
**SAN JOAQUIN
LOCAL AGENCY FORMATION COMMISSION**

LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

**Local Agency Formation Commission Meeting Agenda
Thursday, January 14, 2021 9:00 A.M.**

In accordance with the Governor's Executive Order N-33-20, and for the period in which the Order remains in effect, the San Joaquin Local Agency Formation Commission's office will be closed to the public.

To accommodate the public during this period of time that the Board's Chambers are closed to the public, the San Joaquin Local Agency Formation Commission has arranged for Commission Members and members of the public to observe and address the meeting virtually.

TO ATTEND:

Join Zoom Meeting:

<https://us02web.zoom.us/j/81873865295?pwd=aVFqQlZ6R2s2QzJFRTRFXQXg0Ym5EUT09>

Meeting ID: 818 7386 5295

Passcode: 792792

Dial by phone +1 669 900 6833

Note: If you don't have access to a smart device or a computer with a webcam & a mic, you can dial in using the teleconference number and meeting ID above.

Attention Callers: Please mute the call unless speaking.

*****To be recognized to speak, please use the "raise hand" or chat feature in Zoom. ***
We have also provided a call-in number, as identified on this Agenda, and encourage you to attend by telephone. ***To be recognized to speak, press *9 to signal the moderator.*****

Download Agenda Packet and Materials at: www.sjgov.org/commission/lafco

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Call to Order
Announce Date and Time of Meeting for the Record
Roll Call
Pledge of Allegiance

Recognition of Service for Jesús Andrade

CONSENT ITEMS

1. MEETING MINUTES OF OCTOBER 8, 2020
(Action by All Members)
Approve Summary Minutes of the regular meeting.
2. OUT-OF-AGENCY SERVICE REQUEST
Request from the City of Stockton to provide out-of-agency sewer service outside the City boundary under Government Code §56133 to 215 W. Lowell Avenue, 36 N. Adelbert Avenue, 1845 Anita Street, 1857 Anita Street, 2275 E. Willow Street , 750 S. Oro Street, and 4105 Horner Avenue in Stockton.

PUBLIC HEARING

3. THE AVENUES REORGANIZATION TO THE CITY OF TRACY
(LAFC 22-20)
(Action by Regular Members)
Request to annex approximately 97 acres to the City of Tracy.
4. TRA VIGNE REORGANIZATION TO THE CITY OF STOCKTON
(LAFC 16-20)
(Action by Regular Members)
Request to annex approximately 343.27 acres to the City of Stockton.

ACTION ITEMS

5. PROPOSED TRANSFER OF JURISDICTION FROM SAN JOAQUIN COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFC 32-20)
(Action by Regular Members)
Proposed transfer of jurisdiction from San Joaquin LAFCo to Contra Costa LAFCo for annexation proceedings for Lawrence Annexation to Bryon-Bethany Irrigation District.
6. ELECTION OF CHAIR AND VICE-CHAIR
(Action by All Members)
Election of Chair and Vice-Chair to serve during the 2021 calendar year.

SPECIAL MATTERS

7. COMMISSION MEETING CALENDAR FOR 2021
8. EMERGENCY OUT – OF- AGENCY SERVICE APPROVAL
Administrative approval of a request from the City of Stockton for an emergency Out-of-Agency water service for properties located at 5 N. Wagner Avenue and 3211 S. Fairmont Avenue, Stockton

PUBLIC COMMENTS

9. Persons wishing to address the Commission on matters not otherwise on the agenda

EXECUTIVE OFFICER COMMENTS

10. Comments from the Executive Officer

COMMISSIONER COMMENTS

11. Comments, Reports, or Questions from the LAFCO Commissioners

ADJOURNMENT

LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

**SUMMARY MINUTES
October 8, 2020**

VIDEO CONFERENCE

Chairman Andrade called the meeting to order at 9:01 a.m.

MEMBERS PRESENT: Commissioners Andrade, Johnson, Krumeich, Patti, and Villapudua.

MEMBERS ABSENT: Commissioner Krumeich

ALTERNATE MEMBERS PRESENT: Commissioners Bretenbucher, Morowit and Winn

ALTERNATE MEMBERS ABSENT: None

OTHERS PRESENT: James Glaser, Executive Officer; Rod Attebery, Legal Counsel; Elizabeth Contreras, Analyst and Mitzi Stites, Commission Clerk

CONSENT ITEMS

A motion was made by Commissioner Patti and seconded by Commissioner Johnson to approve the Consent Calendar.

The motion for approval of the Summary Minutes of August 13, 2020 meeting was passed by a unanimous vote of the Commission.

The motion for approval for the out-of-agency service request to property located at 7507 Andrea Avenue, Stockton, was passed by a unanimous vote of the regular voting members of the Commission.

ACTION ITEMS

4. REQUEST FOR TIME EXTENSION FOR GUDEL ANNEXATION TO CSA 29 (LAFCo 25-18)
(Action by Regular Member)
Request for One-Year Time Extension to complete Conditions of Approval for Gudel Annexation to CSA 29, Forest Lake Ranchettes.

Mr. James Glaser, Executive Officer, presented a PowerPoint presentation showing the timeline of the Gudel annexation. On September 13, 2018, the Commission approved the annexation of the Gudel properties to County Service Area No. 29 for the development of two major subdivisions. The Commission had placed a condition on their approval stating that the Certificate of Completion will not be recorded until a Proposition 218 process has been completed. Government Code Section 57001 requires that all conditions of approval for an annexation be satisfied within one year of Commission approval. On August 8, 2019 the Commission granted the County Public Works a one-year extension to complete the Proposition 218 process with an expiration date of September 13, 2020. County Public Works Department has submitted a request for an additional one-year extension. Staff recommended that Commission grant a one-year time extension to September 13, 2021 to Gudel Annexation to CSA 29-Forest Lake Ranchettes to complete the Conditions of Approval.

