



**Planning Commission Staff Report  
Item # 1 September 4, 2025  
Variance No. PA-2400223  
Major Subdivision No. PA-2300266  
Prepared by: Jacob Pahule**

**PROJECT SUMMARY**

**Applicant Information**

**Property Owner:** Patrick Estes  
**Project Applicant:** Baumbach & Piazza Inc. (c/o Josh Elson)

**Project Site Information**

**Project Address:** 17400 N. Tretheway Road, Lockeford, CA 95237  
**Project Location:** On the east side of Tretheway Road, 660 feet North of Victor Road, Lockeford.

<b>Parcel Number (APN):</b>	051-180-44	<b>Water Supply:</b>	Private (None)
<b>General Plan Designation:</b>	A/G	<b>Sewage Disposal:</b>	Private (None)
<b>Zoning Designation:</b>	AG-40	<b>Storm Drainage:</b>	Private (None)
<b>Project Size:</b>	14.77 acres	<b>100-Year Flood:</b>	No (X)
<b>Parcel Size:</b>	14.77 acres	<b>Williamson Act:</b>	No
<b>Community:</b>	None	<b>Supervisory District:</b>	4

**Environmental Review Information**

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

**Project Description**

This project is comprised of two applications:

- Variance No. PA-2400223 to reduce the minimum required parcel size from 40 acres to 2 acres in the AG-40 (General Agriculture, 40-acre minimum) zone.
- Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77 acres into 6 parcels and a Designated Remainder, each a minimum of 2 acres. The site currently contains a single-family residence within the proposed Designated Remainder parcel. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for a single-family residence and an accessory dwelling unit on each of the newly created lots. Access to the proposed lots will be provided via a private access easement on the east side of N. Tretheway Road.

**Recommendation**

1. Accept the Mitigated Negative Declaration (Attachment C),
2. Adopt the Mitigation Monitoring and Reporting Program (Attachment D),
3. Adopt the Findings for Variance (Attachment E),
4. Approve Variance No. PA-2400223 subject to the recommended Conditions of Approval (Attachment F),

5. Adopt the Findings for Major Subdivision (Attachment E), and
6. Approve Major Subdivision No. PA-2300266 subject to the recommended Conditions of Approval (Attachment F).



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## NOTIFICATION & RESPONSES

(See Attachment B, Response Letters)

### Public Hearing Notices

Legal ad for the public hearing published in the Stockton Record: August 22, 2025

Number of Public Hearing notices: 256

Date of Public Hearing notice mailing: August 22, 2025.

### Referrals and Responses

- **Early Consultation Date:** December 12, 2023
- **Mitigated Negative Declaration Posting Date:** July 29, 2025
- **Project Referral with Environmental Determination Date:** July 29, 2025
- **OPR State Clearinghouse #:** 2025071277

Agency Referrals	Response Date – Early Consultation	Response Date – Referral	Agency Referrals	Response Date – Early Consultation	Response Date – Referral
<b>County Departments</b>			<b>Local Agencies</b>		
Ag Commissioner			Mosquito Abatement		
Assessor			S.J.C.O.G.	12/13/2023	10/7/2024
Community Development			San Joaquin Air Pollution Control District		
Building Division			Lodi United School District		
Fire Prevention Bureau			Mokelumne Rural Fire District		
Public Works		11/15/2024 & 8/1/2025	<b>Miscellaneous</b>		
Environmental Health		11/5/2024 & 8/15/2025	P.G. & E.	12/13/2023 & 10/7/2024	10/25/2024
Sheriff Office			Haley Flying Service		
General Services			Precissi Flying Service		
County Counsel			Sierra Club	10/30/2024	
<b>State Agencies</b>			United Auburn Indian Community		
C.R.W.Q.C.B.			CA Valley Miwok Tribe		
Fish & Wildlife, Division: 2			North Valley Yokuts Tribe		
CA Tribal TANF Partnership			Buena Vista Rancheria		
Native American Heritage Commission			Farm Bureau	2/4/2024	
Delta Stewardship Council					
<b>Federal Agencies</b>					
F.E.M.A.					
U.S Fish and Wildlife					

# ANALYSIS

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## **Background**

The project site has historically been farmland and contains a single-family residence.

In 1998, the Development Services Division approved Certificate of Compliance No. CC-98-02 to recognize the eastern ½ of the subject property as a separate, legal parcel containing approximately 7.5 acres. As a result, the subject property is comprised of two, legal parcels totaling 14.77 acres.

On November 16, 2023, the applicant submitted Major Subdivision No. PA-2300266 as a pre-application to reduce the minimum required parcel size from 40 acres to 2 acres in the AG-40 (General Agriculture, 40-acre minimum) zone and subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. On February 22, 2024, the project was reviewed by the Development Committee, which includes representatives from the Planning and Building Division, along with staff from the Department of Public Works and the Environmental Health Department. Subsequently, on May 30, 2024, the applicant submitted full applications for Major Subdivision No. PA-2300266 and Variance No. PA-2400223. These applications were reviewed by the Development Committee on January 23, 2025.

## **Variance**

Pursuant to Development Title Section 9-805.010, a Variance provides “a means of altering the requirements of this Title in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties in the vicinity and under identical zoning, due to special circumstances applicable to the property involved.” This provision is consistent with the allowances set forth in the California Planning and Zoning Law<sup>1</sup>, which authorizes cities and counties to grant variances when, due to special circumstances, the strict application of zoning requirements would deprive a property of rights enjoyed by other properties in the same zoning district.

Pursuant to Development Title Section 9-805.030, the Planning Commission is required to make all four findings in the affirmative in order to approve the Variance application. Staff determined that all findings can be made in the affirmative, as discussed below and found in Attachment E.

## **Major Subdivision Findings**

Pursuant to Development Title Section 9-501.070, in order to approve the Major Subdivision application, the Planning Commission is required to make several findings in the affirmative. Prior to the Environmental Review posting, the applicant is required to provide findings for the Major Subdivision. Staff determined that all findings can be made in the affirmative, as found in Attachment E.

## **Opposition**

The Planning Department received four letters of opposition, from the San Joaquin Farm Bureau Federation, the Sierra Club, and two neighboring property owners. (See Attachment B). These letters express concerns regarding land use compatibility, consistency with relevant planning documents, groundwater, stormwater drainage, septic system requirements, and access road requirements.

### *Land Use Compatibility*

The San Joaquin Farm Bureau Federation and the Sierra Club cite concerns about the potential loss of agricultural land as a result of the project. The San Joaquin Farm Bureau Federation focuses on the assertion that the parcel is “a small, substandard parcel in the AG-40 zone to begin with and it should not be divided any further.” However, the characterization of the parcel as small and substandard supports the rationale for the variance. Due to its size, the parcel is not suitable for agricultural operations, and therefore,

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<sup>1</sup> Government Code § 65906

as discussed in Variance Finding No. 1, “the strict application of those requirements would deprive a property of privileges enjoyed by other properties in the vicinity and under identical zoning,” which aligns with the intended purpose of a variance. (See Attachment E.) Additionally, the parcel is designated as Farmland of Local Importance (L) and Rural Residential Land (R) by the Department of Conservation’s Farmland Mapping and Monitoring Program and is not currently used for agricultural production. The site is also surrounded by other parcels that are substandard in size in the AG-40 zone. If the project is approved, the creation of additional substandard parcels in this area would not be incompatible with surround land uses.

### *Consistency with Planning Documents*

The Sierra Club cites potential inconsistencies with California’s Planning and Zoning Law, as well as the County’s General Plan and Development Title. Specifically, the Sierra Club indicates that the project would allow for a use that is not authorized by the Development Title and General Plan, which would be in violation of the variance requirements found in California’s Planning and Zoning Law and the Development Title. The Sierra Club asserts that the variance request is inconsistent with the County’s Development Title, contending that “jurisdictions in California may not use a variance procedure to reduce parcel size regulations, or modify any other requirements, without adopting findings based on substantial evidence.” Further, the Sierra Club argues that “pursuant to state law, variances cannot be approved to allow a use on property which is not normally permitted.” The Community Development Department is recommending approval based on the ability to make the necessary findings in the affirmative. These findings are required by both the Development Title and California’s Planning and Zoning Law<sup>2</sup>. The Department concurs with the Sierra Club that variance procedures cannot be used to reduce parcel size regulations or modify other requirements without findings supported by substantial evidence. However, as detailed in Attachment E – Findings for Variance and Minor Subdivision, such findings have been appropriately made and are supported by substantial evidence justifying approval of the variance in this case. As discussed in Variance Finding No. 4, the project does not propose any new or unpermitted land uses because the requested Variance solely addresses parcel size and width and does not introduce any land use that would be inconsistent with the current zoning regulations governing the property. Any lot in the AG-40 zone is permitted to be developed with one single-family residence, one accessory dwelling unit, and one junior accessory dwelling unit per parcel by-right.

### *Groundwater*

The San Joaquin Farm Bureau Federation raised concerns regarding the project’s location in an area “known to have elevated nitrate levels in groundwater.” The San Joaquin County Environmental Health Department reviewed these concerns and found no evidence supporting the claim of “elevated nitrate levels” within the project vicinity. This conclusion is based on water well sample data and the State’s Groundwater Ambient Monitoring and Assessment database. Additionally, as recommended by the Environmental Health Department in the Conditions of Approval (Attachment F), soil studies are required during the permitting process for any proposed septic systems and wells.

