



Planning Commission Staff Report

Item # 1, October 1, 2026

Text Amendment PA-2600302

Prepared by: Henna Khan

PROJECT SUMMARY

Applicant Information

Project Applicant: San Joaquin County Community Development Department

Project Site Information

Project Location: Countywide

Supervisory District: All

Environmental Review Information

CEQA Determination: Notice of Exemption (Attachment A, Environmental Review)

Project Description

This project is a Development Title Text Amendment to update tables and text within Series 200, 400, 500, 600, 800, and 900 including:

- Pre-application review for General Plan amendments and Zone Reclassifications
- Ancillary storage for the Trucks Services - Parking use type
- Water, wastewater, and storm drainage service for areas outside of urban communities
- Farm Employee Housing consistency with the underlying General Plan designation
- Utility-scale Solar Energy System requirements
- Various other typos, errors, and omissions.

Recommendation

1. Find that the proposed project is exempt as a “common sense” exemption under the California Code of Regulations, Title 14, Chapter 3, Section 15061(b)(3) of the California Environmental Quality Act Guidelines because the project proposes minor updates to the Development Title and would not have the potential to cause a significant physical effect on the environment (Attachment A, Environmental Review);
2. Forward to the Board of Supervisors with a recommendation to adopt the Findings for Development Title Text Amendment (Attachment D, Findings), and
3. Forward to the Board of Supervisors with a recommendation to approve Development Title Text Amendment No. PA-2600302 (Attachment C, Draft Ordinance).

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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 28, 2026.

Number of Public Hearing notices: 21

Date of Public Hearing notice mailing: September 15, 2026.

Referrals and Responses

Agency Referrals	Response Date - Referral	Agency Referrals	Response Date - Referral
County Departments		Local Agencies	
Ag Commissioner		Administrators Office	
Assessor		City of Escalon	
Community Development		City of Galt	
Building Division		City of Lathrop	
Fire Prevention Bureau		City of Lodi	
Code Enforcement		City of Manteca	
Public Works		City of Mountain House	
Environmental Health	August 18, 2026	City of Oakdale	
Sheriff Office		City of Ripon	
Federal Agencies		City of Riverbank	
US Dept of the Interior Fish and Wildlife		City of Stockton	
F.E.M.A.		City of Tracy	
		County Counsel	
		Mosquito & Vector Control	
		S.J.C.O.G.	
		San Joaquin Farm Bureau	August 26, 2026
		San Joaquin Air Pollution Control District	
		Miscellaneous	
		P.G.&E.	August 27, 2026
		Sierra Club	
		CA Native American Heritage Commission	
		CA Tribal TANF Partnership	
		California Valley Miwok Tribe	June 26, 2026
		North Valley Yokuts Tribe	
		United Auburn Indian Community	

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ANALYSIS

Background

On November 29, 2022, the Board of Supervisors adopted a comprehensive update to the Development Title (Title 9), which became effective on December 29, 2022. Since that time, staff has identified a number of items throughout the document that affect the ability to implement the 2022 Development Title and the intent of departmental policies and practices. As such, this Development Title Text Amendment is intended to serve as a fifth general cleanup.

Development Title Text Amendment

The proposed Development Title Text Amendments include revisions to text and tables to correct various typographical errors, formatting issues, omitted information, and incorrect references or application types, as well as the changes summarized below.

Series 200: Base Zones

Use Tables

This amendment is intended to provide clarification and clear direction throughout the use tables organized by zone, including:

- Use Type titles
- Permitted and unpermitted uses
- Level of review for permitted uses
- Additional Regulation and Notes

Additionally, Use Type titles have been simplified for consistency with other formatting, as follows:

- **Old:**
 - Animal Care, Sales, and Services
 - Boarding and Breeding
 - Large
 - Small
- **New:**
 - Animal Care, Sales, and Services
 - Boarding and Breeding, Large
 - Boarding and Breeding, Small

These changes in Use Type titles are also included in Series 900: General Terms for consistency.

The amendment also identifies where some Use Types, such as Offices, may be permitted and the level of review for these uses, as the land use tables were inadvertently left incomplete.

Series 400: Additional Uses and Development Regulations

This amendment proposes the following changes:

- ***Farm Employee Housing*** – Clarification added that Farm Employee Housing must be consistent with the underlying General Plan Designation pursuant to General Plan LU-7.8, which states that the County shall allow the development of farm employee housing and farm labor camps in all areas designated General Agriculture (A/G), Agriculture Industrial (A/I), Limited Agriculture (A/L), and Agriculture-Urban Reserve (A/UR) where there is a demonstrated need for such housing.

- Utility-scale Solar Energy Systems – Clarification added regarding applicability of the Farmland Protection subsection, updated and simplified fencing and landscaping requirements, and the addition of screening requirements if deemed necessary by the Zoning Administrator.
- Wireless Telecommunication Facilities – Clarification added regarding the level of review required and approval body for Type 3 applications.

Series 500: Subdivision Regulations

Lot Line Adjustment

While changes to the Lot Line Adjustment requirements were initially proposed, these have been removed to allow staff additional time to review and consider stakeholder comments.

Time Extensions

Series 500 is focused on subdivision requirements but currently contains time extension requirements for both subdivision and non-subdivision development applications that contradict regulations contained in Series 800: Administration and Permits. As such, the regulations pertaining to non-subdivision time extension applications are proposed to be removed from Series 500 to eliminate confusion. Subsequently, related time extension regulations included in Series 800 have been updated to clarify that they do not apply to subdivision approvals.

Series 600: Infrastructure Standards and Service Financing

Water, Wastewater, and Storm Drainage

In response to issues with real-world application of current infrastructure standards, the Community Development Department, Department of Public Works, and Environmental Health Department have proposed updates to the standards for water, wastewater, and storm drainage service. The updates allow exceptions to public services for developments located outside urban communities on properties already zoned Freeway Service Commercial or Commercial Recreation.

Series 800: Administration and Permits

Pre-Application Review

This amendment proposes to add a required Pre-Application Review for all General Plan Amendments and Zone Reclassification applications for consistency with General Plan and Development Title Text Amendment No. PA-2600004 which was approved by the Board of Supervisors on June 30, 2026.

Series 900: General Terms:

In addition to changes in Use Type titles, various Use Type definitions have been updated, simplified, or expanded for clarification, including the expansion of the definition of Flood Control Engineer to include their designee.

Other

On addition to the previously noted changes, the amendment proposes to fix various typographical errors, formatting issues, and previously omitted information.

Agency Response Letters

The County received a request from the San Joaquin Farm Bureau on August 26, 2026, for a two-week extension of the comment period for PA-2600302 to allow its Land Use Committee additional time to review the proposed changes. The San Joaquin Farm Bureau identified several areas of potential concern and requested additional time to conduct research and provide informed comments. Since the Planning

Commission hearing date moved from September 17, 2026, to October 1, 2026, it allowed additional time for review and comment.

Findings

In order to approve the subject Development Title Text Amendment, the Board of Supervisors must make several findings in the affirmative. These findings include that the project is consistent with the General Plan goals, unless the goals themselves are to be amended. Required findings are discussed in Attachment C, and staff recommends that all findings can be made in the affirmative.

Notice of Exemption

California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3) states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Community Development Department has determined that the proposed Text Amendment has no possibility of causing a direct or indirect physical change in the environment, much less a significant effect on the environment. Accordingly, the Text Amendment is exempt from CEQA.

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RECOMMENDATION

It is recommended that the Planning Commission:

1. Find that the proposed project is exempt as a “common sense” exemption under the California Code of Regulations, Title 14, Chapter 3, Section 15061(b)(3) of the California Environmental Quality Act Guidelines because the project proposes minor updates to the Development Title and would not have the potential to cause a significant physical effect on the environment (Attachment A, Environmental Review);
2. Forward to the Board of Supervisors with a recommendation to adopt the Findings for Development Title Text Amendment (Attachment D, Findings), and
3. Forward to the Board of Supervisors with a recommendation to approve Development Title Text Amendment No. PA-2600302 (Attachment C, Draft Ordinance).

Attachments:

Attachment A – Environmental Review
Attachment B – Agency Response Letters
Attachment C – Draft Ordinance
Attachment D - Findings

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Community Development Department

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Attachment A **Environmental Review**

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Community Development Department

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Jennifer Jolley, Director

Eric Merlo, Assistant Director

Tim Burns, Code Enforcement Chief

Corinne King, Deputy Director of Planning

Jeff Niemeyer, Deputy Director of Building Inspection

NOTICE OF EXEMPTION

TO: ☒ Office of Planning & Research
P. O. Box 3044, Room 212
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: Development Title Text Amendment No. PA-2600302

Project Location – County: San Joaquin County

Project Description: Development Title Text Amendment application: This project is a Development Title Text Amendment to update tables and text within Series 200, 400, 500, 600, 700, 800, and 900 regarding:

- Pre-application review for General Plan amendments and Zone Reclassifications
- Ancillary storage for the Trucks Services - Parking use type
- Water, wastewater, and storm drainage service for areas outside of urban communities
- Lot Line Adjustment standards for review
- Farm Employee Housing consistency with the underlying General Plan designation
- Utility-scale Solar Energy System Requirements
- Various other typos, errors, and omissions.

Project Proponent(s): San Joaquin County Community Development Department

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

Name of Person or Agency Carrying Out Project: Henna Khan, Assistant Planner
San Joaquin County Community Development Department

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

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

Lead Agency Contact Person:
Henna Khan Phone: (209) 468-8477 Fax: (209) 468-3163 Email: hennakhan@sjgov.org

Signature: _____ Date: _____

Name: Sean Cardenas Title: Deputy County Clerk

Signed by Lead Agency

Date Received for filing at OPR: _____

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

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Attachment B **Agency Response** **Letters**

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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 18, 2026

To: San Joaquin County Community Development Department
Attention: Henna Khan

From: Sastina Thammavongsa; (209) 616-3068 *ST*
Registered Environmental Health Specialist

RE: **PA-2600302 (TA), Referral, SU2601490**
Countywide, Development Title Text Amendment

The Environmental Health Department has the following comment: All Onsite Wastewater Treatment Systems (OWTS) must comply with San Joaquin County Local Agency Management Program (LAMP) and current OWTS standards.



SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

August 26, 2026

San Joaquin County Community Development Department
Planning Division
1810 East Hazelton Avenue
Stockton, CA 95205

RE: Request for Two-Week Extension of Comment Period - Draft Ordinance PA-2600302

Dear Planning Staff:

On behalf of the San Joaquin Farm Bureau, we respectfully request a two-week extension of the public comment period for Draft Ordinance PA-2600302.

The proposed ordinance contains numerous amendments to the San Joaquin County Development Title that could affect agricultural land uses, rural development, water and wastewater infrastructure, property rights, and the County's land-use approval processes. Given the breadth and potential significance of these changes, our Land Use Committee believes that additional time is necessary to thoroughly review the proposal, consult with affected agricultural stakeholders, and provide meaningful comments to the County.

The Farm Bureau did not receive the complete draft ordinance until August 18, leaving a very short period for our committee and members to evaluate a substantial set of proposed changes. We understand that periodic updates to the Development Title are necessary; however, it is unclear why an ordinance of this size and scope must proceed on such an abbreviated schedule.

A two-week extension would give our organization and other interested parties a reasonable opportunity to understand the proposed amendments and identify any unintended consequences before the ordinance advances. Additional review time will help ensure that the County receives thoughtful and constructive input and that any changes ultimately adopted are clear, effective, and appropriately protective of agriculture and rural communities.

We appreciate the County's consideration of this request and respectfully ask that the comment deadline for Draft Ordinance PA-2600302 be extended by two weeks.

Sincerely,

Andrew Genasci
San Joaquin Farm Bureau
andrew@sjfb.org

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



*Pacific Gas and
Electric Company*

Pacific Gas and Electric Company
Eduardo Pimentel
Land Management
850 Stillwater Rd
Sacramento, CA 95605

August 27, 2026

San Joaquin County
Community Development Department
Henna Khan

Re: PA-2600302 (TA)

Dear Henna,

Thank you for providing PG&E the opportunity to review your proposed plans for PA-2600302 (TA) received on 8/19/2026. Our review indicates the proposed work and/or improvements do not appear to directly interfere with any of PG&E's existing facilities or land rights.

Please note, this is our preliminary review and PG&E may provide additional comments in the future as the project progresses or if additional information is provided. If there are subsequent modifications made to the design, we ask that the plans be resubmitted for review to the email address listed below.

If PG&E gas and/or electric service are needed, please submit an application through PG&E's Your Project Portal: [Sign In \(yourprojects-pge.com\)](https://yourprojects-pge.com).

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of two (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 this response, please contact me at (925)266-2415 or Eduardo.Pimentel@pge.com

Sincerely,

Eduardo Pimentel

PG&E Plan Review Team
Land Management

CALIFORNIA VALLEY MIWOK TRIBE



June 26, 2026

San Joaquin County
Community Development Department
Henna Khan, Project Planner
1810 E. Hazel Ave
Stockton, California 95205-6298
Email: hennakhan@sjgov.org

Re: Application No. PA-2600302 (TA), A Development Title Text Amendment application, Stockton, San Joaquin County, California

Dear Henna Khan,

It is the understanding of the California Valley Miwok Tribe that application No. PA-2600302 (TA), is a Development Title Text Amendment application to update tables and text within Series 200, 400, 500, 600, 700, 800, and 900 pertaining to pre-application review requirements for all General Plan amendments and Zone Reclassifications; ancillary storage for the Trucks Services – Parking use type; water. Wastewater, and storm drainage service requirements for areas outside of urban communities. Stockton, San Joaquin County, California Project APN Address: 155-180-02 / 1810 E. Hazelton Ave, Stockton, San Joaquin Co., CA.

It is further understood by the Tribe that the project site is Countywide, and that this project as described is exempt from CEQA.

The California Valley Miwok Tribe has no comments or concerns regarding application No. PA-2600302 (TA) in Stockton, San Joaquin County, California
Applicant: Megan Aguirre

Silvia Burley
Chairperson

California Valley Miwok Tribe 14807 Avenida Central, La Grange, California 95329
Official Website: <https://californiavalleymiwok.us> Office Ph: 209-931-4567 Email: office@cvmt.net



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Attachment C **Draft Ordinance**

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BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA

ORDINANCE NO.
AN ORDINANCE AMENDING TITLE 9 OF THE ORDINANCE CODE OF THE COUNTY OF SAN
JOAQUIN RELATING TO VARIOUS SECTIONS OF THE DEVELOPMENT TITLE

The Board of Supervisors of the County of San Joaquin ordains as follows:

Section 1. Table 9-200.020-1: Uses in Residential Zones, Section 9-200.020 - Land Use Regulations, Chapter 9-200 - Residential Zones, Series 200 - Base Zones, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-200.020-1: USES IN RESIDENTIAL ZONES							
P = Permitted Use (Building Permit may be required); T=Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP Special Purpose Plan required; L# = Numbered limitation at end of table. "-" = Not permitted							
Use Types	R-R	R-VL	R-L	R-M	R-MH	R-H	Additional Regulations
Residential							
Farm Employee Housing	See subclassifications below						
Large	-	-	-	-	-	-	
Non-Residential							
Animal Care, Sales, and Services	See subclassifications below						
Boarding and Breeding	See subclassifications below						
<u>Boarding and Breeding, Large</u>	A	-	-	-	-	-	
<u>Boarding and Breeding, Small</u>	A	-	-	-	-	-	
<u>Veterinary, Large</u>	-	-	-	-	-	-	
Large Animal	-	-	-	-	-	-	
Small Animal	-	-	-	-	-	-	
<u>Veterinary, Small</u>	-	-	-	-	-	-	
Equipment Sales, Repair, and Storage	See subclassifications below						
Heavy Equipment, Repair	-	-	-	-	-	-	
Fuel Sales	See subclassifications below						
Trucks	-	-	-	-	-	-	

Section 2. Table 9-200.020-3: Temporary Uses & Structures in Residential Zones, Section 9-200.020 - Land Use Regulations, Chapter 9-200 - Residential Zones, Series 200 - Base Zones, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-200.020-3: TEMPORARY USES & STRUCTURES IN RESIDENTIAL ZONES							
P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table; "-" = Not permitted							
Temporary Use or Structure	R-R	R-VL	R-L	R-M	R-MH	R-H	Regulations (Section)
Special Events and Sales	<u>See subclassifications below</u>						9-409.440, Special Events and Sales
Special Outdoor Event	T	T	-	-	-		<u>9-409.440, Special Events and Sales</u>
Special Indoor Event	T	T	-	-	-		<u>9-409.440, Special Events and Sales</u>
Seasonal Sales	-	-	-	-	-		<u>9-409.450, Temporary Uses</u>

Section 3. Table 9-201.020-1: Uses in Commercial Zones, Section 9-201.020 - Land Use Regulations, Chapter 9-201 - Commercial Zones, Series 200 - Base Zones, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-201.020-1: USES IN COMMERCIAL ZONES										
P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table; "-" = Not permitted										
Use Types	C-L	C-N	C-C	C-O	C-G	C-FS	C-RS	C-R	C-X	Additional Regulations
Residential										
Non-Residential										
Animal Care, Sales and Services	<u>See subclassifications below</u>									
Boarding and Breeding	<u>See subclassifications below</u>									
<u>Boarding and Breeding, Large</u>	-	C	C	-	C	-	C	-	C	
<u>Boarding and Breeding, Small</u>	-	A	A	-	A	-	A	-	A	
<u>Veterinary, Large</u>	-	-	-	-	-	-	<u>A</u>	-	<u>A</u>	
Large Animal	-	-	-	-	-	-	<u>A</u>	-	<u>A</u>	
Small Animal	-	<u>A</u>	<u>A</u>	-	<u>Z</u>	-	<u>A</u>	-	-	
<u>Veterinary, Small</u>	-	<u>A</u>	<u>A</u>	-	<u>Z</u>	-	<u>A</u>	-	-	
Animal Raising	<u>See subclassifications below</u>									
Exotic	-	-	-	-	-	-	-	-	-	
Construction Services	<u>See subclassifications below</u>									
General	-	A	A	-	<u>Z</u>	-	A	-	-	

Section 4. Table 9-201.020-2: Accessory Uses & Structures in Commercial Zones, Section 9-201.020 - Land Use Regulations, Chapter 9-201 - Commercial Zones, Series 200 - Base Zones, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-201.020-2: ACCESSORY USES & STRUCTURES IN COMMERCIAL ZONES										
P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table; "-" = Not permitted										
Accessory Use or Storage	<u>C-L</u>	C-N	C-C	C-O	C-G	C-FS	C-RS	C-R	C-X	Additional Regulations
Accessory Dwelling Unit	-	-	-	-	-	-	-	-	-	
Accessory Short-term Rentals	-	-	-	-	-	-	-	-	-	
Antennae, Radio/TV Dish	<u>P</u>	P	P	P	P	P	P	-	P	
Agricultural Building	<u>P</u>	P	P	P	P	P	P	P	P	
Agricultural Equipment Storage	<u>P</u>	P	P	P	P	P	P	P	P	
Barn	-	-	-	-	-	-	-	-	-	
Biomass Energy Production	-	-	-	-	-	-	-	-	-	
Boathouse, Private	-	-	-	-	-	-	-	-	-	
Caretaker Residence	<u>P</u>	P	P	P	P	P	P	P	P	
Coop	-	-	-	-	-	-	-	-	-	
Distilled Spirits Storage	-	-	-	-	-	-	-	-	-	
Dock, Private	-	-	-	-	-	-	-	-	-	
Firewood Sales	-	-	-	-	-	-	-	-	-	
Garage, Private	-	-	-	-	-	-	-	-	-	
Greenhouse, Private	-	-	-	-	-	-	-	-	-	
Guesthouse	-	-	-	-	-	-	-	-	-	
Home Occupation	-	-	-	-	-	-	-	-	-	
Horse Raising	-	-	-	-	-	-	-	-	-	

Owner-Operator Truck Parking	⌋	-	-	-	-	-	-	-	-	
Packing Shed	⌋	-	-	-	-	-	-	-	-	
Pet Grooming and Training	⌋	-	-	-	-	-	-	-	-	
Pump/Pumphouse	<u>P</u>	P	P	P	P	P	P	P	P	
Residential Solar Energy System, Small	⌋	⌋	⌋	⌋	⌋	⌋	⌋	⌋	⌋	
Silo	⌋	-	-	-	-	-	-	-	-	
Stable, Private	⌋	-	-	-	-	-	-	-	-	
Swimming Pool & Equipment	⌋	-	-	-	-	-	-	-	-	
Water Storage Facility	⌋	-	-	-	-	-	P	-	P	
Wind Energy Machine, Private	<u>P</u>	P	P	P	P	P	P	P	P	
Wine Tasting Room	⌋	-	-	-	-	-	-	-	-	
Workshop/Hobby Shop	<u>P</u>	P	P	P	P	P	P	P	P	

Section 5. Table 9-201.020-3: Temporary Uses & Structures in Commercial Zones, Chapter 9-201 - Commercial Zones, Series 200 - Base Zones, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-201.020-3: TEMPORARY USES & STRUCTURES IN COMMERCIAL ZONES										
P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table; "-" = Not permitted										
Temporary Use or Structure	<u>C-L</u>	C-N	C-C	C-O	C-G	C-FS	C-RS	C-R	C-X	Additional Regulations
Auction, Agricultural Machinery	⌋	-	T	-	T	-	T	-	T	
Auction, Livestock	⌋	-	-	-	-	-	T	-	-	
Car Wash, Private	⌋	-	-	-	-	-	-	-	-	
Commercial Filming	<u>P</u>	P	P	P	P	P	P	P	P	
Corporation Yard	<u>T</u>	T	T	T	T	T	T	T	T	

Farmers' Market, Certified	⌌	-	-	-	-	-	-	-	-	
Garage/Yard Sales	P	P	P	P	P	P	P	P	P	
Produce Stand	⌌	-	-	-	-	-	-	-	-	
Public Display of Fireworks	I	T	T	T	T	T	T	T	T	
Real Estate Sales	P	P	P	P	P	P	P	P	P	
Special Events and Sales	See subclassifications below									
Seasonal Sales	I	T	T	T	T	T	T	T	T	9-409.440, Special Events and Sales 9-409.450, Temporary Uses
Special Outdoor Event	⌌	-	T	-	T	-	T	T	-	
Special Indoor Event	I	T	T	T	T	T	T	T	T	
Storage Structure	I	T	T	T	T	T	T	T	T	
Subdivision Sales Office	⌌	-	-	-	-	-	-	-	-	
Temporary Work Trailer	I	T	T	T	T	T	T	T	T	
Temporary Real Estate Sales	⌌	-	-	-	-	-	-	-	-	
Temporary Structure	⌌	-	-	-	-	-	-	-	-	

Section 6. Table 9-202.020-1: Uses in Industrial Zones, Section 9-202.020 - Land Use Regulations, Chapter 9-202 - Industrial Zones, Series 200 - Base Zones, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-202.020-1: USES IN INDUSTRIAL ZONES						
P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table; "-" = Not permitted						
Use Types	I-W	I-P	I-L	I-G	I-T	Additional Regulations
Residential						
Farm Employee Housing	-	-	-	-	-	
Large	⌌	⌌	⌌	⌌	⌌	
Non-Residential						
Animal Care, Sales, and Services	See subclassifications below					

Boarding and Breeding	See subclassifications below					
<u>Boarding and Breeding, Large</u>	A	-	A	A	-	
<u>Boarding and Breeding, Small</u>	Z	-	Z	Z	-	
<u>Veterinary, Large</u>	=	=	=	=	=	
<u>Large Animal</u>	-	-	-	-	-	
<u>Small Animal</u>	-	-	A	A	-	
<u>Veterinary, Small</u>	=	=	A	A	=	
Offices	=	=	=	=	-	

Section 7. Table 9-202.020-3: Temporary Uses & Structures in Industrial Zones, Section 9-202.020 - Land Use Regulations, Chapter 9-202 - Industrial Zones, Series 200 - Base Zones, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-202-020-3: TEMPORARY USES & STRUCTURES IN INDUSTRIAL ZONES						
P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table; "-" = Not permitted						
Temporary Use or Structure	Industrial Zones					Additional Regulations
	I-W	I-P	I-L	I-G	I-T	
Seasonal Sales	T	T	T	T	T	9-409.450, Temporary Uses
Special Events and Sales	<u>See subclassifications below</u>					
<u>Seasonal Sales</u>	I	I	I	I	I	<u>9-409.440, Special Events and Sales</u>
<u>Special Outdoor Event</u>	-	-	-	-	-	<u>9-409.450, Temporary Uses</u>
<u>Special Indoor Event</u>	-	-	-	-	-	

Section 8. Table 9-203.020-1: Uses in Agricultural Zones, Section 9-203.020 - Land Use Regulations, Chapter 9-203 - Agricultural Zones, Series 200 - Base Zones, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-203.020-1: USES IN AGRICULTURAL ZONES						
P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table; "-" = Not permitted						
Use Types	AG	AI	AL	AU	Additional Regulations	
Residential						
Non-Residential						

Animal Care, Sales, and Services	See subclassifications below				
Boarding and Breeding	See subclassifications below				
<u>Boarding and Breeding, Large</u>	A	C	C	-	
<u>Boarding and Breeding, Small</u>	A	A	A	-	
Veterinary	See subclassifications below				
Large Animal	A	A	A	A	
Small Animal	-	-	-	-	
<u>Veterinary, Large</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Veterinary, Small</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	
Automotive Sales and Services	See subclassifications below				
Towing and Impound	-	-	-	-	
Fuel Sales	See subclassifications below				
Trucks	-	-	-	-	
Industry	See subclassifications below				

Section 9. Table 9-203.020-3: Temporary Uses & Structures in Agricultural Zones, Section 9-203.020 - Land Use Regulations, Chapter 9-203 - Agricultural Zones, Series 200 - Base Zones, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-203.020-3: TEMPORARY USES & STRUCTURES IN AGRICULTURAL ZONES					
P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table; "-" = Not permitted					
Use Types	AG	AI	AL	AU	
Seasonal Sales	P	P	P	P	Includes Christmas tree and pumpkin sales; see Section 9-409.450 (b)(4)
Special Events and Sales	See subclassifications below				Section 9-409.450 (b)(5)
Seasonal Sales	P	P	P	P	<u>9-409.440, Special Events and Sales</u> <u>9-409.450, Temporary Uses</u>
Special Outdoor Event	T	T	T	T	
Special Indoor Event	T	T	T	T	

					Includes Christmas tree and pumpkin sales; see Section 9-409.450 (b)(4)
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Section 10. Table 9-204.020-1: Uses in Airport, Mixed Use, and Public Facilities Zones, Section 9-204.020 - Land Use Regulations, Chapter 9-204 - Airport, Mixed Use, and Public Facilities Zones, Series 200 - Based Zones, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-204.020-1: USES IN AIRPORT, MIXED USE, AND PUBLIC FACILITIES ZONES				
P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table; "-" = Not permitted				
Use Types	P-F	M-X	AP-X	Additional Regulations
Residential				
Farm Employee Housing	-	-	-	
Large	-	-	-	
Non-Residential				
Animal Care, Sales, and Services	See subclassifications below			
Boarding and Breeding	-	-	-	
Boarding and Breeding, Large	-	-	-	
Boarding and Breeding, Small	-	-	-	
Veterinary	-	-	-	
Veterinary, Large Animal	-	-	-	
Veterinary, Small Animal	-	-	-	
Retail Sales and Services	See subclassifications below			
Convenience Store	-	SPP <u>Z</u>	<u>SPP</u>	
Market	-	- <u>Z</u>	-	

Section 11. Table 9-204.020-2: Accessory Uses & Structures in the Airport, Mixed Use, and Public Facilities Zones, Section 9-204.020 - Land Use Regulations, Chapter 9-204 - Airport, Mixed Use, and Public Facilities Zones, Series 200 - Based Zones, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-204.020-2: ACCESSORY USES & STRUCTURES IN THE AIRPORT, MIXED USE, & PUBLIC FACILITIES ZONES				
P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C				

= Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table; "-" = Not permitted				
	P-F	M-X	AP-X	Additional Regulations
Accessory Short-term Rentals	-	-	-	

Section 12. Table 9-204.020-3: Temporary Uses & Structures in Other Zones, Section 9-204.020 - Land Use Regulations, Chapter 9-204 - Airport, Mixed Use, and Public Facilities Zones, Series 200 - Based Zones, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-204.020-3: TEMPORARY USES & STRUCTURES IN OTHER ZONES				
P = Permitted Use (Building Permit may be required); T = Temporary Use Permit required; Z = Zoning Compliance Review required; A = Administrative Use Permit by Zoning Administrator; C = Conditional Use Permit by Planning Commission; SPP = Special Purpose Plan required; L# = Numbered limitation at end of table; "-" = Not permitted				
Temporary Use or Structure	P-F	M-X	AP-X	Additional Regulations
Special Events and Sales	<u>See subclassifications below</u>			9-409.450, Temporary Uses
<u>Seasonal Sales</u>	T	T	T	<u>9-409.440, Special Events and Sales</u>
<u>Special Outdoor Event</u>	T	T	T	
<u>Special Indoor Event</u>	T	T	T	
				<u>9-409.450, Temporary Uses</u>

Section 13. Section 9-409.020: Accessory Dwelling Units; Junior Accessory Dwelling Units, Chapter 9-409 - Standards for Specific Uses and Activities, Series 400 - Additional Use and Development Regulations, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-409.020 ACCESSORY DWELLING UNITS; JUNIOR ACCESSORY DWELLING UNITS

Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (b) **Where Allowed; General Requirements and Restrictions.** Any one of the following, or a combination of the following, is One ADU and one JADU may be constructed or otherwise permitted on a lot in any zone which allows a single-family dwelling as a permitted use: ~~Multiple converted or detached ADUs may be constructed on a lot with an existing multi-family use, where consistent with Government Code Section 65852.2(e)(1)(C) and (D).~~

- (1) One newly constructed, detached ADU
- (2) One ADU within the proposed space of a single-family residence or converted from the existing space of a single-family residence or accessory structure.
- (3) One JADU
- (4) Multiple converted or detached ADUs may be constructed on a lot with an existing multi-family use, where consistent with Government Code Section 6323(a)(3) and (4).

TABLE 9-409.020 – ALLOWABLE ADU COMBINATIONS		
	<u>Single-Family Primary Dwelling</u>	<u>Multifamily Primary Dwelling</u>
<u>ADU Constructed from Proposed or Existing Space</u>	• Sometimes referred to as <u>“Conversions,” “Interior,” “Created within”</u> • May expand 150 square feet from the <u>existing accessory structure for ingress and egress purposes</u> • <u>Must have exterior access</u> • <u>May be created within a single-family residence or from an accessory structure</u>	<u>Does Not Apply</u>
<u>JADU</u>	• <u>Created within an existing or proposed single-family dwelling</u> • <u>Maximum of 500 square feet of interior livable space</u> • <u>May be created from within an attached garage</u>	<u>Does Not Apply</u>
<u>Newly Constructed, Detached ADU</u>	• <u>Must not exceed four-foot side and rear yard setbacks on a lot with a proposed or existing single-family dwelling</u>	<u>Does Not Apply</u>
<u>Constructed in Existing Space Not Used as Livable</u>	<u>Does Not Apply</u>	• <u>Existing non-livable space (e.g. gyms, enclosed parking, etc.) within the multifamily structure</u> • <u>Allows up to one ADU or up to 25% of existing primary dwellings</u>
<u>Detached From Primary Dwelling</u>	<u>Does Not Apply</u>	• <u>Up to two units detached from proposed primary dwelling, or</u> • <u>Up to eight units detached from an existing primary dwelling, not to exceed the number of existing units on the lot</u> • <u>Four-foot side and rear setbacks</u>

(I) **ADU Permit Applications.** Requests for approvals of ADUs and JADUs may be initiated by the property owner or the property owner's authorized agent by submitting a building permit application ~~and an ADU/JADU application~~ to the Community Development Department. Applications must be complete and confirm that the proposed ADU/JADU complies with all of the requirements in this section. No public hearing is required. A fee, as specified by resolution of the Board of Supervisors, shall be required for the building permit. All of the following minimum requirements shall be met when filing a building application: ~~and an ADU/JADU application~~:

- (2) **Owner Occupancy - JADUs Only.** ~~If the JADU shares sanitation facilities with the primary residence, t~~The owner of the property shall occupy either the existing single-family dwelling or the proposed JADU for a period exceeding 90 days per year.
- (3) **Number of Units.** There shall be no more than one detached, newly constructed ADU, one ADU within the proposed space of a single-family residence or converted from the existing space of a single-family residence or accessory structure, and one JADU per lot.

Section 14. Section 9-409.230: Farm Employee Housing, Chapter 9-409 - Standards for Specific Uses and Activities, Series 400 - Additional Use and Development Regulations, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-409.230 FARM EMPLOYEE HOUSING

- (c) **Other Codes.** Farm Employee Housing ~~shall~~ must be a consistent use with the underlying General Plan Designation and conform with all the requirements of the Environmental Health Department that are applicable to agricultural uses in Agricultural Zone in which the property is located. All Farm Employee Housing must satisfy building, fire, and safety standards, such as fire lane widths, minimum fire flows, and emergency egress, as established through State of California's Fire and Building Codes and as amended by the County.

Section 15. Section 9-409.360: Produce Stands and Agriculture Stores, Chapter 9-409 - Standards for Specific Uses and Activities, Series 400 - Additional Use and Development Regulations, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-409.360 PRODUCE STANDS AND AGRICULTURAL STORES

Produce Stands and Agricultural Stores must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones.

- (c) **Small Agricultural Stores.** Small Agricultural Store operations require a Zoning Compliance Review and shall be subject to the following development standards:
- (3) **Conversion of Produce Stands to Small Agricultural Stores.** A Produce Stand existing on or before May 25, 2000, which is housed in a structure that exceeds 1,500 square feet and that conformed to the Development Title requirements at the time it was established may continue to use the existing building only when:
- (A) The Produce Stand owner or operator has obtained a Business License amendment; and
 - (B) The Produce Stand owner or operator has obtained an ~~Administrative Use Permit~~ Zoning Compliance Review for a Small Agricultural Store.

Section 16. Section 9-409.430: Solar Energy Systems, Chapter 9-409 - Standards for Specific Uses and Activities, Series 400 - Additional Use and Development Regulations, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-409.430 SOLAR ENERGY SYSTEMS

- (b) **Utility-scale Solar Energy Systems.**

- (5) **Farmland Protection.** In Agricultural Zones, Utility-Scale Solar Energy Systems shall be sited to minimize any loss of Prime Agricultural Land. ~~If the system is located on a site under a California Land Conservation Act (Williamson Act) contract, the system must be listed as an agricultural or compatible use and allowed by the type of contract. For projects located on a site under a Williamson Act contract, the total site area for a Utility-Scale Solar Energy Systems and other compatible uses shall not be greater than 15 percent of the parcel or 5 acres, whichever is less. The Planning Commission may approve unless the Review Authority approves a larger site area upon making the following finding that:~~
- (A) such a such site The development will not adversely affect agricultural production on the parcel where the facility is to be located.
- (6) **Fencing.** Fencing shall be required around the perimeter of a ground-mounted Utility-Scale Solar Energy System. ~~The fencing may be located within a required setback area, provided it is setback at least 15 feet from a front or street side lot line. The fencing must be consistent with the applicable zone standards included in Development Title Section 9-400.040 - Fencing and Screening.~~

- (10) **Landscape Buffer.** A 10-foot-wide landscape buffer shall be maintained along any facility fencing ~~and between such fencing and the adjacent to a public right-of-way and adjacent abutting parcels developed with~~ residential and agricultural uses.

- (16) **SCREENING.** Screening consistent with Section 9-400.040(d)(1)-(2) may be required by the Zoning Administrator

Section 17. Section 9-411.030: Required Permits and Approvals, Chapter 9-411 - Wireless Telecommunication Facilities, Series 400 - Additional Use and Development Regulations, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-411.030 REQUIRED PERMITS AND APPROVALS

- (c) **Type 3 WCF Permit.** A Type 3 WCF Permit is a ~~discretionary~~ ministerial permit, subject to the Zoning Administrator's Planning Commission's review and approval, that is required for any new facilities and major collocations or modifications to existing facilities, including:

Section 18. Section 9-411.090: Notice; Decisions; Appeals, Chapter 9-411 - Wireless Telecommunication Facilities, Series 400 - Additional Use and Development Regulations, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-411.090 NOTICE; DECISIONS; APPEALS

- (b) **Required Findings.** The Approval Authority may approve or conditionally approve an application for a WCF Permit only when the Approval Authority makes the findings required for each permit type.
- (3) **Type 3 WCF Permit.** The Zoning Administrator Planning Commission shall approve or conditionally approve a Type 3 WCF Permit after a duly-noted public hearing, upon finding that:

Section 19. Section 9-514.030: Time Extensions, Chapter 9-514 - Time Extensions, Series 500 - Subdivision Regulations, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-514.030 TIME EXTENSIONS

- (e) ~~**Time Extensions for Other Development Applications.** Time Extensions for approved development applications may be granted by the Review Authority for a period or periods not to exceed two years.~~

Section 20. Section 9-602.050: Water Systems in Areas Outside of Urban Communities, Chapter 9-602 - Water Systems, Series 600 - Infrastructure Standards and Service Financing, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-602.050 WATER SYSTEMS IN AREAS OUTSIDE OF URBAN COMMUNITIES

- (c) **Commercial Recreation & Freeway Service Commercial Zone.** Development projects within a Commercial Recreation (C-R) and Freeway Service Commercial (C-FS) zones shall be served by a public water system. For C-FS properties, the public water system must be planned to serve all C-FS development on one at least each side of the freeway service area. Exceptions may be granted for parcels outside of an Urban Community, City Fringe Area, or utility special district subject to the general requirements of the Development Title and the approval of the Environmental Health Department and Department of Public Works provided:
- (1) Development is proposed on a parcel containing 5 gross acres or more; or

- (2) Development is proposed on a parcel containing less than 5 gross acres with a private development agreement with an adjacent developed commercial site with existing on-site services to provide water services
- ~~(d) **Commercial Recreation Zone.** Development projects within a Commercial Recreation (C-R) zone outside of urban communities shall be served by a public water system.~~

Section 21. Section 9-604.040: Wastewater Disposal In Areas Outside of Urban Communities, Chapter 9-602 - Water Systems, Series 600 - Infrastructure Standards and Service Financing, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-604.040 WASTEWATER DISPOSAL IN AREAS OUTSIDE OF URBAN COMMUNITIES

- (c) **Commercial Recreation & Freeway Service Commercial Zone.** Development projects within a Commercial Recreation (C-R) and Freeway Service Commercial (C-FS) zones shall be served by a public wastewater disposal system. For C-FS properties, the public wastewater disposal system must be planned to serve at least each one side of the freeway service area. Exceptions may be granted for parcels outside of an Urban Community, City Fringe Area, or utility special district subject to the general requirements of the Development Title and the approval of the Environmental Health Department and Department of Public Works provided:
- (1) Development is not within 1 mile of public water system; and
 - (2) Development is proposed on a parcel containing 5 gross acres or more; or
 - (3) Development is proposed on a parcel containing less than 5 gross acres with a private development agreement with an adjacent developed commercial site with existing on-site services to provide wastewater disposal services
- ~~(d) **Commercial Recreation Zone.** Development projects within a Commercial Recreation (C-R) zone that is outside of urban communities shall be served by a public wastewater disposal system planned to serve the entire C-R zone.~~

Section 22. Section 9-606.040: Drainage In Areas Outside of Urban Communities, Chapter 9-602 - Water Systems, Series 600 - Infrastructure Standards and Service Financing, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-606.040 DRAINAGE IN AREAS OUTSIDE OF URBAN COMMUNITIES

- (c) **Commercial Recreation & Freeway Service Commercial Zones.** Development within Commercial Recreation (C-R) and Freeway Service Commercial (C-FS) zones outside of an urban community shall be served by a public drainage system. For C-FS properties, the public drainage system must discharge into a terminal drain and be planned for at least each to serve all C-FS development on one side of the freeway that discharges into a terminal drain. Exceptions may be granted for parcels outside of an Urban Community, City Fringe Area, or utility special district subject to the general requirements of the Development Title and the approval of the Environmental Health Department and Department of Public Works provided:
- (1) Development is proposed on a parcel containing 5 gross acres or more; or
 - (2) Development is proposed on a parcel containing less than 5 gross acres with a private development agreement with an adjacent developed commercial site with existing on-site services to provide water services
- ~~(d) **Commercial Recreation Zone.** Development within a Commercial Recreation (C-R) Zone that are outside of urban communities shall be served by a public drainage system planned to serve the entire commercial recreation area.~~

Section 23. Section 9-802.030: Pre-Application Review, Chapter 9-802 - Common Procedures, Series 800 - Administration and Permits, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-802.030 PRE-APPLICATION REVIEW

- (3) **Purpose.** Pre-Application Review is a requirement for General Plan Amendment and Zone Reclassification applications, and an optional review process for other discretionary permits. This review's purpose is to provide information on relevant policies, zoning regulations, and procedures. This review is intended for large, complex projects and/or potentially controversial projects.