Chairman Andrade opened this matter to Public Hearing.

Chairman Andrade opened the floor to Commissioner Comments.

No comments were made.

Chairman Andrade closed the floor to Commissioner Comments.

Chairman Andrade opened the floor to Public Comments.

No one came forward.

Chairman Andrade closed the floor to Public Comments.

Moved by Commissioner Patti seconded by Commissioner Breitenbucher to approve a one-year extension to September 13, 2021 to Gudel Annexation to CSA-29-Forest Lake Ranchettes to complete the Conditions of Approval. Motion was passed by a unanimous vote of the Commission.

Roll Call Vote:

Ayes: Commissioner Breitenbucher, Johnson, Patti, Villapudua and Chairman Andrade

Nos: None

Absent: Commissioner Krumeich

PUBLIC HEARING

4. PEREIRA REORGANIZATION TO THE CITY OF RIPON (LAFC 25-18)
(Action by Regular Members)
Request to annex approximately 17.19 acres to the City of Ripon with concurrent detachment from San Joaquin Resources Conservation District

Mr. James Glaser, Executive Officer, presented a PowerPoint presentation. The City of Ripon submitted a proposal to annex approximately 17.9 acres consisting of two parcels and portions of two adjacent properties located in the northeast corner of North Ripon Road and East Boesch Drive and John Roos Avenue in Ripon. The City of Ripon is requesting this reorganization for the development of approximately 47 single-family residential units.

Mr. Glaser, Executive Officer, stated that he would like to amend section 3b in Resolution 1437 to read, Applicant shall be required to complete a lot line adjustment or dedication to meet the requirement that full assessor parcels or streets be annexed.

In order for an annexation to be approved, there needs to be a line of assessment or property line and as of now, this project does not have any. The Executive Officer can hold the filing of the Certificate of Completion until the conditions are met.

Staff recommends that the Commission approve Resolution 1437 approving the annexation of 17.19 acres to the City of Ripon with concurrent detachment from the San Joaquin County Resource Conservation District.

Chairman Andrade opens the Public Hearing on this matter.

Chairman Andrade opened the floor to Commissioner Comments.

No comments were made.

Chairman Andrade closed the floor to Commissioner Comments.

Chairman Andrade opened the floor to Public Comments.

Doug Ledebor, President, Highland Partners Group, Inc. stated that he has been working on this project for three years and wanted to thank Mr. Glaser for his work on getting this project to the Commission. This is a well planned urban project that includes affordable housing.

Commissioner Johnson inquired how much affordable housing is in this project.

Mr. Ledebor, President, Highland Partners Group, Inc., stated that this project is in compliance with the City of Ripon ordinance that will include 10% affordable housing units in this development.

Commissioner Winn stated that this project is a good fit with the neighborhood and the City of Ripon. The City ordinance that includes affordable housing was approved in 2002 and one of the stipulations is that the affordable units needs to match in appearance with the development.

Mr. Ken Zuidervaart, City of Ripon, wanted to thank Mr. Glaser for his hard work on this project. He also stated that JB Anderson Planning, who put the application together, is available for any comments.

Chairman Andrade closed the floor to Public Comments.

Moved by Commissioner Patti seconded by Commissioner Villapudua to approve the amended Resolution 1437 approving the Pereira Reorganization to the City of Ripon with concurrent detachment from the San Joaquin County Resource Conservation District.

Roll Call Vote:

Ayes: Commissioner Breitenbucher, Johnson, Patti, Villapudua and Chairman Andrade

Nos: None

Absent: Commissioner Krumeich

PUBLIC COMMENTS

5. Persons wishing to address the Commission on matters not otherwise on the agenda.

No one came forward.

EXECUTIVE OFFICER COMMENTS

7. Comments from the Executive Officer

James Glaser, Executive Officer, informed the Commission that there will be no November meeting. Staff is currently working on various projects, all at different stages, throughout the County. Mountain House is at the beginning stage of incorporation. They are currently deciding if it should be initiated through the Board of Directors of Mountain House or by the voters. City of Tracy has two projects, one is The Avenues which is close to being accepted and Tracy Village. Tracy Village was approved by the Commission in late 2019 but went to election. This election went in favor of annexation and now the Certificate of Completion can be filed. In the City of Manteca there are the Machado Estates project, Hat Ranch and a project on Airport Way. There is also a proposal in the City of Lathrop for a Maverick Service Station on Roth Road, west side of I-5. In Stockton, there is Tra Vigne, Archtown, and a new industrial site that is in the vicinity of the Hoggan Project. In French Camp Area, there is development to add restaurants and a hotel near the new Veterans facility that is underway. The application would involve annexation to the City of Stockton. We are still reviewing the consolidation of Stockton East Water District and Central San Joaquin Water Conservation District and the City of Lodi has started the process of a Municipal Service Review Update.

Commissioner Patti inquired if David Kwong with the County Community Development Department has contacted LAFCo regarding updates on County Projects.

Mr. Glaser, Executive Officer, stated that he has not been contacted by Mr. Kwong but will be happy to work with him.

Chairman Andrade inquired on the location of the development interest in French Camp.

Executive Officer, stated that the project is on the south side of French Camp Road and Manthey Road.

COMMISSIONER COMMENTS

8. Comments, Reports, or Questions from the LAFCO Commissioners

No Comments made

The meeting adjourned at 9:44 a.m.

