of construction documents.
2. A grading permit will be required for this project. Submit plans and grading calculations, including a statement of the estimated quantities of excavation and fill, prepared by a Registered Design Professional. The grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of the code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of the code.

3. The required plans must be complete at the time of submittal for a building permit. Plans must address building design and construction, fire and life safety requirements, accessibility and show compliance with the current California codes and San Joaquin County ordinances. A complete set of plans must include fire sprinkler plans, truss design submittals, metal building shop drawings, structural plans and calculations, plumbing, electrical and mechanical drawings and energy report.

4. A soils report is required pursuant to CBC § 1803 for foundations and CBC appendix § J104 for grading. All recommendations of the Soils Report shall be incorporated into the construction drawings.

5. For each proposed new building, provide the following information on the plans:
   
   A. Description of proposed use  
   B. Existing and proposed occupancy Groups  
   C. Type of construction  
   D. Sprinklers (Yes or No)  
   E. Number of stories  
   F. Building height  
   G. Allowable floor area  
   H. Proposed floor area  
   I. Occupant load based on the CBC  
   J. Occupant load based on the CPC

6. If high-piled combustible storage is to be used in a building, an automatic fire sprinkler system will be required.

7. Accessible routes shall be provided per CBC § 11B-206. At least 1 accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve. Where more than 1 route is provided, all routes must be accessible. §11B-206.2.1

8. At least 1 accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site. §11B-206.2.2

9. At least 1 accessible route shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility, including mezzanines, which are otherwise connected by a circulation path. §11B-206.2.4

10. Parking spaces will be required to accommodate persons with disabilities in compliance with Chapter 11B of the California Building Code. Note that accessible parking spaces are required for each phase of the project. These parking space(s) shall be located as close as possible to the primary entrance to the building.

11. Adequate sanitary facilities shall be provided for the facility, per the requirements of Chapter 4 of the California Plumbing Code.

12. Pursuant to Section 422.4 of the California Plumbing Code, toilet facilities shall be accessible to employees at all times, should not be more than 500 feet from where employees are regularly
employed and accessible by not more than one flight of stairs. The plans shall indicate the location of the toilet facilities and the travel distance from work areas.

13. This project will be required to comply with the Model Water Efficiency Landscape Ordinance requirements of the California Code of regulations, Title 22, Division 2, Chapter 2.7

r. FIRE PREVENTION BUREAU: The following 2019 California Fire Code (CFC) requirements will be applicable to the proposed project. The following conditions shall be addressed prior to submittal of a building permit application to the Building Inspection Division.

1. CFC 507 Fire Protection Water Supply – Fire flow and hydrants shall be provided for the proposed project by the use of: CFC Appendix B.

2. If Fire Protection Systems are required, they shall be installed according to the CFC, Chapter 9 and the appropriate standards and guides adopted in Chapter 35 of the California Building Code and the California Electrical Code.

3. CFC, Section 503 Fire Apparatus Access Roads – Shall be provided as required by this section. 503.1.2-A secondary access may be required.

4. CFC, Section 906 Portable Fire Extinguishers – Provide portable fire extinguishers as required by this section.

5. CFC, Section 506 Key Box – A Knox® Box shall be installed according to the local fire department’s instructions. Make application for the key box at the fire district having jurisdiction of this project. If there is an electronically controlled access gate at this site a Knox® key switch will also be required.

6. CFC, Section 5001.3.3.1 Properties of Hazardous Materials – A complete list of hazardous materials used, stored, or planned for use/storage at this site shall be provided.

7. A complete review at building permit submittal will require compliance with applicable codes and ordinances.

8. CFC, Section 105 Permits: Operational Permit(s) may be required prior to occupancy.

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

o. The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with 6-foot-high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-1135)

p. All vehicular parking related to applicant’s proposed development shall be onsite at all times. Parking the County right-of-way for all winery-related events shall be prohibited. It is the responsibility of applicant to monitor Davis Road to ensure compliance with this requirement.

q. The Traffic Impact Mitigation Fee shall be required for any incremental traffic resulting from this application. The fee is due and payable at the time of building permit application. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolutions R-00-433)

r. The Regional Transportation Impact Fee shall be required for any incremental traffic resulting from this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)

s. A copy of the Final Site Plan shall be submitted prior to release of building permit.
t. This project is a NPDES Phase II regulated area and shall comply with the following conditions. Prior to release of the building permit, plans and calculations shall be submitted and approved by the Public Works Department – Water Resources Division ([209] 468-9360):

1. **Treatment:** A registered professional engineer shall design the site to treat the 85th percentile storm as defined in the County’s 2021 Storm Water Quality Control Criteria Plan (SWQCCP).

2. **Hydromodification:** A registered professional engineer shall design the site to comply with the volume reduction requirement outlined in the County’s 2021 SWQCCP.

u. Applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and comply with the State “General Permit for Storm Water Discharges Associated with Construction Activity”. The Waste Discharge Identification Number (WDID) issued by SWRCB, shall be submitted to Public Works for file. Contact the SWRCB at (916) 341-5537 for further information.

v. Applicant shall submit the Storm Water Pollution Prevention Plan (SWPPP) to Public Works. A copy of the approved SWPPP and all required records, updates, test results and inspection reports shall be maintained on the construction site and be available for review upon request.

w. Prior to release of the building permit, the owner shall enter into an agreement with San Joaquin County for post-construction maintenance of stormwater quality facilities.

x. Documentation shall be provided showing the owner has verified if an Industrial Storm Water Permit is required from the State Water Resource Control Board (SWRCB).

y. All new construction and the substantial improvement of any structure, including conversion of existing structures, in the area of special flood hazard shall be elevated or flood proofed in accordance with San Joaquin County Ordinance Code Section 9-1065.12(a), (b), and (c).

z. No structures, fill, grading or other construction activity shall occur within the designated floodway of the Mokelumne River.

aa. No structures will be allowed within 10 feet of the toe of the Mokelumne River Levee.

Information Notes:

1. Standard Best Management Practices for the type of development proposed shall be incorporated into the site storm drainage design.

2. Wastewater shall NOT be allowed into the storm drainage system.

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

a. Applicant shall contact Robert McClellon, Program Coordinator, Small Public Water System Program, at (209) 468-0332, to determine if the existing well can be permitted as a public water system prior to issuance of building permits. If a public water system is required, applicant shall submit a Small Public Water System preliminary technical report to the California State Water Resources Control Board, Division of Drinking Water (Water Board), at least 6 months before initiating construction of any water-related improvement, as defined. The issuance of a permit to operate a small public water system by the local primacy agency (EHD) is prohibited without the concurrence of the Water Board. Please contact Brian Kidwell, P.E., with the SWRCB Division of Drinking Water, at (209) 948-3963 concerning the requirements for preliminary technical report submittal prior to issuance of building permits.

If the Water Board determines that an onsite well shall be used as the potable water source, a permit application to operate a Small Public Water System shall be submitted to the EHD for approval prior to issuance of building permits. To issue a permit to operate, concurrence from the Water Board is required. A yearly permit to operate a public water system will be required by the
EHD prior to sign off on over a recorded 20-foot-wide easement the certificate of final occupancy (San Joaquin County Development Title, Section 9-1120.2 and 9-1115.9).

The supplier must possess adequate financial, managerial, and technical capability to assure delivery of pure, wholesome, and potable drinking water in accordance with San Joaquin County Development Title, Sections 9-1120.2 and 9-1115.9 and C.C.R., Title 22, and Health and Safety Code, Section 116525 116570

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. The studies must be approved by the Environmental Health Department prior to issuance of building permit(s). (San Joaquin County Development Title, Section 9-1105.2[d]). The fee will be based on the current schedule at the time of payment.

The sewage disposal system shall comply with the onsite wastewater treatment systems standards of San Joaquin County prior to approval. A percolation test that meets absorption rates of the manual of septic tank practice or E.P.A. Design Manual for onsite wastewater treatment and disposal system is required for each parcel. A permit fee per percolation hole is required. The review fee will be based on the current schedule at the time of payment.

c. Submit to the Environmental Health Department revised site plans showing the location and configuration of any existing and proposed sewage disposal systems, along with the area required to be reserved for future sewage disposal repair/replacement (area for 100% sewage disposal replacement) prior to issuance of building permit(s). The plans shall include the design calculations, including the maximum number of persons the sewage disposal system is proposed to serve. In addition, show on revised plans that the disposal field area will be barricaded so it cannot be driven over, parked on, or used as a storage area. This disposal field area must be used for that specific purpose only, and it cannot contain any underground utility lines (San Joaquin County Development Title, Section 9-1110.4[c][5]).

d. Construction of an individual sewage disposal system(s) under permit and inspection by the Environmental Health Department is required at the time of development based on the Soil Suitability/ Nitrate Loading Study findings (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4).

e. The existing private water wells shall be tested for the chemical Dibromochloropropane (DBCP) and nitrates with the results submitted to the Environmental Health Department prior to issuance of building permit(s). Samples are to be taken and analyzed by a State-approved laboratory (San Joaquin County Development Title, Section 9-1115.7).

f. Applicant will need to get written approval from a public entity for the disposal of winery wastewater by removal of winery wastewater to an offsite disposal facility or from the Central Valley Regional Water Quality Control Board for discharge to land. That written approval shall be presented to the Environmental Health Department prior to issuance of building permit and/or final occupancy approval (San Joaquin County Development Title, Section 9.1125.5)

Applicant will need to get written approval from a public entity that will accept the proposed winery waste should applicant propose to haul winery wastewater offsite. That written acceptance shall be present to the Environmental Health Department prior to issuance of building permit and/or final occupancy approval.

g. Out of service well (SR0043691) shall be either destroyed under permit and inspection by the Environmental Health Department (EHD) or put back in service under EHD permit prior to issuance of building permit (San Joaquin County Development Title, Section 9-1115.5[e]).

h. If the winery plans to act as a host kitchen to any catering operation or catering event, a permit must be obtained from EHD for a Host Facility Permit. The applicant may contact Jeff Carrueso, Program Coordinator, Consumers Program, at (209) 468-3438 with questions.
i. Any geotechnical drilling shall be conducted under permit and inspection by the Environmental Health Department (San Joaquin County Development Title, Section 9-1115.3 and 9-1115.6).

j. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at cers.calepa.ca.gov/ and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases).

1. Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. – Hazardous Waste Program (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)

2. Onsite treatment of hazardous waste – Hazardous Waste Treatment Tiered Permitting Program (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)

3. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County – Hazardous Materials Business Plan Program (HSC Sections 25508 & 25500 et sec.)

4. Any amount of hazardous material stored in an Underground Storage Tank – Underground Storage Tank Program (HSC Sections 25286 & 25280 et sec.)
   - If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.
   - Additionally, an EHD UST permit to operate is required once the approved UST system is installed.

5. Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault – Aboveground Petroleum Storage Program (HSC Sections 25270.6 & 25270 et sec.)
   - Spill Prevention, Countermeasures and Control (SPCC) Plan requirement

6. Threshold quantities of regulated substances stored onsite - California Accidental Release Prevention (CalARP) Program (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
   - Risk Management Plan requirement for covered processes

4. SAN JOAQUIN COUNCIL OF GOVERNMENTS (Contact: [209] 235-0600)

   a. This project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The applicant has agreed to participate in the SJMSCP. Fees must be paid, and a release provided, prior to issuance of any building or grading permits.
Planning Commission Staff Report  
Item # 3, December 15, 2022  
Text Amendment No. PA-2200189  
Prepared by: Brian Millar, Contract Planner  
and Corinne King  

PROJECT SUMMARY  

Applicant Information  
Project Applicant: San Joaquin County Community Development Department  

Project Site Information  
Project Location: Countywide  
Supervisory District: Countywide  

Environmental Review Information  
CEQA Determination: Notice of Exemption (Government Code Section 15061[b][3])  

Project Description  
The project is a Development Title Text Amendment to replace the existing Agricultural Mitigation Chapter (9-1080, Agricultural Mitigation) of Title 9. The purpose of this amendment is to improve the County’s ability to implement the purpose and intent of General Plan Land Use Goals LU-7.10 and LU-7.12. This policy requires the County to maintain and implement an ordinance to permanently protect agricultural land within the County by providing adequate opportunities to mitigate for the loss of agricultural land as development occurs and agricultural lands are converted to urban uses.  

There are two versions of an Agricultural Mitigation Chapter proposed with this application. One version (Option A) is proposed by the Community Development Department and the second version (Option B) is proposed by the Agricultural Technical Advisory Committee (AgTAC). The two versions will be discussed in greater detail in this staff report, but the key difference is that Option A utilizes an experienced Qualifying Entity to administer, monitor and report on agricultural properties encumbered with agricultural conservation easements in perpetuity and Option B relies exclusively on County staff to administer agricultural mitigation with no monitoring or reporting required.  

Recommendation  

1. Forward Development Title Text Amendment No. PA-2200189 to the Board of Supervisors with a recommendation of approval for Option A based on the ability to make the required Basis for Development Title Text Amendment (Attachment A, Findings).
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NOTIFICATION & RESPONSES
(See Attachment F, Response Letters)

Public Hearing Notices
Legal ad for the public hearing published in the Stockton Record: December 5, 2022.
Number of Public Hearing notices: 94
Date of Public Hearing notice mailing: December 2, 2022.

Referrals and Responses
1. Project Referral with Environmental Determination Date: August 19, 2022

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ANALYSIS

Background

On November 21, 2006, the Board of Supervisors adopted Ordinance No. 4308, adding Chapter 9-1080 Agricultural Mitigation to the Title 9 Ordinance Code of San Joaquin County. Chapter 9-1080 established a program to achieve optimal farmland protection and created the Agricultural Technical Advisory Committee (AgTAC) to oversee some components of the program.

Agricultural Mitigation Requirement

Agricultural mitigation is required for any General Plan Amendment that changes the designation of any land from an agricultural designation to a nonagricultural designation, and/or a Zoning Reclassification that changes a parcel from an agricultural to a nonagricultural zone, regardless of General Plan designation. The requirement for when agricultural mitigation is required will remain substantially the same in both proposed amendments.

Agricultural Technical Advisory Committee

Membership

Pursuant to Chapter 9-1080 Section 9-1080.8(c), the AgTAC “shall consist of 3 representatives appointed by the San Joaquin Farm Bureau Federation, 3 representatives appointed by the Building Industry Association, and 3 representatives appointed by the Board of Supervisors, in which the appointees from the San Joaquin Farm Bureau Federation and the Building Industry Association are ratified by the Board of Supervisors and in which a supermajority vote (i.e., a two-thirds \( \frac{2}{3} \) vote of its members) is a requirement for, and a decision by, the Agricultural Technical Advisory Committee.”

Pursuant to Section 9-1080.8(d) AgTAC members are appointed for a term of 4 years and must reapply and be reappointed and ratified by the Board of Supervisors. The AgTAC currently has 7 board positions filled of 9 and has not had a full board since 2020. The Clerk of the Board regularly recruits to fill the vacant positions but has found the positions challenging to fill.

Duties

Pursuant to Chapter 9-1080 Section 9-1080.9, the AgTAC has specific duties it is required to carry out. As stated above, each such action requires a supermajority vote, which is a two-thirds \( \frac{2}{3} \) vote of its members.

1. “Carry out the functions authorized by this Chapter.”
   - Status: Ongoing

2. Adopt rules of procedure and bylaws governing the operation of the AgTAC and the conduct of its meetings.
   - Status: Complete

3. Develop a Mitigation Strategy “consistent with Section 9-1080.6, which includes providing the Board of Supervisors with a report within one year from the effective date of this Chapter, recommending conditions under which land with overlapping encumbrances could be considered as Agricultural Mitigation Land.”
   - Status: Incomplete

4. “Develop a report for consideration by the Board of Supervisors within one (1) year from the effective date of this Chapter concerning different agricultural mitigation ratios and definitions for the Delta and for Prime Agricultural land.”
   - Status: Incomplete
5. “Consider and make recommendations to the Board of Supervisors regarding future consideration of the inclusion of land outside the County as allowable Agricultural Mitigation Land, and regarding agricultural mitigation strategies other than the hybrid in-lieu fee/in-kind land approach set for in this chapter.”
   - Status: Incomplete

6. “Explore the concept of establishing a Mitigation Bank.”
   - Status: Incomplete

7. “Assume other responsibilities as set forth in this Chapter.”
   - Status: Ongoing

Meetings and Attendance

The AgTAC rules of procedures call for monthly meetings to be held on the third Thursday of each month and also allows for special meetings when deemed necessary. The prescribed meetings were traditionally held in person, but since the Covid pandemic meetings have also occurred remotely. Since 2008 the AgTAC has met intermittently. The attendance data from 2015 to the present is listed below. On average, the AgTAC has met 3 times per month.

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The AgTAC has had difficulty achieving a quorum and this has directly impacted its ability to carry out the functions of Chapter 9-1080. Functions that, in addition to the duties described above, include the review of whether project proposals with required mitigation for loss of agricultural land can comply with Section 9-1080.7’s requirement that the mitigation instrument sufficiently prohibits “any activity that substantially impairs or diminishes the agricultural productivity of the land.” Fortunately, only a few projects have been negatively impacted by AgTAC’s intermittent attendance. However, as land continues to be approved for future development and agriculture is removed from production, staff anticipates that approximately 27 projects that are pending or have been approved will require agricultural mitigation in the near future. The inability of the AgTAC to achieve a quorum and the lack of a clear process for mitigation means that there are projects that will be delayed and others that will have to “work around” the issues. The attendance and lack of other required duties will ultimately negatively impact an increasing number of development projects.

**Agricultural Conservation Easement Approved by the AgTAC (see Attachment D)**

Pursuant to Section 9-1080.3(c) agricultural mitigation “shall be satisfied by granting a farmland conservation easement or other farmland conservation mechanism as set forth in Subsection (d) of this Section to or for the benefit of a Qualifying Entity. The number of acres of agricultural mitigation land shall be at least equal to the number of acres that will be changed to a non-agricultural use [a 1:1 ratio].”

A Qualifying Entity is defined in the Development Title as a “nonprofit public benefit 5013(c)(3) corporation or other appropriate legal entity operating in San Joaquin County for the purpose of conserving and protecting land in agriculture, and approved for this purpose by the Board of Supervisors. The County may also be designated as the Qualifying Entity.” CDD proposes removing the County as a Qualifying Entity.

In 2016, the AgTAC adopted a model agricultural easement document that was consistent with Section 9-1080.3 and proposed to have the Central Valley Farmland Trust (now the California Farmland Trust or “CFT”) serve as the Qualifying Entity for administration of the model easement.

Upon final review, CFT determined that the model easement did not comply with the strict State and Federal mandates that are required for easement administrators. Although the AgTAC and CFT initially attempted to work together to revise the model ordinance to bring it into compliance with these mandates while also meeting the needs of the County’s constituents as articulated by the AgTAC, the two entities could not reach a consensus. CFT maintained that it could not administer the AgTAC’s model easement because the lack of required monitoring and reporting and the allowance all uses allowed by the zone (various types of agricultural zones) put CFT’s corporate status, future funding, and insurance at risk.

Accordingly, the AgTAC discussed and in 2018 voted to move forward with amendments to Chapter 9-1080 that created a “Williamson Act” like model using County staff to administer its model easement with no obligation for monitoring or reporting on the land once an easement was placed on the property.
Additional Reviews and Actions

On May 21, 2020, the Planning Commission considered Development Title Text Amendment PA-2000004, which included the AgTAC’s proposed amendments to Chapter 9-1080 utilizing the “Williamson Act” model. The Planning Commission voted to recommend approval of the AgTAC’s proposed changes to the Board of Supervisors with a minor revision to require the Planning Division to track the agricultural easement on affected properties.

Due to a number of delays on March 23, 2021, the Board of Supervisors considered the amendments as recommended by the Planning Commission. Following a robust discussion, the Board tabled the item to allow staff to work with the AgTAC and stakeholders to reevaluate the ordinance based on stakeholder concerns about the effectiveness of the ordinance and ability to meet the intent of the General Plan goals related to preserving agricultural lands. The discussion included concerns regarding the structure, effectiveness, and necessity of the AgTAC.

Since the Board of Supervisors meeting in 2021, staff has worked with the AgTAC and has been unable to obtain a consensus on how to move forward and meet the Board of Supervisors’ concerns. Accordingly, staff determined that the best way to proceed is to provide the Planning Commission and, ultimately, the Board of Supervisors, with two options for agricultural mitigation. Option A was prepared by staff and includes best practices utilized by many jurisdictions throughout California. Option B carries forward the AgTAC’s 2021 proposed amendments with the additional requirement that any easement require mitigation to be “in perpetuity.” The term “in perpetuity” was erroneously omitted from the AgTAC’s original proposal in 2020.

**Proposed Amendment by Staff (Option A-see Attachment B)**

Staff conducted extensive research on best agricultural mitigation practices utilized by surrounding counties and cities. The Chairman of the Board of Supervisors identified multiple concerns with the text amendment as proposed by the AgTAC and instructed staff to work on a solution. Staff ultimately determined a new ordinance would be the best method to address some of the historical issues with the existing ordinance and make agricultural mitigation a clearer more efficient process with realistic avenues for providing agricultural mitigation. The purpose of staff’s ordinance is to create a new agricultural mitigation program that is easily understood by staff and the public while protecting agricultural land in perpetuity.

The Community Development Department is proposing a revised Agricultural Mitigation Chapter that addresses the concerns of the Board of Supervisors which includes the following:

- **Clarification of Language** - Clarification of terms and processes to be used for agricultural mitigation including definitions for agricultural land, conservation easement, mitigation bank, and an update to the term Qualifying Entity. Clarification of requirements relating to the size (acreage) of agricultural mitigation lands and the types of mitigation programs/options available to developers for their use. Clearly identified fee payment requirements, including that fees are to be paid directly to a Qualifying Entity.

- **Implementation and Monitoring of Mitigation** – Option A eliminates the need for an AgTAC and allows applicants to work directly with a Qualifying Entity who, in turn, will work collaborative with the County to ensure any required agricultural mitigation is adequately satisfied.

Though the County would have the ability to utilize more than one Qualifying Entity under the Option A Text Amendment, staff has had several discussions with CFT staff in recent months and determined that it would be an appropriate Qualifying Entity for the County. CFT has provided insight into the requirements for such easement administrators and is poised to serve as a Qualifying Entity for the County for its agricultural mitigation program.

Staff recommends the use of a Qualifying Entity instead of a model that relies solely on County staff to administer any type of conservation easement or utilize monies collected from an applicant as an in-lieu fee to purchase a conservation easement. Staff does not have the expertise or capacity to effectively implement, manage, and monitor an agricultural mitigation program or individual easements in perpetuity. The Qualifying Entity would provide administrative, general
implementation and stewardship duties, and would provide annual reports to the County on program status for the County. (See Agricultural Conservation Easement sample provided by CFT in Attachment E).

Mitigation fees would be established by the Qualifying Entity. Fees for land conservation easements are currently approximately $14,000 per acre based on land location, size, and by also evaluating comparable agricultural land costs based on recent appraisals. They are paid one time only and cover all future monitoring and reporting obligations of the Qualifying Entity. When looking for potential land to place an agricultural conservation easement, the Qualifying Entity can use fees paid by an applicant along with other funds that they have available, which may include grants from other agencies. Pursuant to the proposal, all agricultural mitigation lands must be located in San Joaquin County and meet the requirements of the adopted ordinance.

Option A permits the “stacking” of easements on a single property so long as the stacking does not impair the agricultural use of the land and is authorized by the Qualifying Entity. By using an external Qualifying Entity model, staff expects that mitigation can be accomplished in a more efficient manner with greater flexibility for applicants while achieving the intent and purpose of agricultural mitigation.

Since 2006, the Department has processed approximately 31 projects that required agricultural mitigation. This equates to approximately 2,618 acres that will require agricultural mitigation prior to issuance of any grading or building permit. As of today, the Department has worked with 4 applicants to satisfy the agricultural mitigation requirement. One applicant paid the Board of Supervisor approved “in-lieu” fees these fees are currently held in a trust by San Joaquin County. Because a Qualifying Entity has never been identified to carry out the funds received, the money has remained in the possession of the County and not utilized for the purchase of a conservation easement. The remaining projects utilized the “mitigation bank” option outlined in Option A. Although participation in a mitigation bank is not one of the options identified in the current agricultural mitigation ordinance, and in order to not delay any projects, this has been permitted as a work around. The AgTAC has been made aware of the occurrence.

- **Mitigation Options** – Option A provides flexibility for applicants whose projects are required to mitigate for loss of agricultural lands by allowing mitigation through 3 options that are equally weighted and don’t require Board of Supervisor approval: 1) an agricultural land conservation easement, 2) payment of in-lieu fees, or 3) use of a mitigation bank.

Under the proposal, applicants can use mitigation banks for smaller projects (less than 20 acres). This model is similar to best practices utilized by other jurisdictions such as Calaveras and Stanislaus County which allow for mitigation credit banking as an option to satisfy the agricultural mitigation requirements.

- **Long-Term Protection of Agricultural Lands** – Option A ensures that all agricultural land conservation easements are preserved in perpetuity, similar to the existing ordinance and Option B.

**Proposed Amendment by AgTAC (Option B-see Attachment C)**

The AgTAC’s original 2021 version of a Text Amendment removed the requirement that the easement be held “in perpetuity.” Option B has been updated to include “in perpetuity” language in the ordinance, but otherwise, the version is the same as previously proposed to the Planning Commission and Board of Supervisors.

Option B as proposed, puts the responsibility for managing easements on County staff, who lack the skills required to monitor any sort of agricultural operation. Additionally, Option B is overly permissive in that the conservation easement encumbered properties would be permitted to operate with any use permitted in the agricultural zone which does not ensure that agricultural lands are protected and maintained in agriculture. Zoning dictates what types of uses can be permitted on agriculturally zoned lands therefore the conservation easement as proposed by the AgTAC fails to ensure that the property is protected and maintained and appears redundant to what zoning already regulates.
Option B proposes the following changes to Chapter 9-1080:

1. Section 9-1080.3(f)(7): Removing the requirement that the Qualifying Entity monitor, inspect, or report annually to the AgTAC or the Board of Supervisors on activities on parcels with approved agricultural mitigation easements.

2. Section 9-1080.6(b): Allowing the maps and County records of parcels with approved agricultural mitigation easements to be identified in a manner similar to the identification of parcels with Williamson Act Contracts. This identification of an agricultural easement would help County staff avoid unintentionally approving any type of activity that is in violation of the mitigation easement;

3. Section 9-1080.6(a)(4): Allowing landowners that have parcels encumbered with an agricultural mitigation easement to build and use the land in any way allowed in the Agricultural Zone of the County’s Development Title, so long as it does not impair or diminish the agricultural productive capacity of the parcel as determined by the AgTAC; and

4. Section 9-1080.8(a) & 9-1080.9: Replacing the requirement for enforcement of the provisions of approved agricultural mitigation easements with the existing code enforcement process.

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**Agency Responses**

On August 19, 2022, the proposed Development Title Text Amendments to Chapter 9-1080 Agricultural Mitigation were circulated to local and state agencies for review. To date, comments have been received from:

- California Department of Conservation,
- Delta Protection Commission, and
- Delta Stewardship Council

All 3 agencies stated that they support the proposed Development Title Text Amendment proposed by CDD (Option A).

The Department received a letter from the Building Industry Association (BIA) on October 11, 2022, recommending the inclusion of the ability for “the SJCOG Habitat Conservation Plan in the category of..."
Agricultural/Natural, at the rate of one acre for one acre being satisfactory means of complying with the Agricultural Mitigation Ordinance.

**Basis for Development Title Text Amendment**

Prior to approving an application for a Text Amendment, the Planning Commission and the Board of Supervisors must determine that the proposed Text Amendment is consistent with the General Plan and any applicable Master Plan. The following is an analysis of the consistency of the proposed Development Title Text Amendment with the General Plan.

**General Plan Consistency**

General Plan Goal LU-7 (pgs. 3.1-60 and -61): Provide for the long-term preservation of productive farmland and to accommodate agricultural services and related activities that support the continued viability of the County’s agricultural industry. Specifically, there are two goals under Agricultural Preservation Mechanisms that address agricultural mitigation:

- LU-7.10 Agricultural Mitigation Program: The County shall continue to require agricultural mitigation for projects that convert agricultural lands to urban uses.

- LU-7.12: Agricultural Land Conversion Mitigation: The County shall maintain and implement the Agricultural Mitigation Ordinance to permanently protect agricultural land within the County.

With the proposed revisions in Options A and B, Agricultural Mitigation Chapter 9-1080 will continue to require agricultural mitigation for projects that include a General Plan Amendment or Zone Reclassification to convert agricultural lands to non-agricultural uses.

Therefore, the proposed Development Title Text Amendment options are consistent with the 2035 General Plan Goal LU-7 for preserving productive farmland.

**Notice of Exemption**

California Environmental Quality Act (CEQA) Section 15061(b)(3) states that a project is exempt from CEQA if the local agency determines that the activity has no potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in questions may cause a significant effect on the environment, the activity is not subject to CEQA and, therefore, exempt from CEQA. The Community Development Department has determined that the proposed Development Title Text Amendment pursuant to Option A or B has no potential for causing a significant effect on the environment because it is a Text Amendment that furthers agricultural mitigation program provisions in the County. The Text Amendment will not have a significant effect on the environment and, therefore, the project is not subject to CEQA.
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It is recommended that the Planning Commission:

1. Forward Development Title Text Amendment No. PA-2200189 to the Board of Supervisors with a recommendation of approval for Option A based on the ability to make the required Basis for Development Title Text Amendment (Attachment A, Findings).
Attachment A
Findings
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Findings

Basis for Development Title Text Amendment

Prior to approving an application for a Development Title Text Amendment, the Planning Commission and the Board of Supervisors shall determine that the proposed Development Title Text Amendment is consistent with the General Plan and any applicable Master Plan.

GENERAL PLAN GOAL LU-7 (pgs. 3.1-60 and -61)

Provide for the long-term preservation of productive farmland and to accommodate agricultural services and related activities that support the continued viability of the County’s agricultural industry.

Agricultural Preservation Mechanisms

LU-7.10 Agricultural Mitigation Program:
The County shall continue to require agricultural mitigation for projects that convert agricultural lands to urban uses.

LU-7.12 Agricultural Land Conversion Mitigation
The County shall maintain and implement the Agricultural Mitigation Ordinance to permanently protect agricultural land within the County.

Agricultural Mitigation Chapter 9-1080 will continue to require agricultural mitigation for projects that include a General Plan Amendment or Zone Reclassification to convert agricultural lands to non-agricultural uses. The proposed Development Title Text Amendment will improve the County’s ability to implement the Agricultural Mitigation Program by utilizing options that include an agricultural land conservation easement that is held in perpetuity and identified in County records, payment of in-lieu fees, or participation in an established agricultural mitigation bank. As proposed with staff’s amendments, use of a Qualifying Entity as the primary implementation body for agricultural mitigation in the County ensures adequate monitoring and reporting on agricultural mitigation actions and programs. Therefore, the proposed Development Title Text Amendment PA-2200189 is consistent with the 2035 General Plan Goal LU-7 for preserving productive farmland.
Attachment B
Text Amendment
Option A
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TEXT AMENDMENT OPTION A

Title 9 - DEVELOPMENT TITLE
DIVISION 10. - DEVELOPMENT REGULATIONS
CHAPTER 9-1080 AGRICULTURAL MITIGATION

CHAPTER 9-1080 AGRICULTURAL MITIGATION

9-1080.1 PURPOSE AND INTENT.

The purpose of this Chapter is to implement the agricultural land conservation policies contained in the San Joaquin County General Plan related to permanently protecting agricultural land within the County. The intent of this Chapter is specified as follows:

(a) Intergovernmental Coordination. It is the policy of San Joaquin County to work cooperatively with the cities within the County and to encourage them to adopt agricultural preservation policies and ordinances which are consistent with this ordinance in order to undertake an integrated, comprehensive, Countywide approach to preservation. The intent of this Chapter is that ultimately all seven (7) cities adopt an agricultural mitigation ordinance that is the same as or substantially similar to this ordinance.

(b) Habitat Mitigation Plan. This Chapter shall be coordinated with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan in order to achieve an optimal agricultural land protection system.

(c) Delta Protection Commission. This Chapter shall be coordinated with efforts of the Delta Protection Commission in order to achieve an optimal agricultural land protection system.

9-1080.2 FINDINGS.

The Board of Supervisors finds this Chapter is necessary for the following reasons:

(a) San Joaquin County is losing agricultural land at a rapid rate;

(b) San Joaquin County agricultural land is of exceptional productive quality;

(c) The loss of agricultural land to development is irreparable;

(d) Agriculture is an important component of the County's economy;

(e) The loss of agricultural land will have a cumulatively negative impact on the economy of the County and the cities located within it;

(f) The continuation of agricultural operations preserves the landscape and environmental resources;

(g) Permanent preservation of agricultural land is consistent with the policies of the San Joaquin County General Plan;

(h) New development benefits from the preservation of agricultural land because agricultural operations support the overall economy of the County; and

(i) Using only zoning and other regulatory mechanisms has been a useful, but inadequate, approach to preserving agricultural land.
9-1080.3 MITIGATION REQUIREMENTS.

(a) For the purposes of this Chapter:

(1) An “agricultural land conservation easement” is an easement applied to lands with a General Plan land use designation or Zoning designation for agricultural land use, for the intended purpose of ensuring agricultural use in perpetuity.

(2) A “Qualifying Entity” is one which is a nonprofit public benefit 501(c)(3) corporation, and which, in the opinion of the County, has demonstrated experience in and capabilities to successfully administer the various agricultural mitigation provisions of this Chapter, and which is subject to an executed services agreement between the County and the Qualifying Entity describing duties and responsibilities of each under this agricultural mitigation program. The County may utilize more than one Qualifying Entity.

(3) A “mitigation bank” is privately or publicly owned land managed for agricultural preservation. In exchange for permanently protecting, managing, and monitoring the land, the bank sponsor is allowed to sell or transfer habitat credits to permittees who need to satisfy legal requirements and compensate for the agricultural-land impacts of their developmental projects. Mitigation bank lands shall be located within San Joaquin County. The process for utilizing mitigation bank credits shall be overseen by the Qualifying Entity.

(b) Mitigation Required. The County shall require agricultural mitigation for any of the following actions:

(1) A General Plan Amendment that changes the designation of any land from an agricultural to a non-agricultural use designation; and

(2) A Zoning Reclassification that changes the permitted uses from agriculture to a nonagricultural use zone, regardless of the General Plan designation.

(c) Mix of Uses. Mitigation shall only be required for that portion of the land that no longer will be designated as or zoned for agricultural land use. This includes any portion of the land to be used for park and recreation purposes.

(d) 1:1 Ratio. The number of acres of agricultural mitigation land shall be at least equal to the number of acres that will be changed to a non-agricultural use through a General Plan Amendment or Zoning Reclassification (a "1:1 ratio").

(e) Types of Mitigation. Agricultural mitigation shall be satisfied by use of one of the following.

(1) For mitigation of agricultural lands less than 20 acres in size:
   (i) Dedicate to the Qualifying Entity an in-kind purchase or acquisition of an agricultural land conservation easement;
   (ii) Participation in an approved mitigation bank provided through the Qualifying Entity; or
   (iii) Payment of an in-lieu fee based on the requirements specified in this Chapter.

(2) For mitigation of agricultural lands 20 acres or more in size:
   (i) Dedicate to the Qualifying Entity an in-kind purchase or acquisition of an agricultural land conservation easement; or
   (ii) Payment of an in-lieu fee based on the requirements specified in this Chapter.
9-1080.4 COLLECTION AND USE OF FEES.

(a) Agricultural Land Conservation Easements Fees. For projects which utilize purchase or acquisition of an agricultural land conservation easement, the developer or property owner shall pay all associated administrative, monitoring, transactional, stewardship and related costs based on the provisions of the Qualifying Entity as may be stipulated in a memorandum of understanding ("MOU") between the Qualifying Entity and developer, with a copy of the MOU provided by the Qualifying Entity to the County when executed.

(b) In-Lieu Fees. The payment of an in-lieu fee shall be collected by the Qualifying Entity based upon timing requirements as specified in Section 9-1080.4.f, subject to execution of an MOU between the Qualifying Entity and developer, with a copy of the MOU provided to County after execution. The MOU is subject to the following provisions:

(1) The in-lieu fee shall be established and annually updated by the Qualifying Entity, and may consider the following costs:
   (A) The purchase of an agricultural land conservation easement(s) on land that is:
      (i) At least equal to the number of acres that will be changed to a non-agricultural use through a General Plan Amendment or Zoning Reclassification;
      (ii) Of comparable agricultural quality, considering factors contained in Section 9-1080.5, below, as determined by the Qualifying Entity;
   (B) The availability of other funds to the Qualifying Entity, including but not limited to state and federal grant monies, which can be applied to agricultural land conservation easement costs;
   (C) Qualifying Entity costs, including but not limited to the costs of acquiring land and administering, monitoring, and enforcing the agricultural land conservation easement(s).

(2) The annual report by the Qualifying Entity required pursuant to Section 9-1080.7(b), shall indicate the current the in-lieu fee.

(c) Mitigation Bank Fees. Fees for mitigation bank credits shall be purchased through the Qualifying Entity, utilizing funds provided by the participating developer or property owner to the Qualifying Entity. Confirmation of fee payment shall be made by the Qualifying Entity to the County.

(d) Mitigation. Agricultural Mitigation pursuant to this Chapter shall be considered during the environmental review for projects pursuant to the California Environmental Quality Act.

(e) Collection of Fees.

(1) Fees for agricultural land mitigation, in-lieu or mitigation bank credits shall be collected from the developer or land owner by the Qualifying Entity.

(2) The fees shall be collected by the Qualifying Entity prior to County issuance of a grading or building permit, or prior to recordation of a final or parcel map involving the subject property, whichever may occur first related to the agricultural mitigation project.

(f) Use of Fees. The fees shall be administered and used by the Qualifying Entity in fulfillment of its programmatic responsibilities. These responsibilities cover, without exception, acquiring interests in land and administering, monitoring, and enforcing the agricultural land conservation easement or other instrument designed to preserve the agricultural values of the land for agricultural land mitigation purposes. The fees shall not be used for purposes inconsistent with this Chapter.

(g) Location. The location and characteristics of the agricultural mitigation land shall comply with the provisions of Section 9-1080.5.
9-1080.5 AGRICULTURAL MITIGATION LANDS.

(a) Allowable Uses. Any lands used for agricultural mitigation must be shown on the County General Plan as Agriculture and zoned for agricultural uses. Agricultural mitigation land may include the Delta. The type of agricultural related activity allowed on mitigation land will be specified in an agricultural easement or other legal instrument.

(b) Allowable Property Size. Generally, agricultural mitigation lands should be at least 20 acres in size. Parcels less than 20 acres can be considered by the Qualifying Entity if determined that the land in question has suitable agricultural qualities to ensure viable agricultural use.

(b) Soil Quality. The agricultural mitigation land should be of comparable or better soil quality than the agricultural land whose General Plan designation and/or Zone is being changed to nonagricultural. Priority shall be given to lands with prime agricultural soils, which are located in areas of greatest potential development.

(c) Water Supply. The agricultural mitigation land shall have an adequate water supply to support the agricultural use of the land. The water supply on the agricultural mitigation land shall be protected in the agricultural land conservation easement or other document evidencing the agricultural mitigation.

(d) Plan Consistency. The use of the agricultural mitigation land shall be consistent with the County General Plan.

(e) Previous Encumbrances. Land already effectively encumbered by a conservation easement of any nature is not eligible to qualify as agricultural mitigation land, unless approved by the Qualifying Entity.

(f) Location. The agricultural mitigation land shall be located in San Joaquin County.

9-1080.6 LEGAL INSTRUMENTS FOR PRESERVATION OF AGRICULTURAL LAND.

(a) Requirements. The legal instrument encumbering agricultural mitigation land shall meet all of the following requirements:

(1) It shall be executed by all owners of the agricultural mitigation land.

(2) It shall be in form suitable for recordation.

(3) It shall contain an accurate legal description setting forth the description of the agricultural mitigation land.

(4) It shall prohibit any activity that substantially impairs or diminishes the agricultural productivity of the land.

(5) It shall provide for the preservation of the agricultural land in perpetuity.

(b) Disposition of Land. Interests in agricultural mitigation land shall be held in trust by a Qualifying Entity in perpetuity. Except as provided in Subsection (c) of this Section, the Qualifying Entity shall not sell, lease, or convey any interest in agricultural mitigation land it acquires. The legal instrument encumbering the agricultural mitigation land shall include the provisions of this Subsection.