Section 24. Section 9-802.110: Expiration and Extension, Chapter 9-802 - Common Procedures, Series 800 - Administration and Permits, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-802.110 EXPIRATION AND EXTENSION

- (d) **Time Extensions.** All approvals, except subdivision approvals, may be extended by the Zoning Administrator.

Section 25. Section 9-900.020: Definitions, Chapter 9-900 – Key Terms and Definitions, Series 900 – General Terms, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-900.020 - DEFINITIONS

Flood Control Engineer. The engineer appointed by the Board of Supervisors to supervise and administer the County Flood Control and Water Conservation District or their designee.

Section 26. Section 9-901.050: Non-Residential Use Types, Chapter 9-901 - Use Type Classifications, Series 900 - General Terms, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

9-901.050 NON-RESIDENTIAL USE TYPES

~~**Boarding and Breeding.** The provision of shelter and care of animals on a commercial basis, including keeping, feeding, exercising, grooming, training, breeding, and incidental medical care. This classification includes animal rescues, kennels, pet motels, and shelters, but excludes Stables, which are separately classified.~~

~~**Large.** Facilities for 10 or more dogs, cats, and other domesticated animals.~~

~~**Small.** Facilities for less than 10 dogs, cats, and other small, domesticated animals.~~

Boarding and Breeding, Large. The provision of shelter and care of animals on a commercial basis, including keeping, feeding, exercising, grooming, training, breeding, and incidental medical care, for facilities with 10 or more dogs, cats, and other domesticated animals. This classification includes animal rescues, kennels, pet motels, and shelters, but excludes Stables, which are separately classified.

Boarding and Breeding, Small. The provision of shelter and care of animals on a commercial basis, including keeping, feeding, exercising, grooming, training, breeding, and incidental medical care, for facilities with less than 10 dogs, cats, and other small, domesticated animals. This classification includes animal rescues, kennels, pet motels, and shelters, but excludes Stables, which are separately classified.

~~**Veterinary.** Medical and health services for animals. Grooming and temporary boarding of domestic animals may be included if incidental to the hospital use. This use type excludes Animal Boarding.~~

~~**Large Animal.** Establishments providing services for large animals such as cattle and sheep, or horses. Typical uses include cattle spraying operations, sheep dipping and sheering services, and veterinary offices for livestock.~~

~~**Small Animal.** Establishments providing services for household pets, such as dogs and cats. Typical uses include veterinary offices, pet clinics, and animal hospitals.~~

Veterinary, Large. Medical and health services for large animals, such as cattle, sheep, or horses. Grooming and temporary boarding of domestic animals may be included if incidental to the hospital use. Typical uses include cattle spraying operations, sheep dipping and shearing services, and veterinary offices for livestock. This use type excludes Animal Boarding.

Veterinary, Small. Medical and health services for household pets, such as dogs and cats. Grooming and temporary boarding of domestic animals may be included if incidental to the hospital use. Typical uses include veterinary offices, pet clinics, and animal hospitals. This use type excludes Animal Boarding.

Firewood Sales. Sales of wood from trees grown on-site or within a five mile radius of the premises.

Fuel Sales. An establishment selling gasoline or alternative fuels, which may include the sale of related items and services. The following are the categories of this use type.

Recharging Facility. A facility offering equipment to recharge electric-powered vehicles. ~~Trucks, Diesel and gasoline sales for trucks.~~

Trucks. Diesel and gasoline sales for trucks.

Medical Services. State-licensed facilities providing medical, surgical, mental health, or emergency medical services. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. The following are the categories of this use type.

Clinic. A facility providing medical, mental health, or surgical services exclusively on an out-patient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks, plasma, dialysis centers, and emergency medical services offered exclusively on an out-patient basis as well as medical and dental services provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals.

Offices. Offices of firms, organizations, or public agencies providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, and legal offices. This classification also includes banks, check cashing facilities, employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and offices for elected officials, ~~and offices in a mixed-use building for medical and dental services provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals but excludes Laboratories and Medical Services.~~

Truck Services. Establishments that provide services for the trucking industry, including sales and repair of heavy trucks, trailers, and related equipment. The following are the categories of this use type.

Parking. A commercial operation for the parking or storage of heavy trucks and trailers. Typical uses include truck storage yards. This use type may also include the storage of containers as an ancillary use.

Section 27. This Ordinance shall take effect and be in force thirty (30) days after its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be

published once (1) in the Record, a newspaper of general circulation published in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this _of ____ to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

SUKHMINDER S. DHALIWAL
Chairman, Board of Supervisors
County of San Joaquin
State of California

ATTEST: RACHÉL DeBORD
Clerk of the Board of Supervisors
County of San Joaquin
State of California

By: _____
Deputy Clerk





SAN JOAQUIN
—COUNTY—
Greatness grows here.

Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

Attachment D **Findings**

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Findings

Basis for Development Title Text Amendment (PA-2600302)

1. The proposed amendment is consistent with the General Plan and any applicable Master Plan.
 - This project includes minor updates to the Development Title. Proposed updates to the Development Title include updates to tables and text within Series 200, 400, 500, 600, 800, and 900 regarding pre-application review requirements for General Plan Amendments and Zone Reclassifications for consistency with the General Plan pursuant to General Plan LU-2.14 and Development Title Text Amendment No. PA-2600004, which was approved by the Board of Supervisors on June 30, 2026. The proposed updates also include ancillary storage for the Truck Services – Parking use type; water, wastewater, and storm drainage service for areas outside of urban communities; Farm Employee Housing consistency with the underlying General Plan designation pursuant to General Plan LU-7.8; Utility-Scale Solar Energy System requirements; and various other typos, errors, and omissions. There are no applicable Master Plans.
2. The proposed amendment is necessary for public health, safety, and general welfare or will be of benefit to the public.
 - The Development Title Text Amendments are a benefit to the public because the amendments are proposed to provide better clarification and address typos, errors, omissions and inconsistencies.
3. The proposed amendment has been reviewed in compliance with the requirements of the California Environmental Quality Act.
 - California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3) states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Community Development Department has determined that the proposed Text Amendment to address updates to tables and text, as well as various other typos, errors, omissions, and inconsistencies has no possibility of causing a direct or indirect physical change in the environment, much less a significant effect on the environment. Accordingly, the Development Title Text Amendment is exempt from CEQA.



**Planning Commission Staff Report
Item # 2, October 1, 2026
Conditional Use Permit No. PA-2500204
Prepared by: Jessica Leal**

PROJECT SUMMARY

Applicant Information

Property Owner: Spenker Ranch Inc.
Project Applicant: Michael Smith

Project Site Information

Project Address: 1973 W Turner Rd, Lodi
Project Location: On the northwest corner of West Turner Road and North Davis Road, Lodi.

Parcel Number (APN):	013-050-15, -16, & -17	Water Supply:	Private (On-Site Well)
General Plan Designation:	A/G	Sewage Disposal:	Private (On-Site Septic)
Zoning Designation:	AG-40	Storm Drainage:	Private (Natural Storm Drainage)
Project Size:	7 acres	100-Year Flood:	No
Parcel Size:	152.65 acres	Williamson Act:	Yes
Community:	None	Supervisory District:	4

Environmental Review Information

CEQA Determination: Mitigated Negative Declaration (Attachment C)

Project Description

This project is a Conditional Use Permit for the expansion of an existing large winery. The expansion is proposed to be completed in two phases over five years, as follows:

Phase One includes the permitting of the following structures:

- Five 256-square-foot shade structures
- A 324-square-foot shade structure
- A 2,240-square-foot shade structure comprised of 2 shipping containers and a connecting roof cover to be utilized as a maintenance building and storage
- A 2,800-square-foot shade structure
- An 8,000-square-foot winery storage building

Phase Two includes the construction of the following:

- An 8,000-square-foot wine processing building
- A 9,600-square-foot shade structure with solar array
- A 320-square-foot shipping container to be utilized as a commercial kitchen

This project was previously approved for 12 marketing events for a maximum of 250 people under permit PA-0200114. No changes are proposed to the previously approved events.

(Use Type: Wine Facility – Large Winery)

Recommendation

It is recommended that the Planning Commission:

1. Adopt the Mitigated Negative Declaration (Attachment C);
2. Adopt the Mitigation Monitoring and Reporting Program (Attachment D),
3. Adopt the Findings for the Williamson Act Principles of Compatibility and Conditional Use Permit No. PA-2500204 (Attachment E); and
4. Approve Conditional Use Permit PA-2500204 subject to the Conditions of Approval (Attachment F).

NOTIFICATION & RESPONSES

(See Attachment B, Response Letters)

Public Hearing Notices

Legal ad for the public hearing published in the Stockton Record: August 28, 2026.

Number of Public Hearing notices: 144

Date of Public Hearing notice mailing: September 15, 2026.

Referrals and Responses:

- **Early Consultation Date:** October 20, 2025
- **Project Referral with Environmental Determination Date:** August 5, 2026

Agency Referrals	Response Date - Early Consultation	Response Date - Referral
County Departments		
Ag Commissioner		
Assessor		
Community Development		
Building Division	10/20/2025	8/11/2026
Fire Prevention Bureau		
Public Works	12/30/2025	
Environmental Health	10/29/2025	8/5/2026
Sheriff Office		
Supervisor: District 4		
Mosquito Abatement		
Air Pollution Control District	7/1/2026	
State Agencies		
CA Native American Heritage Commission		
CA Tribal TANF Partnership		
CA Valley Miwok Tribe		
CA Department of Water Resources		
CA Department of Alcoholic Beverage Control		
CA Food & Agriculture		
Fish & Wildlife, Division: Region 2	11/17/2025	
CA Department of Conservation		
Federal Agencies		
F.E.M.A.		
US Fish & Wildlife		
Alcohol and Tobacco Tax and Trade Bureau		

Agency Referrals	Response Date - Early Consultation	Response Date - Referral
Local Agencies		
Woodbridge Irrigation District		
Woodbridge Fire District		
S.J.C.O.G.	10/21/2025	8/6/2026
Farm Bureau		
Lodi Unified School District		
Lodi District Grape Growers Association		
Miscellaneous		
Sierra Club		
P.G.&E.	11/18/2025	8/14/2026
Sierra Club		
North Valley Yokuts Tribe		
Buena Vista Rancheria		
United Auburn Indian Community		
Building Industry Association		
Builders Exchange		

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ANALYSIS

Background

On May 7, 1998, the Planning Commission approved Use Permit No. UP-98-0003 for the conversion of an existing 1,837 square-foot shop building into a small winery. Permits were issued and the use was established. On February 7, 2002, the Planning Commission approved a Revisions of Approved Actions application for Use Permit No. UP-98-0003, which included the addition of a maximum of 12 marketing events with 250 attendees annually.

On May 16, 2002, the Planning Commission approved Use Permit No. PA-0200114 for the expansion of the existing small winery into a large winery and the addition of four on-premises signs. The permits were issued and the expansion was completed. On September 5, 2002, the Planning Commission approved a Revision of Approved Actions application for PA-0200114 that revised the traffic flow pattern to allow ingress from Turner Road and egress from Davis Road instead of overall access from Turner Road.

Williamson Act Contract

The project site is under Williamson Act Contract WA-98-0006. All Williamson Act contracts are rolling contracts that are renewed annually for the applicable 10 or 20-year term.

Pursuant to Development Title Section 9-702, land use approved for the parcels under contract must be compatible with the intent of preservation. Development Title Section 9-702.060 includes a list of uses that the Board of Supervisors has deemed compatible with the Williamson Act. The use type Wine Facility – Large Winery is included in this list. However, pursuant to Development Title Section 9-702(d), prior to approving a Conditional Use Permit for a project that is subject to a Williamson Act contract, the Planning Commission must make three findings in the affirmative. Similar findings were made previously with the original winery approval and subsequent expansion. Staff has reviewed the proposed expansion with the required findings and determined that all findings can be made in the affirmative. Draft findings are included in Attachment E.

Environmental Review

An initial study for the project was prepared for the project. The initial study concluded that any impacts associated with the winery expansion 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 August 5, 2026. 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

Action

It is recommended that the Planning Commission:

1. Adopt the Mitigated Negative Declaration (Attachment C);
2. Adopt the Mitigation Monitoring and Reporting Program (Attachment D),
3. Adopt the Findings for the Williamson Act Principles of Compatibility and Conditional Use Permit No. PA-2500204 (Attachment E); and
4. Approve Conditional Use Permit PA-2500204 subject to the Conditions of Approval (Attachment F).

Attachments:

Attachment A – Site Plan

Attachment B – Agency Response Letters

Attachment C – Environmental Document

Attachment D – Mitigation Monitoring and Reporting Program

Attachment E – Findings for Williamson Act and Conditional Use Permit

Attachment F – Conditions of Approval

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Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

Attachment A **Site Plan**

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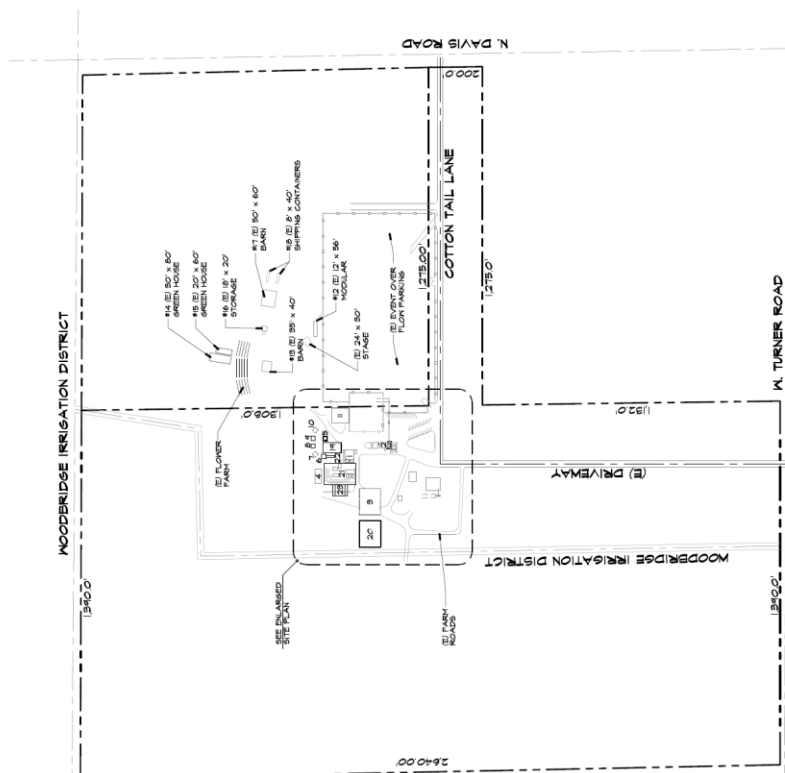
PROJECT DATA		EXISTING BUILDINGS:	
PROJECT OWNER	SPRENNER RANCH INC. 10000 W. 10TH AVE. LORD, CO. 94052	BUILDING #1	TACKLE ROOM, STORAGE OCCUPANCY
PROJECT LOCATION	1475 CALVERT RD. LORD, CA 94052	BUILDING #2	SHOP, RESTROOM OCCUPANCY
APN	018-080-117 018-080-15		

CODE COMPLIANCE

ALL WORK PERFORMED SHALL BE IN ACCORDANCE TO THE LATEST EDITION OF APPLICABLE CODES INCLUDING, BUT NOT LIMITED TO:

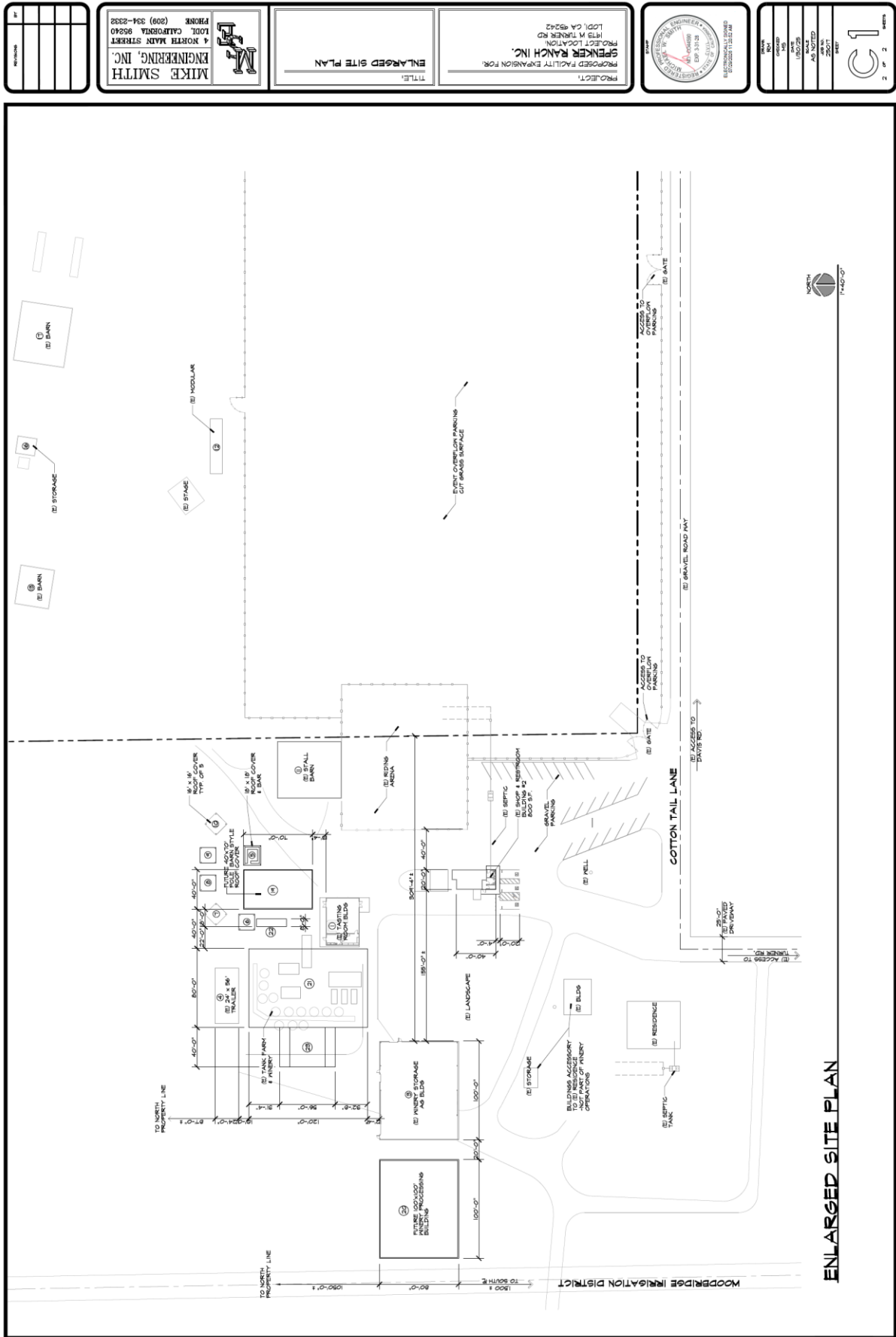
- 2022 CALIFORNIA BUILDING CODE (CBC)
- 2022 CALIFORNIA BUILDING CODE (CBC)
- 2022 CALIFORNIA GREEN BUILDING CODE (CGBC)
- 2022 CALIFORNIA MECHANICAL CODE (CMC)
- 2022 CALIFORNIA PLUMBING CODE (CPC)
- 2022 CALIFORNIA FIRE CODE (CFC)
- 2022 CALIFORNIA HISTORICAL BUILDING CODE
- 2022 CALIFORNIA EXISTING BUILDING CODE

FUTURE BUILDINGS:		
BUILDING 500	POLE BARN STYLE ROOF COVER	2500 S.F.
AGENCY	AD	
CONST TYPE	VB	
FOUNDATIONS	ONE	
STORIES	ONE	
AREA		2500 S.F.
BUILDING 501		
BUILDING 502	MINERY PROCESSING BUILDING	1700 S.F.
AGENCY	AD	
CONST TYPE	VB	
FOUNDATIONS	ONE	
STORIES	ONE	
AREA		1700 S.F.
BUILDING 521		
BUILDING 522	ROOF COVER, SOLAR PANEL, SUPPORT STRUCTURE	4000 S.F.
AGENCY	AD	
CONST TYPE	VB	
FOUNDATIONS	ONE	
STORIES	ONE	
AREA		4000 S.F.
BUILDING 522		
BUILDING 523	CONTRACTOR FOOD SERVICE	1200 S.F.
AGENCY	B	
CONST TYPE	VB	
FOUNDATIONS	ONE	
STORIES	ONE	
AREA		1200 S.F.
BUILDING 523		
BUILDING 524	CONTAINERS WITH A P&G ROOF STORAGE - MAINTENANCE BUILDING	1200 S.F.
AGENCY	AD	
CONST TYPE	VB	
FOUNDATIONS	ONE	
STORIES	ONE	
AREA		1200 S.F.
EXISTING BUILDINGS TO BE APPROVED:		
BUILDING 53		
BUILDING 53	BARNER, CASE STORAGE	9
AGENCY	AD	
CONST TYPE	VB	
FOUNDATIONS	ONE	
STORIES	ONE	
AREA		6000 S.F.
BUILDING 55		
BUILDING 55	BEYERHUSE SERVICE (ROOF ONLY)	14
AGENCY	M	
CONST TYPE	VB	
FOUNDATIONS	ONE	
STORIES	ONE	
AREA		324 S.F.
BUILDING 55, NEW 510		
BUILDING 55, NEW 510	OUTSIDE SEATING (ROOF ONLY)	14
AGENCY	VB	
CONST TYPE	VB	
FOUNDATIONS	ONE	
STORIES	ONE	
AREA		116 S.F.



SITE PLAN

SHEET 2 OF 2	PROJECT SPEKKER RANCH, INC. PROPOSED FACILITY EXPANSION FOR VICINITY MAP SITE PLAN PROJECT DATA COVER SHEET TITLE	PHONE (209) 354-2332 4 NORTH MAIN STREET Lodi, California 95240  MIKE SMITH ENGINEERING, INC.	PROJECT LOCATION Lodi, CA 95242 1175 W. DUNBAR RD. ELECTRICAL ENGINEER 11/15/2007 11:15 AM ELECTRICAL ENGINEER 11/15/2007 11:15 AM AS NOTED 11/15/2007 11:15 AM 11/15/2007 11:15 AM 11/15/2007 11:15 AM
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Attachment B **Agency Response Letters**

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Community Development Department

Planning · Building · Neighborhood Preservation

To: Development Services: Jessica Leal Date: 10/20/25
(Contact person)

From: Fire Prevention: Steve Butler
(Contact person)

209-468-3166

Subject: PA-2500204
(Planning application referral number)

Project Summary: PROJECT DESCRIPTION: A Conditional Use Permit application for the expansion of an existing 1,837 square-foot Large Winery established under UP-98-003. The project proposes the added use of an existing 8,000 square foot building for wine processing and storage, and 1,944 existing shade structures for outdoor customers. Additionally, the project proposes the construction of a 2,800 square foot roof cover for outdoor wine tasting, a 9,600 square foot roof cover for solar, and a 320 square foot shipping container with a commercial kitchen. The project will take place in 2 phases over 5 years. Phase 1, to be completed in 3 years, includes the permitting of an existing 8,000 square foot building. Phase 2, to be completed in 5 years, includes the permitting of six 324 square foot shade structures, and the construction of a 2,800 square foot roof cover, a 9,600 square foot roof cover with solar array, and 320 square foot shipping container. cwThis project was previously approved for 12 marketing events for a maximum of 300 people under permit PA-0200114

PROJECT LOCATION: The project site is on the northwest corner of West Turner Road and North Davis Road, Lodi.. (APN/Address: 013-050-15, -17 / 1973 W. Turner Rd., Lodi)

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

- | | |
|---|--|
| 1. The Fire Prevention Division has reviewed this application and there does not appear to be any major problems associated with the proposed project as submitted. | Building Code and the California Electrical Code. |
| 2. CFC 507 Fire Protection Water Supply - Fire flow and hydrants shall be provided for the proposed project by the use of: CFC Appendix B. NFPA 22 for Static Water | 4. CFC, Section 503 Fire Apparatus Access Roads - Shall be provided as required by this section. 503.1.2 - A secondary access may be required. |
| 3. If Fire Protection Systems are required they shall be installed according to the CFC, Chapter 9 and the appropriate standards and guides adopted in Chapter 35 of the California | 5. CFC, Section 906 Portable Fire Extinguishers – Provide portable fire extinguishers as required by this section. |
| | 6. CFC, Section 609 Commercial Kitchen Hoods – Provide fire protection for the commercial kitchen |

exhaust hood (CFC
904.12.6).

7. CFC, Section 5001.3.3.1
Properties of Hazardous
Materials – A complete list of
hazardous materials used
and or stored at this site shall
be provided.
8. A complete review, at
building permit submittal, will
require compliance with
applicable codes and
ordinances

From: [Donaldson, Hailey@Wildlife](mailto:Donaldson_Hailey@Wildlife)
To: [Leal, Jessica \[CDD\]](mailto:Leal_Jessica [CDD])
Cc: [Wood, Dylan@Wildlife](mailto:Wood_Dylan@Wildlife); Wildlife R2 CEQA; [Sheva, Tanya@Wildlife](mailto:Sheva_Tanya@Wildlife); [Kilgour, Morgan@Wildlife](mailto:Kilgour_Morgan@Wildlife)
Subject: CDFW Comments on PA-2500204 (C) - Request for Comments
Date: Monday, November 17, 2025 1:06:49 PM
Attachments: [Outlook-m13xvfkf.png](#)

Dear Jessica Leal:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Request for Comments from the San Joaquin Community Development Department for the PA-2500204 (C) (Project) in San Joaquin County pursuant the California Environmental Quality Act (CEQA) statute and guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on Projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) The Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required. CDFW also administers the Native Plant Protection Act, Natural Community Conservation Program, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

PROJECT DESCRIPTION SUMMARY

The Project site is located at 1973 West Turner Road, Lodi, CA 95242; Assessor's Parcel Numbers: 013-050-15 & 013-050-17.

The Project consists of the expansion of an existing 1,837 square-foot large winery to include the use of an existing 8,000 square foot building for wine processing and storage, and 1,944 existing shade structures for outdoor customers. Additionally, the project proposes the construction of a 2,800 square foot roof cover for outdoor wine tasting, a 9,600 square foot roof cover for solar, and a 320 square foot shipping container with a commercial kitchen. The project will take place in 2 phases over 5 years. Phase 1, to be completed in 3 years, includes the permitting of an existing 8,000 square foot building. Phase 2, to be completed in 5 years, includes the permitting of six 324 square foot shade structures, and the construction of a 2,800 square foot roof cover, a 9,600 square foot roof cover with solar array, and 320 square foot shipping container. This project was previously approved for 12 marketing events for a maximum of 300 people under permit PA-0200114. No changes are proposed to the previously approved events.

The Project description should include the whole action as defined in the CEQA Guidelines section 15070 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment staging area, spoils areas, adjacent infrastructure development, and access and haul roads if applicable.

ENVIRONMENTAL SETTING

CDFW recommends that the environmental document includes a complete environmental assessment of the existing biological conditions within the Project area including but not limited to the type, quantity and locations of the habitats, flora and fauna. Maps and information regarding any survey efforts should be included within the environmental document. Any surveys of the biological conditions and related environmental analysis should be completed by qualified personnel with sufficient experience in the work performed for the Project. CDFW recommends that the California Natural Diversity Database (CNDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats.

To identify a correct environmental baseline, the environmental document should include a complete and current analysis of endangered, threatened, candidate, and

locally unique species potentially present in or near the Project area. CDFW recommends placing special emphasis on evaluating the presence and status of sensitive habitats and any biological resources that are rare or unique to the area. For this Project this includes, but is not limited to oak woodlands that may be present within the Project boundaries or its vicinity.

Species-specific surveys should be conducted at the right time to ascertain the presence of species within the Project vicinity. Results from recent surveys conducted within the Project limits and its vicinity should be included within the environmental document. We recommend using the widely accepted survey protocols. Additional information regarding survey protocols can be obtained at <https://wildlife.ca.gov/Conservation/Survey-Protocols>. Project site assessments for rare plants and rare natural communities follow CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The guidance document is available here: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>.

IMPACT ANALYSIS AND MITIGATION MEASURES

The environmental document should clearly identify and describe all short-term, long-term, permanent, or temporary impacts to biological resources under CDFW's jurisdiction, including all direct and foreseeable indirect impacts caused by the proposed Project. The environmental document should define the threshold of significance for each impact and describe the criteria used to determine each threshold (CEQA Guidelines, § 15064, subd. (f)).

CDFW is concerned based on the information provided in the environmental document that the proposed Project may result in direct, indirect and cumulative adverse impacts to biological resources within the Project area. The Project area may reduce riparian and terrestrial habitats, including habitats for sensitive species with the system and could result in the direct "take" of State-listed species. The lead agency should consider: (1) the Project's cumulative impacts to natural resources and determine if that contribution would result in a significant impact. (2) present, past, and probable future projects producing related impacts to resources; And (3) reducing vegetation and habitat within the area and the potential cumulative effects.

CDFW recommends that the environmental documentation identify habitats and provide a discussion of how the proposed Project will affect their function and value, and provide scientifically supported discussion of the significance of the project's

impacts and any proposed avoidance, minimization, and/or mitigation measures to address the Project's impact upon fish and wildlife and their habitat. CDFW recommends that the environmental documentation identify natural habitats and provide a discussion of how the proposed Project will affect their function and value. The environmental document should incorporate mitigation performance standards that would ensure that any significant impacts are reduced as expected. Mitigation measures proposed in the environmental document should be made a condition of approval of the Project. Please note that obtaining a permit from CDFW by itself with no other mitigation proposal may constitute mitigation deferral.

Jurisdictional Delineation and Wetlands

The environmental document should identify all the activities under CDFW's jurisdiction per section 1602 of the Fish & G. Code. These areas include those affecting all perennial, intermittent, and ephemeral rivers, streams, and lakes, including ponds and drainages, in the State and any habitats supported by these features such as wetlands and riparian habitats. The environmental document should include a delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed Project including an estimate of impact to each habitat type. Please note that the CDFW definition of wetlands as well as extent of the jurisdictional areas differ from other agencies such as the U.S. Army Corps of Engineers or the Regional Water Quality Control Board.

Crotch's Bumble Bee

In June 2019, the California Fish and Game Commission granted Crotch's bumble bee (*Bombus crotchii*) (CBB) candidate species protection under CESA. The candidacy designation temporarily affords CBB broad CESA protections (including prohibitions against "take" without permit authorization) throughout the entirety of California while CDFW conducts a species status review to confirm whether (and where) listing is warranted and to recommend management and recovery actions. Projects with potential impacts to CBB are encouraged to avoid take or to obtain an ITP from CDFW in order to comply with CESA. In the event that CDFW does confirm that listing is warranted for CBB in the future when the Project's construction phase is set to occur and take of CBB is unavoidable, then the Project proponent can obtain an ITP from CDFW to obtain take coverage.

CDFW recommends that the following mitigation measures for CBB be included in the environmental document:

1. Crotch's Bumble Bee Protocol Survey. If Project Activities are proposed to occur during the active season for CBB, Project Proponent shall develop a Pre-Construction Survey Plan for CBB and submit it to the San Joaquin Community Development Department for acceptance, developed in coordination with CDFW (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>). A total of three surveys shall be conducted prior to any ground-disturbing Project Activities or vegetation removal that will take place during the active season for CBB (March 1 through October 31), or until all flowering vegetation is largely desiccated, to determine if any active nests are within the Project Area. Each survey shall be spaced two to four weeks apart, unless otherwise authorized in writing by San Joaquin Community Development Department in coordination with CDFW, with the last survey taking place within 72 hours prior to construction activity. The Qualified Biologist shall perform meandering transects through the planned construction footprint, plus a 50-foot buffer where accessible, between 9:00 am and 1:00 pm where feasible and at least one hour after sunrise and at least two hours before sunset, to visually survey the area for CBB activity. The duration of the survey will be the minimum amount of time necessary to adequately survey the area, typically at least one hour of surveying per three acres of potential habitat, excluding capture, chilling, photo, identification, and release time. For each sampling event, the Qualified Biologist shall survey suitable habitat using non-lethal photo voucher and netting methods, developed in coordination with CDFW (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>). If a suspected or confirmed CBB is identified during any of these surveys, the Qualified Biologist shall notify CDFW within 48 hours.

If only foraging CBB is observed (i.e., no nest is found), construction activities may proceed without the additional monitoring requirements; however, if there is a lapse in initial construction disturbance greater than two weeks, an additional clearance survey will be repeated prior to ground disturbance. If a CBB nest is found, one or more Qualified Biologist will provide biological construction monitoring as long as needed to implement applicable measures below.

If CBB nests are discovered in Project Areas, then Project Proponent will implement the following measures to minimize impacts on the nest.

If a nest is discovered within a construction or restoration area and avoidance is feasible, a non-disturbance buffer of 50 feet

shall be established around the nest until the nest senesces or becomes inactive and is no longer in use, as determined by the Qualified Biologist or until Project Activities in the Project Area are complete, whichever is first. The buffer shall be delineated using high-visibility fencing, flagging, or similar materials along with appropriate signage. The nest location will be recorded with global positioning system (GPS) and will be reported to the San Joaquin Community Development Department within 48 hours of finding the nest. The Qualified Biologist could modify the nest buffer with written approval from the San Joaquin Community Development Department in coordination with CDFW.

Threatened, Endangered, Candidate Species

The Project area as shown in the information provided includes habitat for State and federally listed species such as California black rail (*Laterallus jamaicensis coturniculus*), tricolored blackbird (*Agelaius tricolor*), Swainson's hawk (*Buteo swainsoni*), northwestern pond turtle (*Actinemys marmorata*), and burrowing owl (*Athene cunicularia*). If during the environmental analysis for the Project, it is determined that the Project may have the potential to result in "take", as defined in the Fish & G. Code, section 86, of a State-listed species, the environmental document shall disclose an Incidental Take Permit (ITP) or a consistency determination (Fish & G. Code, §§ 2080.1 & 2081) may be required prior to starting construction activities. The environmental document must include all avoidance and minimization to reduce the impacts to a less than significant level. If impacts to listed species are expected to occur even with the implementation of these measures, mitigation measures shall be proposed to fully mitigate the impacts to State-listed species (Cal. Code Regs., tit. 14, § 783.2, subd.(a)(8)).

CDFW encourages early coordination to determine appropriate measures to offset Project impacts and facilitate future permitting processes and to coordinate with the U.S. Fish and Wildlife Service to coordinate specific measures if federally-listed species are present within the Project limits.

Migratory Birds and Birds of Prey

Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the Fish & G. Code section 3513. Fish & G. Code sections 3503,

3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Potential habitat for nesting birds and birds of prey is present within the Project area. The proposed Project should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds within the Project footprint and its close vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the environmental document. Measures to avoid the impacts should include species specific work windows, biological monitoring, installation of noise attenuation barriers, etc.

Additionally, CDFW recommends implementing the following nesting bird preconstruction survey measure prior to initiation of construction activities:

1. Nesting Bird Survey. If Project-related activities are scheduled between February 1 to August 31 (the typical nesting season), a focused survey for nests shall be conducted by a Qualified Biologist within no greater than fifteen (15) calendar days prior to the beginning of Project-related activities. The Qualified Biologist shall survey a minimum radius of 500-feet for migratory birds and 1/2-mile for raptors around the Project Area that can be accessed by Applicant. The results of the survey shall be provided to CDFW upon completion. If no active nests are found, Project activities may proceed as scheduled.
 1. Active Nests. If an active nest is found, active nests should be avoided, and a no disturbance or destruction buffer shall be determined and established by a Qualified Biologist. The buffer shall be kept in place until after the breeding nesting season or the Qualified Biologist confirms the young have fledged, are foraging independently, and the nest is no longer active for the season. The extent of these buffers shall be determined by the Qualified Biologist and will depend on the species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers.
 1. Project Delay. If a lapse in Project-related work of fourteen (14) calendar days or longer occurs, the Qualified Biologist shall complete another focused survey before Project work can be reinitiated.
 1. Applicant Responsibility. It is the Applicant's responsibility to comply with Fish and Game Code Sections 3503, 3503.5, and 3513, regardless of the time of year.