### *Stormwater Drainage*

A neighboring property owner cited concerns with stormwater retention. As noted in Condition of Approval No. 3.h., “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.” As a result, it is required that if the project is approved and the resultant lots are developed, stormwater will be retained on-site.

### *Septic System Requirements*

The neighboring property owner also cited concerns about whether the site would be required to meet septic system requirements, including soil studies. As noted in Conditions of Approval Nos. 4.b. and c., a soil suitability and nitrate loading study must be approved by the Environmental Health Department prior to approval of the parcel map and any sewage disposal systems shall comply with the onsite wastewater

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<sup>2</sup> Government Code §§ 65800-65912; § 65906.

treatment systems standards of San Joaquin County prior to approval, which entails permits and inspections by the Environmental Health Department.

#### *Access Road Requirements*

The neighboring property owner indicated concerns about the requirements for the proposed access road. As indicated in Conditions of Approval Nos. 3.a.-e., the Department of Public Works is requiring a minimum twenty-five-foot-wide proposed private access and utility easement for the benefit of Parcels 1 through 6 to be constructed prior to issuance of any non-agricultural building permits. Additionally, a recorded document will be required for the funding and maintenance of the roadway improvements, and all improvements shall be in conformance with the current Improvement Standards and Specification of the County. An encroachment permit will also be required for all work within the County road right-of-way.

Prior to issuance of a building permit for a non-agricultural structure on Parcels 1-6, an approved Zoning Compliance application for a Private Right of Way is required.

#### **Environmental Document**

An initial study dated July 25, 2025, concluded that any impacts associated with the proposed project may be reduced to less than significant levels with the incorporation of mitigation measures. The applicant has agreed to participate in the San Joaquin Council of Government's San Joaquin Multi-Species and Habitat Conservation Plan (SJMSCP), and participation in the plan was assumed in the initial study. The mitigated negative declaration (MND) was posted for review and public comment on July 29, 2025. A Mitigation Monitoring and Reporting Program (MMRP) has been drafted (Attachment D), and adoption of the MND and MMRP is included in staff's recommendation. The MMRP includes participation in the SJMSCP.

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## RECOMMENDATION

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It is recommended that the Planning Commission:

### **Recommendation**

1. Accept the Mitigated Negative Declaration (Attachment C),
2. Adopt the Mitigation Monitoring and Reporting Program (Attachment D),
3. Adopt the Findings for Variance (Attachment E),
4. Approve Variance No. PA-2400223 subject to the recommended Conditions of Approval (Attachment F)
5. Adopt the Findings for Major Subdivision (Attachment E); and
6. Approve Major Subdivision No. PA-2300266 subject to the recommended Conditions of Approval (Attachment F).

Attachments:

Attachment A – Tentative Map and Site Plan

Attachment B – Response Letters

Attachment C – Environmental Document

Attachment D – Mitigation Monitoring and Reporting Plan

Attachment E – Findings for Variance and Major Subdivision

Attachment F – Conditions of Approval

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## Community Development Department

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

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**BAUMBACH & PIAZZA, INC.**  
CIVIL ENGINEERS • SURVEYORS  
www.bpiengineers.net  
323 W. Elm St.  
Lodi, CA 95240  
209.369.6918

**TENTATIVE MAP**  
**SUBDIVISION AND VARIANCE APPLICATION**  
LOT 18 AND THE SOUTH HALF OF LOTS 17, 19, 20 & 21  
OF SMALL FARMS IMPROVEMENT TRACT, DIVISION 'Q'  
IN THE NORTHEAST QUARTER OF SECTION 2, T.3  
N., R.7 E., M.D.B. & M.,  
San Joaquin County, California  
February, 2024 Scale: 1"=100'  
Sheet 1 of 1

**DAVID PAYNE**  
D&P DEVELOPMENT  
D&P DEVELOPMENT  
D&P DEVELOPMENT  
D&P DEVELOPMENT  
D&P DEVELOPMENT  
D&P DEVELOPMENT

**BRUCE SNIDER**  
**CINDY FANCUCH**  
**VINCENT PLATT**  
**JOSE MEJIA**  
**JOSE MEJIA**  
**MOHAMMAD HAN**  
**RICHARD RIEBER**  
**SHARRON PERRY**  
**ARMANDO HERRERA**  
**ALEJANDRO ORTIZ**  
**MILES PAYNE**  
**GEORGE MADRE**

**PARCEL 1**  
2.45 AC.  
EXISTING HOUSE  
EXISTING SEPTIC & LEACH LINE  
EXISTING DRIVEWAY  
EXISTING WELLS  
EXISTING COTTAGE  
EXISTING REVENUE  
EXISTING DRIVEWAY WIDTH=22'

**PARCEL 2**  
2.00 AC.  
PROPOSED DRIVEWAY TO MEET FIRE ROAD STANDARDS, TO BE CONSTRUCTED AT TIME OF FIRST BUILDING PERMIT

**PARCEL 3**  
2.00 AC.  
PABLE GLEN

**PARCEL 4**  
2.00 AC.

**PARCEL 5**  
2.00 AC.

**PARCEL 6**  
2.00 AC.  
TURNAROUND

**ELM STREET**  
30'

**TRETHEWAY ROAD**  
60'

**SCALE: 1"=100'**

**VICINITY MAP**  
NO SCALE

**OWNER:**  
VINCENT GILES  
17400 N. TRETHEWAY ROAD  
LOCKEFORD, CALIFORNIA 95237  
(209) 471-5485  
(209) 368-6518

**MAP PREPARED BY:**  
BAUMBACH & PIAZZA, INC.  
323 WEST ELM STREET  
LODI, CALIFORNIA  
(209) 369-6918

**PROJECT DESCRIPTION:**  
SUBDIVISION AND VARIANCE APPLICATION FOR SIX (6) 2 ACRE PARCELS AND A DESIGNATED REMAINDER.

**UTILITIES AND FACILITIES:**  
WATER: PRIVATE WELLS; SEWAGE DISPOSAL: PRIVATE SEPTIC SYSTEM; STORM DRAINAGE: NATURAL, NO CHANGE; ELECTRICITY: PG&E; GAS: PG&E; TELEPHONE: AT&T

**FLOOD INFORMATION:**  
NOT SUBJECT TO 100 YEAR FLOOD.

**ASSESSOR PARCEL NUMBER:**  
031 180 44

**SITUS ADDRESS:**  
17400 N. TRETHEWAY ROAD  
LOCKEFORD, CALIFORNIA 95237

**ZONING:**  
AG-40

**GENERAL PLANNING DESIGNATION:**  
02/23/2024

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## Community Development Department

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### **Attachment B** **Response Letters**

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**Department of Public Works**

**Fritz Buchman, Director**

*Alex Chetley, Deputy Director - Development*

*Kristi Rhea, Deputy Director - Administration*

*David Tolliver, Deputy Director - Operations*

*Najee Zarif, Deputy Director - Engineering*

August 1, 2025

**MEMORANDUM**

TO: Community Development Department  
CONTACT PERSON: Jacob Pahule

FROM: Shayan Rehman, Engineering Services Manager  
Development Services Division

SR

SUBJECT: PA-2400223 (VR) & PA-2300266 (SU); A Variance and Major Subdivision application this project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via a proposed access easement; located on the east side of N. Tretheway Road, 660 feet north of Victor Road, Stockton.  
(Supervisory District 4)

OWNERS: Patrick Estes

APPLICANT: John Elson

ADDRESS: 17400 N. Tretheway Road, Lockeford

APN: 051-180-44

**INFORMATION:**

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

Tretheway Road has an existing and planned right-of-way width of 60 feet.

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.

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

## RECOMMENDATIONS:

- 1) An encroachment permit shall be required for all work within the County road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-607.020 and 9-607.040)
- 2) 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 9-802.02[c], Section 9-505, Section 9-600 and R-92-814)
- 3) A minimum twenty-five (25) foot wide proposed private access and utility easement shall be provided for the benefit of Parcels 1-6. The requirement for these easements 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 minimum twenty-five-foot (25') wide private access and utility easement across Parcels 1-6 & the Designated Remainder including turnaround accommodations at its terminations and corner cut-offs at intersecting roads, for the benefit of Parcels 1-6, upon conveyance of any of the Parcels to another party. Said easement is not created by this map.
- 4) Prior to approval of the Final Map, the developer shall prepare and record a mechanism that notices future owners and provides for funding and maintenance of the roadway improvements. A copy shall be submitted to the Department of Public Works.
- 5) Prior to the issuance of a non-agricultural building permit on Parcels 1-6; a private access roadway and turnarounds from Trethaway 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 Major Subdivision Restriction – Non Rescindable and recorded concurrently with the Final Map (contact Department of Public Works, Development Services Division for processing) (Development Title 9-608.160[a])(A fee for processing the Declaration will be required.)
- 6) 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 after approval of the Final Map. (Development Title Section 9-600.020[j])
- 7) 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 after acceptance by the Board of Supervisors.
- 8) 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 9-606.010)



- 9) 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.)
- 10) 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 9-608.010).
- 11) 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 9-609.020).