(c) Change in Circumstances. If judicial proceedings find that the public purpose described in Section 9-1080.1 of this Chapter can no longer reasonably be fulfilled as to an interest acquired, the Qualifying Entity's interest in the agricultural mitigation land, as secured by the legal instrument, may be extinguished through sale, and the proceeds shall be used to acquire interests in other agricultural mitigation land in San Joaquin County, as consistent with the provisions of this Chapter as is possible and subject to approval by the Board of Supervisors.

(d) Cessation of Qualifying Entity. If any Qualifying Entity owning an interest in agricultural mitigation land ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall temporarily pass directly
to another Qualifying Entity designated by the County or to the County, acting as co-holder or backup beneficiary, until the County authorizes another Qualifying Entity.

9-1080.7 MONITORING, ENFORCING, AND REPORTING.

(a) Monitoring and Enforcing. The Qualifying Entity shall monitor all agricultural mitigation lands and easements acquired under this Chapter and shall review and monitor the implementation of all management and maintenance plans for these lands and easement areas. It shall also enforce compliance with the terms of the conservation easements or other agricultural mitigation instruments.

(b) Reporting by Qualifying Entity. Annually, beginning one (1) year after the adoption of this Chapter, the Qualifying Entity shall provide to the Community Development Department an annual report delineating the following:

1. Activities undertaken pursuant to the requirements of this Chapter and an assessment of these activities.

2. The status of all lands and easements acquired under this Chapter, including a summary of all enforcement actions.

3. Whether the in-lieu fee, in combination with other available funds, is appropriately covering its costs, along with indication of current fees.

9-1080.8 PRECEDENCE.

This Chapter shall take precedence over all ordinances or parts of ordinances or resolutions or parts of resolutions with which it is in conflict.

9-1080.9 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Board of Supervisors hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.
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Attachment C
Text Amendment
Option B
TEXT AMENDMENT OPTION B

CHAPTER 9-1080 - AGRICULTURAL MITIGATION

Sections:

9-1080.1 Purpose and Intent.
9-1080.2 Findings
9-1080.3 Mitigation Requirements
9-1080.4 Use of In-Lieu fees.
9-1080.54 Agricultural Mitigation Lands.
9-1080.76 Legal Instruments for Preservation of Agricultural Land.
9-1080.87 Agricultural Technical Advisory Committee.
9-1080.98 Monitoring, Enforcing and Reporting.
9-1080.9 Enforcement.
9-1080.10 Cost Recovery.
9-1080.11 Fees.
9-1080.102 Precedence.
9-1080.103 Severability.

9-1080.1 PURPOSE AND INTENT.

The purpose and intent of this Chapter is to implement the agricultural land conservation policies contained in the San Joaquin County General Plan that require agricultural mitigation for projects that convert agricultural lands to urban uses, and that are related to related to permanently protecting agricultural land and prime soils for productive farming and rangelands within the County. Further, the intent of this Chapter is to create an agricultural land protection system to avoid and mitigate for the loss of agricultural land development through the specified as follows:

(a) Intergovernmental Coordination. It is the policy of San Joaquin County to work cooperatively with the cities within the County and to encourage them to adopt agricultural preservation policies and ordinances which are consistent with this ordinance in order to undertake an integrated, comprehensive Countywide approach to preservation. It is the ultimate goal of the County that all seven (7)
cities participate in or adopt an agricultural mitigation ordinance that is the same as or substantially similar to this ordinance.

(b) Habitat Mitigation Plan. It is the intent of the Board of Supervisors that the program set forth in this Chapter shall be coordinated with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan in order to achieve an optimal farmland agricultural land protection system.

(c) Delta Protection Commission. It is the intent of the Board of Supervisors that the program set forth in this Chapter be coordinated with efforts of the Delta Protection Commission in order to achieve an optimal farmland protection system.

9-1080.2 FINDINGS.

The Board of Supervisors finds this Chapter is necessary for the following reasons:

(a) San Joaquin County is losing farmland agricultural land to development and annexation at a rapid rate;

(b) San Joaquin County farmland agricultural land is of exceptional productive quality;

(c) The loss of farmland agricultural land to development is irreparable;

(d) Agriculture is an important component of the County's economy;

(e) The loss of farmland agricultural land will have a cumulatively negative impact on the economy of the County and the cities located within it;

(f) The continuation of agricultural operations also preserves the landscape and environmental resources;

(g) Permanent preservation of farmland agricultural land is consistent with the policies of the San Joaquin County General Plan;

(h) New development on non agricultural land benefits from the preservation of farmlands agricultural land to support the overall economy of the County; and

(i) Using only zoning and other regulatory mechanisms has been a useful, but inadequate, approach to preserving farmland.

9-1080.3 MITIGATION REQUIREMENTS.

(a) Mitigation Required. The County shall require agricultural mitigation for any of the following actions:

(1) A General Plan Amendment that changes the designation of any land from an agricultural use to a non-agricultural use; and
(2) A Zoning Reclassification that changes the permitted uses from an agricultural use to a non-agricultural use, regardless of the General Plan designation.

(b) **Mix of Uses.** Mitigation shall only be required for that portion of the land that is being converted from an agricultural use to a nonagricultural use or zone no longer will be designated as or zoned for agricultural land. This Nonagricultural use includes any portion of the land to be used for park and recreation purposes.

(c) **Agricultural Mitigation Ratio.** The number of acres required for agricultural mitigation land shall be at least equal to the number of acres that will be changed from an agricultural use or zone to a non-agricultural use or zone (a 1:1 ratio).

(ed) **Types of Mitigation.** Agricultural mitigation shall be satisfied by granting a farmland conservation easement or other farmland conservation mechanism as set forth in Subsection (d) of this Section to or for the benefit of a Qualifying Entity. The number of acres of agricultural mitigation land shall be at least equal to the number of acres that will be changed to a non-agricultural use [at a 1:1 ratio] completing one of the following options prior to the County issuing a building or grading permit:

1. Obtaining an agricultural land conservation easement that has been approved by the Agricultural Technical Advisory Committee, known as direct provision of agricultural mitigation land;

2. Participating in an established agricultural mitigation bank that has been approved by the Agricultural Technical Advisory Committee; or

3. Payment of an in-lieu fee as approved by the Board of Supervisors.

(d) **Direct Provision of Agricultural Mitigation Land.** The direct provision of agricultural mitigation land pursuant to Subsection (c) of this Section is subject to the following provisions:

1. The applicant shall pay an administrative fee to cover the costs of administering, monitoring and enforcing the farmland conservation easement or other instrument in an amount determined by the Board of Supervisors.

2.1) The location and characteristics of the agricultural mitigation land shall comply with the any Mitigation Strategy adopted pursuant to Section 9-1080.6.

3.2) The Agricultural Technical Advisory Committee shall review each farmland agricultural land conservation easement or other preservation instrument for consistency with the any Mitigation Strategy adopted pursuant to Section 9-1080.6 and with this Chapter.
(43) The participation in an agricultural land/farmland conservation easement or other preservation instrument shall be held by the Qualifying Entity. The County shall be a co-holder or backup beneficiary of the legal instrument. If the Qualifying Entity refuses to hold the easement or other preservation instrument, it shall be held by the County.

(54) If the applicant for the General Plan Amendment or Zoning Reclassification makes an application to the Board of Supervisors and demonstrates to that Board that the applicant has made a diligent effort to obtain an agricultural land-farmland conservation easement or other preservation instrument, and that the applicant has been unable to obtain such easement or other preservation instrument, then the Board may by Resolution allow the applicant the option to either obtain the easement or other instrument, or to pay the in-lieu fee set forth in Subsection (c) of this Section. The applicant shall provide documentation to the Board of Supervisors with their application that they have he/she has met with at least three (3) landowners the Qualifying Entity and San Joaquin Farm Bureau Federation and could still not obtain an easement or other preservation instrument; neither entity has been able to assist with the acquisition of the easement. Facts which the Board may consider in making a decision regarding applicant's request include, but are not limited to, the following:

(A) The applicant made multiple good faith offers to land owner(s) to purchase an agricultural land easement or other preservation instrument, which and the land owner(s) declined those offers have been declined by the seller or sellers.

(B) The applicant made good faith efforts to purchase an agricultural land easement or other preservation instrument over an extended a reasonable period of time and because those efforts were not successful requiring further such efforts would make it unreasonable.

(C) The applicant made good faith efforts to purchase an agricultural land easement or other preservation instrument, but where the high cost of the easement or instrument made requiring such a purchase makes it unreasonable for the applicant to continue such efforts.

(ef) In-Lieu Fees. The payment of an in-lieu fee pursuant to Subsection (d)(3) is subject to the following provisions:

(1) The in-lieu fee shall include the costs of managing the property, including the costs of administering, monitoring and enforcing the farmland/agricultural land conservation easement or other instrument.
(2) The fee shall be based on the cost of purchasing farmland or agricultural land conservation easement(s) on land of comparable size and agricultural quality, plus the estimated cost of legal, appraisal and other costs, including staff time, to acquire and manage the farmland or agricultural land conservation easement or other agricultural mitigation preservation instrument.

(3) The Board of Supervisors shall approve by resolution the amount and other terms of the in-lieu fee.

(4) The in-lieu fee shall be reviewed every two (2) years by the Agricultural Technical Advisory Committee to confirm that the fee reflects the costs considered in (e)(2) of this Section. Based on its review, the Agricultural Technical Advisory Committee may recommend an adjustment to the in-lieu fee to the Board of Supervisors, be updated annually based on an inflator that takes into account the inflation of property values and should include a standard assumption for the time it takes to acquire property for agricultural-mitigation. The inflator shall be calculated based on a three-year running average of the most recent available data from the House Price Index (HPI) for the Stockton Metropolitan Statistical Area, as compiled by the Office of Federal Housing Enterprise Oversight. Other cost components shall be updated annually based on the Consumer Price Index (CPI).

(5) Within sixty (60) days after collection by the County, in-lieu fees shall be transferred to a fund administered by the Qualifying Entity.

(6) The in-lieu fees shall be administered by an approved Qualifying Entity in fulfillment of its programmatic responsibilities. These responsibilities cover, without exception, acquiring interests in land and administering, monitoring, and enforcing the agricultural land conservation easement or other preservation instrument designed to preserve the agricultural values of the land for agricultural land mitigation purposes.

(67) The Agricultural Technical Advisory Committee shall prepare and present a annual report described pursuant to Section 9-1080.9(b), every five (5) years, or as the Agricultural Technical Advisory Committee deems necessary, that shall describe the effectiveness of the use of in-lieu fees as provided for in this Chapter under this ordinance. During the fifth year, the Agricultural Technical Advisory Committee shall include in the annual report recommendations to the Board of Supervisors regarding whether to maintain, amend, or remove the in-lieu fee requirement of the ordinance and to replace it with an in-kind only requirement.

(g) Mitigation Bank. Participation in a Mitigation Bank approved by the
Agricultural Technical Advisory Committee shall be permitted pursuant to Subsection (d)(2) so long as the land purchased by the Mitigation Bank meets the requirements of Sections 9-1080.3(c) and 9-1080.5 subject to the following provisions:

(lh) **Final Approvals.** Final approval of any project subject to Subsection (a) of this Section shall be approved by the County without a requirement to execute an approved legal instrument to provide agricultural mitigation land and payment of the administrative fee, or participation in an approved mitigation bank, or approval and payment of an in-lieu fee. Submission of the required legal instrument or payment of the in-lieu fee shall be required to occur at the time of Grading Permit or Building Permit issuance.

(gi) **Participation.** Participation in the Agricultural Mitigation Program shall be considered during the environmental review for projects pursuant to the California Environmental Quality Act.

9-1080.4 USE OF IN-LIEU FEES:

The in-lieu fees shall be administered by the Qualifying Entity in fulfillment of its programmatic responsibilities. These responsibilities cover, without exception, acquiring interests in land and administering, monitoring and enforcing the farmland conservation easement or other instrument designed to preserve the agricultural values of the land for farmland mitigation purposes.

The location and characteristics of the agricultural mitigation land shall comply with the provisions of Section 9-1080.5 and the Mitigation Strategy adopted pursuant to Section 9-1080.6. The in-lieu fees shall not be used for purposes inconsistent with this Section.

9-1080.54 AGRICULTURAL MITIGATION LANDS.

(a) **Allowable Uses.** Agricultural mitigation land, for purposes of an agricultural land conservation easement or mitigation bank, must be shown on the County General Plan as Agriculture and zoned for agricultural uses. Agricultural mitigation land shall include the Delta. The type of agricultural related activity allowed on mitigation land will be limited to activities allowed in the land’s agricultural zone as specified in an agricultural easement or related legal instrument, as described in Section 9-1080.7.

(b) **Soil Quality.** The agricultural mitigation land should be of comparable or better soil quality than the agricultural land whose use is being changed to nonagricultural use. Priority shall be given to lands with prime agricultural soils, which are located in areas of greatest potential development.

(c) **Water Supply.** The agricultural mitigation land shall have an adequate water supply to support the agricultural use of the land. The water supply on the
agricultural mitigation land shall be protected in the farmland conservation easement or other preservation document evidencing the agricultural mitigation.

(d) **Plan Consistency.** The use of the agricultural mitigation land shall be consistent with the County General Plan.

(e) **Previous Encumbrances.** Land already effectively encumbered by a conservation easement of any nature is not eligible to qualify as agricultural mitigation land.

(f) **Location.** The agricultural mitigation land shall be located in the unincorporated area of San Joaquin County and comply with the any Mitigation Strategy adopted pursuant to Section 9-1080.6.

9-1080.65 **MITIGATION STRATEGY.**

(a) **Initiation and Approval.** The Agricultural Technical Advisory Committee shall develop and recommend a Mitigation Strategy with approval by the Board of Supervisors occurring one (1) year after adoption of this Chapter. Thereafter, the Mitigation Strategy should be updated periodically with a formal update approved by the Board of Supervisors every five (5) years.

(bg) **Purpose and Contents.** The purpose of the Mitigation Strategy is to ensure that the acquisition of agricultural mitigation land, from both direct provision, participation in an approved mitigation bank, and/or payment of in-lieu fees, pursuant to this Chapter, achieves maximum benefits to the residents of San Joaquin County. The Mitigation Strategy may consist of any combination of policies, evaluation criteria, maps, and other useful decision-making tools. It shall be of sufficient specificity to provide adequate guidance on location and other factors to people considering and reviewing the proposed encumbrance of agricultural mitigation land.

(eb) **Issues to Be Considered.** The Mitigation Strategy shall consider the following issues:

(1) The need to include prioritize the utilization of contiguous parcels and areas large enough to preserve agricultural operations.

(2) The qualities of high priority farmlands and the type of activities allowed on agricultural mitigation lands.

(3) Coordination with other public and private land conservation programs.

(4) Other relevant factors that would result in the more effective provision of agricultural lands.

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(d) **Transmittal.** The Mitigation Strategy shall be transmitted immediately after approval to the Qualifying Entity for its use in acquiring and managing interests in agricultural mitigation land.

9-1080.36 LEGAL INSTRUMENTS FOR PRESERVATION OF AGRICULTURAL LAND.

(a) **Requirements.** The legal instrument encumbering agricultural mitigation land shall meet the following requirements:

1. It shall be executed by all owners of the agricultural mitigation land.
2. It shall be in a form suitable for recordation.
3. It shall contain an accurate legal description setting forth the description of the agricultural mitigation land.
4. It shall prohibit any activity that substantially impairs or diminishes the agricultural productivity of the land, as determined by the Agricultural Technical Advisory Committee, and approved by the Board of Supervisors. However, all activities or land uses currently allowed under in the County's AG-40 (General Agriculture) zoning designation would be allowed on mitigation are hereby found not to substantially impair or diminish the agricultural productivity of the land.
5. It shall prohibit new residential and/or commercial development on agricultural mitigation land that is not directly needed for agricultural production, regardless of existing zoning.
6. It shall protect the existing water rights and retain them with the agricultural mitigation land.

(b) **County Interests.** The County shall be named a co-holder or backup beneficiary under any instrument conveying the interest in the agricultural mitigation land to a Qualifying Entity:

(eb) **Disposition of Land.** Interests in agricultural land encumbered by agricultural mitigation land conservation easements shall be identified in County records and recorded on title held in trust by a Qualifying Entity and/or by the County in perpetuity. Except as provided in Subsection (d) of this Section, the Qualifying Entity or the County shall not sell, lease, or convey any interest in agricultural mitigation land it acquires. The legal instrument encumbering the agricultural mitigation land shall require confirmation that the easement be reflected in County records, including the provisions of this Subsection.

(d) **Change in Circumstances.** If judicial proceedings find that the public purpose described in Section 9-1080.1 of this Chapter can no longer reasonably be
fulfilled as to an interest acquired, the Qualifying Entity's interest in the agricultural mitigation land, as secured by the legal instrument, may be extinguished through sale, and the proceeds shall be used to acquire interests in other agricultural mitigation land in San Joaquin County, pursuant to the provisions of this Chapter and subject to approval by the Board of Supervisors.

(e) Cessation of Qualifying Entity. If any Qualifying Entity owning an interest in agricultural mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall pass to the co-holder or backup beneficiary of the legal instrument. The County, acting as co-holder or backup beneficiary, may designate another Qualifying Entity to assume the responsibilities to hold, administer, monitor and enforce the interest.

9-1080.87 AGRICULTURAL TECHNICAL ADVISORY COMMITTEE.

(a) Creation. An Agricultural Technical Advisory Committee, as defined in Section 9-110.4, is hereby created to carry out the functions authorized by this Chapter.

(b) Powers. The Agricultural Technical Advisory Committee shall exercise the following powers:

(1) Adopt rules of procedure and bylaws governing the operation of the advisory committee and the conduct of its meetings.

(2) Develop and recommend a Mitigation Strategy, consistent with Section 9-1080.65, which includes providing the Board of Supervisors with a report within one year from the effective date of this Chapter, recommending conditions under which land with overlapping encumbrances could be considered as Agricultural Mitigation Land.

(3) Develop a report for consideration by the Board of Supervisors within one year from the effective date of this Chapter concerning different agricultural mitigation ratios and definitions for the Delta and for Prime Agricultural land.

(43) Consider and make recommendations to the Board of Supervisors regarding future consideration of the inclusion of land outside the County as allowable Agricultural Mitigation Land, and regarding agricultural mitigation strategies other than options including providing effective agricultural land mitigation, the hybrid in-lieu fee, in-kind land approach set forth in this Chapter.

(5) Explore the concept of establishing a Mitigation Bank.

(6) Assume other responsibilities as set forth in this Chapter.

(c) Composition. The Agricultural Technical Advisory Committee shall consist of
three (3) representatives appointed by the San Joaquin Farm Bureau Federation, three (3) representatives appointed by the Building Industry Association, and three (3) representatives appointed by the Board of Supervisors, in which the appointees from the San Joaquin Farm Bureau Federation and the Building Industry Association are ratified by the Board of Supervisors and in which a supermajority vote (i.e., a two-thirds (2/3) vote of its members) is a requirement for, and a decision by, the Agricultural Technical Advisory Committee.

(d) **Term.** The terms of the Agricultural Technical Advisory Committee shall be as follows:

1. Five (5) three (3) members shall be initially appointed for two-year terms. Said two-year terms shall be applicable to two (2) one (1) of the appointees of the Building Industry Association, two (2) one (1) of the appointees of the San Joaquin Farm Bureau Federation, and one (1) of the appointees of the Board of Supervisors.

2. Four (4) three (3) members shall be appointed for four-year terms. Said four-year terms shall be applicable to one (1) of the appointees of the Building Industry Association, one (1) of the appointees of the San Joaquin Farm Bureau Federation, and two (2) one (1) of the appointees of the Board of Supervisors.

3. All terms after initial appointment will be four-year terms.

(e) **Staff.** The County shall provide the Agricultural Technical Advisory Committee with staff support.

9-1080.98 **MONITORING, ENFORCING, AND REPORTING.**

(a) **Monitoring and Enforcing.** The County or other designated Qualifying Entity shall enforce compliance with all lands and easements acquired under this Chapter and shall review and monitor the implementation of all management and maintenance plans for these lands and easement areas. It shall also enforce compliance with the terms of the agricultural land conservation easements or other agricultural mitigation instruments when it is on notice of violation(s) of the terms of the agricultural land conservation easement.

(b) **Reporting by Qualifying Entity.** Annually, beginning one (1) year after the adoption of this Chapter, upon request by the Agricultural Technical Advisory Committee, the County and/or the Qualifying Entity shall provide to the Agricultural Technical Advisory Committee an annual report delineating the activities undertaken pursuant to the requirements of this Chapter and an
assessment of these activities. The report(s) shall describe the status of all lands and easements acquired under this Chapter, including a summary of all enforcement actions.

(c) **Reporting by Agricultural Technical Advisory Committee.** Annually, the Agricultural Technical Advisory Committee shall review the reports submitted to it by the County and/or Qualifying Entity as well as any other relevant material. It shall prepare an Annual Report that provides an independent assessment of the effectiveness of the agricultural mitigation program and its consistency with the existing and operative Mitigation Strategy. The Report shall document the funds collected and/or direct provision of mitigation lands pursuant to the provisions of this Chapter. It shall also document the size and location of the land that is to be converted to a nonagricultural use, which generated the mitigation requirements of this Chapter. The Committee shall forward the Report, along with other relevant material received, to the Board of Supervisors.

9-1080.9 **ENFORCEMENT.**

Enforcement of this Chapter will be done pursuant to Title 1, Division 2, or Title 9, Division 19 of this Code at the discretion of the Community Development Department Director.

9-1080.10 **COST RECOVERY.**

The County shall be reimbursed by the violator for all time, services, and materials needed to enforce compliance with the terms of the agricultural land conservation easement or other agricultural mitigation instrument.

9-1080.11 **FEES.**

The Board of Supervisors shall, by Resolution, adopt a fee schedule for any fees it deems necessary under this Chapter.

9-1080.102 **PRECEDENCE.**

This Chapter shall take precedence over all ordinances or parts of ordinances or resolutions or parts of resolutions with which it is in conflict.

9-1080.143 **SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Board of Supervisors hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.
Attachment D
AgTAC Approved Easement
GRANT OF AGRICULTURAL MITIGATION EASEMENT

This Grant of Agricultural Mitigation Easement ("Easement") is made on this ___ day of ___, 201___ by ___ ("Grantor") to ___ ("Qualifying Entity") and the County of San Joaquin, collectively "County" for the purpose of permanently limiting the use of the real property described herein to agricultural uses and related activities as may be permitted from time to time under the agricultural zoning laws of San Joaquin County, California.

RECITALS

A. Grantor is sole owner in fee simple of that certain property currently zoned for agricultural uses and located in San Joaquin County, California, legally described in Exhibit A attached to and made a part hereof, consisting of a total of _______ (___) acres of land ("Property" or Mitigation Acres"), currently assigned San Joaquin County Assessor’s Parcel No. ___-___-____ as shown on the map attached as Exhibit B and made a part hereof [Exhibit B should be more than just an APN map – should show improvements and perhaps limit improvements to Farmstead, to preserve ag land]. The Property includes all buildings and other improvements in existence as well as those future structures and improvements permitted hereunder. Except as so noted, the Property consists of agricultural land which has the soil quality and water supply needed for sustained agricultural production.

C. This Easement is granted to the County to mitigate for the (General Plan Amendment changing the designation of the mitigated land from agricultural to a non-agricultural use) (Zone Reclassification of the mitigated land changing the permitted uses from agricultural to a non-agricultural use) of a total of ___ (____) acres of land located in San Joaquin County, California by ___ ("Developer") as identified in PA_____, a copy of which is attached hereto as Exhibit D. This mitigation fully complies with the terms of San Joaquin County
Development Title Section 9-1080, et seq (San Joaquin County Ordinance 4308) to mitigate for the loss of farmland as a result of the reclassification of the mitigated land.

D. Grantor grants this Easement for valuable consideration to County for the purpose of assuring that, under County’s stewardship, the agricultural productive capacity of the Property, including its soils and agricultural character, will be conserved *IN PERPETUITY*, and that uses of the Property that are inconsistent with the purposes set forth herein will be prohibited.

E. The purpose of this Easement is recognized by, and the grant of this Easement will serve, the following clearly delineated governmental policies:

   (i) Section 815.1 of the California Civil Code, which defines conservation easements;

   (ii) California Constitution Article XIII, Section 8, California Revenue and Taxation Code, Sections 402.1, 421.5 and 422.5, and California Civil Code Section 815.1, under which this Easement is an enforceable restriction, requiring that the Property’s tax valuation be consistent with restriction of its use for purposes of food and fiber production and conservation of natural resources;

   (iii) Section 51220 of the California Government Code and San Joaquin County Ordinance No. 4308 which respectively declares a public interest in the preservation of agricultural lands; and

   (iv) The County’s General Plan which includes, among other goals, the protection of farmlands from conversion to and encroachment of non-agricultural uses.

Now, therefore, for the reasons given, and in consideration of their mutual promises and covenants, terms, conditions and restrictions contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Grantor voluntarily grants and conveys to County, and County voluntarily accepts, a perpetual agricultural mitigation Easement for the purpose described below, and agree as follows:

1. Purpose.

   The purpose (“Purpose”) of this Easement is to dedicate the Property to agricultural purposes by preventing uses of the Property that will substantially impair or diminish the Property’s agricultural productive capacity.

2. Right to Use Property for Agricultural Purposes.

   Grantor retains the right to use the Property for agricultural purposes, or to permit others to use the Property for agricultural purposes. Permitted agricultural purposes, activities and land uses are limited to:

   (i) Those purposes, activities and land uses allowed under the County’s AG zoning designation as of November 21, 2006, the date of the adoption of the Agricultural Mitigation ordinance (Ord. 4308), and
(ii) Those additional purposes, activities and land uses allowed under the County’s AG zoning designation in effect on the date this Easement is approved by the County.

3. **Prohibited Uses.**

Grantor shall not perform, or knowingly allow others to perform, any act on or affecting the Property that is inconsistent with this Easement and Title 9 of the San Joaquin County Code, or would substantially impair or diminish the agricultural productive capacity of the Property. Grantor shall not perform or allow others to perform any development on the Property that is not directly needed for agricultural purposes, except as specifically provided herein. This Easement authorizes the County to enforce these covenants in the manner described herein. However, unless otherwise specified, nothing in this Easement shall require Grantor to take any action, carry out any activity, or restore the condition of the Property after any Act of God or the occurrence of other events and circumstances over which Grantor had no legal control. Grantor understands that nothing in this Easement relieves it of any obligation or restriction on the use of the Property otherwise imposed by law.

4. **Permission of County.**

Where Grantor is required to obtain the County’s permission or approval for a proposed action as may be required hereunder, said permission or approval (a) shall be requested and answered in writing, and (b) shall be sought and received by Grantor prior to taking the proposed action.

5. **Construction or Placement of Permitted Buildings and Other Structures.**

Grantor may undertake construction, installation or placement of buildings, structures or other improvements on the Property only as permitted in Subparagraphs (a) through (f) below. All “improvements”, as described herein, shall be constructed in accordance with applicable law and regulations of the County or appropriate municipality. All other construction, installation or placement of buildings or other structures on the Property is prohibited.

For purposes of this Paragraph 5, the term “improvements” shall not refer to trees, vines, bushes or other plants cultivated for commercial or personal agricultural purposes, nor shall it refer to any infrastructure and improvements necessary or desirable by Grantor for such agricultural purposes.

(a) **Fences and Gates** – Existing fences and gates may be repaired, replaced or moved, and new fences and gates may be built anywhere on the Property, for purposes of customary agricultural management and for security of the Property, including, but not limited to, its farm produce, crops, livestock, equipment, water resources, residences, structures and all other improvements on the Property.

(b) **Agricultural Structures, etc.** – Existing agricultural structures and improvements may be repaired, expanded, moved, or replaced. New buildings and other structures and improvements to be used for agricultural production or processing, including barns, equipment sheds, staging areas for the handling, storage or shipment of agricultural products, wells, irrigation, staging areas and improvements to be used for agricultural production purposes or sale of farm products (other than any single-family residential dwelling or agricultural employee housing) may be built on the Property.
(c) Single-Family Residential Dwellings, etc. – The single-family residential dwelling, related buildings and ancillary improvements which currently exist on the Property may be repaired, expanded, reduced or replaced. In addition, there may be constructed anywhere on the Property after any parcel split(s) allowed by this Easement, no more than one (1) single-family dwelling per parcel (which may, if otherwise permissible under applicable local laws, include one (1) attached or detached “second unit” as defined in California Government Code Section 65852.2), along with ancillary improvements reasonably related to the use and occupancy thereof, including landscaping, driveways, patios, fireplaces, sheds, garages, gates, fencing, and Recreational Improvements [see 5(f) below]. No other residential structures may be constructed or placed on the Property except for agricultural employee housing per Paragraph 5(d) below.

(d) Agricultural Employee Housing – New agricultural employee housing may be constructed or placed on the Property if permissible within the zoning rules applicable to the Property, if requested in writing to the County by Grantor and serves to promote agriculture.

(e) Utility Services and Septic Systems – Wires, lines, pipes, cables or other facilities providing electrical, solar, gas, water, sewer, communications, or other utility services permitted herein may be installed, maintained, repaired, removed, relocated and replaced. Septic or other underground sanitary systems serving the improvements permitted herein may be installed, maintained, repaired, improved or replaced on the Property as well.

(f) Private Recreational Improvements – Private recreational improvements (e.g. swimming pool, cabana, walking paths, tennis courts, patios, BBQ improvements, outdoor dining areas, and the like) for the personal, non-commercial use of the occupants of any single-family dwelling upon the Property and their guests are permitted on the Property.


Except as specifically reserved in this Easement, Grantor hereby grants to the County all development rights that are now or shall hereafter be allocated to, implied, reserved, appurtenant, or inherent to the Property, and the parties agree that such rights are released, terminated, and extinguished, and may not be used on or transferred to any portion of the Property as it now or later may be bounded or described, or to any other property adjacent or otherwise, or used for the purpose of calculating permissible lot yield of the Property or any other property. This Easement shall not create any development rights.

7. Agricultural Chemicals.

The use, production or storage of agricultural chemicals and products (including herbicides, pesticides, fungicides, fertilizers, compost, and other materials of a similar nature), agricultural byproducts and agricultural equipment, any or all of which are either used, produced or stored on the Property in accordance with applicable laws, are expressly permitted.

8. Water Rights and Water Sources.

Grantor shall retain and reserve adequate ground water, and appropriative, prescriptive, contractual or other water rights appurtenant to the Property. Grantor shall not permanently transfer, encumber, lease, sell, or otherwise separate water or water rights or water access/use rights from title
to the Property itself, except as may be part of any parcel splits or lot line adjustments which may be permitted under Paragraph 6, above. Grantor retains the right to use, maintain, establish, construct, and improve water sources, water courses and water bodies within the Property for the uses permitted by this Easement. Grantor may alter the natural flow of water over the Property in order to improve drainage of agricultural soils, reduce soil erosion, or improve the agricultural management potential of the Property, provided such alteration is consistent with the purpose of this Easement and is carried out in accordance with applicable laws.


Except as expressly set forth herein, as owner of the Property, Grantor reserves all interests in the Property not transferred, conveyed, restricted or prohibited by this Easement. These ownership rights include, but are not limited to, the right to sell, option, encumber with debt (provided any instrument securing such debt is subordinate to this Easement), lease, gift, devise or otherwise transfer the Property to anyone Grantor chooses, and the right to divide the larger Property into smaller parcels of land so long as such division is consistent with the terms and purposes of this Easement. Nothing contained herein shall be construed as a grant to the general public of any right to enter upon any part of the Property at any time. Nothing in this Easement relieves Grantor of any obligation or restriction on the use of the Property imposed by law.

10. Responsibilities Not Affected.

Other than as specified herein, this Easement does not impose any legal or other responsibility on County, or in any way affect any existing obligation of Grantor as owner of the Property. Among other things, this shall apply to:

(a) Taxes – Grantor shall be solely responsible for payment of all taxes and assessments levied against the Property. If County ever pays any taxes or assessments on the Property, or if County pays levies on Grantor’s interest in order to protect the County’s interest in the Property, Grantor agrees to reimburse the County for the same.

(b) Liability and Indemnification – County is the holder of the easement only and has no responsibility for, oversight of or control of the day-to-day operation, or maintenance of the property. The County, as holder of the Easement, does not have an obligation to inspect the condition of the property. Grantor shall indemnify, protect, defend and hold harmless the County and its elected officials, administrators, officers, employees, contractors, legal representatives, agents, successors and assigns (collectively, “Agents and Assigns”) from and against all liabilities, costs, losses, orders, liens, penalties, claims, demands, damages, expenses, or causes of action or cases, including without limitation reasonable attorneys’ fees, arising out of or in any way connected with or relating to the Property or the Easement. Grantor shall be solely liable for injury or the death of any person, or physical damage to any property, or any other costs or liabilities resulting from any act, omission, condition, violation of the law or of this Easement or other matter related to or occurring on or about the Property, regardless of cause, unless due to the sole negligence or intentional misconduct of the County.

(c) No Responsibility by County - Neither the County nor any of its Agents and Assigns, shall have any responsibility for the operation of the Property, monitoring the uses of the Property, or
the protection of Grantor, the public or any third parties from risks or uses relating to the Property.

12. **County’s Enforcement of Easement.**

The County shall manage its responsibilities as holder of this Easement so as to uphold the purpose of this Easement. The County’s responsibilities include, but are not limited to, periodic review of production documentation submitted by Grantor at the request of the Director of Community Development Department, record keeping, and enforcement of the terms of this Easement, for the purpose of preserving the Property’s agricultural productive capacity in perpetuity. County may inspect the Property. County shall give Grantor reasonable written notice of its visit. The County’s representatives shall view the Property solely for the purpose of observing compliance or non-compliance with the terms of this Easement.

The County may take all actions that it deems necessary to ensure compliance with the terms, conditions, covenants and purposes of this Easement at any time, including, but not limited to, the right to prevent and correct violations of this Easement. Grantor shall indemnify, protect, defend and hold harmless the County and its respective elected officials, administrators, officers, directors, members, employees, contractors, legal representatives, agents, successors and assigns from and against all liabilities, costs, losses, orders, liens, penalties, claims, demands, damages, expenses, or causes of action or cases, including without limitation reasonable attorneys’ fees, arising out of Grantor’s violation of this Easement.

If the County believes in good faith that there has been a violation of this Easement, it may at its discretion take appropriate legal action to ensure compliance with the terms, conditions, covenants and purposes of this Easement. Except when an ongoing or imminent violation could irreversibly diminish or impair the agricultural productive capacity of the Property, County shall give Grantor written notice of the violation and sixty (60) days to correct it, prior to filing any legal action.

If a court determines that a violation of this Easement has occurred, the County may obtain an injunction, specific performance, or any other appropriate equitable or legal remedy, including (i) restoration of the Property to its condition existing prior to such violation; (ii) money damages, including damages for the loss of the agricultural values protected by this Easement; and (iii) an award for all of the County’s expenses incurred in stopping and correcting the violation, including but not limited to its reasonable attorneys’ fees. The County’s remedies under this section shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

Failure or refusal by County to exercise any rights under the terms of this Easement or to take immediate legal action in the event of a breach by Grantor of any term herein shall not be a bar from doing so at a later time and shall not constitute a waiver or forfeiture of County’s right to enforce any term, condition, covenant or purpose of this Easement or any other term herein.

13. **Transfer of Easement.**

This Easement may only be assigned or transferred by County to: (i) a private nonprofit organization that, at the time of transfer, is a “qualified organization” under section 170(h) of the U.S. Internal Revenue Code and meets the requirements of section 815.3(a) of the California Civil Code and has similar purposes to preserve agricultural lands and open space; or (ii) a public agency.
authorized to hold interests in real property as provided in section 815.3(b) of the California Civil Code. Such an assignment or transfer may proceed only if the organization or agency expressly agrees to assume the responsibility imposed on the County by the terms of this Easement and is expressly willing and able to hold this Easement for the purpose for which it was created. All assignment and assumption agreements transferring the Easement shall be duly recorded in San Joaquin County. In the event of an assignment and assumption of this Easement, the party holding the Easement shall be liable for only such actions or omissions occurring during the period of the party’s ownership of the Easement.

If the County or its successors ever cease to exist or no longer qualify under section 170(h) of the U.S. Internal Revenue Code, or applicable state law, the duty to hold, administer, monitor and enforce the interest shall pass to the co-holder or back-up beneficiary who may designate another Qualifying Entity to assume the responsibilities to hold, administer, monitor and enforce the interest.

14. **Transfer of Property Interest.**

Any time the Property itself, or any interest therein, is to be transferred by Grantor to any third party Grantor shall notify San Joaquin County Community Development Department in writing within thirty (30) days following the transfer of the Property or interest. Any document of conveyance by Grantor shall expressly incorporate this Easement by reference. Any lease of the Property shall expressly incorporate this Easement by reference. Failure of Grantor to comply with the terms of this Paragraph shall not impair the validity of this Easement or limit its enforceability in any way. Any security interests granted in the Property shall be subordinate to this Easement.

15. **Amendment of Easement; Recordation.**

This Easement may be amended only with the written consent of Grantor and the County. Any such amendment shall be consistent with the Purpose of this Easement, and shall comply with all applicable laws. No amendment shall diminish or affect the perpetual duration or the purpose of this Easement nor the status or rights of either party under the terms of this Easement. This Easement, as well as any amendment to it, shall be recorded in the County.

16. **Termination of Easement.**

(a) It is the intention of the parties that the purpose of this Easement be carried out forever. Liberal construction is expressly required for purposes of effectuating this Easement in perpetuity and the parties intend that this Easement shall be perpetual notwithstanding any future economic hardship. If circumstances arise in the future that render the purpose of this Easement impossible to accomplish, this Easement can be terminated or altered, whether in whole or in part, as set forth in Development Title Section 9-1080.7(d) as it currently exists or as it may be amended. Should this Easement be condemned or otherwise terminated on any portion of the Property, the balance of the Property shall remain subject to this Easement. In any such event, all relevant related documents shall be updated and re-recorded in San Joaquin County to reflect the modified easement area. The County shall be notified at least sixty (60) days prior to initiation of any proceedings to terminate or alter this Easement.

(b) No inaction or silence by the County shall be construed as abandonment of the Easement. The fact that the Property may not actively be put to agricultural use from time to time is not reason for termination of this Easement. Other than pursuant to eminent domain or purchase in lieu
of eminent domain, no other voluntary or involuntary sale, exchange, conversion or conveyance of any kind of all or part of the Property, or of any interest in it, shall limit or terminate the provisions of this Easement.

(c) The restrictions in Section 6, above, notwithstanding, if the Easement is terminated in accordance with Development Title Section 9-1080.7(d), County’s interest in the Property may be extinguished through sale. Grantor and County agree that all proceeds attributable to the easement shall be used to acquire interests in other agricultural mitigation land in San Joaquin County, as provided in Development Title Section 9-1080.7(d).

(d) If the Easement is terminated because of eminent domain or purchase in lieu of eminent domain, County shall not be entitled to any portion of the sum recovered by Grantor that is not directly attributable to the termination of the Easement.

17. Interpretation.

This Easement shall be interpreted under the laws of the State of California, resolving any ambiguities and questions of the validity of specific provisions so as to give maximum effect to its purpose. This Easement shall be specifically interpreted as a Conservation Easement created pursuant to California Civil Code Section 815, et seq. References to authorities in this Easement shall be to the statute, rule, regulation, ordinance or other legal provision that is in effect at the time this Easement becomes effective. No provision of this Easement shall constitute governmental approval of any improvements, construction or other activities that may be permitted under this Easement.

18. Perpetual Duration; Successors.

This Easement, pursuant to California Civil Code section 815.2, shall run with the land in perpetuity. Every provision of this Easement that applies to any party named herein shall also apply to each and every one of their respective agents, heirs, executors, trustees, administrators, assigns, and all other successors as their interests may appear.

No merger of title, estate or interest shall be deemed effected by any previous, contemporaneous, or subsequent deed, grant, or assignment of an interest or estate in the Property, or any portion thereof, to the County, or its successors or assigns. It is the express intent of the parties that this Easement not be extinguished by, or merged into, or modified, or otherwise deemed affected by any other interest or estate in the Property now or hereafter held by County or its successors or assigns.


Grantor warrants that it has no knowledge of a release or threatened release of Hazardous Materials (as defined below) on the Property and hereby promises to defend and indemnify the County against all litigation, claims, administrative actions, costs, demands, penalties and damages, including reasonable attorneys’ fees and costs, arising from or connected with any release of Hazardous Materials or violation of any Environmental Laws (as defined below).