Swainson's Hawk

The Project site provides suitable foraging habitat for Swainson's hawk with 43 known occurrences on CNDDDB within the surrounding 5-mile radius. The primary threat to the SWHA population in California continues to be habitat loss, especially the loss of suitable foraging habitat. This impact may have been the greatest factor in reducing SWHA range and abundance in California over the last century (California Department of Fish and Game 1993, California Department of Conservation 2011). SWHA is listed as threatened under CESA and has additional protection under the Migratory Bird Treaty Act and section 3503.5 of the Fish and Game Code; therefore, impacts may be considered potentially significant unless adequate mitigation is incorporated. Projects with potential impacts to SWHA are encouraged to avoid take or to obtain an ITP from CDFW in order to comply with CESA.

Significant loss of SWHA foraging habitat has occurred in Yolo, Sacramento, and San Joaquin counties due to residential development, economic and resource availability factors, and conversion of riparian and woodland habitat to agriculture and unsuitable urban environments (CDFW 2016). Suitable foraging habitat is necessary to provide an adequate energy source for breeding SWHA adults, including support of nestlings and fledglings. If prey resources are not sufficient, or if adults must hunt long distances from the nest site, the energetics of the foraging effort may result in reduced nestling health and survival with an increased likelihood of disease and/or starvation. In more extreme cases, the breeding pair, in an effort to assure their own existence, may even abandon the nest and young (Woodbridge 1985). Routine animal grazing activities, increases in human presence, and the permanent impacts associated with solar panel installation, will permanently reduce the amount of SWHA foraging habitat. SWHA generally searches for prey by soaring above fields and solar panels reduce their ability to see and catch their prey.

CDFW recommends that the environmental document include the following SWHA measure:

1. SWHA Protocol Survey. In each year in which Project activities occur, a Qualified Biologist shall conduct a SWHA survey within a minimum 0.5-mile radius around the Project Area. The Qualified Biologist shall conduct the appropriate technique in each of the five periods below in accordance with the methodology described in the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Tech. Advis. Comm., 5/2000):

- January to March 20 – One Survey, All Day
- March 20 to April 5 – Three Surveys, Sunrise to 10:00 / 16:00 to Sunset
- April 5 to April 20 – Three Surveys, Sunrise to 12:00 / 16:30 to Sunset
- April 21 to June 10 – Monitoring
- June 10 to July 30 – Three Surveys, Sunrise to 12:00 / 16:00 to Sunset

Results of each survey period shall be submitted to the San Joaquin Community Development Department. The Project applicant shall map all existing or potential nesting or foraging sites and provide these maps to the San Joaquin Community Development Department. Nesting sites, including both currently occupied nesting sites and sites known to have been occupied within the last five years, shall be noted on plans that are submitted.

Nests found within 0.50 miles should establish a 1300-foot no-disturbance buffer and should be monitored either continuously or periodically depending on the construction or maintenance activities and level of disturbance until young have fledged, are feeding independently and are no longer dependent on the nest. Additionally, CDFW recommends on-site monitoring by a Qualified Biologist familiar with the species, as buffers may need to be increased based on the birds' tolerance level to the disturbance as activities change and as the birds' transition through different stages of the nesting cycle. The Qualified Biologist could modify the nest buffer with written approval from the San Joaquin Community Development Department in coordination with CDFW.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at

the following link: <https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code §21092 and §21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to provide early comments on the Project and to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. Questions regarding this letter or further coordination should be directed to Hailey Donaldson, Environmental Scientist at (916) 216-6253 or hailey.donaldson@wildlife.ca.gov.

Sincerely,

Hailey Donaldson
California Department of Fish and Wildlife
Environmental Scientist
Cell: (916) 216-6253
1701 Nimbus Rd.
Rancho Cordova, CA 95670





SAN JOAQUIN
COUNTY
Greatness grows here.



Department of Public Works

Fritz Buchman, Director

Alex Chetley, Deputy Director - Development

Kristi Rhea, Deputy Director - Administration

David Tolliver, Deputy Director - Operations

Najee Zarif, Deputy Director - Engineering

December 30, 2025

M E M O R A N D U M

TO: Community Development Department
CONTACT PERSON: Jessica Leal

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

SUBJECT: PA-2500204 (C); A Conditional Use Permit application for the expansion of an existing 1,837 square-foot Large Winery established under UP-98-003. The project proposes the added use of an existing 8,000 square foot building for wine processing and storage, and 1,944 square foot existing shade structures for outdoor customers. Additionally, the project proposes the construction of a 2,800 square foot roof cover for outdoor wine tasting, a 9,600 square feet roof cover for solar, and a 320 square foot shipping container with a commercial kitchen. The project will take place in 2 phases over 5 years. Phase 1, to be completed in 3 years, includes the permitting of an existing 8,000 square foot building. Phase 2, to be completed in 5 years, includes the permitting of six 324 square foot shade structures, and the construction of a 2,800 square foot roof cover, a 9,600 square foot roof cover with solar array, and 320 square foot shipping container. This project was previously approved for 12 marketing events for a maximum of 300 people under permit PA-0200114. No changes are proposed to the previously approved events; located on the northwest corner of West Turner Road and North Davis Road, Lodi.
(Supervisory District 4)

OWNER: Spenker Ranch, Inc

APPLICANT: Michael W. Smith

ADDRESS: 1973 W. Turner Road, Lodi

APN: 013-050-15, -17

INFORMATION:

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

Davis Road has an existing right-of-way width of 80 feet and a planned right-of-way width of 84-110 feet.

Turner Road has an existing right-of-way width of 60 feet and a planned right-of-way width of 84-110 feet.

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

PA-2500204 (C)

RECOMMENDATIONS:

- 1) An encroachment permit shall be required for all work within road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-607.020 and 9-607.040)
- 2) The driveway approaches shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. 17 prior to issuance of the occupancy permit. (Development Title Section 9-607.040)
- 3) The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolutions R-00-433)
- 4) The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- 5) The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-606)
- 6) A copy of the Final Site Plan shall be submitted prior to release of building permit.
- 7) This project is subject to the NPDES Region-Wide Permit requirements and shall comply with the following conditions. Prior to release of the building permit, plans and calculations shall be submitted and approved by the Public Works Department – Water Resources Division (209-468-9360):
 - a) Treatment: A registered professional engineer shall design the site to treat the 85th percentile storm as defined in the County's 2023 Storm Water Quality Control Criteria Plan (SWQCCP).
 - b) Hydromodification: A registered professional engineer shall design the site to comply with the volume reduction requirement outlined in the County's 2023 SWQCCP
 - c) Trash: A registered professional engineer shall design the site to comply with the trash control requirement outlined in the County's 2023 SWQCCP.
- 8) Prior to release of the building permit, the owner shall enter into an agreement with San Joaquin County for post-construction maintenance of stormwater quality facilities.

PA-2500204 (C)

- 9) Prior to release of the building permit the applicant shall submit a Storm Water Quality Control Plan (SWQCP) to Public Works that complies with all requirements of the 2023 SWQCCP
- 10) Prior to release of the building permit the applicant shall submit the Storm Water Pollution Prevention Plan (SWPPP) to Public Works. A copy of the approved SWPPP and all required records, updates, test results and inspection reports shall be maintained on the construction site and be available for review upon request.

SR:GM:GG



Pacific Gas and Electric Company
PGEPlanReview@pge.com
Land Management
300 Lakeside Drive
Oakland, CA 94612

November 18, 2025

Re: Gas and Electric Transmission and Distribution

Dear Gerry Altamirano,

Thank you for providing PG&E the opportunity to review your proposed plans for PA-2500204 (C). Our review indicates the proposed work and/or improvements do not appear to directly interfere with any of PG&E's existing facilities or land rights.

Please note, this is our preliminary review and PG&E may provide additional comments in the future as the project progresses or if additional information is provided. If there are subsequent modifications made to the design, we ask that the plans be resubmitted for review to the email address listed below.

If PG&E gas and/or electric service are needed, please submit an application through PG&E's Your Project Portal: [Sign In \(yourprojects-pge.com\)](https://yourprojects.pge.com).

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of two (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 this response, please contact me at (877) 259-8314 or pgeplanreview@pge.com

Sincerely,

PG&E Plan Review Team
Land Management



Environmental Health Department

Jasjit Kang, REHS, Director

Muniappa Naidu, REHS, Assistant Director

PROGRAM COORDINATORS

Jeff Carruesco, REHS, RDI

Willy Ng, REHS

Steven Shih, REHS

Elena Manzo, REHS

Natalia Subbotnikova, REHS

October 29, 2025

To: San Joaquin County Community Development Department
Attention: Jessica Leal

From: Aaron Gooderham (209) 616-3062 
Senior Registered Environmental Health Specialist

RE: **PA-2500204 (C), Early Consultation, SU-2500862**
1973 W. Turner Road, Lodi

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

- 1) Commercial kitchens shall be permitted as an accessory use to winery and off-site wine cellar use types in conjunction with approved Marketing Events, Industry Events, Wine Release Events, Large-scale Accessory Winery Events, or Small-scale Accessory Winery Events. Commercial kitchens shall not be used for restaurant purposes (San Joaquin County Development Title, Section 9-410.100(i)).
- 2) Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-601.010(b) and 9-601.020(i)).
- 3) Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at cers.calepa.ca.gov/ and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases). The applicant may contact the Program Coordinator of the CUPA program, Elena Manzo (209) 953-7699, with any questions.
 - a) Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. – Hazardous Waste Program (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)
 - b) Onsite treatment of hazardous waste – Hazardous Waste Treatment Tiered Permitting Program (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
 - c) Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County – Hazardous Materials Business Plan Program (HSC Sections 25508 & 25500 et sec.)

- d) Any amount of hazardous material stored in an Underground Storage Tank – Underground Storage Tank Program (HSC Sections 25286 & 25280 et sec.)
 - i) If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.
 - ii) Additionally, an EHD UST permit to operate is required once the approved UST system is installed.
- e) Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault – Aboveground Petroleum Storage Program (HSC Sections 25270.6 & 25270 et sec.)
 - i) Spill Prevention, Countermeasures and Control (SPCC) Plan requirement
- f) Threshold quantities of regulated substances stored onsite - California Accidental Release Prevention (CalARP) Program (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
 - i) Risk Management Plan requirement for covered processes



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • Email: boyd@sjcog.org

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

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

To: Jessica Leal, San Joaquin County, Community Development Department
From: Laurel Boyd, SJCOG, Inc. Phone: (209) 235-0574 Email: boyd@sjcog.org
Date: October 21, 2025
Local Jurisdiction Project Title: PA-2500204 (C)
Assessor Parcel Number(s): 013-050-15, -17
Local Jurisdiction Project Number: PA-2500204 (C)
Total Acres to be converted from Open Space Use: Unknown
Habitat Types to be Disturbed: Natural and Multi-Purpose Open Space Habitat Land
Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Ms. Leal:

SJCOG, Inc. has reviewed the application referral for PA-2500204 (C). This project consists of a Conditional Use Permit application for the expansion of an existing 1,837 square foot Large Winery established under UP-98-003. The project proposes the added use of an existing 8,000 square foot building for wine processing and storage, and 1,944 square feet of existing shade structures for outdoor customers. Additionally, the project proposes the construction of a 2,900 square foot roof cover for outdoor wine tasting, a 9,600 square foot roof cover for solar, and a 320 square foot shipping container with a commercial kitchen. The project will take place in 2 phases over 5 years. Phase 1 to be completed in 3 years includes the permitting of an existing 8,000 square foot building. Phase 2, to be completed in 5 years, includes the permitting of six 324 square foot shade structures, and the construction of a 2,800 square foot roof cover, a 9,600 square foot roof cover with solar array, and 320 square foot shipping container. The project site is on the northwest corner of West Turner Road and North Davis Road, Lodi (APN/Address: 013-050-15, -17 / 1973 W. Turner Road, Lodi).

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

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

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

- Schedule a SJMSCP Biologist to perform a pre-construction survey ***prior to any ground disturbance***
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or

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

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

- Receive your Certificate of Payment and release the required permit

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

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



S J C O G , I n c .

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

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • Email: boyd@sjcog.org

SJMSCP HOLD

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

FROM: Laurel Boyd, SJCOG, Inc.

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

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

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

Project Title: PA-2500204 (C)

Landowner: Spenker Ranch, Inc.

Applicant: Michael W. Smith

Assessor Parcel #s: 013-050-15, -17

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

Local Jurisdiction Contact: Jessica Leal

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.

CALIFORNIA VALLEY MIWOK TRIBE



June 11, 2026

San Joaquin County
Community Development Department
Jessica Leal, Project Planner
1810 E. Hazel Ave
Stockton, California 95205-6298
Email: jleal@sjgov.org

Re: Application Number PA-2500204 (C) A Conditional Use Permit application for the expansion of an existing Large Winery established under the Use Permit No. UP-98-0003. The proposed project will be completed in two phases over five years in Lodi, San Joaquin County, California.

Dear Jessica Leal,

It is the understanding of the California Valley Miwok Tribe that Application Number PA-2500204 (C). Phase 1 includes the conversion of an existing 8,000 square foot building from an agricultural building to a wine processing facility and storage. Phase 2 includes the following: permitting six existing 324 square foot roof storage building, construction of a 2,800 square foot roof cover for outdoor wine tasting, construction of a 9,600 square foot roof cover with roof-mounted solar, and the installation of a 320 square foot shipping container to be utilized as a commercial kitchen in Lodi, San Joaquin County, California.

It is further understood by the Tribe that the property is zoned AG-40. The project location is on the northwest corner of West Turner Road and North Davis Road, Lodi, California APN: 013-050-15, -16, -17 / 1973 W. Turner Rd, Lodi, CA.

The California Valley Miwok Tribe has no comments or concerns regarding application Number PA-2500204 (C) in Lodi, San Joaquin County, California.
Applicant: Michael W. Smith.

Respectfully,

A handwritten signature in blue ink, appearing to read "Silvia Burley".

Silvia Burley
Chairperson



California Valley Miwok Tribe 14807 Avenida Central, La Grange, California 95329
Official Website: <https://californiavalleymiwok.us> Office Ph: 209-931-4567 Email: office@cvmt.net



Pacific Gas and Electric Company
Eduardo Pimentel
Land Management
850 Stillwater Rd
Sacramento, CA 95605

August 14, 2026

San Joaquin County
Community Development Department
Jessica Leal

Re: PA-2500204 (C)

Dear Jessica,

Thank you for providing PG&E the opportunity to review your proposed plans for PA-2500204 received on 8/5/2026. Our review indicates the proposed work and/or improvements do not appear to directly interfere with any of PG&E's existing facilities or land rights.

Please note, this is our preliminary review and PG&E may provide additional comments in the future as the project progresses or if additional information is provided. If there are subsequent modifications made to the design, we ask that the plans be resubmitted for review to the email address listed below.

If PG&E gas and/or electric service are needed, please submit an application through PG&E's Your Project Portal: [Sign In \(yourprojects-pge.com\)](https://yourprojects-pge.com).

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of two (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 this response, please contact me at (925)266-2415 or Eduardo.Pimentel@pge.com

Sincerely,

Eduardo Pimentel

PG&E Plan Review Team
Land Management



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 5, 2026

To: San Joaquin County Community Development Department
Attention: Jessica Leal

From: Aaron Gooderham (209) 616-3062 *AG*
Senior Registered Environmental Health Specialist

RE: **PA-2500204 (C), Re-Referral, SU-2500862**
1973 W. Turner Road, Lodi

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

1. Commercial kitchens shall be permitted as an accessory use to winery and off-site wine cellar use types in conjunction with approved Marketing Events, Industry Events, Wine Release Events, Large-scale Accessory Winery Events, or Small-scale Accessory Winery Events. Commercial kitchens shall not be used for restaurant purposes (San Joaquin County Development Title, Section 9-410.100(i)).
2. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-601.010(b) and 9-601.020(i)).
3. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at cers.calepa.ca.gov/ and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases). The applicant may contact the Program Coordinator of the CUPA program, Elena Manzo (209) 953-7699, with any questions.
 - a. Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. – Hazardous Waste Program (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)
 - b. Onsite treatment of hazardous waste – Hazardous Waste Treatment Tiered Permitting Program (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
 - c. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County – Hazardous Materials Business Plan Program (HSC Sections 25508 & 25500 et sec.)

- d. Any amount of hazardous material stored in an Underground Storage Tank – Underground Storage Tank Program (HSC Sections 25286 & 25280 et sec.)
 - i. If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.
 - ii. Additionally, an EHD UST permit to operate is required once the approved UST system is installed.
- e. Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault – Aboveground Petroleum Storage Program (HSC Sections 25270.6 & 25270 et sec.)
 - i. Spill Prevention, Countermeasures and Control (SPCC) Plan requirement
- f. Threshold quantities of regulated substances stored onsite - California Accidental Release Prevention (CalARP) Program (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
 - i. Risk Management Plan requirement for covered processes

To: Development Services: Jessica Leal Date: 8/11/26
(Contact person)

From: Fire Prevention: Steve Butler
(Contact Person)
209-468-3166

Subject PA-2500204
(Planning application referral number)

Project Summary:

OBJECT DESCRIPTION: A Conditional Use Permit application for the expansion of an existing 1,837 square-foot Large Winery established under UP-98-003. The project will take place in two phases over five years. Phase One, to be completed in 3 years, includes the permitting of the following existing structures:

Five 256-square-foot shade structures

324-square-foot shade structure

2,240-square-foot shade structure with two shipping containers

2,800-square-foot roof cover

8,000-square-foot storage building

Phase Two, to be completed in 5 years, includes the construction of the following:

8,000-square-foot wine processing building

9,600-square-foot roof cover with solar array

320-square-foot shipping container to be utilized as a commercial kitchen

This project was previously approved for 12 marketing events for a maximum of 300 people under permit PA-0200114. No changes are proposed to the previously approved events. The winery is accessed from West Turner Road and is served by on-site well and septic systems, and natural storm drainage.

PROJECT DESCRIPTION: The project site is on the northwest corner of West Turner Road and North Davis Road, Lodi. (APN/Address: 013-050-15, -16, -17 / 1973 W. Turner Rd., Lodi)

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



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

1. The Fire Prevention Division has reviewed this application and there does not appear to be any major problems associated with the proposed project as submitted.
2. CFC 507 Fire Protection Water Supply - Fire flow and hydrants shall be provided for the proposed project by the use of: CFC Appendix B. (if needed) NFPA 22 and NFPA 1142 shall be used for Static Water.
3. If Fire Protection Systems are required they shall be installed according to the CFC, Chapter 9 and the appropriate standards and guides adopted in Chapter 35 of the California Building Code and the California Electrical Code.
4. CFC, Section 906 Portable Fire Extinguishers – Provide portable fire extinguishers as required by this section.
5. CFC, Section 606 Commercial Kitchen Hoods – Provide fire protection for the commercial kitchen exhaust hood (CFC 904.13).
6. CFC, Chapter 9 – Fire Protection Systems: Any required fire protection system (i.e. fire sprinkler and suppression systems, fire alarm and detection systems, standpipes, FDC's, smoke and heat removal, fire extinguishers, etc.) shall meet all appropriate sections of this chapter.
7. CFC, Section 5001.3.3.1 Properties of Hazardous Materials – A complete list of hazardous materials used and or stored at this site shall be provided.
8. A complete review, at building permit submittal, will require compliance with applicable codes and ordinances.
9. CFC, Section 105 Permits: Operational Permit(s) may be required prior to occupancy.

1810 E Hazelton Avenue | Stockton, California 95205 | (209) 468-3121 | sjgov.org/departments/cdd



SJCOG, Inc.

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

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

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

To: Jessica Leal, San Joaquin County, Community Development Department
From: Laurel Boyd, SJCOG, Inc. Phone: (209) 235-0574 Email: boyd@sjcog.org
Date: August 6, 2026
Local Jurisdiction Project Title: PA-2500204 (C)
Assessor Parcel Number(s): 013-050-15, -17
Local Jurisdiction Project Number: PA-2500204 (C)
Total Acres to be converted from Open Space Use: Unknown
Habitat Types to be Disturbed: Natural and Multi-Purpose Open Space Habitat Land
Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Ms. Leal:

SJCOG, Inc. has reviewed the application referral for PA-2500204 (C). This project consists of a Conditional Use Permit application for the expansion of an existing 1,837 square foot Large Winery established under UP-98-003. The project will be completed in two phases over 5 years. Phase 1 to be completed in 3 years includes the permitting of the following existing structures:

Five 256-square-foot shade structures
324-square foot shade structure
2,240 square foot shade structure with two shipping containers
2,800 square foot roof cover
8,000 square foot storage building

Phase Two, to be completed in 5 years, includes the construction of the following:

8,000 square foot wine processing building
9,600 square foot roof cover with solar array
320 square foot shipping container to be utilized as a commercial kitchen

The project was previously approved for 12 marketing events for a maximum of 300 people under permit PA-0200114. No changes are proposed to the previously approved events. The winery is accessed from West Turner Road and is served by onsite well and septic systems, and natural storm drainage. The project site is on the northwest corner of West Turner Road and North Davis Road, Lodi (APN/Address: 013-050-15, -17 / 1973 W. Turner Road, Lodi).

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

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

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

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

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SJMSCP HOLD

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

FROM: Laurel Boyd, SJCOG, Inc.

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

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

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

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

Project Title: PA-2500204 (C)

Landowner: Spenker Ranch, Inc.

Applicant: Michael W. Smith

Assessor Parcel #s: 013-050-15, -17

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

Local Jurisdiction Contact: Jessica Leal

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.



July 1, 2026

Jessica Leal
San Joaquin County
Community Development Department
1810 East Hazelton Avenue
Stockton, CA 95205

**Project: Initial Study/Mitigated Negative Declaration for Conditional Use Permit
No. PA-2500204**

District CEQA Reference No: 20260657

Dear Ms. Leal:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) from San Joaquin County (County) for the above project. Per the IS/MND, the project consists of the expansion of an existing winery, to be completed in two phases over a five-year period (Project). Phase 1 of the Project includes the conversion of an existing 8,000 square foot agricultural building into a wine processing and storage facility. Phase 2 of the Project includes the permitting of six existing 324 square foot roof covers, the construction of an 8,000 square foot storage building, a 2,800 square foot roof cover, and a 9,600 square foot roof cover with roof-mounted solar panels, as well as the installation of a 320 square foot shipping container to be used as a commercial kitchen (Project). The Project is located at 1973 West Turner Road in Lodi, CA (APNs: 013-050-15, -16, -17).

The District offers the following comments at this time regarding the Project:

1) Project Related Emissions

The IS/MND states that *"The project was referred to the SJVAPCD for review on October 20, 2025. The agency did not respond to the referral. Therefore, the project will have a less than significant impact on air quality, criteria pollutants, sensitive receptors, and emissions."* The District would like to clarify that the lack of a response from the District does not imply that a project is expected to have a less than significant impact on air quality. Furthermore, the District would also like to clarify that Lead Agencies are responsible for complying with CEQA by adequately assessing the potential environmental impacts from proposed projects. For development projects, the District has established guidance that is found in its Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) located at

Samir Sheikh

Executive Director/Air Pollution Control Officer

Northern Region

4800 Enterprise Way
Modesto, CA 95356-8718

Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)

1990 E. Gettysburg Avenue
Fresno, CA 93726-0244

Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region

34946 Flyover Court
Bakersfield, CA 93308-9725

Tel: (661) 392-5500 FAX: (661) 392-5585

www.valleyair.org

www.healthyliving.com

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<https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf>. The District recommends projects' related air emissions be compared to the District significance thresholds as identified in the GAMAQI.

Based on the information in the IS/MND, the District determined this Project is not expected to exceed any of the significance thresholds. However, for future development projects, the District recommends that construction and operational related emissions be evaluated to ensure the most accurate assessment of air quality impacts.

2) Electric On-Site Off-Road and On-Road Equipment

Since the Project consists of a winery expansion, the Project may have the potential to result in increased use of off-road equipment (e.g., forklifts) and on-road equipment (e.g., mobile yard trucks with the ability to move materials). The District recommends that the IS/MND include requirements for project proponents to utilize electric or zero emission off-road and on-road equipment.

3) On-Site Solar Deployment

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the County consider incorporating solar power systems as an emission reduction strategy for the Project.

4) Electric Infrastructure

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the County and project proponents install electric vehicle chargers at project sites, and at strategic locations.

Please visit <https://ww2.valleyair.org/grants/charge-up> for more information.

5) District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and

regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: <https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations>. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.

5a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (209) 557-6446.

5b) District Rule 9510 - Indirect Source Review (ISR)

Per District Rule 9510 section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the Project referenced above.

5c) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: <https://ww2.valleyair.org/compliance/demolition-renovation/>

5d) District Rule 4601 (Architectural Coatings)

The Project may be subject to District Rule 4601 since it may utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: <https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf>

5e) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at: <https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx>

Information about District Regulation VIII can be found online at:
<https://ww2.valleyair.org/dustcontrol>

5f) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

6) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Dylan Casares by e-mail at Dylan.Casares@valleyair.org or by phone at (559) 230-6574.

Sincerely,

Mark Montelongo
Director of Policy and Government Affairs



For: Daniel Martinez
Program Manager

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Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

Attachment C **Environmental Document**

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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

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

☒ County Clerk, County of San Joaquin

PROJECT TITLE: Conditional Use Permit No. PA-2500204

PROJECT LOCATION: The project site is on the northwest corner of West Turner Road and North Davis Road, Lodi, San Joaquin County. (APN/Address: 013-050-15, -16, -17 / 1973 W. Turner Rd., Lodi) (Supervisory District: 4)

PROJECT DESCRIPTION: A Conditional Use Permit application for the expansion of an existing Large Winery established under Use Permit No. UP-98-0003. The project will be completed in two phases over 5 years. Phase 1 includes the conversion of an existing 8,000 square foot building from an agricultural building to a wine processing facility and storage. Phase 2 includes the following: permitting six existing 324 square foot roof covers to shade outdoor customers, construction of an 8,000 square foot storage building, construction of a 2,800 square foot roof cover for outdoor wine tasting, construction of a 9,600 square foot roof cover with roof-mounted solar, and the installation of a 320 square foot shipping container to be utilized as a commercial kitchen. This project was previously approved for 12 marketing events for a maximum of 300 people under Use Permit No. UP-98-0003. No changes are proposed to the previously approved events. (Use Type: Wine Facility – Large Winery)

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

PROPONENT: Spenker Ranch, Inc. / Michael W. Smith

This is a Notice of Intent to adopt a Mitigated Negative Declaration for this project as described. San Joaquin County has determined that through the Initial Study that contains proposed mitigation measures all potentially significant effects on the environment can be reduced to a less than significant level. The Mitigated Negative Declaration and Initial Study can be viewed on the Community Development Department website at www.sjgov.org/commdev under Active Planning Applications.

Date: June 5, 2026

Contact Person:

Jessica Leal Phone: (209) 468-3140 Fax: (209) 468-3163 Email: jleal@sjgov.org

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Attachment D **Mitigated Monitoring and** **Reporting Program**

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Mitigation Monitoring Reporting Plan – PA-2500204 (C) April 20, 2026

Impact	Mitigation Measure/ Condition	Type of Review		Agency for Monitoring and Reporting Compliance	Action Indicating Compliance or Review	Verification of Compliance or Annual Review of Conditions		
		Monitoring	Reporting			By	Date	Remarks
IV. Biological Resources	Participation in the SIMSCP	X		San Joaquin County Council of Governments	The developer shall apply to the San Joaquin Council of Governments (SICOG) 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.			
IV. Biological Resources	Crotch's Bumble Bee (CBB) Protocol Survey	X	X	California Department of Fish and Wildlife	Project Proponent shall develop a Pre-Construction Survey Plan for CBB and submit it to the San Joaquin Community Development Department for acceptance, developed in coordination with CDFW. A total of three surveys shall be conducted prior to any ground-disturbing Project Activities or vegetation removal that will take place during the active season for CBB (March 1 through October 31), to determine if any active nests are within the Project Area. If only foraging CBB is observed, construction activities may proceed without the additional monitoring requirements. If CBB nests are discovered in Project Areas and avoidance is feasible, a non-disturbance buffer of 50-feet shall be established around the nest until the nest senesces or becomes inactive and is no longer in use, as determined by the Qualified Biologist or until Project Activities in the Project Area are complete, whichever is first.			

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Attachment E **Findings for Williamson Act** **and Conditional Use Permit**

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FINDINGS

PA-2500204

SPENKER RANCH INC/ MICHAEL SMITH

Williamson Act Principles of Compatibility Findings

Pursuant to Development Title Section 9-702.060(d), in order to approve the Conditional Use Permit application for developments on parcels under a Williamson Act contract, the Planning Commission is required to make the following findings in the affirmative:

1. Conditions are included in the contract that mitigate or avoid those on-site and off-site impacts that would otherwise render the proposal inconsistent with the Williamson Act principles of compatibility.
 - **This finding can be made because the proposed winery expansion is compatible with the agricultural use of the property and is not anticipated to result in significant adverse on-site or off-site impacts that would render the project inconsistent with the Williamson Act. The project involves an expansion of an existing agricultural-related winery operation and will be integrated with the established winery facilities and agricultural uses on the property. To the extent feasible, the project will utilize existing developed areas and infrastructure and will not substantially interfere with ongoing agricultural activities. Conditions of Approval will be included, as appropriate, to mitigate or avoid potential impacts associated with the proposed use. Therefore, the proposed project is consistent with the Williamson Act principles of compatibility.**
2. The productive capability of the land has been considered as well as the extent to which the proposed use(s) may displace or impair agricultural operations.
 - **This finding can be made because the productive capability of the property, as well as the potential effects of the proposed winery expansion on existing and reasonably foreseeable agricultural operations, have been considered. The project will expand an existing agricultural-related winery operation on a property that is already developed and used for agricultural and winery-related purposes. The proposed improvements will be located in proximity to the existing winery facilities and will utilize existing developed areas and infrastructure to the extent feasible. The project will not significantly compromise the long-term productive agricultural capability of the property or other contracted land, nor will it significantly displace or impair current or reasonably foreseeable agricultural operations, including cultivation, harvesting, processing, or transportation of agricultural products. The proposed expansion will continue to support the property's established agricultural enterprise and associated processing and marketing activities. Therefore, the proposed use will not significantly impair the productive capability of the land or agricultural operations.**
3. The proposed use(s) are consistent with the intent of the Williamson Act to preserve agricultural and open-space land.
 - **This finding can be made because the proposed winery expansion is consistent with the intent of the Williamson Act to preserve agricultural and open-space land and to allow compatible agricultural-related uses. The project represents a limited expansion of an established agricultural-related winery operation rather than a conversion of the property to an unrelated non-agricultural use. The proposed improvements will be concentrated within or adjacent to areas already developed or utilized for winery-related activities and will remain associated with the property's ongoing agricultural operation. The project will not result in the significant removal of contracted land from agricultural or open-space use and will allow agricultural activities to continue on the property. Additionally, any potential impacts to species or habitat associated with the project will be addressed through compliance with the San Joaquin County Multi-Species Habitat Conservation and Open**

Space Plan, as applicable. Therefore, the proposed winery expansion is consistent with the Williamson Act's intent to preserve agricultural and open-space land while allowing compatible agricultural-related uses.

Conditional Use Permit Findings

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

1. The proposed use is consistent with the goals, policies, standards, and maps of the General Plan, any applicable Master Plan, Special Purpose Plan, Specific Plan, and Planned development zone; and any other applicable plan adopted by the County.
 - **This finding can be made because the proposed use, Use Type: Wine Facility – Large Winery, may be conditionally permitted in the AG-40 (General Agriculture, 40-acre minimum) zone with an approved Conditional Use Permit. The project site has a General Plan designation of A/G (General Agriculture), and the AG-40 zone is an implementing zone for this designation. Additionally, the project is compatible with the Williamson Act Principles of Compatibility, and therefore, compatible with the Williamson Act. Therefore, the proposed project is consistent with the goals, policies, standards, and maps of the General Plan, and there are no Master Plans, Specific Plans, and/or Special Purpose Plans in the project vicinity.**
2. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways.
 - **This finding can be made because there are no new utility or roadway improvements required. The proposed winery expansion will not impact existing public utilities and will not require the use of public water or a septic system, and all storm water will be retained on site. The proposed project will be accessed from West Turner Road, a County maintained roadway.**
3. The site is physically suitable for the type of development and for the intensity of development.
 - **This finding can be made because the project site already contains an established winery operation and associated agricultural improvements, demonstrating that the property is physically capable of supporting the proposed use. The proposed expansion will be integrated with the existing winery facilities and will be designed to accommodate the proposed intensity of use while maintaining compliance with applicable setbacks, access, parking, fire protection, drainage, and other development standards. The size and configuration of the property are adequate to accommodate the proposed improvements without creating an undue conflict with ongoing agricultural activities. Therefore, the site is physically suitable for the proposed winery expansion and its anticipated intensity of development.**
4. The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
 - **This finding can be made because the proposed project is an expansion of an existing winery operation and will remain compatible with the agricultural character of the surrounding area. The improvements will be located in association with the existing winery facilities and will be designed to comply with applicable development standards. The project is not anticipated to adversely affect surrounding agricultural operations or neighboring properties. Potential impacts associated with traffic, noise, lighting, parking, and other operational characteristics will be addressed through project design and applicable Conditions of Approval. Therefore, the location, size, design, and operating characteristics of the proposed winery expansion will be compatible with surrounding properties and the existing agricultural neighborhood.**

5. The proposed use will not create any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding ambient conditions.
 - **This finding can be made because the proposed winery expansion is an agricultural-related use that will be subject to applicable County standards regulating noise, lighting, dust, odors, and other potential nuisances. The project is an expansion of an existing winery and is not anticipated to generate emissions or other nuisances at levels that would significantly exceed those associated with the existing operation and surrounding agricultural activities. Construction-related impacts will be temporary and will be subject to applicable regulations and Conditions of Approval. Operational impacts will be managed through the design and operation of the expanded facility. Therefore, the proposed use is not anticipated to create nuisances from odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding ambient conditions.**
6. The site of the proposed use is adequately served by highways, streets, water, sewer, storm drainage, and other public facilities and services.
 - **This finding can be made because the existing winery is served by established roadway access and infrastructure, and the proposed expansion will utilize and, where necessary, improve existing facilities serving the property. The project will be reviewed by the appropriate County departments and agencies to ensure that adequate access, water supply, wastewater disposal, storm drainage, fire protection, and other necessary services are available or can be provided. Any required improvements will be incorporated as Conditions of Approval. Therefore, the site is adequately served, or can be adequately served, by the necessary public and private facilities and services.**
7. The proposed use complies with all applicable provisions of this title.
 - **This finding can be made because the proposed use type Wine Facility – Large Winery may be conditionally permitted in the AG-40 (General Agriculture, 40-acre minimum) zone subject to a Conditional Use Permit and the proposed use meets the Williamson Act Principles of Compatibility. Furthermore, the use meets all standards pursuant to Development Title Sections 9-702 and will be consistent with the Development Title if the project is approved with the proposed Conditions of Approval provided by the reviewing departments and agencies.**

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Attachment F **Conditions of Approval**

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CONDITIONS OF APPROVAL

PA-2500204

SPENKER RANCH INC/ MICHAEL SMITH

Conditional Use Permit No. PA-2500204 was approved by the Planning Commission on XXX 2026. The effective date of approval is XXX 2026. This approval will expire on XXX 2029, which is thirty-six (36) months from the effective date of approval, unless (1) all Conditions of Approval have been complied with, (2) all necessary building permits have been issued and remain in force, and (3) all necessary permits from other agencies have been issued and remain in force.

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

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

- a. **BUILDING PERMIT:** Submit an "APPLICATION-COMMERCIAL BUILDING PERMIT". The Site Plan required as a part of the building permit must be prepared by a registered civil engineer or licensed architect. This Plan must show drainage, driveway access details including gates, on-site parking, landscaping, signs, existing and proposed utility services, and grading (refer to the "SITE PLAN CHECK LIST" for details). Foundation and soils investigation shall be conducted in conformance with Chapter 18 of the California Building Code at the time of permit application. A fee is required for the Site Plan review. (Development Title Section 9-802.020)
- b. **APPROVED USE:** This approval is for an expansion of an existing 1,837 square-foot Large Winery established under UP-98-003. The project will take place in two phases over five years, as shown on the site plan dated July 29, 2026. No changes to previously permitted events are proposed with this application. (Use Type: Wine Facility – Large Winery).
 - Phase One, to be completed in 3 years, includes the permitting of the following existing structures:
 - Five 256-square-foot shade structures
 - 324-square-foot shade structure
 - 2,240-square-foot shade structure with two shipping containers
 - 2,800-square-foot roof cover
 - 8,000-square-foot storage building
 - Phase Two, to be completed in 5 years, includes the construction of the following:
 - 8,000-square-foot wine processing building
 - 9,600-square-foot roof cover with solar array
 - 320-square-foot shipping container to be utilized as a commercial kitchen

This project supersedes PA-0200114.