Informational Notes:

- (i.) At the time the parcels are developed, the developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards.
- (ii.) Any construction activity that results in the disturbance of at least one (1) acre of soil shall require a State NPDES construction permit. Dischargers whose projects disturb 1 or more acres of soil or whose projects disturb less than 1 acre of soil and is not part of a larger common plan of development, are required to obtain coverage under the current General Permit for Discharges of Storm Water Associated with Construction Activity.
- (iii.) This property is subject to the requirements of San Joaquin County Mosquito & Vector Control District (209-982-4675) and the California Health and Safety Code for the prevention of mosquitoes. Best Management Practices (BMP) guidelines for stormwater devices, ponds and wetlands are available

SR:GM:GG



## Environmental Health Department

**Jasjit Kang, REHS, Director**

Muniappa Naidu, REHS, Assistant Director

**PROGRAM COORDINATORS**

Jeff Carruesco, REHS, RDI

Willy Ng, REHS

Steven Shih, REHS

Elena Manzo, REHS

Natalia Subbotnikova, REHS

August 15, 2025

To: San Joaquin County Community Development Department  
Attention: Jacob Pahule

From: Steven Shih, (209) 468-9850   
Program Coordinator, REHS

RE: **Revised COA - PA-2300266 (SU) PA-2400223 (VR), Referral, SU0015946 & SU-2400133**  
**17400 N. Tretheway Road, Lockeford**

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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 onsite wastewater treatment system 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 9-604.010(d)). The fee will be based on the current schedule at the time of payment.

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

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

**Note:** Surface and Subsurface Contamination Report (SU-2400101) was submitted and approved August 22, 2024.

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

4. Construction of an individual domestic water well under permit and inspection by the Environmental Health Department is required at the time of development (San Joaquin County Development Title, Section 9-1115.3).
5. The existing private water wells shall be tested for the chemical Dibromochloropropane (DBCP) and nitrates with the results submitted to the Environmental Health Department prior to recordation of Final Map. Samples are to be taken and analyzed by a State-approved laboratory (San Joaquin County Development Title, Section 9-601.020(j)).
6. Should additional dwellings or structures be constructed on each of the newly created lots, an annual permit to operate a public water system may be required by the Environmental Health Department (San Joaquin County Development Title, Section 9-1120.2 and 9-1115.9). Contact Small Public Water Systems Program to determine if a public water system is required and if the existing well can be permitted as a public well prior to building permit issuance.
7. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-601.010(b) and 9-601.020(i)).
8. The Environmental Health Department has no comments or recommendations for the variance in this application at this time.



**S J C O G, Inc.**

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

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

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

**To:** Nancy Arroyo, San Joaquin County, Community Development Department

**From:** Laurel Boyd, SJCOG, Inc.

Phone: (209) 235-0574

Email: [boyd@sjcog.org](mailto:boyd@sjcog.org)

**Date:** December 13, 2023

**Local Jurisdiction Project Title:** PA-2300266 (SU, Pre-App)

**Assessor Parcel Number(s):** 051-180-44

**Local Jurisdiction Project Number:** PA-2300266 (SU, Pre-App)

**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. Arroyo:

SJCOG, Inc. has reviewed the application referral for PA-2300266 (SU, Pre-App). This project consists of a pre-application for a Variance and Major Subdivision. The Variance proposes to reduce the minimum parcel size in the AG-40 (General Agriculture, 40-acre minimum) from 40 acres to 2 acres. The Major Subdivision proposes to subdivide the existing 14.77-acre parcel into 7 parcels ranging in size from 2 to 2.43 acres in size. This parcel proposes to utilize well for water, septic for wastewater, and natural storm drainage for storm. Access is from east Tretheway Road, Stockton. The project site is on the east side of N. Tretheway Road, 660 feet north of Victor Road, Stockton (APN/Address: 051-180-44 / 17400 N. Tretheway Road, Lockeford).

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 Variance and 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.sicog.org>

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

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

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

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

- Receive your Certificate of Payment and release the required permit

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

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





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

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

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

### **SJMSCP HOLD**

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

**FROM:** Laurel Boyd, SJCOG, Inc.

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

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

- 1) **SJMSCP Incidental Take Minimization Measures and mitigation requirement:**
    1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
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    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
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    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-2300266 (SU, Pre-App)

**Landowner/Applicant:** Patrick Estes

**Assessor Parcel #s:** 051-180-44

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

**Local Jurisdiction Contact:** Nancy Arroyo

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



**S J C O G, Inc.**

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

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

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

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

**From:** Laurel Boyd, SJCOG, Inc.

Phone: (209) 235-0574

Email: [boyd@sjcog.org](mailto:boyd@sjcog.org)

**Date:** October 7, 2024

**Local Jurisdiction Project Title:** PA-2400223 (VR), PA-2300266 (SU)

**Assessor Parcel Number(s):** 051-180-44

**Local Jurisdiction Project Number:** PA-2400223 (VR), PA-2300266 (SU)

**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. Miller:

SJCOG, Inc. has reviewed the application referral for PA-2400223 (VR), PA-2300266 (SU). This project consists of two applications. Variance application No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40 acre minimum) from 40 acres to 2 acres in order to facilitate a Major Subdivision. Major Subdivision application No. PA-2300266 to subdivide two parcels of 14.77 acres into 7 parcels ranging from 2 to 2.43 acres in size. Each parcel proposes to utilize well for water, septic for wastewater, and natural storm drainage for storm. Parcels 1 through 6 are landlocked and will access through a 20-foot private easement accessed on east Tretheway Road, Stockton. The project site is on the east side of Tretheway Road, 660 feet north of Victor Road, Lockeford (APN/Address: 051-180-44 / 17400 N. Tretheway Road, Lockeford).

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

***This Project is subject to the SJMSCP.*** This can be up to a 90-day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjcog.org>

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

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

2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
  - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
  - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
  - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
  - d. Purchase approved mitigation bank credits.
4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
  - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
  - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
  - c. Purchase approved mitigation bank credits.

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

- Receive your Certificate of Payment and release the required permit

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

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





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

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

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

### **SJMSCP HOLD**

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

**FROM:** Laurel Boyd, SJCOG, Inc.

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

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

- 1) **SJMSCP Incidental Take Minimization Measures and mitigation requirement:**
    1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
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    3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
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      - 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-2400223 (VR), PA-2300266 (SU)

**Landowner:** Patrick Estes

**Applicant:** Baumbach & Piazza, Inc.

**Assessor Parcel #s:** 051-180-44

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

**Local Jurisdiction Contact:** Makayla Miller

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



December 13, 2023

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

Ref: Gas and Electric Transmission and Distribution

Dear Nancy Arroyo,

Thank you for submitting the PA-2300266 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](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

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

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

Sincerely,

Plan Review Team  
Land Management

### Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

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

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

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



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

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

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

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

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ( $90^\circ \pm 15^\circ$ ). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

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

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

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

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

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

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

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

## Attachment 2 – Electric Facilities

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

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

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

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

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

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

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](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.





October 7, 2024

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

Ref: Gas and Electric Transmission and Distribution

Dear Makayla Miller,

Thank you for submitting the 17400 N Tretheway Road plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

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

Below is additional information for your review:

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

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

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

Sincerely,

Plan Review Team  
Land Management



### Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

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

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

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

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

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

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

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

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ( $90^\circ \pm 15^\circ$ ). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

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

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

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

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

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

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

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

## Attachment 2 – Electric Facilities

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

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



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

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

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

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

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](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.

October 25, 2024

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

Re: PA-2400223 PA-2300266  
17400 N Tretheway Road

Dear Makayla Miller,

Thank you for providing PG&E the opportunity to review the proposed plans for 171400 N Tretheway Road dated 10/3/2024. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

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

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

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

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

Sincerely,

PG&E Plan Review Team  
Land Management

---

Public



October 30, 2024

Via e-mail to:

Jennifer Jolley [jjolley@sigov.org](mailto:jjolley@sigov.org)

Makayla Miller [memiller@sigov.org](mailto:memiller@sigov.org)

San Joaquin County

Community Development Department

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

Ms. Jolley and Ms. Miller et al:

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

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

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

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

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

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

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

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

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

#### **Legal Definition of a Variance**

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

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

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

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



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

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

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

(emphasis added)

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

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

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

Development Standards

Development within this designation is subject to the following standards:

Minimum Density: N/A

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

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

#### **Variances Should Not be Used to Reduce Parcel Sizes**

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

## Conclusion

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

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

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

Sincerely,

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

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

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



## SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

February 4, 2020

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

**RE: PA-2400223 (VR), PA-2300266 (SU)**

Dear Ms. Miller:

The San Joaquin Farm Bureau Federation is San Joaquin County's oldest agriculture organization, dedicated to the advancement of agriculture for over 100 years. We are committed to the protection of the natural resources that our industry depends on, including land. Being that protecting the prime farmland in our county is one of our highest priority, we oppose this application to create seven smaller parcels.

This project is troublesome for a couple of reasons, the first being that this is a small, substandard parcel in the AG-40 zone to begin with and it should not be divided any further. The creation of such parcels undermines the intention of the agricultural zone, which is commercial agricultural production.