Notwithstanding any other provision herein to the contrary, the parties do not intend this Easement be construed such that it creates in or gives the County:
(a) the obligations or liability of an "owner" or "operator" or "arranger" as those words are
defined and used in Environmental Laws, including, without limitation, the Comprehensive
Environmental Response, Compensation and Liability Act of 1980, as amended (42 USC section
9601 et seq. and hereinafter "CERCLA");

(b) the obligations or liability of a person described in CERCLA at 42 USC section 9607
(a)(3) or (4);

(c) the obligations of a responsible person under any applicable Environmental Laws;

(d) the right to investigate and remediate any Hazardous Materials associated with the
Property; or

(e) any control over Grantor’s ability to investigate, remove, remediate, or otherwise clean
up any Hazardous Materials associated with the Property.

The term “Hazardous Materials” includes, without limitation, (a) material that is flammable,
explosive, or radioactive; (b) petroleum products; and (c) hazardous materials, hazardous wastes,
hazardous or toxic substances, or related materials defined in the CERCLA (42 USC section 9601 et
seq.), the Hazardous Materials Transportation Act (49 USC section 5101, et seq.), the Hazardous
Waste Control Law (California Health and Safety Code section 25100 et seq.), the Hazardous
Substance Account Act (California Health and Safety Code section 25300 et seq.), Resource
Conservation and Recovery Act, as amended (42 USC section 6901 et seq.), the Federal Water
Pollution Control Act, as amended (33 USC section 1251 et seq.); the Toxic Substances Control Act,
as amended (15 USC section 2601 et seq.); the Federal Insecticide, Fungicide and Rodenticide Act, as
amended (42 USC section 300l et seq.) and in the regulations adopted and publications promulgated
pursuant to them, or any other applicable federal, state, or local laws, ordinances, rules, or regulations
now in effect or enacted after this date.

The term “Environmental Laws” includes, without limitation, any federal, state or local or
administrative agency statute, regulation, rule, ordinance, order or requirement relating to pollution,
protection of human health, the environment or Hazardous Materials.

20. Grantor’s Title Warranty; Debt; No Prior Conservation Easements.

Grantor represents and warrants that Grantor has good fee simple title to the Property, free
from any and all liens or encumbrances except as shown on that certain Preliminary Report prepared
by ______________________________ 200__ incorporated herein by this reference [insert list as Exhibit], and hereby promises to defend against all claims contrary to this
representation that may be made against the Property. All financial liens or financial encumbrances
existing as of the date of the execution of this Easement (excepting liens for property taxes which are
not yet due and payable) have been subordinated to this Easement.

Notwithstanding the foregoing, Grantor may encumber the Property now or in the future with
debt in the course of Grantor’s agricultural operations and to finance the other activities permitted
under this Easement and any other lawful purpose, including debt associated with the construction of
structures and improvements that may built or installed on the Property in accordance with the terms of
this Easement, provided that any instruments securing said debt shall be subordinate or subordinated to
this Easement.

Grantor represents and warrants that the Property is not subject to any other prior conservation
easements.

If Grantor discovers at any time that any outstanding interest in the Property exists that is not
disclosed herein, Grantor shall immediately notify County of the discovery, and Grantor shall take all
necessary steps to ensure that the interest is made subject to this Easement and that the existence of the
interest or the exercise of any rights under it does not interfere with the Purpose of this Easement.

21. Subsequent Easements.

Grantor may grant subsequent conservation easements or use restrictions on the Property
provided that such easements or use restrictions do not substantially impair or diminish the agricultural
productive capacity of the Property. County’s written approval shall be obtained at least thirty (30)
days in advance of executing any proposed subsequent easement or use restriction on the Property, and
such subsequent easements or use restrictions shall make reference to this Easement and be
subordinate to this Easement. The County may disapprove any proposed subsequent easement or use
restriction that reasonably appears to substantially impair or diminish the agricultural productive
capacity of the Property.

With the County’s prior written permission, Grantor may grant access and utility easements
over the Property to adjacent landowners. County will not withhold consent to any such access and
utility easements so long as such easements shall not significantly diminish or impair the agricultural
productive capacity of the Property. Any such subsequent easement shall be in writing and shall be duly
recorded in San Joaquin County.

22. Notices.

Any notices to Grantor and County required by this Easement shall be in writing and shall be
personally delivered or sent by first class mail, to the following addresses, unless a party has been
notified by the other of a change of address:

To Grantor:  

__________________________

__________________________

__________________________, California 952____

To County:  San Joaquin County
Attention:  
P.O. Box
Stockton, California 952____
If any term, provision, covenant, condition or restriction of this Easement is held by a court of competent jurisdiction to be unlawful, invalid, void, unenforceable, or not effective the remainder of the Easement shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

25. Entire Agreement.

This Easement is the final and complete expression of the agreement between the parties with respect to this subject matter; provided, further, that any and all prior or contemporaneous agreements with respect to this subject matter, written or oral, are merged into and superseded by this written instrument.


All Exhibits attached to this Easement are incorporated in this Easement by this reference.

27. Acceptance.

As attested by the signature of its County ______________ affixed hereto, in exchange for valuable consideration, the County hereby accepts without reservation the rights and responsibilities conveyed by this Grant of Agricultural Mitigation Easement.

TO HAVE AND TO HOLD this Grant of Agricultural Mitigation Easement unto County, its successors and assigns, forever.

In Witness Whereof, Grantor and County, intending to legally bind themselves, have set their hands on the date and year first written above.

GRANTOR

By: ____________________________  By: ____________________________

COUNTY
County of San Joaquin:

By: ____________________________
ACKNOWLEDGMENTS

STATE OF CALIFORNIA} ss

COUNTY OF SAN JOAQUIN

On ________________ before me, __________________, Notary Public of the State of California, personally appeared __________________, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity or capacities, and that by his/her/their signature or signatures on the instrument the person or persons or the entity upon behalf of which the person or persons acted, executed the instrument.

WITNESS my hand and official seal.

Signature ______________________________

STATE OF CALIFORNIA} ss

COUNTY OF SAN JOAQUIN
On __________________ before me, __________________, Notary Public of the State of California, personally appeared __________________, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity or capacities, and that by his/her/their signature or signatures on the instrument the person or persons or the entity upon behalf of which the person or persons acted, executed the instrument.

WITNESS my hand and official seal.

Signature ______________________________

Planning Commission Staff Report, PA-2200189 (TA)  
AgTAC Approved Easement
EXHIBIT A
PROPERTY DESCRIPTION
Attachment E
Sample California Farmland Trust (CFT) Agricultural Conservation Easement
Recording requested by and when recorded please return to:

California Farmland Trust
P. O. Box 1960
Elk Grove, CA 95759

APN: 187-310-20 (portion)

Documentary Transfer Tax: $ 946.00
Computed on Full Value.
Property located in an Unincorporated Area.

GRANT DEED OF AGRICULTURAL CONSERVATION EASEMENT AND PERMANENT RESTRICTIONS ON USE

This Grant Deed of Agricultural Conservation Easement and Permanent Restrictions on Use ("Easement") is dated, for reference purposes, this 25th day of May 2021, by C. & T. MURPHY PARTNERS, LLC, a California limited liability company (the grantor, shall hereinafter be referred to as "Landowner"), to the CALIFORNIA FARMLAND TRUST, a California nonprofit public benefit corporation, having an address at P. O. Box 1960, Elk Grove, CA 95759 (the grantee, shall hereinafter be referred to as "CFT"), for the purpose of forever conserving the agricultural productive capacity and open space character of the subject property.

RECITALS

A. Landowner is the sole owner in fee simple of that certain farm property located in San Joaquin County, California, legally described in Exhibit A attached to this Easement ("Legal Description"), consisting of approximately 71.49 acres of land and commonly known as the "C&T Murphy Farm", together with buildings and other improvements ("Property"), and is also a portion of the land identified by assessor parcel number 187-310-20. The Property is generally located as shown on Exhibit B attached to this Easement (" Vicinity Map"). There are no existing buildings and improvements on the Property, but a 1.5-acre building envelope is reserved and is shown in Exhibit C-1 ("Property Boundary") and Exhibit C-2 ("Building Envelope Detail"), also attached to this Easement. The Property is open farmland, whose soils have been classified as Prime Farmland by the U.S. Department of Agriculture's Natural Resources Conservation Service, and by the California Department of Conservation ("Department"). Farmland Mapping and Monitoring Program, because this land...
has the soil quality, growing season, and water supply needed for sustained agricultural production.

B. The agricultural and other characteristics of the Property, its current use, and its state of improvement, are documented and described in a baseline documentation report, prepared by CFT with the cooperation of Landowner and incorporated herein by this reference ("Baseline Report"). Landowner and CFT acknowledge, as set forth in Exhibit D attached hereto, that each has received and will retain a duplicate original of the Baseline Report and that the Baseline Report is complete and accurate as of the Effective Date of this Easement (as defined in Section 22(c)). The Baseline Report may be used to establish whether a change in the use or condition of the Property has occurred, but its existence shall not preclude the use of other evidence to establish the condition of the Property as of the Effective Date of this Easement.

C. The Budget Act of 2014 appropriated one hundred thirty million dollars ($130 million) from the California Air Resources Board's California Climate Investment Fund, also known as the Greenhouse Gas Reduction Fund, to develop and implement the Affordable Housing and Sustainable Communities Program ("AHSC"), which is administered by the Strategic Growth Council ("Council"). Beginning in FY 2015-16, twenty percent (20%) of California Climate Investment Fund's annual proceeds go to the AHSC. The Sustainable Agricultural Lands Conservation Program ("SALC"), a sub-program of AHSC, was developed to conserve agricultural land under pressure of being converted to non-agricultural uses, particularly those adjacent to areas most at risk of urban or suburban sprawl or those of special environmental significance to support infill development and avoid greenhouse gas emissions.

D. On behalf of the Council, the Department administers the Sustainable Agricultural Lands Conservation Program in conjunction with the California Natural Resources Agency, to support AHSC's goal of smart growth, by investing in the acquisition of agricultural conservation easements on agricultural lands at risk of conversion thereby reducing greenhouse gas emissions. These acquisitions can support a healthy agricultural economy, support the implementation of Sustainable Communities Strategies, provide food security, encourage smart growth, and ensure agricultural and open space remains available.

E. The Council awarded a grant to CFT from the California Climate Investment Fund for the acquisition of this Easement. The grant funds represent a substantial investment by the people of the State of California in the long-term conservation of valuable agricultural land and the retention of agricultural land in perpetuity. The Property and this Easement have met the mandatory eligibility criteria, certain selection criteria, and multiple natural resource conservation objectives from the 2018-19 Sustainable Agricultural Lands Conservation Program Guidelines and Request for Grant Applications. The rights vested herein in the State of California arise out of its statutory role in fostering

CFT/C&T Murphy Farm SALC Easement
the conservation of agricultural land in California and its role as fiduciary for the public investment represented by the California Climate Investment Fund.

F. Landowner grants this Easement for valuable consideration to CFT for the purpose of assuring that, under CFT's perpetual stewardship, the agricultural productive capacity and open space character of the Property will be conserved and maintained forever (as further described in Section 1 below, the "Conservation Purpose"), and that uses of the land that are inconsistent with the Conservation Purpose of this Easement will be prevented or corrected. The parties agree, however, that the current agricultural use of, and improvements to, the Property, as represented in the Baseline Report, are consistent with the Conservation Purpose of this Easement.

G. The Conservation Purpose of this Easement is recognized by, and the grant of this Easement will serve, the following clearly delineated governmental conservation policies:

California Civil Code at Part 2, Chapter 4 (commencing with section 815), which defines and authorizes perpetual conservation easements. The California Legislature declares in Section 815 of the California Civil Code that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California, and further declares it to be the public policy and in the public interest of the State to encourage the voluntary conveyance of conservation easements to qualified nonprofit organizations.

California Constitution Article XIII, section 8, California Revenue and Taxation Code, sections 421.5 and 422.5, and California Civil Code section 815.10, under which this Easement is an enforceable restriction, requiring that the Property's tax valuation be consistent with restriction of its use for purposes of food and fiber production and conservation of natural resources;

Section 75210 of California Public Resources Code, which lists the protection of "agricultural lands to support infill development" as a public policy objective supported by the AHSC to achieve the long-term goals of AB 32 (Chapter 488, Statutes of 2006) and related amendments;

Section 65041.1 of the California Government Code, which enumerates the protection of "environmental and agricultural resources by protecting, preserving, and enhancing the state's most valuable natural resources, including working landscapes such as farm, range, and forest lands" among the State's planning priorities;

Section 10200 et seq. of the California Public Resources Code, which creates the California Farmland Conservancy Program within the Department, provides the Department authority for agricultural land
conservation, and informs eligibility for funding under SALC:

Section 51220 of the California Government Code, which declares a public interest in the preservation of agricultural lands, by providing that “agricultural lands have a definitive public value as open space” and “that the discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest”:

California Food and Agriculture Code section 821 states that one of the major principles of the State’s agricultural policy is “to sustain the long-term productivity of the State’s farms by conserving and protecting the soil, water, and air, which are agriculture’s basic resources”; and

The California General Plan law, section 65300 et seq., and section 65400 et seq. of the California Government Code, and the San Joaquin County General Plan 2033, as adopted in December 2016, which includes as one of its goals to “provide for the long-term preservation of productive farmland and to accommodate agricultural services and related activities that support the continued viability of the County’s agricultural industry”.

H. CFT is a California nonprofit organization within the meaning of California Civil Code section 815.3 and is a tax-exempt and “qualified conservation organization” within the meaning of sections 501(c)(3) and 170(b)(1)(A)(vi) as defined by the United States Internal Revenue Code. CFT is an accredited land trust pursuant to the accreditation standards, review, and approval of the Land Trust Accreditation Commission, an independent program of the Land Trust Alliance. CFT, as certified by a resolution of CFT’s Board of Directors, accepts the responsibility of enforcing the terms of this Easement and upholding its Conservation Purpose forever.
GRANT OF AGRICULTURAL CONSERVATION EASEMENT

NOW, THEREFORE, for the reasons given, and in consideration of their mutual promises and covenants, terms, conditions, and restrictions contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Landowner voluntarily grants and conveys to CFT, and CFT voluntarily accepts, a perpetual conservation easement, as defined by sections 815.1 and 815.2 of the California Civil Code and section 10211 of the California Public Resources Code, and of the nature and character described in this Easement for the Conservation Purpose described below, and agree as follows:


The conservation purpose (the “Conservation Purpose”) of this Easement is to enable the Property to remain in productive agricultural use in perpetuity by preventing and correcting uses of the Property prohibited by the provisions of this Easement. To the extent that the preservation of the open space character and scenic values of the Property are consistent with such productive agricultural use, it is within the Conservation Purpose of this Easement to protect the open space character and scenic values of the Property.

The Property’s agricultural productive capacity, future viability for agricultural use, the quality of its agricultural soils, and its open space character are collectively referred to as the “Conservation Values” of the Property.

It is intended that this Easement constitute an enforceable restriction within the meaning of Article XIII section 8 of the California Constitution and that this Easement qualify as an enforceable restriction under the provisions of California Revenue and Taxation Code sections 402.1(a)(8) and 423, and the development rights and perpetual conservation easement restrictions conveyed to CFT herein shall constitute a servitude upon and run with the land.


(a) Landowner retains the right to use the Property for agricultural purposes, or to permit others to use the Property for agricultural purposes, in accordance with Applicable Laws and the terms and provisions of this Easement. This Easement is not intended to limit Landowner’s discretion to employ Landowner’s choices of agricultural uses and management practices so long as those uses and practices are consistent with this Easement. Unless restricted in this Easement, Landowner retains the right to change crops, use different or new farming techniques, and to construct and maintain irrigation improvements necessary or desirable to irrigate the Property for agricultural purposes. The parties acknowledge that preservation of the Conservation Values permits changes in farming techniques necessary or desirable to maintain economically viable farming operations. Accordingly, Landowner is not limited to those farming
techniques currently known or foreseeable, but rather may use new or different farming techniques that are consistent with this Easement.

(b) Notwithstanding the foregoing, Landowner and CFT acknowledge that, in view of the perpetual nature of this Easement, they are unable to foresee all potential future uses, future technologies, evolution of the land and other natural resources, and other future occurrences affecting the Property. Thus, uses and improvements that might be consistent with the Conservation Purpose of this Easement that are not expressly addressed in the Easement may possibly be permitted, but only with CFT Approval obtained pursuant to Section 4(b), below.

3. **Prohibited Uses and Activities, Generally.**

(a) Landowner shall not perform, or knowingly allow others to perform, any act on or affecting the Property that is inconsistent with this Easement. Any use or activity for any purpose or in any manner that would diminish, impair, or interfere with the Conservation Values protected by this Easement or that would cause significant soil degradation or erosion, restrict agricultural husbandry practices, or that is otherwise inconsistent with the Conservation Purpose of this Easement is prohibited ("Prohibited Use").

(b) “Husbandry practices” means agricultural activities, such as those specified in section 3482.5(e) of the California Civil Code, conducted or maintained for commercial purposes in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality.

(c) This Easement authorizes CFT to enforce these covenants in the manner described herein. However, unless otherwise specified, nothing in this Easement shall require Landowner to take any action to restore the condition of the Property damaged by earthquake, fire, flood, or other acts of God. Landowner understands that nothing in this Easement relieves it of any obligation or restriction on the use of the Property imposed by Applicable Laws (as defined in Section 11(c)).

4. **Written Advisement: CFT Approval.**

(a) **Written Advisement.** This sub-section describes the requirements that the Landowner must comply with whenever Written Advisement is required in this Easement. Where required in this Easement, Landowner shall give at least sixty (60) days' advance notice to CFT in writing in accordance with the notice provisions of Section 19. The written notice and accompanying information and documents required per sub-section (c), below, are referred to in this Easement as ("Written Advisement").

(b) **CFT Approval.** This sub-section describes the requirements that Landowner must comply with whenever CFT Approval is required in this
Easement. ("CFT Approval") may be granted to Landowner only where CFT, acting in CFT's sole discretion and in good faith, determines that the proposed action is not a Prohibited Use. Said approval (i) shall not be unreasonably delayed by CFT, (ii) shall be sought and given in writing in accordance with the notice provisions of Section 19, with copies of all documents to be provided per subsection (c) below, to CFT and the Council, and (iii) shall in all cases be obtained by Landowner prior to taking the proposed action. If, in the judgment of CFT, the proposed use or activity should not be permitted in the form proposed, but could be permitted if modified, then CFT's response may propose to Landowner suggested modification(s) and/or conditions that would permit the use or activity.

(c) Supporting Information. When Written Advisement or CFT Approval is required under this Easement, as part of said Written Advisement or request for CFT Approval, Landowner must provide CFT with adequate information, documents, and plans so as to enable CFT to confirm compliance with this Easement and enable CFT to keep its records current.


The following uses and actions set forth in this Section are permitted without CFT Approval, however, Written Advisement, as set forth in Section 4(a), may be required in certain instances, as set forth below.

Except as expressly permitted in this Easement, all other construction, erection, installation, or placement of buildings, structures, or other improvements on the Property is prohibited. Prior to undertaking any activity or improvements on the Property as permitted herein requiring a building, grading, or zoning permit or environmental regulatory review or permit, and prior to exercising any reserved right on the Property that may diminish or impair the Conservation Values or interfere with the Conservation Purpose of this Easement, Landowner shall give CFT Written Advisement.

For purposes of this Section, “improvements” shall not refer to, and specifically excludes, crops, plants, trees, vines, or other living improvements planted for agricultural purposes, nor shall it refer to agricultural and irrigation improvements necessary or desirable to produce agricultural crops on the Property, including stakes, trellis and trellis components, and minor structures or mechanical devices (or both) inherent to new or as of yet undiscovered farming practices, nor temporary shade structures and temporary sanitary facilities to support agricultural employees, all of which may be made without Written Advisement or CFT Approval.

(a) Fences. Existing fences may be repaired and replaced, and new fences may be built on the Property for purposes of reasonable and customary agricultural management and the reasonable and customary security of farm produce, livestock, equipment, and improvements on the Property.
(b) **Agricultural Structures and Improvements.** There are no existing agricultural structures and improvements on the Property.

Any new agricultural structures and improvements shall be located in the Building Envelope shown in Exhibit C-1 and Exhibit C-2 and more fully described in the Baseline Report, may be repaired, reasonably enlarged, and replaced at their initial locations only and entirely within the Building Envelope for agricultural purposes with Written Advisement. New buildings and other structures and improvements to be used solely for agricultural production on the Property or sale of farm products predominantly grown or raised on the Property, including barns, equipment sheds, and greenhouses, but not including any secondary dwelling or agricultural employee housing, may be built, reasonably enlarged, and replaced on the Property, only and entirely located within the Building Envelope with Written Advisement.

With Written Advisement, minor agricultural structures, such as pump houses, small greenhouses, and other small impervious surfaces or structures used for the direct growing or support of growing agricultural crops, are allowed outside of the Building Envelope. Each individual minor agricultural structure or impervious surface that is to be located outside of the Building Envelope may not exceed two hundred (200) square feet and the aggregate area of all of such minor structures or impervious surfaces shall not exceed eight hundred (800) square feet.

(c) **Single-Family Dwelling.** There is no existing single-family dwelling on the Property and no new residential structures (including trailers or mobile homes of any kind) may be constructed or placed on the Property, except as set forth in Section 5(d) below.

(d) **Secondary Dwelling Units and Farm Worker Housing.** As of the Effective Date, there are no existing secondary dwelling units or farm worker housing on the Property.

New secondary dwelling units or farm worker housing structures to be used primarily to house farm tenants, farm employees, or others engaged in agricultural production may be built on the Property with Written Advisement. Secondary dwellings units or farm worker housing structures may be repaired, constructed, enlarged, or replaced, provided they are located entirely within the Building Envelope.

Notwithstanding the foregoing, all of such housing shall comply with Applicable Laws and no Easement restrictions on such housing shall be more restrictive than California Government Code section 65852.2 or California Health and Safety Code section 17021.6, respectively.

(e) **Utilities and Septic Systems.** Wires, lines, pipes, cables, or other facilities providing electrical, gas, water, sewer, communications, energy generation, or
other utility services solely to serve the uses and improvements permitted herein, or to transmit power generated on the Property, may be installed, maintained, repaired, removed, relocated, and replaced. Septic or other underground sanitary systems serving the uses and improvements permitted herein may be installed, maintained, repaired, replaced, relocated, or improved, but must be located within the Building Envelope, where reasonably feasible. Renewable power generation and transmission facilities for agricultural and other permitted uses on the Property may be constructed within the Building Envelope. Generation facilities shall be scaled to match the on-farm demand for energy. Power generated from facilities in the Building Envelope that is in excess of requirements on the Property may be sold to appropriate public utilities.

(f) Use and Storage of Agricultural Products and Equipment. The use and storage of the following is permitted as long as they are carried out in accordance with Applicable Laws (including labeling requirements): agricultural products, agricultural chemicals, agricultural byproducts, and agricultural equipment. “Agricultural chemicals” includes herbicides, pesticides, fungicides, fertilizers, and other materials commonly used in farming operations even though they may be “Hazardous Materials” as defined in Section 20.

(g) Paving and Road Construction. Construction and maintenance of unpaved farm roads, as necessary or desirable for agricultural operations, are permitted without Written Advisement. Paving within the Building Envelope is permitted without Written Advisement. Any significant relocation or net addition of unpaved farm roads require Written Advisement. Paving outside of the Building Envelope is not permitted.

(h) Recreational Structures. Recreational structures or improvements that do not negatively impact the agricultural use of the Property are permitted only within the Building Envelope. Landowner expressly reserves the right for themselves and their family and guests to hunt on the Property.

(i) Customary Rural Enterprises. With Written Advisement buildings for customary rural enterprises, such as agricultural management offices, may be constructed, repaired, replaced, and maintained, but shall be located only in the Building Envelope.

(j) Agri-tourism Activities. Low impact, nonpermanent, agri-tourism activities, such as farm tours, work experiences, historic displays, field trips, petting zoos, corn mazes, and hay rides (collectively, “Agri-tourism Activities”), are permitted, provided that: (i) the Conservation Values are not impaired or diminished; (ii) all parking related to the Agri-tourism Activities is within the Building Envelope; (iii) uses and activities that cause significant soil degradation or erosion are prohibited; and (iv) all such uses and activities are incidental or ancillary to the primary agricultural activities permitted on the Property.
(k) Subsequent Liens or Encumbrances on Property. Landowner may use the Property as collateral for a subsequent borrowing, provided any subsequent obligations secured by the Property are subordinate to this Easement, generally, and all of the beneficiary’s rights, interests, claims, remedies, and privileges under any security instrument (including, but not limited to, any right of the beneficiary to insurance proceeds or proceeds in a condemnation proceeding), specifically, are, and at all times shall continue to be, subject and subordinate in all respects to the Easement and the interest of CFT, with the same force and effect as if the Easement had been executed, delivered, and recorded prior to the execution and delivery of the security instrument.

(l) Emergencies and Construction of Temporary Improvements. In an emergency, Landowner may take such limited and temporary actions as are reasonably necessary to protect physical safety of persons and property on the Property and the Property itself, including any agricultural employee housing and agricultural improvements and agricultural products and only to the limited extent necessary for such protection and provided such actions are in compliance with Applicable Laws. The construction, placement, or use of limited, temporary living, or construction of temporary farm management quarters or mobile homes on the Property during limited periods of agricultural employee housing construction or during or immediately following an emergency rendering the agricultural employee housing uninhabitable, is permitted, provided such construction or use is in compliance with Applicable Laws and such trailers or temporary improvements are removed immediately after the period of emergency is over or construction is completed to CFT’s satisfaction. Landowner shall give CFT prompt notice of any emergency actions taken under this Section. If emergency actions taken in accordance with this Section continue for more than sixty (60) days, Landowner must obtain CFT Approval.

(m) Use of Motorized Vehicles Off Roadways. The use of motorized vehicles off roadways and outside of the Building Envelope is limited to use for agricultural production, property maintenance and security, emergencies for protection of persons and property, or for the purpose of monitoring this Easement.

(n) Wells and Irrigation Systems. Landowner may construct wells and irrigation improvements reasonably required to exercise the water rights reserved in Section 9 below, including replacement or new wells and associated irrigation systems including pump houses, control structures, filtering equipment, irrigation pipelines, and related structures, including a water diversion structure on Duck Creek, anywhere on the Property, as needed for irrigation for agricultural production on the Property. Permitted irrigation improvements include the installation of water pipelines and turnouts and power lines, gas lines, wind, and solar facilities (that exclusively supply power to operate irrigation systems on the Property), each of the foregoing as necessary for the farming use of the Property.

6. Uses and Actions Permitted only if CFT Approval Obtained.
The following uses and practices may be permitted by this Easement, depending on the manner in which they are carried out, and only after obtaining CFT Approval in accordance with Section 4.

(a) **New Agricultural Enterprise Structures.** New structures and improvements to be used for "Agricultural Enterprises" (as defined below) may be permitted if the structures are located solely within the Building Envelope. "Agricultural Enterprises" means otherwise lawful and customary (i) agricultural enterprises owned and operated by Landowner or Landowner’s lessees, such as, but not limited to, marketing of farm products predominantly grown, raised, or produced on the Property or on other real property owned by Landowner which is located in San Joaquin County and (ii) businesses principally providing agricultural-related goods and services to other farms and farmers in the vicinity of the Property. All such structures individually and collectively must be consistent with this Easement and approved under local zoning and building codes. A single "roadside stand" in accordance with the County Zoning Ordinance in effect as of the date of this Easement and located within the Building Envelope may be constructed. Roadside stand is defined as an area of an agricultural property set aside for the sale of processed and unprocessed crops that are grown on and off the Property. Crops that have been grown or produced off the Property may only be sold in conjunction with the sale of crops grown on the Property.

(b) **Signs for Agricultural Use.** Signs may be placed on the Property only for the purpose of identifying the Property, identifying the Property as a participant in SALC, or to advertise agricultural enterprises operating on the Property or a roadside stand operating on the Property, in accordance with this Easement. However, the total surface area of all the signs shall not exceed three hundred sixty (360) square feet and the top of each sign shall be no more than twenty (20) feet from the ground. A maximum of two (2) signs may be erected with no single sign exceeding a surface area of one hundred eighty (180) square feet.

(c) **Granting Subsequent Easements, Interests in Land, or Use Restrictions.** Landowner may grant subsequent easements, including conservation easements, interests in land, or use restrictions on the Property. This includes the granting of rights-of-way over and under the Property for utilities or roads.

Under no circumstances shall CFT approve the granting of subsequent easements, interests in land, or use restrictions that might diminish or impair the Conservation Values.

(i) CFT Approval shall be obtained at least thirty (30) days in advance of Landowner’s execution of any proposed subsequent easement, interests in land, or use restriction on the Property and such subsequent easements, interests in land, and use restrictions shall make reference to and be subordinate to this Easement.

CFT/C&T Murphy Farm SALC Easement
(ii) CFT shall notify the Council immediately upon receipt of request by Landowner to grant a subsequent easement, interest in land, or use restriction on the Property, and provide copies of documents associated with such a request to the Council.

(iii) CFT shall notify the Council once it has approved the grant of any subsequent easement, interest in land, or use restriction on the Property and provide copies of the recorded documents in that year’s annual report unless otherwise requested.

(iv) CFT Approval will not occur if the subsequent easement shall: (A) diminish or affect the perpetual duration or the Conservation Purpose of this Easement nor the status or rights of CFT under the terms of this Easement; (B) confer a private benefit to Landowner or any other individual greater than the benefit to the general public; (C) result in private inurement for a board member, staff, or contract employee of CFT or violate CFT’s conflict of interest policy; or (D) jeopardize CFT’s tax-exempt status or status as a charitable organization under federal or state law.

(v) CFT Approval will not occur if the subsequent easement shall convey rights already conveyed, restricted, or extinguished by this Easement or other easements or governmental requirements, such as required mitigation.

(d) Lot Line Adjustment. Lot line adjustment within the boundary lines of the Property may be permitted in conjunction with the approval of the local jurisdiction, and for purposes of maintaining, enhancing, or expanding agricultural practices or productivity on the Property. Such lot line adjustments shall not increase or decrease the total acreage of the Property subject to this Easement.

(e) Restricted Oil and Gas Exploration and Development. Except as specifically authorized with restrictions herein (and in accordance with Section 5(g) (Paving and Road Construction), the mining, filling, dumping, excavating, draining dredging, exploration, or extraction of soil, sand, gravel, aggregate, rock, oil, natural gas, fuel, or any other hydrocarbon or mineral substance, through a surface mining, removal, or extraction method or from above a depth of one hundred fifty (150) feet below the surface of the Property is prohibited. Well drilling, slant drilling (from on or off the Property) and underground piping below a depth of one hundred fifty (150) feet for the production of subsurface oil, natural gas, or other hydrocarbon product does not constitute a surface removal and extraction method, but rather constitutes a subsurface removal and extraction method and such subsurface removal or extraction is permitted, with CFT Approval. The removal or extraction must be carried out in accordance with the provisions of this Easement and any additional conditions CFT may reasonably impose to protect the Conservation Values of the Property.
Any surface disturbance resulting from permitted subsurface extraction activities, such as the extraction of oil, natural gas, or other hydrocarbon products, must be temporary and limited to one or more “Extraction Sites” which, if located on the Property, shall be located solely in the Building Envelope and must be limited and localized within the meaning of the Treasury Regulations at 26 C.F.R. § 1.170A-14(g)(4)(i) and not irremediably destructive of the Conservation Values. Off-Property drilling, or slant drilling and the participation in a pool lease are permitted, provided the activities are otherwise in accordance with the provisions of this Easement. Any pool lease must be junior and subject to the provisions of the Easement. Access to the Extraction Sites located on the Property may only be by existing roads. The exploration, development, and removal of oil, gas, and other hydrocarbons may not impair the availability, quantity, or quality of water resources of the Property for the agricultural and residential uses allowed under this Easement.

Any impact to the Property or its water resources in contravention of the preceding sentence would violate the terms of this Easement and the enforcement provisions set forth in Section 13 shall apply. In the event of any such impact, Landowner shall immediately notify CFT, cease any further activities, and, as to any disturbed areas outside the Building Envelope, promptly restore all disturbed areas to a condition similar or equivalent to its condition prior to the disturbance.

With Written Advisement, evaluation of subsurface mineral potential by methods that do not include improvements, facilities, or drilling, such as seismic testing, may be conducted anywhere on the Property so long as the activities are consistent with the Easement and temporary equipment or facilities for the purpose of exploration for and development of such resources must be located within the Building Envelope.

7. **Prohibited Uses.**

The following uses and practices are a non-exhaustive recital of uses and activities that are Prohibited Uses (except to the extent expressly permitted in Sections 5 or 6 or elsewhere in this Easement):

(a) **Buildings and Improvements.** Except as permitted in Sections 5 or 6, the construction or placement of any buildings, residential dwellings, camping accommodations, temporary living quarters of any sort, mobile homes, signs, billboards or other advertising materials, utility towers, or other structures is prohibited.

(b) **Dumping and Trash.** The placement, storage, dumping, burial, or otherwise of trash, refuse, vehicle bodies or parts, rubbish, debris, junk, waste or “Hazardous Materials,” as defined in Section 20, is prohibited.
Temporary storage of residential and agricultural waste generated on the Property for periodic removal off-site is permitted. Composting of organic materials from the Property is not considered Dumping or Trash and is permitted.

(c) **Industrial and Commercial Uses.** Industrial and commercial uses are prohibited.

(d) **General Prohibition on Surface Mining.** Except as specifically authorized in accordance with Section 5(g) (Paving and Road Construction) and Section 6(a) (Restricted Oil and Gas Exploration and Development), the mining, removal, or extraction on or from the area subject to this Easement of soil, sand, gravel, aggregate, rock, oil, natural gas, fuel, or any other mineral substance, through a surface mining, removal, or extraction method or from above a depth of one hundred fifty (150) feet below the surface of the Property, including the installation of roads or pipelines for transportation, is prohibited.

The prohibition in this sub-section (d) is not intended to interfere with Landowner's right to remove cobble and hardpan from farm areas in order to prepare the land for agricultural purposes.

(e) **Commercial Recreational Structures.** Resort structures, athletic fields, golf courses, non-residential swimming pools, public or commercial airstrips, commercial equestrian, or public stable facilities, public or commercial helicopter pads, and any other non-agricultural recreational structures or facilities are prohibited.

(f) **No Subsequent Easements Impairing Agricultural Productive Capacity.** The grant of any subsequent easements (including conservation easements), other interests in land, or use restrictions that might diminish or impair the agricultural productive capacity or open space character of the Property or be otherwise inconsistent with this Easement is prohibited.

(g) **No Subsequent Easements for Utilities and Roads.** Except as approved in accordance with Section 6(c), the granting of easements for utilities and roads is prohibited.

(h) **Subdivision and Common Ownership of the Property.** Landowner and its successors in interest shall at all times treat all parcels of the Property as one (1) parcel that is a single, integrated economic unit of property. Landowner and CFT acknowledge and understand that the Property currently consists of 71.49 acres and is a portion of one (1) 73.54-acre legal parcel, a 2.05-acre portion of which legal parcel has been excluded from this Easement (the “Excluded Area”). The Excluded Area is depicted on Exhibit C-1. No additional, separate legal parcels currently exist within the Property that may be recognized by a certificate of compliance or conditional certificate of compliance pursuant to California Government Code section 66499.35 based on previous patent deed or easement.
conveyances, subdivisions, leases, or surveys of any kind. To apply for or otherwise seek recognition of additional legal parcels with the Property based on certificates of compliance, conditional certificates of compliance or any other authority is prohibited, except for a lot line adjustment for purposes of formulating the boundaries of the Property and the Excluded Area, so that the Property consists of one (1) legal parcel comprising 71.49 acres and its own assessor parcel number and the Excluded Area consists of one (1) legal parcel comprising 2.06 acres and its own assessor parcel number.

The grant, sale, exchange, conversion, transfer, assign, mortgage or otherwise encumber, devise, gift, alienate or convey any parcel associated with the Property or portion of any parcel of the Property separately or apart from the Property as a whole is prohibited. The legal or de facto division or subdivision of the Property, which shall include, but shall not be limited to, any subdivision, short subdivision into remainder tracts, transfer of development rights, testamentary division, or other process by which the Property is divided in ownership or in which legal or equitable title to different portions of the Property are held by different owners, whether by physical, legal, or any other process is prohibited. Landowner may not indirectly divide any of the Property through the allocation of property rights among partners, shareholders or members of a legal entity, creation of a horizontal property regime, condominium, common interest community, interval or time-share ownership, partitioning among tenants in common, judicial partition, or by any other means.

The ownership of the entire Property in undivided interests among multiple owners, the creation of life or future estates in the Property, or ownership by any limited liability company, corporation, partnership, trust, or other entity of the Property is not prohibited. The granting of leases or other rights, so long as consistent with the Easement, to use the Property as either a whole or portions is not prohibited.

(i) **Road Paving and Construction.** Except as may be permitted in the Building Envelope in accordance with Section 5(e), no portion of the Property shall be paved or otherwise covered with concrete, asphalt, or any other impervious paving material.

(j) **Offroad Motorised Vehicle Use.** The recreational use of motorized vehicles on the Property outside the Building Envelope is prohibited.

(k) **Commercial Signs.** Commercial signs, including billboards, unrelated to permitted activities conducted on the Property are prohibited.

(l) **Commercial Power Generation and Collection.** Except as may be permitted in Section 5(e), commercial power generation, collection, or transmission facilities, including solar or wind farms or facilities, and the conveyance of any rights-of-way over, under, or on the Property for any such purpose, are prohibited.
8. **Extinguishment of Development Rights.**

Landowner hereby grants to CFT all development rights, except as specifically reserved in this Easement, that were previously, are now or shall hereafter be allocated to, implied, reserved, appurtenant to, or inherent in the Property, and the parties agree that such rights are released, terminated, and extinguished, and may not be used on or transferred by either party to any portion of the Property as it now or later may be bounded or described, or to any other property adjacent or otherwise, or used for the purpose of calculating permissible lot yield of the Property or any other property. This Easement shall not create any development rights.

9. **Water Rights, Water Sources, and Improvements.**

(a) Landowner shall retain and reserve all ground water, and all appropriative, prescriptive, contractual, or other water rights appurtenant to the Property as of the Effective Date. Landowner shall not permanently transfer, encumber, lease, sell, or otherwise separate such water or water rights from title to the Property itself. Permanent separation of water or water rights is prohibited. All water shall be retained in its existing ground water basin, as determined by Applicable Laws, for agricultural production and used only in conjunction with improvements and uses permitted by this Easement.

(b) Only that quantity of water or water rights that is not necessary for present or future agricultural production on the Property may be temporarily distributed. Water may be temporarily distributed to an adjacent property (whether or not owned or leased by Landowner), or to other property owned or leased by Landowner, on an annual basis, for agricultural production only. Any temporary distribution of water or water rights (i) shall not impair the long-term agricultural productive capacity or open space character of the Property, and (ii) may only be transferred for agricultural production within same ground water basin. Notwithstanding the foregoing, water use and water transfers shall comply with all Applicable Laws, including, but not limited to the Sustainable Groundwater Management Act, as it may be amended from time to time.

(c) Landowner retains the right to use, maintain, establish, construct, and improve water sources, surface ponds, levees for water recharge, water courses, and water bodies within the Property for the uses permitted by this Easement, provided that Landowner does not significantly impair or disturb the natural course of the surface water drainage or runoff flowing over the Property. Landowner may alter the natural flow of water over the Property in order to improve drainage of agricultural soils, promote water conservation and water recharge, reduce soil erosion, or improve the agricultural management potential of the Property, provided such alteration is consistent with the Conservation Purpose of this Easement.
(d) Any use or activity that would pollute or significantly degrade the quality of surface or sub-surface waters on or underlying the Property for the agricultural and residential uses permitted on the Property is prohibited.

10. **Rights Retained by Landowner.**

Subject to Section 8 and to interpretation under Section 22(a), as owner of the Property, Landowner reserves all interests in the Property not transferred, conveyed, restricted, extinguished, or prohibited by this Easement. These ownership rights include, but are not limited to, the right to sell, lease, devise, or otherwise transfer the Property to anyone Landowner chooses, as well as the right to privacy and the right to exclude any member of the public from trespassing on the Property, and any other rights consistent with the Conservation Purpose of this Easement. Nothing contained herein shall be construed as a grant to the general public of any right to enter upon any part of the Property.