- c. **MARKETING EVENTS:** Marketing Events are subject to the following regulations:
 1. A maximum of twelve (12) marketing events are permitted annually.
 2. Marketing events must end by 10:00 p.m. (Development Title Section 9-410.100[j])

- d. **CAPITAL FACILITY FEE:** This project may be subject to the Capital Facility Fee. If the Capital Facility Fee is applicable, the County shall collect the fees before the issuance of any building permits. (Development Title Section 9-610.070)
- e. **PARKING:** Off-street parking shall be provided and comply with the following:
 - 1. A minimum of 41 permanent off-street vehicle parking spaces shall be provided (Development Title Section 9-406.040).
 - 2. All permanent parking lots, including internal circulation and loading areas, shall be surfaced and permanently maintained with all-weather surfacing. (Development Title Section 9-406.110)
 - 3. Each vehicle parking stall shall be an unobstructed rectangle, minimum 9 feet wide and 20 feet long. (Development Title Section 9-406.060)
 - 4. A total of eighty-three (83) parking spaces (1 space is required for every 3 attendees) shall be provided for marketing events, including an additional three (3) accessible spaces, of which one (1) shall be van accessible.
 - 5. Parking for marketing events shall be located on a maintained grass area to ensure a dust-free surface.
- f. **ACCESS AND CIRCULATION:** The following requirements apply and shall be shown on the Site Plan:
 - 1. Access driveways shall have a width of no less than 25 feet. (Development Title Section 9-406.060[n])
 - 2. The last 100 feet of the 16-foot-wide one-way egress driveway to Davis Road shall be surface and permanently maintained with asphalt concrete or Portland cement concrete, and the remainder of the driveway shall be surface with aggregate base. The aggregate base shall be oiled.
- f. **LIGHTING:** Lighting shall be provided and comply with the following:
 - 1. All lighting shall be designed to confine direct rays to the premises. No spillover beyond the property lines shall be permitted, except onto public roads, provided, however, that such light shall not cause a hazard to motorists. (Development Title Section 9-406.060[m][3])
- g. **SIGNS:** The following sign regulations shall apply:
 - 1. One thirty-two (32) square foot six (6) foot tall monument sign shall be permitted at the entrance of the winery on Turner Road.
 - 2. One fifty (50) square foot double-faced twenty-five (25) foot tall pole sign shall be permitted at the entrance of the winery on Turner Road.
 - 3. Two twelve (12) square foot flags shall be permitted at the entrance of the winery on Turner Road.
 - 4. One twelve (12) square foot flag shall be permitted on the northwest corner of Turner Road and Davis Road.
 - 5. All portions of a sign shall be set back a minimum of five (5) feet from future rights-of-way lines including corner cut-off (snipe) and shall not block pedestrian or vehicle rights-of-way. Development Title Section 9-408.070[j][3])

- h. **SIGNS:** Sign details shall be consistent with Chapter 9-408 of the Development Title and be included on the Site Plan. All portions of any sign shall be set back a minimum of 5 feet from existing and future right-of-way lines and shall not block pedestrian or vehicle rights-of-way or obstruct drivers' visibility. (Development Title Section 9-408)
- i. **COMMERCIAL KITCHEN:** Commercial kitchens shall not be used for restaurant purposes. (Development Title Section 9-410.100[i])
- j. **CALIFORNIA FIRE CODE (CFC):** The following CFC requirements will be applicable to the proposed project. The following conditions shall be addressed prior to submittal of a building permit application to the Building Inspection Division:
 - 1. The Fire Prevention Division has reviewed this application and there does not appear to be any major problems associated with the proposed project as submitted.
 - 2. CFC 507 Fire Protection Water Supply - Fire flow and hydrants shall be provided for the proposed project by the use of: CFC Appendix B. (if needed) NFPA 22 and NFPA 1142 shall be used for Static Water.
 - 3. If Fire Protection Systems are required they shall be installed according to the CFC, Chapter 9 and the appropriate standards and guides adopted in Chapter 35 of the California Building Code and the California Electrical Code.
 - 4. CFC, Section 906 Portable Fire Extinguishers – Provide portable fire extinguishers as required by this section.
 - 5. CFC, Section 606 Commercial Kitchen Hoods – Provide fire protection for the commercial kitchen exhaust hood (CFC 904.13).
 - 6. CFC, Chapter 9 – Fire Protection Systems: Any required fire protection system (i.e. fire sprinkler and suppression systems, fire alarm and detection systems, standpipes, FDC's, smoke and heat removal, fire extinguishers, etc.) shall meet all appropriate sections of this chapter.
 - 7. CFC, Section 5001.3.3.1 Properties of Hazardous Materials – A complete list of hazardous materials used and or stored at this site shall be provided.
 - 8. A complete review, at building permit submittal, will require compliance with applicable codes and ordinances.
 - 9. CFC, Section 105 Permits: Operational Permit(s) may be required prior to occupancy.
- k. **COMMERCIAL BUILDING PERMIT SUBMITTAL REQUIREMENTS:**
 - 1. Application Submittal Policy:
 - i. Permit Scope: A Building Permit is required for all proposed new structures.
 - ii. Professional Credentials: All Plans must be prepared, signed, and stamped by a California-registered civil engineer or licensed architect.
 - iii. Construction Documents: Comprehensive construction plans must be provided.
 - 2. Mandatory Site Plan Elements (See Site Plan Checklist for required information)
 - i. Civil Engineering: Comprehensive storm drainage systems and grading details.

- ii. Access & Parking Infrastructure: Detailed parking and paths of travel layouts, including standard and code-compliant accessible vehicle parking stalls.
 - iii. Utilities & Landscaping: On-site electrical distribution, all existing and proposed utility services, and required landscaping.
3. Architectural & Systems Plan Criteria - Architectural designs must verify compliance with current California building codes. Plans must illustrate all interior and exterior spaces, including:
- i. Spatial Classifications: Occupiable and habitable rooms, hallways, courtyards, assembly spaces, and storage areas.
 - ii. Life-Safety & Accessibility: Site amenities, public/private restroom facilities, emergency paths of travel for egress, and accessibility features.
 - iii. Mechanical, Electrical, & Plumbing (MEP): Fully integrated designs for HVAC, plumbing, and electrical systems engineered to support all proposed spaces.
4. Geotechnical Documentation
- i. Soils & Foundation Investigation: foundation and soils investigation reports shall comply with Chapter 18 of the California Building Code.
- I. **MITIGATION MONITORING AND REPORTING PROGRAM (MMRP):** The project shall comply with all required mitigations included in the MMRP dated April 20, 2026.
2. DEPARTMENT OF PUBLIC WORKS (Contact: [209] 468-3000, see letter dated December 30, 2025)
- a. An encroachment permit shall be required for all work within road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-607.020 and 9-607.040)
 - b. The driveway approaches shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. 17 prior to issuance of the occupancy permit. (Development Title Section 9-607.040)
 - c. The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolutions R-00-433)
 - d. The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
 - e. The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-606)

- f. A copy of the Final Site Plan shall be submitted prior to release of building permit.
 - g. This project is subject to the NPDES Region-Wide Permit requirements and shall comply with the following conditions. Prior to release of the building permit, plans and calculations shall be submitted and approved by the Public Works Department – Water Resources Division (209-468-9360):
 - 2. Treatment: A registered professional engineer shall design the site to treat the 85th percentile storm as defined in the County's 2023 Storm Water Quality Control Criteria Plan (SWQCCP).
 - 3. Hydromodification: A registered professional engineer shall design the site to comply with the volume reduction requirement outlined in the County's 2023 SWQCCP
 - 4. Trash: A registered professional engineer shall design the site to comply with the trash control requirement outlined in the County's 2023 SWQCCP.
 - h. Prior to release of the building permit, the owner shall enter into an agreement with San Joaquin County for post-construction maintenance of stormwater quality facilities.
 - i. Prior to release of the building permit the applicant shall submit a Storm Water Quality Control Plan (SWQCP) to Public Works that complies with all requirements of the 2023 SWQCCP
 - j. Prior to release of the building permit the applicant shall submit the Storm Water Pollution Prevention Plan (SWPPP) to Public Works. A copy of the approved SWPPP and all required records, updates, test results and inspection reports shall be maintained on the construction site and be available for review upon request.
3. ENVIRONMENTAL HEALTH DEPARTMENT (Contact: [209] 468-3420, see letter dated August 5, 2026)
- a. Commercial kitchens shall be permitted as an accessory use to winery and off-site wine cellar use types in conjunction with approved Marketing Events, Industry Events, Wine Release Events, Large-scale Accessory Winery Events, or Small-scale Accessory Winery Events. Commercial kitchens shall not be used for restaurant purposes (San Joaquin County Development Title, Section 9-410.100(i)).
 - b. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-601.010(b) and 9-601.020(i)).
 - c. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at cers.calepa.ca.gov/ and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases). The applicant may contact the Program Coordinator of the CUPA program, Elena Manzo (209) 953-7699, with any questions.
 - 1. Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. — Hazardous Waste Program (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)

2. Onsite treatment of hazardous waste — Hazardous Waste Treatment Tiered Permitting Program (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
3. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County — Hazardous Materials Business Plan Program (HSC Sections 25508 & 25500 et sec.)
4. Any amount of hazardous material stored in an Underground Storage Tank – Underground Storage Tank Program (HSC Sections 25286 & 25280 et sec.)
 - A. If an underground storage tank (UST) system will be installed, a permit is required to be submitted to , and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.
 - B. Additionally, an EHD UST permit to operate is required once the approved UST system is installed.
5. Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault—Aboveground Petroleum Storage Program (HSC Sections 25270.6 & 25270 et sec.)
 - A. Spill Prevention, Countermeasures and Control (SPCC) Plan requirement
6. Threshold quantities of regulated substances stored onsite - California Accidental Release Prevention (CalARP) Program (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
 - A. Risk Management Plan requirement for covered processes
4. SAN JOAQUIN COUNCIL OF GOVERNMENT (Contact: [209] 235-0600, see letter dated August 6, 2026)
 - a. This project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The applicant must provide a Certificate of Payment prior to issuance of any grading or building permits.
5. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (Contact: [916] 216-6253 or hailey.donaldson@wildlife.ca.gov)
 - a. The project is subject to the Department of Fish and Wildlife regulations regarding the Crotch's bumble bee. The applicant must provide a release prior to issuance off any building or grading permits.
6. SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (Contract: Dylan.Casares@valleyair.org or [559] 230-6574, see letter dated July 1, 2026)
 - a. This Project will be subject to San Joaquin Valley Air Pollution Control District rules and regulations, and will require District permits. The applicant must provide a release prior to issuance of any grading or building permits.



**Planning Commission Staff Report
Item # 3, October 1, 2026
Variance No. PA-2600102
Minor Subdivision No. PA-2600101
Prepared by: Jacob Pahule**

PROJECT SUMMARY

Applicant Information

Property Owner:

Chelsea Chandler and Marisa M. Manna Revocable Trust

Project Applicant:

Dillon & Murphy Engineering c/o Joe Murphy

Project Site Information

Project Address:

4910 East Clarksdale Road, Acampo, CA 95220 &
4915 East Clarksdale Road, Acampo, CA 95220

Project Location:

On the north and south sides of East Clarksdale Road, approximately
1,350 feet east of North State Route 99 East Frontage Road, Acampo

Parcel Number (APN):

017-090-56 & 017-090-59
(portion)

Water Supply:

Private (Well)

General Plan

Designation:

A/G & OS/RC

Sewage Disposal:

Private (Septic)

Zoning Designation:

AG-40

Storm Drainage:

Private (On site)

Project Size:

43 acres

100-Year Flood:

Yes (AE)

Parcel Size:

43 acres

Williamson Act:

No

Community:

None

**Supervisory
District:**

4

Environmental Review Information

CEQA Determination:

Notice of Exemption (Attachment C)

Project Description

This project is comprised of two components:

- A Variance requesting to reduce the minimum required parcel size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 18 acres and 25 acres to facilitate a Minor Subdivision.
- A Minor Subdivision that proposes subdividing an existing 43-acre parcel, currently divided by Clarksdale Road, into two parcels. Parcel 1 to contain the 25-acre portion of the parcel located south of Clarksdale Road. Parcel 2 to contain the 18-acre portion of the parcel located north of Clarksdale Road. Each parcel will continue to utilize existing access driveways and on-site services.

Recommendation

1. Adopt the Notice of Exemption (Attachment C),
2. Adopt the Findings for Variance (Attachment D),

3. Approve Variance No. PA-2600102 subject to the recommended Conditions of Approval (Attachment E),
4. Adopt the Findings for Minor Subdivision (Attachment D), and
5. Approve Minor Subdivision No. PA-2600101 subject to the recommended Conditions of Approval (Attachment E).

NOTIFICATION & RESPONSES

(See Attachment B, Response Letters)

Public Hearing Notices

Legal ad for the public hearing published in the **Stockton Record**: September 11, 2026.

Number of Public Hearing notices: 583

Date of Public Hearing notice mailing: September 11, 2026.

Referrals and Responses

- **Early Consultation Date:** May 19, 2026
- **Project Referral with Environmental Determination Date:** August 19, 2026

Agency Referrals	Response Date - Early Consultation	Response Date - Referral
County Departments		
Ag Commissioner		
Assessor		
Community Development		
Building Division		
Fire Prevention Bureau		8/20/2026
Public Works	7/16/2026	
Environmental Health	5/26/2026	8/20/2026
General Services		
Sheriff Office		
Surveyor		
State Agencies		
A.B.C.		
Department of Transportation		
District 10		
Division of Aeronautics		
C.H.P.		
C.R.W.Q.C.B.		
C.V.F.P.B.		
Fish & Wildlife, Division:		
O.E.S.		
Federal Agencies		
F.A.A.		
F.E.M.A.		
Army Corps of Engineers		

Agency Referrals	Response Date - Early Consultation	Response Date - Referral
Local Agencies		
A.L.U.C.		
CalWater		
City of Stockton		
Motetzuma Fire District		
Mosquito & Vector Control		
S.J.C.O.G.	7/21/2026	8/25/2026
San Joaquin Farm Bureau		
San Joaquin Air Pollution Control District		
S.E.W.D. Irrigation District		
Stockton Municipal Airport		
Stockton Unified School District		
Miscellaneous		
California Valley Miwok Tribe	6/1/2026	
B.I.A.		
Builders Exchange		
Carpenters Union		
Haley Flying Service		
Kathy Perez		
P.G.&E.	5/22/2026 & 5/26/2026	8/21/2026
Precissi Flying Service		
Sierra Club	6/4/2026	

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ANALYSIS

Background

The subject property consists of one legal lot totaling approximately 43 acres that has historically been used for agricultural purposes and is physically bisected by East Clarksdale Road. As a result, the northern and southern portions of the site have operated independently. The southern portion of the subject property contains an existing 2,200-square-foot single-family residence and accessory structure, while the northern portion contains an existing 2,400-square-foot agricultural building.

Historically, the project site was two separate legal parcels. In 1996, Lot Line Adjustment No. LA-96-0018 resulted in the existing configuration, combining parcels located on the north and south side of East Clarksdale Road into one legal lot. Subsequently, the northern and southern portions were transferred separately, and the parcels were treated as two legal lots separated by East Clarksdale Road. The property owners later transferred these pieces separately to new owners. Although inconsistent with the approved Lot Line Adjustment, the Subdivision Map Act and the San Joaquin County Development Title, the property continued to be treated as separate properties for ownership and taxation purposes.

The proposed Variance and Minor Subdivision are proposed to legally recognize the separation of the property into two independently utilized parcels.

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, 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 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 D.

Minor Subdivision Findings

Pursuant to Development Title Section 9-501.070, in order to approve the Minor Subdivision application, the Planning Commission is required to make several findings in the affirmative. Staff determined that all findings can be made in the affirmative, as found in Attachment D.

Environmental Document

The proposed project was reviewed for compliance with the California Environmental Quality Act (CEQA). The project qualifies for an exemption pursuant to CEQA Guidelines Section 15061(b)(3), commonly referred to as the “common sense” exemption, because it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment.

The proposed Minor Subdivision would divide an existing approximately 43-acre legal lot into two parcels of approximately 25 acres and 18 acres. The Variance would reduce the minimum required parcel size in the AG-40 zone from 40 acres to 25 acres and 18 acres to facilitate the subdivision. The project does not propose new development, a change in land use, new access roads, or new utility infrastructure. The proposed parcels will utilize existing access, private wells, septic systems, irrigation systems, and storm drainage facilities. The property is currently developed and utilized independently on both sides of East Clarksdale Road, including existing residential and agricultural improvements.

Because the proposed project would formalize the existing physical and functional configuration of the property without proposing physical improvements or a change in the existing use of the property, approval

of the Minor Subdivision and Variance would not result in a physical change to the environment. Therefore, there is no possibility that the project would have a significant effect on the environment, and the project is exempt from CEQA pursuant to Section 15061(b)(3).

Opposition

The Planning Department received one letter of opposition from the Sierra Club (See Attachment B). The letter expresses concerns regarding the use of the Variance procedure to reduce the minimum required parcel size in the AG-40 zone, consistency with State planning law and the County General Plan, agricultural land fragmentation, and compliance with the California Environmental Quality Act (CEQA).

Consistency with State Planning Law and Development Title

The Sierra Club cites concerns regarding the use of a Variance to reduce the minimum required parcel size in the AG-40 zone. Specifically, the Sierra Club asserts that the proposed 18-acre and 25-acre parcels would constitute uses that are not authorized by the AG-40 zoning regulations and recommends that the applicant pursue a General Plan Amendment and rezoning. The Community Development Department has reviewed the application with all Development Title regulations and California Planning and Zoning Law and determined that the project could meet all requirements for a Variance. As a result, staff is recommending approval based on the ability to make the necessary Variance findings in the affirmative (Attachment D).

General Plan Consistency

The Sierra Club cites concerns regarding consistency with the County General Plan, including General Plan Policy LU-7.3, which concerns further fragmentation of land designated for agricultural use. The subject property has General Plan designations of General Agricultural (AG) and Open Space/Resource Conservation (OS/RC) and is zoned AG-40. Although the proposed Minor Subdivision will result in parcels smaller than the zone minimum of 40 acres, they have been proposed with a Variance application, which allows smaller parcels under certain special circumstances. Further, the resultant parcels, containing 18 and 25 acres are anticipated to still be viable for production agriculture. As a result, staff has found that the proposed project is consistent with the General Plan and is recommending approval of both the Variance and Minor Subdivision based on the ability to make the required findings in the affirmative (Attachment D).

California Environmental Quality Act (CEQA)

The Sierra Club asserts that additional environmental review is required for the proposed Minor Subdivision and Variance and that the proposed exemption was inadequate. The project, including both proposed applications, was reviewed by numerous County departments and responsible agencies through the Early Consultation referral process, which allows for these agencies to provide comments that may influence staff's environmental determination. No agencies or departments stated any environmental concerns upon receipt of the Early Consultation referral, and the Department of Public Works, Environmental Health Department, and San Joaquin Council of Governments provided recommended Conditions of Approval addressing applicable regulatory requirements.

Community Development Department staff reviewed the comments received and the project details. Staff determined that the project was exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), commonly referred to as the "common sense" exemption, as it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment. The proposed project will formalize the existing physical and functional configuration of the property without proposing physical improvements or a change in the existing use of the property. As a result, no environmental impact will occur. If approved, the Community Development Department will file a Notice of Exemption.

RECOMMENDATION

It is recommended that the Planning Commission:

1. Adopt the Notice of Exemption (Attachment C); and,
2. Adopt the Findings for Variance (Attachment D),
3. Approve Variance No. PA-2600102 subject to the recommended Conditions of Approval (Attachment E),
4. Adopt the Findings for Minor Subdivision (Attachment D), and
5. Approve Minor Subdivision No. PA-2600101 subject to the recommended Conditions of Approval (Attachment E).

Attachments:

Attachment A – Tentative Map
Attachment B – Agency Response Letters
Attachment C – Environmental Determination
Attachment D – Findings for Variance and Minor Subdivision
Attachment E – Conditions of Approval

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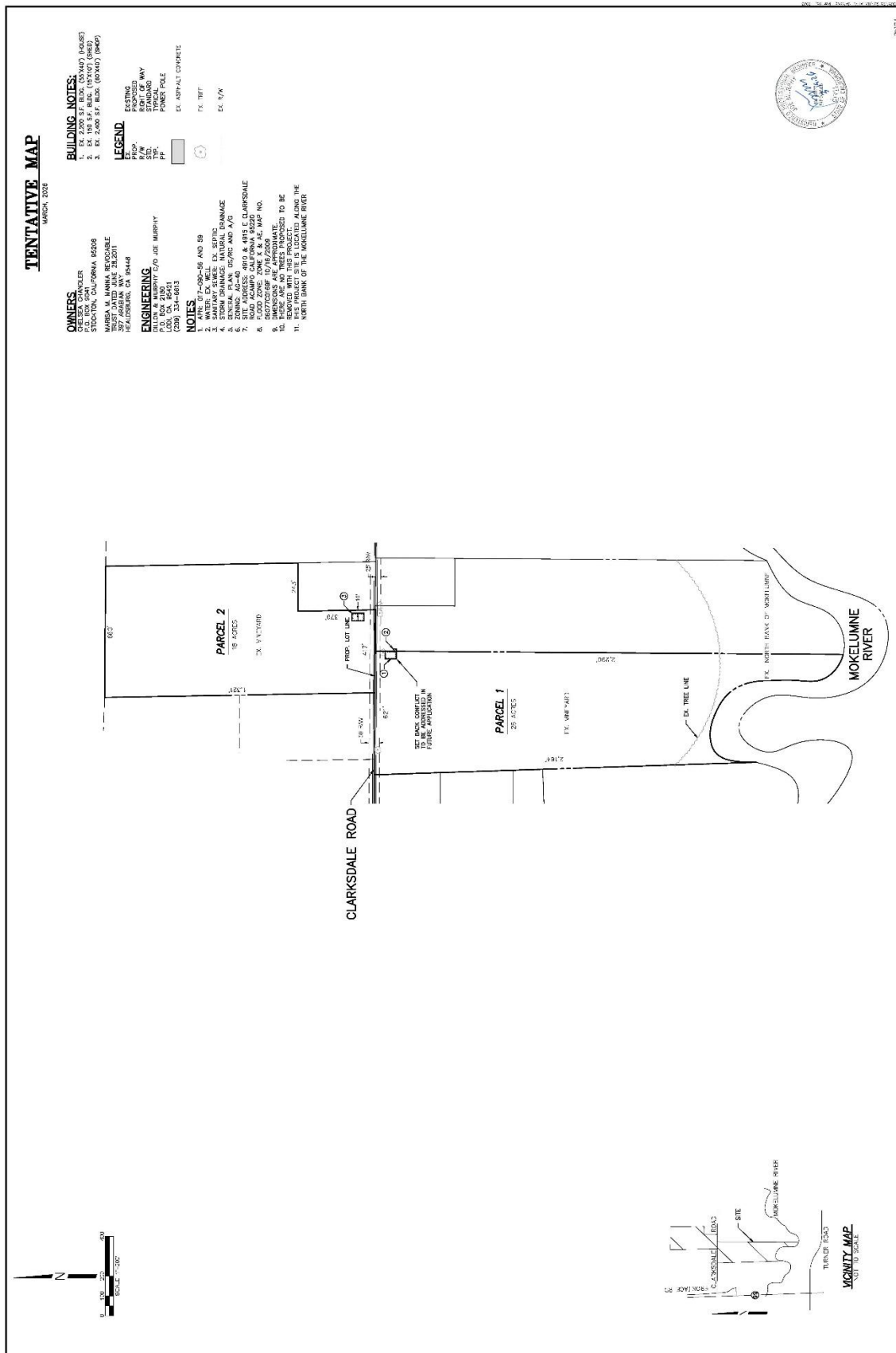
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Attachment A **Tentative Map**

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Attachment B **Agency Response** **Letters**

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DEPARTMENT OF PUBLIC WORKS

Excellent Customer Service • Integrity • Fiscal Responsibility • Diversity

July 16, 2026

Najee Zarif, Director

Alex Chetley, Deputy Director / Development

Sam Chrun, Deputy Director / Engineering

Kristi Rhea, Deputy Director / Administration

David Tolliver, Deputy Director / Operations

MEMORANDUM

TO: Community Development Department
CONTACT PERSON: Jacob Pahule

FROM: Shayan Rehman, Engineering Services Manager 
Development Services Division

SUBJECT: PA-2600102, -101 (VR; MS); A Variance and Minor Subdivision application This project is comprised of two components:
Variance No. PA-2600102 requests to reduce the minimum required parcel size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 18 acres and 25 acres in order to facilitate a Minor Subdivision

Minor Subdivision No. PA-2600101 proposes subdividing an existing 42-acre parcel into two parcels. Parcel 1 to contain 25 acres. Parcel 2 to contain 18 acres. Parcel 1 will utilize existing direct access to the south of East Clarksdale Road. Parcel 2 will utilize existing direct access to the north of East Clarksdale Road. Both parcels will utilize existing separate private well systems for water service, private septic systems for wastewater, and private storm drainage. The project site is not under a Williamson Act Contract; located north and south of E. Clarksdale Rd., approximately 1,348' east of N. State Route 99 E. Frontage Rd., Acampo.
(Supervisory District 4)

OWNERS: Chelsea Chandler

APPLICANT: Dillon & Murphy

ADDRESS: 4910 E. Clarksdale Road, Acampo

APN: 017-090-56, -59

INFORMATION:

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

Clarksdale Road has an existing right-of-way width of 40-45 feet and a planned right-of-way width of 50 feet.

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



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

RECOMMENDATIONS:

- 1) A Parcel Map is required. (Development Title Section 9-501.030)
- 2) An Irrevocable Offer to Dedicate Road to result in a Twenty-five foot (25') wide right-of-way from the centerline of Clarksdale Road to the property line shall be required across the frontage of Parcels 1 and 2. The Irrevocable Offer of Dedication shall be made on the Parcel Map. (Development Title Section 9-608.060)
- 3) All easements of record shall be shown on the Parcel Map. (Development Title Section 9-505.080)

Informational Notes:

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

SR: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 20, 2026

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

From: Aaron Gooderham (209) 616-3062 
Senior Registered Environmental Health Specialist

RE: **PA-2600102 (VR) PA-2600101 (MS), Referral, SU-2601294, SU-2601295**
4910 E. Clarksdale Road, Lodi

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

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

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

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 recordation of parcel map (San Joaquin County Development Title, Section 9-502.070(a)(c)).

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

Note: EHD reviewed and approved the SSCR for this project (SU-2601188).

3. Submit Water Provision Declaration form to the Environmental Health Department for review.
4. 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)).

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



Environmental Health Department

Jasjit Kang, REHS, Director

Munlappa Naidu, REHS, Assistant Director

PROGRAM COORDINATORS

Jeff Carruesco, REHS, RDI

Willy Ng, REHS

Steven Shih, REHS

Elena Manzo, REHS

Natalia Subbotnikova, REHS

May 26, 2026

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

From: Aaron Gooderham (209) 616-3062 
Senior Registered Environmental Health Specialist

RE: PA-2600102 (VR) PA-2600101 (MS), Early Consultation, SU-2601294, SU-2601295,
4910 E. Clarksdale Road, Lodi

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

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

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

Note: EHD reviewed and approved the SSCR for this project (SU-2601188).

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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

To: Development Services: Jacob Pahule

Date: 8/20/26

From: Fire Prevention: Steve Butler

Subject: A-2600102 (VR)

Project Summary: A Variance and Minor Subdivision application: This project is comprised of two components:

Variance No. PA-2600102 requests to reduce the minimum required parcel size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 18 acres and 25 acres in order to facilitate a Minor Subdivision.

Minor Subdivision No. PA-2600101 proposes subdividing an existing 42-acre parcel into two parcels. Parcel 1 to contain 25 acres. Parcel 2 to contain 18 acres. Parcel 1 will utilize existing direct access to the south of East Clarksdale Road. Parcel 2 will utilize existing direct access to the north of East Clarksdale Road. Both parcels will utilize existing separate private well systems for water service, private septic systems for wastewater, and private storm drainage.

PROJECT LOCATION: The project site is north and south of E. Clarksdale Rd., approximately 1,348' east of N. State

Route 99 E. Frontage Rd., Acampo. (APN/Address: 017-090-56, -59 / 4910 E. Clarksdale Rd., Acampo)

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

1. CFC 507 Fire Protection Water Supply-Fire flow and hydrants shall be provided for the proposed project by use of CFC Appendix B. In the rural areas, NFPA 22 for Static Water Tanks and NFPA 1142 for volume.

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2. If Fire Protection Systems are required they shall be installed according to CFC Chapter 9.
3. CFC, Section 503 Fire Apparatus Access Roads-Shall be provided as required by this section. Secondary access may be required.
4. A complete review, at building permit submittal, will require compliance with applicable codes and ordinances.



S J C O G , I n c .

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

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

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

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

From: Laurel Boyd, SJCOG, Inc.

Phone: (209) 235-0574

Email: boyd@sjcog.org

Date: August 25, 2026

Local Jurisdiction Project Title: PA-2600102 (VR), PA-2600101 (MS)

Assessor Parcel Number(s): 209-060-40, -41; and 209-080-33

Local Jurisdiction Project Number: PA-2600102 (VR), PA-2600101 (MS)

Total Acres to be converted from Open Space Use: Unknown

Habitat Types to be Disturbed: Multi-Purpose Open Space Habitat Land

Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Mr. Pahule:

SJCOG, Inc. has reviewed the application referral for a Variance and Minor Subdivision application: This project is comprised of two components: Variance No. PA-2600102 requests to reduce the minimum required parcel size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 18 acres and 25 acres in order to facilitate a Minor Subdivision.

Minor Subdivision No. PA-2600101 proposes subdividing an existing 42-acre parcel into two parcels. Parcel 1 to contain 25 acres. Parcel 2 to contain 18 acres. Parcel 1 will utilize existing direct access to the south of East Clarksdale Road. Parcel 2 will utilize existing direct access to the north of East Clarksdale Road. Both parcels will utilize existing separate private well systems for water service, private septic systems for wastewater, and private storm drainage. The project site is north and south of E. Clarksdale Road, approximately 1,348 feet east of N. State Route 99 E. Frontage Road, Acampo (APN/Address: 017-090-56, -59 / 4910 E Clarksdale Road, Acampo).

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

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

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

- Schedule a SJMSCP Biologist to perform a pre-construction survey prior to any ground disturbance
- SJMSCP Incidental Take Minimization Measures and mitigation requirement:

1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
2. 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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 - 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-2600102 (VR), PA-2600101 (MS)

Landowner: Chelsea Chandler

Applicant: Dillon & Murphy

Assessor Parcel #s: 017-090-56, -59

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

Local Jurisdiction Contact: Jacob Pahule

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

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

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

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

From: Laurel Boyd, SJCOG, Inc.

Phone: (209) 235-0574

Email: boyd@sjcog.org

Date: July 21, 2026

Local Jurisdiction Project Title: PA-2600102 (VR), PA-2600101 (MS)

Assessor Parcel Number(s): 209-060-40, -41; and 209-080-33

Local Jurisdiction Project Number: PA-2600102 (VR), PA-2600101 (MS)

Total Acres to be converted from Open Space Use: Unknown

Habitat Types to be Disturbed: Multi-Purpose Open Space Habitat Land

Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Mr. Pahule:

SJCOG, Inc. has reviewed the application referral for PA-2600102 (VR), PA-2600101 (MS). This project consists of a Variance Application and a Minor Subdivision Application.

Variance No. PA-2600102 requests to reduce the minimum required parcel size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 18 acres and 25 acres in order to facilitate a Minor Subdivision.

Minor Subdivision No. PA-2600101 proposes subdividing an existing 42-acre parcel into two parcels. Parcel 1 to contain 25 acres. Parcel 2 to contain 18 acres. Parcel 1 will utilize existing direct access to the south of East Clarksdale Road. Parcel 2 will utilize existing direct access to the north of East Clarksdale Road. Both parcels will utilize existing separate private well systems for water service, private septic systems for wastewater, and private storm drainage. The project site is north and south of E. Clarksdale Road, approximately 1,348 feet east of N. State Route 99 E. Frontage Road, Acampo (APN/Address: 017-090-56, -59 / 4910 E Clarksdale Road, Acampo).

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

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

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

- Schedule a SJMSCP Biologist to perform a pre-construction survey **prior to any ground disturbance**

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

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

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

SJMSCP HOLD

TO: Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department, 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:
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- Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

Project Title: PA-2600102 (VR), PA-2600101 (MS)

Landowner: Chelsea Chandler

Applicant: Dillon & Murphy

Assessor Parcel #s: 017-090-56, -59

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

Local Jurisdiction Contact: Jacob Pahule

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.



Pacific Gas and Electric Company
PGEPlanReview@pge.com
Land Management
300 Lakeside Drive
Oakland, CA 94612

May 26, 2026

Re: Gas and Electric Transmission and Distribution

Dear San Joaquin County Planning,

Thank you for providing PG&E the opportunity to review your proposed plans for pA-2600102, -101 (VR, MS). Our review indicates the proposed work and/or improvements do not appear to directly interfere with any of PG&E's existing facilities or land rights.

Please note, this is our preliminary review and PG&E may provide additional comments in the future as the project progresses or if additional information is provided. If there are subsequent modifications made to the design, we ask that the plans be resubmitted for review to the email address listed below.

If PG&E gas and/or electric service are needed, please submit an application through PG&E's Your Project Portal: [Sign In \(yourprojects-pge.com\)](#).

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of two (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 this response, please contact me at (877) 259-8314 or pgeplanreview@pge.com

Sincerely,

PG&E Plan Review Team
Land Management



August 21, 2026

**County of San Joaquin
Community Development Department
1810 East Hazelton Avenue
Stockton, CA 95205**

Ref: Gas and Electric Transmission and Distribution

Dear San Joaquin County Planning,

Thank you for submitting the **PA-2600101-102 (VR, MS) - Neighborhood Referral** 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), plant only low-growing shrubs under the wire zone and only grasses within the area directly below the tower. Along the border of the transmission line right-of-way, plant only small trees no taller than 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.

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

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

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

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

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

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

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



May 22, 2026

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

Ref: Gas and Electric Transmission and Distribution

Dear San Joaquin County Planning,

Thank you for submitting the PA-2600102, -101 (VR, MS) 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

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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.)

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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.
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CALIFORNIA VALLEY MIWOK TRIBE



San Joaquin County
Community Development Department
Jacob Pahule, Project Planner
1810 E. Hazel Ave
Stockton, California 95205-6298
Email: jpahule@sjgov.org

June 1, 2026

Re: Application No. PA-2600102 (VR) / PA-2600101 (MS) is a Variance and Minor Subdivision application. This project is comprised of two components. Acampo, San Joaquin County, California

Dear Jacob Pahule,

It is the understanding of the California Valley Miwok Tribe that Project application No. PA-2600102 (VR) requests to reduce the minimum required parcel size in the AG-40 zone from 40 acres to 18 acres and 25 acres in order to facilitate a Minor Subdivision. PA-2600101 (MS) proposes subdividing an existing 42-acre parcel into two parcels. Parcel 1 to contain 25 acres. Parcel 2 to contain 18 acres. Parcel 1 will utilize existing direct access to the south of East Clarksdale Road. Parcel 2 will utilize existing direct access to the north of East Clarksdale Road. The property is zoned AG-40 and the General Plan designation is OS/RC (Resource Conservation). APN Address: 017-090-56, -59 / 4910 E. Clarksdale Rd. Acampo, San Joaquin County, California.

It is further understood by the Tribe that both parcels will utilize existing separate private well systems for water service, private septic systems for wastewater, and private storm drainage. The project site is not under a Williamson Act Contract.

The California Valley Miwok Tribe has no comments or concerns regarding Application No. PA-2600102 (VR) / PA-2600101 (MS) a Variance and Minor Subdivision application. Acampo, San Joaquin County, California.
Applicant: Dillon & Murphy

Respectfully,

A handwritten signature in blue ink, appearing to read "Silvia Burley".

Silvia Burley, Chairperson
California Valley Miwok Tribe

California Valley Miwok Tribe 14807 Avenida Central, La Grange, California 95329
Official Website: <https://californiavalleymiwok.us> Office Ph: 209-931-4567 Email: office@cvmt.net



SIERRA CLUB

DELTA-SIERRA GROUP
MOTHER LODGE CHAPTER

June 4, 2026

Via e-mail to:

Jennifer Jolley jjolley@sjgov.org
Corrine King cking@sjgov.org
Jessica Leal jleal@sjgov.org
Jacob Pahule jpahule@sjgov.org

San Joaquin County Community Development Department

RE: Variance No. PA-2600102 and 2-lot minor subdivision No. PA-2600101; and Variance application No. PA-25002842 and 2-lot minor subdivision Minor Subdivision PA-2500285

Ms. Jolley, Ms. King, Ms. Leal, Mr. Pahule et al:

The Sierra Club submits the following comments on these two pending variance and subdivision applications located in Acampo. Our comments apply to the early consultation request for comments on these applications.

Please forward this letter on the County Planning Commission.

Also, we request that the County staff notify us at parfrey@sbcglobal.net of any actions taken on these and other similar pending applications for variance to reduce the minimum parcel size in the AG-40 zoning district.

The first proposal (Chandler) is a Variance No. PA-2600102 to reduce the minimum required parcel size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 18 acres and 25 acres in order to facilitate a Minor Subdivision No. PA-2600101 proposing to subdivide an existing 42-acre parcel into two parcels. Parcel 1 to contain 25 acres. Parcel 2 to contain 18 acres. The General Plan designation is OS/RC (Resource Conservation). The site is adjacent to the Mokelumne River. (See attached application referral.)

The second proposal in (Fuso), is a Variance application No. PA-2500284 to reduce the minimum lot size in AG-40 from 40-acres to 1.27-acres for Parcel 2 and 10.06-acres for Parcel 1 to facilitate Minor Subdivision PA-2500285, which proposes to split one legal lot into two parcels. Parcel 1 is 10.06-acres and Parcel 2 1.27-acres. (See attached application referral.)

These applications to adopt a variance and a minor subdivision are “projects” under the California Environmental Quality Act (CEQA) and must undergo environmental review. If the County staff proceeds with a CEQA document, such as a negative declaration, we will challenge adoption of these documents by the County Planning Commission.

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 down to 25, 18, 10, and 1.27 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 subdivide agricultural parcels into substandard lots. The applicants no doubt wish to cash in on creating and selling ranchettes in a rural subdivision in areas that have been designated by the County General Plan as Agriculture and Resource Conservation, with 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 (or sell existing) 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 less than 40 acre lots in an agricultural area in San Joaquin County.

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. Approving substandard lots of 25, 18, 10, and 1.27 acres 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 3.1-58)

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 18, 10, and 1.27 acre lots is not an allowed use in the areas designated as Agricultural.

We also remind County staff of General Plan Land Use Policy LU-7.3 Small Parcel Size Viability which states:

"The County shall not allow further fragmentation of land designated for agricultural use, except for the purpose of separating existing dwellings on a lot, provided the Development Title regulations are met. (RDR/PSP)"

The County General Plan describes the Resource Conservation designation as follows:

This designation provides for areas with significant natural resources that should remain in open space, used for recreation, or preserved and used for resource production (e.g., mining). The Resource Conservation (OS/RC) designation may be applicable to any area of the county that is essentially unimproved and planned to remain open in character, improved for recreational uses, managed in the production of resources, protected from development-related impacts, or restricted from access for the protection of the community (e.g., floodplains)

The General Plan has established the following minimum parcel size of lands designated Resource Conservation:

Allowed Uses

This designation provides for the following public and quasi-public uses:

- Parks (community and regional parks)
- Greenways and trails
- Public and private golf courses
- Commercial recreation facilities with an emphasis on the outdoors
- Compatible public, quasi-public, and selected special uses

Development Standards

Development within this designation is subject to the following standards:

- Minimum Density: N/A
- Maximum Density: N/A
- Minimum FAR: N/A
- Maximum FAR: 0.01
- Lot Area: N/A (page 3.1-66)

Creating smaller parcels on land designated in the General Plan for Resource Conservation to facilitate homesites is clearly not an allowed use.

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.

Previous Illegal Variance Applications

These most recent illegal variance and minor subdivision applications are not the first time we have criticized County staff for accepting such flawed applications from local civil engineering firms who should know better.