Furthermore, the creation of the parcel propagates residential development in the agricultural zone. Such development induces a discontinuous urban growth pattern, which is contrary to the goals of San Joaquin County. Permanently impairing prime agricultural land for residential development has long term economic consequences and the land can never be recovered.

This project is also in an area that is known to have elevated nitrate levels in the groundwater. Any new residences that rely on groundwater would be eligible for water replacement funded largely by other agricultural landowners.

The loss of farmland is an ongoing issue in San Joaquin County and the development of productive lands for residences permanently displaces agricultural production and can harm existing, neighboring operations. Please keep us informed as this application moves forward. If you have any questions, please do not hesitate to contact the Farm Bureau at (209)931-4931.

Sincerely,

Andrew Genasci  
Executive Director, San Joaquin Farm Bureau

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

I am writing as a resident and property owner at 17338 Cal Dr, Lockeford, CA 95237, regarding the proposed subdivision of the farm property, 17400 N. Tretheway Rd, Lockeford CA 95237, adjacent to my home into 2-acre residential lots. I appreciate the opportunity to submit comments and concerns for consideration.

1. Privacy Concerns

The current plan indicates a road being built directly against my fence line and my neighbor's fence line. This would significantly impact the privacy of existing homes, as vehicle traffic, pedestrian movement, and increased lighting will be concentrated along our property boundaries. I respectfully request that alternative road placement or a privacy buffer (e.g., setback, landscaping, fencing) be considered to mitigate these impacts.

2. Well System Impact

Our property relies on a private well. Development in close proximity could affect the groundwater table, especially if multiple new wells are drilled for the proposed homes. I request that the project include an assessment of potential impacts on existing wells and a plan to protect current residents' water supply.

3. Flooding and Drainage Issues

The proposed road location is in an area that is known to flood. At present, a trench must be dug periodically in that location to prevent flooding into our yard. Adding a paved road without appropriate drainage improvements could exacerbate runoff and increase the risk of flooding for existing properties. I urge that a comprehensive hydrological and drainage study be completed, and that mitigation measures (such as culverts, retention basins, or engineered grading) be incorporated into the project design.

Conclusion

While I understand the desire to develop the property, I respectfully request that the project be revised to address privacy, water supply, and flooding concerns. Protecting the safety and livability of existing residents should be a priority in any development approval.

Thank you for considering my comments. In addition, would you be able to provide me the date and time for the Planning Commission Hearing?

Best Regards,  
Craig Diehl

Good morning Mr. Pahule,

My name is David Payne and I am writing you in concern of the proposed subdivision submitted under applications #PA-2300266(SU) and PA-2400223 (VR). I see that you are the project planner reviewing these applications.

When this application was submitted and I became aware of it early last year (January 2024), I had communicated my concerns to Nancy Arroyo and submitted drawings from the project I had completed back in 2008.

The project was started in 2003 and I had submitted a similar request to the county regarding the access. The request was approved and when I had the engineered drawings for the driveway/road, it was rejected and I was informed the requirement's had changed since I filed the application and these driveways/roads were no longer going to be allowed.

The requirements were changed to the following:

1. Soil study for each proposed parcel.
2. An engineered septic system for a single-family residence for each parcel and these had to be submitted to the county for approval.
3. An EPA "Storm Water Pollution Prevention Plan" had to be engineered for each parcel that would retain all storm water on the individual parcel. Each lot has a retention pond on it, with storm water ditches and culverts to capture the water on the opposite side of the road to accomplish the required retention.
4. The driveway now had to be a road constructed to CalTrans standards including signs, striping and reflectors. It also required GPS monuments be installed in the center of the road at specified locations.
5. The county also required that I sign an "Irrevocable Offer" to give the road to the county before they would issue a permit. And they still charged me \$30K for the permit.

I ask that you review the attached plan set to give you a good understanding of what the requirements were changed to when Harmony Grove Lane was constructed. Has the county changed the requirements back to allowing a driveways/simple road for access?

If you look at the soil report I attached you can see the soil does not perk so well and the retention ponds do accumulate water as designed. My concern is that the acreage involved in this proposed sub-division often has standing water during the heavy rains in the winter months. Because the land is currently farmed and is plowed and has farrows that this standing water remains on the property so has not been a problem. But once the lots are graded and compacted, I am concerned where this water is going to flow? Will the county require grading and drainage so that it flows to Trethewey road drainage system? Has the county changed their requirement for the "Storm Water Pollution" and soil analysis for septic systems?

When I attempted to do a simple subdivision, the county required all of this and it was very expensive. So, I question that the county would allow this development without the same or similar requirements.

I did receive the notice today for the Special Public Hearing scheduled for September 4, 2025 at 6pm. I plan to participate in this meeting, but I do want to ask if all the information I provided to Nancy Arroyo and the concerns that I submitted (similar to above) have already been reviewed and considered by the county as this proposed subdivision has been evaluated for approval?

I appreciate your time in reviewing this and I am sure you are plenty busy so it may be a few days to receive a response from you regarding my questions. But if you be so kind as to reply back to confirm that you have received this message and the attachments, I would greatly appreciate it.

Thanks again and have an excellent day,  
David Payne  
209-482-6055

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

## Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

### **Attachment C Environmental Document**

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

## Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

Jennifer Jolley, Director

Eric Merlo, Assistant Director

Tim Burns, Code Enforcement Chief

Corinne King, Deputy Director of Planning

Jeff Niemeyer, Deputy Director of Building Inspection

### MITIGATED NEGATIVE DECLARATION

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

☒ County Clerk, County of San Joaquin

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

**PROJECT TITLE:** Variance No. PA-2400223 and Major Subdivision No. PA-2300266

**PROJECT LOCATION:** The project site is on the east side of Tretheway Road, 660 feet north of Victor Road, Lockeford., San Joaquin County. (APN/Address: 051-180-44 / 17400 N. Tretheway Rd., Lockeford) (Supervisory District: 4)

**PROJECT DESCRIPTION:** A Variance and Major Subdivision application this project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via a proposed access easement.

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

**PROPOSER:** Patrick Estes / Josh Elson

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](http://www.sjgov.org/commdev) under Active Planning Applications.

This is a Notice of Intent to adopt a Negative Declaration for this project as described. San Joaquin County has determined through the Initial Study that there is no substantial evidence that the project may have a significant effect on the environment. The Negative Declaration and Initial Study can be viewed on the Community Development Department website at [www.sjgov.org/commdev](http://www.sjgov.org/commdev) under Active Planning Applications.

Date: July 29, 2025

Contact Person:

Jacob Pahule Phone: (209) 468-3186 Fax: (209) 468-3163 Email: [jpahule@sjgov.org](mailto:jpahule@sjgov.org)

1810 E Hazelton Avenue | Stockton, California 95205 | (209) 468-3121 | [www.sjgov.org/commdev](http://www.sjgov.org/commdev)

**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:** Patrick Estes/Baumbach & Piazza Inc.

**Project Title/File Number(s):** PA-2300266 & PA-2400223

**Project Description:** This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2-acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

The project site is located on the Southeast corner of N. Tretheway Road and E. Harmony Grove Lane, Lockeford.

**Assessor's Parcel No(s):** 051-180-44

**Acres:** 14.77-ac

**General Plan:** A/G (General Agriculture)

**Zoning:** AG-40 (General Agriculture, 40-acre minimum)

**Potential Population, Number of Dwelling Units, or Square Footage of Use(s):**  
A single-family residence, accessory of dwelling unit, and accessory buildings on each lot.

**Surrounding Land Uses:**

**North:** Agricultural with scattered residences  
**South:** Agricultural with small AG-40 parcels developed with residences  
**East:** Agricultural with scattered residences  
**West:** Agricultural with scattered residences and trailer park

**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 (July 15, 2025, staff knowledge or experience; and independent environmental studies submitted to the County as part of the project application. Copies of these reports can be found by contacting the Community Development Department.

**Tribal Cultural Resources:**

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

No

**General Considerations:**

1. PA-2300266 (SU) & PA-2400223 (VR)- Initial Study

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

☐ Yes ☒ No

Nature of concern(s):

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

☐ Yes ☒ No

Agency name(s):

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

☐ Yes ☒ No

2. PA-2300266 (SU) & PA-2400223 (VR)- Initial Study

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

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



Jacob Pahule  
Assistant Planner

7/25/2025

Date

3. PA-2300266 (SU) & PA-2400223 (VR)- Initial Study

## EVALUATION OF ENVIRONMENTAL IMPACTS:

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- 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.

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## ISSUES:

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

### **Impact Discussion:**

- This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.
- a-c) The project site is located on the Southeast corner of North Tretheway Road and East Harmony Grove Lane, which is a county-maintained road. The project is not located along a designated scenic route pursuant to 2035 General Plan Figure 12-2. The surrounding area is a mixture of agricultural and residential uses. The potential of additional single-family residences would not have a significant or adverse effect on visual character, public views, or scenic vistas and would be visually consistent with surrounding development.
- d) Any future development would be required to follow the San Joaquin Development Title requirements contained in Chapter 9-403 Lighting and Illumination, and as a result, the proposed project is not anticipated to create any new source of substantial light or glare affecting day or nighttime views in the area. As a result, the proposed project is anticipated to have a less than significant impact on aesthetics.