LAFCo

509 W. WEBER AVENUE SUITE 420 □ STOCKTON, CA 95203

EXECUTIVE OFFICER'S REPORT

January 14, 2021

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: **CITY OF STOCKTON OUT-OF-AGENCY SERVICE REQUESTS**

Recommendation

It is recommended that the Commission approve the requests from the City of Stockton to provide out-of-agency sewer service under the Government Code §56133 to properties located at 215 W. Lowell Avenue, 36 N. Adelbert Avenue, 1845 Anita Street, 1857 Anita Street, 2275 E. Willow Street, 750 S. Oro Street, and 4105 Horner Avenue in Stockton.

Background

Government Code Section §56133 states that the Commission may authorize a city or special district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization and that prior to providing new or extended service, the city or district must first receive approval from LAFCo. The Commission adopted a policy that conditions their approval for out-of-agency service requiring the recordation of an agreement with the landowner consenting to annexation of their property when annexation becomes feasible.

The City of Stockton submitted requests for approval to extend sanitary sewer services to single family residences outside the city limits but within the City's sphere of influence. A vicinity map is attached showing the locations of each out-of-agency request. Connections to City sewer lines are available to the properties and the property owners have paid the appropriate connection fees to the City. The requests for out-of-agency service are in compliance with the Government Code §56133 and Commission policies. Staff recommends approval of the attached Resolution 1438 approving out-of-agency services.

Attachment: Resolution No. 1438
Vicinity Map

Resolution No. 1438

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION
APPROVING AN OUT-OF-AGENCY SANITARY SEWER SERVICE FROM THE
CITY OF STOCKTON TO 215 W. LOWELL AVENUE, 36 N. ADELBERT AVENUE,
1845 ANITA STREET, 1857 ANITA STREET, 2275 E. WILLOW STREET, 750 S. ORO
AVENUE, AND 4105 HORNER AVENUE IN STOCKTON**

WHEREAS, the above-reference requests have been filed with the Executive Officer of the San Joaquin Local Agency Formation Commission pursuant to §56133 of the California Government Code.

NOW THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Said out-of-agency service request is hereby approved.

Section 2. The proposal is found to be Categorically Exempt from CEQA.

Section 3. The proposal is subject to the following conditions:

- a. Prior to connection to the city sewer or water, the City of Stockton shall record a covenant and agreement with the property owners to annex to the City of Stockton in a form acceptable to the Executive Officer.
- b. This approval and conditions apply to current and future property owners.

PASSED AND ADOPTED this 14th day of January 2021, by the following roll call votes:

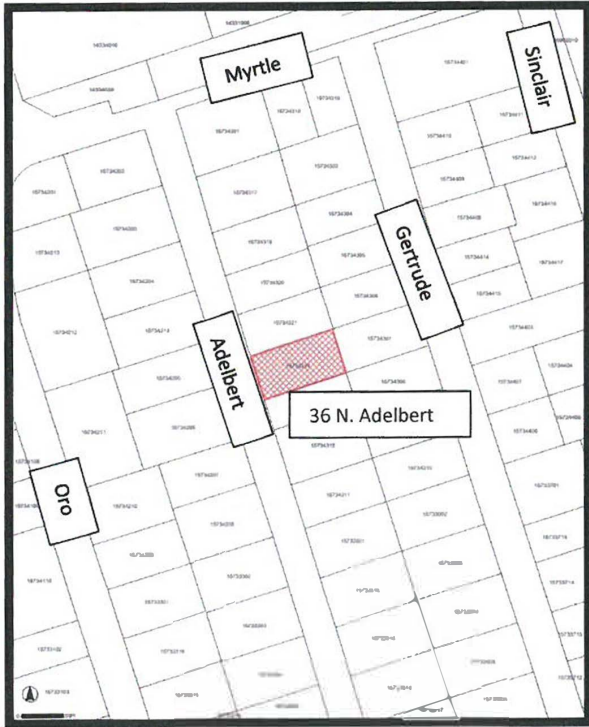
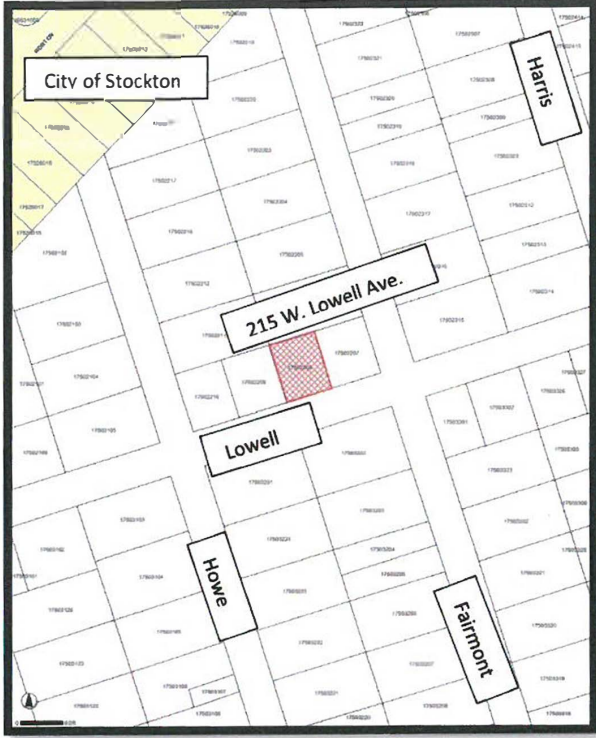
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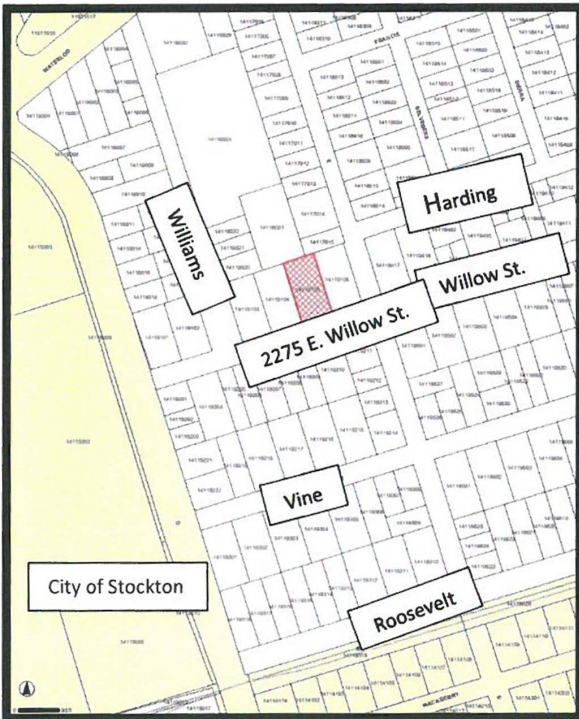
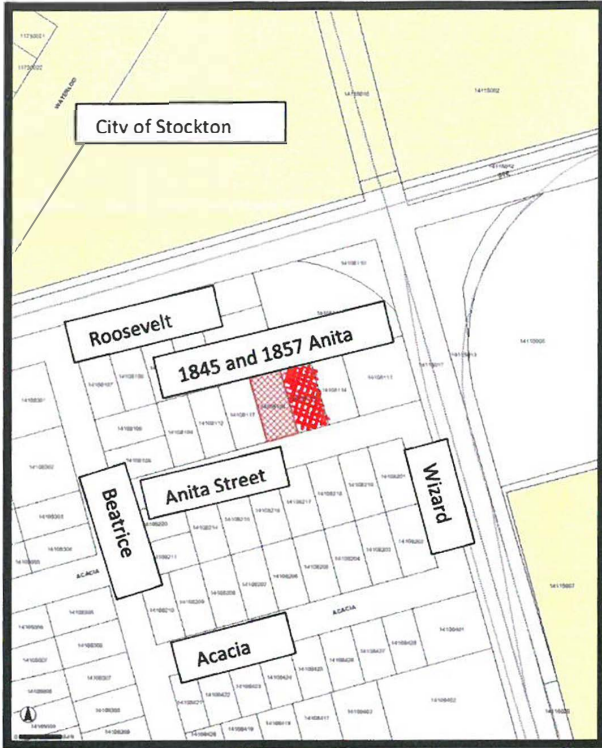
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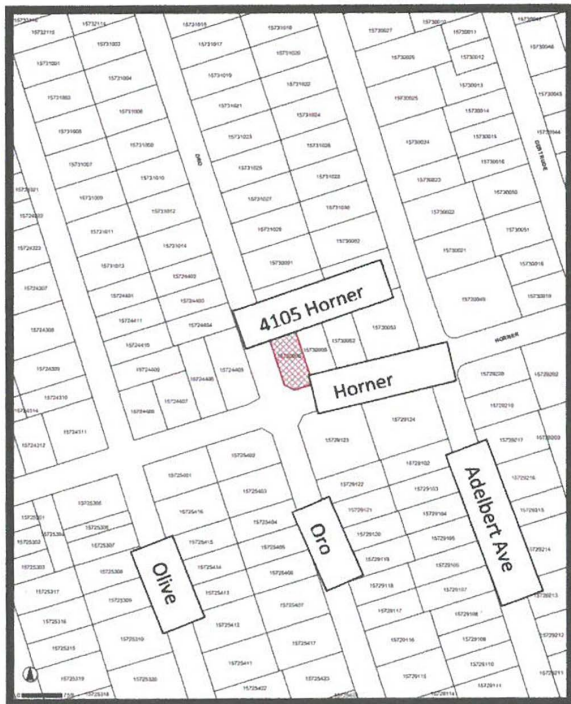
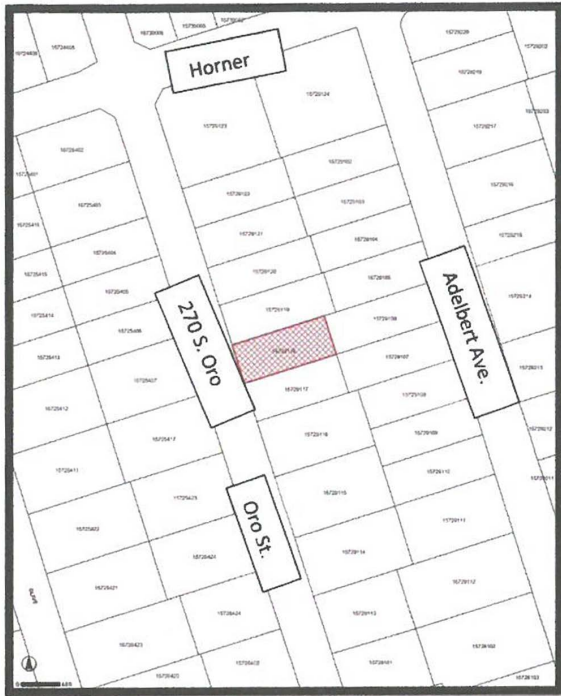
ABSENT:

Chairman
San Joaquin Local Agency
Formation Commission

Res. No. 1438
01-14-21







LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

EXECUTIVE OFFICER'S REPORT

PROJECT:	AVENUES REORGANIZATION TO THE CITY OF TRACY (LAFCo 22-20)
PROPOSAL:	Annexation of two parcels and a portion of Valpico Road of approximately 97 acres to the City of Tracy with concurrent detachments from the Tracy Rural Fire District and the San Joaquin County Resource Conservation District.
APPLICANT:	City of Tracy
LOCATION:	Between Lammers Road and Corral Hollow Road along the southern side of Valpico Road (Exhibit A: Vicinity Map)
PURPOSE:	The applicant proposes development of 380 to 480 residential units and open space uses. (Exhibit B: Justification of Proposal)
PROCESS:	Proposed annexation area is uninhabited and has 100% owner-consent

RECOMMENDATION

It is recommended that the Commission approve Resolution No. 1439 approving the annexation of approximately 97 acres to the City of Tracy with concurrent detachments from the Tracy Rural Fire District and San Joaquin County Resource Conservation District.

BACKGROUND

The Tracy City Council adopted the Avenues Specific Plan in September 2018 providing a land use and development plan for the proposed annexation area and rezoned the site as the Avenues Specific Plan Zone (Exhibit C: City Resolution). The Avenues Specific Plan provides for the development of approximately 380 to 480 housing units of mixed sizes and a 4-acre neighborhood park. The proposed annexation site is north and adjacent to the Ellis Specific Plan and is intended to complement this residential subdivision in street design, architecture, and amenities. Some municipal services to the Avenues will be accomplished by the extension of existing infrastructure from the Ellis Specific Plan.

A Municipal Service Review (MSR) and 10-Year Sphere of Influence was approved by the Commission in July 2019. The Avenues Specific Plan area was included in the analysis and the 10-year planning horizon.

ENVIRONMENTAL

The City of Tracy certified a Mitigated Negative Declaration (State Clearinghouse No. 2018072045) and adopted a Mitigation Monitoring and Reporting Program for the project on September 4, 2018. LAFCo, as a Responsible Agency must consider the City's environmental report and make findings upon approval of the project. (Exhibit D: Notice of Determination)

PROPERTY TAX EXCHANGE

Pursuant to the Revenue and Taxation Code, the County and City must have an agreement in place that would determine the exchange of property tax revenues from jurisdictional changes. The County/Tracy Master Tax Sharing Agreement was approved on March 24, 2020.

FACTORS

The Cortese-Knox-Hertzberg Local Government Reorganization Act requires fifteen factors to be considered by a LAFCO when evaluating a proposal for a change in organization or reorganization to a City. Factors to be considered shall include, but are not limited to the following (Government Code Sections 56668):

(a) Population and population density, likelihood of significant growth during the next 10 years

The annexation site is currently undeveloped and is used for agricultural production. Lands to the east and west of the site are in agricultural uses, however, the lands to the east are designated as low density residential in the General Plan. To the south is the Ellis Specific Plan, a residential subdivision on 320 acres consisting of approximately 2,250 residential housing units, a Village Center, retail and commercial uses. In October 2019, the Commission approved the Tracy Village annexation project located in the vicinity of the Avenues to the east of Corral Hollow Road. The election approving the annexation occurred on August 25, 2020. Tracy Village was annexed for the purpose of developing an age-restricted community of 590 single-family homes.

In order to ensure that orderly growth occurs within the City, the City adopted a Growth Management Ordinance (GMO) in 1987. The GMO restricts the number of residential units allowed between 2008 and 2025 to 8,419 units. A Residential Growth Allotment (RGA) must be obtained for each unit prior to securing a building permit. Population growth is planned for the area but will be managed under the City's GMO.

(b) The need for organized community services and present cost and adequacy of governmental services; probable future needs and effects of the annexation on the costs and adequacy of services

Essential governmental services which are provided to the subject area at the present time which will be provided after the proposal is finalized, are indicated in the following chart:

SERVICE	CURRENT PROVIDER	AFTER ANNEXATION
Law Enforcement	County Sheriff's Office	City
Fire Protection	Tracy Rural Fire District	City
Water	None	City
Sewer	None	City
Drainage	None	City
Irrigation	Byron Bethany Irrigation District	Byron Bethany Irrigation District
Schools	Tracy Unified School District Jefferson Elementary	Tracy Unified School District Jefferson Elementary

Planning	County	City
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The proposed project would not result in a significant impact to any public services or facilities. The annexation and development of the Avenues had been evaluated in the City's General Plan and its Municipal Service Review. The Avenues project will participate in the implementation of the City's Master Plans or Ellis Program by payment of fees, and/or the construction of improvements, which will include credit and reimbursement agreements to ensure adequate services are provided to the annexation site.

(c) The effect of the proposed action and of alternative actions, adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

The proposed action will not have an effect on any social interests or any effect on economic interests as the landowner applied for annexation. There will be no effect of the proposed action on the local governmental structure of the county.

(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.

Section 56377 requires that the Commission, in reviewing proposals that would reasonably induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, to consider the following policies and priorities:

(1) Development of land for other than open-space uses shall be guided away from existing prime agricultural lands towards areas containing nonprime agricultural land unless that action would not promote the planned, orderly, and efficient development of the area; and

(2) Development of existing vacant or non-prime agricultural lands for urban uses within the jurisdiction or within the sphere of influence should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open space uses outside of the jurisdiction or sphere of influence.