We previously submitted critical comments on three similar applications in 2024:

- A Minor Subdivision application PA-2400253 and PA-2400254 for a Variance requesting to reduce the minimum required parcel size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5 acres in order to facilitate Minor Subdivision No. PA-2500133 that proposes to subdivide an existing 15.12-acre parcel into 3 parcels between 5.03 and 5.05 acres in size (east of the City of Lodi);
- A minor subdivision and variance application (PA-24000223 and PA-2300266 for a 7-lot Victor subdivision; and
- PA-2400062 and PA-2300296 for a 4-lot Vernalis subdivision.

As we recall, the Vernalis project was denied when the County Counsel agreed that the legal findings for a variance could not be met.

We do not recall what the final determination was for the other two variance applications. We would appreciate it if County staff would submit this information to us at their earliest convenience. If we should submit a Public Record Act request, please advise us of that.

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.

We are addressing these comments to all of you because we question whether junior staff in the Community Development Department are receiving adequate training. Specifically, these applications were accepted for processing even though both applications are in clear violation of State planning laws, and the County General Plan and Development Title.

At a minimum, we would strongly suggest that staff receive periodic training offered by the Cal Chapter American Planning Association and by County Counsel, in order to prevent more poor decisions in the future.

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

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

Sincerely,

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

s/s Margo Praus, Chair,
 Delta-Sierra Group, Sierra Club

cc: San Joaquin County Planning Commission
San Joaquin County Board of Supervisors
San Joaquin County Office of County Counsel
City of Lodi Community Development Dept.
San Joaquin Farm Bureau
Robert Swanson, California Attorney General's Office
Aaron Isherwood, Sierra Club Environmental Law Program
Sean Wirth, Mother Lode Chapter Conservation Chair



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Attachment C **Environmental** **Determination**

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Community Development Department

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Jennifer Jolley, Director

Eric Merlo, Assistant Director

Tim Burns, Code Enforcement Chief

Corinne King, Deputy Director of Planning

Jeff Niemeyer, Deputy Director of Building Inspection

NOTICE OF EXEMPTION

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

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

☒ County Clerk, County of San Joaquin

Project Title: Variance and Minor Subdivision No. PA-2600102 and PA-2600101

Project Location - Specific: The project site is north and south of E. Clarksdale Rd., approximately 1,348' east of N. State Route 99 E. Frontage Rd., Acampo. (APN/Address: 017-090-56, -59 / 4910 E. Clarksdale Rd., Acampo) (Supervisory District: 4)

Project Location - City: Acampo

Project Location - County: San Joaquin County

Project Description: Variance and Minor Subdivision application: This project is comprised of two components: Variance No. PA-2600102 requests to reduce the minimum required parcel size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 18 acres and 25 acres in order to facilitate a Minor Subdivision. Minor Subdivision No. PA-2600101 proposes subdividing an existing 42-acre parcel into two parcels. Parcel 1 to contain 25 acres. Parcel 2 to contain 18 acres. Parcel 1 will utilize existing direct access to the south of East Clarksdale Road. Parcel 2 will utilize existing direct access to the north of East Clarksdale Road. Both parcels will utilize existing separate private well systems for water service, private septic systems for wastewater, and private storm drainage. The project site is not under a Williamson Act Contract.

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

Project Proponent(s): Chelsea Chandler / Dillon & Murphy

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

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

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

Exemption Reason:

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

Lead Agency Contact Person:

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

Signature: _____ Date: _____

Name: Sean Cardenas Title: Deputy County Clerk

Signed by Lead Agency

Date Received for filing at OPR: _____

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

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

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VARIANCE FINDINGS

Variance No. PA-2600102

CHELSEA CHANDLER / DILLON & MURPHY ENGINEERING C/O JOE MURPHY

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 in the affirmative because special circumstances applicable to the subject property distinguish it from other properties in the vicinity under the same zoning classification. The subject property consists of one legal lot of approximately 43 acres that is physically separated by East Clarksdale Road into northern and southern portions. The two portions have historically been utilized independently, including being farmed by separate farmers and served by separate wells and irrigation systems. The southern portion, identified as Parcel 1 on the Tentative Map, contains an existing 2,200-square-foot single-family residence and accessory structure, while the northern portion contains an existing 2,400-square-foot shop. The portions have also historically been treated as separate properties for ownership and taxation purposes.

The proposed subdivision would formalize the longstanding physical, functional, and ownership separation of the northern and southern portions into two legal parcels of approximately 25 acres and 18 acres. These circumstances are unique to the subject property and support granting relief from the 40-acre minimum parcel size requirement. Accordingly, the strict application of the AG-40 minimum parcel size would deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning, and this finding can be made in the affirmative.

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 in the affirmative because the proposed subdivision will not result in physical changes to the property or introduce a use that would be detrimental or injurious to surrounding properties, existing improvements, public health, safety, or general welfare. The proposed subdivision would utilize existing access, wells, irrigation systems, private septic systems, and storm drainage facilities serving the respective portions of the property. No new development or physical improvements are proposed as part of the subdivision or Variance applications.

Any future development of the resulting parcels will remain subject to applicable County permitting requirements and conditions of approval. Additionally, any future structures requiring ground disturbance will be subject to participation in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), as required by the Conditions of Approval. Therefore, approval of the Variance is not expected to result in adverse impacts to surrounding properties or the public health, safety, or general welfare, and this finding can be made in the affirmative.

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 in the affirmative because the requested Variance would allow the subject property to be divided into two parcels of approximately 25 acres and 18 acres, which is consistent with the existing development pattern in the surrounding area. The proposed parcels would remain subject to all applicable AG-40 development standards other than the minimum parcel size requirement addressed by the Variance. The request is also limited to formalizing the existing separation of the property along East Clarksdale Road and does not propose additional development or a change in zoning.

The proposed parcel sizes are consistent with the size and character of other parcels in the vicinity, and approval of the Variance would not provide the property with a privilege that is inconsistent with the limitations applicable to similarly situated properties. Accordingly, the granting of the Variance would not constitute a special privilege, and this finding can be made in the affirmative.

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 in the affirmative because the requested Variance does not authorize a new use or activity on the property. The Variance is limited to reducing the minimum required parcel size in the AG-40 zone from 40 acres to approximately 25 acres and 18 acres to facilitate the proposed Minor Subdivision. The existing agricultural and residential uses on the property remain subject to the applicable General Plan and Development Title regulations, and no change in zoning or General Plan designation is proposed.**

No new development is proposed as part of the Minor Subdivision or Variance applications. Any future development of the resulting parcels will be required to comply with the applicable County regulations and permitting requirements. Therefore, the Variance does not authorize a use or activity that is not otherwise expressly authorized by the regulations governing the property, and this finding can be made in the affirmative.

SUBDIVISION FINDINGS

Minor Subdivision No. PA-2600101

CHELSEA CHANDLER / DILLON & MURPHY ENGINEERING C/O JOE MURPHY

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 can be made in the affirmative because, subject to approval of Variance No. PA-2600102, the proposed subdivision is consistent with the applicable General Plan and Development Title requirements. The subject property consists of one legal lot of approximately 43 acres and is zoned AG-40 (General Agriculture, 40-acre minimum). The proposed subdivision would create two parcels, with Parcel 1 containing approximately 25 acres and Parcel 2 containing approximately 18 acres. The accompanying Variance would allow the proposed parcel sizes below the 40-acre minimum.**

The southern portion of the property, identified as Parcel 1 on the Tentative Map, is designated Agricultural (AG) by the General Plan, while the northern portion, identified as Parcel 2, is designated Open Space/Resource Conservation (OS/RC). Both portions are zoned AG-40. The proposed subdivision does not include a change to the General Plan designations or zoning. There is no applicable Specific Plan, pre-existing Special Purpose Plan, or Master Plan governing the subject property. If the Variance is approved to reduce the required parcel size and density, the proposed subdivision and accompanying Variance are consistent with the remaining applicable General Plan policies and Development Title regulations.

2. The site is physically suitable for the type of development and the proposed density of the development.
 - **This finding can be made in the affirmative because the subject property is physically suitable for the proposed subdivision. The approximately 43-acre property is physically separated by E Clarksdale Road into northern and southern portions that have historically been utilized independently. Each portion has its own well, irrigation system, septic system, and direct access to a County-maintained road. The southern portion contains an existing 2,200-square-foot single-family residence and 150-square-foot shed, while the northern portion contains an existing 2,400-square-foot shop.**

The proposed subdivision would formalize the existing physical and functional separation of the property into two parcels and does not propose new development or new access improvements. The resulting parcels can continue to utilize the existing infrastructure serving the respective portions of the property. Any future development would remain subject to applicable County development standards and permitting requirements. Given the existing physical characteristics, access, infrastructure, and established separate use of the two portions, the site is physically suitable for the proposed subdivision and resulting density.

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 in the affirmative because the proposed subdivision does not propose new development or physical improvements that would result in substantial environmental impacts. The project would formalize the existing physical separation of the property into two parcels and utilize existing access and infrastructure. No new ground-disturbing development is proposed as part of the subdivision.**

The project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. Future development requiring ground disturbance on either resulting parcel will remain subject to applicable environmental requirements, including participation in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), as required by the Conditions of Approval. Therefore, the proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure 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 in the affirmative because the proposed subdivision does not include new development or improvements that would create serious public health concerns. Each resulting parcel will utilize private water and wastewater systems, and the Environmental Health Department has identified requirements that must be satisfied prior to approval of the parcel map. These requirements include approval of a soil suitability and nitrate loading study demonstrating that each area is suitable for septic system use, percolation testing for each parcel, and compliance with San Joaquin County onsite wastewater treatment system standards.**

Additionally, the Environmental Health Department requires a surface and subsurface contamination report addressing potential contamination from past or current land uses. The Environmental Health Department reviewed and approved the Surface and Subsurface Contamination Report for the project (SU-2601188). Compliance with these requirements will ensure that water and wastewater services for the resulting parcels are addressed in accordance with applicable County standards. Therefore, the proposed subdivision is not likely 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 can be made in the affirmative because the proposed subdivision will not conflict with easements acquired by the public for access through or use of the subject property. Parcel 1 will utilize existing direct access to E. Clarksdale Road south of the roadway, and Parcel 2 will utilize existing direct access to E. Clarksdale Road north of the roadway. East Clarksdale Road is a County-maintained road. No new public access easement or alternate public access route is proposed as part of the subdivision.**
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 in the affirmative because the resulting parcels will utilize private wells and septic systems for water and wastewater disposal. The Environmental Health Department has reviewed the project and identified requirements that must be satisfied prior to approval of the parcel map, including a soil suitability and nitrate loading study, percolation testing for each parcel, and compliance with San Joaquin County onsite wastewater treatment system standards. The Environmental Health Department has also reviewed and approved the project's Surface and Subsurface Contamination Report (SU-2601188), and a Water Provision Declaration is required for review.**

The proposed subdivision would create two parcels and does not exceed the threshold of 500 dwelling units identified in Government Code Section 66473.7. Therefore, water and

wastewater disposal services can be adequately addressed through the existing private systems and applicable Environmental Health Department requirements.

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 in the affirmative because the proposed subdivision does not include any land or improvements to be dedicated to the County or another public agency.**
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 in the affirmative because the proposed configuration of Parcels 1 and 2 provides sufficient area and flexibility for future structures to be oriented and designed to take advantage of passive heating, cooling, natural ventilation, and solar exposure. The proposed subdivision does not establish a lot configuration that would preclude future development from incorporating passive or natural heating and cooling opportunities. Any future construction will remain subject to applicable County building and development standards.**

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Attachment E **Conditions of Approval**

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CONDITIONS OF APPROVAL

PA-2600101 & PA-2600102

CHELSEA CHANDLER / DILLON & MURPHY ENGINEERING C/O JOE MURPHY

Variance Application No. PA-2600102 and Minor Subdivision Application No. PA-2600101 were approved by the Planning Commission on . The effective date of approval is . This tentative map approval will expire on , which is three (3) years from the effective date of approval, unless (1) all Conditions of Approval have been complied with and (2) a Certificate of Compliance has been filed with and accepted by the County Surveyor.

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

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

- a. **APPROVAL:** This approval is for a Minor Subdivision to subdivide a 43-acre parcel into 2 parcels. Parcel 1 to contain 25 acres and Parcel 2 to contain 18 acres, as shown on the Tentative Map dated March 18, 2026, and consistent with Variance No. PA-2600102.
- b. **TENTATIVE MAP:** The Parcel Map shall substantially conform with the approved Tentative Map dated March 23, 2026. (Development Title Section 9-512.010).
- c. **RIGHT TO FARM:** Pursuant to San Joaquin County Code Section 6-9004(b), the following note shall be recorded as a Notice of Minor Subdivision Restriction with the Parcel Map.

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

- d. **LOT SIZE:** The following lot size and width regulations shall apply to this map:
 - 1. Parcel 1 shall have a lot size of 25 gross acres.
 - 2. Parcel 2 shall have a lot size of 18 gross acres.
- e. **FIRE CODE REQUIREMENTS:** The following California Fire Code (CFC) requirements apply to the proposed project. The following conditions shall be addressed prior to submittal of a building permit application to the Building Division:
 - 1. CFC Section 507, Fire Protection Water Supply — Fire flow and hydrants shall be provided for the proposed project in accordance with CFC Appendix B. In rural areas, static water tanks shall comply with NFPA 22, and water supply volumes shall comply with NFPA 1142.
 - 2. If fire protection systems are required, they shall be installed in accordance with CFC Chapter 3.
 - 3. CFC Section 503, Fire Apparatus Access Roads — Fire apparatus access roads shall be provided as required by this section. Secondary access may be required.
 - 4. A complete review will be conducted at the time of building permit submittal to ensure compliance with all applicable codes and ordinances.

COUNTY COUNSEL

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

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 Minor Subdivision Restriction:
 1. Parcel 1 and Parcel 2 are subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). At the time of development of Parcel 1 and Parcel 2, any structure(s) that require ground disturbance on this or subsequent divided parcels will be subject to participate in the SJMSCP and development plans should be submitted to the San Joaquin Council of Governments to ensure biological and mitigation obligations are satisfied.

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

- a. A Parcel Map is required. (Development Title Section 9-501.030)
- b. An Irrevocable Offer to Dedicate Road shall be provided to establish a 25-foot-wide right-of-way from the centerline of E Clarksdale Road to the property line along the frontage of Parcels 1 and 2. The Irrevocable Offer of Dedication shall be shown on the Parcel Map. (Development Title Section 9-608.060)
- c. All easements of record shall be shown on the Parcel Map. (Development Title Section 9-505.080)

Informational Notes:

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

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)).

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

Note: The Environmental Health Department reviewed and approved the Surface and Subsurface Contamination Report (SSCR) for this project (SU-2601188).

- c. Submit a Water Provision Declaration Form to the Environmental Health Department for review.
- d. 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)).



Planning Commission Staff Report
Item # 4, October 1, 2026
Conditional Use Permit No. PA-2500218
Prepared by: Jessica Leal

PROJECT SUMMARY

Applicant Information

Property Owner: Barbagelata, Louis & Jeanette Trust
Project Applicant: RPCA Solar 11, LLC

Project Site Information

Project Address: 18133 East Comstock Road, Linden
Project Location: At the northeast corner of East Comstock Road and North Duncan Road, north of Linden.

Parcel Number (APN):	091-170-06	Water Supply:	Private (On-Site Well)
General Plan Designation:	A/G	Sewage Disposal:	Private (On-Site Septic)
Zoning Designation:	AG-40	Storm Drainage:	Private (Natural)
Project Size:	15.2 acres	100-Year Flood:	No
Parcel Size:	19.99 acres	Williamson Act:	No
Community:	None	Supervisory District:	4

Environmental Review Information

CEQA Determination: Mitigated Negative Declaration (Attachment E)

Project Description

A Conditional Use Permit to construct a utility-scale 15.2-acre ground-mounted photovoltaic energy facility. The project will generate up to 3 megawatts of solar energy utilizing photovoltaic solar modules, inverters, and appurtenant electrical equipment. The modules will be mounted on a steel racking system employing single-axis tracker technology that efficiently tracks the sun's movement throughout the day and maximizes the efficiency of solar collection. The rows of modules will be anchored in the ground using driven piers, and the overall height of the array is not expected to exceed 15 feet above the existing ground surface at maximum tilt. The Project will interconnect to the existing Pacific, Gas, and Electric electrical distribution system adjacent to the site along East Comstock Road.

Recommendation

It is recommended that the Planning Commission:

1. Adopt the Mitigated Negative Declaration (Attachment E),
2. Adopt the Mitigation Monitoring and Reporting Program (Attachment F),
3. Adopt the Findings for Conditional Use Permit (Attachment G),
4. Approve Conditional Use Permit No. PA-2500218 subject to the recommended Conditions of Approval (Attachment H)

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NOTIFICATION & RESPONSES

(See Attachment B, Response Letters)

Public Hearing Notices

Legal ad for the public hearing published in the Stockton Record: September 11, 2026.

Number of Public Hearing notices: 98

Date of Public Hearing notice mailing: September 11, 2026.

Referrals and Responses

- **Early Consultation Date:** October 23, 2025
- **Project Referral with Environmental Determination Date:** August 14, 2026
- **Mitigated Negative Declaration Posting Date:** August 14, 2026
- **OPR State Clearinghouse #:** 2026080465

Agency Referrals	Response Date - Early Consultation	Response Date - Referral
County Departments		
Ag Commissioner		
Assessor		
Community Development		
Building Division		
Fire Prevention Bureau		08/14/26
Code Enforcement		
Public Works	12/01/25	
Environmental Health	10/27/25	08/14/26
Supervisor: District 4		
Sheriff Office		
Mosquito Abatement		
State Agencies		
CA Air Resources Board		
CA Native American Heritage Commission		
CA Energy Commission		
Fish & Wildlife, Division: Region 2	11/07/25	
Public Utilities Commission		
Federal Agencies		
US Fish & Wildlife		
F.E.M.A.	11/03/25	

Agency Referrals	Response Date - Early Consultation	Response Date - Referral
Local Agencies		
Linden Unified School District		
Linden-Peters Rural Fire District		
City of Tracy		
City of Manteca		
Stockton East Water District		
S.J.C.O.G.	10/27/25	08/17/26
San Joaquin Farm Bureau		
San Joaquin Air Pollution Control District	11/13/25	
CA Tribal TANF Partnership		
Linden MAC		
California Valley Miwok Tribe		
United Auburn Indian Community		
North Valley Yokuts Tribe		
Buena Vista Rancheria		
Farm Bureau		
Miscellaneous		
B.I.A.		
Builders Exchange		
Carpenters Union		
P.G.&E.	11/08/25	
Sierra Club		

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ANALYSIS

Background

The project site contains an existing residence and accessory structures. The remainder of the site was previously planted with a walnut orchard, which was removed by the landowner in July of 2023. No agricultural use has occurred since the removal of the orchard. The existing single-family residence on the site and accessory structures are proposed to remain and will continue to be inhabited throughout the project's construction and operation.

San Joaquin Valley Air Pollution Control District

An early consultation referral was sent to the San Joaquin Valley Air Pollution Control District (APCD) on October 23, 2025, and a second referral was sent on August 14, 2026, in conjunction with the posting of the environmental review document. APCD provided comments on September 2, 2026, recommending that the County conduct a Health Risk Assessment (HRA), Prioritization screening, and Air Impact Assessment (AIA) pursuant to District Rule 9510 to further evaluate potential air quality and health risk impacts associated with the project. These recommendations are advisory in nature and are intended to assist lead agencies in evaluating potential environmental impacts under CEQA.

Community Development Department staff has reviewed the APCD's comments together with the project description and determined that the recommended HRA and associated analyses are not required for the project. The proposed solar facility does not include operational sources of Toxic Air Contaminants, and air quality impacts are limited to short-term construction activities that will be controlled through standard District requirements and CEQA mitigation measures.

Based on these factors, staff concludes that the additional recommended analyses are not necessary to support the environmental determination and recommendation of approval for the project.

Environmental Document

An initial study dated August 14, 2026, 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 August 14, 2026. 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.

California Department of Fish and Wildlife Comments

On November 5, 2025, the Community Development Department received a comment letter from the California Department of Fish and Wildlife (CDFW) outlining environmental concerns related to the project. These comments were considered in preparation of the initial study document, prepared by Rincon Consultants. Upon posting of the initial study and Mitigated Negative Declaration, CDFW provided a second response letter dated September 9, 2026, with comments relating to the document's discussion regarding impacts to the Crotch's Bumble Bee and the proposed mitigations relating to this species. Staff reviewed this letter with the applicant, Rincon Consultants, and County Counsel, and updated the initial study and incorporated mitigations. These updates were reviewed and agreed upon by CDFW staff. As no new impacts or mitigations were identified, reposting of the document was not required, however the MMRP included in this report (dated September 24, 2026) has been updated to reflect the revised mitigations.

Community Comments

The Community Development Department received two letters in opposition. The letters express concern regarding the proposed project having a negative visual impact on the character of the area and a negative impact on surrounding property values.

Impacts to property values were addressed in the opposition letters, however no further support was provided.

Regarding aesthetic impacts, the project proposes to develop approximately 15 acres of the 20-acre parcel with solar panels that tilt on an axis to track the movement of the sun. These panels, depending on tracking and angle, range from 9-to-15-feet in height. The developed area will be setback a minimum of 30 feet from all property lines, with solar arrays located a minimum of 54 feet from the neighboring residentially developed parcel to the north and a minimum of 50 feet from adjacent public streets to the south and west. The facility will be screened with a combination of slats and vegetation, or a similar material. Additionally, the facility is subject to the applicable Development Title standards intended to ensure compatible land uses and preserve the County's visual character. The scale and intensity of the proposed solar development will be similar to the previously planted orchard in regard to ground coverage and development height, and the proposed screening will further obscure views of the proposed facility. A requirement for screening has been included in the recommended Conditions of Approval. As a result, with incorporation of the recommended Conditions of Approval, aesthetic impacts are expected to be less-than-significant, and the facility can be integrated into the existing agricultural landscape.

RECOMMENDATION

It is recommended that the Planning Commission:

1. Adopt the Mitigated Negative Declaration (Attachment E),
2. Adopt the Mitigation Monitoring and Reporting Program (Attachment F),
3. Adopt the Findings for Conditional Use Permit (Attachment G),
4. Approve Conditional Use Permit No. PA-2500218 subject to the recommended Conditions of Approval (Attachment H)

Attachments:

Attachment A – Site Plan
Attachment B – Agency Response Letters
Attachment C – Comment Letters
Attachment D – Applicant Letter
Attachment E – Mitigated Negative Declaration
Attachment F – Mitigation Monitoring and Reporting Program
Attachment G – Findings for Conditional Use Permit
Attachment H – Conditions of Approval

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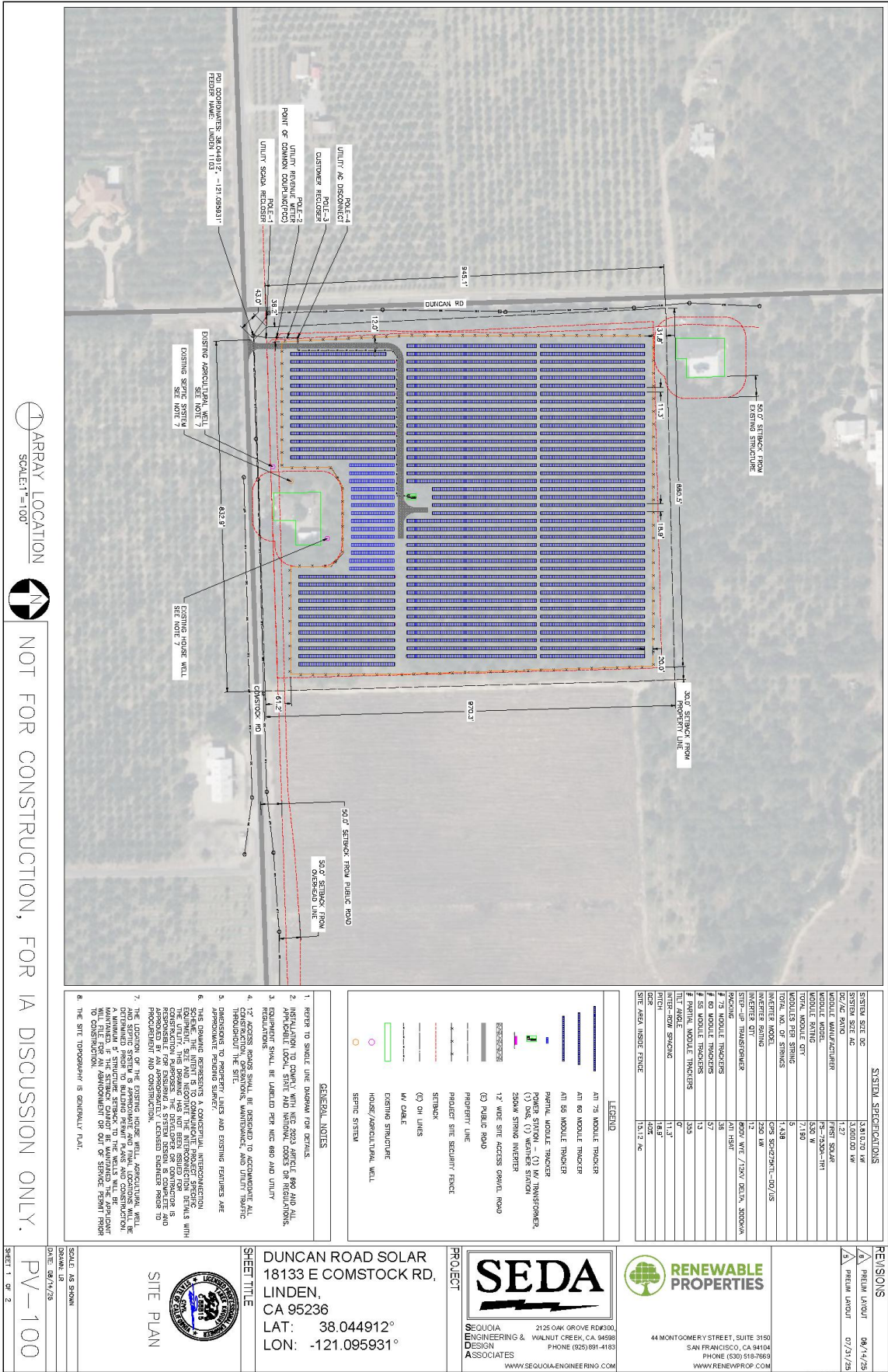
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Attachment A **Site Plan**

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Attachment B **Agency Response** **Letters**

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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

To: Development Services: Jessica Leal **Date:** 8/14/26

(Contact Person)

From: Fire Prevention: Steve Butler

(Contact Person)

(209)468-3166

Subject: PA-2500218

(Planning Application Number)

Project Summary: A Conditional Use Permit application for 14.5-acre ground-mounted photovoltaic energy facility. The project will generate up to 3 megawatts of solar energy utilizing photovoltaic solar modules, inverters, and appurtenant electrical equipment and distribute the useable energy to the electric grid. The modules will be mounted on a steel racking system employing single-axis tracker technology that efficiently tracks the sun's movement throughout the day and maximizes the efficiency of solar collection. The rows of modules will be anchored in the ground using driven piers, and the overall height of the array is not expected to exceed 15 feet above the existing ground surface at maximum tilt. The Project will interconnect to the existing Pacific, Gas, and Electric electrical distribution system adjacent to the site along East Comstock Road. The project will be accessed from East Comstock Road. The project will be served by on-site well and septic, and natural drainage; however, is not expected to require the use of water or wastewater disposal

Project Location: The project site is on the northeast corner of East Comstock Road and North Duncan Road, Linden.(APN/Address: 091-170-06 / 18133 E Comstock Rd, Linden)

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

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1. CFC, Section 503 Fire Apparatus Access Roads - Shall be provided as required by this section. 503.1.2 - A secondary access may be required.
2. CFC, Section 1205 Solar Photovoltaic Power Systems-Follow this Chapter.



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

PA-2500218
18133 E Comstock Rd
Linden, CA - APN#- 091-17-006

Davis, Greg [CDD] 209-468-3181
Senior Plancheck Engineer
San Joaquin County Building Division
Commercial Building Permit Submittal Requirements

1. Application Submittal Policy

- Permit Scope: A Building Permit is required for all proposed new structures.
- Professional Credentials: All Plans must be prepared, signed, and stamped by a California-registered civil engineer or licensed architect.
- Construction Documents: Comprehensive construction plans must be provided.

2. Mandatory Site Plan Elements (See Site Plan Checklist for required information)

- Civil Engineering: Comprehensive storm drainage systems and grading details.
- Access & Parking Infrastructure: Detailed parking and paths of travel layouts, including standard and code-compliant accessible vehicle parking stalls.
- Utilities & Landscaping: On-site electrical distribution, all existing and proposed utility services, and required landscaping.

3. Architectural & Systems Plan Criteria - Architectural designs must verify compliance with current California building codes. Plans must illustrate all interior and exterior spaces, including:

- Spatial Classifications: Occupiable and habitable rooms, hallways, courtyards, assembly spaces, and storage areas.
- Life-Safety & Accessibility: Site amenities, public/private restroom facilities, emergency paths of travel for egress, and accessibility features.
- Mechanical, Electrical, & Plumbing (MEP): Fully integrated designs for HVAC, plumbing, and electrical systems engineered to support all proposed spaces.

4. Geotechnical Documentation

- Soils & Foundation Investigation: foundation and soils investigation reports shall comply with Chapter 18 of the California Building Code.

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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

December 1, 2025

M E M O R A N D U M

TO: Community Development Department
CONTACT PERSON: Jessica Leal

FROM: Shayan Rehman, Engineering Services Manager
Development Services Division

SR

SUBJECT: PA-2500218 (C); A Conditional Use Permit application for 14.5-acre ground-mounted photovoltaic energy facility. The project will generate up to 3 megawatts of solar energy utilizing photovoltaic solar modules, inverters, and appurtenant electrical equipment and distribute the useable energy to the electric grid. The modules will be mounted on a steel racking system employing single-axis tracker technology that efficiently tracks the sun's movement throughout the day and maximizes the efficiency of solar collection. The rows of modules will be anchored in the ground using driven piers, and the overall height of the array is not expected to exceed 15 feet above the existing ground surface at maximum tilt. The Project will interconnect to the existing Pacific, Gas, and Electric electrical distribution system adjacent to the site along East Comstock Road. The project will be accessed from East Comstock Road. The project will be served by on-site well and septic, and natural drainage. However, is not expected to require the use of water or wastewater disposal. The parcel is not under Williamson Act Contract; located on the northeast corner of East Comstock Road and North Duncan Road, Linden.
(Supervisory District 4)

OWNER: Louis & Jeanette Barbagelata TR

APPLICANT: RPCA Solar 11, LLC

ADDRESS: 18133 E Comstock Road, Linden

APN: 091-170-06

INFORMATION:

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

Comstock Road has an existing right-of-way width of 64-variable feet and a planned right-of-way width of variable feet.

Duncan Road has an existing right-of-way width of 75-variable feet and a planned right-of-way width of variable feet.

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PA-2500218 (C)

RECOMMENDATIONS:

- 1) An encroachment permit shall be required for all work within road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-607.020 and 9-607.040)
- 2) The driveway approach shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. 17 prior to issuance of the occupancy permit. (Development Title Section 9-607.040)
- 3) The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolutions R-00-433)
- 4) The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- 5) The Water Supply Facilities Impact Mitigation Fee shall be required for this development. The fee is due and payable prior to issuance of the building permit. The fee will be based on the current schedule at the time of payment. (Development Title Section 9-803.020 and Resolutions R-91-327, R-94-185 and R-97-5)
- 6) The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-606)
- 7) A copy of the Final Site Plan shall be submitted prior to release of building permit.
- 8) This project is subject to the NPDES Region-Wide Permit requirements and shall comply with the following conditions. Prior to release of the building permit, plans and calculations shall be submitted and approved by the Public Works Department – Water Resources Division (209-468-9360):
 - a) Treatment: A registered professional engineer shall design the site to treat the 85th percentile storm as defined in the County's 2023 Storm Water Quality Control Criteria Plan (SWQCCP).
 - b) Hydromodification: A registered professional engineer shall design the site to comply with the volume reduction requirement outlined in the County's 2023 SWQCCP
 - c) Trash: A registered professional engineer shall design the site to comply with the trash control requirement outlined in the County's 2023 SWQCCP.

PA-2500218 (C)

- 9) Prior to release of the building permit, the owner shall enter into an agreement with San Joaquin County for post-construction maintenance of stormwater quality facilities.
- 10) Prior to release of the building permit the applicant shall submit a Storm Water Quality Control Plan (SWQCP) to Public Works that complies with all requirements of the 2023 SWQCCP
- 11) Prior to release of the building permit the applicant shall submit the Storm Water Pollution Prevention Plan (SWPPP) to Public Works. A copy of the approved SWPPP and all required records, updates, test results and inspection reports shall be maintained on the construction site and be available for review upon request.
- 12) Applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity". The Waste Discharge Identification Number (WDID), issued by SWRCB, shall be submitted to Public Works prior to release of the building permit. Contact the SWRCB at 1-866-563-3107 for further information.

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

October 27, 2025

To: San Joaquin County Community Development Department
Attention: Jessica Leal

From: Aaron Gooderham (209) 616-3062 
Senior Registered Environmental Health Specialist

RE: **PA-2500218 (C), Referral, SU-2500840**
18133 E. Comstock Road, Linden

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

- 1) Submit Water Provision Declaration form to the Environmental Health Department for review.
- 2) Applicant shall contact Natalia Subbotnikova, Program Coordinator, Small Public Water System Program, at (209) 468-0338, to determine if the existing well can be permitted as a public water system prior to issuance of building permits. If a public water system is required, applicant shall submit a Small Public Water System preliminary technical report to the California State Water Resources Control Board, Division of Drinking Water (Water Board) at least six months before initiating construction of any water related improvement, as defined. The issuance of a permit to operate a small public water system by the local primacy agency (EHD) is prohibited without the concurrence of the Water Board. Please contact Gena Farley with the SWRCB Division of Drinking Water at Gena.Farley@waterboards.ca.gov or 209-948-7488, concerning the requirements for preliminary technical report submittal prior to issuance of building permits.

If the Water Board determines that an onsite well shall be used as the potable water source, a permit application to operate Small Public Water System shall be submitted to the EHD for approval prior to issuance of building permits. To issue a permit to operate, concurrence from the Water Board is required. A yearly permit to operate a public water system will be required by the EHD prior to sign off of the certificate of final occupancy (San Joaquin County Development Title, Section 9-602.010 and 9-601.030.).

The supplier must possess adequate financial, managerial, and technical capability to assure delivery of pure, wholesome, and potable drinking water in accordance with San Joaquin County Development Title, Sections 9-602.010 and 9-601.030 and C.C.R., Title 22, and Health and Safety Code, Section 116525 116570.

- 3) Prior to issuance of building permit, submit to the Environmental Health Department revised site plans showing the location and configuration of any existing and proposed sewage disposal systems, along with the area required to be reserved for future sewage disposal repair/replacement (area for 100% sewage disposal replacement). The plans shall include the design calculations, including the maximum number of persons the sewage disposal system is proposed to serve. In addition, show on revised plans that the disposal field area

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will be barricaded so it cannot be driven over, parked on, or used as a storage area. This disposal field area must be used for that specific purpose only, and it cannot contain any underground utility lines.

- 4) 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)).



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Environmental Health Department

Jasjit Kang, REHS, Director

Muniappa Naidu, REHS, Assistant Director

PROGRAM COORDINATORS

Jeff Carruesco, REHS, RDI

Willy Ng, REHS

Steven Shih, REHS

Elena Manzo, REHS

Natalia Subbotnikova, REHS

August 14, 2026

To: San Joaquin County Community Development Department
Attention: Jessica Leal

From: Aaron Gooderham (209) 616-3062 
Senior Registered Environmental Health Specialist

RE: **PA-2500218 (C), Referral, SU-2500840**
18133 E. Comstock Road, Linden

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

1. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-601.010(b) and 9-601.020(i)).



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • Email: boyd@sjcog.org

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

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

To: Jessica Leal, San Joaquin County, Community Development Department
From: Laurel Boyd, SJCOG, Inc. Phone: (209) 235-0574 Email: boyd@sjcog.org
Date: October 27, 2025
Local Jurisdiction Project Title: PA-2500218 (C)
Assessor Parcel Number(s): 091-170-06
Local Jurisdiction Project Number: PA-2500218 (C)
Total Acres to be converted from Open Space Use: Unknown
Habitat Types to be Disturbed: Multi-Purpose Open Space Habitat Land
Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Ms. Leal:

SJCOG, Inc. has reviewed the application referral for PA-2500218 (C). This project consists of a Conditional Use Permit application for a 14.5-acre ground-mounted photovoltaic energy facility. The project will generate up to 3 megawatts of solar energy utilizing photovoltaic solar modules, inverters, and appurtenant electrical equipment and distribute the useable energy to the electric grid. The modules will be mounted on a steel racking system employing single-axis tracker technology that efficiency tracks the sun's movement throughout the day and maximizes the efficiency of solar collection. The rows of modules will be anchored in the ground using driven piers, and the overall height of the array is not expected to exceed 15 feet above the existing ground surface at maximum tilt. The project will interconnect to the existing Pacific, Gas, and Electric electrical distribution system adjacent to the site along East Comstock Road.

The project will be accessed from East Comstock Road. The project will be served by onsite well and septic, and natural drainage; however, is not expected to require the use of water or wastewater disposal. The project site is on the northeast corner of East Comstock Road and North Duncan Road, Linden (APN/Address: 091-170-06 / 18133 E Comstock Road, Linden).

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

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

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

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

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

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

- Receive your Certificate of Payment and release the required permit

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

If you have any questions, please call (209) 235-0574 or email: boyd@sjcog.org.



S J C O G , I n c .

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

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SJMSCP HOLD

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

FROM: Laurel Boyd, SJCOG, Inc.

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

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

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

Project Title: PA-2500218 (C)

Landowner: Louis & Jeanette Barbagelata

Applicant: RPCA Solar 11, LLC

Assessor Parcel #s: 091-170-06

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

Local Jurisdiction Contact: Jessica Leal

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.