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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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## **II. Agriculture and Forestry Resources.**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:

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

### **Impact Discussion:**

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

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

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Farmland of Statewide Importance to a non-agricultural use. Additionally, the project site is within an existing developed area, surrounded by small homesites, thus limiting the viability of farming potential onsite. Potential future development of a single-family residence and accessory dwelling units is permitted in the AG-40 zone.

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

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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### III. Air Quality.

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

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in substantial emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Impact Discussion:

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

- a-d) The project site is in the San Joaquin County Valley Air Basin, which is regulated by the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD). The SJVAPCD is the lead air quality regulatory agency for the San Joaquin County. The applicant will be required to meet existing requirements for emissions and dust control as established by SJVAPCD. The project was referred to the SJVAPCD for review but did not obtain a response.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<b><u>IV. Biological Resources.</u></b>					
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

- a-f) A referral was sent to the San Joaquin Council of Governments (SJCOG) on December 12, 2024, for review. The San Joaquin Council of Governments (SJCOG) has determined that the project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for any future development that results in ground disturbance. Participation in the SJMSCP provides compensation for the conversion of Open Space to non-Open Space uses which affect the plant, fish and wildlife species covered by the Plan. If the Variance and subsequent Major Subdivision are approved, any future ground disturbance at the site would be subject to the SJMSCP as a Condition of Approval of the Minor Subdivision. Pursuant to the Final EIR/IEIS for San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), dated November 15, 2000, and certified by SJCOG on December 7,

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2000, participation in the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to less-than-significant level.

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

**Impact Discussion:**

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

- a-c) The site does not contain any known historical or archaeological resources, or other human remains. In the event human remains are encountered during any portion of the project, California state law requires that there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county has determined the manner and cause of death. Recommendations concerning the treatment and disposition of the human remains shall have been made to the person responsible for the excavation (California Health and Safety Code - Section 7050.5). At the time development, if Human burials are found to be of Native American origin, the developer shall follow the procedures pursuant to Title 14, Division 6, Chapter 3, Article 5, Section 15064.5(e) of the California State Code of Regulations. Therefore, impacts to cultural resources is anticipated to be less than significant.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<b><u>VI. Energy.</u></b>					
Would the project:					
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

- a-b) The California Energy Code (also titled The Energy Efficiency Standards for Residential and Non-residential Buildings) was created by the California Building Standards Commission in response to a legislative mandate to reduce California's energy consumption. The code's purpose is to advance the state's energy policy, develop renewable energy sources and prepare for energy emergencies. These standards are updated periodically by the California Energy Commission. The code includes energy conservation standards applicable to most buildings throughout California.

Any future development for residential dwellings of the project site will be subject to the California Energy Code (also titled The Energy Efficiency Standards for Residential and Non-residential Buildings). These requirements will also be applicable to any future proposed project ensuring that any impact to the environment due to wasteful, inefficient, or unnecessary consumption of energy will be less than significant and preventing any conflict with state or local plans for energy efficiency and renewable energy.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<b><u>VII. Geology And Soils.</u></b>					
Would the project:					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil and create direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

- a) The Soil Survey of San Joaquin County classifies the soil on the parcel as San Joaquin Series, moderately well drained, 0 to 8 percent slopes. The San Joaquin Series soils are moderately deep to a hard pan. They formed in alluvium derived

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from dominantly granitic rock sources. Soils of the San Joaquin Series are fine, mixed, thermic Abruptic Durixeralfs. The map unit is in capability units IVs, irrigated and IIIs, nonirrigated.

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

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

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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#### VIII. Greenhouse Gas Emissions.

Would the project:

- |  |                          |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

#### Impact Discussion:

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

- a-b) Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on earth. An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

Implementation of the project would cumulatively contribute to increases of GHG emissions. Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO<sub>2</sub>) and, to a lesser extent, other GHG pollutants, such as methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O) 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 CO<sub>2</sub> equivalents (MTCO<sub>2</sub>e/yr).

As noted previously, the project will be subject to the rules and regulations of the SJVAPCD. The SJVAPCD has adopted the Guidance for Valley Land- use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA and the District Policy - Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency<sup>1</sup>. 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.

<sup>1</sup> San Joaquin Valley Air Pollution Control District. *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*. December 17, 2009. San Joaquin Valley Air Pollution Control District. *District Policy Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency*. December 17, 2009.

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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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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<b><u>IX. Hazards and Hazardous Materials.</u></b>					
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

- a-d) Any future development of the parcels will be residential or agricultural and the project site is not anticipated to be the site of an industrial or commercial use that might include the use and/or storage of hazardous materials/waste. The site is also not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Additionally, the proposed application will not result in, create, or induce hazards and associated risks the public. As the proposed application does not include the construction of any dwellings or structures, impacts are anticipated to be less than significant related to the transport, use, or storage of hazardous materials during construction activities. However,

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potential future construction activities for the project site may involve the use of toxic or hazardous materials such as paint, fuels, and solvents. These would be subject to federal, state, and local laws and requirements designed to minimize and avoid potential health and safety risks associated with hazardous materials. The project's propensity for releasing toxins into the environment is also expected to be less than significant.

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

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<b><u>X. Hydrology and Water Quality.</u></b>					
Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

- a-b, e) As there is no proposed construction, the proposed Variance application to facilitate a Major Subdivision will not degrade surface or ground water quality, substantially decrease groundwater supplies, or interfere substantially with groundwater recharge. However, any future development of the site would be subject to the rules and requirements of the Environmental Health Department related to water quality, and subject to the rules and requirements of the Department

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of Public Works related to storm drainage and groundwater. As a result, impacts to water quality, groundwater, and storm drainage and any related implementation or management plans are expected to be less than significant.

- c) The site is approximately 0.8 miles Southeast of Mokelumne River. The proposed project does not include the construction of any new dwellings or structures, and the potential future Major Subdivision will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. A Building Permit will be required for any future development of the project site, and any necessary drainage improvements will be subject to the San Joaquin County Development Standards, which are reviewed by the Department of Public Works. Therefore, the project and any future potential development is expected to have a less than significant impact on the drainage pattern of the site.
- d) The project site is located within a Federal Emergency Management Agency Designated Flood Hazard Area Zone X. The project site is not located within a tsunami or seiche zone. A referral was sent to the Department of Public Works, Flood Control Division on October 3, 2024, for comments. No recommendations were provided; however, any future development of the site will have to comply with Development Title Section 9-703 regarding flood hazard requirements. As a result, impacts related to flooding are anticipated to be less than significant.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<b><u>XI. Land Use and Planning.</u></b>					
Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

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

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<b><u>XII. Mineral Resources.</u></b>					
Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

- a-b) The project site is not in an area designated MRZ-1 which may contain minerals of significance or known mineral resources. San Joaquin County applies a mineral resource zone (MRZ) designation to land that meets the significant mineral deposits definition by the State Division of Mines and Geology. However, there is currently no mining activity on the parcel or in the area, and the surrounding area is developed with agricultural uses and scattered residences. No construction or physical changes are proposed to this property as a result of the Variance application. Therefore, the proposed project is anticipated to have a less than significant impact on the availability of mineral resources or mineral resource recovery sites within San Joaquin County.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<b><u>XIII. Noise.</u></b>					
Would the project result in:					
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) For a project within the vicinity of a private airstrip or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.
- a-b) While the Variance and Major Subdivision application does not propose construction or physical changes to the property, any subsequent development project may have equipment utilized in the grading of the site that will temporarily increase the areas ambient noise levels. Any future development will be required to comply with the County's Noise Ordinance, including Development Title 9-404.060, which states that noise sources associated with construction are exempt from the provisions of the Noise Ordinance, provided such activities do not take place before 6:00 am or after 9:00 om on weekdays. Therefore, noise generation associated with any future projects is anticipated to be less than significant.
- c) The project is not located within two miles of a public airport, airport land use plan or private air strip. As a result, there are no anticipated impacts related to exposing people to excessive noise levels related to airports or airstrips in the project area.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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#### 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

#### Impact Discussion:

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

- a-b) If the Variance and Major Subdivision application are approved, the creation of 6 parcels and 1 remainder could result in a maximum of 2 single-family residences and 2 accessory dwelling units on each parcel. This would not provide for substantial population growth. The project also would not displace substantial numbers of existing people or housing or necessitate the construction of replacement housing. Therefore, the project is expected to have a less than significant impact on population and housing.

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

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### **Impact Discussion:**

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

- a) The site is currently served, and project description was referred on December 12, 2023 to the Mokelumne Fire District for Fire Protection, the Sheriff's Office for police protection, and Lodi Unified School District for school services. There are no parks near the project site, and the proposed Variance and Minor Subdivision would not require additional parkland. If the Variance and Major Subdivision application are approved, the creation of 7 parcels could result in a maximum of 7 single-family residences and 7 accessory dwelling units. which would not have a substantial impact on these public services. Therefore, the project is expected to have a less than significant impact on existing public services and would not create a need for new public services.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<b><u>XVI. Recreation.</u></b>					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

- a-b) If the Variance and Major Subdivision application are approved, the creation of 6 parcels and 1 remainder could result in a maximum of 7 single-family residences and 7 accessory dwelling units. Therefore, the project is expected to have less than significant impact on the use of recreational facilities and does not include or require the construction or expansion of recreation facilities.