11. **Responsibilities of Landowner and CFT Not Affected.**

Other than as specified herein, this Easement is not intended to impose any legal or other responsibility on CFT, or in any way to affect any existing obligation of Landowner as owner of the Property. Among other things, this shall apply to:

(a) **Taxes.** Landowner shall be solely responsible for payment of all taxes and assessments levied against the Property. If CFT ever pays any taxes or assessments on the Property, or if CFT pays levies on Landowner’s interest in order to protect CFT’s interest in the Property, Landowner will reimburse CFT for the same. It is intended that this Easement constitute an enforceable restriction within the meaning of Article XIII, section 8 of the California Constitution and that this Easement qualify as an enforceable restriction under the provisions of California Revenue and Taxation Code sections 402.1(a)(8) and 423.

(b) **Upkeep and Maintenance.** Landowner shall be solely responsible for the upkeep and maintenance of the Property. CFT and the Council shall have no obligation for the upkeep or maintenance of the Property. If CFT or the Council acts to maintain the Property in order to protect CFT’s interest in the Property, Landowner shall reimburse CFT and the Council for any such costs.

(c) **Compliance with Law.** Landowner shall comply with all Applicable Laws with respect to the Property. Nothing in this Easement relieves Landowner of any obligation with respect to the Property or restriction on the use of the Property imposed by law, whether currently existing or hereafter enacted or otherwise promulgated by any federal, state, county, municipal, or other governmental body (whether legislative, administrative, or judicial), or by any competent official of any of the foregoing (collectively, “Applicable Laws”). In no event shall this Easement be construed as granting any landowner rights not...
permitted by local building, land use, and/or zoning regulations at the time of construction, demolition, occupation, or other regulated use.

(d) Liability and Indemnification. CFT and the Council shall have no responsibility or liability for the operation of the Property, the monitoring of hazardous conditions thereon, or the protection of Landowner, the public, or third parties from risks relating to conditions on the Property. Landowner shall indemnify, protect, defend, and hold harmless CFT and the Council, their respective officers, directors, members, employees, contractors, legal representatives, agents, successors, and assigns of each of them (collectively, CFT’s and the Council’s respective “Parties” and with CFT and Council, the “Indemnified Parties”) from and against any and all liabilities, claims, demands, losses, forfeitures, expenses, damages, fines, fees, penalties, orders, liens, suits, proceedings, actions, and costs of actions, sanctions asserted by or on behalf of any person or governmental authority, and other liabilities (whether legal or equitable or civil or criminal in nature and including, without limitation, court costs and reasonable attorneys’ and experts’ fees and attorneys’ and experts’ fees on appeal) (collectively, “Claims”) to which any of the Indemnified Parties may be subject or incur relating to the Property, which may arise from, but are not limited to, Landowner’s negligent acts or omissions, except (with respect to each Indemnified Party) to the extent any such Claims arise from the negligence or intentional misconduct of that particular Indemnified Party. Landowner shall indemnify and hold harmless each of the Indemnified Parties for the breach of any and all representations, warranties, covenants, and agreements contained in this Easement, or violations of any Applicable Laws, including Environmental Laws, except (with respect to each Indemnified Party) to the extent any such Claims arise from the negligence or willful misconduct of that particular Indemnified Party.

Landowner shall be solely liable for Claims arising from or related to the injury or the death of any person, or physical damage to any property, or any other costs or liabilities resulting from any act, omission, condition, violation of the law, or of this Easement or other matter related to or occurring on or about the Property, regardless of cause, except (with respect to each Indemnified Party) to the extent arising due to the negligence or intentional misconduct of that particular Indemnified Party.

Without limiting the foregoing, none of the Indemnified Parties shall be liable to Landowner or other person or entity in connection with consents given or withheld, or in connection with any entry upon the Property occurring pursuant to this Easement, or on account of any Claim suffered or incurred by or threatened against Landowner or any other person or entity, except (with respect to each Indemnified Party) to the extent the Claim is the result of the negligence or intentional misconduct of that particular Indemnified Party.

(e) Liability Insurance. Landowner, at its own cost and expense, shall procure and maintain a comprehensive general liability policy insuring against bodily
injury, death, and property damage on the Property in the amount of not less than one million dollars ($1,000,000.00), which amount shall be adjusted every five (5) years to reflect the percentage increase during the past five (5) years in the CPI, and cause CFT to be named as an additional insured party on such insurance policy. The “CFT” means the United States Department of Labor’s Bureau of Labor Statistics Consumer Price Index for all Urban Consumers (CPI-U, all items) (1982-84=100), or the successor of such index. Landowner shall provide CFT with a certificate of insurance on an annual basis evidencing compliance with the terms of this paragraph. Such insurance shall provide for thirty (30) days’ written notice to CFT prior to the cancellation or material change of any insurance referred to herein.

12. Monitoring Reports.

CFT shall manage its responsibilities as holder of this Easement so as to uphold the Conservation Purpose of this Easement. CFT’s responsibilities include, but are not limited to, annual monitoring, such additional monitoring as circumstances may require, record keeping, and enforcement, for the purpose of preserving the Property’s Conservation Values in perpetuity. CFT shall report to the Council by June 30 of each year after the annual monitoring visit, describing the method of monitoring and the condition of the Property, stating whether any violations were found during the period, and describing any corrective actions taken, the resolution of any violation, and any transfer of interest in the Property. Failure to do so shall not impair the validity of this Easement or limit its enforceability in any way.


With reasonable advance notice (except in the event of an emergency circumstance or prevention of a threatened breach), CFT shall have the right to enter upon, inspect, observe, monitor, and evaluate the Property to identify the current condition of, and uses and practices on the Property and to determine whether the condition, uses, and practices are consistent with this Easement. At CFT’s discretion, in support of CFT’s right to monitor and enforce this Easement, a supplement to the Baseline Report may be prepared and shall then be executed by Landowner and CFT to document the then-current condition of the Property. If the supplement is sought as part of an enforcement action or an amendment to the Easement, the cost of any such supplement shall be borne by Landowner. Otherwise, the cost of any such supplement shall be borne by CFT.

(a) Monitoring visits shall be subject to the following conditions:

(i) CFT shall give at least forty-eight (48) hours written or verbal notice to Landowner before entering upon the Property, except in the event of an emergency circumstance or threatened breach, in which case reasonable oral notice shall be given. The notice shall indicate the purpose of the entry and shall provide the timeframe during which CFT shall be upon the Property;

CFT/C&T Murphy Farm SALC Easement
(ii) Entry shall take place during normal business hours unless otherwise required due to exigent circumstances; and

(iii) CFT shall indemnify, defend with counsel of Landowner's choice, and hold Landowner harmless from, all expense, loss, liability, damages, and claims, including Landowner's reasonable attorneys' fees, if necessary, arising out of CFT's entry on the Property, unless caused by a violation of this Easement by Landowner or by Landowner's negligence or willful misconduct.

(b) CFT may take all actions, including legal actions, that it deems necessary to ensure compliance with the terms, conditions, covenants, and Conservation Purpose of this Easement. CFT shall have the right to prevent and correct violations of the terms, conditions, covenants, and Conservation Purpose of this Easement. All reasonable fees and costs incurred by CFT in administration, including, without limitation, investigation, negotiation, mediation, settlement, or suit, of any dispute regarding this Easement, including, without limitation, all fees, costs, and expenses of investigation, dispute management, negotiation, mediation, settlement, or suit and reasonable attorneys', experts', and consultants' fees, staff time, and any fees and costs of restoration, remediation, or other damage correction necessitated by any such action shall be borne by Landowner; provided however, if Landowner ultimately prevails in full in a judicial enforcement action, each party shall bear its own costs. Landowner shall indemnify, protect, defend, and hold harmless each of the Indemnified Parties from and against all claims arising out of the violation of the terms, conditions, covenants, and Conservation Purpose of this Easement, except (with respect to each Indemnified Party) to the extent arising from the negligence or intentional misconduct of that particular Indemnified Party.

(c) If CFT finds what it believes is a violation or potential violation, it may at its discretion take appropriate legal action to ensure compliance with the terms, conditions, covenants, and Conservation Purpose of this Easement and shall have the right to correct violations and prevent the threat of violations. Except when an ongoing or imminent violation could irreversibly diminish or impair the Conservation Values, CFT shall give Landowner written notice of the violation or potential violation and Landowner shall have thirty (30) days from the receipt of such notice to take corrective action sufficient to abate such event or circumstance of noncompliance and restore the Property to its previous condition, before CFT files any legal action. If the violation will reasonably take longer than thirty (30) days to correct, it is sufficient that Landowner has taken reasonable steps to correct the violation within the thirty (30) days period and continues to use reasonable efforts to completely correct the violation and restore the Property as soon as reasonably possible.

(d) Landowner agrees that the remedies at law for CFT for any violation of the terms of this Easement are inadequate and that CFT shall be entitled to the injunctive relief described in this Section, both prohibitive and mandatory, in addition to such other relief to which CFT may be entitled, including specific

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performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. The remedies described in this Easement shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity. If a court with jurisdiction determines that a violation may exist or has occurred or is about to occur, CFT may obtain a temporary restraining order, preliminary injunction, injunction, specific performance, or any other appropriate equitable or legal remedy, including (i) money damages, including damages for the loss of the Conservation Values protected by this Easement; (ii) restoration of the Property to its condition existing prior to such violation; and (iii) an award for all CFT's expenses incurred in stopping and correcting the violation, including but not limited to reasonable attorneys', consultants', and experts' fees and court costs. CFT's remedies under this section shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

(a) Without limiting Landowner's liability, CFT shall apply any damages recovered (except the damages attributable to CFT's expenses incurred in stopping and correcting the violation) to the cost of undertaking any corrective action on the Property. Should the restoration of lost values be impossible or impractical for whatever reason, CFT shall return to the Council its proportionate share of any and all damages recovered and not applied to corrective action to enhance or restore the Property (except the damages attributable CFT's expenses incurred in stopping and correcting the violation).

(f) In the event CFT fails to enforce any term, condition, covenant, or purpose of this Easement, as determined by the Council's Executive Director, then the Executive Director and successors and assigns shall have the right to enforce this Easement after giving notice to CFT and Landowner and providing a reasonable opportunity under the circumstances for CFT to enforce any term, condition, covenant, or purpose of the Easement. In the event that the Council's Executive Director has reasonable cause to suspect that CFT has failed to enforce any of the terms, conditions, covenants, or purposes of the Easement, the Council's Executive Director and successors and assigns shall be entitled to exercise the same right to enter the Property granted to CFT, including right of immediate entry in the event of an emergency or suspected emergency where the Council's Executive Director or successor or assign determines that immediate entry is required to prevent, terminate, or mitigate a violation of this Easement.


(a) This Easement may only be assigned or transferred to an entity authorized to hold such Easement as specified under section 815.3 of the California Civil Code and that has similar purposes to preserve agricultural lands and open space. Such an assignment or transfer may proceed only if the entity expressly agrees to assume the responsibility imposed on CFT by the terms of this Easement and is expressly willing and able to hold this Easement for the Conservation Purpose for which it was created. All assignment and assumption
agreements transferring the Easement shall be duly recorded in San Joaquin County within thirty (30) days.

(b) If CFT should desire to assign or transfer this Easement, CFT, with notice to Landowner, must obtain the written permission from the Council, which permission shall not be unreasonably withheld. If CFT or its successors ever cease to exist or no longer qualifies under section 170(h) of the U.S. Internal Revenue Code, or applicable state law, the Council, in consultation with Landowner, shall identify and select an appropriate private or public entity to which this Easement shall be transferred. Prior to transfer, such transferee must be authorized to hold such Easement as specified under section 815.3 of the California Civil Code.

15. Transfer of Property Interest.

(a) Landowner shall notify CFT and the Council in writing at least thirty (30) days prior to the transfer of the Property or an interest therein and shall provide CFT with a copy of the proposed document of conveyance. The document of conveyance, including any lease, shall expressly incorporate this Easement by reference. Failure of Landowner to comply with the terms of this section shall not impair the validity of this Easement or limit its enforceability against Landowner or any subsequent owners, lessees, licensees, or transferees in any way.

(b) Prior to any sale, lease, license, or other transfer of any interest in the Property, Landowner shall inform the prospective transferee about this Easement and its terms and provide them with a copy of this Easement. Any such subsequent owners, lessees, licensees, or transferees shall be bound by the terms of the Easement. Landowner shall deliver to the buyer, as part of the escrow for any sale of the Property, Landowner's copy of the Baseline Report, or request CFT provide a copy of the Baseline Report at Landowner's cost and expense. As part of the escrow for the sale of the Property, Landowner shall obtain from the buyer and deliver to CFT, an acknowledgement to be signed by the buyer in substantially the same form as Exhibit D attached hereto, wherein the buyer acknowledges receipt of the Baseline Report and certifies that the Baseline Report is an accurate representation of the condition of the Property as of the date of the acknowledgement (subject to any changes of condition specified by the buyer). Failure of Landowner to comply with the terms of this section shall not impair the validity of this Easement or limit its enforceability against Landowner or subsequent owners, lessees, licensees, or transferees in any way.

16. Transfer Fee.

(a) Landowner and CFT recognize and agree that any transfer of the Property and any division of ownership will result in an additional burden on the monitoring and enforcement responsibilities of CFT. Therefore, there shall arise, by virtue of any transfer for consideration of all or a portion of the Property, or
interest therein (other than a lease for a total term, including any options to renew or extend, not exceeding thirty-five (35) years) a fee which is referred to herein as the “Transfer Fee”. The Transfer Fee will be used for and will directly benefit the stewardship, defense, and administration of the Easement on the Property and contribute to the protection of the Conservation Values in perpetuity. The Transfer Fee shall be paid by Landowner and shall be payable to CFT or subsequent holder of this Easement. The Transfer Fee shall be equal to one percent (1.0%) of the gross consideration received by Landowner for the transfer of any interest in the Property and shall be paid to CFT concurrently with the close of escrow or other consummation of the sale of the Property or interest. For example, if the Property has a sales price/consideration of two hundred fifty thousand dollars ($250,000.00), the Transfer Fee would be two thousand five hundred dollars ($2,500.00); if the Property has a sales price/consideration of five hundred thousand dollars ($500,000.00), the Transfer Fee would be five thousand dollars ($5,000.00); and if the Property has a sales price/consideration of seven hundred fifty thousand dollars ($750,000.00), the Transfer Fee would be seven thousand five hundred dollars ($7,500.00). Notwithstanding the foregoing, in the event that the Property or an interest therein is transferred within one (1) year of the recording of this Easement, the Transfer Fee shall be no less than one percent (1.0%) of the greater of (i) the gross consideration received by Landowner or (ii) the appraised fair market value of the Easement at the time of the recording of this Easement. The Transfer Fee shall be paid to CFT at the address for giving notices to CFT as set forth below. Concurrently with the recording of this Easement, Landowner and CFT agree to execute and record a “NOTICE OF PAYMENT OF TRANSFER FEE REQUIRED” in accordance with California Civil Code section 1098.5 respecting the Transfer Fee. Provided, however, there will be no Transfer Fee applicable to transfers to spouses or lineal descendants of Chester Murphy and Thomas Murphy, or to trusts of which such spouses or lineal descendants are beneficiaries.

(b) Landowner or any subsequent purchaser shall provide reasonable written proof of the sales price of the Property, including but not limited to executed closing statements, contracts of sale, copies of deeds, or other similar evidence satisfactory to CFT. An exchange of properties pursuant to Internal Revenue Code section 1031, or similar statute, shall be deemed to be for consideration based on the appraised market value of the Property or interest at the time of the exchange. Market value shall be determined by agreement of Landowner and CFT, or in the absence of such agreement, by an appraiser selected by CFT that is State certified, designated, and qualified to value the real property, whose appraisal fee shall be paid by CFT.

(c) Any of the following transfers subsequent to the initial conveyance of this Easement shall be exempt from the assessment of such Transfer Fee: (i) a transfer without consideration (e.g. an inter vivos gift or testamentary conveyance); (ii) a sale or other conveyance or exchange from one or more of the
original Landowners or their issue to any other one or more of the original Landowners or their issue; or (iii) a sale or other conveyance or exchange to the issue of any Landowner or any trust established for the exclusive benefit of the issue of any Landowner.

(d) In the event of non-payment of the Transfer Fee in accordance with this Section, CFT shall have the right to record a lien against the Property in the amount equal to the unpaid Transfer Fee plus any and all reasonable costs and expenses (including, but not limited to, reasonable attorneys', consultants', and experts' fees, court costs, and reimbursement for staff time, as necessary to prepare and enforce the lien of the Transfer Fee.) The lien shall be recorded in accordance with California Civil Code Sections 2872 et seq. The lien shall be subordinate to this Easement and any other prior liens, encumbrances, mortgages, and deeds of trust of record and any subsequent mortgages or deeds of trust. A copy of the lien shall be mailed via certified mail, return receipt requested, to the purchaser at his last known address upon recordation of the lien. After the expiration of thirty (30) days following the mailing of a copy of the lien, the lien may be enforced in any manner permitted by law. In the event of non-payment of the Transfer Fee in accordance with this section, the transferor and its successor in interest shall become jointly and severally liable therefor, and CFT shall have any right available at law or in equity to enforce this Transfer Fee provision, including the right to bring suit to recover the Transfer Fee, interest thereon at the rate of five percent (5%) per annum from the date due until the date paid plus its costs of suit and collection, including reasonable attorneys', consultants', and experts' fees, court costs, and staff time.

17. Amendment of Conservation Easement.

(a) This Easement may be amended only with the written consent of CFT, Landowner, and the Council's Executive Director. CFT must provide timely written notice to the Council's Executive Director of any proposed amendment. The consent of CFT and the Council's Executive Director to any proposed amendment shall be given only in the exercise of their respective sole discretion. Any such amendment shall be consistent with the Conservation Purpose and with CFT's easement amendment policies, shall not have an adverse effect on the Conservation Values, and shall comply with all Applicable Laws, including section 170(h) of the Internal Revenue Code, or any regulations promulgated in accordance with that section, and with section 815 et seq. of the California Civil Code.

(b) Any amendment shall have a net beneficial or neutral effect on the Conservation Values protected by the Easement. All costs of any kind or nature, including staff time and reasonable attorneys' and experts' fees, incurred by CFT in processing any amendment requested by Landowner shall be paid by Landowner. No amendment shall: (i) diminish or affect the perpetual duration or the Conservation Purpose of this Easement nor the status or rights of CFT under the terms of this Easement; (ii) confer a private benefit to Landowner or any
other individual greater than the benefit to the general public; (iii) result in private inurement for a board member, staff, or contract employee of CFT or violate CFT's conflict of interest policy; or (iv) jeopardize CFT's tax-exempt status or status as a charitable organization under federal or state law. A copy of the recorded amendment shall be provided to the Council within thirty (30) days of recordation. Any purported amendment that is recorded without the prior approval of the Council is null and void.

(c) At CFT’s discretion, a supplement to the Baseline Report shall be prepared and executed by Landowner and CFT to document the amendment, and/or the then-current condition of the Property and the cost of any such supplement shall be borne by Landowner.

18. **Extinguishment, Termination, and Eminent Domain.**

(a) It is the intention of the parties that the Conservation Purpose of this Easement shall be carried out forever as provided in the section 815 et seq. of the California Civil Code and the ASHC.

(b) If circumstances arise in the future that render the Conservation Purpose of this Easement impossible to accomplish, this Easement may be terminated or extinguished, whether in whole or in part, on the initiative of CFT or Landowner, but only by judicial proceedings in a court of competent jurisdiction. CFT shall give notice to the Council of any prospective termination or extinguishment of this Easement not less than sixty (60) business days before initiating such proceedings. The Council may intervene in any such judicial proceedings to protect or retain this Easement.

(c) In making this grant, Landowner has considered the possibility that uses prohibited by this Easement may become more economically valuable than permitted uses and that neighboring properties may in the future be put entirely to such prohibited uses. In addition, the unprofitability of conducting or implementing any or all of the uses permitted under this Easement shall not impair the validity of this Easement or be considered grounds for its termination or extinguishment. It is the intent of both Landowner and CFT that any such economic changes shall not be deemed to be changed conditions or a change of circumstances justifying the judicial termination, extinguishment, or amendment of this Easement. No inaction or silence by CFT shall be construed as abandonment of the Easement. The fact that the Property is not in agricultural use, or that agricultural use is no longer possible, is not reason for termination or extinguishment of this Easement so long as the Conservation Purpose of this Easement remains possible to accomplish. Other than pursuant to eminent domain or an involuntary acquisition for a necessary public use, by public agency, corporation, or other entity or individual with the power of eminent domain ("Acquiring Entity"), no other voluntary or involuntary sale, exchange, conversion, transfer, assignment, lease, mortgage, or other encumbrance, alienation, or conveyance of any kind of all or part of the Property, or of any...
interest in it, shall limit, terminate, or extinguish the provisions of this Easement.

(d) Compensation of CFT and the Council on account of judicial termination or extinguishment shall proceed as follows. The value of the Easement terminated or extinguished shall be determined in accordance with this Section, and CFT and Council shall be entitled to receive payment for the entire value of the Easement to the extent terminated or extinguished. Until such entitlement is paid in full, the amount of that entitlement shall be a first priority lien on the Property with the same seniority as this Easement. That entitlement shall be paid to CFT and Council from the proceeds of all sales, exchanges, or involuntary conversions of all or any portion of the Property subsequent to such termination or extinguishment until paid in full.

(e) Any compensation or proceeds paid for the taking by eminent domain or purchase in lieu of eminent domain of all or any portion of this Easement, whether by agreement, by court order or otherwise, shall be allocated between CFT and the Council proportionately to the contribution each made to the purchase of this Easement as specified below:

The proportionate shares for this Easement are twenty-five percent (25%) CFT and seventy-five percent (75%) the Council. This Easement shall not be deemed terminated or extinguished with regard to the portion of the Property subject to the eminent domain action until full payment is received by the Council and CFT.

(f) The grant of this Easement gives rise to a property right immediately vested in CFT. For the purpose of determining the value of the Easement and the amount to be paid to CFT and the Council upon termination, extinguishment, or acquisition for a necessary public use of the Easement or any interest therein, and for the purpose of allocating proceeds from a sale or other disposition of the Property at the time of termination of the Easement and CFT's property right therein, the following shall apply:

(g) As of the Effective Date of this Easement and, based on the appraisal relied upon to fund the acquisition of this Easement, “Easement Percentage” is hereby defined and established as the ratio of the value of the Easement on the Effective Date to the value of the Property, unencumbered by the Easement, on the Effective Date. This Easement Percentage shall remain constant. The “Easement Percentage,” on this Property is thirty-two and one-half percent (32.5%).

(h) The parties stipulate and agree that the Easement shall have a fair market value determined as the greater of:

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(1) The fair market value of the Property as though unencumbered by this Easement, at the time of the proposed termination, multiplied by the Easement Percentage; or

(2) The fair market value of the Easement at the time of the proposed termination.

The fair market valuation shall be determined by an appraisal performed by a qualified appraiser jointly selected by the Landowner, CFT, and the Council. Appraisals shall conform to the Uniform Standards of Professional Appraisal Practices.

If Landowner has initiated termination of the Easement through a judicial proceeding, Landowner shall pay the cost of the appraisal, and the appraisal is subject to approval by CFT and the Council. Nothing herein shall prevent Landowner, CFT, or the Council from having an appraisal prepared at its own expense.

(i) If Landowner receives notice, formal or informal, that any public, corporate, or other authority intends to exercise or has threatened to exercise its power of eminent domain as to the Property or any portion thereof or any interest therein, Landowner shall promptly, and in any event in not less than fifteen (15) business days after receipt of such notice, give written notice to CFT and the Council of such receipt together with a copy of any and all communications (including, without limitation, electronic transmissions) related to such prospective eminent domain proceedings. Landowner shall thereafter promptly provide to CFT and the Council copies of all further communications related to such proceedings and cooperate with CFT and the Council in responding to such proceedings.

(j) Should all or part of the Property or any interest in it be proposed for acquisition for a necessary public use by an Acquiring Entity, Landowner and CFT shall join in appropriate actions to recover the full value of the proposed acquisition and all incidental or direct damages resulting from the proposed acquisition as well as all other payments to which they may be entitled by law (“Compensation”). The Compensation of such proceeding of Landowner and CFT shall be divided in accordance with the proportionate shares of Landowner’s and CFT’s interests as specified in this Section, unless otherwise provided by Applicable Laws. In no event will CFT and Council’s right to receive the fair market value of the Easement be reduced by any Compensation for damages or expenses payable to Landowner. The Acquiring Entity shall pay Compensation directly to Landowner and CFT.

(k) If CFT receives any Compensation or proceeds whether by agreement, by court order or otherwise for a taking by eminent domain or by purchase in lieu of eminent domain of all or any portion of this Easement, those proceeds shall be allocated among CFT and the Council proportionate to the contribution each
made to the purchase of this Easement according to the following percentages:
seventy-five percent (75%) for the Council and twenty-five percent (25%) for CFT.
This Easement shall not be deemed terminated, extinguished, or otherwise
affected until both the Council and CFT have received full payment.

(1) This Easement was acquired in whole or in part with government funds.
The acquisition of the Easement through the power of eminent domain must
comply with the eminent domain laws of the State of California, including
sections 1240.220, 1240.510 and 1240.610 of the Code of Civil Procedure, federal
law, and this Easement. Purchase in lieu of condemnation, or settlement of an
eminent domain proceeding, shall occur pursuant to Applicable Laws and
procedures, including California Government Code sections 7267.1 and 7267.2,
and shall require approval of CFT and the Council. CFT and the Council shall
have an opportunity to accompany the appraiser for the Acquiring Entity when
the appraiser goes on the Property with Landowner. Should this Easement be
condemned or otherwise terminated on any portion of the Property, the balance
of the Property shall remain subject to this Easement. In this event, all relevant
related documents shall be updated and re-recorded if necessary, by CFT to
reflect the modified easement area and Landowner will cooperate with CFT and
will execute the updated documents. Encumbrances junior to this Easement shall
remain subordinate to the Easement as amended.

(m) If CFT obtains payment on a claim under a title insurance policy insuring
this Easement, payment shall be distributed as set forth in this Section.

19. Written Notice.

All notices to be given to any party by another party, including CFT Approvals,
shall be in writing, addressed to such party at its address set forth below, and
shall be deemed to have been given: (a) when delivered in person to the other
party or officer of the other party or parties, or (b) within three business days
when sent by United States Postal Service, certified mail, return receipt
requested, or (c) upon delivery when sent overnight by Federal Express or other
similar reputable overnight delivery service, or (d) when sent by electronic mail,
if message delivery error is not received by the sender and the transmittal is
followed within (1) business day by mailing the original by United States Postal
Service (certified mail, return receipt requested) or Federal Express or other
similar reputable overnight delivery service. Notwithstanding the foregoing, any
Written Advisement or request for CFT Approval must be submitted via the
method set forth in subsections (d) in the preceding sentence. Any notice given in
any other fashion shall be deemed to have been given when actually received by
the addressee. Any party may change its address by giving written notice to all
other parties. The addresses of the parties are as follows:

To Landowner: C. & T. Murphy Partners, LLC
1506 Countrywood Lane,
Escalon, CA 95320

CFT/C&T Murphy Farm SALT Easement
With a copy sent to:

C. & T. Murphy Partners, LLC
P.O. Box 299
Farmington, CA 95230

To CFT:
California Farmland Trust
Attn: Executive Director
P. O. Box 1960
Elk Grove, CA 95759
Email: info@cafarmtrust.org

To the Council:
Strategic Growth Council
c/o California Department of Conservation, Division of
Land Resource Protection
Attn: Sustainable Agricultural Lands Conservation
Program
801 K Street, MS 14-01
Sacramento, CA 95814
Email: salcp@conservation.ca.gov

With a copy sent to:

Strategic Growth Council
Attn: Sustainable Agricultural Lands Conservation
Program
1400 Tenth Street
Sacramento, CA 95814

20. Landowner’s Environmental Warranty.

(a) Nothing in this Easement shall be construed as giving rise to any right or
ability in CFT or the Council to exercise physical or management control over the
day-to-day operations of the Property, or any of Landowner’s activities on the
Property, or otherwise to become an "owner", "operator", "generator", or
“arranger” with respect to the Property as those words are defined and used in
“Environmental Laws,” (as defined below) including the Comprehensive
Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA”),
as amended or any corresponding state and local statute or ordinance.

(b) Other than agricultural chemicals and petroleum products used in the
normal course of agricultural use and in accordance with applicable laws and
regulations, landowner, to the best of its knowledge, warrants that it has no
actual knowledge of a release or threatened release of any “Hazardous
Materials,” (as defined below), on, at, beneath, to, or from the Property.
Moreover, Landowner hereby promises to defend and indemnify CFT, the
Council, and their respective Indemnified Parties against, Claims (including but

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not limited to administrative actions, testing, investigation, and remediation) arising from or connected with the release or threatened release of Hazardous Materials on, at, beneath, or from the Property or arising from or connected with a violation of any Environmental Laws on the Property, except (with respect to each Indemnified Party) to the extent any such Claims arise from the negligence or intentional misconduct of that particular Indemnified Party. Landowner's indemnification obligation will not be affected by any authorizations provided by CFT to Landowner with respect to the Property or any restoration activities carried out by CFT at the Property; provided, however, that CFT shall be responsible for any Hazardous Materials contributed after the Effective Date to the Property by CFT.

(c) If at any time after the Effective Date there occurs a release, discharge, or other incident in, on, or about the Property of any substance now or hereafter defined, listed, or otherwise classified pursuant to any Environmental Law as hazardous, toxic, polluting, or otherwise contaminating to the air, water, or soil, or in any way harmful or threatening to human health or the environment, Landowner agrees to take any steps that are required of Landowner by any Environmental Law necessary to ensure its containment and remediation, including any cleanup.

(d) Landowner, to the best of its knowledge, warrants that it is in compliance with, and shall remain in compliance with, all applicable Environmental Laws. Landowner warrants that there are no notices by any governmental authority of any violation or alleged violation of, non compliance or alleged non compliance with or any liability under any Environmental Law relating to the operations or conditions of the Property.

(e) "Environmental Law" or "Environmental Laws" means any and all federal, state, local, or municipal laws, rules, orders, regulations, statutes, ordinances, codes, guidelines, policies, or requirements of any governmental authority regulating or imposing standards of liability or standards of conduct (including common law) concerning air, water, solid waste, Hazardous Materials, worker and community right-to-know, hazard communication, noise, radioactive material, resource protection, subdivision, inland wetlands and watercourses, health protection, and similar environmental health, safety, building, and land use as may now or at any time hereafter be in effect.

(f) "Hazardous Materials" means any petroleum, petroleum products, fuel oil, waste oils, explosives, asbestos-containing materials, reactive materials, ignitable materials, corrosive materials, hazardous chemicals, hazardous wastes, hazardous substances, extremely hazardous substances, toxic substances, toxic chemicals, radioactive materials, infectious materials, natural gas, natural gas liquid, liquefied natural gas, synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas), drilling fluids, produced waters, and other wastes associated with the exploration, development or production of crude oil, natural gas or geothermal sources, and any other element, compound, mixture, solution
or substance that may pose a present or potential hazard to human health or the environment or any other material defined and regulated by Environmental Laws.

21. **Landowner’s Title Warranty.**

(a) Landowner represents and warrants that it owns the entire fee simple interest in the Property, including the entire mineral estate, and hereby promises to defend this Easement against all claims that may be made against such fee simple interest or this Easement.

(b) Any and all financial liens or financial encumbrances with priority over this Easement (except for real property taxes not yet due and payable) existing as of the date of the recording of this Easement have been subordinated. Exhibit E attached hereto sets forth all prior encumbrances of record (“Prior Encumbrances”).

(c) Landowner represents and warrants that the Property is not subject to any restrictions, third party interests, or easements other than what is identified in Exhibit E.

22. **General Provisions.**

(a) **Controlling Law and Interpretation.**

i. This Easement shall be interpreted under the laws of the State of California, resolving any ambiguities, inconsistencies, and questions of the validity of specific provisions to give maximum effect to its Conservation Purpose.

ii. References to specific authorities in this Easement shall be to the statute, rule, regulation, ordinance, or other legal provision that is in effect at the Effective Date.

(b) **Successors.** Every provision of this Easement that applies to Landowner or CFT shall also apply to their respective agents, heirs, executors, administrators, assigns, and all other successors as their interests may appear and shall continue as a servitude running in perpetuity with the Property.

(c) **Severability.** If any term, provision, covenant, condition, or restriction of this Easement is held by a court of competent jurisdiction to be unlawful, invalid, void, unenforceable, or otherwise not effective, the remainder of the Easement shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

(d) **Perpetual Duration and No Merger of Title.** Pursuant to California Civil Code at Part 2, Chapter 4, (commencing with section 815), which defines and authorizes perpetual conservation easements; this Easement shall run with the
land in perpetuity. No merger of title, estate, or interest shall be deemed effected
by any previous, contemporaneous, or subsequent deed, grant, or assignment of
an interest or estate in the Property, or any portion thereof, to CFT, or its
successors or assigns. It is the express intent of the parties that this Easement
not be extinguished by, merged into, modified, or otherwise deemed affected by
any other interest or estate in the Property now or hereafter held by CFT or its
successors or assigns.

(e) No Waiver. Enforcement of the terms of this Easement is at the discretion
of CFT. The failure or delay of CFT or the Council, for any reason whatsoever, to
take any action required or contemplated hereunder, or to discover a violation or
initiate an action to enforce this Easement or any other action shall not
constitute a waiver, laches, or estoppel of their respective rights to do so later. No
forbearance or waiver by CFT or the Council of any default or breach, whether
intentional or not, shall be deemed to extend to any prior or subsequent defaults
or breaches, nor shall it affect in any way rights arising by virtue of any prior
or subsequent occurrence.

(f) Joint Obligation. If and when Landowner consists of more than one person
or entity, the obligations imposed by this Easement upon Landowner shall be
joint and several.

(g) Termination of Rights and Obligations. A party’s rights and obligations
under this Easement terminate upon the transfer of that party’s interest in the
Easement or Property, except that liability for acts or omissions occurring prior
to transfer shall survive such transfer, and rights to indemnity and other rights
under this Easement as to acts, omissions, or events occurring prior to such
transfer shall survive such transfer.

(h) Execution before a Notary Public and Recordation. All signatures of the
parties to this Easement and any amendments shall be acknowledged before a
Notary Public, and a certificate of acknowledgement shall be attached, so as to
allow said documents to be recorded and such documents shall be recorded in the
Office of the Recorder in the County of San Joaquin, State of California.

(i) Headings. The headings of this Agreement are inserted for convenience
and identification only and are not intended to describe, interpret, define, or limit
the scope, extent, or intent of this Easement or any of its provisions.

(j) Entire Agreement. This Easement, including the attached exhibits and the
Baseline Report, is the final and complete expression of the agreement between
the parties with respect to this subject matter contained herein. Any and all prior
or contemporaneous agreements with respect to this subject matter, written or
oral, are merged into and superseded by this written instrument.

(k) Exhibits and Recitals. All of the exhibits attached to this Easement and
the Baseline Report are hereby incorporated into this Easement by this

CFT/C&T Murphy Farms SALC Easement
reference. All recitals in this Easement are accurate and shall constitute an integral part of this Easement, and this Easement shall be construed in light of those recitals.

The exhibits attached to and included in this Easement are:

- Exhibit A (Legal Description of Property)
- Exhibit B (Vicinity Map)
- Exhibit C-1 (Property Boundary)
- Exhibit C-2 (Building Envelope Detail)
- Exhibit D (Acknowledgement of Condition and Receipt of Baseline Report)
- Exhibit E (Prior Encumbrances)

(1) **Administrative Costs.** The administration of this Easement by CFT requires considerable time and expense. Except as otherwise provided in this Easement, CFT shall bear all routine administrative expenses related to the Easement including, but not limited to the following activities: routine easement monitoring and reporting, and review of notices of permitted activities given as Written Advisements, and routine staff work related to Landowner’s refinancing and or sale of the Property. Landowner agrees to pay the reasonable expenses of CFT for non-routine administration of the Easement including, but not limited to actions requiring CFT Approval, and except as provided in paragraph 13(b), enforcement of Easement violations, and Landowner’s requests for Easement amendments or estoppel certificates.

(m) **Estoppel Certificate.** In connection with a sale or financing of the Property, CFT shall, upon not less than thirty (30) days' prior written notice from Landowner, execute and deliver to Landowner or any person designated by Landowner, an estoppel certificate in reasonable form, stating the following: (1) that Landowner is not in violation of this Easement or, (2) if Landowner is in violation, the nature of the violation. Any such statement may be conclusively relied upon by the prospective purchaser, assignee, sublessee, lender, or other person or entity reasonably requesting the estoppel certificate.

(n) **Counterparts.** This Easement may be executed in any number of counterparts and each executed counterpart shall have the same force and effect as an original and as if all of the parties to the aggregate counterparts had signed the same instrument.

(o) **Effective Date.** This Easement is effective only upon its recordation in the official records of the County in which the Property is located. The term "Effective Date" as used herein shall mean the date of this Easement’s
recordation in the official records of the County in which the Property is located.

(p) No Effect on Government Jurisdiction. No provision of this Easement shall constitute governmental approval of any improvements, construction or other activities that may be permitted under this Easement. Further, this Easement does not extinguish any potential underlying property interests by the State of California, which acting by and through the California State Lands Commission, reserves the right to assert at a later date.

23. CFT Acceptance of Conveyance.

By execution of this Easement, CFT acknowledges it is authorized by CFT’s Board of Directors, and CFT hereby accepts without reservation the rights and responsibilities conveyed by this Grant Deed of Agricultural Conservation Easement and Perpetual Restrictions on Use.

TO HAVE AND TO HOLD, this Grant Deed of Agricultural Conservation Easement and Permanent Restrictions on Use unto CFT, its successors and assigns, forever.

IN WITNESS WHEREOF, Landowner and CFT, intending to legally bind themselves, have set their hands on the date first written above.

LANDOWNER:

C. & T. Murphy Partners, LLC,
a California limited liability company

By: ________________________________
Chester Murphy, Managing Member

By: ________________________________
Thomas Murphy, Managing Member

CFT:

CALIFORNIA FARMLAND TRUST,
a California nonprofit public benefit corporation

By: ________________________________
Charlotte Mitchell, Executive Director
recordation in the official records of the County in which the Property is located.

(g) **No Effect on Government Jurisdiction.** No provision of this Easement shall constitute governmental approval of any improvements, construction or other activities that may be permitted under this Easement. Further, this Easement does not extinguish any potential underlying property interests by the State of California, which acting by and through the California State Lands Commission, reserves the right to assert at a later date.

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   TO HAVE AND TO HOLD, this Grant Deed of Agricultural Conservation Easement and Permanent Restrictions on Use unto CFT, its successors and assigns, forever.

   IN WITNESS WHEREOF, Landowner and CFT, intending to legally bind themselves, have set their hands on the date first written above.

**LANDOWNER:**  
C. & T. Murphy Partners, LLC, a California limited liability company  
By: __________________________  
Chester Murphy, Managing Member  
By: __________________________  
Thomas Murphy, Managing Member

**CFT:**  
CALIFORNIA FARMLAND TRUST, a California nonprofit public benefit corporation  
By: __________________________  
Charlotte Mitchell, Executive Director
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September 6, 2022

MEMORANDUM

TO: Community Development Department
CONTACT PERSONS: Corinne King

FROM: Christopher Heylin, Development Services Engineer
Development Services Division

SUBJECT: PA-2200189: A Text Amendment application to amend Chapter 9-1089, Agricultural Mitigation, of Title 9 of the San Joaquin County Development Title.

PROPERTY OWNERS: San Joaquin County
APPLICANT: Same

RECOMMENDATIONS:

1) None.

CH:DS
August 25, 2022

To: San Joaquin County Community Development Department
   Attention: Corinne King

From: Michael Suszycki, (209) 598-7001
      Senior Registered Environmental Health Specialist

RE: PA-2200189 (TA), Referral, SU0015125
    1910 E. Hazelton Ave, Stockton, CA 95205

The Environmental Health Department has no comments or recommendation for this application at this time.
RE: Comments on Proposed Text Amendment application to amend the San Joaquin County (County) Development Title, Chapter 9-1080 Agricultural Mitigation of Title 9 of the San Joaquin Development Title
Application Number: PA-PA-2200189(TA)

Dear Corrine King:

Thank you for the opportunity to comment on the proposed Text Amendment application (proposed Text Amendments) to the San Joaquin County Development Title, Chapter 9-1080, Agricultural Mitigation. The County has prepared two versions of the proposed Text Amendment, an Option A and an Option B.