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

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

To: Jessica Leal, San Joaquin County, Community Development Department
From: Laurel Boyd, SJCOG, Inc. Phone: (209) 235-0574 Email: boyd@sjcog.org
Date: August 17, 2026
Local Jurisdiction Project Title: PA-2500218 (C)
Assessor Parcel Number(s): 091-170-06
Local Jurisdiction Project Number: PA-2500218 (C)
Total Acres to be converted from Open Space Use: Unknown
Habitat Types to be Disturbed: Multi-Purpose Open Space Habitat Land
Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Ms. Leal:

SJCOG, Inc. has reviewed the application referral for PA-2500218 (C). This project consists of a Conditional Use Permit application for a 14.5-acre ground-mounted photovoltaic energy facility. The project will generate up to 3 megawatts of solar energy utilizing photovoltaic solar modules, inverters, and appurtenant electrical equipment and distribute the useable energy to the electric grid. The modules will be mounted on a steel racking system employing single-axis tracker technology that efficiently tracks the sun's movement throughout the day and maximizes the efficiency of solar collection. The rows of modules will be anchored in the ground using driven piers, and the overall height of the array is not expected to exceed 15 feet above the existing ground surface at maximum tilt. The project will interconnect to the existing Pacific, Gas, and Electric electrical distribution system adjacent to the site along East Comstock Road. The project will be accessed from East Comstock Road. The project will be served by onsite well and septic, and natural drainage; however, is not expected to require the use of water or wastewater disposal. The project site is on the northeast corner of East Comstock Road and North Duncan Road, Linden (APN/Address: 091-170-06 / 18133 E Comstock Road, Linden).

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

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

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

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

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

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

- Receive your Certificate of Payment and release the required permit

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

If you have any questions, please call (209) 235-0574 or email: boyd@sjcog.org.



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 • Email: boyd@sjcog.org

SJMSCP HOLD

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

FROM: Laurel Boyd, SJCOG, Inc.

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

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

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

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

Project Title: PA-2500218 (C)

Landowner: Louis & Jeanette Barbagelata

Applicant: Renewable Properties

Assessor Parcel #s: 091-170-06

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

Local Jurisdiction Contact: Jessica Leal

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

November 13, 2025

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

**Project: Application Referral for Conditional Use Permit Application
PA-2500218 (C)**

District CEQA Reference No: 20251253

Dear Ms. Leal:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Conditional Use Permit (CUP) Application from San Joaquin County (County). Per the CUP, the project consists of a 14.5-acre ground-mounted photovoltaic energy facility to generate up to 3 megawatts of solar energy utilizing photovoltaic solar modules, inverters, and appurtenant electrical equipment to distribute the useable energy to the electric grid (Project). The Project is located at 18133 E. Comstock Road, in Linden, CA.

The District offers the following comments at this time regarding the Project:

1) Project Related Emissions

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM_{2.5}) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM₁₀, and PM_{2.5} standards.

Based on information provided to the District, Project specific annual criteria pollutant emissions from construction and operation are not expected to exceed any of the significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI):

<https://www2.valleyair.org/media/g4nl3p0g/gamaqi.pdf>.

Samir Sheikh
Executive Director/Air Pollution Control Officer

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

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

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

www.valleyair.org

www.healthyairliving.com

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1a) Construction Emissions

The District recommends, to reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment.

2) Health Risk Screening/Assessment

The County should evaluate the risk associated with the Project for sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area and mitigate any potentially significant risk to help limit exposure of sensitive receptors to emissions.

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for the Project. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

Prioritization (Screening Health Risk Assessment):

A "Prioritization" is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology. Please contact the District for assistance with performing a Prioritization analysis.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

Health Risk Assessment:

Prior to performing an HRA, it is strongly recommended that land use agencies/ project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA.

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the health impacts would exceed the District's established risk thresholds, which can be found here:
<https://ww2.valleyair.org/permitting/ceqa/>.

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: hramodeler@valleyair.org
- Calling (559) 230-5900

Recommended Measure: Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors to prevent the creation of a significant health risk in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at <https://ww2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources>.

3) Ambient Air Quality Analysis

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District recommends an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

An AAQA uses air dispersion modeling to determine if emission increase from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website:
<https://ww2.valleyair.org/permitting/ceqa/>.

4) District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: <https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations>. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.

4a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (209) 557-6446.

4b) District Rule 9510 - Indirect Source Review (ISR)

The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 9,000 square feet of space.

The purpose of District Rule 9510 is to reduce the growth in both NOx and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NOx and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. As of the date of this letter, the District has not received an AIA application for this Project. Please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510 so that proper mitigation and clean air design under ISR can be incorporated into the Project's design.

Information about how to comply with District Rule 9510 can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview>

The AIA application form can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications/>

District staff is available to provide assistance and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

4c) District Rule 4601 (Architectural Coatings)

The Project may be subject to District Rule 4601 since it may utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: <https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf>

4d) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at: <https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx>

Information about District Regulation VIII can be found online at:
<https://ww2.valleyair.org/dustcontrol>

4e) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

5) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Ryan Grossman by e-mail at ryan.grossman@valleyair.org or by phone at (559) 230-6569.

Sincerely,

Mark Montelongo
Director of Policy and Government Affairs



For: Daniel Martinez
Program Manager

From: [Shun, Michael@Wildlife](mailto:Shun.Michael@Wildlife)
To: [Leal, Jessica \[CDD\]](mailto:Leal.Jessica@CDD)
Cc: [Wood, Dylan@Wildlife](mailto:Wood.Dylan@Wildlife); [Donaldson, Hailey@Wildlife](mailto:Donaldson.Hailey@Wildlife); [Wildlife R2 CEOA](#)
Subject: PA-2500218 (C) – RPCA Solar 11, LLC CDFW Comments
Date: Wednesday, November 5, 2025 12:14:37 PM

Dear Jessica Leal:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Application Referral – Early Consultation from San Joaquin County Community Development Department (SJCCDD) for the RPCA Solar 11, LLC Project (Project) in San Joaquin County pursuant the California Environmental Quality Act (CEQA) statute and guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the project that may affect California fish, wildlife, plants and their habitats. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the project that it, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. Code).

CDFW ROLE

CDFW is California’s Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802.). Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the project phases following the project’s environmental document may be subject to CDFW’s lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located at 18133 East Comstock Road, Linden, CA 95236; Assessor Parcel Number (APN) is 091-170-06.

The Project consists of a 14.5-acre ground-mounted photovoltaic energy facility. The project will generate up to 3 megawatts of solar energy utilizing photovoltaic solar modules, inverters, and

appurtenant electrical equipment and distribute the useable energy to the electric grid. The modules will be mounted on a steel racking system employing single-axis tracker technology that efficiently tracks the sun's movement throughout the day and maximizes the efficiency of solar collection. The rows of modules will be anchored in the ground using driven piers, and the overall height of the array is not expected to exceed 15 feet above the existing ground surface at maximum tilt. The Project will interconnect to the existing Pacific, Gas, and Electric electrical distribution system adjacent to the site along East Comstock Road.

The Project description should include the whole action as defined in the CEQA Guidelines section 15070 and should include appropriate detailed exhibits disclosing the Project Area including temporary impacted areas such as equipment staging area, spoils areas, adjacent infrastructure development, and access and haul roads if applicable.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist the SJCCDD in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the project with respect to impacts on biological resources. CDFW recommends that the forthcoming environmental document incorporate the following goals and objectives in order to minimize impacts to biological resources:

1. Promote the preservation and restoration of continuous areas of natural habitat within the site and support their integration with existing and future preserves;
2. Retain plant and wildlife habitat areas where there are known sensitive resources (e.g., sensitive habitats, special-status, threatened, and endangered, candidate species, and species of special concern). Particular attention should be focused on retaining habitat areas that are contiguous with other existing natural areas and/or wildlife movement corridors;
3. Preserve the ecological integrity of creek corridors, canals, and drainage ditches that support riparian resources by preserving native plants and, to the extent feasible, removing invasive nonnative plants. If not feasible, adverse impacts on riparian habitat shall be mitigated by the preservation and/or restoration of this habitat in compliance with state and federal regulations in perpetuity;
4. Preserve and protect aquatic and wetland resources including creeks, streams, marshes, ponds, rivers, lakes and other seasonal wetlands to the extent feasible. If not feasible then mitigation measures shall be required in coordination with the state and federal regulations to protect fish and wildlife resources. Additionally, San Joaquin County shall require either on- or off-site permanent preservation of an equivalent amount of wetland habitat to ensure no net loss of resource value and/or function;
5. Preserve and protect wetlands and grasslands that provide habitat for rare and endangered species. If not feasible, mitigation of all adverse impacts on annual grasslands to comply with the state and federal regulations protecting foraging habitat for those species known to utilize this habitat;

6. Preserve and protect oak woodlands, heritage oaks, and/or significant stands of oak trees in the site that provide habitat for common native, and special-status wildlife species;
7. Preserve, protect, and avoid impacts to natural, undisturbed habitats that provide movement corridors for sensitive wildlife species. If corridors are adversely affected, damaged habitat should be replaced with habitat of equivalent value or enhanced to enable the continued movement of species;
8. Consider the potential impact on sensitive plants and wildlife for each project requiring discretionary approval. If site conditions are such that potential habitat for sensitive plant and/or wildlife species may be present, San Joaquin County should require habitat assessments, prepared by a qualified biologist, for sensitive plant and wildlife species. If the habitat assessment determines that suitable habitat for sensitive plant and/or wildlife species is present, then either (1) protocol-level surveys shall be conducted (where survey protocol has been established by a resource agency), or, in the absence of established survey protocol, a focused survey shall be conducted consistent with industry recognized best practices; or (2) suitable habitat and presence of the species shall be assumed to occur within all potential habitat locations identified on the Project Area. Survey Reports shall be prepared and submitted to San Joaquin County, CDFW, and/or the United States Fish and Wildlife Service (USFWS) (depending on the species) for further consultation and development of avoidance and/or mitigation measures consistent with state and federal law;
9. Thoroughly analyze future Project's potential direct, indirect and cumulative impacts on biological resources. To ensure these impacts are fully analyzed, San Joaquin County should define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f)). San Joaquin County should analyze potential direct impacts from lighting, noise, human activity, and wildlife-human interactions created by development activities especially those adjacent to natural areas, exotic and/or invasive species occurrences, and drainages, as well as analyze potential indirect impacts including resources in areas adjacent to the Project Area, such as nearby public lands, open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands. Additionally, San Joaquin County should analyze a project's cumulative impacts and determine if that contribution would result in a significant impact;
10. Adopt appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of construction and long-term operation and maintenance of projects. Mitigation will be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines § § 15126.4(a)(4)(B), 15064, 15065, and 16355);
11. Support active habitat restoration and enhancement to reduce impact of climate change stressors and improve overall resilience of habitat within existing open space at the site.

Mitigation Measures for Impacts to Biological Resources

1. *Fully Protected Species*: CDFW recommends that the SJCCDD conduct a thorough review of available data and habitat conditions and disclose all fully protected species with the potential to occur within or adjacent to the Project Area. The environmental document should analyze potential adverse impacts to these species, including those related to loss of foraging habitat disruption or migratory or breeding behaviors. The environmental document should identify general avoidance, minimization, and mitigation strategies that could be implemented to reduce indirect impacts to fully protected species. This analysis will help ensure future project-level CEQA documents are based on a well-informed and legally adequate programmatic foundation.
2. *Species of Special Concern*: Several Species of Special Concern (SSC) including but not limited to western spadefoot (*Spea hammondi*) have the potential to occur within or adjacent to the Project Area. CDFW recommends that the environmental document disclose all possible SSC that may be present in the Project Area and broadly analyze potential adverse impacts to SSC due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends the SJCCDD include in the analysis, general avoidance, minimization and mitigation measures that could be implemented to reduce impacts to SSC.
3. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDB and are included in *The Manual of California Vegetation* (Sawyer 2009). The environmental document should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.
4. *Nesting Birds*: Please note that it is the project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Sections 3503, 3503.5, and 3513 of the Fish and Game Code afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the Fish and Game Code or any regulation made pursuant thereto; section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by the Fish and Game Code or any regulation adopted pursuant thereto; and section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Potential habitat for nesting birds and birds of prey is present within the Project Area. At the assessment level, the environmental document should disclose the likelihood of nesting habitat occurring within the Project Area and identify general seasonal constraints associated with avian breeding activity, typically from February 1 through August 31, depending on the bird species with the potential to occur in the area, and local conditions. General avoidance, minimization, and/or mitigation measures to avoid take shall be included in the environmental document which may include:

- Conducting pre-construction nesting bird surveys by a qualified biologist within appropriate buffer distances for all phases of construction. Timelines and nesting bird survey distances shall be decided upon based on the risk of impacts to potential nesting bird species that shall be identified for smaller scale projects to follow.
- Establishing protective species-specific buffers around active nests with distances based on activity type and intensity, as well as nest stage and location.
- Restricting ground disturbance or vegetation removal to outside of avian breeding and nesting time (approximately February 1 – August 31).

The environmental document should incorporate mitigation performance standards that would ensure that impacts are reduced to a less-than-significant level. Mitigation measures proposed in the environmental document should be made a condition of approval of the project.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if future project activities have the potential to result in “take” (Fish & G. Code § 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of State-listed CESA species, either through construction or over the life of the Project.

State-listed species with the potential to occur in the area include but are not limited to: California tiger salamander (*Ambystoma californiense*) (CTS), tricolored blackbird (*Agelaius tricolor*) (TRBL), Crotch’s bumble bee (*Bombus crotchii*) (CBB), and Swainson’s hawk (*Buteo swainsoni*) (SWHA). CDFW recommends that the environmental document disclose a list of the potentially occurring State-listed species within the Project Area, based on review of available data and habitat conditions. The environmental document should identify potential impact so State-listed species in the plan area and develop general Avoidance and Minimization Measures to reduce impacts to State-listed species with a likelihood of being in the Project Area. Future CEQA documents must address the level of risk level of take occurring to the list of State-listed species identified as being potentially present within the Project Area and the SJCCDD shall demonstrate compliance with CESA on a project-by-project basis.

Native Plant Protection Act

The Native Plant Protection Act (Fish & G. Code §1900 *et seq.*) prohibits the take or possession of State-listed rare and endangered plants, including any part or product thereof, unless authorized by CDFW or in certain limited circumstances. Take of State-listed rare and/or endangered plants due to project activities may only be permitted through an ITP or other authorization issued by CDFW pursuant to California Code of Regulations, Title 14, section 786.9 subdivision (b).

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California Tiger Salamander

The Project site is within 2.5 miles of a known CTS occurrence on CNDDDB. CTS relies on seasonal wetlands or freshwater ponds for successful reproduction and adjacent or accessible terrestrial habitat for migration and aestivation, making the quality of both aquatic and terrestrial habitat essential for CTS survival (Bolster 2010). Threats to CTS include habitat loss/conversion and fragmentation, including dispersal habitat between breeding pools and upland refugia. CTS spend the majority of their lifecycle underground (Trenham et al. 2000) and are susceptible to being crushed during ground disturbance activities. Projects with potential impacts to CTS are encouraged to avoid take or to obtain an incidental take permit (ITP) from CDFW in order to comply with CESA.

CDFW recommends implementing the following CTS habitat evaluation and delineation measure prior to initiation of construction activities:

-

1. Habitat Evaluation and Delineation. Prior to initiating Project activities, a Qualified Biologist shall conduct a habitat evaluation to determine the likelihood (low, moderate, or high) of CTS occurring within the proposed work area footprint. Habitat evaluations shall consider historic and existing land uses of the Project Area, proximity to known or potential breeding sites, existing quality of upland habitat, barrier(s) to CTS movement between suitable upland and/or aquatic habitat and the proposed Project Area, and other conditions pertinent to CTS occupation, as well as project-specific mitigation measures.

If the evaluation concludes that CTS have a moderate to high likelihood of occurring within the Project Area, the lead agency shall be consulted in coordination with CDFW and USFWS. CDFW recommends that the consultation consider the size and configuration of the Project Area, and whether a pre-construction drift fence/pitfall trap survey or an endoscope survey of burrows is advisable to ensure that a proper assessment of impacts to CTS is conducted.

Tricolored Blackbird

The Project site is within 1-mile of suitable TRBL nesting habitat (Beedy and Hamilton 1999) and the Project site may contain suitable TRBL foraging habitat. Construction activities could result in significant impacts to nesting tricolored blackbird through noise, fugitive dust, human presence, and/or night lighting. Noise from road use, generators, and other equipment may disrupt tricolored blackbird mating calls or songs which could impact their reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Bayne et al. (2008) found that songbird abundance and density was

significantly reduced in areas with high levels of noise. Projects with potential impacts to TRBL are encouraged to avoid take or to obtain an ITP from CDFW in order to comply with CESA.

CDFW recommends implementing the following TRBL preconstruction survey measure prior to initiation of construction activities:

1. Preconstruction Assessment. Prior to the commencement of Project activities, a Qualified Biologist will conduct a field investigation to determine if existing or potential nesting or foraging sites are present within the Project Area and adjacent areas within 0.5 miles of the Project Area. The preconstruction assessment shall be completed during the breeding season (March 1 through September 15) prior to ground-disturbing activities. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. Project Proponent shall map all existing or potential nesting or foraging sites and provide these maps to San Joaquin County. Nesting sites, including both currently occupied nesting sites and sites known to have been occupied within the last five years, shall be noted on submitted maps.
2. Pre-construction Surveys. Project Proponent shall conduct a pre-construction survey to determine if active nests are present within the Project Area or within 500 feet of a project-related activity if existing or potential nest sites were found during surveys and Project Activities will occur during the breeding season (March 1 through September 15). The Qualified Biologist shall conduct pre-construction surveys within 30 days of the commencement of Project Activities and again within 3 days of ground-disturbing Project Activities within the proposed Project Area and within 500 feet of the Project Area to determine the presence of nesting TRBL. The surveys should be separated by at least three weeks. Pre-construction surveys shall be conducted during the breeding season (March 1 through September 15). Surveys conducted in February (to meet preconstruction survey requirements for work starting in March) shall be conducted within 14 days of the commencement of Project Activities again within 3 days of ground-disturbing Project Activities. If breeding colonies are found, the foraging behavior of the colony shall also be documented. The surveys shall be based on survey methods identified in the Results of the 2017 Tricolored Blackbird Statewide Survey, Appendix 1 (Meese 2017).

If active nests are found within the Project Area or within 500 feet of any Project-related Project Activity, Project Proponent shall establish a 500-foot temporary no-disturbance buffer around the active nest until the young have fledged. The Qualified Biologist could modify the nest buffer with written approval from San Joaquin County in coordination with CDFW.

Crotch's Bumble Bee

In June 2019, the California Fish and Game Commission granted CBB candidate species protection under CESA. The candidacy designation temporarily affords CBB broad CESA protections (including prohibitions against "take" without permit authorization) throughout the entirety of California while CDFW conducts a species status review to confirm whether (and where) listing is warranted and to

recommend management and recovery actions. Projects with potential impacts to CBB are encouraged to avoid take or to obtain an ITP from CDFW in order to comply with CESA. In the event that CDFW does confirm that listing is warranted for CBB in the future when the Project's construction phase is set to occur and take of CBB is unavoidable, then the Project proponent can obtain an ITP from CDFW to obtain take coverage.

CDFW recommends that the following mitigation measures for CBB be included in the environmental document:

1. Crotch's Bumble Bee Protocol Survey. If Project Activities are proposed to occur during the active season for CBB, Project Proponent shall develop a Pre-Construction Survey Plan for CBB and submit it to San Joaquin County for acceptance, developed in coordination with CDFW (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>). A total of three surveys shall be conducted prior to any ground-disturbing Project Activities or vegetation removal that will take place during the active season for CBB (March 1 through October 31), or until all flowering vegetation is largely desiccated, to determine if any active nests are within the Project Area. Each survey shall be spaced two to four weeks apart, unless otherwise authorized in writing by San Joaquin County in coordination with CDFW, with the last survey taking place within 72 hours prior to construction activity. The Qualified Biologist shall perform meandering transects through the planned construction footprint, plus a 50-foot buffer where accessible, between 9:00 am and 1:00 pm where feasible and at least one hour after sunrise and at least two hours before sunset, to visually survey the area for CBB activity. The duration of the survey will be the minimum amount of time necessary to adequately survey the area, typically at least one hour of surveying per three acres of potential habitat, excluding capture, chilling, photo, identification, and release time. For each sampling event, the Qualified Biologist shall survey suitable habitat using non-lethal photo voucher and netting methods, developed in coordination with CDFW (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>). If a suspected or confirmed CBB is identified during any of these surveys, the Qualified Biologist shall notify CDFW within 48 hours.
 - 1.1. If only foraging CBB is observed (i.e., no nest is found), construction activities may proceed without the additional monitoring requirements; however, if there is a lapse in initial construction disturbance greater than two weeks, an additional clearance survey will be repeated prior to ground disturbance. If a CBB nest is found, one or more Qualified Biologist will provide biological construction monitoring as long as needed to implement applicable measures below.
 - 1.2. If CBB nests are discovered in Project Areas, then Project Proponent will implement the following measures to minimize impacts on the nest.
 - 1.2.1. If a nest is discovered within a construction or restoration area and avoidance is feasible, a non-disturbance buffer of 50 feet shall be established around the nest until the nest senesces or becomes inactive and is no longer in use, as determined by the

Qualified Biologist or until Project Activities in the Project Area are complete, whichever is first. The buffer shall be delineated using high-visibility fencing, flagging, or similar materials along with appropriate signage. The nest location will be recorded with global positioning system (GPS) and will be reported to San Joaquin County within 48 hours of finding the nest. The Qualified Biologist could modify the nest buffer with written approval from San Joaquin County in coordination with CDFW.

Swainson's Hawk

The Project site provides suitable foraging habitat for SWHA and is within 1-mile from a known occurrence on CNDDB. The primary threat to the SWHA population in California continues to be habitat loss, especially the loss of suitable foraging habitat. This impact may have been the greatest factor in reducing SWHA range and abundance in California over the last century (California Department of Fish and Game 1993, California Department of Conservation 2011). SWHA is listed as threatened under CESA and has additional protection under the Migratory Bird Treaty Act and section 3503.5 of the Fish and Game Code; therefore, impacts may be considered potentially significant unless adequate mitigation is incorporated. Projects with potential impacts to SWHA are encouraged to avoid take or to obtain an ITP from CDFW in order to comply with CESA.

Significant loss of SWHA foraging habitat has occurred in Yolo, Sacramento, and San Joaquin counties due to residential development, economic and resource availability factors, and conversion of riparian and woodland habitat to agriculture and unsuitable urban environments (CDFW 2016). Suitable foraging habitat is necessary to provide an adequate energy source for breeding SWHA adults, including support of nestlings and fledglings. If prey resources are not sufficient, or if adults must hunt long distances from the nest site, the energetics of the foraging effort may result in reduced nestling health and survival with an increased likelihood of disease and/or starvation. In more extreme cases, the breeding pair, in an effort to assure their own existence, may even abandon the nest and young (Woodbridge 1985). Routine animal grazing activities, increases in human presence, and the permanent impacts associated with solar panel installation, will permanently reduce the amount of SWHA foraging habitat. SWHA generally searches for prey by soaring above fields and solar panels reduce their ability to see and catch their prey.

CDFW recommends that the environmental document include the following SWHA measure:

1. SWHA Protocol Survey. In each year in which Project activities occur, a Qualified Biologist shall conduct a SWHA survey within a minimum 0.5-mile radius around the Project Area. The Qualified Biologist shall conduct the appropriate technique in each of the five periods below in accordance with the methodology described in the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Tech. Advis. Comm., 5/2000):
 - January to March 20 – One Survey, All Day
 - March 20 to April 5 – Three Surveys, Sunrise to 10:00 / 16:00 to Sunset

- April 5 to April 20 – Three Surveys, Sunrise to 12:00 / 16:30 to Sunset
- April 21 to June 10 – Monitoring
- June 10 to July 30 – Three Surveys, Sunrise to 12:00 / 16:00 to Sunset

Results of each survey period shall be submitted to San Joaquin County. the Project applicant shall map all existing or potential nesting or foraging sites and provide these maps to San Joaquin County. Nesting sites, including both currently occupied nesting sites and sites known to have been occupied within the last five years, shall be noted on plans that are submitted.

Nests found within 0.50 miles should establish a 1300-foot no-disturbance buffer and should be monitored either continuously or periodically depending on the construction or maintenance activities and level of disturbance until young have fledged, are feeding independently and are no longer dependent on the nest. Additionally, CDFW recommends on-site monitoring by a Qualified Biologist familiar with the species, as buffers may need to be increased based on the birds' tolerance level to the disturbance as activities change and as the birds' transition through different stages of the nesting cycle. The Qualified Biologist could modify the nest buffer with written approval from San Joaquin County in coordination with CDFW.

Pollinators

The environmental document should include measures to increase use by pollinators such as dual use farming. The Project should be designed to optimize a balance between electrical generation and agricultural production (Jossi 2018) or native plants. Native plantings or dual use farming techniques provide additional foraging resources for pollinator species including but not limited to CBB, a CESA candidate species, and for other native species by increasing the amount of nectar resources on a local level. Incorporating locally native plantings or dual use farming techniques help to increase pollinator populations and would help to reduce project impacts to a less than significant level.

CDFW recommends the Project be planted with deep-rooted native flowers and grasses that capture and filter storm water, build topsoil, and provide abundant and healthy food for bees and other insects that provide critical services to our food and agricultural systems as described on the Fresh Energy website at <https://fresh-energy.org/beeslovesolar/>.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during project surveys to CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted

online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

FILING FEES

The project, as proposed, would have an effect on fish and wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the SJCCDD and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the Pre-Application Review Request for the RPCA Solar 11, LLC Project and recommends that the SJCCDD address CDFW's comments and concerns in the forthcoming environmental document. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Michael Shun, Senior Environmental Scientist (Specialist) at (916) 767-8444 or michael.shun@wildlife.ca.gov.

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Thank you,

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Senior Environmental Scientist (Specialist)
Cell: (916) 767-8444



State of California – Natural Resources Agency
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North Central Region
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GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director



Jessica Leal
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Stockton, CA 95205
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Subject: DUNCAN ROAD SOLAR PROJECT
MITIGATED NEGATIVE DECLARATION (MND)
SCH No. 2026080465

Dear Jessica Leal:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an MND from San Joaquin County Community Development Department (San Joaquin County) for the Duncan Road Solar Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located at 18133 East Comstock Road, Linden, CA 95236; Assessor Parcel Number (APN) 091-170-060-000.

The Project consists of the issuance of a conditional use permit for a 14.5-acre ground-mounted photovoltaic energy facility. The project will generate up to 3 megawatts of solar energy utilizing photovoltaic solar modules, inverters, and appurtenant electrical equipment and distribute the useable energy to the electric grid. The modules will be mounted on a steel racking system employing single-axis tracker technology that efficiently tracks the sun's movement throughout the day and maximizes the efficiency of solar collection. The rows of modules will be anchored in the ground using driven piers, and the overall height of the array is not expected to exceed 15 feet above the existing ground surface at maximum tilt. The Project will interconnect to the existing Pacific, Gas, and Electric electrical distribution system adjacent to the site along East Comstock Road.

The Project description should include the whole action as defined in the CEQA Guidelines section 15070 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment staging areas, spoils areas, adjacent infrastructure development, and access and haul roads if applicable.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist San Joaquin County in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

CDFW is primarily concerned with the project impacts to Swainson's hawk (*Buteo swainsoni*) (SWHA), Crotch's Bumble bee (*Bombus crotchii*) (CBB), and nesting birds.

COMMENT 1: Special-Status Wildlife Species, Swainson's hawk, page 31/267

Issue: The MND states that a SWHA buffer will be incorporated if a nest tree becomes occupied during construction activities and CDFW recognizes the Project is utilizing the SJMSCP for SWHA take coverage. However, the proposed buffer may not be restrictive

enough to reduce the potential for nest abandonment or bird agitation during ground-disturbing or noisy Project related activities.

Recommendation or Recommended Mitigation Measure: CDFW recommends that the SWHA section be revised to the following (additions are noted in **bold** while deletions are noted in ~~strike through~~):

"Swainson's hawk (*Buteo swainsoni*; state threatened) breeds in grasslands with scattered trees, junipersage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or rows of trees.

Swainson's hawk requires suitable foraging areas within 10–12 miles of a nest site, such as grasslands, alfalfa, or grain fields that support small mammal populations. Swainson's hawks are known to nest in single trees on agricultural landscapes and occasionally in orchards. Suitable foraging habitat in the vicinity of the Project Site is present in the scattered surrounding agricultural fields. Trees that may support nesting are present in adjacent rural residential areas; however, no trees are present on the Project Site. In addition, there are 6 documented occurrences of Swainson's hawk within 5 miles of the Project Site (CNDDB 2026). This species is covered under the SJMSCP.

As the Swainson's hawk is a Covered Species under the SJMSCP, the Project Sponsor would be required to comply with all provisions of the SJMSCP, which includes incidental take minimization measures to protect Swainson's Hawk, such as protecting nest trees and foraging habitat. Specifically, "If the Project Proponent elects to retain a nest tree, and in order to encourage tree retention, the following Incidental Take Minimization Measure shall be implemented during construction activities:

~~If a nest tree becomes occupied during construction activities, then all construction activities shall remain a distance of two times the dripline of the tree, measured from the nest.~~

Nesting SWHA. If Project activities are scheduled during Swainson's hawk nesting season (approximately March 1 – August 31), and suitable nesting habitat is present in or within 1/4-mile of the Project Area, the Designated Biologist shall conduct a focused Swainson's hawk nesting and breeding activity survey consistent with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Tech. Advis. Comm., 5/2000) with the following changes:

Nesting season surveys shall include at least one preconstruction survey completed no greater than fourteen (14) days prior to vegetation removal and construction activities. Surveys shall be conducted in all suitable Swainson's hawk nesting habitat within 1/4-mile of the Project Area that can be accessed by the Project Proponent.

The results of the survey and the survey methodology shall be provided to the SJMSCP and CDFW upon completion.

If Swainson's Hawk breeding activity is identified during any of the surveys or during construction activities, a Qualified Biologist shall work in coordination with CDFW and the SJMSCP to establish a site-specific buffer distance of at least ¼ mile. This buffer shall remain in place until the nesting season has ended or until the Qualified Biologist has determined that all young have fledged and are no longer reliant upon the nest or parental care for survival. The site-specific buffer distance may be smaller, subject to SJCOG and CDFW approval. Site-specific buffers shall be marked by brightly colored temporary fencing.

The Qualified Biologist shall serve as a biological monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. The Qualified Biologist will have stop work authority in the event construction activities result in disturbance to an active nest.

If a nest tree becomes occupied during construction activities, then all construction activities a site-specific buffer shall be established and impacts to the nesting tree shall be avoided.

~~If the Project Proponent elects to remove a nest tree, then nest trees may be removed between September 1 and February 15, when the nests are unoccupied."~~

If the Project requires the removal of a nest tree, the Project Proponent may may remove nest trees between September 1 and February 15, when the nests are unoccupied.

With implementation of these measures as included in the SJMSCP, potential impacts to Swainson's hawk would be mitigated to less than significant by ensuring construction and operation activities are conducted a safe distance from the active nests and foraging habitat is preserved."

COMMENT 2: Mitigation Measures, BIO-1 Crotch's Bumble Bee Avoidance, page 32/267

Issue: The proposed BIO-1 CBB Avoidance measure states that a habitat assessment will be conducted prior to any ground-disturbing activities and a protocol level survey will be required if nesting and foraging resources are present onsite. However, CBB may still be present onsite even if only nesting or foraging resources are present. Additionally, the proposed measure states the CBB active period is April-August but the CBB active period extends beyond that time.

Recommendation or Recommended Mitigation Measure: CDFW recommends that mitigation measure BIO-1 be revised to the following (additions are noted in **bold** while deletions are noted in ~~strike through~~):

"Should construction begin during the Colony Active Period (~~April—August~~) (**March 1 through October 31**), a formal habitat assessment shall be performed by a qualified biologist prior to initiating ground disturbing activities to determine if suitable nesting or foraging habitat is present in the Project Site. The assessment shall include:

1. Review of occurrence record data
2. Analysis of foraging, nesting, and overwintering resources
3. Documentation of plant species observed (including what is blooming at the time of the survey and percent cover)

The locations of any nesting resources, including rodent burrows, cavities, thatched grasses, brush, rock piles, logs, and manmade structures like dumped furniture, shall be mapped during the assessment. Areas adjacent to the Project shall also be considered, as accessible, to determine if there is suitable nesting or foraging habitat for Crotch's bumble bee.

If suitable nesting ~~and or~~ foraging resources are detected in the Project Site during the habitat assessment, **a Qualified Biologist shall implement the following** protocol-surveys following the CDFW *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023) ~~shall be conducted by a qualified biologist (i.e. someone with a valid CDFW Scientific Collecting Permit for Crotch's bumble bee) to determine if Crotch's bumble bee is present in the Project Site. A minimum of three visits shall be conducted during the Colony Active Period (April—August) and will be spaced 2-4 weeks apart. If no Crotch's bumble bees are detected on the Site, no further mitigation would be required. If Crotch's bumble bees are detected, consultation with CDFW shall be initiated to determine the most appropriate strategy to avoid impacts to bumble bees on the Site.~~

~~If suitable foraging habitat is absent from the Project Site, but suitable nesting habitat is present and foraging habitat occurs adjacent to the Site, preconstruction nest surveys for Crotch's bumble bee shall be conducted according to the CDFW Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023) document 48 hours prior to construction to determine if any active Crotch's bumble bee nests are present. If no active Crotch's bumble bee nests are detected during the preconstruction nest survey, no further mitigation would be required. If Crotch's bumble bee nests are detected, they shall be avoided by a 50-foot buffer, as possible. If avoidance is not possible, consultation with CDFW shall be initiated to determine the most appropriate strategy to avoid impacts to bumble bees on the site.~~

CBB Protocol Survey. If Project activities are proposed to occur during the active season for CBB, Project Proponent shall develop a Pre-Construction Survey Plan for CBB and submit it to San Joaquin County for acceptance, developed in coordination with CDFW (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>). A total of three surveys shall be conducted prior to any ground-disturbing Project activities or vegetation removal that will take place during the active season for CBB (March 1 through October 31), or until all flowering vegetation is largely desiccated, to

determine if any active nests are within the Project Area. Each survey shall be spaced two to four weeks apart, unless otherwise authorized in writing by San Joaquin County in coordination with CDFW, with the last survey taking place within 72 hours prior to construction activity. A Qualified Biologist shall perform meandering transects through the planned construction footprint, plus a 50-foot buffer where accessible, between 9:00 am and 1:00 pm where feasible and at least one hour after sunrise and at least two hours before sunset, to visually survey the area for CBB activity. The duration of the survey will be the minimum amount of time necessary to adequately survey the area, typically at least one hour of surveying per three acres of potential habitat, excluding capture, chilling, photo, identification, and release time. For each sampling event, the Qualified Biologist shall survey suitable habitat using non-lethal photo voucher and netting methods, developed in coordination with CDFW (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>). If a suspected or confirmed CBB is identified during any of these surveys, the Qualified Biologist shall notify San Joaquin County within 48 hours.

If CBB or CBB nests are observed onsite during protocol level surveys, then Project Proponent will implement the following impact measures:

If a foraging CBB is observed, Project related activities may not proceed until the Qualified Biologist consults with San Joaquin County in coordination with CDFW to demonstrate compliance with CESA.

If CBB nests are discovered in the Project Area, a Qualified Biologist shall establish a 50-foot buffer around the nest until the nest senesces or becomes inactive and is no longer in use. The buffer shall be delineated using high-visibility fencing, flagging, or similar materials along with appropriate signage. The nest location will be recorded with global positioning system (GPS) and will be reported to San Joaquin County within 48 hours of finding the nest. Project related activities may not proceed until the Qualified Biologist consults with San Joaquin County in coordination with CDFW to demonstrate compliance with CESA."

COMMENT 3: Mitigation Measures, BIO-2 Preconstruction Nesting Bird Surveys, page 32/267

Issue: The proposed BIO-2 preconstruction nesting bird survey measure states that nesting bird surveys shall be performed by a Qualified Biologist prior to any ground-disturbing or vegetation removal activities and a no-disturbance buffer will be implemented if nesting birds are found. However, the proposed measure states the nesting bird season occurs March 1 through August 31, but the nesting bird period often extends beyond that time. Additionally, the proposed raptor buffer size should also be determined by the Qualified Biologist in coordination with San Joaquin County and CDFW.

Recommendation or Recommended Mitigation Measure: CDFW recommends that mitigation measure BIO-2 be revised to the following (additions are noted in **bold** while deletions are noted in ~~strikethrough~~):

"A preconstruction nesting bird survey shall be performed by a qualified biologist no earlier than one week prior to any ground disturbance or vegetation removal activities that start during the nesting season ~~(March 1–August 31)~~ **(typically February 1 through August 31)** to determine if any native birds are nesting on or near the Project Site ~~(including a 250-foot buffer for raptors, where accessible)~~. If any active nests are detected during surveys, a suitable avoidance buffer from the nests shall be determined by a qualified biologist **in coordination with San Joaquin County and CDFW. Buffer sizes should be determined based on** species, location, and extent and type of planned construction activity. These nests would be avoided until the chicks have fledged and/or the nests are no longer active, as determined by the qualified biologist.

Any ground disturbance or suitable nesting habitat (i.e., trees and vegetation) that would need to be removed under the Project shall occur outside of the bird breeding season ~~(September 1–February 28)~~ **(typically September 1 through January 31)** to avoid impacts to nesting birds, when feasible."

Comment 4: Pollinators

Issue: The MND should include measures to increase use by pollinators such as dual use farming. The Project should be designed to optimize a balance between electrical generation and agricultural production (Jossi 2018) or native plants. Native plantings or dual use farming techniques provide additional foraging resources for pollinator species including but not limited to CBB, a CESA candidate species, and for other native species by increasing the amount of nectar resources on a local level. Incorporating locally native plantings or dual use farming techniques help to increase pollinator populations and would help to reduce project impacts to a less than significant level.

Recommendation or Recommended Mitigation Measure: CDFW recommends the Project be planted with deep-rooted native flowers and grasses that capture and filter storm water, build topsoil, and provide abundant and healthy food for bees and other insects that provide critical services to our food and agricultural systems as described on the Fresh Energy website at <https://fresh-energy.org/beeslovesolar/>.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the MND for the Duncan Road Solar Project to assist San Joaquin County in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Michael Shun, Senior Environmental Scientist (Specialist) at (916) 767-8444 or michael.shun@wildlife.ca.gov.

REFERENCES

Jossi, Frank. 2018. Scientific American. Solar Farms Produce Power—and Food.
Retrieved on May 21, 2020



FEMA

November 3, 2025

Jessica Leal, Project Planner
San Joaquin County
Community Development Department
1810 East Hazelton Avenue
Stockton, California 95205

Dear Ms. Leal:

This is in response to your request for comments regarding Application Referral Early Consultation Application Numbers PA 2500218 (C), (APN/Address: 091-170-06/18133 E. Comstock Road, Linden) (Supervisory District 4).