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

**Impact Discussion:**

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

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

27. PA-2300266 (SU) & PA-2400223 (VR)- Initial Study

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<b><u>XVIII. Tribal Cultural Resources.</u></b>					
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

- a) i) There are no known historical resources 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), within the site.
- a) ii) A referral was sent to the North Valley Yokuts Tribe, United Auburn Indian Community, Buena Vista Rancheria, and California Valley Miwok tribe for review on December 12, 2024. If human burials found to be of Native American origin are encountered at the time of development all work shall halt in the vicinity and the County Coroner shall be notified immediately. At the same time, a qualified archaeologist shall be contacted to evaluate the find. The developer shall follow the procedures pursuant to Title 14, Division 6, Chapter 3, Article 5, Section 15064.5(e) of the California State Code of Regulations. Therefore, the proposed project is anticipated to have a less than significant impact on Tribal Cultural Resources.

28. PA-2300266 (SU) & PA-2400223 (VR)- Initial Study

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
<b><u>XIX. Utilities and Service Systems.</u></b>					
Would the project:					
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

- a-e) There are no public services available in the area for water, sewer, or storm water drainage. However, the application does not propose any new buildings and the site is already served by an existing well and septic system which must be maintained under a permit by the San Joaquin County Environmental Health Department. Additionally, as an ordinance requirement, the property is required to keep all storm drainage on site and follow all San Joaquin County Public Works rules and requirements pertaining to storm drainage. Any future development utilizing on-site services will also be required to obtain the proper permits for any proposed well or septic system and retain all stormwater on site. Therefore, the project is expected to have a less than significant impact related to new or expanded utilities and service systems.

29. PA-2300266 (SU) & PA-2400223 (VR)- Initial Study

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<b><u>XX. Wildfire.</u></b>					
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

- a/c) The project proposal could allow for 6 additional Single-Family Residences and its location is in a rural, agricultural area east 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 GDF-FRAP fuels and hazard data. There is not enough of an impact of wildfires on the project to impact, therefore it is expected to be less than significant impact.
- b) The project site is located in an area that is not considered to have a high wildfire risk. The site and surrounding area are generally flat with no significant slopes that would affect the movement or spread of a wildfire. Local wind conditions are typical for the region and are not expected to increase wildfire hazards. As a result, impacts would be less than significant.
- d) The project site is generally flat and located in an area with no identified flood hazards. The soil conditions are stable, and there are no significant slopes or drainage features that would create a risk of landslides, post-fire slope instability, or flooding due to runoffs. As such, the project would not expose people or structures to these hazards. Impacts would be less than significant.

30. PA-2300266 (SU) & PA-2400223 (VR)- Initial Study



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<b><u>XXI. Mandatory Findings of Significance.</u></b>					
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via an access easement.

- 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 even on a cumulative basis. Mitigation measures have been identified in areas where a potentially significant impact has been identified and these measures, included a Mitigation Monitoring and Reporting Program (MMRP), which must be followed as a Condition of Approval, will reduce these impacts to a less-than-significant level.

31. PA-2300266 (SU) & PA-2400223 (VR)- Initial Study

Impact	Mitigation Measure/Condition	Type of Review		Agency for Monitoring and Reporting Compliance	Action Indicating Compliance or Review	Verification of Compliance or Annual Review of Conditions	
		Monitoring	Reporting			By	Date
I. Biological Resources	Participation in the SIMSCP	X		San Joaquin Council of Governments	The developer shall apply to the San Joaquin Council of Governments (SJCOC) for coverage under the San Joaquin County Multi-Species Open Space and Habitat Conservation Plan (SIMSCP). The project site shall be inspected by the SIMSCP biologist, who will recommend which Incidental Take Minimization Measures set forth in the SIMSCP should be applied to the project and implemented. The project applicant shall pay the required SIMSCP fee, if any, and be responsible for the implementation of the specified incidental Take Minimization Measures.		



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

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

SCH #: \_\_\_\_\_

Project Title: Variance No. PA-2400223 and Major Subdivision No. PA-2300266Lead Agency: San Joaquin County Community Development DepartmentContact Name: Jacob PahuleEmail: [jpahule@sigov.org](mailto:jpahule@sigov.org) Phone Number: 209-468-3186Project Location: Stockton, California  
*City*San Joaquin  
*County*

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

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via a proposed access easement.

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

None

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

A referral was sent to the San Joaquin Council of Governments (SJCOG) on December 12, 2024, for review. The San Joaquin Council of Governments (SJCOG) responded with a determination that the project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for any future development that results in ground disturbance. Participation in the SJMSCP provides compensation for the conversion of Open Space to non-Open Space uses which affect the plant, fish and wildlife species covered by the Plan. The applicant has confirmed participation in the SJMSCP. If the Administrative Use Permit is approved, any future ground disturbance at the site would be subject to the SJMSCP as a Condition of Approval. As a result, the anticipated impact to Biological Resources is less than significant.

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

San Joaquin County Department of Public Works  
San Joaquin County Environmental Health Department  
CA Department of Fish & Wildlife  
Federal Emergency Management Agency  
San Joaquin Valley Air Pollution Control District  
San Joaquin Council of Governments

**Notice of Completion & Environmental Document Transmittal**

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

SCH #

Project Title: PA-2300266 (SU) &amp; PA-24000223 (VR)

Lead Agency: San Joaquin County Community Development Department

Contact Person: Jacob Pahule

Mailing Address: 1810 E. Hazeltan Ave

Phone: (209) 468-3186

City: Stockton

Zip: 95205

County: San Joaquin

Project Location: County: San Joaquin

City/Nearest Community: Lockeford

Cross Streets: North Tretheway, East State Route 12

Zip Code: 95237

Longitude/Latitude (degrees, minutes and seconds): 38 ° 8 ' 40.40 " N / 121 ° 10 ' 38.42 " W Total Acres: 14.77

Assessor's Parcel No.: 051-180-44

Section: \_\_\_\_\_

Twp.: \_\_\_\_\_

Range: \_\_\_\_\_

Base: \_\_\_\_\_

Within 2 Miles: State Hwy #: State Route 12

Waterways: Mokelumne River

Airports: \_\_\_\_\_

Railways: \_\_\_\_\_

Schools: Victor Elementary

**Document Type:**CEQA: ☐ NOP☐ Draft EIRNEPA: ☐ NOIOther: ☐ Joint Document☐ Early Cons☐ Supplement/Subsequent EIR☐ EA☐ Final Document☐ Neg Dec☐ (Prior SCH No.) \_\_\_\_\_☐ Draft EIS☐ Other: \_\_\_\_\_☒ Mit Neg Dec

Other: \_\_\_\_\_

☐ FONSI**Local Action Type:**☐ General Plan Update☐ Specific Plan☐ Rezone☐ Annexation☐ General Plan Amendment☐ Master Plan☐ Prezone☐ Redevelopment☐ General Plan Element☐ Planned Unit Development☐ Use Permit☐ Coastal Permit☐ Community Plan☐ Site Plan☒ Land Division (Subdivision, etc.)☒ Other: Variance**Development Type:**☒ Residential: Units 7 Acres 14.77☐ Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_

Employees \_\_\_\_\_

☐ Transportation: Type \_\_\_\_\_☐ Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_

Employees \_\_\_\_\_

☐ Mining: Mineral \_\_\_\_\_☐ Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_

Employees \_\_\_\_\_

☐ Power: Type \_\_\_\_\_ MW☐ Educational: \_\_\_\_\_☐ Waste Treatment: Type \_\_\_\_\_ MGD☐ Recreational: \_\_\_\_\_☐ Hazardous Waste: Type \_\_\_\_\_☐ Water Facilities: Type \_\_\_\_\_ MGD☐ Other: \_\_\_\_\_**Project Issues Discussed in Document:**☒ Aesthetic/Visual☐ Fiscal☒ Recreation/Parks☐ Vegetation☒ Agricultural Land☒ Flood Plain/Flooding☐ Schools/Universities☐ Water Quality☒ Air Quality☒ Forest Land/Fire Hazard☒ Septic Systems☒ Water Supply/Groundwater☐ Archeological/Historical☒ Geologic/Seismic☐ Sewer Capacity☒ Wetland/Riparian☒ Biological Resources☒ Minerals☐ Soil Erosion/Compaction/Grading☐ Growth Inducement☐ Coastal Zone☒ Noise☐ Solid Waste☒ Land Use☐ Drainage/Absorption☒ Population/Housing Balance☐ Toxic/Hazardous☐ Cumulative Effects☐ Economic/Jobs☐ Public Services/Facilities☒ Traffic/Circulation☐ Other: \_\_\_\_\_**Present Land Use/Zoning/General Plan Designation:**

Single Family Residence / A-G (General Agriculture / A/G General Agriculture

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

This project is comprised of two applications: Variance No. PA-2400223 to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 2 acres; and a Major Subdivision No. PA-2300266 to subdivide two legal parcels totaling 14.77-acre parcel into 6 parcels and a Designated Remainder each a minimum of 2 acres. The site currently contains a single-family residence. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling on each of the newly created lots. Access to the proposed lots will be provided via a proposed access easement.