The Avenues annexation site meets LAFCo's definition of prime agricultural lands. Development of the project will result in converting 95 acres of prime agricultural land to urban uses. The Commission must consider if the project conforms to their policies and the policies of the Government Code 56377 and that the project provides planned, orderly, and efficient patterns of urban development. The City has submitted a Statement of Open Space (Ag) Conversion (Exhibit E) for the Commission's consideration. The City provided the following in support of the project:

- Conversion of ag land to urban uses is addressed in the City's General Plan and the General Plan Final EIR.
- The EIR found that conversion of ag land to urban uses is a significant and unavoidable impact.
- The City adopted mitigation measure including a Right to Farm Ordinance, participation in the City's Agricultural Mitigation Fee Program, and the County Multi-Species Habitat Conservation and Open Space Plan
- The project meets the City's objective of providing for contiguous urban growth and extension of urban services
- The Avenues is a logical extension with the planned development of the Ellis Specific Plan area including the ability to maximize the use of existing public services and infrastructure
- The Avenues is within the City's 10-year planning horizon

To address LAFCo's policy and Government Code Section 56377 the City completed an inventory of vacant land within the Tracy city limits. (Exhibit F: Vacant Land Inventory). The inventory shows that lands available for residential development were not suitable for the Avenues project both in residential development character and size. In addition, the vacant properties presented other challenges including lack of interest for immediate development or issues with connection to infrastructure

systems. The vacant sites inventoried totaled 48.6 acres, approximately half of the proposed Avenues project area.

(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

Agricultural lands are defined as land that are currently used for the purpose of producing an agricultural commodity for commercial purposes. The annexation site is currently undeveloped and being used for agricultural production. It is currently zoned by the County as AU-20 (Agriculture-Urban Reserve) for the purpose of retaining the land in agriculture until it is developed. The City's General Plan designates the site as Residential Low intended for single-family dwelling units. The General Plan zoning as well as the County's zoning designation is an indication of the intent that the area would be developed into residential uses.

(f) The definiteness and certainty of the boundaries of the territory.

The annexation area is consistent with LAFCo's policy requiring full assessor parcels be annexed.

(g) A regional transportation plan adopted pursuant to Section 65080 and consistency with city or county general and specific plans.

The 2020 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) serves as the region's long-range transportation plan and provides guidance for decisions about transportation spending priorities. The proposal is consistent with the City's General Plan and other applicable planning documents.

(h) The proposal's consistency with city or county general and specific plans

On September 4, 2018, the City adopted the Avenues Specific Plan and amended the City Ordinance to create the Avenues Specific Plan Zone. The project is consistent with the General Plan land use designation of Residential Low and consistent with the goals and policies of the Land Use and Housing Element.

(i) The sphere of influence of any local agency, which may be applicable to the proposal being received.

The Avenues is within the Tracy Rural Fire District and will be detached upon annexation. The site is also within the Byron Bethany Irrigation District (BBID) but will not detach. BBID provides raw water for treatment and retail delivery to areas in the City where the boundary overlaps with BBID.

(j) The comments of any affected local agency or other public agency.

The proposal was distributed to local and affected agencies for their review and comment. (Exhibit G: Referral Comments)

Environmental Health Department: The agency recommends that existing wells or septic systems to be abandoned and shall be destroyed or conducted under permit and inspection by EHD.

County Public Works Department: Requests that the City enter into an agreement with the County to maintain that section of roadway until such time in the future as it is annexed especially due to the improvements that will be made to this segment as part of their upcoming signalization of the Corral Hollow Road/Valpico Road intersection.

LAFCo has forwarded the County Public Works Department comments to the City for follow-up. The City of Tracy (December 30, 2020) responded to the County's request. While the City is willing to work with the County on the improvements, transitions, and maintenance of the intersection of Valpico Road and Corral Hollow Road, the City respectfully disagrees with the request to fully maintain approximately 1,500 feet of roadway along Valpico Road, west of Corral Hollow Road. LAFCo has no jurisdiction over

the matter of road maintenance responsibilities for this segment of Valpico Road. This issue should be addressed by City and County without LAFCo's involvement.

(k) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

The City will extend municipal services to the proposed annexation area. As required by Government Code § 56653 the City submitted a plan for providing services (Exhibit H: City Services Plan). GC 56653 requires that the plan address the following: 1) an enumeration and description of services to be provided; 2) the level and range of those services; 3) an indication of when those services can feasibly be extended; 4) improvements or upgrading of services or other conditions that would be imposed or required by the annexation; and 5) how the services will be financed. Detailed information can be found in the City's Services Plan.

Water: The City's water supply is provided by various sources including surface water from the Central Valley Project, surface water delivered by South San Joaquin Irrigation District, and groundwater from City wells. The City purchases municipal water from Bryon-Bethany Irrigation District. A Citywide Water System Master Plan was completed in December 2012 which identified required potable and recycled water system facilities required to serve the buildout of the City's General including existing and future service areas within the Sphere of Influence.

Water service to the proposed development will include the extension of a 12" water main in Summit Drive through the Avenues site with an emergency Pressure Reducing Valve at the connection to the planned 12" Zone 3 water main, under construction by Ellis, at the southerly project boundary to the existing 24" water main in Valpico Road.

Stormwater: The proposed storm drain system for the Avenues annexation area will consist of a conventional on-site storm drain system with mains catch basins, and manholes designed in accordance with the City's Storm Drainage Master Plan and City standards. Connection will be required by the extension to the existing 54" storm drain main in Summit Drive, recently constructed by the Ellis project, to Valpico Road.

Sewer: The City will provide wastewater collection and treatment upon annexation. The project will connect to an existing 18" sanitary sewer main in Corral Hollow Road near the intersection of Parkside Drive which flows northerly and on to the City of Tracy Wastewater Treatment Plant on Holly Drive, north of Interstate 205. The City indicates that the treatment facility has the capacity to receive and treat the effluent anticipated to be produced by the project. The City has completed its Wastewater Master Plan in 2012 which identifies infrastructure requirements for the wastewater treatment and conveyance based on wastewater flows from existing and future service areas. The Avenues project was included in the Master Plan and will participate in the implementation of the Master Plan through the payment of fees and/or construction of facilities.