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

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

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

www.fema.gov

Jessica Leal, Project Planner
Page 2
November 3, 2025

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

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The San Joaquin County floodplain manager can be reached by calling V. Venki Narasimhalu, Senior Water Resources Engineer, at (209) 953-7611.

If you have any questions or concerns, please do not hesitate to contact Gabriel Riggle at gabriel.riggle@fema.dhs.gov of the Mitigation staff.

Sincerely,

Xing Liu, Branch Chief
Floodplain Management and Insurance Branch

cc:

V. Venki Narasimhalu, Senior Water Resources Engineer, San Joaquin County
Alex Acosta, State of California, Department of Water Resources, North Central Region Office,
Anntonette Duncan, DWR NFIP Coordinator, State of California, Sacramento Headquarters Office
Gabriel Riggle, Emergency Management Specialist, DHS/FEMA Region IX
Jakob Crockett, Acting Environmental Officer, DHS/FEMA Region IX

www.fema.gov



Pacific Gas and Electric Company
PGEPlanReview@pge.com
Land Management
300 Lakeside Drive
Oakland, CA 94612

November 8, 2025

Re: Gas and Electric Transmission and Distribution

Dear Sean Cardenas,

Thank you for providing PG&E the opportunity to review your proposed plans for PA-2500218 (C). Our review indicates the proposed work and/or improvements do not appear to directly interfere with any of PG&E's existing facilities or land rights.

Please note, this is our preliminary review and PG&E may provide additional comments in the future as the project progresses or if additional information is provided. If there are subsequent modifications made to the design, we ask that the plans be resubmitted for review to the email address listed below.

If PG&E gas and/or electric service are needed, please submit an application through PG&E's Your Project Portal: [Sign In \(yourprojects-pge.com\)](https://yourprojects.pge.com).

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of two (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 this response, please contact me at (877) 259-8314 or pgeplanreview@pge.com

Sincerely,

PG&E Plan Review Team
Land Management



SAN JOAQUIN
—COUNTY—
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Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

Attachment C **Comment Letters**

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From: [Nicole Solari](#)
To: [Stowers, Stephanie \[CDD\]](#); [Leal, Jessica \[CDD\]](#)
Subject: Solar Project - Duncan/Comstock
Date: Thursday, March 26, 2026 1:17:45 PM

Some people who received this message don't often get email from nicole@jackson-rodden.com. [Learn why this is important](#)

Stephanie and Jessica-

We are writing today about concern regarding the possibility of a solar project being put in at the North-West Corner of Comstock and Duncan. We are greatly against this project as it is a eye-sore to the area (we live across the street) and will also drive property values down in the area. Will there be a public comment period before this project moves forward? Thank you for your time.

Thank you,

Nicole J. Solari

From: [PAUL VACCAREZZA](#)
To: [Stowers, Stephanie \[CDD\]](#); [Leal, Jessica \[CDD\]](#)
Subject: Commercial Solar Farm
Date: Wednesday, March 25, 2026 1:21:31 PM

[You don't often get email from paulvacc@sbcglobal.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Good Afternoon,

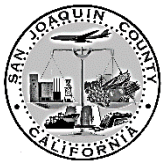
My name is Paul Vaccarezza. I reside at 7790 N. Duncan Rd. In Linden. I have been told that there is a proposal to build a large solar farm right next to my residence near the intersection of Comstock and Duncan Roads. I am seeking more information about the proposal including the plans, where the project is in the approval process, if public comment is going to be heard, amongst other things.

This property has been zoned for agricultural use for many decades. A commercial solar farm would be an absolute eyesore in Linden area and would lower property values for all of the adjoining properties.

Any assistance and information is greatly appreciated. My contact number is (559)978-6701.

Thank You in Advance,

Paul Vaccarezza



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Attachment D **Applicant Letter**

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Renewable Properties, LLC
44 Montgomery Street, Suite 3150
San Francisco, CA 94104
www.renewprop.com



September 24, 2026

Jessica Leal
Associate Planner
San Joaquin County Community Development Department
1810 East Hazelton Ave
Stockton, CA 95205

RE: Duncan Road Solar Project – PA-2500218 (C) – Applicant Statement in Support of Conditional Use Permit

Dear Ms. Leal:

On behalf of RPCA Solar 11, LLC (the "Applicant"), I respectfully submit this letter in support of the Duncan Road Solar Project (the "Project"), County File No. PA-2500218 (C), filed July 15, 2025. The Applicant is owned and operated by Renewable Properties, a California-based clean energy company dedicated to renewable energy development solutions that align with local, state, and national clean energy goals. Founded in 2017, Renewable Properties has proven its dedication to successful solar energy development projects throughout California through close coordination with landowners, local jurisdictions, and public utilities in California and beyond.

The Project proposes a ground-mounted solar photovoltaic facility that will generate approximately 3 megawatts (MW) of energy to support the region's transition to clean, renewable energy sources on approximately 15.2 acres of a 20.4-acre privately owned parcel (APN 091-170-06) at Duncan Road and East Comstock Road, approximately nine miles east of Stockton and approximately 1.3 miles from Linden. The Project will operate for approximately 35 years to provide a renewable solar energy source that serves the County's public electric utility grid. Subsequently, the Project will be decommissioned, equipment will be recycled to the maximum extent feasible, and the facility site will be fully restored to pre-construction conditions.

The Project is a conditionally permitted use in the AG-40 zone. It satisfies each of the findings required by Development Title Section 9-804.050, as set out in the findings enclosed with this letter. The Applicant worked with San Joaquin County planning staff since July 2025 to design the Project in accordance with the development standards the County has adopted for Utility-Scale Solar Energy Systems, outlined in Section 9-409.430(b), while achieving crucial renewable energy transition goals established by the County and the State of California to minimize reliance on fossil-fuel generating energy sources. The Project was also designed around existing conditions specific to this site: a fallow former walnut orchard that ceased



operations in 2023 and overlies a groundwater subbasin in a condition of critical overdraft. The Project's Draft Initial Study concludes that, with the mitigation measures the Applicant has accepted, the Project would not have a significant effect on the environment, and supports adoption of a Mitigated Negative Declaration.

This letter summarizes the Project's conformity with the Development Title, the site-specific reasoning behind its design, the results of the County's environmental review, and the benefits the Project delivers to the County and the surrounding agricultural community. The Applicant's full Utility-Scale Solar Energy System findings are enclosed as Attachment A and are summarized in Part III.A below. We respectfully request that staff recommend, and the Planning Commission approve, the Conditional Use Permit.

I. Project Summary

Applicant	RPCA Solar 11, LLC
County file	PA-2500218 (C), filed July 15, 2025
Location	Northeast corner of the Duncan Road and East Comstock Road intersection, unincorporated San Joaquin County; approx. 9 miles east of Stockton, 1.3 miles from Linden
Assessor's Parcel No.	091-170-060
Parcel / Project Area	20.4 acres total; approximately 15.2 acres of solar facility
Zoning / General Plan	AG-40 (General Agriculture, 40-acre minimum) / A/G (General Agriculture)
Williamson Act	Parcel is not subject to a Williamson Act contract
Generating Capacity	3 MW
Technology	Approximately 7,190 photovoltaic modules on single-axis trackers, driven-pile foundations
Panel Maximum Height	Approximately 15 feet above grade at full tilt (25-foot limit)
Panel Average Height	Approximately 8 feet above grade at full tilt
Interconnection	Existing PG&E 12 kV distribution line in the East Comstock Road right-of-way
Offtake	PG&E Renewable Market Adjusting Tariff (ReMAT) program (PPA awarded)
Construction / Operation	Approximately 6-month construction period; commercial operation targeted June 2027
Operating Life	35 years, followed by decommissioning and site restoration



II. Project Benefits

A. Renewable Generation and Policy Consistency

The Project will deliver approximately 3 MW of renewable energy generation to PG&E, the regional public electrical utility provider, under the Renewable Market Adjusting Tariff (ReMAT) program, with commercial operation targeted for June 2027. ReMAT is administered by PG&E under the California Public Utility Commission's oversight and is available only to generators of 3 MW or less. Selling renewable energy under a fixed-price, long-term contract, the ReMAT program is structured to prioritize smaller distributed plants over transmission-scale development and to diversify the State's electricity resource base. Applying the household consumption figure implied by the County's own April 15, 2026 announcement of its countywide solar initiative, the Project's output is equivalent to the annual electricity use of approximately 750 California homes. That generation advances Senate Bill 100, which sets California on a path to 60 percent renewable retail sales by 2030 and 100 percent zero-carbon retail sales by 2045, as well as the Renewables Portfolio Standard and the electricity goals of the California Air Resources Board's 2022 Scoping Plan Update. It is equally consistent with the County's own adopted renewable energy transition policy, as set out in Part III.D below.

B. Net Reduction in Greenhouse Gas Emissions

The Initial Study concludes that the GHG emissions avoided through the Project's renewable generation substantially exceeds the Project's own emissions from construction, operation, and eventual decommissioning, producing a net annual reduction in GHG emissions across the Project's 35-year operating life.

C. Groundwater Benefit

Because the Project draws no groundwater, the parcel's historical irrigation demand is not replaced by a new one. Surrounding operations that depend on the same subbasin face no added competition for water from this use. In a basin working toward sustainability by 2040 under an adopted Groundwater Sustainability Plan, taking 15.2 acres of historical irrigation demand off the aquifer for 35 years is a direct and immediate benefit to neighboring agricultural uses.

D. Preservation of Agricultural Land

The Project is not a conversion to urban use. The agricultural zoning and General Plan designation of the parcel will remain unchanged, no residential or commercial uses are proposed, no parcel is divided, no permanent structures are erected, and the Project's County-enforced decommissioning obligation will restore the ground for agricultural use. The County's General Plan Policy PHS-6.3 contemplates exactly this outcome: renewable energy installed without losing farmland to urbanization. The uses that permanently consume Prime Farmland in the County are rural residential, industrial, and commercial development that requires permanent zone changes and irreversible conversion of land. The Project does not prevent the land or the soil from returning to agricultural production in the future, and no agricultural production has taken place on the land for over three years.

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E. Local Economic Contribution

Construction over approximately six months will employ five to 50 workers depending on phase, averaging approximately 15 on site, drawing on regional trades and suppliers. The improvements will add to the County's assessed property tax base for the life of the Project, and the landowner receives a stable lease income stream from land that currently produces no crops due to resource constraints affecting agricultural production. At the same time, the facility generates no population growth, no housing demand, no school demand, and no new demand on County water, sewer, or storm drainage. The Project therefore adds to the County's tax base while requiring very little in County services.

F. Distribution-Level Grid Benefits

At approximately 3 MW and interconnecting to an existing 12 kV distribution circuit, the Project delivers renewable solar energy into the local distribution system where it is consumed by the County's residents, businesses, and surrounding region. It requires no new transmission capacity, no new substation, and impacts none of the land use, right-of-way, or visual effects that accompany transmission-scale development. Although the Project meets the County's definition of a Utility-Scale Solar Energy System, in operating terms it is better understood as a distributed energy resource: the power it generates is injected into existing local feeders, circuits, and substations rather than moved across the transmission system. Any distribution upgrades required to interconnect are limited to reconductoring existing feeders or minor work within the existing substation footprint. Under the California Public Utility Commission Electric Rule 21, those upgrades are assigned to and paid for by the Project rather than by ratepayers. The power delivered provides local voltage support, which improves reliability for other customers on the same circuit. The County therefore receives added local renewable energy supply, improved local grid reliability, and an upgraded local distribution system at no cost to the ratepayer base. Distributed generation of this size is one of the least disruptive ways to add renewable capacity in the County.

G. Reversibility of the Use

The County is not being asked to make a permanent decision about this parcel. The Project's CUP has a defined operating life, the decommissioning plan is enforceable by the County as a condition of the Project's approval, and the parcel returns to the County's agricultural inventory in a condition suitable for farming. Unlike rural residential, industrial, or commercial development that requires rezoning and land division, the Project does not permanently remove this parcel from the County's agricultural base.

III. Conformance with the Development Title

A. Permitted Use and Required CUP Findings

Utility-Scale Solar Energy Systems are permitted in the AG-40 zone with a Conditional Use Permit pursuant to Development Title Section 9-203.020, Table 9-203.020-1, and the Project meets the County's definition of a Solar Energy System as defined in Section 9-900.020. The parcel carries a General Plan land use



designation of General Agriculture (A/G), consistent with its zoning, and is not subject to a Williamson Act contract.

The legal findings support each of the seven criteria for CUPs required by Development Title Section 9-804.050. Those findings are enclosed in full as Attachment A and summarized here for convenience:

- **Consistency, § 9-804.050(a).** The Project is consistent with (i) the General Plan goals and policies addressed in Part D below, (ii) the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), into which the Project has opted, and (iii) the Development Title. No Master Plan, Specific Plan, or Special Purpose Plan applies to the parcel.
- **Improvements, § 9-804.050(b).** Access is provided from Duncan Road and East Comstock Road, both County-maintained and recently improved roads. The Project requires no roadway improvements, no new utility connections, and no expansion of off-site electrical infrastructure. Stormwater erosion potential is addressed through a Stormwater Pollution Prevention Plan under the State's National Pollution Discharge Elimination System construction general permit and the County's Development Title 5, Division 10.
- **Site suitability, § 9-804.050(c).** The parcel is flat, at roughly 55 feet in elevation, sized and configured to accommodate the facility and all County-required setbacks, and located in FEMA Flood Zone X, an area of minimal flood hazard.
- **Land use compatibility, § 9-804.050(d).** The Project is a low-intensity, unmanned use on an existing fallow field parcel that has not been used for agricultural production since 2023 and is surrounded on all sides by orchards and associated residences which largely obscure the Project from public view. The Project will only generate approximately 20 maintenance visits per year.
- **No nuisance, § 9-804.050(e).** The facility is passive and non-emissive. Modules carry anti-reflective coatings, no full-time operational lighting is required, and construction impacts are temporary and controlled through mitigation, San Joaquin Valley Air Pollution Control District requirements, and Development Title best management practices.
- **Adequate public services, § 9-804.050(f).** The Project requires no water, sewer, or drainage service from the County, generates no population and no school demand, and adds only minimal vehicle trips.
- **Conformance with the Development Title, § 9-804.050(g).** The Project is designed to the solar-specific standards summarized in Part B below, including the farmland siting requirement within Section 9-409.430(b)(5) and addressed separately in Part C.

B. Solar Development Standards (Section 9-409.430(b))

The Project was designed according to the County's utility-scale solar energy system standards and, as such, complies with each of those standards. Furthermore, the Applicant is not seeking any deviations or relief from the County's standards:

- **Setbacks, § 9-409.430(b)(12).** The solar arrays are set back 30 feet from the property line, 50 feet from the public rights-of-way, 54 feet from the nearest off-site residence, and 50 feet from the existing on-site residence.
- **Height, § 9-409.430(b)(11).** On average, the array height is approximately 8 feet above grade at full tilt. Maximum array height in unique and isolated areas is approximately 15 feet above grade at full tilt, well within the zoning's 25-foot maximum height limit. Panels sit 12 to 24 inches off the ground at their lowest point.
- **Landscape buffer, § 9-409.430(b)(10).** A 10-foot-wide landscape buffer will be provided along the facility's entire fenced perimeter, between the fence and the public rights-of-way and the adjacent residential and agricultural uses.
- **Fencing, § 9-409.430(b)(6).** The array perimeter is enclosed by a six-foot chain-link fence with one foot of security wire, with a locked gate and remotely operated security cameras. Fencing material and location are consistent with Development Title Section 9-400.040 requirements.
- **Fire protection, § 9-409.430(b)(7).** A Fire Prevention Plan for construction and operations will be prepared and implemented, subject to approval by the County Fire Marshal and the local fire protection district, and on-site vegetation will be mowed periodically and managed in accordance with the California Fire Code.
- **Glare, § 9-409.430(b)(8).** Modules have an anti-reflective coating that limits glare toward habitable structures on adjacent properties and adjacent streets. No operational lighting is required; if required, any security lighting would be minimal, located at the transformer, and would be down-shielded to prevent spill beyond the Project boundary.
- **Sensitive habitat protection, § 9-409.430(b)(4).** The Project parcel does not contain any sensitive habitats, including riparian habitats.
- **Decommissioning, § 9-409.430(b)(2).** A decommissioning plan will be prepared and implemented, requiring removal of all above-ground components, removal of piers to three feet below grade, recycling of modules to the extent feasible, and tilling of compacted areas to restore sub-grade material to the depth and density of surrounding properties.

C. Farmland Protection (Section 9-409.430(b)(5))

Section 9-409.430(b)(5) requires that Utility-Scale Solar Energy Systems in agricultural zones be sited to minimize any loss of Prime Agricultural Land. The same subsection contains a site-area restriction of 15 percent of the parcel or five acres, whichever is less. The Community Development Director's interpretations of Section 9-409.430, issued via an interdepartmental memorandum to County planning staff on August 21, 2026, confirms that the total site area restrictions of 15 percent or five acres apply only to development on parcels under a Williamson Act contract. The Duncan Road parcel is not subject to a Williamson Act contract. Nevertheless, the Project supports the entirety of the Farmland Protection requirements.



The Farmland Protection requirement is that the Project be sited to minimize the loss of Prime Agricultural Land and not adversely affect agricultural production on the parcel. The Project satisfies the requirement for at least four reasons:

- **The Project is sited on land that is already out of production.** The landowner removed the walnut orchard in July 2023, and the parcel has been fallow since. The Project displaces no active agricultural operation, and the landowner has no future agricultural uses planned for the parcel. Siting the Project on fallow and unproductive ground rather than on a producing orchard is the most direct way to minimize loss.
- **The Project is temporary and does not require a rezone of the agricultural zone.** The Project requests a CUP to develop a portion of the parcel for renewable solar generation and the Project will restore the parcel after 35 years. The Project uses driven pile foundations to install equipment, requires no substantial grading and no soil export, and applies no fertilizers or soil amendments that would alter existing soil chemistry. The Initial Study concludes the chemical and physical properties of the soil would remain substantially unchanged under Project conditions. The AG-40 zoning and A/G General Plan designation are not altered, no parcel is divided, no permanent structures are erected, and no urban entitlement is created. The County-approved decommissioning plan restores the parcel to a condition suitable for agricultural use.
- **The binding constraint on the region's production is water, and the Project alleviates this constraint.** The parcel overlies the Eastern San Joaquin Groundwater Subbasin, which is in a condition of critical overdraft and has experienced sustained groundwater decline over the last four decades. That constraint applies to this parcel and to its agricultural neighbors with or without the Project. Because the Project draws no groundwater at all, this parcel's historical irrigation demand is simply absent from the basin for the life of the facility, which benefits ongoing agricultural production in the region.
- **The Project will be decommissioned and the land restored.** The Eastern San Joaquin Groundwater Sustainability Plan, adopted in 2025, targets elimination of chronic overdraft and achievement of sustainability by 2040. The Project's 35-year term and decommissioning obligation return the parcel to an agriculture-ready condition well after that date, at a point when irrigated production here is more likely to be viable for production than it is today.

The Project therefore minimizes the loss of Prime Agricultural Land by siting the temporary solar use on ground that is fallow, unirrigated, and limited by a resource the Project does not consume in a manner that leaves the soil, the agricultural zoning, and the parcel intact.

D. General Plan Consistency

The Project directly advances the County's General Plan goals and policies:

- **Goal NCR-5 (Natural and Cultural Resources Element, p. 3.4-9).** Increasing energy independence through renewable energy sources and improved energy conservation and efficiency. The Project adds renewable generating capacity within the County that: reduces consumption of nonrenewable



energy (Policy NCR-5.1); aligns with the County's goal to encourage energy providers to develop renewable energy sources (Policy NCR-5.2); complies with the County's solar facility ordinance (Policy NCR-5.3); and balances environmental protections while developing a renewable energy facility (Policy NCR-5.5).

- **Policy ED-2.4 (Community Development Element, p. 3.1-174).** Encouraging development of industries and businesses that rely on renewable energy services. The Project supplies renewable energy into the distribution system serving County businesses that maintains the County's diversified economic base while highlighting inherent economic advantages.
- **Policy PHS-6.3 (Public Health and Safety Element, p. 3.3-14).** Reducing greenhouse gas emissions by supporting renewable energy installation while protecting farmland from conversion to urban uses. The Project does both: it installs an unmanned renewable solar energy generation facility and leaves the parcel's agricultural zoning in place to achieve the Statewide effort to combat climate change in balance with the County's effort to protect farmland conversion.
- **Goal LU-7 (Community Development Element, p. 3.1-62).** Long-term preservation of productive farmland. The Project will temporarily operate on agricultural-zoned parcel that has not been in active production since 2023, imposes no groundwater demand on a basin its neighbors depend on, and restores soil viability on decommissioning (Policy LU-7.2). The Project provides adequate fences, setback, and landscaped buffers (Policy LU-7.7). Additionally, the Project is not proposed on land under a Williamson Act contract (Policies LU-7.15 and LU-7.16).

IV. Site-Specific Design Considerations

Several features of the Project were designed in response to conditions specific to this site:

- **No operational groundwater demand.** The Project requires no groundwater to operate. Water for the two anticipated annual panel washings, approximately 65,000 gallons per year, will be trucked in from commercially available off-site sources, as will construction and decommissioning water. The existing on-site private well and septic system serve only the existing residence and are not used by the Project. For a parcel located within a subbasin in critical overdraft, a 15.2-acre use that draws nothing from the aquifer is a materially lighter demand on the resource than the irrigated orchard that preceded it.
- **No off-site infrastructure.** Interconnection to the public utility is achieved through pole-mounted infrastructure and an approximately 31-foot overhead wiretap to PG&E's existing 12 kV distribution line in the East Comstock Road right-of-way. The medium-voltage collection line is buried on site in trenches approximately five feet deep. The work requires no ground disturbance outside the Project site, no new transmission, and no expansion of off-site electrical facilities.
- **Low visual profile.** The site is a flat fallow field and bordered by active orchards to the north and east with naturally occurring vegetative screening. Public visibility is limited to motorists along approximately 1,000 feet of frontage on East Comstock Road and Duncan Road where the Project's perimeter fence, landscape buffer, and the Applicant's vegetative and fenced screening design

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minimizes public views of the facility. The Initial Study's aesthetic analysis found no impact to scenic vistas and no impact to scenic resources along State or locally designated scenic routes; the nearest designated state scenic highway is approximately 28 miles away. The Project does not propose any full-time light source that would produce light or glare at night.

- **Minimal operational noise.** Inverters are steady, broadband sources that operate only during daylight hours when the sun is shining and the array is producing. The Project design locates inverters at least 175 feet from any sensitive receptor's property line. The noise produced by an inverter attenuates at a distance of 30 feet from the inverter and continues to decline with distance. The Initial Study concludes operational noise impacts are less than significant.
- **Minimal traffic and operational requirements.** The facility is unmanned and remotely operated through a supervisory control and data acquisition system. Approximately 20 maintenance visits per year are anticipated, typically two employees in a single light- to medium-duty truck. There are no restrooms, no water or wastewater connections, no permanent personnel, and no routine nighttime lighting.
- **Limited site disturbance and decommissioning restoration.** Trenching is limited to five feet in depth, soil is backfilled on site rather than exported, and foundations are driven piles rather than poured footings. The Project requires no substantial grading and no permanent foundations, and the only surfaced areas are the access road and driveway. The Applicant will prepare and implement the County-approved decommissioning plan as required by Development Title Section 9-409.430(b)(2) and as a condition of the Project's approval, committing at the end of the Project's 35-year life to remove all above-ground components, remove piers to three feet below grade, recycle modules to the extent feasible, and till compacted areas so that sub-grade material matches the depth and density of surrounding properties.
- **Access and emergency circulation.** A new on-site emergency and operational access road and improved paved driveway apron provides routine site and emergency ingress and egress from Duncan Road or East Comstock Road in accordance with County Fire Department requirements. Both Duncan Road and East Comstock Road are existing County-maintained roadways. No public roadway improvements and no lane closures are required, and construction worker parking and staging occur entirely on site.
- **Construction duration and hours.** Construction is expected to take approximately six months, with a workforce of five to fifty depending on phase, and an average of fifteen workers on site. Construction would occur between 7:00 a.m. and 7:00 p.m., excluding Sundays and federal holidays, which is well within the County's construction noise exemption outlined Development Title Section 9-404.020(c).

V. Environmental Review

The Initial Study prepared for the Project identifies *no potentially significant unmitigated* impact in any CEQA topic area and supports adoption of a Mitigated Negative Declaration. The Applicant has accepted each recommended mitigation measure, does not contest any of them, and will comply with the Mitigation Monitoring and Reporting Program as a condition of the Project's approval:

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- **AQ-1.** A Fugitive Dust Control Plan prepared before ground disturbance, addressing equipment cleaning, phased grading, water application ahead of ground workers, closed-cab HEPA-filtered earth-moving equipment, N95 availability, and Valley Fever recognition training for all construction personnel.
- **BIO-1.** A formal habitat assessment by a qualified biologist if construction begins during the Crotch's bumble bee colony active period (April through August), with CDFW protocol surveys or preconstruction nest surveys where warranted, 50-foot avoidance buffers around any detected nest, and CDFW consultation if avoidance is infeasible.
- **BIO-2.** Preconstruction nesting bird surveys no earlier than one week before ground disturbance or vegetation removal during the March 1 through August 31 nesting season, including a 250-foot buffer for raptors, with qualified-biologist buffers around any active nest.
- **CUL-1 through CUL-3.** A Worker Environmental Awareness Program conducted under a qualified archaeologist, archaeological monitoring with authority to halt and redirect work, and an unanticipated-discovery protocol halting work within 50 feet of any find pending evaluation, with Native American participation for prehistoric resources.
- **GEO-1.** A paleontological Worker Environmental Awareness Program before construction and a standard inadvertent-discovery clause in every construction contract, with work stopped within 50 feet of any potential fossil pending examination.

Beyond these CEQA mitigations that minimize potential impacts, the Project has opted into the SJMSCP. Coverage for the Project under the SJMSCP was approved by the San Joaquin Council of Governments Board on June 25, 2026, and the Applicant will implement all applicable incidental take minimization measures as conditions of the CUP, which provides coverage for biological resources under CEQA, the California Endangered Species Act, and the federal Endangered Species Act. Tribal notification under Assembly Bill 52 was issued in October 2025, and no tribe requested consultation.

VI. Conclusion

The Duncan Road Solar Project is a modest, low impact, fully reversible use on a parcel that is not in agricultural production and, under present groundwater conditions, cannot readily be returned to irrigated production by the landowner. The Project's design achieves the County's solar development standards, the Project supports each finding required for a Conditional Use Permit, and the Project's CEQA review concludes it will not have a significant effect on the environment with the identified mitigation measures that will be implemented by the Applicant and enforced through the County-approved Mitigation Monitoring and Reporting Program. It advances adopted County and State renewable energy policies, relieves pressure on a groundwater basin its agricultural neighbors depend on, and leaves the agricultural resource intact for the future.



We appreciate the thoroughness of staff's review and the professionalism of the County's team throughout this process. We remain available to respond to any questions or to provide additional information, and we respectfully request that staff recommend approval of the Conditional Use Permit and that the Planning Commission approve the Project.

Sincerely,

RENEWABLE PROPERTIES

A handwritten signature in black ink, appearing to read "Ryan Nyberg", is written over a light blue horizontal line.

Ryan Nyberg
Sr. Permitting Manager

Attachments

Attachment A – Utility-Scale Solar Energy System Findings, Duncan Road Solar Project

ATTACHMENT A
UTILITY-SCALE SOLAR ENERGY SYSTEM FINDINGS

*Duncan Road Solar Project
PA-2500218 (C)*

RPCA Solar 11, LLC (the “Applicant”) submits these findings in support of its entitlement application (PA-2500218 (C)) to San Joaquin County (the “County”), filed on July 15, 2025. The Applicant proposes to develop, operate, and decommission the Duncan Road Solar Project (the “Project”) on approximately 15.2 acres of an overall privately owned 20.4-acre tract of land (Assessor Parcel Number 091-170-060; the “Property”), as further described below.

The Property is zoned General Agriculture Zone (AG-40) and the Project meets the County definition of a Solar Energy System use, pursuant to San Joaquin County Development Title (“Development Title”) Section 9-900.020. The Project is a Utility-Scale Solar Energy System that is permitted in the AG-40 zone with a Conditional Use Permit (“CUP”), pursuant to Development Title Section 9-203.020, Table 9-203.020-1. The required CUP findings are set forth in Development Title Section 9-804.050.

Pursuant to Development Title Section 9-409.430(b)(5), Utility-Scale Solar Energy Systems shall be sited to minimize any loss of Prime Agricultural Farmland, which the Development Title defines in Section 9-900.020 as land classified as either “prime farmland,” “farmland of statewide importance, (sub-type non-grazing land),” “unique farmland,” or “farmland of local importance” by the California Department of Conservation Farmland Mapping and Monitoring Program. The Property is classified as Prime Farmland on the California Department of Conservation’s Farmland Mapping and Monitoring Program. Moreover, under Development Title Section 9-409.430(b)(5), the total site area for a Utility-Scale Solar Energy System shall not exceed 15 percent of the parcel or five acres, whichever is less, unless the Planning Commission approves a larger site area upon finding that such a site will not adversely affect agricultural production on the parcel where the facility is to be located. On August 21, 2026, the County’s Community Development Department Director issued a memorandum to planning staff with interpretations for Development Title Section 9-409.430 (the “Interpretation Memo”), including a clarification for the Farmland Protection requirement within Section 9-409.430(b)(5). The Interpretation Memo clarifies that solar energy system project size limitations only apply to development on parcels under Williamson Act Contracts rather than development on Prime Agricultural Farmland parcels *or* parcels under Williamson Act Contracts. This Project is not located on a parcel under a Williamson Act Contract. However, given that the Interpretation Memo’s clarification has not been formally adopted by the County through a Development Title Text Amendment, the below Farmland Protection findings include analysis of the Section 9-409.430(b)(5) project size limitations for the Project.

1. FARMLAND PROTECTION FINDINGS

Pursuant to Development Title Section 9-409.430(b)(5), Utility-Scale Solar Energy Systems developments on Prime Agricultural Farmland shall be sited to minimize any loss of Prime Agricultural Land, and the Planning Commission may approve such developments on parcels

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under Williamson Act Contracts that exceed 15 percent of the parcel or five acres, whichever is less, if the development will not adversely affect agricultural production on the parcel. The Project satisfies this finding, as detailed below:

The Project's proposed solar facility would occupy approximately 15.2 acres of a 20.4-acre agricultural-zoned Property. The landowner removed a walnut orchard in July 2023, and the Property has not been in active agricultural use since that time. No future agricultural uses of the Property are anticipated, and the regional scarcity of groundwater necessary to sustain crop production independently limits the feasibility of future agricultural operations on the Property. The proposed use is temporary and fully reversible in nature, with an operational lifespan of 35 years that does not result in permanent conversion of agricultural land. The chemical and physical properties of the soil will remain substantially unchanged under the Project conditions, as the Project utilizes driven pile foundations and does not require substantial grading or soil removal. The Project's conditions of approval will require future decommissioning of the facility upon termination of use, including removal of all above-ground components, tilling of compacted areas to restore sub-grade material to match the depth and density of surrounding properties, and restoration of the Property to a condition suitable for agricultural use.

The Property also overlies the Eastern San Joaquin Groundwater Subbasin, which is in a condition of critical overdraft and has experienced continuous groundwater level decline over the last 40 years, rendering irrigated agricultural production on the Property infeasible. This lack of available groundwater affects the Property and the surrounding agricultural uses. However, the amount of water required during Project construction and decommissioning would be temporary and nominal. Operational water demand for panel washing and screening landscape buffer maintenance, if the Project's variance request for the landscape buffer is not approved, will be supplied entirely from commercially-available off-site sources. Accordingly, the Project will impose no additional demand on regional groundwater supplies upon which surrounding agricultural operations rely. As such, the construction and temporary operation of the Project will not increase competition for limited groundwater resources, which already strain surrounding agricultural uses. The Eastern San Joaquin Groundwater Sustainability Plan, adopted in 2025, seeks to eliminate chronic overdraft and achieve groundwater sustainability by 2040. After the Project's 35-year lifespan, the Property may be used for agricultural uses because the Groundwater Sustainability Plan anticipates groundwater sustainability before the Project's decommissioning and the Project will not change the Property's underlying agricultural zoning designation. Therefore, the proposed Project will not adversely affect agricultural production on the parcel.

2. CUP FINDINGS

The Project is a Utility-Scale Solar Energy System in the AG-40 zone which requires CUP approval by the Planning Commission upon making the required findings set forth in Development Title Section 9-804.050. The Project meets the required CUP findings, as detailed below:

- (a) **Consistency.** The proposed use is consistent with the goals, policies, standards, and maps of the General Plan; any applicable Master Plan, Special Purpose Plan, Specific Plan, and Planned Development zone; and any other applicable plan adopted by the County.

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The Project's 3 megawatt (MW) ground-mounted photovoltaic solar energy system is located on a Property with a General Plan designation of A/G (Agriculture) and a zoning designation of AG-40. Utility-scale solar energy facilities are conditionally permitted within the AG zoning district subject to approval of a CUP. The Project is subject to the County's solar energy development standards, including applicable siting and setback requirements. The Planning Commission can make the finding that the proposed facility will not result in any loss of Prime Agricultural Land, or adversely affect agricultural production, pursuant to Development Title Section 9-409.430(b)(5). This finding can be made because the soil will be protected for future agricultural use upon decommissioning of the facility and the Project will not require any groundwater to operate, a crucial resource for regional agricultural production. As such, the Project is consistent with the County's Development Title sections applicable to the Project and the Property.

The proposed solar facility use is consistent with the goals and policies of the General Plan related to renewable energy development and continued agricultural land stewardship. Specifically, General Plan Goal NCR-5, within the Natural and Cultural Resources Element, aims to increase energy independence through the use of renewable energy sources and improved energy conservation and efficiency. (General Plan, p. 3.4-9.) Over its 35-year operational life, the Project is expected to offset approximately 9,836 metric tons of CO₂e through its generation of renewable energy. Therefore, the Project is consistent with General Plan Goal NCR-5 by increasing renewable solar energy sources within the County while operating an energy-efficient solar facility during the Project's 35-year lifespan.

Furthermore, the Project is also consistent with General Plan Policy ED-2.4, within the Community Development Element, which encourages the development and expansion of industries and businesses that rely on renewable energy services because the Project's renewable solar energy generation provides the County's industries and businesses with access to environmentally-sustainable energy generated by the sun. (General Plan, p. 3.1-174.)

The Project is also consistent with General Plan Policy PHS-6.3, within the Public Health and Safety Element, which aims to reduce greenhouse gas emissions by supporting the installation of renewable energy technologies while protecting farmlands from conversion to urban uses. (General Plan, p. 3.3-14.) The Project will install a utility-scale solar energy facility, which is a renewable energy technology. Additionally, the Property will be preserved for future agricultural uses because the Property will not be converted to an urban use. Therefore, because the Project installs a renewable energy solar facility and the Property will be preserved for future agricultural uses, rather than urban uses, at the end of the Project's 35-year lifespan, the Project is consistent with General Plan Policy PHS-6.3.

Additionally, General Plan Goal LU-7, within the Community Development Element, aims to provide for the long-term preservation of productive farmland and to accommodate agricultural services and related activities that support the continued viability of the County's agricultural industry. (General Plan, p. 3.1-62.) The temporary suspension of agricultural use on the Property will not impair regional agricultural production because surrounding agricultural uses will benefit from additional groundwater available given that the Project's operations will not require the use of groundwater over the 35-year lifespan of the solar facility. Even more, because the Property has not produced agricultural crops since July 2023, the Project will not result in a reduction of agricultural operations. Furthermore, the Property's soil viability for agricultural operations will

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be fully restored after the Project's decommissioning at the end of Project operations. Therefore, the Project is consistent with General Plan Goal LU-7 by providing long-term preservation of the Property for future agricultural production while supporting existing surrounding agricultural production requiring groundwater.

In addition to the Project's consistency with the County's General Plan, the Project is consistent with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan ("SJMSCP"). The SJMSCP is a comprehensive conservation planning strategy that addresses the needs of multiple plant and animal species while protecting the region's agricultural interests as the population increases over the 50 years, from 2001 to 2051. The Project has opted into the SJMSCP and will implement all applicable incidental take permit minimization measures included within the SJMSCP. As such, through the SJMSCP's conditions of approval on the Project, the Project is consistent with the SJMSCP.

There are no other applicable Master Plans, Specific Plans, or Special Purpose Plans governing the Property. Therefore, the proposed solar facility use is consistent with the General Plan and all applicable County-adopted plans.

(b) **Improvements.** Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways.

The Property is an existing agricultural parcel with a single residence on-site that is served by utilities and public facilities. Access to the Property is provided at the northeast intersection of Duncan Road and East Comstock Road, which are both County-maintained roadways. The Project will provide a new private gravel access road to enable additional on-site circulation and emergency access within the solar facility in accordance with County Fire Department requirements. The Project's interconnection to the Pacific Gas & Electric ("PG&E") electrical distribution system will occur via pole-mounted infrastructure and an approximately 31-foot overhead wiretap to the existing 12-kilovolt distribution line along East Comstock Road, entirely within the public right-of-way, requiring no ground disturbance outside the Project Site and no expansion of off-site electrical infrastructure. The facility, which is unmanned during operations and does not require utility services to operate, will not require improvements to existing County-maintained roadways or utility services because existing County-maintained roadways and utilities are adequate for the Project. Additionally, operation of the Project does not require water supply because periodic solar panel washing water will be supplied from off-site commercially available sources.

The Property is currently served by existing on-site private well water, septic, and stormwater drainage systems for the on-site residence, all of which will remain in place and are sufficient to support the existing residence; the Project does not rely on the existing water well or septic systems. No expansion of utility systems, roadway improvements, or new infrastructure connections is required as part of the Project. The Project requires compliance with the State Water Resources Control Board's National Pollutant Discharge Elimination System, the permitting program to control construction stormwater discharges, and County Development Title 5, Division 10, Stormwater Management and Discharge Control. Compliance with these State and County regulations requires the Project to prepare a Stormwater Pollution Prevention Program

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(“SWPPP”) that implements best management practices to prevent construction-related discharges. Accordingly, even though the Property is adequately served by existing stormwater drainage infrastructure, the Project will install additional drainage infrastructure, if necessary, to comply with State and County construction-related stormwater regulations. Therefore, adequate utilities, roadway access, sanitation, water supply, drainage, and other necessary facilities are available to serve the Project’s solar facility use.