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

Revised 2010

### Reviewing Agencies Checklist

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

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input checked="" type="checkbox"/> Caltrans District # 10	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input checked="" type="checkbox"/> Regional WQCB # _____
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region # 2	<input type="checkbox"/> Tahoe Regional Planning Agency
<input checked="" type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	
<input type="checkbox"/> Health Services, Department of	Other: _____
<input type="checkbox"/> Housing & Community Development	Other: _____
<input type="checkbox"/> Native American Heritage Commission	

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

Starting Date 7/29/2025 Ending Date 8/26/2025

#### Lead Agency (Complete if applicable):

Consulting Firm: <u>Baumbach &amp; Piazza</u>	Applicant: <u>Josh Elson</u>
Address: <u>323 W Elm St.</u>	Address: <u>323 W Elm St.</u>
City/State/Zip: <u>Lodi/CA/95240</u>	City/State/Zip: <u>Lodi/CA/95240</u>
Contact: <u>Josh Elson</u>	Phone: <u>209-368-6618</u>
Phone: <u>209-368-6618</u>	

Signature of Lead Agency Representative:  Date: 7/25/2025

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

Revised 2010





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

## Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

### **Attachment D** **Mitigation Monitoring** **and Reporting Plan**

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Mitigation Monitoring Reporting Plan-PA-2300266 (SU) & PA-2400223 (VR) July 25, 2025									
Impact	Mitigation Measure/Condition	Type of Review		Agency for Monitoring and Reporting Compliance	Action Indicating Compliance or Review	Verification of Compliance or Annual Review of Conditions			Remarks
		Monitoring	Reporting			By	Date		
1. Biological Resources	Participation in the SIMSCP	X		San Joaquin Council of Governments	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 (SIMSCP). The project site shall be inspected by the SIMSCP biologist, who will recommend which incidental Take Minimization Measures set forth in the SIMSCP should be applied to the project and implemented. The project applicant shall pay the required SIMSCP fee, if any, and be responsible for the implementation of the specified incidental Take Minimization Measures.				

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

## Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

### **Attachment E Findings for Variance & Major Subdivision**

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## **FINDINGS**

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**PA-2400223 & PA-2300266  
PATRICK ESTES / JOSH ELSON**

### **Variance No. PA-2400078**

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

- This finding can be made because special circumstances applicable to the subject property—including its shape, width, and surrounding development pattern—limit its capacity for productive agricultural use and distinguish it from other properties in the vicinity under the same zoning classification. The subject site's elongated and narrow configuration restricts the ability to perform traditional large-scale agricultural operations. The applicant has identified how the geometry of the parcel impedes standard farming practices, such as equipment maneuverability, crop rotation, and contiguous field planning. These limitations hinder the property's suitability for sustained agricultural productivity, thereby depriving the property of agricultural privileges typically enjoyed by conforming parcels in the AG-40 zone.

Furthermore, approximately 80% of the surrounding parcels within a ¼-mile radius are rural residential in character, with 70% of those parcels less than 2 acres in size. This includes a 41-unit mobile home park directly across the street. The prevalence of these non-conforming residential parcels and the associated domestic water demands have introduced development pressures and groundwater constraints inconsistent with traditional agricultural operations. These adjacent land uses also create practical challenges for active farming due to the increased potential for land use conflicts, such as drift from pesticide application, dust, and noise.

Given the combination of physical site constraints and the degree of residential encroachment in the immediate vicinity, strict application of the AG-40 development standards would deprive the subject parcel of reasonable use and development opportunities consistent with the prevailing land use pattern in the area. Accordingly, the property's unique characteristics support the conclusion that this finding can be made.

2. The Variance will not be detrimental or injurious to property or improvements in the vicinity of the subject property, or the public health, safety or general welfare.
- This finding can be made because the proposed subdivision will not be detrimental or injurious to surrounding properties, existing improvements, or to public health, safety, or general welfare. The site is currently not utilized for crop production and is surrounded predominantly by rural residential uses, many of which are on substandard lots relative to the AG-40 zoning designation. The transition of the site from agricultural use to a limited residential subdivision aligns with the existing development pattern and is unlikely to introduce any new impacts that would be considered incompatible with neighboring uses.

Additionally, the subdivision does not propose any immediate structural development, and any future development on the new parcels would be subject to the County's standard permitting and environmental review processes. Each parcel would be permitted one single-family residence and one accessory dwelling unit, which is consistent with allowances in the AG-40 zone.

Furthermore, the removal of active agricultural operations from the subject site may be beneficial to neighboring properties by reducing typical agricultural externalities, such as dust, pesticide drift, and machinery noise, particularly in an area that has already transitioned away from large-scale farming. As such, the project is not expected to pose any adverse impacts to nearby properties or to the broader public interest.

3. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
  - This finding can be made because granting the variance will not constitute a special privilege inconsistent with limitations placed on other properties in the vicinity or within the AG-40 zoning designation. While the proposed subdivision seeks relief from the standard minimum lot size and width requirements, the request is consistent with the established character of the surrounding area. Approximately 70% of the parcels within a ¼-mile radius are already less than 2 acres in size. These existing parcels, although originally created under different zoning standards, represent the prevailing development pattern in the vicinity. Granting the requested variance would not introduce a development pattern that is out of character with the neighborhood or inconsistent with the broader land use context.

Furthermore, the applicant has indicated that all other zoning standards—such as setbacks, height limits, and use restrictions—will be adhered to. The variance request is narrowly focused on parcel size and width, aligning with a built environment that has long transitioned away from large-scale agricultural operations in this specific area.

In addition, the proposed subdivision supports broader County and State goals related to housing production and rural land use flexibility. The County continues to face significant housing challenges, and this project contributes to the provision of additional housing opportunities in an area where similar residential development already exists. The project's consistency with both the character of the area and regional housing goals reinforces that the granting of this variance does not result in a special privilege, but rather reflects evolving planning objectives and responsible land use management.

4. The Variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.
  - This finding can be made because the granting of the Variance does not authorize any use or activity that is not already expressly permitted under the General Plan or the Development Title for the AG-40 zone. The applicant is requesting a Variance to allow subdivision of the parcel into lots below the 40-acre minimum; however, the intended use of the resulting parcels remains consistent with what is permitted by right in the AG-40 zoning district. The



proposed lots will continue to be eligible for development with one single-family residence, one accessory dwelling unit, and one junior accessory dwelling unit per parcel. No new or otherwise unauthorized land uses are proposed as part of this application. Therefore, the requested Variance solely addresses parcel size and width and does not introduce any land use that would be inconsistent with the current zoning regulations governing the property.

#### **Major Subdivision No. PA-2300266**

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable Specific Plan, pre-existing Special Purpose Plan, or Master Plan, the Development Title, and other applicable provisions of the County Code.
  - This finding is supported, contingent upon approval of the accompanying Variance application, which would bring the proposed subdivision into compliance with applicable Development Title standards. The subject property is designated A/G (General Agriculture) by the General Plan and is zoned AG-40 (General Agriculture, 40-acre minimum). As proposed, the subdivision includes parcels that do not meet the minimum lot size and lot width requirements of the AG-40 zone and, therefore, is not consistent with the General Plan or Development Title in its current form. However, the applicant has submitted a Variance request to allow the creation of parcels below the 40-acre minimum and to reduce the minimum lot width. If the Variance is approved by the Planning Commission, the proposed subdivision would conform to applicable zoning regulations and align with the General Plan's allowance for agricultural and rural residential land use patterns, particularly in areas where similar substandard parcels already exist. There is no applicable Master Plan, Specific Plan, or Special Purpose Plan governing the project site. If the Variance is approved, the subdivision design and improvements would be consistent with County standards and compatible with the surrounding land use pattern.
2. The site is physically suitable for the type of development and the proposed density of the development.
  - This finding is supported, subject to approval of the associated Variance, which would permit the proposed parcel sizes and density within the AG-40 zone. The subject property consists of 14.77 acres of relatively flat terrain historically used for agricultural purposes. The proposed subdivision would create six new parcels and one remainder parcel, each of which would be eligible for development with a single-family residence and accessory dwelling units, consistent with the allowances of the AG-40 zoning district. While the proposed density—approximately 0.47 units per acre—exceeds the 0.0 to 0.05 units per acre range prescribed by the A/G (General Agriculture) General Plan designation, the surrounding area already reflects a rural residential development pattern, including numerous substandard lots within a ¼-mile radius.