The Delta Stewardship Council (Council) is an independent state agency established by the Sacramento-San Joaquin Delta Reform Act of 2009, codified in Division 35 of the California Water Code, sections 85000-85350 (Delta Reform Act). The Delta Reform Act charges the Council with furthering California’s coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Sacramento-San Joaquin River Delta (Delta) ecosystem, which are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. (Wat. Code, § 85054.) The Council is charged with furthering California’s coequal goals for the Delta through the adoption and implementation of the Delta Plan. (Wat. Code, § 85300.)

The Council previously submitted comments on the proposed Text Amendments on March 11, 2021 (Attachment A), raising concern regarding the proposed amendment to remove the requirement that:

"Interests in agricultural mitigation land shall be held in trust by a Qualifying Entity and/or by the County in perpetuity." (Emphasis added.)
San Joaquin County
Proposed Text Amendments to Development Title, Chapter 9-1080 Agricultural Mitigation
September 19, 2022
Page 2

Thank you for revising the proposed Text Amendments in both Option A and Option B to include the following language:

"Agricultural land encumbered by agricultural mitigation land conservation easements shall be identified in County records and recorded on title in perpetuity."

The Council understands this language to mean that the easements must be recorded in perpetuity and run with the land, reducing potential for conflict with Delta Plan agricultural mitigation standards.

Furthermore, as proposed in Option A, requiring that interest in agricultural mitigation land be held by a Qualified Entity (QE) is in the best interest of the County. Language proposed within Option A would ensure that the QE would be a third party and that there could be more than one QE. Option A also provides that the County would only act as a "co-holder or back-up beneficiary" in the event a QE holding an interest in a conservation easement ceases to exist. A definition of a QE similar to that provided in Option A for the proposed Text Amendments should be retained, and a detailed County process to qualify a party to be a QE should be established and approved.

CLOSING COMMENTS

We appreciate the efforts County staff have made to include the Council in these discussions and to find a resolution.

Council staff are available to discuss issues outlined in this letter as the San Joaquin County proceeds in the next stages of its project and approval processes. Please contact Pat Kelly, Senior Environmental Planner (patricia.kelly@deltacouncil.ca.gov) with any questions.

Sincerely,

Jeff Henderson, AICP
Deputy Executive Officer
Delta Stewardship Council

Cc: Virginia Gardiner, Delta Protection Commission (virginia.gardiner@delta.ca.gov)
September 7, 2022

Corinne King, Project Planner
San Joaquin County Community Development - Planning
1810 E. Hazelton Ave.
Stockton, CA 95205

Re: Development Title Text Amendment, Chapter 9-1080 Agricultural Mitigation (PA-2200189 (TA))

Dear Ms. King:

Thank you for the referral requesting comments on the proposed Development Title Text Amendment, Chapter 9-1080 Agricultural Mitigation (PA-2200189 (TA) Amendment). The Amendment generally proposes revisions relating to the Qualifying Entity, the number of Agricultural Technical Advisory Committee members and duties, and mitigation options where an agricultural use is converted to a non-agricultural use. The referral includes two versions of the amendment, an Option A and an Option B.

The Commission is a state agency charged with ensuring orderly, balanced conservation and development of Delta land resources and improved flood protection. Proposed local government projects within the Primary Zone of the Legal Delta must be consistent with the Commission’s Land Use and Resource Management Plan (LURMP). The Development Title Text Amendment affects agricultural lands which fall both within the Commission’s jurisdiction over “development” in the Primary Zone, and those in the Secondary Zone of the Legal Delta that impact the Primary Zone (Public Resource Code Section 29770(d)). Our comments are directed towards these lands, and not agricultural lands in the unincorporated area that are outside the Legal Delta.

As stated in our previous comment letters to the Planning Commission (May 20, 2020) and Board of Supervisors (March 17, 2021), we strongly support revising and clarifying the ordinance text where it strengthens the County’s ability to preserve and protect agricultural lands. Our previous concerns regarding the proposed deletion of the term “in perpetuity” from Section 9-1080.6 (Legal Instruments for Preservation of Agricultural Land), subsection (b) (Disposition of Land) have been resolved in both Option A and Option B since both retain the provision. This is critical, because by definition an agricultural conservation easement must be granted in perpetuity (California Public Resources Code §10211 and California Civil Code §815.2 (b)).
The Commission’s LURMP Agriculture chapter includes the following relevant policies:

Policy 5

Local governments shall encourage implementation of the necessary plans and ordinances to: maximize agricultural parcel size; reduce subdivision of agricultural lands; protect agriculture and related activities; protect agricultural land from conversion to non-agriculturally-oriented uses. An optimum package of regulatory and incentive programs could include: (1) an urban limit line; (2) minimum parcel size consistent with local agricultural practices and needs; (3) strict subdivision regulations regarding subdivision of agricultural lands to ensure that subdivided lands will continue to contain agriculturally-oriented land uses; (4) require adequate buffers between agricultural and non-agricultural land uses particularly residential development outside but adjacent to the Primary Zone; (5) an agriculture element of the general plan; (6) a Right-to-Farm ordinance; and (7) a conservation easement program.

Policy 6

Encourage acquisition of agricultural conservation easements from willing sellers as mitigation for projects within each county. Promote use of environmental mitigation in agricultural areas only when it is consistent and compatible with ongoing agricultural operations and when developed in appropriate locations designated on a countywide or Delta-wide habitat management plan.

In our review of the two options for the Text Amendment, Option A appears to provide the higher level of protection consistent with the relevant provisions of these policies. In addition to including a requirement for agricultural conservation easements to be recorded in perpetuity, Option A provides important definitions, including a definition of a Qualifying Entity (QE) that ensures that the QE would be a third party and that there could be more than one QE. Option A also provides that the County would only act as a “co-holder or back-up beneficiary” in the event a QE holding an interest in a conservation easement ceases to exist. While that circumstance should be highly unlikely, using accredited Land Trusts as QE would reduce risk. A resource that may be useful is the California Council of Land Trusts, which has a list of accredited Land Trusts.

The Development Title subject to this amendment (9-1080) asserts the intent that the ordinance shall be coordinated with efforts of the Delta Protection Commission “in order to achieve an optimal farmland protection system.” (9-1080.1(c)) We greatly appreciate the time County Planning staff has taken to discuss the amendment with us and would be happy to work with County staff further to explore additional ways in which we can be of assistance in furthering this goal. For example, if the County were to initiate a process to encourage cities to adopt similar agricultural mitigation ordinances, we would be happy to coordinate with those cities partially within the legal Delta (Tracy, Manteca and Stockton).
Finally, we note that the Department of Conservation has voiced support for farmland mitigation of at least a 1:1 ratio, citing a recent judicial opinion in *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814 ("KG Farms"). We would be interested in the concept of a greater than 1:1 ratio being raised for consideration by the County in future, especially in conjunction with some of the proposed amendments that will be brought before the Board this fall.

In conclusion, Commission staff supports Text Amendment Option A to ensure permanent Delta farmland protection, as well as consistency with state law.

Thank you for considering our comments on this Development Text Amendment. Please contact Virginia Gardiner at (530) 650-6471 or me at (530) 650-6811 if you have questions regarding our letter.

Sincerely,

Bruce Blodgett
Executive Director

Cc: Jennifer Jolley, Director, Community Development Department
Chick Winn, Supervisor and Commission Vice Chair
SEPTEMBER 2, 2022

VIA EMAIL: CKING@SJGOV.ORG
San Joaquin County
Corinne King, Project Planner
1810 E. Hazelton Ave.
Stockton, CA 95205

Dear Ms. King:

TEXT AMENDMENT NO. PA-2200189(TA) TO AMEND CHAPTER 9-1080, AGRICULTURAL MITIGATION, OF TITLE 9 OF THE SAN JOAQUIN COUNTY DEVELOPMENT TITLE

The Department of Conservation’s (Department) Division of Land Resource Protection (Division) has reviewed the proposed Development Title Text Amendment. The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs.

Department Comments

The Department has reviewed the proposed Development Title Text Amendment to Chapter 9-1080 Agricultural Mitigation (Options A & B). The Department strongly supports the County’s efforts to preserve and protect agricultural land and offers the following comments and recommendations regarding the proposed text amendments to the County’s Development Title Chapter 9-1080 Agricultural Mitigation.

Upon review, the Department notes that the County has reinstated the term “perpetuity” (to Option A, Section 9-1080.6,a,5). Reinstating the term “perpetuity” will ensure that an easement used as mitigation would comply with California Public Resources Code Section 10211 and California Civil Code Section 815.2(b), which require that conservation easements shall have perpetual duration.

Option A (9-1080.3, a, 2) also defines a “Qualifying Entity” in such a way as to remove the County’s ability to qualify as a Qualifying Entity. The removal of the County’s ability to qualify as a Qualifying Entity will avoid any conflict of interest that could otherwise arise out of the County being the Qualifying Entity holding the easement. It will also ensure third party enforcement and monitoring, which would alleviate any potential conflict of interest if enforcement and/or monitoring was done by the primary easement holder.
The Department of Conservation supports Option A, and farmland mitigation in at least a 1 to 1 ratio.

The recent judicial opinion in King and Gardiner Farms, LLC v. County of Kern (2020) 45 Cal.App.5th 814 ("KG Farms") holds that agricultural conservation easements on a 1 to 1 ratio are not alone sufficient to adequately mitigate a project’s conversion of agricultural land. KG Farms does not stand for the proposition that agricultural conservation easements are irrelevant as mitigation. Rather, the holding suggests that to the extent they are considered, they may need to be applied at a greater than 1 to 1 ratio, or combined with other forms of mitigation (such as restoration of some land not currently used as farmland).

Conclusion

Thank you for giving us the opportunity to comment on the proposed Development Title Text Amendment, Chapter 9-1080 Agricultural Mitigation (Options A & B). Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Earl Grundy, Associate Environmental Planner via email at Earl.Grundy@conservation.ca.gov.

Sincerely,

Monique Wilber

Monique Wilber
Conservation Program Support Supervisor
October 11, 2022

Randy Hamilton, Chairman  
San Joaquin Planning Commission  
44 N. San Joaquin St.  
Stockton, CA 95202

Chairman Hamilton,

As you know the San Joaquin County Agricultural Mitigation Ordinance (AMO) includes Section 9-1080.1b “It is the intent of the Board of Supervisors that the program set forth in this Chapter shall be coordinated with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan in order to achieve an optimal farmland protection system.”

The BIA is now asking the Planning Commission to recommend to the Board of Supervisors the recognition of the outstanding success of the SJCOG Habitat and Open Space Plan (HCP) by preserving in perpetuity 12,406 acres of farmland, and the inclusion of participation in the HCP by an applicant, in the Agricultural/Natural category on a 1:1 basis, as fully satisfying the requirements of the County AMO. The fee for the Agricultural/Natural category is currently set at $19,561 per acre.

As a member of both the County AGTAC and the SJCOG HTAC I am familiar with the operations and use of easements in both programs. The following language, emphasis added, has been in the SJCOG habitat easements since its inception, resulting in over 12,000 acres of row and field crops protected in perpetuity.

PURPOSES: The purposes of the Conservation Easement are (a) to enable that the Property will be retained in perpetuity in its natural, scenic, agricultural values, character use and utility (to the extent consistent with those agricultural activities that are in this Grant) and open space condition, and (b) to preserve, protect, identify, monitor, enhance and restore in perpetuity habitat for a suite of Species covered under the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan which may inhabit the Property. It is intended that the Conservation Easement shall foster agricultural practices on the Property in harmony with the protection and preservation purposes of the Conservation Easement on the Property.
6. CURRENT PRACTICES AND CONDITIONS. Grantee acknowledges by acceptance of this Easement that Grantor’s present usage of the Property as identified in the Plan is compatible with the purposes of this Easement. In order to establish the present condition of the Property protected values, Grantee may prepare an inventory of the Property’s relevant features and conditions. **Grantor and Grantee recognize that changes in economic conditions, in agricultural technology, and accepted farm and ranch management practices, and in the situation of Grantors may result in the evolution of the agricultural uses of the Property**; provided such uses are consistent with the purposes of the Easement.

10. RUNNING WITH THE LAND. **The Conservation Easement created by this Grant is perpetual and shall encumber and run with the Property in perpetuity.** Every provision of this Grant that applies to Grantor or Grantee shall also apply in perpetuity to and shall burden or benefit, as applicable, their respective agents, heirs, devisees, administrators, employees, personal representatives, lessees and assigns, and all other successors as their interests may appear. Grantor agrees that transfer by Grantor of any interest in the Property shall be in accordance with the terms of this Grant and subject to the Permitted Uses and Prohibited Uses as set forth in the Plan.

On behalf of the BIA, I ask you to recommend to the Board of Supervisors the inclusion of the following language in section 9-1080.3 “The participation in the SJCOG Habitat Conservation Plan in the category of Agricultural/Natural, at the rate of one acre for one acre, is a satisfactory means of complying with the Agricultural Mitigation Ordinance.”

Sincerely,

John R. Beckman
Chief Executive Officer
Planning Commission Staff Report
Item # 4, December 15, 2022
Major Subdivision No. PA-2100280
Prepared by: Giuseppe Sanfilippo

PROJECT SUMMARY

Applicant Information
Property Owner: Christopher and Diane Knoll Trust
Project Applicant: Dillon and Murphy

Project Site Information
Project Address: 9296 East State Route 12, Victor
Project Location: On the south side of East State Route 12; 1,555 feet west of North Locust Tree Road, Victor.

Parcel Number (APN): 051-120-56
Water Supply: Private
General Plan Designation: R/R
Sewage Disposal: Private
Zoning Designation: R-R
Storm Drainage: Private
Project Size: 14.57-acres
100-Year Flood: No
Parcel Size: 14.57-acres
Williamson Act: No
Community: Victor
Supervisory District: 4

Environmental Review Information
CEQA Determination: Mitigated Negative Declaration (Attachment C; Environmental Document)

Project Description
This project is a Major Subdivision application to subdivide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre minimum lot size. A cul-de-sac is proposed for access to 3 of the parcels. A 25-foot-wide access easement is proposed for the benefit of the remaining 4 parcels.

Recommendation
1. Adopt the Mitigated Negative Declaration (Attachment C; Environmental Document);
2. Adopt the Mitigation Monitoring and Reporting Program - MMRP (Attachment D; Mitigation Monitoring and Reporting Program);
3. Adopt the Findings for Major Subdivision (Attachment E; Findings for Major Subdivision); and
4. Approve Major Subdivision No. PA-2100280 with the Conditions of Approval (Attachment F; Conditions of Approval).
## NOTIFICATION & RESPONSES

(See Attachment B, Response Letters)

### Public Hearing Notices

Legal ad for the public hearing published in the Stockton Record: December 5, 2022
Number of Public Hearing notices: 27
Date of Public Hearing notice mailing: December 2, 2022

### Referrals and Responses

- **Early Referral Date:** December 29, 2021
- **Project Referral with Environmental Determination Date:** October 4, 2022

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ANALYSIS

**Background**

On December 13, 2016, the Board of Supervisors adopted a comprehensive update of the General Plan. As part of the General Plan update process, the County accepted landowner requests to change the General Plan land use designation of their properties to reflect a preferred land use for the property. The applicant submitted a request to change the land use designation of the subject parcel (APN: 051-120-56) from A/G (General Agriculture) to R/R (Rural Residential), which was approved with the 2035 General Plan.

On June 11, 2019, the Board of Supervisors approved Zone Reclassification No. PA-1800064, which changed the zoning designation of the subject parcel from AG-40 (General Agriculture, 40-acre minimum) to R-R (Rural Residential), making it consistent with the General Plan designation, and allowing for a future subdivision into residential lots.

**Agricultural Mitigation**

Pursuant to Development Title Section 9-1080.3(a)(2), a Zone Reclassification that changes the permitted uses of a parcel from an agricultural to a nonagricultural use shall require agricultural mitigation. The underlying project is a Rural Residential subdivision. Therefore, because the General Plan designation changed from A/G (General Agriculture) to R/R (Rural Residential) and the zone was changed from AG-40 (General Agriculture, 40-acre minimum) to R-R (Rural Residential), agricultural mitigation is required.

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

**Oak Trees**

The project site contains a number of Heritage and Native Oak Trees on the north side of the property along State Route 12. To protect and preserve Heritage Oak Trees and Native Oak Trees from development and construction activity, future development on the parcel(s) shall be consistent with the requirements of the County's Tree Preservation Ordinance (Development Title Section 9-1505.2). The removal of a Native Oak Tree, Heritage Oak Tree, or Historical Tree shall require an approved Improvement Plan application. And appropriate replacement pursuant to Development Title Section 9-1505.4. This requirement has been included as recommended Condition of Approval 1.g.

**Tribal Cultural Resources**

The United Auburn Indian Community (UAIC) submitted a response dated January 24, 2022, regarding potential Tribal Cultural Resources. UAIC provided recommended Conditions of Approval related to the discovery of potential impacts to Tribal Cultural Resources. The recommended conditions include a requirement for Tribal Representative notification, evaluation of potential discoveries, and preservation of Tribal Cultural Resources. Recommended Conditions of Approval 1.i.1. through 1.i.3. have been included to address Tribal Cultural Resources.

**Water Supply**

The existing residence is currently served by a public water connection, which is not recognized by the Department of Public Works. Since the project proposes lots with a 2-acre minimum lot size, Development Title Section 9-1120.4(a) states that subdivisions which propose parcels 2-acres or larger in size may utilize an on-site well for a domestic water supply. As a result, the project proposes 7 new individual wells to serve
each resultant parcel. The Department of Public Works has also included recommended Condition of Approval 3.m., which requires disconnection of the existing public water connection prior to recordation of the Final Map.

**Caltrans**

On January 24, 2022, and on November 1, 2022, Caltrans submitted comments related to project site access, existing oak trees along the frontage of the site, potential for storm drainage runoff onto State Route 12, and the requirement for an encroachment permit for any work done in the Caltrans right-of-way. On November 3, 2022, County staff met with Caltrans staff regarding the letters to clarify Caltrans concerns and determine how to address them. The results are as indicated below:

- **Access:** There is an existing driveway to the west of the subdivision that is part of APN: 051-120-45, a flag lot that extends to the south of the project site. The proposed Tentative Map includes a new access driveway approximately 210 feet east of this driveway. Caltrans prefers that the proposed subdivision and APN: 051-120-45 share either the existing or proposed access driveway, but not utilize both.

  - According to the project applicant, the proposed subdivision parcel does not have legal access to the existing driveway on APN: 051-120-45. Sharing either the existing or proposed access driveway would require the property owners to create an easement and enter into a roadway maintenance agreement. Neither the County nor Caltrans has the ability to require the property owner of the adjacent flag lot parcel to enter into an agreement with the property owner of the subdivision. Therefore, requiring the subdivision to share a driveway is infeasible. Caltrans acknowledged in the meeting with County staff that the preferred alternative access could not be required as a Condition of Approval. Therefore, the access roadway proposed on the Tentative Map is most appropriate because it meets San Joaquin County roadway standards and does not place an unenforceable requirement on adjacent property owners. An Encroachment Permit will be required for any work done within Caltrans’ right-of-way. This has been included as recommended Condition of Approval 6.c

  - **Oak Tree Removal:** The proposed driveway may require the removal of existing Valley Oak trees that appear to be at least partially within Caltrans’ right-of-way. Valley Oak trees are a protected species, and Caltrans is requesting that the applicant obtain a bird survey and approval from San Joaquin County for the removal of any Valley Oak trees.

    - Recommended Conditions of Approval 1.g. and 6.a. address oak tree removal and the bird survey requirement.

  - **Storm Drainage:** The proposed site development is adjacent State Route 12. Caltrans requested that the developer ensure that the existing state drainage facilities will not be significantly impacted by the project.

    - Recommended Condition of Approval 6.b. prohibiting the project from discharging stormwater onto state facilities along State Route 12 has been included to address this concern. Additionally, recommended Condition of Approval 3.n. from the Department of Public Works requires that drainage from the improved portion of each parcel be retained on-site by a retention basin at the time of development of each parcel.

**Department of Toxic Substance Control**

On October 31, 2022, the Community Development Department received a response letter from the Department of Toxic Substances Control. The response cites concerns about the project site being near a state route and impacts from leaded fuel to the site, impacts of agricultural activity on the site to the environment, and importing of soil or backfilling for grading. A Surface and Subsurface Contamination report for the project site was submitted to the Environmental Health Department (EHD) for review, and EHD determined the report met all Development Title Standards. Additionally, the Environmental Health Department reviewed the response and determined that the letter raises no additional comments or concerns.
RECOMMENDATION

It is recommended that the Planning Commission:

1. Adopt the Mitigated Negative Declaration (Attachment C; Environmental Review);

2. Adopt the Mitigation Monitoring and Reporting Program - MMRP (Attachment D; Mitigation Monitoring and Reporting Program);

3. Adopt the Findings for Major Subdivision (Attachment E; Findings for Major Subdivision); and

4. Approve Major Subdivision No. PA-2100280 with the Conditions of Approval (Attachment F; Conditions of Approval).

Attachments:

Attachment A - Tentative Map
Attachment B - Response Letters
Attachment C - Environmental Review
Attachment D - Mitigation Monitoring and Reporting Program (MMRP)
Attachment E - Findings for Major Subdivision
Attachment F - Conditions of Approval
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Attachment A
Tentative Map
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October 7, 2022

MEMORANDUM

TO: Community Development Department
CONTACT PERSON: Giuseppe Santilippo

FROM: Alex Chetley, Deputy Director - Development
Development Services Division

SUBJECT: PA-2100280: A Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into seven (7) parcels with a 2-acre lot minimum; located on the south side of East State Route 12, 1,555 feet west of N. Locust Tree Road, Victor. (Supervisory District 4)

OWNER: Christopher W. & Diane B. Knoll Trust
APPLICANT: Dillon & Murphy

ADDRESS: 9296 E. State Route 12, Lodi
APN: 051-120-56

INFORMATION:

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

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

The Traffic Impact Mitigation Fee will 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.

RECOMMENDATIONS:

1) A Caltrans encroachment permit shall be required for all work within Caltrans right-of-way. A copy of the permit shall be submitted to Public Works for file.

2) All improvements in Caltrans right-of-way shall be in conformance with the current Caltrans standards.
3) All improvements shall be in conformance with the current Improvement Standards and Specifications of the County of San Joaquin. All improvement plans and specifications shall include grading plan for each individual lot, if applicable. The improvement plans and specifications are subject to plan check, field inspection fees and must be approved by the County of San Joaquin Department of Public Works prior to approval of the Final Map. (Development Title Section 9-240, Section 9-910, Section 9-1100 and R-92-814)

4) If improvements referred to herein are not completed prior to approval of the Final Map, the subdivider shall execute an agreement with the County of San Joaquin ensuring the completion of improvements within one (1) year after approval of the Final Map. (Development Title Section 9-1100.3)

5) If improvements are partially or fully completed prior to approval of the Final Map, the subdivider shall execute an agreement with the County of San Joaquin to warranty the public improvements offered for acceptance by the County for one (1) year after acceptance by the Board of Supervisors.

6) A Preliminary Soils Report is required in accordance with the County Standards for the purpose of determining the R-Value for the design of the roads. (Development Title Section 9-910.2)

7) A grading plan shall be submitted as a part of the improvement plans and approved prior to approval of the Final Map. The grading plan shall contain the information listed in the California Building Code (CBC) Appendix J Section J104.2, complete drainage details and elevations of adjacent parcels. Retaining wall details shall be submitted where applicable. (Grading that disturbs more than one acre will require a National Pollutant Discharge Elimination System permit)

8) All traffic signs and markings shall conform to the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD), and/or San Joaquin County Standards and shall be shown on the improvement plans. (Development Title Section 9-1150.2)

9) All utilities shall be underground except power transmission facilities of a 35 KV or greater. Public utility easements shall be provided along the road frontage of the subdivision and as required by the public utility companies. (Development Title Section 9-1155.2)

10) Casey Place shall be improved in conformance with the standards for a 50-foot wide rural residential road including 24 feet of pavement, 4 foot shoulders, roadside swales and terminate at a turnaround. The improvements shall be in conformance with the current Improvement Standards of the County of San Joaquin. Improvement plans, specifications and engineer’s estimate prepared by a registered civil engineer shall be submitted for review and are subject to plan check, field inspection fees and must be approved by the County of San Joaquin Department of Public Works prior to issuance of any building permits. (Development Title Section 9-240, Section 9-910, Section 9-1100 and R-92-814)

11) Street lighting shall be provided at the intersection of the Casey Place and State Route 12 in accordance with San Joaquin County’s current Improvement Standards and complete any necessary requirements to connect power to the street lights (including application to Pacific Gas and Electric Company and installation of any necessary power facilities) (Development Title Section 9-1150.11)
12) Prior to approval of the Final Map the property shall provide for the operation and maintenance of the street light facilities by transferring into a zone within an existing County Service Area; forming a new Community Facilities District or annexing into an existing Community Facilities District. (Development Title Section 9-1100.5)

13) Prior to approval of the Final Map the existing residence must disconnect from the existing water system and water service shall be provided by a new on-site well. Written confirmation is required from the Environmental Health Department that the required permits were obtained.

14) Drainage from the improved portion of each parcel shall be retained on-site by a retention basin at the time of development of each parcel. (Development Title Section 9-1135.2)

15) Access rights shall be dedicated and restricted for lots 1 and 7 along the frontage of State Route 12 on the Final Map. (Development Title Section 9-1150.5)

16) A minimum twenty five (25) foot wide private access and utility easement shall be provided for the benefit of Lots 2-6. The requirement for this easement shall be noticed by a statement on the Final Map and by a recorded Notice of Major Subdivision Restriction. The statement shall read as follows:

We also hereby make an irrevocable offer to provide a twenty five foot wide private access and utility easement across Parcels 2 through 7 for the benefit of Parcels 2 through 6, upon conveyance of parcels 2 through 7 to another party. Said easement is not created by this map.

17) Prior to the issuance of non-agricultural building permits on Parcels 2 through 6, a private access roadway from Casey Place shall be constructed in conformance with fire road standards and applicable San Joaquin County Improvement Standards. The required improvements shall be noticed on a Declaration of Major Subdivision Restriction - Non Rescindable and recorded concurrently with the Final Map (contact Department of Public Works, Development Services Division for processing) (Development Title 9-1150.15[c][d])(A fee for processing the Declaration will be required.)

18) Prior to approval of the Final map, the developer shall prepare and record a mechanism that notifies future owners and provides for maintenance of the private roadway. The notice shall clearly note the requirement for maintenance of the private road applies to all future owners within the subdivision, while maintenance of the private access roadway serving lots 2 through 6 shall be the responsibility of the respective owners of lots 2 through 6. The notice shall include specific language to maintain roadside ditches along the frontage of all lots and that runoff from the parcels into roadside ditches is prohibited.
Informational Notes:
(i.) 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 plan of development, are required to obtain coverage under the current General Permit for Discharges of Storm Water Associated with Construction Activity. Construction activity subject to this permit includes clearing, grading and 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.
August 1, 2022

MEMORANDUM

TO: Community Development Department
CONTACT PERSON: Giuseppe Sanfilippo

FROM: Alex Chetley, Engineering Services Manager
Development Services Division

SUBJECT: PA-2100280: A Major Subdivision application to divide a 14.6-acre parcel zoned Rural Residential (R-R) into seven (7) parcels with a 2-acre lot minimum. A cul-de-sac is proposed to access three (3) of the parcels. A 25-foot wide access easement is proposed for the benefit of the remaining four (4) parcels, located on the south side of East State Route 12, 1,555 feet west of Locust Tree Road, Lodi. (Supervisorial District 4)

OWNER: Christopher & Diane Knoll Trust
APPLICANT: Dillon & Murphy

ADDRESS: 9296 E. State Route 12, Lodi
APN: 051-120-56

INFORMATION:

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

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

The Traffic Impact Mitigation Fee will 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.

RECOMMENDATIONS:

1) A Caltrans encroachment permit shall be required for all work within Caltrans right-of-way. A copy of the permit shall be submitted to Public Works for the file.

2) All improvements in Caltrans right-of-way shall be in conformance with the current Caltrans standards.
3) All improvements shall be in conformance with the current Improvement Standards and Specifications of the County of San Joaquin. All improvement plans and specifications shall include grading plan for each individual lot, if applicable. The improvement plans and specifications are subject to plan check, field inspection fees and must be approved by the County of San Joaquin Department of Public Works prior to approval of the Final Map. (Development Title Section 9-240, Section 9-910, Section 9-1100 and R-92-814)

4) If improvements referred to herein are not completed prior to approval of the Final Map, the subdivider shall execute an agreement with the County of San Joaquin ensuring the completion of improvements within one (1) year after approval of the Final Map. (Development Title Section 9-1100.3)

5) If improvements are partially or fully completed prior to approval of the Final Map, the subdivider shall execute an agreement with the County of San Joaquin to warranty the public improvements offered for acceptance by the County for one (1) year after acceptance by the Board of Supervisors.

6) A Preliminary Soils Report is required in accordance with the County Standards for the purpose of determining the R-Value for the design of the roads. (Development Title Section 9-910.2)

7) A grading plan shall be submitted as a part of the improvement plans and approved prior to approval of the Final Map. The grading plan shall contain the information listed in the California Building Code (CBC) Appendix J Section J104.2, complete drainage details and elevations of adjacent parcels. Retaining wall details shall be submitted where applicable. (Grading that disturbs more than one acre will require a National Pollutant Discharge Elimination System permit.)

8) All traffic signs and markings shall conform to the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD), and/or San Joaquin County Standards and shall be shown on the improvement plans. (Development Title Section 9-1150.2)

9) All utilities shall be underground except power transmission facilities of a 35 KV or greater. Public utility easements shall be provided along the road frontage of the subdivision and as required by the public utility companies. (Development Title Section 9-1155.2)

10) The unnamed private road shall be improved in conformance with the standards for a 50-foot wide rural residential road including 24 feet of pavement, 4 foot shoulders, roadside swales and terminate at a turnaround. The improvements shall be in conformance with the current Improvement Standards of the County of San Joaquin. Improvement plans, specifications and engineer’s estimate prepared by a registered civil engineer shall be submitted for review and are subject to plan check, field inspection fees and must be approved by the County of San Joaquin Department of Public Works prior to issuance of the building permit. (Development Title Section 9-240, Section 9-910, Section 9-1100 and R-92-814)

11) Street lighting shall be provided at the intersection of the unnamed private road and State Route 12 in accordance with San Joaquin County’s current Improvement Standards and complete any necessary requirements to connect power to the street lights (including application to Pacific Gas and Electric Company and installation of any necessary power facilities) (Development Title Section 9-1150.11)
12) Prior to approval of the Final Map the property shall provide for the operation and maintenance of the street light facilities by transferring into a zone within an existing County Service Area; forming a new Community Facilities District or annexing into an existing Community Facilities District. (Development Title Section 9-1100.5)

13) The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-1135)

14) Access rights shall be dedicated and restricted for lots 1 and 7 along the frontage of State Route 12 on the Final Map. (Development Title Section 9-1150.5)

15) A minimum twenty five (25) foot wide private access and utility easement shall be provided for the benefit of Lots 2-7. The requirement for this easement shall be noticed by a statement on the Final Map and by a recorded notice of subdivision restriction. The statement shall read as follows:

We also hereby make an irrevocable offer to provide a twenty five foot wide private access and utility easement across Parcels 2 through 7 for the benefit of Parcels 2 through 6, upon conveyance of parcels 2 through 7 to another party. Said easement is not created by this map.

16) Prior to the issuance of non-agricultural building permits on Parcels 2 through 6, a private access roadway from the private road shall be constructed in conformance with fire road standards and applicable San Joaquin County Improvement Standards. The required improvements shall be noticed on a Declaration of Minor Subdivision Restriction - Non Rescindable and recorded concurrently with the Final Map (contact Department of Public Works, Development Services Division for processing) (Development Title 9-1150.15[c][d])(A fee for processing the Declaration will be required.)

17) Prior to approval of the Final map, the developer shall prepare and record a mechanism that notices future owners and provides for maintenance of the private roadway. The notice shall clearly note the requirement for maintenance of the private road applies to all future owners within the subdivision, while maintenance of the private access roadway serving lots 2 through 6 shall be the responsibility of the respective owners of lots 2 through 6. The notice shall include specific language to maintain roadside ditches along the frontage of all lots and that runoff from the parcels into roadside ditches is prohibited.

Informational Notes:
(i.) 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 plan of development, are required to obtain coverage under the current General Permit for Discharges of Storm Water Associated with Construction Activity. Construction activity subject to this permit includes clearing, grading and 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.

AC:CH
March 11, 2022

MEMORANDUM

TO: Community Development Department
CONTACT PERSON: Giuseppe Sanfilippo

FROM: Alex Chetley, Engineering Services Manager
Development Services Division

SUBJECT: PA-2100280; A Major Subdivision application to divide a 14.6-acre parcel zoned Rural Residential (R-R) into seven (7) parcels with a 2-acre lot minimum. A cul-de-sac is proposed to access three (3) of the parcels. A 25-foot wide access easement is proposed for the benefit of the remaining four (4) parcels; located on the south side of East State Route 12, 1,555 feet west of Locust Tree Road, Lodi. (Supervisorial District 4)

OWNER: Christopher & Diane Knoll Trust

APPLICANT: Dillon & Murphy

ADDRESS: 9296 E. State Route 12, Lodi

APN: 051-120-56

INFORMATION:

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

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

The Traffic Impact Mitigation Fee will 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.

RECOMMENDATIONS:

1) A Caltrans encroachment permit shall be required for all work within Caltrans right-of-way. A copy of the permit shall be submitted to Public Works for the file.

2) All improvements in Caltrans right-of-way shall be in conformance with the current Caltrans standards.
3) All improvements shall be in conformance with the current Improvement Standards and Specifications of the County of San Joaquin. All improvement plans and specifications shall include grading plan for each individual lot, if applicable. The improvement plans and specifications are subject to plan check, field inspection fees and must be approved by the County of San Joaquin Department of Public Works prior to approval of the Final Map. (Development Title Section 9-240, Section 9-910, Section 9-1100 and R-92-814)

4) If improvements referred to herein are not completed prior to approval of the Final Map, the subdivider shall execute an agreement with the County of San Joaquin ensuring the completion of improvements within one (1) year after approval of the Final Map. (Development Title Section 9-1100.3U)

5) If improvements are partially or fully completed prior to approval of the Final Map, the subdivider shall execute an agreement with the County of San Joaquin to warranty the public improvements offered for acceptance by the County for one (1) year after acceptance by the Board of Supervisors.

6) A Preliminary Soils Report is required in accordance with the County Standards for the purpose of determining the R-Value for the design of the roads. (Development Title Section 9-910.2)

7) A grading plan shall be submitted as a part of the improvement plans and approved prior to approval of the Final Map. The grading plan shall contain the information listed in the California Building Code (CBC) Appendix J Section J104.2, complete drainage details and elevations of adjacent parcels. Retaining wall details shall be submitted where applicable. (Grading that disturbs more than one acre will require a National Pollutant Discharge Elimination System permit.)

8) Water meters shall be installed on all water services. (Board of Supervisors Order B-91-650)

9) All traffic signs and markings shall conform to the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD), and/or San Joaquin County Standards and shall be shown on the improvement plans. (Development Title Section 9-1150.2)

10) All utilities shall be underground except power transmission facilities of a 35 KV or greater. Public utility easements shall be provided along the road frontage of the subdivision and as required by the public utility companies. (Development Title Section 9-1155.2)

11) The unnamed private road shall be improved in conformance with the standards for a 50-foot wide rural residential road including 24 feet of pavement, 4 foot shoulders, roadside swales and terminate at a turnaround. The improvements shall be in conformance with the current Improvement Standards of the County of San Joaquin. Improvement plans, specifications and engineer's estimate prepared by a registered civil engineer shall be submitted for review and are subject to plan check, field inspection fees and must be approved by the County of San Joaquin Department of Public Works prior to issuance of the building permit. (Development Title Section 9-240, Section 9-910, Section 9-1100 and R-92-814)
12) Street lighting shall be provided at the intersection of the unnamed private road and State Route 12 in accordance with San Joaquin County's current Improvement Standards and complete any necessary requirements to connect power to the street lights (including application to Pacific Gas and Electric Company and installation of any necessary power facilities) (Development Title Section 9-1150.11)

13) The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-1135)

14) The project shall be served by a public water system conforming to the requirements of the San Joaquin County Environmental Health Department and the Department of Public Works. The system shall provide adequate domestic and fire water supply in conformance to the requirements of the County Fire Warden and the local Fire District. (Development Title Section 9-1120.2)

15) Access rights shall be dedicated and restricted for lots 1 and 7 along the frontage of State Route 12 on the Final Map. (Development Title Section 9-1150.5)

Informational Notes:

(i.) 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 plan of development, are required to obtain coverage under the current General Permit for Discharges of Storm Water Associated with Construction Activity. Construction activity subject to this permit includes clearing, grading and 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.

AC:CH
January 11, 2022

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

From: Frank Girardi; (209) 616-3044  
Senior Registered Environmental Health Specialist

RE: PA- 2100280 (SU), Early Consultation, SU0014543  
9296 E. Highway 12, Lodi

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

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. The report shall be submitted to the Environmental Health Department at time of submittal of a tentative map (San Joaquin County Development Title, Section 9-905.12).

   Note: The San Joaquin County Environmental Health Department has received and reviewed a surface and subsurface contamination report (SR0084561) dated November 2021 and has found that the report meets the requirements of San Joaquin County Code Title 9, section 9-905.12 (a).

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 recordation of final map. (San Joaquin County Development Title, Section 9-1105.2(d)). The fee will be based on the current schedule at the time of payment.

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

   Note: The Environmental Health Department received and reviewed a soil suitability study dated September 2018 (Service Request# SR0079767), and a nitrate loading study dated October 2018 (Service Request# SR0079788) and has been approved.

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 9-1110.3 & 9-1110.4).

1868 E. Hazelton Avenue | Stockton, California 95205 | T 209 468-3420 | F 209 464-0138 | www.sjcehd.com
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 9-1115.3).

5. Any abandoned well(s) are to be destroyed under permit and inspection by the Environmental Health Department as required by San Joaquin County Development Title, Section 9-1115.5(e).

6. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-1115.3 and 9-1115.6).
SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ) 
ADVISORY AGENCY NOTICE TO SJCOG, Inc.

Local Jurisdiction Project Title: PA-2100280 (SU)
Assessor Parcel Number(s): 051-120-56
Local Jurisdiction Project Number: PA-2100280 (SU)
Total Acres to be converted from Open Space Use: Unknown
Habitat Types to be Disturbed: Multi-Purpose Open Space Habitat Land
Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Mr. Sanfilippo:

SJCOG, Inc. has reviewed the application referral for PA-2100280 (SU). This project consists of a Major Subdivision application to divide a 12.47 acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. The resulting parcels will utilize on site private wells and septic systems for residential development. Storm water drainage will be natural. A cul-de-sac is proposed to access 3 of the parcels. A 25-foot wide access easement is proposed for the benefit of the remaining 4 parcels. The project site is located on the south side of E. State Route 12, 1,565 feet west of Locust Tree Road, Lodi (APN/Address: 051-120-56/9296 E. State Route 12, Lodi).

San Joaquin County is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP. At this time, the applicant is requesting a Major Subdivision with no ground disturbance. Any future 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.sjcog.org

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

- Schedule a SJMSCP Biologist to perform a pre-construction survey prior to any ground disturbance
- SJMSCP Incidental Take Minimization Measures and mitigation requirement:
  1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
2 SJCOG, Inc.

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 fee for the entirety of the project acreage being covered; or
   b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
   c. Purchase approved mitigation bank credits.