(c) **Site Suitability.** The site is physically suitable for the type of development and for the intensity of development.

Once constructed, the Project will generate up to 3 MW of clean, reliable solar energy by utilizing photovoltaic solar modules, inverters, and appurtenant electrical equipment to convert the sun’s energy to usable power distributed to the PG&E electrical grid. The modules will be mounted on a steel racking system employing single-axis tracker technology that efficiently tracks the sun’s movement throughout the day and maximizes the efficiency of solar collection. The rows of modules will be anchored in the ground using driven piers, where the anticipated average height of the arrays would be 8 feet above the existing ground surface at maximum tilt. At most, and only under unique topographic conditions in isolated areas, the maximum height of the arrays would not exceed 15 feet above the existing ground surface at maximum tilt. The Project will interconnect with the existing PG&E electrical distribution system adjacent to the Property along East Comstock Road. The Project’s anticipated lifespan is 35 years.

The approximately 20.4-acre Property is physically suitable for the Project, which will occupy approximately 15.2 acres of the Property with a ground-mounted solar facility. The Property is relatively flat at an elevation of approximately 55 feet above sea level, presenting favorable topography for solar installation. According to the Federal Emergency Management Agency’s Flood Insurance Rate Map, the Property is located in Zone X, an area of minimal flood hazard. As such, the Property is suitable for the Project because the Project would not impede or redirect flood flows or result in flood impacts to the Property or surrounding area. The Property has not been in agricultural production since July 2023, when the walnut orchard was removed, and the critical overdraft condition of the Eastern San Joaquin Groundwater Subbasin renders irrigated crop production infeasible. As such, the Property is suitable for the Project, which is a temporary use and will be subject to a required decommissioning plan to ensure future agricultural uses on the Property may occur.

The Project is sited within the AG-40 zoning district on a parcel of sufficient size and configuration to accommodate the Project while adhering to the development standards applicable for solar facilities required by the Development Title. Furthermore, the Project is consistent with the required setbacks for solar facilities from Property lines, residences, public rights-of-way, and overhead lines. The Project Site boundary maintains a 30-foot setback from the Property line, a 54-foot setback from the existing off-site residence, and a 50-foot setback from the public right-of-way; the solar arrays maintain at least a five-foot setback from the existing on-site agricultural well and septic system. The Project does not include building construction or expansion and utilizes existing infrastructure. Therefore, the site is physically suitable for the type and intensity of development proposed.

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(d) **Land Use Compatibility.** The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

The Project will be located on an existing agricultural parcel and is designed to operate in a manner compatible with surrounding agricultural uses. The Project consists of a 15.2-acre fenced solar array within the larger 20.4-acre parcel, and the Property has not been used for agricultural production since July 2023. The Property abuts two 40-foot-wide public roads to the west and south and is surrounded by agriculture, orchards, and associated residences. Under present conditions, the Property consists of a disturbed and undeveloped fallow field and is largely obscured from views by abutting properties given the surrounding vegetation and agricultural operations. Public views are limited to motorists traveling along East Comstock Road or North Duncan Road for approximately 1,000 feet where these roadways border the Property. A 10-foot-wide landscape buffer along all sides of the Project will be maintained between the facility and adjacent sensitive land uses and public rights-of-ways in conjunction with the installation of screening slats on the perimeter fence or shrubs for additional vegetative screening. The Project includes a private emergency access driveway from either East Comstock Road or Duncan Road to support safe access and circulation within the solar facility as required by the Development Title and County Fire Marshal standards.

The Project is a low-intensity, unmanned use consisting of ground-mounted solar panels and associated electrical equipment that does not introduce residential, industrial, or commercial activities inconsistent with the surrounding agricultural setting. Operations will generate minimal vehicle trips, limited to approximately 20 annual maintenance visits. Furthermore, with implementation of required setbacks and operational standards for utility-scale solar facilities, which includes the 10-foot-wide screening buffer, the 54-foot setback from the off-site residence, and the 30-foot setback from property lines, the Project will not adversely affect the livability or appropriate development of surrounding properties. Additionally, the Project will obtain commercially-available off-site water instead of groundwater for periodic solar panel washing. The Project's operational characteristics will decrease competition for the region's limited groundwater supply. As such, surrounding properties in the neighborhood dependent on groundwater supply will benefit from the Project's procurement of commercially-available off-site water. Therefore, the proposed use is compatible with the surrounding area.

(e) **No Nuisance Created.** The proposed use will not create any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions.

The Project is a passive, non-emissive land use that does not involve the generation of odor, dust, gas, noise, vibration, smoke, heat, or glare at levels exceeding ambient conditions. Solar photovoltaic systems are inherently designed to absorb rather than reflect solar radiation. The Project will operate in compliance with applicable County standards and manufacturer specifications, including Development Title Section 9-409.430(b)(8), which requires that the facility minimize reflective glare toward any habitable structure on adjacent properties and adjacent streets. Specifically, the Project will utilize solar modules with an anti-reflective coating that limits glare potential. No operational lighting fixtures are required for Project operations; if

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minimal nighttime lighting is necessary near the transformer, it will be down-shielded to prevent light spillover beyond the Project boundaries.

The Project inverters have a sound pressure level of approximately 65 A-weighted decibel (“dba”) at three feet and are located at least 30 feet away from any residence, which means the noise from Project inverters will attenuate to 45 A-weighted equivalent continuous sound level (“dba Leq”) at approximately 30 feet and continue to attenuate beyond the 30-foot distance where residences are located. Inverter noise is steady-state and broadband, generated by cooling fans and components, and limited to daylight hours when the array is producing power. The Project’s operational noise levels will comply with the County’s daytime (70 dba Leq) and nighttime (65 dba Leq) exterior noise limits. All construction activities will occur within the hours of 7:00 a.m. to 7:00 p.m., which complies with the County’s exempted construction hours (6:00 a.m. to 9:00 p.m.) pursuant to County Development Title Section 9-404.020(c). The facility will be unmanned during normal operations and will not generate nuisances typical of more intensive land uses. Temporary construction-related impacts will be limited to the approximately six-month construction period, controlled through standard mitigation measures under the California Environmental Quality Act (“CEQA”) in addition to applicable San Joaquin Valley Air Pollution Control District requirements and Development Title best management practices to minimize dust. Therefore, the proposed use will not create nuisances exceeding ambient conditions.

(f) **Adequate Public Services and Facilities.** The site of the proposed use is adequately served by highways, streets, water, sewer, storm drainage, and other public facilities and services.

The Property is adequately served by existing public services and facilities. The Property is located on the northeast corner at the intersection of Duncan Road and East Comstock Road, which are both County-maintained roadways, and the Project includes a private emergency access driveway connected to East Comstock Road or Duncan Road that provides circulation within the solar facility in accordance with County Fire and Development Title standards. The Project will use off-site commercially-available water sources as necessary during construction and for periodic panel washing of the solar panels during the Project’s operation. The Property will continue to utilize on-site private well water, and septic systems for the residence, all of which are sufficient to maintain service for the residence because the Project’s solar facility use will not use the on-site private water well or septic systems. The Project does not propose new development that would require expansion of public infrastructure or services because periodic panel washing will be conducted with off-site water brought to the Property and no additional utilities are required for the Project. Once operational, the facility will generate only minimal vehicle trips (approximately 20 annual maintenance visits) and will not conflict with any program, plan, ordinance, or policy addressing the circulation system.

As stated above, the Project requires compliance with the State Water Resources Control Board’s National Pollutant Discharge Elimination System, the permitting program to control construction stormwater discharges, and County Development Title 5, Division 10, Stormwater Management and Discharge Control. Compliance with these State and County regulations requires the Project to prepare a Stormwater Pollution Prevention Program (“SWPPP”) that implements best management practices to prevent construction-related discharges. Accordingly, even though the Property is adequately served by existing stormwater drainage infrastructure, the Project will

Duncan Road Solar Project
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install drainage infrastructure, if necessary, to comply with State and County construction-related stormwater regulations. Therefore, the site is adequately served by highways, streets, water supply, drainage, and other public facilities and services.

(g) **Conformance with Development Title.** The proposed use complies with all applicable provisions of this Title.

The Project is a conditionally permitted use within the AG-40 zoning district, subject to approval of a CUP and in compliance with applicable Development Title provisions. Although the Project will be sited on County-defined Prime Agricultural Farmland, which includes State-classified Prime Farmland, the Planning Commission can make the finding that the Project will not minimize any loss of Prime Agricultural Land or adversely affect agricultural production pursuant to Development Title Section 9-409.430(b)(5). This finding can be made because: (i) the Property has not been in active agricultural use since July 2023; (ii) the soil will be protected for future agricultural use upon decommissioning through driven pile foundations and limited grading that preserve soil properties; and (iii) the Project will not contribute to groundwater demand upon which regional agricultural production relies – a particularly significant consideration given the critical overdraft condition of the underlying Eastern San Joaquin Groundwater Subbasin.

The Project also complies with all applicable provisions of the Development Title regulating development standards for the Project's Solar Energy System use. The Project will comply with applicable screening, access, and operational requirements specified in Development Title Section 9-409.430(b)(1)-(15). For example, the Project is sited to comply with required 30-foot Property line setbacks pursuant to Development Title Section 9-409.430(b)(12). Furthermore, if the Project's variance request is not approved, the Project will comply with Development Title Section 9-409.430(b)(10), which requires a 10-foot-wide landscape buffer to be maintained along the facility's perimeter fence between the facility and the public rights-of-way and adjacent residential and agricultural uses. Additionally, the maximum height of the solar arrays would not exceed 15 feet, which is within the 25-foot height limit required by Development Title Section 9-409.430(b)(11). Moreover, consistent with Development Title Sections 9-409.430(b)(4), (6), and (7), the Project includes a perimeter fence, a Fire Prevention Plan for construction and operations approved by the County Fire Marshal and local fire protection district, and will not impact or reduce riparian or wetland habitat. The Project will also be required to comply with all conditions of approval by the County. Therefore, the proposed use complies with all applicable provisions of the Development Title.

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Attachment E Mitigated Negative Declaration

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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

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

☒ County Clerk, County of San Joaquin

PROJECT TITLE: Conditional Use Permit No. PA-2500218

PROJECT LOCATION: The project site is on the northeast corner of East Comstock Road and North Duncan Road, Linden, San Joaquin County. (APN/Address: 091-170-06 / 18133 E Comstock Rd, Linden) (Supervisory District: 4)

PROJECT DESCRIPTION: A Conditional Use Permit application for 14.5-acre ground-mounted photovoltaic energy facility. The project will generate up to 3 megawatts of solar energy utilizing photovoltaic solar modules, inverters, and appurtenant electrical equipment and distribute the useable energy to the electric grid. The modules will be mounted on a steel racking system employing single-axis tracker technology that efficiently tracks the sun's movement throughout the day and maximizes the efficiency of solar collection. The rows of modules will be anchored in the ground using driven piers, and the overall height of the array is not expected to exceed 15 feet above the existing ground surface at maximum tilt. The Project will interconnect to the existing Pacific, Gas, and Electric electrical distribution system adjacent to the site along East Comstock Road.

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

PROPOSER: Louis & Jeanette Barbagelata TR / Renewable Properties

This is a Notice of Intent to adopt a Mitigated Negative Declaration for this project as described. San Joaquin County has determined that through the Initial Study that contains proposed mitigation measures all potentially significant effects on the environment can be reduced to a less than significant level. The Mitigated Negative Declaration and Initial Study can be viewed on the Community Development Department website at www.sjgov.org/commdev under Active Planning Applications.

Date: August 14, 2026

Contact Person:

Jessica Leal Phone: (209) 468-3140 Fax: (209) 468-3163 Email: jleal@sjgov.org

1810 E Hazelton Avenue | Stockton, California 95205 | (209) 468-3121 | sjgov.org/departments/cdd

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Attachment F Mitigation Monitoring and Reporting Program

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Mitigation Monitoring and Reporting Program

The Initial Study-Mitigated Negative Declaration identifies the applicable mitigation measures that will be implemented to reduce the impacts associated with the Duncan Road Solar Project. The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code:

...the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting an Initial Study-Mitigated Negative Declaration.

To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project Applicant will have the responsibility for implementing the measures that apply to development activity, and the various San Joaquin County departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

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Mitigation Measure	Implementation Procedures	Monitoring and Reporting Action	Monitoring Timing	Monitoring Responsibility	Compliance Verification (Initial, Date, Comments)
Air Quality					
AQ-1: Minimize Personnel and Public Exposure to Valley Fever					
Prior to site preparation, grading activities, or ground disturbance, the Applicant shall prepare a Fugitive Dust Control Plan for the proposed project. The Fugitive Dust Control Plan (FDCP) shall include the following at a minimum:	Prepare and submit a FDCP to the San Joaquin County Department of Community Development for review. Implement the requirements of the FDCP.	Verify FDCP is completed. Verify measures are implemented during construction as needed.	Prior to ground disturbance. During site preparation, grading, and ground disturbance.	San Joaquin County Department of Community Development	
- Equipment, vehicles, and other items shall be cleaned thoroughly of dust before they are moved off-site to other work locations. - Whenever possible, grading, and trenching work shall be phased, so that earth-moving equipment works well ahead or down-wind of workers on the ground. - The area immediately behind grading or trenching equipment shall be sprayed with water before ground workers move into the area. - If a water truck runs out of water before dust is dampened sufficiently, ground workers exposed to dust are to leave the area until a full truck resumes water spraying. - All heavy-duty earth-moving vehicles shall be closed-cab and equipped with a High Efficiency Particulate Arrestance-filtered air system, or High Efficiency masks that can be worn by the vehicle operators. - N95 respirators shall be provided to on-site workers for the duration of the construction period. - Workers shall receive training to recognize the symptoms of Valley Fever and shall be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. Evidence of training shall be kept on-site for review as required by regulatory agencies. - Valley Fever information shall be available on-site for all construction personnel. The information shall provide, at a minimum, a description of the symptoms, health effects, preventative measures, and treatment.					
Biological Resources					
BIO-1: Crotch's Bumble Bee Avoidance					
Should construction begin during the Colony Active Period (March – August), a formal habitat assessment shall be performed by a qualified biologist prior to initiating ground disturbing activities to determine if suitable nesting or foraging habitat is present in the Project area. The assessment shall include:	A habitat assessment for Crotch's bumble bee shall be conducted within the Project footprint and on surrounding accessible sites by a qualified biologist; if construction begins within the Colony Active Period (March – August).	Verify a habitat assessment has been conducted prior to initiation of ground disturbing activities, if they begin within the Colony Active Period (March – August).	Prior to any ground disturbing activities that begin during the Colony Active Period (March – August).	San Joaquin County Department of Community Development	
- Review of occurrence record data - Analysis of foraging, nesting, and overwintering resources - Documentation of plant species observed (including what is blooming at the time of the survey and percent cover)	If suitable nesting or foraging resources are detected in the Project Site during the habitat assessment, surveys following the CDFW Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023) shall be conducted by a qualified biologist. If Crotch's bumble bees are detected during surveys, their location shall be recorded with a GPS. If foraging Crotch's bumble bees or nests are detected during surveys, preconstruction nest surveys shall be conducted 72 hours prior to construction. Any nests detected during the preconstruction survey will be recorded by a GPS (if not previously recorded) and avoided by a minimum 50-foot buffer. If avoidance of nests is not possible, consultation with CDFW will be initiated to determine the most appropriate strategy to	Verify sufficient action is taken as needed based on findings of the habitat assessment, including the completion of surveys, the completion of preconstruction nest surveys, and consultation with CDFW, if needed.	Prior to any ground disturbing activities, as needed.		
The locations of any nesting resources, including rodent burrows, cavities, thatched grasses, brush, rock piles, logs, and manmade structures like dumped furniture, shall be mapped during the assessment. Areas adjacent to the Project shall also be considered, as accessible, to determine if there is suitable nesting or foraging habitat for Crotch's bumble bee. If suitable nesting or foraging resources are detected in the Project Site during the habitat assessment, surveys following the CDFW Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023) shall be conducted by a qualified biologist (i.e. someone with a valid CDFW Scientific Collecting Permit for Crotch's bumble bee) to determine if Crotch's bumble bee is present in the Project Site. A minimum of three visits shall be conducted during the Colony Active Period (March – August) and will be spaced 2-4 weeks apart. If no Crotch's bumble bees are detected on the Site, no further mitigation would be required. If foraging Crotch's bumble bees or nests are detected during surveys the individual and/or nest location will be recorded with a global positioning system (GPS). If no Crotch's bumble bees are detected on the Site, no further mitigation would be required. If foraging Crotch's bumble bees or nests are detected during surveys described above, a follow up preconstruction nest survey shall be conducted by a qualified biologist according to the CDFW Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023) document 72 hours prior to construction to determine if previously identified nests are still active, and if any new Crotch's bumble bee nests are present. If any active nests are detected during the preconstruction survey, the location will be recorded with a GPS					

Initial Study-Mitigated Negative Declaration

Mitigation Measure	Implementation Procedures	Monitoring and Reporting Action	Monitoring Timing	Monitoring Responsibility	Compliance Verification (Initial, Date, Comments)
(if not previously recorded), the qualified biologist shall establish a 50-foot avoidance buffer around the nest, and the buffer will remain in place until the nest senesces or becomes inactive and is no longer in use, as determined by the qualified biologist and in coordination with the County and CDFW. The buffer shall be delineated using high-visibility fencing, flagging, or similar materials along with appropriate signage. If no active Crotch's bumble bee nests are detected during the preconstruction nest survey, no further mitigation would be required. If Crotch's bumble bee nests cannot be avoided, project activities shall not proceed until consultation with CDFW is initiated to determine the most appropriate strategy to avoid impacts to bumble bees on the site. Any Crotch's bumble bee detections in the Project Site will be documented in the California Natural Diversity Database (CNDDB).	avoid impacts to Crotch's bumble bees on the site. Any Crotch's bumble bee detections in the Project Site will be documented in the California Natural Diversity Database (CNDDB).				
BIO-2: Pre-construction Nesting Bird Surveys A preconstruction nesting bird survey shall be performed by a qualified biologist no earlier than one week prior to any ground disturbance or vegetation removal activities that start during the nesting season (March 1–August 31) to determine if any native birds are nesting on or near the Project area (including a 250-foot buffer for raptors, where accessible). If any active nests are detected during surveys, a suitable avoidance buffer from the nests shall be determined by a qualified biologist based on species, location, and extent and type of planned construction activity. These nests would be avoided until the chicks have fledged and/or the nests are no longer active, as determined by the qualified biologist. Any ground disturbance or suitable nesting habitat (i.e., trees and vegetation) that would need to be removed under the Project shall occur outside of the bird breeding season (September 1–February 28) to avoid impacts to nesting birds, when feasible.	If construction starts during the nesting season (March 1–August 31), a nesting bird survey shall be conducted by a qualified biologist of the disturbance area plus a 250-foot buffer for raptors, where accessible. If active nests are detected, establish an appropriate avoidance buffer and assign a biological monitor, as necessary.	Verify that surveying has started during the nesting season (March 1–August 31) Enforce appropriate avoidance buffer and confirm biological monitor presence, as necessary.	Prior to construction. Prior to construction, as necessary.	San Joaquin County Department of Community Development	
CUL-1: Workers Environmental Awareness Program Prior to the commencement of Project-related, ground-disturbing activities, including, but not limited to, site clearing, grubbing, trenching, and excavation, a Worker's Environmental Awareness Program (WEAP) shall be conducted for all Project personnel working in the APE. The WEAP shall be prepared and conducted under the direction of a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service [NPS] 1983). The WEAP training shall include a description of the types of cultural material that may be encountered, cultural sensitivity issues, the regulatory environment, and the proper protocol for treatment of the materials in the event of a find.	Retain a Qualified Archaeologist and conduct a Worker's Environmental Awareness Program (WEAP) for all workers participating in ground-disturbing activity for Project development.	Verify WEAP Training has occurred.	Prior to ground-disturbing activities.	San Joaquin County Department of Community Development	
CUL-2: Archaeological Monitoring Archaeological monitoring shall be performed under the direction of an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service [NPS] 1983). The archaeological monitor will have the authority to halt and redirect work should any cultural resources be identified during monitoring. Archaeological monitoring may be reduced to spot-checking or eliminated at the discretion of the qualified archaeologist, in consultation with the lead agency, as warranted by conditions such as encountering bedrock or sediments being excavated as fill. If monitoring is reduced to spot-checking, spot checks shall occur when ground-disturbance moves to a new location within the APE and when ground disturbance will extend to depths not previously reached (unless those depths are in bedrock).	Retain a qualified archaeologist to conduct archaeological monitoring.	Verify archaeological monitoring has been conducted.	Ongoing during ground disturbance.	San Joaquin County Department of Community Development	
CUL-3: Unanticipated Discovery of Cultural Resources In the event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work within 50 feet of the find shall halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology (National Park Service 1983) shall be contacted immediately to evaluate the resource. If the resource is determined by the qualified archaeologist to be prehistoric, then a Native American representative shall also be contacted to participate in the evaluation of the resource. If the qualified archaeologist and/or Native American representative determines it to be appropriate, archaeological testing for CRHR eligibility shall be completed. If the resource proves to be eligible for the CRHR and significant impacts to the resource cannot be avoided via Project redesign, a qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of CCR Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative, as appropriate, shall recover and document the	If archaeological resources are found, halt work with 50 feet of any find and contact an archaeologist to evaluate the resource. Contact a Native American representative if the resource is determined to be prehistoric. Complete archaeological testing for CRHR eligibility, as required.	Verify an archaeologist is contracted if archaeological resources are found. Verify a Native American representative is contacted if required. Review and approve the treatment plan and archaeological testing, as appropriate.	During ground-disturbing activities if archaeological resources are found. During ground-disturbing activities if archaeological resources are found. During ground-disturbing activities if archaeological resources are found.	San Joaquin County Department of Community Development	

Mitigation Measure	Implementation Procedures	Monitoring and Reporting Action	Monitoring Timing	Monitoring Responsibility	Compliance Verification (Initial, Date, Comments)
scientifically consequential information that justifies the resource's significance. The County shall review and approve the treatment plan and archaeological testing as appropriate, and the resulting documentation shall be submitted to the regional repository of the California Historical Resources Information System, per CCR Section 15126.4(b)(3)(C).					
Geology and Soils					
GEO-1: Unanticipated Fossil Discovery					
Paleontological Worker Environmental Awareness Program. Prior to the start of construction, a Paleontological Principal Investigator, as defined by the Society of Vertebrate Paleontology (SVP), or their designee shall prepare and conduct a paleontological Worker Environmental Awareness Program (WEAP) training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction personnel. The WEAP shall discuss the potential to discover paleontological resources in the Project Site, legal obligations to protect paleontological resources, examples of paleontological resources that may be found in the Project Site, procedures in case a paleontological resource is discovered, and contact information for the Paleontological Principal Investigator. Unanticipated Discovery of Paleontological Resources. The Project Sponsor shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If a potential fossil is discovered during Project construction, construction activity within 50 feet of the find shall cease until the discovery is examined by a Paleontological Principal Investigator. If the find is determined to be significant, the Paleontological Principal Investigator shall direct all mitigation efforts related to paleontological resources consistent with SVP standards, which may include, but are not limited to: paleontological monitoring; fossil salvage, preparation, and curation; and reporting to summarize the paleontological mitigation efforts that would be submitted to the lead CEQA agency.	Retain a Qualified Professional Paleontologist to conduct WEAP training for all construction personnel.	Verify Professional Paleontologist has been retained and conducted WEAP training for construction personnel.	Prior to ground disturbance.	San Joaquin County Department of Community Development	
	The Project Sponsor shall include a discovery clause in every construction contract.	Verify that a standard inadvertent discovery clause has been added to every construction contract.	Prior to construction.		
	In the event of a fossil discovery by the paleontological monitor or construction personnel, halt construction activity within 50 feet of the find. If it is determined that the fossil(s) is (are) scientifically significant, follow outlined procedures.	Verify procedures are followed in the event paleontological resources are identified.	During ground disturbance, as needed.		

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Attachment G **Findings for** **Conditional Use Permit**

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FINDINGS FOR CONDITIONAL USE PERMIT

PA-2500218

BARBAGELATA, LOUIS & JEANETTE TR/ RPCA SOLAR 11, LLC

1. The proposed use is consistent with the goals, policies, standards, and maps of the General Plan, any applicable Master Plan, Specific Plan, and Special Purpose Plan, and any other applicable plan adopted by the County.
 - **This finding can be made because the proposed 3-megawatt (MW) ground-mounted solar photovoltaic (PV) energy system is located on a property with a General Plan designation of A/G (Agriculture) and a zoning designation of AG-40. Utility-scale solar energy facilities are conditionally permitted within the AG zoning district subject to approval of a Conditional Use Permit. The project is subject to San Joaquin County solar energy development standards, including applicable siting and setback requirements. The proposed use is consistent with the goals and policies of the General Plan related to renewable energy development and continued agricultural land stewardship, and there are no applicable Master Plans, Specific Plans, or Special Purpose Plans governing the project site. Therefore, the proposed use is consistent with the General Plan and all applicable County-adopted plans.**
2. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways.
 - **This finding can be made because the project site is an existing agricultural parcel that is served by adequate utilities and public facilities. Access to the site is provided via a proposed driveway connection to East Comstock Road, a County-maintained roadway, which is adequate to serve the proposed use. The site is served by existing on-site private well water and septic systems, and natural storm drainage, all of which will remain in place and are sufficient to support the proposed project. No expansion of utility systems, roadway improvements, or new infrastructure connections are proposed as part of this application. Therefore, adequate utilities, roadway access, sanitation, water supply, drainage, and other necessary facilities are available to serve the proposed use.**
3. The site is physically suitable for the type of development and for the intensity of development.
 - **This finding can be made because the approximately 19.99-acre parcel is physically suitable for the proposed utility-scale solar energy facility, which will occupy approximately 15.2 acres of the site. The project is located on an existing agricultural parcel within the AG-40 zoning district and is of sufficient size and configuration to accommodate the proposed solar array while maintaining setbacks required under the Development Title, including the 30-foot setback requirement for ground-mounted systems in agricultural zones. The project does not include building construction or expansion. Therefore, the site is physically suitable for the type and intensity of development proposed.**
4. The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
 - **This finding can be made because the proposed solar energy facility will be located on an existing agricultural parcel and is designed to operate in a manner compatible with surrounding agricultural uses by providing screening to limit the visual impact and planting native plants to attract pollinators that will benefit nearby agricultural operations. The project includes a 15.2-acre fenced solar array, screened with privacy slats and a vegetative buffer, or similar material, within a larger 19.99-acre parcel. The project will utilize a proposed driveway connection to East Comstock Road and does not introduce residential, industrial, or commercial activities inconsistent with the surrounding agricultural setting.**

With implementation of required setbacks and operational standards for utility-scale solar facilities, the proposed use is not expected to adversely affect the livability or appropriate development of surrounding properties. Therefore, the proposed use will be compatible with the surrounding area.

5. The proposed use will not create any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions.
 - **This finding can be made because the proposed solar energy facility is a passive, non-emissive land use that does not involve the generation of odor, dust, gas, noise, vibration, smoke, heat, or glare at levels exceeding ambient conditions. The project consists of ground-mounted photovoltaic panels and associated electrical equipment that will operate in compliance with applicable County standards and manufacturer specifications. The facility will be unmanned during normal operations and will not generate operational nuisances typical of more intensive land uses. Temporary construction-related impacts will be short-term and subject to standard County mitigation measures under CEQA. Therefore, the proposed use is not expected to create nuisances exceeding ambient conditions.**
6. The site of the proposed use is adequately served by highways, streets, water, storm drainage, and other public facilities and services.
 - **This finding can be made because the project site is adequately served by existing public services and facilities. Access is provided via a proposed driveway connection to East Comstock Road, a County-maintained roadway. The site will continue to utilize existing private well water and septic systems, and natural storm drainage, which are sufficient to serve the proposed use. The project does not propose new developments that would require expansion of public infrastructure or services. Emergency access will be provided via the proposed driveway and internal site circulation. Therefore, the site is adequately served by highways, streets, water supply, drainage, and other public facilities and services.**
7. The proposed use complies with all applicable provisions of this Title.
 - **This finding can be made because the proposed utility-scale solar energy facility is a conditionally permitted use within the AG-40 zoning district, subject to approval of a Conditional Use Permit and compliance with applicable Development Title provisions. The project has been designed to comply with applicable development standards, including required setbacks for ground-mounted solar energy systems in agricultural zones, as well as applicable screening, access, and operational requirements. The project will be required to comply with all conditions of approval imposed by the County. Therefore, the proposed use complies with all applicable provisions of the Development Title.**



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Attachment H **Conditions of Approval**

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CONDITIONS OF APPROVAL

PA-2500218

BARBAGELATA, LOUIS & JEANETTE TR/ RPCA SOLAR 11, LLC

Conditional Use Permit No. PA-2500218 was approved by the Planning Commission on October 1, 2026. The effective date of approval is . This approval will expire on , which 36 months from the effective date of approval, unless (1) all Conditions of Approval have been complied with, (2) all necessary building permits have been issued and remain in force, and (3) all necessary permits from other agencies have been issued and remain in force.

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

1. COMMUNITY DEVELOPMENT DEPARTMENT (Contact: Community Development Department, [209] 468-3121)
 - a. **BUILDING PERMIT:** Submit an "APPLICATION-COMMERCIAL BUILDING PERMIT". The Site Plan required as a part of the building permit must be prepared by a registered civil engineer or licensed architect. This Plan must show drainage, driveway access details including gates, on-site parking, landscaping, signs, existing and proposed utility services, and grading (refer to the "SITE PLAN CHECK LIST" for details). Foundation and soils investigation shall be conducted in conformance with Chapter 18 of the California Building Code at the time of permit application. A fee is required for the Site Plan review. (Development Title Section 9-802.020)
 - b. **APPROVED USE:** This approval is for a 3-megawatt (MW) ground-mounted photovoltaic system occupying 15.2 acres, as shown on the site plan dated August 14, 2025. (Use Type: Renewable Energy – Utility-Scale Solar Energy Facility).
 - c. **CAPITAL FACILITY FEE:** This project may be subject to the Capital Facility Fee. If the Capital Facility Fee is applicable, the County shall collect the fees before the issuance of any building permits. (Development Title Section 9-610.070)
 - d. **DECOMMISSIONING PLAN:** Prior to issuance of a building permit, a Decommissioning Plan including financial guarantees must be submitted. (Development Title Section 9-409.430(b)(2))
 - e. **MAXIMUM HEIGHT:** The height of a ground mounted solar array shall not exceed 25 feet. (Development Title Section 9-409.430[b][11])
 - f. **SETBACKS:** All solar arrays must be setback 30 feet from all property lines. (Development Title Section 9-409.430[b][12])
 - g. **PARKING:** Off-street parking shall be provided and comply with the following:
 1. All permanent parking lots shall be surfaced and permanently maintained with asphalt concrete or Portland cement concrete. Bumper guards and/or wheel stops shall be provided when necessary to protect adjacent structures or properties. (Development Title Section 9-406.060[i])
 2. Each vehicle parking stall shall be an unobstructed rectangle, minimum 9 feet wide and 20 feet long. (Development Title Section 9-406.060)
 3. A minimum of one (1) parking spaces shall be provided, one (1) of which shall be ADA accessible. Accessible spaces shall be located as close as possible to the primary entrance (C.C.R., Title 24).
 4. All parking stalls and directional arrows must be delineated with paint. (Development Title

Section 9-406.060[e])

- h. **ACCESS AND CIRCULATION:** The following requirements apply and shall be shown on the Site Plan:
 - 1. Access driveways shall have a width of no less than twenty-five (25) feet for two-way aisles and sixteen (16) feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than twenty (20) feet wide. (Development Title Section 9-406.060[n][1])
- i. **FENCING AND SCREENING:** Fencing and screening shall be provided and comply with the following:
 - 1. Fencing 6 to 7 feet in height that provides an effective visual screen must be installed around the perimeter of the facility. Fencing must include chain-link with privacy slats installed in combination with vegetative screen, or similar material as determined by the Zoning Administrator. The fencing may be located within a required setback area, provided it is setback at least 15 feet from a front or street side lot line. (Development Title Section 9-409.430[b][6])
- j. **LANDSCAPING:** Landscaping shall be provided and comply with the following:
 - 1. This project will be required to comply with the Model Water Efficient Landscape Ordinance Requirement per California Code of Regulations, Title 23, Division 2, Chapter 2.7.
 - 2. A 10-foot-wide landscaping buffer shall be maintained along the facility fencing and between such fencing and the public right-of-way and adjacent residential and agricultural uses. (Development Title Section 9-409.430[b][10])
- k. **LIGHTING:** Lighting shall be provided and comply with the following:
 - 1. All off-street parking areas where the parking area is used at night shall be provided with exterior lighting. (Development Title Section 9-406.060[m])
 - 2. All lighting shall be designed to confine direct rays to the premises. No spillover beyond the property lines shall be permitted, except onto public roads, provided, however, that such light shall not cause a hazard to motorists. (Development Title Section 9-406.060[m][3])
 - 3. All lighting shall be on a time clock or photo-sensor system so as to be turned off during daylight hours and during any hours when the parking area is not in use. This requirement does not apply to security lighting. (Development Title Section 9-406.060[m][2])
- l. **GLARE:** The facility shall be designed to minimize reflective glare towards any habitable structure on adjacent properties and adjacent streets. (Development Title Section 9-409.430[b][8])
- m. **SIGNS:** Sign details shall be consistent with Chapter 9-408 of the Development Title and be included on the Site Plan. All portions of any sign shall be set back a minimum of 5 feet from existing and future right-of-way lines and shall not block pedestrian or vehicle rights-of-way or obstruct drivers' visibility. (Development Title Section 9-408.070[p])
- n. **CALIFORNIA FIRE CODE (CFC):** The following CFC requirements will be applicable to the proposed project. The following conditions shall be addressed prior to submittal of a building permit application to the Building Department:
 - 1. CFC, Section 503 Fire Apparatus Access Roads - Shall be provided as required by this section. 503.1.2 - A secondary access may be required.
 - 2. CFC, Section 1205 Solar Photovoltaic Power Systems-Follow this Chapter.
- o. **BUILDING DIVISION:** The following commercial building permit submittal requirements shall be met:

1. Application Submittal Policy:
 - a. Permit Scope: A Building Permit is required for all proposed new structures.
 - b. Professional Credentials: All Plans must be prepared, signed, and stamped by a California-registered civil engineer or licensed architect.
 - c. Construction Documents: Comprehensive construction plans must be provided.
2. Mandatory Site Plan Elements (See Site Plan Checklist for required information):
 - a. Civil Engineering: Comprehensive storm drainage systems and grading details.
 - b. Access & Parking Infrastructure: Detailed parking and paths of travel layouts, including standard and code-compliant accessible vehicle parking stalls.
 - c. Utilities & Landscaping: On-site electrical distribution, all existing and proposed utility services, and required landscaping.
3. Architectural & Systems Plan Criteria - Architectural designs must verify compliance with current California building codes. Plans must illustrate all interior and exterior spaces, including:
 - a. Spatial Classifications: Occupiable and habitable rooms, hallways, courtyards, assembly spaces, and storage areas.
 - b. Life-Safety & Accessibility: Site amenities, public/private restroom facilities, emergency paths of travel for egress, and accessibility features.
 - c. Mechanical, Electrical, & Plumbing (MEP): Fully integrated designs for HVAC, plumbing, and electrical systems engineered to support all proposed spaces.
4. Geotechnical Documentation:
 - a. Soils & Foundation Investigation: foundation and soils investigation reports shall comply with Chapter 18 of the California Building Code.
- p. **MITIGATION MONITORING AND REPORTING PROGRAM:** The project shall comply with all required mitigations included in the MMRP dated September 24, 2026.
2. DEPARTMENT OF PUBLIC WORKS (Contact: [209] 468-3000)
 - a. An encroachment permit shall be required for all work within the 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. The driveway approach shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. 17 prior to issuance of the occupancy permit. (Development Title Section 9-607.040)
 - c. The Traffic Impact Mitigation Fee shall be required for any incremental traffic resulting from this application. The fee is due and payable at the time of building permit application. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolution R-00-433)
 - d. The Regional Transportation Impact Fee shall be required for any incremental traffic resulting from this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)

- e. The Water Supply Facilities Impact Mitigation Fee shall be required for this development. The fee is due and payable prior to issuance of the building permit. The fee will be based on the current schedule at the time of payment. (Development Title Section 9-803.020 and Resolutions R-91-327, R-94-185 and R-97-5)
 - f. The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-606)
 - g. A copy of the Final Site Plan shall be submitted prior to release of building permit.
 - h. This project is subject to the NPDES Region-Wide Permit requirements and shall comply with the following conditions. Prior to release of the building permit, plans and calculations shall be submitted and approved by the Public Works Department – Water Resources Division (209-468-9360):
 - 1. Treatment: A registered professional engineer shall design the site to treat the 85th percentile storm as defined in the County's 2023 Storm Water Quality Control Criteria Plan (SWQCCP).
 - 2. Hydromodification: A registered professional engineer shall design the site to comply with the volume reduction requirement outlined in the County's 2023 SWQCCP
 - 3. Trash: A registered professional engineer shall design the site to comply with the trash control requirement outlined in the County's 2023 SWQCCP.
 - i. Prior to release of the building permit, the owner shall enter into an agreement with San Joaquin County for post-construction maintenance of stormwater quality facilities.
 - j. Prior to release of the building permit the applicant shall submit a Storm Water Quality Control Plan (SWQCP) to Public Works that complies with all requirements of the 2023 SWQCCP
 - k. Prior to release of the building permit the applicant shall submit the Storm Water Pollution Prevention Plan (SWPPP) to Public Works. A copy of the approved SWPPP and all required records, updates, test results and inspection reports shall be maintained on the construction site and be available for review upon request.
 - l. Applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity". The Waste Discharge Identification Number (WDID), issued by SWRCB, shall be submitted to Public Works prior to release of the building permit. Contact the SWRCB at 1-866-563-3107 for further information.
3. ENVIRONMENTAL HEALTH DEPARTMENT (Contact: [209] 468-3420)
- a. 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)).
4. SAN JOAQUIN COUNCIL OF GOVERNMENT (Contact: [209] 235-0600)
- a. This project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The applicant must provide a Certificate of Payment prior to issuance of any grading or building permits.
5. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (Contact: [916] 767-8444)

- a. The Project must be planted with deep-rooted native flowers and grasses that capture and filter storm water, build topsoil, and provide abundant and healthy food for bees and other insects that provide critical services to our food and agricultural systems.