Police: Law enforcement services are currently provided by the County Sheriff's Office and will be provided by the City's Police Department (SPD) upon annexation. The police department is located at 1000 Civic Center, approximately 3.5 miles north of the site. The City reports that Priority 1 calls within the City limits are approximately six to eight minutes, while response times for Priority 2 and 3 calls are on average 22 minutes. The City indicates that no new or expanded police facilities would be necessary to serve the Avenues.

The City has imposed a condition of approval requiring the developer to establish and fund a Community Facilities District to pay for ongoing operational costs for police services. Other revenue will be generated from property taxes, sales taxes and other revenue generated citywide.

Fire: The project site will detach from the Tracy Rural Fire District and the City of Tracy will become responsible for fire services. The City will provide fire services through the South San Joaquin County Fire Authority (SSJCFA), a Joint Powers Authority whose membership includes the City of Tracy and Tracy Rural. The City and Tracy Rural share the costs of providing fire service according to a cost-sharing formula agreed upon under the SSJCFA. The City may need to increase its contribution to SSJCFA as a result of this annexation. LAFCo annexation policies require that the loss of financial resources due to detachment be mitigated by the annexing agency if financial loss will negatively impact the detaching fire district. LAFCo's policies state that the Commission will consider any significant adverse effect upon other services recipients serving the area. Significant adverse effects shall include the effect of proposals that negatively impact special districts' budgets or service or require the continuation of service without the provision of adequate funding. The Auditor's office has indicated that the annual loss of revenue to Tracy Rural Fire as a result of detachment is \$763.80. Tracy Rural Fire has not indicated that it would be negatively impacted by the Avenues annexation. Tracy Rural expects that its revenues will continue to grow from service charges, property taxes, sales and uses taxes, etc. as development continues to occur on properties annexed to the City but were not detached from Tracy Rural. The City's MSR determined that both the City and Tracy Rural have the financial ability to provide fire services within the City and its sphere of influence.

The nearest City fire station is located at 595 West Central Avenue, approximately 1.7 miles from the annexation site. The City anticipates that response times to the center of the annexation site will be within four minutes and twenty-two seconds 90 percent of the time. In addition, the annexation site is within the effective response force (ERF) standard of 16 fire personnel on the scene within 8 minutes. A new Station is planned adjacent to the project site along Valpico Road.

(k) Timely availability of water supplies adequate for projected needs as specified in Government Code Section 65352.5.

The City prepared a Statement of Timely Availability of Water Supplies (Exhibit I). The City prepared an Urban Water Management Plan (UWMP) that evaluates potential population growth and the availability of water based on existing water use patterns. The UWMP determined that water supplies would exceed demands for average, single dry year, and multiple dry years from 2020 to 2040. The UWMP also considered water usage from the development using the average usage per industrial connection. The UWMP concluded that sufficient water supplies existed for the development.

(m) The extent to which the proposal will affect a city and the county in achieving their respective fair share of the regional housing needs

The City's Regional Housing Needs Allocation for the period 2014-2023 is 4,976 housing units. Of those, 2,463 are allocated for the above to moderate income (\$43,012 to \$64,517 annual income) category. The annexation proposal would create 380 to 480 new housing units, all of which fall into the above-moderate category.

(n) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

No information or comments have been received from landowners, voters, or residents of the affected territory.

(o) Any information relating to existing land use designations.

There is no other land use information related to this project.

(p) The extent to which the proposal will promote environmental justice. This means the fair treatment and meaningful involvement of people of all races, cultures, incomes and notional origins with respect to the location of public facilities and the provision of public services to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.

The project does not result in the unfair treatment nor meaningful involvement of disadvantaged people with respect to the location of public facilities and provision of public services.

DISCUSSION

The Cortese-Knox-Hertzberg Reorganization Act of 2000 provides guidance to local LAFCo's in the review of proposals for reorganizations. This staff report provides a summary of the review factors for consideration by the Commission in its review of the annexation proposal. The project represents a logical extension of the City boundary and provides for the orderly development of this area of the City. The proposed development has been addressed in the City's General Plan and the MSR/SOI Plan approved by the Commission indicating that adequate services can be provided by the city. The City Services Plan addresses in more detail how the services will be provided to the annexed area.

Attachments: LAFCO Resolution No. 1439

- Exhibit A: Vicinity Map
- Exhibit B: Justification of Proposal
- Exhibit C: City Resolution
- Exhibit D: Notice of Determination
- Exhibit E: Statement of Open Space (AG) Conversion
- Exhibit F: Vacant Land Inventory
- Exhibit G: Referral Comments
- Exhibit H: Response to Comments
- Exhibit I: City Services Plan
- Exhibit J: Statement of Timely Availability of Water Supplies

RESOLUTION NO. 1439

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION APPROVING
THE AVENUES REORGANIZATION TO THE CITY OF TRACY
WITH CONCURRENT DETACHMENTS FROM THE TRACY RURAL FIRE PROTECTION
DISTRICT AND THE SAN JOAQUIN COUNTY RESOURCE CONSERVATION DISTRICT
(L AFC 22-20)**

WHEREAS, the above entitled proposal was initiated by resolution by the City of Tracy and on November 11, 2020 the Executive Officer certified the application filed for processing in accordance with the Local Government Reorganization Act of 2000; and

WHEREAS, the Commission held a telephonic public hearing on the proposed reorganization on January 14, 2021, pursuant to notice of hearing which was published, posted, and mailed in accordance with State law; and

WHEREAS, in accordance with Governor's Executive Order N33-20, LAFCo has arranged for members of the public to observe and address the meeting telephonically and by Zoom.