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

- Receive your Certificate of Payment and release the required permit

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

If you have any questions, please call (209) 235-0600.
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 fee 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-2100280 (SU)

Landowner: Christopher W. & Diane B Knoll Trust  Applicant: Dillon & Murphy

Assessor Parcel #: 031-120-56

T______ R______. Section(s): _____

Local Jurisdiction Contact: Giuseppe Sanfilippo

The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.
November 1, 2022

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

Dear Mr. Sanfilippo:

The California Department of Transportation appreciates the opportunity to review PA-2100280, the subdivision of one parcel into seven rural residential parcels. The project proposes the creation of a new access point on State Route 12 (Victor Road) to serve the new parcels. The project is located at 9296 East SR 12 (Victor Road), Lodi. The Department has the following comments:

1. The Revised Tentative Parcel Map dated 7/26/2022 does not address Caltrans previous comment(s) from 1/24/2022. The Revised Tentative Parcel Map shows a newly proposed roadway connection to State Route (SR) 12 between Lots 1 and 7. Currently, the existing home and barn (within area of proposed Lot 1) have access via an existing road along the western edge on the site. As stated in our previous letter, Caltrans wishes to minimize the number of access points onto the state route to minimize conflict points and maintain safety. Please submit a revised map along with any information regarding use and generated traffic to Caltrans for review and comment prior to project review.
   a. Option A: As stated in our previous letter, Caltrans suggests that the project proponent consider extending the proposed access easement through Lot 4 to the existing residences to the south of the project site while closing the access point on the west side of the site.
   b. Option B: Another possible option is that the project proponent explore the possibility of using the existing access point to provide access to Lots 1-7 since increasing the number of roadway connections along SR 12 will negatively impact operations. Therefore, Caltrans does not support a new connection if

*Provide a safe and reliable transportation network that serves all people and respects the environment*
a viable connection already exists. This existing access will need to be upgraded to current Caltrans standard.

2. The proposed driveway may require the removal of an existing Valley Oak tree. As this tree is a protected species, the applicant must obtain San Joaquin County’s approval to remove it and provide Caltrans with proof of that approval during the Encroachment Permit phase. A bird survey of the area will also be required.

3. The proposed site development is adjacent to the state route. The developer needs to ensure that the existing state drainage facilities will not be significantly impacted by the project. If historical undeveloped topography shows drainage from this site flowed into the State Right-of-Way (SROW), it may continue to do so with the conditions that peak flows may not be increased from the pre-construction quantity and the site runoff be treated to meet present storm water quality standards. If historical undeveloped topography shows drainage from this site did not flow into the SROW, then it will not be allowed to flow into the SROW.

4. An Encroachment Permit will be required for any work done within the Department’s right of way. This work is subject to the California Environmental Quality Act. Therefore, environmental studies may be required as part of the encroachment permits application. A qualified professional must conduct any such studies undertaken to satisfy the Department’s environmental review responsibilities. Ground disturbing activities to the site prior to completion and/or approval of required environmental documents may affect the Department’s ability to issue a permit for the project. Furthermore, if engineering plans or drawings will be part of your permit application, they should be prepared in standard units.

If you have any questions, please contact me at 209-483-2582 or Nicholas Fung at (209) 986-1552.

Sincerely,

Tom Dumas
Chief, Office of Metropolitan Planning

"Provide a safe and reliable transportation network that serves all people and respects the environment"
January 24, 2022

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

Dear Mr. Sanfilippo:

The California Department of Transportation appreciates the opportunity to review PA-2100280, the subdivision of one parcel into seven rural residential parcels. The project proposes the creation of a new access point on State Route 12 (Victor Road) to serve the new parcels. The Department has the following comments:

1. The Tentative Parcel Map shows a newly proposed roadway connection to State Route 12 between Lots 1 and 7. Currently, the existing home and barn (Proposed Lot 1) have access via an existing road along the western edge of the site.
   a. Caltrans suggests that the project proponent consider extending the proposed access easement through Lot 4 to the existing residences to the south of the project site while closing the existing access point on the west side of the site. Please submit a revised map along with any information regarding use and generated traffic to Caltrans for review and comment prior to project review.

2. The proposed driveway may require the removal of an existing Valley Oak tree. As this tree is a protected species, the applicant must obtain San Joaquin County’s approval to remove it and provide Caltrans with proof of that approval during the Encroachment Permit phase. A bird survey of the area will also be required.

3. The proposed site development is adjacent to the state route. The developer needs to ensure that the existing state drainage facilities will not be significantly

   *Provide a safe and reliable transportation network that serves all people and respects the environment*
Impacted by the project, if historical undeveloped topography shows drainage from this site flowed into the State Right-of-Way (SROW), it may continue to do so with the conditions that peak flows may not be increased from the pre-construction quantity and the site runoff be treated to meet present storm water quality standards. If historical undeveloped topography shows drainage from this site did not flow into the SROW, then it will not be allowed to flow into the SROW.

4. An Encroachment Permit will be required for any work done within the Department’s right of way. This work is subject to the California Environmental Quality Act. Therefore, environmental studies may be required as part of the encroachment permits application. A qualified professional must conduct any such studies undertaken to satisfy the Department’s environmental review responsibilities. Ground disturbing activities to the site prior to completion and/or approval of required environmental documents may affect the Department’s ability to issue a permit for the project. Furthermore, if engineering plans or drawings will be part of your permit application, they should be prepared in standard units.

If you have any questions, please contact me at 209-483-2582 or Nicholas Fung at (209) 986-1552.

Sincerely,

Nicholas Fung
For
Tom Dumas
Chief, Office of Metropolitan Planning

“Provide a safe and reliable transportation network that serves all people and respects the environment”
Thank you for consulting with the UAIC
Please complete one form for each notification.

How to submit a consultation notification or project update:
1. One form must be completed for each project.
2. Forms cannot be saved and completed at a later time.
3. Include all relevant project information.
4. Upload file attachments. Multiple files can be attached.
5. Submit form.
6. You will receive a submission receipt via email when submission is complete. UAIC prefers our online submission form over certified or hard copy letters.

Contact the Tribal Office at (530) 883-2390 for questions or concerns. Ask for Tribal Historic Preservation or use the [contact form located on our website](http://ourwebsite).

### Contact Information

<table>
<thead>
<tr>
<th>Consulting on Behalf of</th>
<th>San Joaquin County Community Development Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lead Agency, Consulting Firm, Tribe</td>
<td>SJC Community Development Department</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>Street Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1810 East Hazelton Avenue</td>
<td></td>
</tr>
<tr>
<td>Address Line 2</td>
<td>Stockton</td>
</tr>
<tr>
<td>City</td>
<td>State/Province/Region</td>
</tr>
<tr>
<td>Stockton</td>
<td>CA</td>
</tr>
<tr>
<td>Postal/Zip Code</td>
<td>95205</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Point of Contact for Consultation</th>
<th>Giuseppe Sanfilippo</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Contact Name</td>
<td><a href="mailto:gsanfilippo@sjgov.org">gsanfilippo@sjgov.org</a></td>
</tr>
</tbody>
</table>

| Email | gsanfilippo@sjgov.org |

| Second Point of Contact | Yes |

Is there more than one point of contact for this project?

### Regulatory

Consulting Under

- **Federal**
- **State of California**
- **Federal and State**
- **Other**

### Project Notification Information

<table>
<thead>
<tr>
<th>Project Name</th>
<th>PA-2100280 - Major Subdivision application to divide a 12.47-acre parcel.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please include Name and Reference Number (if applicable)</td>
<td></td>
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</tbody>
</table>
This is a  
- New Project  
- Notice of Preparation (NOP)  
- Public Hearing  
- Existing Project  
- Notice of Availability (NOA)  
- Request for Information  
- Other

### Project Description
Major Subdivision application to divide a 12.47-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. The resulting parcels will utilize on-site private wells and septic systems for residential development. Storm water drainage will be natural. A cul-de-sac is proposed to access 3 of the parcels. A 25-foot wide access easement is proposed for the benefit of the remaining 4 parcels. This parcel is not under a Williamson Act Contract.

Please include a brief project description.

### Location
The project site is located on the south side of E. State Route 12, 1,555 feet west of Locust Tree Rd., Lodi. (APN/Address: 051-120-56 / 9296 E. State Route 12, Lodi) (Supervisorial District: 4)

Please include county, city, and address (if available).

### Project Documents
Documents uploaded to this form are secure and only accessible by the Tribal Historic Preservation team.

#### Notification
- Attach notification letters or announcement
- PA-2100280 (SU) Public Hearing - Agency.pdf 277.2KB
  - 50mb maximum upload size (per file)

#### Reports
- Attach project reports, project descriptions, or supporting documents
- 50mb maximum upload size (per file)

#### Location Map
- Attach maps and location files. Shape files are preferred
- PA-2100280 (SU) Tentative Map.PDF 2.68MB
  - File extensions allowed: pdf, jpg, png, kmz, lpk, dbf, prj, shp, abn, sbx, xml, shx, cpg.
  - NOTE: 50mb maximum upload size (per file).

### Send Submission Receipt To
- Primary Contact
- Secondary Contact
- Different Email

New Email dmartorella@sjgov.org

***This form submission page is offered for the convenience of consulting agencies, developers, and their respective consultants. UAIC reviews all submissions received, but makes no guarantee that submission via this online form satisfies any particular consultation or notice requirement that exists under state or federal law.***
From: Anna Starkey <astarkey@auburnrancheria.com>
Sent: Monday, January 24, 2022 12:43 PM
To: Sanfilippo, Giuseppe [CDD]
Subject: Early Consultation: PA-2100280 (SU)

Dear Mr. Sanfilippo,

On behalf of the United Auburn Indian Community, Tribal Historic Preservation Department, thank you for the early consultation notification for the project referenced above. Please confirm receipt of this email for our records.

We are currently reviewing the project location for cultural sensitivity. Preliminary results do not show any previously documented tribal cultural resources in or near the project area. However this may be due to the area having not been surveyed in the past. We are checking other resources and would like to review the cultural study for this project when it is available.

Once we have the additional information, I will provide you with our preferred recommendations and language/context for the TCR chapter regarding consultation with UAI.

Thank you and looking forward to your response.

Kind regards,
Anna Starkey

Please submit all project modifications through our online form. Bookmark this link!
https://auburnrancheria.com/programs-services/tribal-preservation/submit-agency-notification/

Anna M. Starkey, MLA, RPA
Cultural Regulatory Specialist
Tribal Historic Preservation Department | UAI
10720 Indian Hill Road
Auburn, CA 95603
Direct Line: (916) 251-1565 | Cell: (530) 833-5503
astarkey@auburnrancheria.com www.auburnrancheria.com

Nothing in this e-mail is intended to constitute an electronic signature for purposes of the Electronic Signatures in Global and National Commerce Act (E-Sign Act), 15, U.S.C. §§ 7001 to 7006 or the Uniform Electronic Transactions Act of any state or the federal government unless a specific statement to the contrary is included in this e-mail.
Sanfilippo, Giuseppe [CDD]

From: Anna Starkey <astarkey@auburnrancheria.com>
Sent: Tuesday, February 8, 2022 2:58 PM
To: Sanfilippo, Giuseppe [CDD]
Cc: Anna Cheng; Stowers, Stephanie [CDD]
Subject: RE: Early Consultation: PA-2100280 (SU)
Attachments: 6_Conditions_of_Approval.pdf; 3_UnanticipatedDiscoveries.pdf

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,
Thank you again for meeting with us.
I’ve re-reviewed the project location and do not have any concerns. If possible, we do ask that if the property owner discovers any native American cultural items, to contact a local tribe (or us) so that the item/s can be appropriately treated with cultural dignity. For UAIC, this entails reburying the items in a place near-by that will not be subject to future disturbance.

Consultation can be closed for this project if our standard unanticipated discoveries (or our conditions of approval, which ever is best suited for this type of project) be incorporated.
Please let me know if you have any questions.

Kind regards,
Anna Starkey

From: Sanfilippo, Giuseppe [CDD] <gsanfilippo@sjgov.org>
Sent: Friday, February 4, 2022 10:12 AM
To: Anna Starkey <astarkey@auburnrancheria.com>
Cc: Anna Cheng <acheng@auburnrancheria.com>; Stowers, Stephanie [CDD] <sstowers@sjgov.org>
Subject: RE: Early Consultation: PA-2100280 (SU)

Good Morning Anna,

This e-mail serves as a confirmation that I received this e-mail. I'd like to incorporate this response into our discussion next week.

Thanks,

Giuseppe Sanfilippo
Associate Planner
Community Development Department
Main Office: (209) 468-3121
Direct: (209) 468-0227
Fax: (209) 468-3163
Please also visit us On-line: https://www.sjgov.org/commdev
Dear Mr. Sanfilippo,

On behalf of the United Auburn Indian Community, Tribal Historic Preservation Department, thank you for the early consultation notification for the project referenced above. Please confirm receipt of this email for our records.

We are currently reviewing the project location for cultural sensitivity. Preliminary results do not show any previously documented tribal cultural resources in or near the project area. However, this may be due to the area having not been surveyed in the past. We are checking other resources and would like to review the cultural study for this project when it is available.

Once we have the additional information, I will provide you with our preferred recommendations and language/context for the TCR chapter regarding consultation with UAI C.

Thank you and looking forward to your response.

Kind regards,

Anna Starkey

Please submit all project notifications through our online form: Bookmark this link:
https://auburnrancheria.com/programs-services/tribal-preservation/submit-agency-notification/

Anna M. Starkey, MA, RPA
Cultural Regulatory Specialist
Tribal Historic Preservation Department | UAI C
10720 Indian Hill Road
Auburn, CA 95603
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Tribal Cultural Resources
Unanticipated Discoveries

The following mitigation measure is intended to address the evaluation and treatment of inadvertent/unanticipated discoveries of potential tribal cultural resources (TCRs), archaeological, or cultural resources during a project’s ground disturbing activities.

If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by UAIC or by the California Native American Tribe that is traditionally and culturally affiliated with the project area.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB52, have been satisfied.

1 Proposed Mitigation Measure includes suggested template language to assist lead CEQA agencies, and their consultants, in understanding the Tribe's policies and expectations. All measures are subject to periodic review and change by the consulting Tribe to reflect best practices and to be worded on a project scope and site specific basis.
Tribal Cultural Resources
Conditions of Approval

The following conditions of approval are intended to minimize impacts to existing or previously undiscovered Tribal Cultural Resources (TCRs), archaeological, or cultural resources for any future ground disturbing activities. These conditions are a binding and enforceable agreement that the actions below shall be conditions of approval of the project, and those conditions will be fully enforceable by the lead agency, or another agency designated by the lead agency.

If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074).

The Tribal Representative will make recommendations for further evaluation and treatment as necessary. Tribal Representatives act as a representative of their Tribal government and are qualified professionals that have the authority and expertise to identify sites or objects of cultural value to Native American Tribes and recommend appropriate treatment of such sites or objects. If human remains, or suspected human remains, are discovered the appropriate state and federal laws shall be followed.

Preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. When avoidance is infeasible, the preferred treatment by UAIC is to record the resource, minimize handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location nearby where they will not be subject to future impacts.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA have been satisfied.

---

1 This proposed measure includes the suggested template language to assist lead agencies, and their consultants, in understanding the Tribe's policies and expectations. All measures are subject to periodic review and change by the consulting Tribe to reflect best practices and to be worked on a project scope and site specific basis.
December 30, 2021
Giuseppe Sanfilippo
County of San Joaquin
1810 E Hazelton Ave
Stockton, CA 95205

Ref: Gas and Electric Transmission and Distribution

Dear Giuseppe Sanfilippo,

Thank you for submitting the PA-2100280 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](https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf)

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E’s easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe. Ensure a list of the axle weights of all equipment being used is available for PG&E’s Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

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

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

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch
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 pothed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

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

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

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

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

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.
11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

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

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.
Attachment 2 – Electric Facilities

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

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E’s transmission easement shall be designated on subdivision/parcel maps as “RESTRICTED USE AREA – NO BUILDING.”

2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E’s review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.

3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&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 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.

5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E’s fee strip(s) and/or easement(s) for electric transmission lines.

6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer’s expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.

7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E’s easement. No trash bins or incinerators are allowed.
8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

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

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

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

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

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

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.
January 31, 2022

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

Re: PA-2100280
9296 E State Route 12, Lodi, CA 95240

Dear Giuseppe:

Thank you for providing PG&E the opportunity to review your proposed plans for PA-2100280 dated 12-30-2021. Our review indicates your 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 your design, we ask that you resubmit the plans to the email address listed below.

If you require 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 (877) 259-8314 or pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management
October 31, 2022

Mr. Giuseppe Sanfilippo
San Joaquin County
Community Development Department
1810 E. Hazelton Avenue
Stockton, CA 95205
gsanfilippo@sjgov.org

MITIGATED NEGATIVE DECLARATION FOR PA-2100280 – DATED OCTOBER 2022
(STATE CLEARINGHOUSE NUMBER: 2019029020)

Dear Mr. Sanfilippo:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the project titled PA-212100280 (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

The MND states that the Project site is not located on a site which is included on a list of hazardous material sites compiled pursuant to California Government Code Section 65962.5, commonly known as the Cortese List. Not all sites impacted by hazardous waste or hazardous materials will be found on the Cortese List. DTSC recommends that the Hazards and Hazardous Materials section of the MND address actions to be taken for any sites impacted by hazardous waste or hazardous materials within the Project area, not just those found on the Cortese List. DTSC recommends consulting with other agencies that may provide oversight to hazardous waste facilities and sites in order to determine a comprehensive listing of all sites impacted by hazardous waste or hazardous materials within the Project area. DTSC hazardous waste facilities and sites with known or suspected contamination issues can be found on DTSC’s EnviroStor data management system. The EnviroStor Map feature can be used to locate hazardous waste facilities and sites for a county, city, or a specific address.
DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the MND:

1. A State of California environmental regulatory agency such as DTSC, a Regional Water Quality Control Board (RWQCB), or a local agency that meets the requirements of Health and Safety Code section 101480 should provide regulatory concurrence that THE PROJECT SITE is safe for construction and the proposed use.

2. The MND should acknowledge the potential for historic or future activities on or near the Project site to result in the release of hazardous wastes/substances on the Project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The MND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

3. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil, DTSC recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the Project described in the MND.

4. If any projects initiated as part of the proposed Project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC’s 2001 Information Advisory Clean Imported Fill Material.

5. If any sites included as part of the proposed Project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the MND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC’s 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision).
DTSC appreciates the opportunity to comment on the MND. Should you need any assistance with an environmental investigation, please visit DTSC’s Site Mitigation and Restoration Program page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at DTSC’s Brownfield website.

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

Gavin McCreary, M.S.
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor’s Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov
Hi Giuseppe:
I thought I responded to your e-mail on this matter; however, my apology if it was just one of my
fantasy.
EHD has not concerns or comments due to the study was prepared and approved.
https://flweb.sjgov.org/EHD/0/0/0/0/772975/Page1.aspx

Regards,
Steven Shih, REHS
Program Coordinator
San Joaquin County
Environmental Health Department
(209) 468-9850

THIS E-MAIL IS INTENDED ONLY FOR THE ADDRESSEE(S) AND MAY CONTAIN
CONFIDENTIAL INFORMATION. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE
HEREBY NOTIFIED THAT ANY USE OF THIS INFORMATION OR DISSEMINATION,
DISTRIBUTION, OR COPYING OF THIS E-MAIL IS STRICTLY PROHIBITED. IF YOU HAVE
RECEIVED THIS E-MAIL IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY.

Steven,
I'm following up regarding this to see if there were any EHD concerns or comments.

Thanks,

Giuseppe Sanfilippo
Associate Planner
Community Development Department
Main Office: (209) 468-3121
Good Morning Steven,

Can you review this response to see if there is any impacts to the site for PA-2100280 (SU)? I looked at the Envirostor website and there was no activity on the project site listed.

Thanks,

Giuseppe Sanfilippo
Associate Planner
Community Development Department
Main Office: (209) 468-3121
Direct: (209) 468-0227
Fax: (209) 468-3163
Please also visit us On-line: https://www.sjgov.org/commdev

Mr. Sanfilippo,

Please see the attached comments for PA-212100280.

Thank you.

Gavin McCreary
Project Manager
December 15, 2021

Joe Murphy  
Dillon & Murphy Engineering  
Lodi, CA 95240

RE: Surface and Subsurface Contamination Report for 9296 E. Victor Rd, Lodi  
Service Request SR0084561

The San Joaquin County Environmental Health Department (EHD) has reviewed the Surface and Subsurface Contamination Report (SSCR) dated November 2021 and submitted December 2, 2021 and has the following comments for your consideration.

Based on the information provided, the EHD finds that the SSCR meets the requirements of San Joaquin County and Code Title 9, section 9-905.12 (a).

If you have any questions please contact Frank Girardi, Registered Environmental Health Specialist, REHS, at fvgirardi@sjgov.org or (209) 616-3044.

Steven Shih, REHS  
Program Coordinator  

CC: Knoll, Christopher W & Diane B TR  
9296 E State Route 12  
Lodi, CA 95240
SURFACE AND SUBSURFACE CONTAMINATION REPORT REQUIREMENT CHECKLIST

San Joaquin County Development Title Chapter 9-905, Section 9-905.12

1.0 INTRODUCTION & PROPOSED DEVELOPMENT SECTION

1.1 Description of site (report must address all parcels), including current and/or proposed zoning information.

1.2 Description of proposed development.

1.3 Parcel location map.

1.4 Site map showing location of all items on parcel. (Examples: structures, drives, wells, septic systems, large trees, pastures, pools, natural drainage courses, ponds, waterways, etc.)

2.0 PAST, PRESENT AND PROPOSED FUTURE USES OF THE SITE SECTION

2.1 Discussion of past, present and proposed future uses at the site to assess potential problems. (Example sources of information: current and/or previous property owners, historical maps, insurance maps, previous land use applications, etc.)

3.0 IDENTIFICATION OF ALL PAST AND CURRENT SOURCES OF CONTAMINATION

3.1 Discussions of the methods used to research and investigate the potential or known above and belowground sources of contamination at the project site. (Examples: Database search, EHD records search, agricultural chemical application search, site reconnaissance and survey, etc.)

3.2 Description of all past on-site potential and/or known above and below ground sources of contamination identified at the project site. (Examples: Agricultural chemical handling/storage/use, aboveground/underground tanks, septic systems, injection wells, unsealed wells, ponds/lagoons, vehicle/machine repair/painting, buried or stockpiled solid waste, etc.)

3.3 Description of all current on-site potential and/or known above and below ground sources of contamination identified at the project site (see examples above).

3.4 Description of all past off-site potential and/or known above and below ground sources of contamination identified in the area of the project site that has or may impact the project site. (Examples: Close proximity to a former landfill/former gasoline station, in area of known DBCP/Nitrate groundwater impact, etc.)

3.5 Description of all current off-site potential and/or known above and below ground sources of contamination identified in the area of the project site.

4.0 EVALUATION OF PAST AND CURRENT SOURCES OF CONTAMINATION IDENTIFIED AT OR NEAR THE SITE AND RECOMMENDATIONS FOR FURTHER ACTION

4.1 Evaluation of each potential and/or known source of contamination identified (in the above section) for any real and/or potential threat to human health and the environment. This evaluation should take into consideration the proposed future uses of the project parcel.

5.0 CONCLUSIONS AND RECOMMENDATIONS SECTION

5.1 Discussion of the above evaluation to either rule out each source as a real or potential threat or to recommend further action to mitigate or abate any real or potential threats identified. Recommendations may include additional site assessment (i.e. collection of soil/water samples) and/or mitigative measures (i.e. clean up of surface wastes). All recommendations for future work must include a time frame for implementation.

5.2 The report was inclusive (i.e. all information referenced was included in this report - report should not reference other reports).

5.3 The report was signed, dated and stamped by a qualified environmental professional.

5.4 The report was prepared within six months of the date of the submittal of the land use application.

5.5 The attachments and appendices contain sufficient documentation to support claims made in report.
SAN JOAQUIN COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

SERVICE REQUEST

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BILLING ACKNOWLEDGEMENT: I, the undersigned property or business owner, operator or authorized agent of same, acknowledge that all site and/or project specific ENVIRONMENTAL HEALTH DEPARTMENT hourly charges associated with this project or activity will be billed to me or my business as identified on this form.

I also certify that I have prepared this application and that the work to be performed will be done in accordance with all SAN JOAQUIN COUNTY Ordinance Codes, Standards, STATE and FEDERAL laws.

APPLICANT’S SIGNATURE:

PROPERTY / BUSINESS OWNER Operator / Manager OTHER AUTHORIZED AGENT

If APPLICANT is not BILLING PARTY, proof of authorization to sign is required

AUTHORIZATION TO RELEASE INFORMATION: When applicable, I, the owner or operator of the property located at the above site address, hereby authorize the release of any and all results, geotechnical data and/or environmental/site assessment information to the SAN JOAQUIN COUNTY ENVIRONMENTAL HEALTH DEPARTMENT as soon as it is available and at the same time it is provided to me or my representative.

TYPE OF SERVICE REQUESTED: Surface and Subsurface Contamination Report

PAYMENT RECEIVED

DEC 02 2021

SAN JOAQUIN COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

ACCEPTED BY:

EMPLOYEE #: DATE:

ASSIGNED TO:

EMPLOYEE #: DATE:

DATE Service Completed (If already completed):

SERVICE CODE: 523 P/E: 2603

Fee Amount: $304 Amount Paid Payment Date

Payment Type Invoice # Check # Received By:

EHD 48-02-625 REVISED 11/17/2003

SR FORM (Golden Rod)
WE ARE SENDING YOU
- Attached via Delivery
- Shop drawings via Mail
- Copy of Letter via Overnight Delivery
- Plans via Pick up
- Change Orders via FED EX

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THESE ARE TRANSMITTED as checked below:
- For approval
- Approved as submitted
- Resubmit copies for approval
- For your use
- Approved as noted
- Submit copies for distribution
- As requested
- Returned for corrections
- Return corrected prints
- For review and comment
- FOR BIDS DUE, 2021
- PRINTS RETURNED AFTER LOAN TO US

Remarks:

COPY TO

SIGNED: Joel Montano
SURFACE AND SUBSURFACE CONTAMINATION REPORT

Project Site: 9296 Victor Road
Lodi, CA 95240

APN: 051-120-56

Prepared By

Dillon & Murphy Engineering
PO BOX 2180
LODI, CA 95241
209-334-6613

www.dillonandmurphy.com

Date: November, 2021
Job No.: 17120
Table of Contents

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4.0 EVALUATION OF PAST AND CURRENT SOURCES OF CONTAMINATION IDENTIFIED AT OR NEAR THE SITE AND RECOMMENDATIONS FOR FURTHER ACTION ................................................................. 2

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APPENDIX
1.0 INTRODUCTION AND PROPOSED DEVELOPMENT:

1.1 Description of site: The project consists of one parcel totaling 14.6 acres. The subject Assessor Parcel Number is 051-120-56. The project is in an agricultural area. The parcel is zoned R/R.

1.2 Description of Proposed Development: It is proposed to create seven parcels. These parcels are being created based on the existing 14.6 acre parcel. In accordance with the San Joaquin County Development Title, this Surface and Subsurface Contamination Report (SSCR) is being submitted for approval. This report will investigate the property for visual or historical environmental contamination based on field observation, interviews with the owner, and County records. (This SSCR includes no chemical analysis).

1.3 Parcel location map: (See Appendix for Tentative Map with Vicinity Map and APN page).

1.4 Site Map: (See Appendix for Tentative Map).

2.0 PAST, PRESENT, AND PROPOSED FUTURE USES OF THIS SITE:

2.1 Discussion of Past, Present, and Proposed Future Uses: The primary source of information of the historic use of this property is testimony from one of the owners, Chris Knoll, who has owned the parcel for over 10 years. The land use has not changed during this time. The land has been a bare lot in recent years. The parcel’s future use is to be determined but will be consistent with the zoning.

3.0 IDENTIFICATION OF ALL PAST AND CURRENT SOURCES OF CONTAMINATION:

3.1 Methods used to research: Methods used to research this parcel were records researched at the San Joaquin County Agriculture Commissioner’s office in November, 2021 (see appendix for results). An onsite survey was performed on November 5, 2021 by staff of Dillon & Murphy. The San Joaquin County Environmental Health Department’s underground storage tank mitigation database list did not yield any concerns.

3.2 Description of all past on-site potential and/or known above and below ground sources of contamination identified at the project site: Past on-site potentials for contaminations are low. Historically there have been no underground storage tanks. The owner has no knowledge of improper above ground storage of chemicals on the subject parcel.
3.3 Description of All Current On-Site Potential and/or Known Above and Below Ground Sources of Contamination Identified at the Project Site: Presently, there are no underground storage tanks on the property and visual inspection did not produce any evidence of buried containers, as well as no odors that would be associated with buried chemical tanks. There are no above ground fuel tanks on the site. On-site water dissipates through either percolation or evaporation.

3.4 Description of All Past Off-Site Potential and/or Known Above and Below Ground Sources of Contamination Identified In the Area of the Project Site: Past off-site potential for contamination is low. The subject parcel is located in an agricultural neighborhood. The land use has historically been used as a residence and for agricultural purposes.

3.5 Description of all Present Off-Site Potential and/or Known Above and Below Ground Sources of Contamination Identified in the Area of the Project Site: Present off-site potential for contamination is low. (See Appendix for case studies.)

4.0 EVALUATION OF PAST AND CURRENT SOURCES OF CONTAMINATION IDENTIFIED AT OR NEAR THE SITE AND RECOMMENDATIONS FOR FURTHER ACTION:

4.1 Evaluation of each potential and/or known source of contamination identified for any real and/or potential threat to human health and the environment: The depth to ground water in this area is approximately 110 feet. Due to this depth, any pesticides, insecticides, and fertilizers used on the property in the past or present would have a minimal impact to the ground water. The one residence is served by Victor Water District. Future homes will be served by private wells.

5.0 CONCLUSIONS AND RECOMMENDATIONS SECTION:

5.1 Discussion of the Above Evaluation: There are no chemical containers or fuel storage tanks on this site. Thus the potential for contamination is low. There are no pesticides, insecticides, and fertilizers used on the site. No mitigation measures are recommended.

5.2 The Report is inclusive: All information in this report does not reference any other documents that are not contained in this report.

5.3 Report was signed dated and stamped: See below.

5.4 The report was prepared within Six Months of the Date of the Submittal: This report was originally generated in November, 2021.

5.5 The Attachment/Appendices Contain Sufficient Documentation to Support Claims Made in Report: See Appendix.
LIMITATIONS

Dillon & Murphy does not assume responsibility for the discovery and elimination of environmental hazards which may be discovered. Recommendations suggested in no way assure the elimination of any possible environmental concerns.

The extent of this report cannot guarantee surface or subsurface conditions do not exist. The possibility for contaminants always exist.

DILLON & MURPHY

Joe Murphy
RG P 45277
TENATIVE MAP
U.S.T/L.U.S.T FINDINGS GO HERE
The information on this map is based on the most current information available to San Joaquin County Geographic Information Systems. The County of San Joaquin does not warrant its accuracy, completeness, or suitability for any particular purpose. The information on this map is not intended to replace engineering, financial or primary records research.
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DEPTH TO GROUND WATER SHEET
Figure 2-34 Lines of Equal Depth to Groundwater Spring 2018

Legend
- Groundwater Spring
- Groundwater Depth
- Groundwater System
- Contour

Figure 2-34 Lines of Equal Depth to Groundwater Spring 2018

Section 2 Groundwater Elevations
ELEVATION OF GROUND WATER SHEET
Figure 2-32 Lines of Equal Elevation of Groundwater Spring 2018
AG REPORT RESULTS
WITH RECEIPT
RESTRICTED MATERIALS PERMIT: 30-20-3905501

Operator: BLAGG FAMILY FARMS
12630 ATKINSON RD.
Lodi, CA 95240

Agent: TYLER BLAGG

Certified Applicator: BLAGG, TYLER S
12630 ATKINSON RD
LODI, CA 95240

Type of Use: Agricultural Use
Pesticide Possession: Possession and Use
Permit Duration: Seasonal

Permit Conditions: Appendix C, Appendix H, QL, P

Regulatory Notes:

I understand that this permit does not relieve me from liability for any damages to any persons or property caused by the use of these pesticides. I waive any claims of liability for damages against the County Department of Agriculture based on the issuance of this permit. I further understand that this permit may be revoked when pesticides are used in conflict with the manufacturer's labelling or in violation of applicable laws, regulations, and specific conditions of this permit. I authorize inspection at all reasonable times and whenever an emergency exists by the Department of Pesticide Regulation or the County Department of Agriculture of all areas treated or to be treated, storage facilities for pesticides or emptied containers and equipment used or to be used in the treatment. I have considered alternative and mitigation measures pursuant to Title 3, California Code of Regulations, section 6426. Taking into account economic, environmental, social, and technological factors, I have adopted those that are feasible and would substantially lessen any significant adverse impact on the environment.

[Form PR-ENF-125 (Rev 11/06) Pesticide Enforcement Branch]

Applicant: BLAGG, TYLER S

Applicant Signature: [Signature]

Issuing Officer: [Signature]

Date: 2/3/2020

# 3905501-2020-Version: 1
County District #: E
Issued on: 2/3/2020
Valid as of: 2/3/2020
Expires on: 12/31/2020
Primary Phone: [Blacked Out]
Alternate Phone: [Blacked Out]
Mobile Phone: [Blacked Out]
Fax: [Blacked Out]
License #: 3911146
Expiration: 12/31/2021

Notices Of Intent required 24 hours prior to application of pesticides containing restricted materials

See condition detail for code descriptions.
RESTRICTED MATERIALS PERMIT # 39-20-3905501
BLAGG FAMILY FARMS

CONTACT LIST

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SITES REQUIRING SCHOOLSITE NOTIFICATION

There are currently no sites requiring schoolsite notification. List current as of 02/03/2020. Check with the County Agricultural Commissioner's Office for an updated list.

SITES LIST

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RESTRICTED MATERIALS PERMIT # 39-20-3905501
BLAGG FAMILY FARMS

Pesticide #s: 636 (2,4-D), 2326 (MCPA)

OPERATION-WIDE CONDITIONS

Appendix C General Drift Minimization
See attached: Appendix C

Appendix H Aluminum Phosphide and Magnesium
See attached: Appendix H

QL DICAMBA AND PHENOXY HERBICIDES
CONDITION - QL - DICAMBA AND PHENOXY HERBICIDES - North of Eight Mile Road

In addition to all applicable laws, regulations and label restrictions, the CONDITIONS BELOW APPLY to applications covered by this permit.

1. No ester formulation applications allowed.
2. Do not discharge material more than 10 feet above the crop or target.
3. A drift reducing agent shall be added to the spray mixture at label rates.
4. Maximum wind velocity for Phenoxy herbicides is 10 m.p.h.
5. Maximum wind velocity for Dicamba is 10 m.p.h. EXCEPT when wind is moving in direction of sensitive crops, then the maximum wind velocity is 5 m.p.h.
6. No Dicamba or Phenoxy herbicide applications are allowed beginning March 16 and continuing through October 15, or longer until grape leaves in the vicinity of the treated area are "browned off".

P General Conditions

CONDITION - P - General

Applicators should consider viable alternative methods prior to any pesticide use. The following conditions apply to applications under this permit. Applicators must additionally follow all applicable laws, regulations, label restrictions and other more restrictive conditions of this permit.

1. Maximum wind velocities for applications of Restricted Materials unless otherwise covered by the label, law, regulation, other permit conditions or environmental conditions at the application site are:
   a. Spray - 10 m.p.h.
   b. Dust - 8 m.p.h.
   c. Pellets, granular or baits - 16 m.p.h.
2. Unless specifically named as a dust on this permit, NO DUST FORMULATIONS are allowed.
3. Apply pesticides covered by SLN(s) and Section 18(s) in conformance with the SLN(s) and Section 18(s). The SLN and/or Section 18 must be present at the use site along with the registered label.

4. A flagger is required at the application site for all AIR applications of Zinc Phosphide bait.

5. The applicator shall submit Notice of Intents (NOIs) for any California Restricted Material to be used. NOIs will only be accepted electronically (CalAgPermits), in-person, or over the phone. NO NOI will be accepted by email or fax. NOIs, in any submitted form, for weekend applications will NOT be accepted after 12:00pm Friday. Any California Restricted Material application proposed before 12:00pm Monday must have the corresponding NOI submitted no later than 4:00pm the prior Friday. EPA Registration Numbers for the proposed material to be used should be submitted on the NOI form.

6. For commodity fumigations, the term "Direct Supervision" is defined at minimum as a qualified applicator holding a Department of Pesticide Regulation issued Qualified Applicator's Certificate (QAC) or Qualified Applicator's License (QAL) card, as the situation demands, in the subcategory "A" who is physically on-site during the application and initial aeration of the chamber.

SITE CONDITIONS

| Appendix H | Aluminum Phosphide and Magnesium Phosphide for Burrowing Rodents |

See attached: Appendix H

QL DICAMBA AND PHENOXY HERBICIDES

CONDITION - QL - DICAMBA AND PHENOXY HERBICIDES - North of Eight Mile Road

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6. No Dicamba or Phenoxy herbicide applications are allowed beginning March 16 and continuing through October 15, or longer until grape leaves in the vicinity of the treated area are "browned off".
Appendix C

General Drift Minimization

Introduction
The following drift minimization measures are recommended permit conditions for those pesticides that are restricted materials, in addition to the drift minimization measures described on the pesticide label. Applicators are encouraged to utilize these measures for other pesticides whenever possible to minimize environmental contamination from drift.

I. AIRCRAFT

A. Aircraft application equipment used to apply a pesticide spray solution shall be configured as follows:
   1. Functional boom length, measured from outboard nozzle to outboard nozzle, shall not exceed 75% of the overall wing span or rotor length.
   2. Boom pressure shall not exceed 40 pounds per square inch for the nozzles being used.
   3. The flow of liquid from each nozzle shall be controlled by a positive shut-off system.
   4. Nozzle orifices shall be directed backward, neutral to the airstream.
   5. Aircraft shall be equipped with:
      (a) Jet nozzles having an orifice of not less than one-sixteenth of an inch in diameter. Nozzles shall not be equipped with any device or mechanism which would cause a sheet, cone, fan, or similar type dispersion of the discharged material, except helicopters operating at 60 miles per hour or less may add a number 46 (or equivalent) or larger whirlplate;
      (b) Helicopters operating at 60 miles per hour or less may, instead of (a), be equipped with fan nozzles with a fan angle number not larger than 80 degrees and a flow rate not less than one gallon per minute at 40 pounds per square inch pressure (or equivalent); or
      (c) After evaluation, the director may authorize other nozzles for aircraft use.

B. Aerial applications of a pesticide spray solution shall meet the following requirements:
   1. Apply only when there is a positive air flow. Wind speed shall not be more than ten miles per hour at the application site, as measured by an anemometer positioned four feet above the ground.
   2. Discharge shall start after entering the target site; discharge height shall not exceed ten feet above the crop or target; discharge shall be shut off whenever necessary to raise the equipment over obstacles; discharge shall be shut off before exiting the target site.

Continued on next page

(Rev. 2-11)

C-1
II. GROUND

A. Vehicle-mounted or towed ground equipment, other than handhelds, used to make applications shall be equipped with:
   1. Nozzles having an orifice not less than one-sixteenth of an inch in diameter (or equivalent) and operated at a boom pressure not to exceed the manufacturer's recommended pressure for the nozzles being used; or
   2. Low-pressure fan nozzles with a fan angle number not larger than 80 degrees and nozzle orifice not less than 0.2 gallon per minute flow rate (or equivalent) and operated at a boom pressure not to exceed 15 pounds per square inch.

B. Applications of a pesticide spray solution made by vehicle-mounted or towed ground equipment shall meet the following requirements:
   1. Apply only when wind speed is ten miles per hour or less at the application site, as measured by an anemometer positioned four feet above the ground.
   2. Discharge shall start after entering the target site; discharge shall be shut off before exiting the target site.
Appendix H

Aluminum and Magnesium Phosphide for Burrowing Rodent Control Recommended Permit Conditions

Background

In April 2010, the U.S. Environmental Protection Agency (U.S. EPA) requested that aluminum and magnesium phosphide products for burrowing rodent control be labeled with additional restrictions to protect human health. This included prohibiting use around residential areas and increasing the distance from 15 feet to 100 feet from the application to a building that is, or may be occupied by, human and/or animals, especially residences. Subsequently, in March 2012, U.S. EPA allowed registrants to amend label and labeling (Applicator's Manual), reinstating outdoor use around residential and other properties, but prohibited use within 100 feet of any building where humans and/or domestic animals do or may reside.

Recommended permit conditions

Because there still may be aluminum and magnesium phosphide products with older labeling lacking the U.S EPA restrictions in the channels of trade, the following permit restrictions are recommended to ensure that the more restrictive use requirements are applied to all aluminum or magnesium phosphide products for burrowing rodent control.

1. Aluminum and magnesium phosphide must only be used out-of-doors for control of burrowing pests on agricultural areas, orchards, non-crop areas, pastures, rangeland, golf courses, athletic fields, airports, cemeteries, rights-of-ways, earthen dams, parks and recreational areas, other non-residential institutional or industrial sites and on residential or other commercial properties.