The site is further supported by the feasibility of on-site infrastructure. Future development would utilize private wells for water supply, individual septic systems for wastewater disposal, and a storm drainage pond for stormwater management. All infrastructure improvements would be subject to review and approval by the Environmental Health Department, Department of Public Works, and other applicable County agencies to ensure consistency with development standards. Given the physical characteristics of the site, its compatibility with surrounding land uses, and the availability of necessary infrastructure,

**the property is considered physically suitable for the proposed type and density of development, contingent upon approval of the requested Variance.**

3. The proposed subdivision, together with the provisions for its design and improvement, are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, unless an Environmental Impact Report (EIR) was prepared and a finding was made that specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible, pursuant to Section 21081(a)(3) of the Public Resources Code.
  - **This finding can be made because the proposed subdivision, along with its design and future improvements, is not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat. Although the project anticipates future residential development on the newly created parcels, all ground-disturbing activities—including the installation of infrastructure such as roads, electrical connections, wells, and septic systems—will be subject to environmental review and compliance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). No sensitive habitat areas or protected biological resources have been identified on the site through preliminary environmental review. As a result, and with compliance with all applicable environmental regulations and permitting requirements, the project is not expected to result in substantial environmental impacts to fish, wildlife, or their habitat.**
4. The proposed subdivision, together with the provisions for its design and improvement, is not likely to cause serious public health problems.
  - **This finding can be made because the future development on the proposed parcels will be limited to one single-family dwelling, one accessory dwelling unit (ADU), and one junior accessory dwelling unit (JADU) per parcel, as allowed under the AG-40 zoning designation. Environmental Health Department standards related to water and wastewater services will apply to each new parcel. The Initial Study prepared for the project found no significant impacts to public health, and therefore, the subdivision is not anticipated to cause serious public health problems.**
5. The proposed subdivision, together with the provisions for its design and improvement, will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The County may approve a map if it finds that alternate easements for access or for use will be provided and that these easements will be substantially equivalent to ones previously acquired by the public.
  - **This finding is supported because the proposed subdivision does not interfere with any existing public easements for access or use. A new access easement is proposed as part of the project design, which would provide legal access to all resulting parcels. This easement will be recorded and constructed in compliance with County standards and will ensure continued access in a manner substantially equivalent to any existing public rights. If alternate access routes are determined to be necessary, such easements will also meet the County's requirements for design and function.**
6. Water and wastewater disposal services will be available and sufficient to serve a proposed subdivision. If the subdivision has more than 500 dwelling units, this finding must be in accordance with Section 66473.7 of the Subdivision Map Act.

- **This finding can be made because all parcels created under the subdivision will rely on private wells and individual septic systems for water and wastewater disposal, consistent with AG-40 development standards. These systems will be subject to approval by the Environmental Health Department. The proposed subdivision does not exceed the threshold of 500 units and is therefore exempt from the requirements of Government Code Section 66473.7.**
7. Any land or improvement to be dedicated to the County or other public agency is consistent with the General Plan, any applicable Specific Plan, pre-existing Special Purpose Plan, or Master Plan, and any other applicable plan adopted by the County.
- **This finding can be made because any required dedications for roadways, drainage, or other public infrastructure will comply with County standards and be consistent with the General Plan and applicable County plans. All dedications will be reviewed by the Department of Public Works to ensure compliance with adopted standards and regulations.**
8. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.
- **This finding can be made because the proposed lot configuration and orientation allow for future residential development to take advantage of natural heating and cooling techniques. Homes may be sited and designed to optimize solar exposure, including the use of rooftop solar panels, passive solar heating, and natural ventilation. The AG-40 zoning does not preclude the implementation of energy-efficient design and orientation practices in future construction.**

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

## Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

### **Attachment F** **Conditions of Approval**

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## CONDITIONS OF APPROVAL

PA-2400223 & PA-2300266  
PATRICK ESTES / JOSH ELSON

Variance Application No. PA-2400223 and Major Subdivision Application No. PA-2400266 was approved by the Planning Commission on September 4, 2025. The effective date of approval is September 4, 2025. This tentative map approval will expire on September 4, 2028, which is three (3) years from the effective date of approval, unless (1) all Conditions of Approval have been complied with and (2) a Certificate of Compliance has been filed with and accepted by the County Surveyor.

Unless otherwise specified, all Conditions of Approval and ordinance requirements shall be fulfilled prior to approval of the Certificate of Compliance. Those Conditions followed by a Section Number have been identified as ordinance requirements pertinent to this application. Ordinance requirements cannot be modified, and other ordinance requirements may apply.

1. COMMUNITY DEVELOPMENT DEPARTMENT (Contact: Community Development Department, [209] 468-3121)

- a. **APPROVAL:** This approval is for a Major Subdivision to subdivide a 14.77-acre parcel into 6 parcels and 1 Designated Remainder. Parcel 1 to contain 2.43 acres, Parcel 2-6 to contain 2 acres, and the Designated Remainder to contain 2.34 acres, as shown on the Tentative Map dated March 18, 2024, and consistent with Variance No. PA-2400078.
- b. **TENTATIVE MAP:** The Parcel Map shall substantially conform with the approved Tentative Map dated May 22, 2024. (Development Title Section 9-512.010).
- c. **MITIGATION MONITORING AND REPORTING PLAN:** The project shall comply with all required mitigations included in the MMRP dated July 25, 2024.
- d. **RIGHT TO FARM:** Pursuant to San Joaquin County Code Section 6-9004(b), the following note shall be recorded as a Notice of Major Subdivision Restriction with the Parcel Map.

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

- e. **LOT SIZE:** The following lot size and width regulations shall apply to this map:
  - 1. Parcel 1 shall have a lot size of 2.43 gross acres.
  - 2. Parcels 2-6 shall have a lot size of 2 gross acres.
- f. **ROAD NAME:** The road name(s) included on the parcel map must be reviewed and approved by the Community Development Department. (Development Title Section 9-608.190(a)(1))

### COUNTY COUNSEL

- g. **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.

2. SAN JOAQUIN COUNCIL OF GOVERNMENTS (Contact [209] 235-0600):

- a. This project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). At the time of development, any structures that require ground disturbance on this or subsequent divided parcels will be subject to participate in the SJMSCP and should be resubmitted to the San Joaquin Council of Governments to ensure biological and mitigation obligations are satisfied. The following note shall be recorded as a Notice of Major Subdivision Restriction:
  1. Parcels 1-6 and the Designated Remainder are subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). At the time of development of Parcels 1-6, any structure(s) that require ground disturbance on this or subsequent divided parcels will be subject to participate in the SJMSCP and development plans should be submitted to the San Joaquin Council of Governments to ensure biological and mitigation obligations are satisfied.

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

- a. An encroachment permit shall be required for all work within the County road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-607.020 and 9-607.040)
- b. 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 9-802.02[c], Section 9-505, Section 9-600 and R-92-814)
- c. A minimum twenty-five (25) foot wide proposed private access and utility easement shall be provided for the benefit of Parcels 1-6. The requirement for these easements shall be noticed by a statement on the Parcel Map and by a recorded Notice of Minor Subdivision Restriction. The statement shall read as follows: We also hereby make an irrevocable offer to provide a minimum twenty-five-foot (25') wide private access and utility easement across Parcels 1-6 & the Designated Remainder including turnaround accommodations at its terminations and corner cut-offs at intersecting roads, for the benefit of Parcels 1-6, upon conveyance of any of the Parcels to another party. Said easement is not created by this map.
- d. Prior to approval of the Parcel Map, the developer shall prepare and record a mechanism that notices future owners and provides for funding and maintenance of the roadway improvements. A copy shall be submitted to the Department of Public Works.
- e. Prior to the issuance of a non-agricultural building permit on Parcels 1-6; a private access roadway and turnarounds from Trethaway 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 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- 608.160[a])(A fee for processing the Declaration will be required.)
- f. 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 after approval of the Final Map. (Development Title Section 9- 600.020[j])
- g. 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 after acceptance by the Board of Supervisors.



- h. 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 9-606.010)
- i. 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.)
- j. 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 9-608.010).
- k. 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 9-609.020).

Informational Notes:

- 1. At the time the parcels are developed, the developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards.
- 2. Any construction activity that results in the disturbance of at least one (1) acre of soil shall require a State NPDES construction permit. Dischargers whose projects disturb 1 or more acres of soil or whose projects disturb less than 1 acre of soil and is not part of a larger common plan of development, are required to obtain coverage under the current General Permit for Discharges of Storm Water Associated with Construction Activity.
- 3. This property is subject to the requirements of San Joaquin County Mosquito & Vector Control District (209-982-4675) and the California Health and Safety Code for the prevention of mosquitoes. Best Management Practices (BMP) guidelines for stormwater devices, ponds and wetlands are available.

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

- a. A soil suitability and nitrate loading study incorporating proposed onsite wastewater treatment system 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 9-604.010(d)). The fee will be based on the current schedule at the time of payment.

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

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

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

- c. A soil suitability and nitrate loading study incorporating proposed staff and customer use shall be submitted to the Environmental Health Department, indicating that the area is suitable for septic system usage for each parcel. The studies must be approved by the Environmental Health Department prior to approval of a parcel map. (San Joaquin County Development Title, Section 9-604.010(d)). The fee will be based on the current schedule at the time of payment.

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

- d. Construction of an individual sewage disposal system(s) under permit and inspection by the Environmental Health Department is required at the time of development based on the Soil Suitability/ Nitrate Loading Study findings (San Joaquin County Development Title, Section 9-605.010).
- e. Construction of an individual domestic water well under permit and inspection by the Environmental Health Department is required at the time of development (San Joaquin County Development Title, Section 9-601.010 (b)).
- f. The existing private water wells shall be tested for nitrates with the results submitted to the Environmental Health Department prior to recordation of the Parcel Map. Samples are to be taken and analyzed by a State-approved laboratory. (San Joaquin County Development Title, Section 9-601.020(j)).
- g. Any existing wells or septic systems to be abandoned shall be destroyed under permit and inspection by the EHD (San Joaquin County Development Title, Section 9-605.010 & 9-601.020).
- h. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-601.010(b) and 9-601.020(i)).