2. Use of aluminum and magnesium phosphide is prohibited within 100 feet of any building where human and/or domestic animals do or may reside on single and/or multi-family residential properties and nursing homes, schools (except athletic fields [application is allowed less than 100 feet to an occupied structure]), daycare facilities, hospitals and other commercial buildings that are regularly occupied.

Continued on next page.
3. Prior to use of aluminum and magnesium phosphide products in athletic fields or parks, the applicator shall post a sign at entrances to the site containing the signal word DANGER/PELIGRO, skull and crossbones, the words: DO NOT ENTER/NO ENTRE, FIELD NOT FOR USE, the name and EPA registration number of the fumigant.

4. When aluminum and magnesium phosphide products are used out-of-doors on a site other than an athletic field or park, the applicator shall post a sign at the application site containing the signal word DANGER/PELIGRO, skull and crossbones, the words: DO NOT ENTER/NO ENTRE, the name and EPA registration number of the fumigant.

5. The posting signs required in 3 and 4 above must state a 24-hour emergency response number and the contact number of the certified applicator responsible for the application. Signs may be no smaller than 9 inches by 11 inches and must stand at least 18 inches high from the ground. Signs must be made of substantial material that can be expected to withstand adverse weather conditions and all information must be legible. Signs should remain posted for a minimum of 2 days after the final treatment and may be removed by the certified applicator or contracting party.

6. DO NOT TREAT ANY BURROWS THAT OPEN UNDER OR INTO OCCUPIED BUILDINGS. In addition, check for any other source through which the gas may enter into occupied buildings as a result of application to burrows. If there is any way gas can move through pipes, conduits, etc. from burrows, do not treat these burrows.

7. Prior to treating a rodent burrow, the certified applicator must provide the property operator or owner with a copy of the Fumigation Management Plan (FMP). An FMP is a written description of the steps designed to plan for a safe, legal, and effective fumigation. The certified applicator and owner of the property to be fumigated must describe the area to be treated and include all safety requirements.
Included Sites: 3, 6
San Joaquin County

Knoll and Walker

Site: WY-12 WILDCUST TREE

Permit Number: 3805501

Created On: 2/3/2020

Operator: BLAgG FAMILY FARMS

Included Sites: 4, 7
San Joaquin County  
Effective 11/13/2019  

Additional Permit and OP/ID Considerations

1) If your property is in section/township/range within the area for the California Department of Pesticide Regulations (DPR) endangered species PRESCRIBE Bulletin, you must follow the bulletin and have it in your possession for any pesticide/herbicide application. (www.cdpr.ca.gov)

2) If you pay someone to apply pesticides to your property and they do not specifically have a pest control business license through the DPR, they are considered your hired employee. As your employee they must be trained by a qualified person who holds a license through DPR (for example: a QAL, QAC, or PAC card) before they can handle any pesticides. The training must be conducted annually and there must be a written record of the training as well as mandated postings for your employee’s safety per the California Code of Regulations.

3) Always read a pesticide’s label before use. By purchasing a pesticide, you are agreeing to the terms of its label. The label is the law and must be followed.

4) If the pesticide you intend to use has a “toxic to bees” statement on it, a bee check MUST be performed AT LEAST 48 hours prior to the application taking place. The bee check can be done by using the beewhere.calagpermits.org website and using your CalAgPermits login information, or by contacting the CAC via phone or in person.

5) If you have one or more sites with a school/daycare notification requirement, a new notification MUST be submitted annually by April 30, even if everything is the same as the previous year. An amendment must also be submitted EACH TIME a pesticide not listed on the annual notification is to be applied. Please be aware that there is a 48 hour wait between the time you amend your annual notification to when you can actually apply that pesticide within a ¼ mile of a school/daycare. Please note: The notification system no longer has the “select all” feature for a token pesticide to find the Active Ingredient used.

6) Failure to follow Federal, State and County regulations and conditions can result in Administrative Civil Penalty with fines ranging from $50.00 to $5,000.00 per violation.

Acknowledged ___________________________  Date 2/3/2020 ________
RESTRICTED MATERIALS PERMIT: 39-21-3905501

Operator: BLAGG FAMILY FARMS
12630 ATKINSON RD.
LODI, CA 95240

Agent: TYLER BLAGG

Certified Applicator: BLAGG, TYLER S
12630 ATKINSON RD
LODI, CA 95240

Type of Use: Agricultural Use
Pesticide Possession: Possession and Use
Permit Duration: Seasonal
Permit Conditions: Appendix C, Q, QL, R, P

Regulatory Notes:

I understand that this permit does not relieve me from liability for any damages to any persons or property caused by the use of these pesticides. I waive any claims of liability for damages against the County Department of Agriculture based on the issuance of this permit. I further understand that this permit may be revoked when pesticides are used in conflict with the manufacturer's labeling or in violation of applicable laws, regulations, and specific conditions of this permit. I authorize inspection at all reasonable times and whenever an emergency exists by the Department of Pesticide Regulation or the County Department of Agriculture of all areas treated or to be treated, storage facilities for pesticides or emptied containers and equipment used or to be used in the treatment. I have considered alternative and mitigation measures pursuant to Title 3, California Code of Regulations, section 6426. Taking into account economic, environmental, social, and technological factors, I have adopted those that are feasible and would substantially lessen any significant adverse impact on the environment.

[Form: PR-ENF-125 (Rev 1106) Pesticide Enforcement Branch]
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SITES REQUIRING SCHOOLSITE NOTIFICATION

There are currently no sites requiring schoolsite notification. List current as of 11/18/2020 - check with the County Agricultural Commissioner's Office for an updated list.

SITES LIST

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OPERATION-WIDE CONDITIONS

Appendix C  General Drift Minimization
General Drift Minimization
See attached: Appendix C

Q  DICAMBA AND PHENOXY HERBICIDES
CONDITION - Q - DICAMBA AND PHENOXY HERBICIDES - CENTRAL VALLEY

In addition to all applicable laws, regulations and label restrictions, the CONDITIONS BELOW APPLY to applications covered by this permit.

1. No ester formulation applications allowed.
2. Do not discharge material more than 10 feet above the crop or target.
3. A drift reducing agent shall be added to the spray mixture at label rates.
4. Maximum wind velocity for Phenoxy herbicides - 10 m.p.h.
5. Maximum wind velocity for Dicamba is 10 m.p.h. EXCEPT when wind is moving in direction of sensitive crops, then the maximum wind velocity is 5 m.p.h.

QL  DICAMBA AND PHENOXY HERBICIDES
CONDITION - QL - DICAMBA AND PHENOXY HERBICIDES - North of Eight Mile Road

In addition to all applicable laws, regulations and label restrictions, the CONDITIONS BELOW APPLY to applications covered by this permit.

1. No ester formulation applications allowed.
2. Do not discharge material more than 10 feet above the crop or target.
3. A drift reducing agent shall be added to the spray mixture at label rates.
4. Maximum wind velocity for Phenoxy herbicides is 10 m.p.h.
5. Maximum wind velocity for Dicamba is 10 m.p.h. EXCEPT when wind is moving in direction of sensitive crops, then the maximum wind velocity is 5 m.p.h.
6. No Dicamba or Phenoxy herbicide applications are allowed beginning March 16 and continuing through October 15, or longer until grape leaves in the vicinity of the treated area are "browned off".

R  DICAMBA AND PHENOXY HERBICIDES
CONDITION - R - DICAMBA AND PHENOXY HERBICIDES -- SPECIAL HAZARDOUS AREA

In addition to all applicable laws, regulations, label restrictions, and other conditions of this permit, the conditions listed below apply to applications in the Hazardous Area of San Joaquin County beginning March 16 and continuing through October 15:

1. A drift reducing agent shall be added to the spray mixture at the label rates.
2. No Phenoxy application shall be made when the wind velocity is less than 2 m.p.h. or in excess of 7 m.p.h.

3. No Dicamba applications are allowed when wind exceeds 5 m.p.h.

4. No Dicamba applications are allowed when the maximum temperature on the day of application is predicted to exceed 85 degrees Fahrenheit. Predicted temperature for the following day will be determined by the NOAA National Weather Service.

5. Air applications are prohibited, except as follows: KING ISLAND, EMPIRE TRACT, BISHOP TRACT, RIO BLANCO TRACT, BOULING ISLAND, STATEN ISLAND. Monitoring of application by a Commissioner’s representative is required. Application shall not begin until the Commissioner’s representative is on site, or approval has been received from the Commissioner’s representative.

**General Conditions**

1. Maximum wind velocities for applications of Restricted Materials unless otherwise covered by the label, law, regulation, other permit conditions or environmental conditions at the application site are:
   a. Spray - 10 m.p.h.
   b. Dust - 8 m.p.h.
   c. Pellets, granular or baits - 16 m.p.h.

2. Unless specifically named as a dust on this permit, NO DUST FORMULATIONS are allowed.

3. Apply pesticides covered by SLN(s) and Section 18(s) in conformance with the SLN(s) and Section 18(s). The SLN and/or Section 18 must be present at the use site along with the registered label.

4. A flagger is required at the application site for all AIR applications of Zinc Phosphide bait.

5. The applicator shall submit Notice of Intents (NOIs) for any California Restricted Material to be used. NOIs will only be accepted electronically (CalAgPermits), in-person, or over the phone. NO NOI will be accepted by email or fax. NOIs, in any submitted form, for weekend applications will NOT be accepted after 12:00pm Friday. Any California Restricted Material application proposed before 12:00pm Monday must have the corresponding NOI submitted no later than 4:00pm the prior Friday. EPA Registration Numbers for the proposed material to be used should be submitted on the NOI form.

6. For commodity fumigations, the term “Direct Supervision” is defined at minimum as a qualified applicator (holding a Department of Pesticide Regulation issued Qualified Applicator's Certificate (QAC) or Qualified Applicator's License (QAL) card, as the situation demands, in the subcategory “A”) who is physically on-site during the application and initial aeration of the chamber.

**SITE CONDITIONS**

**Q - DICAMBA AND PHENOXY HERBICIDES**

**CONDITION - Q - DICAMBA AND PHENOXY HERBICIDES – CENTRAL VALLEY**

In addition to all applicable laws, regulations and label restrictions, the CONDITIONS BELOW APPLY to applications covered by this permit.

1. No ester formulation applications allowed.

2. Do not discharge material more than 10 feet above the crop or target.

3. A drift reducing agent shall be added to the spray mixture at label rates.

4. Maximum wind velocity for Phenoxy herbicides - 10 m.p.h.
5. Maximum wind velocity for Dicamba is 10 m.p.h. EXCEPT when wind is moving in direction of sensitive crops, then the maximum wind velocity is 5 m.p.h.

QL  DICAMBA AND PHENOXY HERBICIDES
CONDITION - QL - DICAMBA AND PHENOXY HERBICIDES - North of Eight Mile Road

In addition to all applicable laws, regulations and label restrictions, the CONDITIONS BELOW APPLY to applications covered by this permit.

1. No ester formulation applications allowed.

2. Do not discharge material more than 10 feet above the crop or target.

3. A drift reducing agent shall be added to the spray mixture at label rates.

4. Maximum wind velocity for Phenoxy herbicides is 10 m.p.h.

5. Maximum wind velocity for Dicamba is 10 m.p.h. EXCEPT when wind is moving in direction of sensitive crops, then the maximum wind velocity is 5 m.p.h.

6. No Dicamba or Phenoxy herbicide applications are allowed beginning March 16 and continuing through October 15, or longer until grape leaves in the vicinity of the treated area are "browned off".

R  DICAMBA AND PHENOXY HERBICIDES
CONDITION - R - DICAMBA AND PHENOXY HERBICIDES - SPECIAL HAZARDOUS AREA

In addition to all applicable laws, regulations, label restrictions, and other conditions of this permit, the conditions listed below apply to applications in the Hazardous Area of San Joaquin County beginning March 16 and continuing through October 15:

1. A drift reducing agent shall be added to the spray mixture at the label rates.

2. No Phenoxy application shall be made when the wind velocity is less than 2 m.p.h. or in excess of 7 m.p.h.

3. No Dicamba applications are allowed when wind exceeds 5 m.p.h.

4. No Dicamba applications are allowed when the maximum temperature on the day of application is predicted to exceed 85 degrees Fahrenheit. Predicted temperature for the following day will be determined by the NOAA National Weather Service.

5. Air applications are prohibited, except as follows: KING ISLAND, EMPIRE TRACT, BISHOP TRACT, RIO BLANCO TRACT, BOULDER ISLAND, STATEN ISLAND. Monitoring of application by a Commissioner's representative is required. Application shall not begin until the Commissioner's representative is on site, or approval has been received from the Commissioner's representative.
Appendix C

General Drift Minimization

Introduction
The following drift minimization measures are recommended permit conditions for those pesticides that are restricted materials, in addition to the drift minimization measures described on the pesticide label. Applicators are encouraged to utilize these measures for other pesticides whenever possible to minimize environmental contamination from drift.

I. AIRCRAFT

A. Aircraft application equipment used to apply a pesticide spray solution shall be configured as follows:
   1. Functional boom length, measured from outboard nozzle to outboard nozzle, shall not exceed 75% of the overall wing span or rotor length.
   2. Boom pressure shall not exceed 40 pounds per square inch for the nozzles being used.
   3. The flow of liquid from each nozzle shall be controlled by a positive shutoff system.
   4. Nozzle orifices shall be directed backward, neutral to the airstream.
   5. Aircraft shall be equipped with:
      (a) Jet nozzles having an orifice of not less than one-sixteenth of an inch in diameter.
      Nozzles shall not be equipped with any device or mechanism which would cause a sheet, cone, fan, or similar type dispersion of the discharged material, except helicopters operating at 60 miles per hour or less may add a number 46 (or equivalent) or larger whirlplate;
      (b) Helicopters operating at 60 miles per hour or less may, instead of (a), be equipped with fan nozzles with a fan angle number not larger than 80 degrees and a flow rate not less than one gallon per minute at 40 pounds per square inch pressure (or equivalent); or
      (c) After evaluation, the director may authorize other nozzles for aircraft use.

B. Aerial applications of a pesticide spray solution shall meet the following requirements:
   1. Apply only when there is a positive air flow. Wind speed shall not be more than ten miles per hour at the application site, as measured by an anemometer positioned four feet above the ground.
   2. Discharge shall start after entering the target site; discharge height shall not exceed ten feet above the crop or target; discharge shall be shut off whenever necessary to raise the equipment over obstacles; discharge shall be shut off before exiting the target site.

Continued on next page
General Drift Minimization, Continued

II. GROUND

A. Vehicle-mounted or towed ground equipment, other than handguns, used to make applications shall be equipped with:
   1. Nozzles having an orifice not less than one-sixteenth of an inch in diameter (or equivalent) and operated at a boom pressure not to exceed the manufacturer's recommended pressure for the nozzles being used; or
   2. Low-pressure fan nozzles with a fan angle number not larger than 80 degrees and nozzle orifice not less than 0.2 gallon per minute flow rate (or equivalent) and operated at a boom pressure not to exceed 15 pounds per square inch.

B. Applications of a pesticide spray solution made by vehicle-mounted or towed ground equipment shall meet the following requirements:
   1. Apply only when wind speed is ten miles per hour or less at the application site, as measured by an anemometer positioned four feet above the ground.
   2. Discharge shall start after entering the target site; discharge shall be shut off before exiting the target site.
### Restricted Materials Permit - Supplement Application

**Permit #: 3905501**

**Operation:** BLAGG FAMILY FARMS

**Date:** 3/25/2021

**Notes:** Permit #: 3905501

| SITE ID | LOCATION | VWN | RNG | SEC | COMMODITY | ACRES/UNITS | PESTICIDES | APPLICATIONS | PCOs | Grower
|--------|----------|-----|-----|-----|-----------|-------------|-------------|--------------|------|--------
<p>| 1. 8   | 03N 07E 03 | ○ | ○ | ○ | GRAPE, WINE | 2.5 | ON PERMIT | WEEDS | PCB/G |</p>
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| Included Sites: | 1, 2, 5 |

**San Joaquin County**

**RUOTOLO E/HIBBARD**

**SOUTH PADDY CREEK**

- **3905501**
  - 5 ACRE FORAGE HAY/SLGE

- **3905501**
  - 4.75 ACRE FORAGE HAY/SLGE

**Included Sites:** 1, 2, 5
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| Permit Number: | 3905501 |
| Created On:    | 11/18/2020 |
| Operator:      | BLAGG FAMILY FARMS |

San Joaquin County

THOMAS

JACK TONE & PADDY CREEK

| Permit Number: | 3905501 |
| Created On:    | 11/18/2020 |
| Operator:      | BLAGG FAMILY FARMS |

Included Sites: 6

- 3905501
- 5 ACRES
- FORAGE HAY/Silage
- M03N08E19
- M03N08E30
- SOUTH PADDY CREEK

Grassland

Cable

3905501

5 ACRES
FORAGE HAY/Silage

M03N08E19

M03N08E30

N

W

E

S
Included Sites: 4, 7, 8
**SAN JOAQUIN COUNTY**  
**AGRICULTURAL COMMISSIONER’S OFFICE**  
2101 E EARHART AVE STE 100  
STOCKTON CA 95206  
(209)953-6000

File No: 21-2714  
Requester Name: Joel Montano  
Business Name: Dillon & Murphy  
Business Address: P.O. Box 2180  
Lodi, CA 95241

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**Disclaimer:**  
Pesticide use report (PUR) public record request results may be derived from two sources: paper and electronic PUR submitted.  
The San Joaquin County Agricultural Commissioner’s Office is not responsible for explaining any discrepancies and makes no guarantees implied or otherwise that the data provided will meet the applicant’s requirements or needs.

**PLEASE PAY FROM INVOICE**  
Payment Due Within 30 DAYS  
Make Check Payable To: San Joaquin County  
Remit To: 2101 E Earhart Ave. Suite 100 Stockton CA 95206

**TOTAL DUE**  
$0.00
Sanfilippo, Giuseppe [CDD]

From: Katherine Perez <canutes@verizon.net>
Sent: Thursday, October 27, 2022 6:57 PM
To: Sanfilippo, Giuseppe [CDD]
Subject: Re: Major Subdivision PA-2100280

Giuseppe,

That will work.

Nototomne Cultural Preservation
Northern Valley Yokut/Ohlone/Patwin
Katherine Perez

Sent from my iPhone

On Oct 26, 2022, at 8:28 AM, Sanfilippo, Giuseppe [CDD] <gsanfilippo@sjgov.org> wrote:

Good Morning Katherine,

This project is scheduled for Planning Commission next month.

The UAIC responded earlier this year regarding the project. I’ve attached e-mail correspondence from UAIC closing consultation, inadvertent discoveries mitigation measures which have been incorporated into the project’s Mitigation Monitoring and Reporting Program, and the suggested inadvertent discoveries Conditions of Approval, which have been incorporated into the project’s recommended Conditions of Approval. Please let me know if this will suffice.

Thanks,

Giuseppe Sanfilippo
Associate Planner
Community Development Department
Main Office: (209) 468-3121
Direct: (209) 468-0227
Fax: (209) 468-3163
Please also visit us On-line: https://www.sjgov.org/commdev

THIS E-MAIL IS INTENDED ONLY FOR THE ADDRESSEE(S) AND MAY CONTAIN CONFIDENTIAL INFORMATION. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE OF THIS INFORMATION OR DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS E-MAIL IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY.
Hello Giuseppe,

The area is a concern. The proposed project is farming land and presents the potential for inadvertent discoveries and should be monitored by a Native American monitor and an archaeological firm.

Nototomne Cultural Preservation
Northern Valley Yokut / Ohlone / Patwin
Katherine Perez
P.O Box 717
Linden, CA 95236
Cell: 209.649.8972
Email: canutes@verizon.net

-----Original Message-----
From: Kendall Matthews <kmatthews@auburnrancheria.com>
Sent: Tuesday, October 4, 2022 4:24 PM
To: Sanfilippo, Giuseppe [CDD] <gsanfilippo@sjgov.org>
Cc: Anna Starkey <astarkey@auburnrancheria.com>
Subject: Major Subdivision PA-2100280

Dear Mr. Sanfilippo,
On behalf of the United Auburn Indian Community, Tribal Historic Preservation Department, thank you for the notification of the project referred above. After a review of the project location we’ve determined to defer tribal consultation to the Northern Valley Yokut Tribe, or other local tribes who may have information that we do not.

We thank you for your time, and the opportunity to consult.

Thank you,
Kendall Matthews
January 26, 2022

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

Re: Application # PA-2100280

Mr. Sanfilippo,

The San Joaquin County Department of Parks and Recreation will require the payment of fee in-lieu of land dedication as a condition of the above-mentioned Application Referral. Based on the information provided in the Application Referral and County Development Title Section 9-1230, et al, the fee is $5,659.95

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

Sincerely,

Judy Vasbinder
Parks Administrator, Parks and Recreation

c: A. Smolke, Parks and Recreation
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Attachment C
Environmental Review
MITIGATED NEGATIVE DECLARATION

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

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

PROJECT TITLE: Major Subdivision No. PA-2100280

PROJECT LOCATION: The project site is located on the south side of E. State Route 12, 1,555 feet west of N. Locust Tree Rd., Victor, San Joaquin County. (APN/Address: 051-120-56 / 9296 E. State Route 12, Lodi) (Supervisory District: 4)

PROJECT DESCRIPTION: A Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. The resulting parcels will utilize on-site private wells and septic systems for residential development. Storm water drainage will be natural. A cul-de-sac is proposed to access 3 of the parcels. A 25-foot-wide access easement is proposed for the benefit of the remaining 4 parcels. This parcel is not under a Williamson Act Contract.

The Project is zoned R-R (Rural Residential) and the General Plan designation is R/R (Rural Residential).

PROPOLENT: Christopher W. & Diane B. Kroll Trust / Dillon & Murphy

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/commd ev under Active Planning Applications.

Date: October 4, 2022

Contact Person: Giuseppe Sanfilippo Phone: (209) 468-0227 Fax: (209) 468-3163 Email: gsanfilippo@sjgov.org
LEAD AGENCY: San Joaquin County Community Development Department

PROJECT APPLICANT: Knoll/Dillon & Murphy

PROJECT TITLE/FILE NUMBER(S): PA-2100280 (SU)

PROJECT DESCRIPTION: A Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. The resulting parcels will utilize on-site private wells and septic systems for residential development. Storm water drainage will be natural. A cul-de-sac is proposed to access 3 of the parcels. A 25-foot-wide access easement is proposed for the benefit of the remaining 4 parcels. This parcel is not under a Williamson Act Contract.

The project site is located on the south side of East State Route 12, 1,555 feet west of North Locust Tree Road, Victor

ASSESOR PARCEL NO.: 051-120-56

ACRES: 14.57-ac

GENERAL PLAN: R/R (Rural Residential)

ZONING: R-R (Rural Residential)

POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S):
Seven Rural Residential parcels with a primary and Accessory Dwelling Unit on each parcel.

SURROUNDING LAND USES:
NORTH: Industrial/Agricultural with scattered residences
SOUTH: Agricultural with scattered residences
EAST: Agricultural with scattered residences
WEST: Residential/Commercial/Agricultural with scattered residences

REFERENCES AND SOURCES FOR DETERMINING ENVIRONMENTAL IMPACTS:

Original source materials and maps on file in the Community Development Department including: all County and City general plans and community plans; assessor parcel books; various local and FEMA flood zone maps; service district maps; maps of geologic instability; maps and reports on endangered species such as the Natural Diversity Data Base; noise contour maps; specific roadway plans; maps and/or records of archeological/historic resources; soil reports and maps; etc.

Many of these original source materials have been collected from other public agencies or from previously prepared EIR's and other technical studies. Additional standard sources which should be specifically cited below include on-site visits by staff (note staff knowledge or experience; and independent environmental studies submitted to the County as part of the project application.

Copies of these reports can be found by contacting the Community Development Department.

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

No

October 2022
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: Lodi
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.

- □ Aesthetics
- □ Biological Resources
- □ Geology / Soils
- □ Hydrology / Water Quality
- □ Noise
- □ Recreation
- □ Utilities / Service Systems
- □ Agriculture and Forestry Resources
- □ Cultural Resources
- □ Greenhouse Gas Emissions
- □ Land Use / Planning
- □ Population / Housing
- □ Transportation
- □ Air Quality
- □ Energy
- □ Hazards & Hazardous Materials
- □ Mineral Resources
- □ Public Services
- □ Tribal Cultural Resources
- □ Wildfire
- □ 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.

Giuseppe Santillo
Associate Planner

Oct 4, 2022

October 2022 3 PA-2100280 (SU)
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.
I. AESTHETICS.

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

a) Have a substantial adverse effect on a scenic vista?
   - No

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
   - No

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 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?
   - No

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
   - No

Impact Discussion:

a-d) This project is a Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. The resulting parcels will utilize on site private wells and septic systems for residential development. Storm water drainage will be natural. A cul-de-sac is proposed to access 3 of the parcels. A 25-foot-wide access easement is proposed for the benefit of the remaining 4 parcels. The project site is not located along a scenic vista route, and the surrounding area is a mixture of agricultural and residential uses. The proposed Zone Reclassification will have no impact on aesthetics.
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?

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

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))?

d) Result in the loss of forest land or conversion of forest land to non-forest use?

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?

Impact Discussion:

a-e) This project is a Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. The resulting parcels will utilize on site private wells and septic systems for residential development. Storm water drainage will be natural. The project site contains one (1) single family residence located within 400 feet of an existing residential development to the east, within the Rural Unincorporated Community of Victor. Therefore, the proposed project will have a less than significant impact to surrounding agricultural operations and will not create premature development pressure on surrounding agricultural lands to convert land from agricultural uses to non-agricultural uses. The proposed project is not a conversion of Prime Farmland, does not conflict with adjacent agricultural zonings or adjacent parcels under a Williamson Act contract, does not result in the loss of forest land or conversion of forest land, and does not 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.

This project site had recently had the zone designation changed as a part of Zone Reclassification No. PA-1800064 from an agricultural to a nonagricultural use. Therefore, agricultural mitigation will be required. Pursuant to Development Title Section 9-1080.3(c), agricultural mitigation shall be satisfied by granting a farmland conservation easement or...
other farmland conservation mechanism set forth in San Joaquin County Development Title Section 9-1080.3(d) to or for the benefit of a Qualifying Entity. The number of acres of agricultural mitigation land shall be at least equal to the number of acres that will be changed to a nonagricultural use (1:1 ratio). A referral has been sent to the San Joaquin Farm Bureau for review.
### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- **a)** Conflict with or obstruct implementation of the applicable air quality plan?
- **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?
- **c)** Expose sensitive receptors to substantial pollutant concentrations?
- **d)** Result in substantial emissions (such as those leading to odors) adversely affecting a substantial number of people?

Impact Discussion:

This project is a Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. If approved, each resultant parcel is permitted to construct a primary and Accessory Dwelling Unit, the construction of which would be subject to applicable rules and regulations from the Air Pollution Control District. The San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. At the time of future development, the applicant will be required to meet the requirements for emissions and dust control as established by SJVAPCD. As a result, any impacts to air quality will be reduced to less-than-significant.
IV. BIOLOGICAL RESOURCES:

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

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?

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?

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?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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?

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<thead>
<tr>
<th>Impact Discussion:</th>
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<tbody>
<tr>
<td>a) This project is a Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. The Natural Diversity Database lists the vernal pool tadpole shrimp (Lepidurus packardi), and the Sanford’s arrowhead (Sagittaria sanfordii) as rare, endangered, or threatened species as potentially occurring in or near the site. Any future discretionary project(s) would be submitted to the San Joaquin Council of Governments (SJCOG) for review and be required to participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), to address any potential impacts to rare, endangered or threatened species, or habitat located on or near the site. Pursuant to the Final EIR/EIS for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), dated November 15, 2000, and certified by the San Joaquin Council of Governments on December 7, 2000.</td>
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### V. CULTURAL RESOURCES

Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a)</td>
<td>Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>b)</td>
<td>Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?</td>
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<td>☐</td>
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<td>c)</td>
<td>Disturb any human remains, including those interred outside of dedicated cemeteries?</td>
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**Impact Discussion:**

a–c) The proposed project is a Zone Reclassification to change the zoning of a parcel from AG-40 (General Agriculture, 40-acre minimum) to R-R (Rural Residential). No impact on cultural resources is anticipated. Should human remains be discovered during any ground disturbing activities, all work shall stop immediately in the vicinity (e.g. 100 feet) of the finds until they can be verified. The County coroner shall be immediately contacted in accordance with Health and Safety Code section 7050.5(b). Protocol and requirements outlined in Health and Safety Code sections 7050.5(b) and 7050.5(c) as well as Public Resources Code section 5097.98 shall be followed.
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?

Impact Discussion:

a,b) The California Energy Code (also titled The Energy Efficiency Standards for Residential and Non-residential Buildings) was created by the California Building Standards Commission in response to a legislative mandate to reduce California's energy consumption. The code's purpose is to advance the state's energy policy, develop renewable energy sources and prepare for energy emergencies. These standards are updated periodically by the California Energy Commission. The code includes energy conservation standards applicable to most buildings throughout California. These requirements will be applicable to ensure that any impacts to the environment due to wasteful, inefficient, or unnecessary consumption of energy will be reduced to less than significant and help to prevent any conflict with state or local plans for energy efficiency and renewable energy.
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:
   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.
   ii) Strong seismic ground shaking?
   iii) Seismic-related ground failure, including liquefaction?
   iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

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?

d) Be located on expansive soil and create direct or indirect risks to life or property?

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?

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Impact Discussion:

(a-f) This project is a Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. If approved by the Planning Commission, the project will be served by an onsite septic tank or alternative waste water disposal system for the disposal of waste water. The Environmental Health Department is requiring a soil suitability/nitrate loading study to determine the appropriate system and design prior to issuance of building permit(s). The sewage disposal system shall comply with the onsite wastewater treatment systems standards of San Joaquin County prior to approval. A percolation test that meets absorption rates of the manual of septic tank practice or E.P.A. Design Manual for onsite wastewater treatment and disposal system is required for each parcel. With these standards in place, only soils capable of adequately supporting the use of septic tanks will be approved for the septic system.

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Environmental Review

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?

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Impact Discussion:

This project is a Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. Emissions of GHG’s 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.

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).

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. 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.


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**IX. HAZARDS AND HAZARDOUS MATERIALS.**

Would the project:

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<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>Mitigation with Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Analyzed in The Prior EIR</th>
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<tbody>
<tr>
<td>a)</td>
<td>Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
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<tr>
<td>b)</td>
<td>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?</td>
<td>☐</td>
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<td>c)</td>
<td>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
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<td>d)</td>
<td>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?</td>
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<tr>
<td>e)</td>
<td>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?</td>
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<td>f)</td>
<td>Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
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<td>g)</td>
<td>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?</td>
<td>☐</td>
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**Impact Discussion:**

a-g) This project is a Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. The project site is not 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 not create a significant hazard to the public or the environment. The Major Subdivision application would not result in, create or induce hazards and associated risks to the public. Construction activities related to development projects would be subject to federal, state, and local laws and requirements designed to minimize and avoid potential health and safety risks associated with hazardous materials. No significant impacts are anticipated related to the transport, use, or storage of hazardous materials during construction activities are anticipated.
X. HYDROLOGY AND WATER QUALITY.

Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

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:

i) result in substantial erosion or siltation on- or off-site;

ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

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

iv) impede or redirect flood flows?

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Impact Discussion:

This project is a Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. The project site is located in the Flood Zone X flood designations. A referral was sent to the Department of Public Works Flood Control Division for comments. All new construction, at the time of development, and the substantial improvement of any structure in the area of special flood hazard shall be elevated or flood-proofed in accordance to San Joaquin County Development Title Section 9-1605.12(a),(b), and (c).

The project area is located approximately 1.5 miles south of the Mokelumne River. The proposed project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality, conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.
XI. LAND USE AND PLANNING.

Would the project:

a) Physically divide an established community?

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?

Impact Discussion:

a, b) This project is a Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum, which results in a change from an agricultural to a nonagricultural use, therefore agricultural mitigation will be required. Pursuant to Development Title Section 9-1080.3(c), agricultural mitigation shall be satisfied by granting a farmland conservation easement or other farmland conservation mechanism set forth in San Joaquin County Development Title Section 9-1080.3(d) to or for the benefit of a Qualifying Entity. The number of acres of agricultural mitigation land shall be at least equal to the number of acres that will be changed to a nonagricultural use (1:1 ratio).

The zoning and the General Plan for the project site will remain the same if the project is approved. Additionally, the proposed project will have a less than significant impact to surrounding parcels and will not create premature development pressure on surrounding agricultural lands to convert land from agricultural uses to nonagricultural uses. Therefore, this project is not a growth-inducing action. The proposed project will not set a significant land use precedent and is consistent with all applicable plans adopted by the County.
XII. MINERAL RESOURCES.
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?

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?

Impact Discussion:

a, b) The proposed project will not result in the loss of availability of a known mineral resource of a resource recovery site because the site does not contain minerals of significance or known mineral resources. San Joaquin County applies a mineral resource zone (MRZ) designation to land that meets the significant mineral deposits definition by the State Division of Mines and Geology. The project site is not in an area designated as MRZ, and there is currently no mining activity in the area. The surrounding area is developed with agricultural, residential, and industrial uses. Therefore, the proposed project application will have less than a significant impact on the availability of mineral resources or mineral resource recovery sites within San Joaquin County.
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?

b) Generation of excessive groundborne vibration or groundborne noise levels?

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?

Impact Discussion:

- a-c) This project is a Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. At the time of development, future projects may have equipment utilized in the grading of the site that will temporarily increase the area’s ambient noise levels. Underlying projects when approved will be required to comply with Development Title Section 9-1025.9 (c) (3) 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 a.m. or after 9:00 p.m. on any day. As such, noise generation from will be reduced to less than significant with this added condition.
XIV. POPULATION AND HOUSING

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)?

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Impact Discussion:

a-b) The proposed project is a Major Subdivision application and will not result in displacement of the population and affect the amount of proposed or existing housing in the vicinity. The project site contains a single-family residence, and no impacts to population and housing are anticipated if this application is approved.
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:

<table>
<thead>
<tr>
<th>Service</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Analyzed In The Prior EIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire protection?</td>
<td>□</td>
<td>□</td>
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<td>Police protection?</td>
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<td>Schools?</td>
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<td>Other public facilities?</td>
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Impact Discussion:

a) This project is a Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. The existing fire protection is provided by the Mokelumne Fire District, existing law enforcement protection is provided by the San Joaquin County Sheriff's Department, and the existing school services are provided by the Lodi Unified School District. There are no parks in the vicinity, and the project will be required to pay an in-lieu fee to the San Joaquin County Department of Parks and Recreation for County Park facilities. Therefore, impacts to public services are expected to be less than significant if this application is approved.
XVI. RECREATION.

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?

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?

Impact Discussion:

a-b) While the proposed project may increase the use of existing neighborhood and regional parks, the project will be required as a Condition of Approval to pay a fee to the San Joaquin County Department of Parks and Recreation for County Park facilities in-lieu of constructing or expanding of existing recreational facilities. As a result, impacts to recreation opportunities are anticipated to be less than significant.
XVII. TRANSPORTATION.
Would the project:

a) Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities?

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

d) Result in inadequate emergency access?

Impact Discussion:

This project is a Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. The project was referred to the Department of Public Works on December 29, 2021 for review. In the review of the project, San Joaquin County determined the project will generate less than 110 automobile trips per day and, therefore, is considered a small project according to the Technical Advisory on Evaluating Transportation Impacts in CEQA, as published by the California Office of Planning and Research (OPR) in December 2018. According to this OPR guidance, a small project that generates or attracts “fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact” with regards to VMT. Therefore, this project is anticipated to have a less than significant impact on traffic.

The project is not expected to conflict with any program plans, ordinances, or policies addressing the vehicle circulation system. The road serving the subdivision is required to meet San Joaquin County roadway standards and will require an encroachment Permit from Caltrans to connect to State Route 12. As a result, proposed project will have adequate emergency access.
XVIII. TRIBAL CULTURAL RESOURCES.

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

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Impact Discussion:

This project is a Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. A referral was sent to the United Auburn Indian Community (UAIC), North Valley Yokuts Tribe, and the Buena Vista Rancheria for review. The UAIC submitted a response dated February 8, 2022.

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

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

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

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

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?

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?

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Impact Discussion:

a-c) This project is a Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. San Joaquin County General Plan 2035 Tables IS-1 (pg. 3.2-37), IS-2 (pg. 3.2-39), and IS-3 (pg. 3.2-41) state that Rural Residential parcels that meet a 2-acre lot minimum may have on site services for water, wastewater, and storm drainage. The project proposes on-site wells and on-site wastewater systems for each proposed parcel, which must be developed under a permit from the Environmental Health Department (EHD). EHD has reviewed a soil suitability and nitrate loading study for the project site, which will help EHD determine the feasibility of on-site water and on-site wastewater system. Additionally, the project site proposes natural storm drainage, which will be reviewed by the Department of Public Works at the time of a building or grading permit. Therefore, the impact on public services will be less than significant.
**WILDFIRE.**

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?

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?

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

<table>
<thead>
<tr>
<th>Impact Discussion:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a-d) This project is a Major Subdivision application to divide a 14.57-acre parcel zoned Rural Residential (R-R) into 7 parcels with a 2-acre lot minimum. Pursuant to the San Joaquin Fire Severity Zone map, the project site is located in local responsibility fire zone designation. The project utilizes proposed roadway access in conformance with San Joaquin County and fire road standards. Therefore, the proposed project will have a less than significant impact wildfire hazards.</td>
</tr>
</tbody>
</table>
XXI. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Impact Discussion:

a-c) The proposed application does not have this potential to degrade the environment or eliminate a plant or animal community. The project would not result in significant cumulative impacts or cause substantial adverse effects on human beings, either directly or indirectly.
Attachment D
Mitigation Monitoring Reporting Program (MMRP)
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure/Condition</th>
<th>Type of Review</th>
<th>Agency for Monitoring and Reporting Compliance</th>
<th>Action Indicating Compliance or Review</th>
<th>Verification of Compliance or Annual Review of Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>II. Agriculture and Forestry Resources</td>
<td>Agricultural Mitigation</td>
<td>X</td>
<td>Community Development Department</td>
<td>The developer shall furnish legal instrument demonstrating compliance with the Agricultural Mitigation ordinance prior to issuance of a Building or Grading Permit.</td>
<td></td>
</tr>
<tr>
<td>IV. Biological Resources</td>
<td>Bird Survey</td>
<td>X</td>
<td>Caltrans</td>
<td>The applicant shall provide a Bird Survey prepared by a qualified biologist prior to the removal of a Heritage or Native Oak Tree.</td>
<td></td>
</tr>
<tr>
<td>IV. Biological Resources</td>
<td>Participation in the SJMSCP</td>
<td>X</td>
<td>San Joaquin Council of Governments</td>
<td>The developer shall apply to the San Joaquin Council of Governments (SJCOG) for coverage under the San Joaquin County Multi-Species Open Space and Habitat Conservation Plan (SJMSCP). The project site shall be inspected by the SJMSCP biologist, who will recommend which Incidental Take Minimization Measures set forth in the SJMSCP should be applied to the project and implemented. The project applicant shall pay the required SJMSCP fee, if any, and be responsible for the implementation of the specified incidental Take Minimization Measures.</td>
<td></td>
</tr>
<tr>
<td>XVII. Tribal Cultural Resources</td>
<td>Ground Disturbance</td>
<td>X</td>
<td>Community Development Department</td>
<td>If any suspected Tribal Cultural Resources (TCR) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find. A Tribal Representative from culturally affiliated tribes shall be immediately notified and shall determine if the find is a TCR pursuant to Public Resources Code Section 21074.</td>
<td></td>
</tr>
<tr>
<td>XVII. Tribal Cultural Resources</td>
<td>Preservation in Place</td>
<td>X</td>
<td>Community Development Department</td>
<td>Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of a QA, including AB 52, has been satisfied.</td>
<td></td>
</tr>
<tr>
<td>XVII. Tribal Cultural Resources</td>
<td>Tribal Treatment</td>
<td>X</td>
<td>Community Development Department</td>
<td>The contractor shall implement any measures deemed by the lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including but not limited to, facilitating the appropriate tribal treatment of the find, as necessary.</td>
<td></td>
</tr>
<tr>
<td>XVII. Tribal Cultural Resources</td>
<td>Remains Discovery</td>
<td>X</td>
<td>Community Development Department</td>
<td>Should human remains be discovered during any ground disturbing activities, all work shall stop immediately in the vicinity (e.g., 100 feet) of the finds until they can be verified. The County coroner shall be immediately contacted in accordance with Health and Safety Code section 7255.05. Protocol and requirements outlined in Health and Safety Code sections 7255.05 and 7255.06 as well as Public Resources Code section 5097.95 shall be followed.</td>
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Attachment E
Findings for Major Subdivision
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Findings for Major Subdivision

PA-2100280

KNOLL TR/DILLON AND MURPHY

1. The proposed subdivision is consistent with the General Plan, any applicable Master Plan, Specific Plan, and Special Purpose Plan and any other applicable plan adopted by the County.
   - This Finding can be made because the parcels have a General Plan designation of R/R (Rural Residential). The proposed zone for the properties is R-R (Rural Residential) As such, the proposed project is consistent with the General Plan and Development Title. There are no Specific Plans or Special Purpose Plans.

2. The design or improvement of the proposed subdivision is consistent with the General Plan and any applicable Specific Plan or Special Purpose Plan.
   - This Finding can be made because the design and improvement of the proposed subdivision are consistent with standards contained in the General Plan as reflected in the tentative map. Each proposed parcel is 2 acres or larger in size, and the General Plan allows for on-site water, on-wastewater systems, and on-site drainage for parcels 2-acres or larger in size. The water will be provided by on-site wells. Wastewater disposal will be provided by on-site septic systems. Storm drainage will be natural. There are no Specific Plans or Special Purpose Plans in the project vicinity.

3. The site is physically suitable for the type of development proposed.
   - This Finding can be made because the tentative maps are consistent with the General Plan density requirement of 0.2 to 1 dwelling units per gross acre. The project’s proposed 2-acre minimum lot size complies with the minimum lot area for the R-R Zone. The project complies with development requirements contained in the Development Title and County standards are otherwise satisfied.

4. The site is physically suitable for the proposed density of development.
   - This Finding can be made because the number of parcels proposed is consistent with the R/R General Plan density requirement of 0.2 to 1 dwelling units per gross acre. The entire project area is 14.57-acres, and the total number of lots proposed is 7, which results in a dwelling density of approximately 0.48 dwelling units per gross acre.

5. Neither the design of the subdivision nor any proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
   - This Finding can be made because the Initial Study prepared for this project did not identify any known rare or endangered species or habitats or other substantial environmental adverse effects to fish, wildlife, or habitat.

6. The design of the subdivision or type of improvements is not likely to cause significant public health problems.
   - This Finding can be made because each resultant parcel proposed by the subdivision is large enough to be served by private services and will be serviced by private wells, private wastewater systems, and on-site storm drainage.

7. The design of the subdivision or the types of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
   - This Finding can be made because there are no conflicts with the design of the proposed parcels or the existing and proposed easements.
8. Any land or improvements to be dedicated to the County or other public agency is consistent with the General Plan, any applicable Specific Plan and Special Purpose Plan, and any other applicable plan adopted by the County.

- This Finding can be made because the land to be dedicated to San Joaquin County for public roadways is consistent with County Standards. There are no applicable Specific Plans, Special Purpose Plans, or any other plans.

9. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, as required by Government Code Section 66473.1.

- This Finding can be made because the design of the subdivision provides lots large enough so that individual dwelling can be situated to take advantage of solar orientation as required by Government Code 66473.1.
Attachment F
Conditions of Approval
CONDITIONS OF APPROVAL

PA-2100280
KNOLL TR/DILLON AND MURPHY

Major Subdivision No. PA-2100280 was approved by the Planning Commission on . The effective date of approval is . This approval will expire on , which is 36 months from the effective date of approval, unless (1) all Conditions of Approval have been complied with, (2) all necessary building permits have been issued and remain in force, and (3) all necessary permits from other agencies have been issued and remain in force.

Unless otherwise specified, all Conditions of Approval and ordinance requirements shall be fulfilled prior to the establishment of the use and the issuance of any building permits. Those Conditions followed by a Section Number have been identified as ordinance requirements pertinent to this application. Ordinance requirements cannot be modified, and other ordinance requirements may apply.

1. COMMUNITY DEVELOPMENT DEPARTMENT (Contact: [209] 468-3121)

   a. TENTATIVE MAP: The Final Map shall substantially conform to the approved tentative map dated July 28, 2022.

   b. RIGHT TO FARM: Pursuant to San Joaquin County Code Section 6-9004(b), the following note shall be placed on the Final Map:

      1. All persons purchasing lots 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 a nuisance.

   c. LOT SIZE AND WIDTH: The following lot size and width regulations shall apply to this map:

      1. All parcels shall have a minimum lot width 150 feet, measured a distance of 30 feet back from the front lot line.

      2. All parcels shall have a minimum lot area of 2-acres.

   d. ROAD NAMES: All subdivision road names shall be submitted to the Community Development Department for approval by the Director. Contact Rafeelah Carella at 468-3138 for road name standards. (Development Title Section 9-1150.18)

   e. LANDSCAPING: Landscaping shall be provided and comply with the following:

      1. Street trees are required as specified in Section 9-1020.4 of the Development Title.

      2. A minimum of 3 trees shall be planted for each lot frontage. (9-1020.4(a))

   f. MITIGATION MONITORING AND REPORTING PLAN: The project shall comply with the Mitigation Monitoring and Reporting Plan dated October 3, 2022.

   g. TREE PRESERVATION: Future development on the parcel(s) shall be consistent with the requirements of the County’s Tree Preservation Ordinance (Development Title Section 9-1505.2). The following note shall be recorded as a separate instrument:

      1. The removal of a Native Oak Tree, Heritage Oak Tree, or Historical Tree shall require an approved Improvement Plan application. Replacement of any tree removed under Development Title Section 9-1505.3 shall be as specified in Section 9-1505.4.

   h. AGRICULTURAL MITIGATION: Agricultural Mitigation shall be required in conformance with Chapter 9-1080 of the Development Title.
I. **TRIBAL CULTURAL RESOURCES:** The project will be subject to the following Tribal Cultural Resources (TCR) requirements.

1. If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074).

2. The Tribal Representative will make recommendations for further evaluation and treatment as necessary. Tribal Representatives act as a representative of their Tribal government and are qualified professionals that have the authority and expertise to identify sites or objects of cultural value to Native American Tribes and recommend appropriate treatment of such sites or objects. If human remains, or suspected human remains, are discovered the appropriate state and federal laws shall be followed.

3. Preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. When avoidance is infeasible, the preferred treatment by UAIC is to record the resource, minimize handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location nearby where they will not be subject to future impacts.

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

   a. A Caltrans encroachment permit shall be required for all work within Caltrans right-of-way. A copy of the permit shall be provided to Public Works for the file.

   b. All improvements in Caltrans right-of-way shall be in conformance with the current Caltrans standards.

   c. All improvements shall be in conformance with the current Improvement Standards and Specifications of the County of San Joaquin. All improvement plans and specifications shall include grading plan for each individual lot, if applicable. The improvement plans and specifications are subject to plan check, field inspection fees and must be approved by the County of San Joaquin Department of Public Works prior to approval of the Final Map. (Development Title Section 9-240, Section 9-910, Section 9-1100 and R-92-814)

   d. If improvements referred to herein are not completed prior to approval of the Final Map, the subdivider shall execute an agreement with the County of San Joaquin ensuring the completion of improvements within 1 year after approval of the Final Map. (Development Title Section 9-1100.3[jj])

   e. If improvements are partially or fully completed prior to approval of the Final Map, the subdivider shall execute an agreement with the County of San Joaquin to warranty the public improvements offered for acceptance by the County for 1 year after acceptance by the Board of Supervisors.

   f. A Preliminary Soils Report is required in accordance with the County Standards for the purpose of determining the R-Value for the design of the roads. (Development Title Section 9-910.2)
g. A grading plan shall be submitted as a part of the improvement plans and approved prior to approval of the Final Map. The grading plan shall contain the information listed in the California Building Code (CBC) Appendix J Section J104.2, complete drainage details and elevations of adjacent parcels. Retaining wall details shall be submitted where applicable. (Grading that disturbs more than one acre will require a National Pollutant Discharge Elimination System permit.)

h. All traffic signs and markings shall conform to the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD), and/or San Joaquin County Standards and shall be shown on the improvement plans. (Development Title Section 9-1150.2)

i. All utilities shall be underground except power transmission facilities of a 35 KV or greater. Public utility easements shall be provided along the road frontage of the subdivision and as required by the public utility companies. (Development Title Section 9-1155.2)

j. Casey Place shall be improved in conformance with the standards for a 50-foot-wide rural residential road including 24 feet of pavement, 4-foot shoulders, roadside swales and terminate at a turnaround. The improvements shall be in conformance with the current Improvement Standards of the County of San Joaquin. Improvement plans, specifications and engineer's estimate prepared by a registered civil engineer shall be submitted for review and are subject to plan check, field inspection fees and must be approved by the County of San Joaquin Department of Public Works prior to issuance of any building permits. (Development Title Section 9-240, Section 9-910, Section 9-1100 and R-92-814)

k. Street lighting shall be provided at the intersection of the Casey Place and State Route 12 in accordance with San Joaquin County’s current Improvement Standards and complete any necessary requirements to connect power to the streetlights (including application to Pacific Gas and Electric Company and installation of any necessary power facilities) (Development Title Section 9-1150.11)

l. Prior to approval of the Final Map the property shall provide for the operation and maintenance of the street light facilities by transferring into a zone within an existing County Service Area; forming a new Community Facilities District or annexing into an existing Community Facilities District. (Development Title Section 9-1100.5)

m. Prior to approval of the Final Map the existing residence must disconnect from the existing water system and water service shall be provided by a new on-site well. Written confirmation is required from the Environmental Health Department that the required permits were obtained.

n. Drainage from the improved portion of each parcel shall be retained on-site by a retention basin at the time of development of each parcel. (Development Title Section 9-1135.2)

o. Access rights shall be dedicated and restricted for lots 1 and 7 along the frontage of State Route 12 on the Final Map. (Development Title Section 9-1150.5)

p. A minimum 25-foot-wide private access and utility easement shall be provided for the benefit of Lots 2-7. The requirement for this easement shall be noticed by a statement on the Final Map and by a recorded notice of subdivision restriction. The statement shall read as follows:

We also hereby make an irrevocable offer to provide a 25-foot-wide private access and utility easement across Parcels 2 through 7 for the benefit of Parcels 2 through 6, upon conveyance of parcels 2 through 7 to another party. Said easement is not created by this map

q. Prior to the issuance of non-agricultural building permits on Parcels 2 through 6, a private access roadway from the private road shall be constructed in conformance with fire road standards and applicable San Joaquin County Improvement Standards. The required improvements shall be noticed on a Declaration of Minor Subdivision Restriction - Non-Rescindable and recorded concurrently with the Final Map (contact Department of Public Works, Development Services Division for processing) (Development Title 9-1150.15[c][d]) (A fee for processing the Declaration will be required.)
r. Prior to approval of the Final map, the developer shall prepare and record a mechanism that notices future owners and provides for maintenance of the private roadway. The notice shall clearly note the requirement for maintenance of the private road applies to all future owners within the subdivision, while maintenance of the private access roadway serving lots 2 through 6 shall be the responsibility of the respective owners of lots 2 through 6. The notice shall include specific language to maintain roadside ditches along the frontage of all lots and that runoff from the parcels into roadside ditches is prohibited.

4. **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. The report shall be submitted to the Environmental Health Department at time of submittal of a tentative map (San Joaquin County Development Title, Section 9-905.12)

   **Note:** The San Joaquin County Environmental Health Department has received and reviewed a surface and subsurface contamination report (SR0084561) dated November 2021 and has found that the report meets the requirements of San Joaquin County Code Title 9, section 9-905.12 (a).

   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. The studies must be approved by the Environmental Health Department prior to recordation of final map. (San Joaquin County Development Title, Section 9-1105.2[d]). The fee will be based on the current schedule at the time of payment.

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

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

   c. Construction of an individual sewage disposal system(s) under permit and inspection by the Environmental Health Department is required at the time of development based on the Soil Suitability/ Nitrate Loading Study findings (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4).

   d. Construction of an individual domestic water well under permit and inspection by the Environmental Health Department is required at the time of development (San Joaquin County Development Title, Section 9-1115.3).

   e. Any abandoned well(s) are to be destroyed they are to be destroyed under permit and inspection by the Environmental Health Department as required by San Joaquin County Development Title, Section 9-1115.5(e).

   f. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-1115.3 and 9-1115.6).

5. **SAN JOAQUIN COUNCIL OF GOVERNMENTS** (Contact: [209] 235-0600).

   This project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and must provide a Certificate of Payment prior to issuance of any grading or building permits.
6. CALIFORNIA DEPARTMENT OF TRANSPORTATION (Contact: [209] 483-2582)

   a. The proposed driveway may require the removal of an existing Valley Oak tree. As this tree is a protected species, the applicant must obtain San Joaquin County’s approval to remove it and provide Caltrans with proof of that approval during the Encroachment Permit phase. A bird survey of the area will also be required.

   b. The proposed site development is adjacent to the state route. The developer needs to ensure that the existing state drainage facilities will not be significantly impacted by the project. If historical undeveloped topography shows drainage from this site flowed into the State Right-of-Way (SROW), it may continue to do so with the conditions that peak flows may not be increased from the pre-construction quantity and the site runoff be treated to meet present storm water quality standards. If historical undeveloped topography shows drainage from this site did not flow into the SROW, then it will not be allowed to flow into the SROW.

   c. An Encroachment Permit will be required for any work done within the Department’s right of way. This work is subject to the California Environmental Quality Act. Therefore, environmental studies may be required as part of the encroachment permits application. A qualified professional must conduct any such studies undertaken to satisfy the Department’s environmental review responsibilities. Ground disturbing activities to the site prior to completion and/or approval of required environmental documents may affect the Department’s ability to issue a permit for the project. Furthermore, if engineering plans or drawings will be part of your permit application, they should be prepared in standard units.

8. SAN JOAQUIN COUNTY DEPARTMENT OF PARKS AND RECREATION (Contact: [209] 953-8500)

   a. The collection of in-lieu fees of land dedication is a requirement for approval of any new residential lots create in the subdivision. (Development Title Section 9-1230)
Planning Commission Staff Report
Item # 5, December 15, 2022
Time Extension No. PA-0900179
Prepared by: Alisa Goulart

PROJECT SUMMARY

Applicant Information
Property Owner: Our Lady of Fatima Society of Thornton, California, Inc.
Project Applicant: Our Lady of Fatima Society of Thornton, California, Inc.

Project Site Information
Project Address: 26590 North Sacramento Boulevard, Thornton
Project Location: On the east side of North Sacramento Boulevard, 645 feet north of West Oak Street, Thornton

Parcel Number (APN): 001-220-22 & -32
General Plan Designation: R/L, R/M
Zoning Designation: R-L, R-M
Project Size: 10.33 acres
Parcel Size: 10.33 acres
Community: Thornton

Water Supply: Public (CSA12)
Sewage Disposal: Private
Storm Drainage: Public (CSA12)
100-Year Flood: Yes
Williamson Act: No
Supervisory District: 4

Environmental Review Information
CEQA Determination: Notice of Exemption (Attachment C; Environmental Document)

Project Description

This project is a Time Extension for a previously approved Use Permit application to establish a community assembly facility to include the conversion of an existing 12,000-square-foot building into a community assembly hall. The project site also contains a special outdoor event arena that is permitted to have a maximum of 8 Special Outdoor Events annually. These special events are permitted to utilize the existing 12,000-square-foot building as an accessory use to the arena. Establishing the community assembly use would permit utilizing the existing 12,000-square-foot building for events that are separate from the 8 permitted special outdoor events held in the arena. There are no changes to the arena and its related permits with this application. (Use Type: Community Assembly)

On October 18, 2022, the Board of Supervisors granted an automatic 2-year Time Extension for all planning applications that are in approved status, with the exception of minor subdivisions, major subdivisions, and quarry operations. This project applied for a Time Extension prior to its expiration date, which kept it in active status; therefore, it has been granted a 2-year Time Extension.

Recommendation

1. Adopt the Findings for Use Permit (Attachment D, Findings); and

2. Approve the Time Extension for Use Permit No. PA-0900179 with the attached updated Conditions of Approval (Attachment E, Updated Conditions of Approval)
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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: December 5, 2022.
Number of Public Hearing notices: 144
Date of Public Hearing notice mailing: December 2, 2022.

Referrals and Responses

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- Project Referral with Environmental Determination Date: September 19, 2022
- Negative Declaration Posting Date: n/a
- OPR State Clearinghouse #: 2020060570

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ANALYSIS

Background

On July 30, 2009, the applicant submitted this application to permit the use of the existing 12,000-square-foot building as a separate primary use for community assembly events independent from the annual 8 events permitted at the outdoor arena. The project was delayed while a traffic study was performed and the Site Plan was revised. The traffic study was completed in 2014 and a revised Site Plan was submitted in 2017. Because the existing 12,000-square-foot building is adjacent to several residences, an acoustical analysis to address noise issues related to the proposed community assembly use was also required. The acoustical analysis was completed in 2019. The Initial Study was posted in June 2020.

On March 4, 2021, the Planning Commission approved Use Permit No. PA-0900179 to add the Community Assembly use type to a site presently developed with a 12,000 square foot building and an arena. The original approval includes conversion of the existing 12,000 square foot building to allow for public and community events.

As of this date, the approved use has not been established. To establish the use, the building must be upgraded with noise mitigation improvements, after which a change of occupancy from the Building Department is required.

The expiration date for the project was September 13, 2022, and this Time Extension was submitted on August 25, 2022. However, on October 13, 2022, the Board of Supervisors granted an automatic 2-year time extension for all planning applications that are in approved status, excluding minor subdivisions, major subdivisions, and quarry operations. This project, a time extension for PA-0900179 (UP), applied for a time extension prior to its expiration date, therefore it has been granted a 2-year time extension with the new expiration date to be September 13, 2024.

CEQA Exemption

This application was submitted for a Time Extension. No other changes are proposed to the project with this application, and no additional Conditions of Approval are recommended for adoption. CEQA Guidelines Section 15061(b)(3), which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Community Development Department determined that the proposed Time Extension will not cause a significant effect on the environment.
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RECOMMENDATION

It is recommended that the Planning Commission:

1. Adopt the Findings for Use Permit (Attachment D, Findings); and

2. Approve the Time Extension for Use Permit No. PA-0900179 with the attached updated Conditions of Approval (Attachment E, Conditions of Approval).

Attachments:

Attachment A – Site Plan
Attachment B – Response Letters
Attachment C – Environmental Document
Attachment D – Findings for Use Permit
Attachment E – Updated Conditions of Approval
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Attachment A
Site Plan
Site Plan

Our Lady of Fatima
31681 SUGAR MOUNTAIN BLVD.
TRUCKEE, CA 96161

NOTES:
- Standard Parking Ratio - 1 space = 1 EA
- Property lines to be verified
- Additional information on file

APN #001-22-32

REVISED SITE PLAN

DATE: 6-18-12

Our Lady of Fatima
30500 SACRAMENTO BLVD.
THORNTON, CA

NOTES:
- Standard Parking Ratio - 1 space = 1 EA
- Property lines to be verified
- Additional information on file

APN #001-22-32

REVISED SITE PLAN

DATE: 6-18-12
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Attachment B
Response Letters
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September 21, 2022

MEMORANDUM

TO: Community Development Department
CONTACT PERSON: Alisa Goulart

FROM: Christopher Heylin, Development Services Engineer
Development Services Division

SUBJECT: PA-0900179; A One (1) Year Time Extension application for a previously approved Use Permit for public and community assembly events within a 12,000 square-foot multi-purpose assembly hall; located on the north side of Oak Street, approximately 275 feet east of Sacramento Boulevard, Thornton. (Supervisorial District 4)

PROPERTY OWNER: Our Lady of Fatima of Thornton, California, Inc.
APPLICANT: Same

ADDRESS: 26590 N. Sacramento Boulevard, Thornton
APN: 001-220-32 & -22

INFORMATION:

The site is currently located within a Federal Emergency Management Agency Designated Flood Hazard Area designated as Zone AE. The 100-year Flood Elevation will be approximately 12 feet NAVD 1988.

Sacramento Boulevard has an existing and planned right-of-way width of 75 feet.

Walnut Grove Road (Oak Street) has an existing and planned right-of-width of 50 feet.

RECOMMENDATIONS:

1) None. All previous conditions apply.

CH:DS

1810 East Hazleton Avenue | Stockton, California 95205 | T 209 468 3000 | F 209 468 2999
Follow us on Facebook @ PublicWorksSJC Visit our website: www.sjgov.org/pubworks
September 21, 2022

To: San Joaquin County Community Development Department  
Attention: Alisa Goulart

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

RE: PA-0900179 (UP, TE) Referral, SU0013456  
26590 North Sacramento Boulevard, Thornton

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

A. Applicant shall obtain a permit to operate under the Environmental Health Department’s Food Program for the Special Events. A permit shall be obtained for each separate special event. The fee for a special or temporary event is $156.00.

B. Repair the existing septic system under a sanitation permit and inspection by the Environmental Health Department (San Joaquin County Development Title, Section 9-1110.3 and 9-1110.4).

   Note: The existing septic system (79-641) was paved over and under existing parking lot

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

   Note: The Out of service will permit 90-298 was expired on November 9, 1995.

D. Submit to the Environmental Health Department revised site plans showing the location and configuration of any existing and proposed sewage disposal systems, along with the area required to be reserved for future sewage disposal repair/replacement (area for 100% sewage disposal replacement). The plans shall include the design calculations, including the maximum number of persons the sewage disposal system is proposed to serve. In addition, show on revised plans that the disposal field area will be barricaded so it cannot be driven over, parked on, or used as a storage area. This disposal field area must be used for that specific purpose only, and it cannot contain any underground utility lines (San Joaquin County Development Title, Section 9-1110.4(c)(5)).
SJCOG, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 238-0438

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

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

To: Alisa Goulart, San Joaquin County, Community Development Department
From: Laurel Boyd, SJCOG, Inc. Phone: (209) 235-0574 Email: boyd@sjcog.org
Date: September 19, 2022

Local Jurisdiction Project Title: PA-0900179 (UP, TE)
Assessor Parcel Number(s): 001-2220-32, -22
Local Jurisdiction Project Number: PA-0900179 (UP, TE)
Total Acres to be converted from Open Space Use: Unknown
Habitat Types to be Disturbed: Urban Habitat Land
Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Ms. Goulart:

SJCOG, Inc. has reviewed the application referral for PA-0900179 (UP, TE). This project consists of a 1-year Time Extension application for a previously approved Use Permit for public and community assembly events within a 12,000 square foot, multi-purpose assembly hall. Access to the site is from N. Sacramento Boulevard. The project site is located on the north side of W. Oak Street, 275 feet east of N. Sacramento Boulevard, Thornton (APN/Address: 001-220-32, -22/26590 N. Sacramento Boulevard, Thornton).

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

This project is not subject to participate at this time due to structure and ground disturbance already existing. Any future structures that require ground disturbance on this or subsequent divided parcels will be subject to participate in the SJMSCP and should be resubmitted to this agency.

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

If you have any questions, please call (209) 235-0600.
September 23, 2022

Alisa Goulart
County of San Joaquin
1810 E Hazelton Ave
Stockton, CA 95205

Ref: Gas and Electric Transmission and Distribution

Dear Alisa Goulart,

Thank you for submitting the PA-0900179 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 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch
wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches \[24/2 + 24 + 36/2 = 54\] away, or be entirely dug by hand.)

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

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

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

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

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

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

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

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

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.
11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

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

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.
Attachment 2 – Electric Facilities

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

1. Buildings and Other Structures: No buildings or other structures including the footprint 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/sb5p2.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/G095/go95_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.
October 11, 2022

Alisa Goulart
County of San Joaquin
1810 E Hazelton Ave
Stockton, CA 95205

Re: PA-0900179
26590 N Sacramento Blvd

Dear Alisa Goulart,

Thank you for providing PG&E the opportunity to review the proposed plans for PA-0900179 dated 9/19/2022. 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/ccp/.

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
Attachment C
Environmental Document
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NOTICE OF EXEMPTION

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

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

County Clerk, County of San Joaquin

Project Title: Time Extension for previously approved Use Permit No. PA-0900179

Project Location - Specific: The project site is located on the east side of North Sacramento Boulevard, 645 feet north of West Oak Street, Thornton. (APN/Address: 001-220-22 & -32/26560 N. Sacramento Blvd., Thornton) (Supervisory District: 4)

Project Location - City: Thornton

Project Location - County: San Joaquin County

Project Description: Time Extension for a previously approved Use Permit application to establish a community assembly facility to include the conversion of an existing 12,000 square foot building into an assembly hall. The project site also contains a special outdoor event arena that is permitted to have a maximum of 8 Special Outdoor Events annually. These special events include use of the existing community assembly building. Establishing the community assembly use would permit utilizing the existing 12,000 square foot community assembly building for events that are separate from the 8 Special outdoor events. (Use Type: Community Assembly)

On October 18, 2022, the Board of Supervisors granted an automatic 2-year Time Extension for all planning applications that are in approved status, with the exception of minor subdivisions, major subdivisions, and quarry operations. This project applied for a Time Extension prior to its expiration date, which kept it in active status; therefore, it has been granted a 2-year Time Extension.

The Property is zoned R-L (Low Density Residential) and R-M (Medium Density Residential). The General Plan designation is R/L (Low Density Residential) and R/M (Medium Density Residential).

Project Proponent(s): Our Lady of Fatima Society of Thornton, California, Inc.

Name of Public Agency Approving Project: San Joaquin County Planning Commission
Name of Person or Agency Carrying Out Project: Alisa Goulart, Associate Planner

San Joaquin County Community Development Department

Exemption Status: General Exemptions. (Section 15061[b][3])

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

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

Lead Agency Contact Person:
Alisa Goulart Phone: (209) 468-0222 Fax: (209) 468-3163 Email: alisa.goulart@sjgov.org

Signature: ___________________________ Date: ___________________________
Name: Domenique Martorella Title: Deputy County Clerk

Signed by Lead Agency

Date Received for filing at OPR: ___________________________

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.
Attachment D
Findings for Use Permit
FINDINGS FOR USE PERMIT

PA-0900179 (TE, UP)

1. The proposed use is consistent with the goals, policies, standards, and maps of the General Plan, any applicable Master Plan, Specific Plan, and Special Purpose Plan, and any other applicable plan adopted by the County.

   - This finding can be made because the use type Community Assembly may be conditionally permitted in the R-L (Low Density Residential) and R-M (Medium Density Residential) zones with an approved Use Permit application. The project site has General Plan designations R/L (Low Density Residential) and R/M (Medium Density Residential), and the R-L and R-M zones are implementing zones for these designations. There are no Master Plans, Specific Plans, or Special Purpose Plans in the vicinity.

2. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways.

   - This finding can be made because adequate utilities, access roads, sanitation, drainage, and other necessary facilities have been provided and the proposed improvements are properly related to existing and proposed streets and highways. The project site is already served by an on-site septic system. Water and storm water drainage is provided by County Service Area 12 (CSA12), a public utility.

3. The site is physically suitable for the type of development and for the intensity of development.

   - This finding can be made because the parcels are of adequate size and shape to accommodate the proposed, and existing, use, and all yards, building coverage, setbacks, parking areas and other requirements of the Development Title. Adequate parking is depicted on the Site Plan.

4. Issuance of the permit will not be significantly detrimental to the public health, safety, or welfare, or be injurious to the property or improvements of adjacent properties.

   - This finding can be made because the Initial Study originally prepared for this project found no potentially significant environmental impacts.

5. The use is compatible with adjoining land uses.

   - This finding can be made because the proposed use will not interfere with nor alter the current land uses on adjacent properties.
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Attachment E
Updated Conditions of Approval
A Time Extension for previously-approved Use Permit Application No. PA-0900179 was approved by the Planning Commission on December 15, 2022. The effective date of approval is December 25, 2022. This approval will expire on September 13, 2024, which is 42 months from the effective date of approval, unless (1) all Conditions of Approval have been complied with, (2) all necessary building permits have been issued and remain in force, and (3) all necessary permits from other agencies have been issued and remain in force.

Unless otherwise specified, all Conditions of Approval and ordinance requirements shall be fulfilled prior to the establishment of the use and the issuance of any building permits. Those Conditions followed by a Section Number have been identified as ordinance requirements pertinent to this application. Ordinance requirements cannot be modified, and other ordinance requirements may apply.

1. COMMUNITY DEVELOPMENT DEPARTMENT (Contact: [209] 468-3121)
   a. BUILDING PERMIT: Submit an "APPLICATION-COMMERCIAL BUILDING PERMIT". The Site Plan required as a part of the building permit must be prepared by a registered civil engineer or licensed architect. This Plan must show drainage, driveway access details including gates, on-site parking, landscaping, signs, existing and proposed utility services, and grading (refer to the "SITE PLAN CHECK LIST" for details). A fee is required for the Site Plan review. (Development Title Section 9-884)
   b. APPROVED USE: This approval is for the Community Assembly use type to allow public and community assembly events within an existing 12,000 square-foot, multi-purpose assembly hall, as depicted on the site plan dated February 3, 2017. (Use Type: Community Assembly)
   c. CAPITAL FACILITY FEE: This project may be subject to the Capital Facility Fee. If the Capital Facility Fee is applicable, the County shall collect the fees before the issuance of any building permits. (Development Title Section 9-1245.2)
   d. PARKING: Off-street parking shall be provided and comply with the following:
      1. All permanent parking spaces, driveways and maneuvering areas shall be surfaced and permanently maintained with asphalt concrete or Portland cement to provide a durable, dust free surface. Bumper guards shall be provided when necessary to protect adjacent structures or properties. Overflow parking areas may be surfaced with aggregate base. (Development Title Section 9-1015.5[e] and 9-1015.9)
      2. A minimum of 230 parking spaces shall be provided. (0.67 spaces per 1,000 square-feet and 0.33 spaces per seating capacity: maximum 672 people)
      3. Each parking space shall be an unobstructed rectangle, minimum 9 feet wide and 20 feet long. (Development Title Section 9-1015.5[b])
   e. ACCESS AND CIRCULATION: The following requirements apply and shall be shown on the Site Plan:
      1. Access driveways shall have a width of no less than 25 feet for two-way aisles and 16 feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than 20 feet wide. (Development Title Section 9-1015.5[h][1])
f. **LIGHTING:** Lighting shall be provided and comply with the following:

1. If the parking area is to be used at night, parking lot lighting shall be installed. (Development Title Section 9-1015.5(g))

2. Any lighting shall be designed to confine direct rays to the premises. No spillover beyond the property lines shall be permitted except onto public thoroughfares, provided, however, that such light shall not cause a hazard to motorists. (Development Title Section 9-1015.5(g)(4))

g. **SCREENING:** Screening shall be provided and comply with the following:

1. All project storage materials and related activities, including storage areas for trash, shall be enclosed by a screen 6 to 7 feet in height. Outside storage is not permitted in front yards, street side yards, or in front of main buildings. (Development Title Section 9-1022.4(d)(2))

h. **REQUIRED BUILDING IMPROVEMENTS:** The following structural changes are required to be performed with approved building permits prior to finalization of any occupancy permits:

1. **Wall Assemblies:**
   A. Retain existing exterior siding. The siding shall be reinstalled with factory tech screws and fitted with rubber gaskets;
   B. 1 inch gap supported by metal girt and attached to 2 foot by 6 foot wood stud wall;
   C. R19 insulation in the stud cavities;
   D. 2 layers of 5/8th inch gypsum board mounted on resilient channels on the interior. The north, south, and west facades should include mounting the 2 layers of gypsum board using PAC International RSIC clips;
   E. No windows shall be installed on the north, south, and west facades;
   F. All exterior doors on the north, south, and west facades shall include: Overly Door Company Model No. 4812035 (Rated STC 48), or similar, which has a 30 dB insertion loss at the 125 Hz 1/3 octave band center frequency.

2. **Ceiling Assemblies:**
   A. 4-inch insulated roof panel (such as Kingspan);
   B. New metal roof
   C. An additional layer of ½ inch plywood adhered to the bottom or top of the insulated roof panel;
   D. Roof panels shall have a minimum of a 26-gauge thickness.

i. **INTERIOR AND EXTERIOR NOISE LEVEL REQUIREMENTS:**

1. Interior music noise levels shall be limited to a maximum of 86 dBA at a distance of 40-feet from the music stage to comply with the daytime noise level standards. Interior music noise levels shall be limited to a maximum of 81 dBA at a distance of 40-feet from the music stage to comply with the nighttime noise level standards. This will require staff, or a qualified individual with a Type 1 or 2 sound level meter.

2. Exterior noise levels shall not exceed the County daytime standards. If music occurs after 10:00 p.m., the exterior noise levels will be required to comply with the county nighttime standards.

3. Initial monitoring shall be conducted by a qualified acoustical consultant.

4. The applicant shall contact a consultant to install a system that will notify staff, and alert the music operator of potential exceedances of the interior noise level limits. It also must time-stamp each exceedance during each event.

j. **BUILDING CODE:** The following California Building Code (CBC) and San Joaquin County Ordinance requirements will be applicable to the proposed project. The following conditions shall be addressed prior to submittal of a building permit application to the Building Inspection Division:
1. A building permit for each separate structure or building is required. Submit plans, Specifications and supporting calculations, prepared by a Registered Design Professional (architect or engineer) for each structure or building, showing compliance with The 2019 California Building, Existing Building, Mechanical, Plumbing, Electrical, Energy and Fire codes as may be applicable. Plans for the different buildings or structures may be combined into a single set of construction documents.

2. The required plans must be complete at the time of submittal for a building permit. Plans must address building design and construction, fire and life safety requirements, accessibility and show compliance with the current California codes and San Joaquin County ordinances. A complete set of plans must include fire sprinkler plans, truss design submittals, metal building shop drawings, structural plans and calculations, plumbing, electrical and mechanical drawings and energy report.

3. As noted in the project description, the conversion of the existing 12,000 sf building into an assembly hall and utilization of an existing special event arena may constitute a change of occupancy. A change of occupancy will require a code analysis report and necessary plans prepared by an architect or engineer in accordance with the California Existing Building Code. The report and plans shall identify existing conditions propose alterations necessary to bring the building in compliance with the current code and include the following:

   A. Description of proposed use
   B. Existing and proposed occupancy Groups
   C. Type of construction
   D. Sprinklers (Yes or No)
   E. Number of stories
   F. Building height
   G. Allowable floor area
   H. Proposed floor area
   I. Occupant load based on the CBC for the new use
   J. Occupant load based on the CPC for the new use
   K. Risk Category analysis. (Agricultural Buildings are allowed to be constructed to Risk Category I, whereas other occupancies require Risk Category II or III.) Modifications to existing buildings are required to include upgrades related to disability access pursuant to the California Existing Building Code. Plans showing these upgrades must be prepared by a registered engineer or licensed architect and shall be submitted for review and approval prior to issuance of a building permit.

4. Accessible routes shall be provided per CBC § 11B-206. At least 1 accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve. Where more than 1 route is provided, all routes must be accessible. §11B-206.2.4

5. At least 1 accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site. §11B-206.2.2

6. At least 1 accessible route shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility, including mezzanines, which are otherwise connected by a circulation path. §11B-206.2.4

7. Parking spaces will be required to accommodate persons with disabilities in compliance with Chapter 11B of the California Building Code. Note that accessible parking spaces are required for each phase of the project. These parking space(s) shall be located as close as possible to the primary entrance to the building.

8. Adequate sanitary facilities shall be provided for the facility, per the requirements of Chapter 4 of the California Plumbing Code.
9. Pursuant to Section 422.4 of the California Plumbing Code, toilet facilities shall be accessible to employees at all times, should not be more than 500 feet from where employees are regularly employed and accessible by not more than one flight of stairs. The plans shall indicate the location of the toilet facilities and the travel distance from work areas.

10. If new landscaping is installed it will be required to comply with the Model Water Efficient Landscape Ordinance requirements of the California Code of Regulations, Title 22, Division 2, Chapter 2.7.

k. **FIRE PREVENTION BUREAU:** The following California Fire Code (CFC) requirements will be applicable to the proposed project. The following conditions shall be addressed prior to submittal of a building permit application to the Building Inspection Division.

   1. CFC 507 Fire Protection Water Supply - Fire flow and hydrants shall be provided for the proposed project by the use of: CFC Appendix B.
   
   2. If Fire Protection Systems are required, they shall be installed according to the CFC, Chapter 9 and the appropriate standards and guides adopted in Chapter 35 of the California Building Code and the California Electrical Code.
   
   3. CFC, Section 503 Fire Apparatus Access Roads - Shall be provided as required by this section. 503.1.2-A secondary access may be required.
   
   4. CFC, Section 906 Portable Fire Extinguishers – Provide portable fire extinguishers as required by this section.
   
   5. CFC, Section 506 Key Box - A Knox® Box shall be installed according to the local fire department’s instructions. Make application for the key box at the fire district having jurisdiction of this project. If there is an electronically controlled access gate at this site a Knox® key switch will also be required.
   
   6. CFC, Section 5001.3.3.1 Properties of Hazardous Materials – A complete list of hazardous materials used, stored, or planned for use/storage at this site shall be provided.
   
   7. CFC, Section 105 Permits: Operational Permit(s) may be required prior to occupancy.

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

   a. An encroachment permit shall be required for all work within road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Section 9-1145.4 and 9-1145.5)
   
   b. The driveway approaches on Sacramento Boulevard and Walnut Grove Road (Oak Street) shall be improved in conformance with the requirements of San Joaquin County Standards R-17 prior to issuance of the occupancy permit. (Development Title Section 9-1145.5)
   
   c. All vehicular parking related to applicant’s events shall be onsite at all times. Parking in the County right-of-way for all related events shall be prohibited. It is the responsibility of applicant to monitor Sacramento Boulevard and Walnut Grove Road (Oak Street) to ensure compliance with this requirement.
   
   d. The Traffic Impact Mitigation Fee shall be required for this application. The fee, based on the current schedule, is due and payable at the time of building permit application. (Resolutions R-00-433)
   
   e. The Regional Transportation Impact Fee shall be required for this development. The fee, based on the current schedule, is due and payable at the time of building permit application. (Resolution R-06-38)
f. A copy of the Final Site Plan shall be submitted prior to release of building permit.

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

a. Applicant shall obtain a permit to operate under the Environmental Health Department’s Food Program for the Special Events. A permit shall be obtained for each separate special event. The fee for a special or temporary event is $139.00.

b. Repair the existing septic system under a sanitation permit and inspection by the Environmental Health Department (San Joaquin County Development Title, Section 9-1110.3 and 9-1110.4).

c. Submit to the Environmental Health Department revised site plans showing the maximum number of employees and customers the sewage disposal system is being designed for. In addition, show on revised plans that the leach field area will be barricaded so it cannot be driven over, parked on, or used as a storage area. This leach field area must be used for that specific purpose only, and it cannot contain any underground utility lines (San Joaquin County Development Title, Section 9-1110.4[5]).

   1. In addition, the revised site plan shall incorporate the 100% designed sewage disposal replacement area.

d. Should the number of non-resident individuals exceed 24 for at least 60 days per year, or the number of service connections exceed four, a yearly permit to operate a public water system will be required by the Environmental Health Department (San Joaquin County Development Title, Section 9-1120.2 and 9-1115.9).

   1. The supplier must possess adequate financial, managerial, and technical capability to assure delivery of pure, wholesome, and potable drinking water in accordance with San Joaquin County Development Title, Sections 9-1120.2 and 9-1115.9 and C.C.R., Title 22, and Health and Safety Code, Section 116525 through 116570.

   2. Note: Applicant shall contact Robert McClellon, Program Coordinator, Small Public Water System Program, at (209) 468-0332, to determine if the existing well can be permitted as a public water system prior to final approval of the Use Permit.

4. **SAN JOAQUIN COUNTY SHERIFF** (Contact: [209] 468-4150)

a. All events must be restricted to the inside of the building area. The doors must be closed during amplified music/announcements.

b. The outdoor asphalt area cannot be used for overflow event viewing or listening.

c. No loudspeaker of sound equipment shall be used for the amplification of sound to a level audible beyond the walls of the building in which the business is located. (Development Title 9-1085.12)

d. All patron/employee parking must be contained in the established business parking lot.

e. Live events, including but not limited to D.J., band, karaoke, shall ensure a minimum of 3 employees who shall be hired for the sole purpose of providing security, one of which will be responsible at the entrance to check identifications for deterrence of underage drinking. Theses designated employees must wear clothing/uniform that identifies them as security.

5. **DEPARTMENT OF TRANSPORTATION** (Contact: [209] 941-1921)

a. The applicant is to pay fair share fees for future improvement of I-5/Walnut Grove Road interchange.