WHEREAS, at said hearing the Commission heard and received evidence, both oral and written regarding the proposal and all persons were given an opportunity to address the hearing telephonically; and

WHEREAS, the City of Tracy certified and adopted a Mitigated Negative Declaration (State Clearinghouse No. 2018072045) and adopted a Mitigation Monitoring and Reporting Program for the Avenues Reorganization Project;

WHEREAS, the subject territory is uninhabited and has 100% owner consent;

WHEREAS, the Commission has, in evaluating the proposal considered the report submitted by the Executive Officer, the factors set forth in Section 56668 of the California Government Code and testimony and evidence presented at the public hearing held on January 14, 2021.

NOW, THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Certifies that, as a Responsible Agency, the Commission has independently reviewed and considered the Mitigated Negative Declaration (State Clearinghouse 2018072045) and adopts the Mitigation Monitoring and Reporting Program as certified by the City of Tracy.

Section 2. Finds that the proposal is uninhabited and has 100% owner consent.

Section 3. Approves the annexation of the Avenues Reorganization to the City of Tracy with concurrent detachments from the Tracy Rural Fire District and the San Joaquin County Resource Conservation District with the boundary description attached hereto as Exhibit A.

Section 4. Finds, pursuant to Government Code Section 56856.5, the reorganization is necessary to provide services to a planned, well-ordered, and efficient urban development pattern that includes appropriate consideration of the reservation of open-space lands within those urban development patterns.

PASSED AND ADOPTED this 14th day of January 2021 by the following roll call vote:

AYES:

NOES:

ABSENT:

, CHAIRMAN
San Joaquin Local Agency
Formation Commission



Source: Google Earth, 2017

FIGURE 2: Vicinity Map
Avenue Specific Plan Initial Study/Environmental Checklist
City of Tracy



San Joaquin Local Agency Formation Commission

509 West Weber Avenue Stockton, CA 95203
209-468-3198 FAX 209-468-3199

JUSTIFICATION OF PROPOSAL

Please complete the following information to process an application under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: (Indicate N/A if Not Applicable)

SHORT TITLE OF THE PROPOSAL: Avenues Annexation

TYPE OF PROPOSAL

- | | | |
|---|--|---|
| <input type="checkbox"/> City Incorporation | <input type="checkbox"/> Sphere of Influence Amendment | <input type="checkbox"/> District Formation |
| <input type="checkbox"/> Consolidation | <input type="checkbox"/> Sphere of Influence Update | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Detachment | <input type="checkbox"/> Addition of Services | <input type="checkbox"/> District Dissolution |
| X Reorganization (involving an Annexation and Detachment(s)) | | |

AGENCY CHANGES RESULTING FROM THIS PROPOSAL

Agency or Agencies gaining territory: City of Tracy

Agency or Agencies losing territory: San Joaquin County Resource Conservation District and
Tracy Rural Fire Protection District

NOTIFICATION

Please indicate the names, addresses and telephone numbers of all Applicants, Applicant's Agents, and all affected Agencies who are to receive the hearing notice and the Executive Officer's Report:

NAME	Address	TELEPHONE
City of Tracy Department of Development Services Attn: Andrew Malik	333 Civic Center Plaza Tracy, CA 95376	(209) 831-6400
County of San Joaquin Community Development Department	1810 East Hazelton Avenue Stockton, CA 95205	(209) 468-3121
Greystone Land Investment Attn: Allen Nichols	2121 North California Blvd, #290 Walnut Creek, CA 94596	(925) 521-6537
Odojtorri, LLC	PO Box 117717 Burlingame, CA 94011	
JB Anderson Land Use Planning Attn: John B. Anderson	139 S. Stockton Ave., Ripon, CA 95366	(209) 599-8377

PROJECT INFORMATION

Please provide project-related information for the following questions:

- 1. Do the proposed boundaries create an island of non-agency territory? Yes No
- 2. Do the proposed boundaries split lines of assessment or ownership? Yes No
- 3. Does the proposal involve public rights-of-way or easements? Yes No
- 4. Does the proposal involve public land or land assessed by the State? Yes No
- 5. Does any part of the proposal involve land under a Williamson Act Contract or Farmland Security Zone? Yes No
- 6. Does any part of the proposal involve land with a Wildlife/Habitat Easement or Agricultural Land Conservation Easement? Yes No

7. List the affected Assessor Parcel Numbers, Owners of record and Parcel Sizes:

APN	OWNER	ACREAGE
240-140-05 and 240-140-49	Odoljatorri LLC	65.83 and 29.82 acres

Note: APN 240-140-49 was formerly 240-140-06

8. Physical Location of Proposal: **Southwestern portion of Tracy, CA - bounded by Valpico Road to the north, the Ellis Specific Plan area to the south, Corral Hollow Road on the east, and undeveloped land to the east and west.**

9. Has an application been filed for an underlying project (such as Development Plan, Conditional Use Permit, or Tentative Subdivision Map)? Yes No
 If Yes, please attach a Project Site Plan or Tentative Subdivision Map.

If No, please provide an estimate of when development will occur: **A tentative map has been filed by the developer, but is still under review by City staff at this time and has not been approved. See Section 14 for a site plan.**

10. List those public services or facilities which will be provided to the affected territory as a result of the proposed action:

Water, wastewater, storm drainage, street improvements, electricity, natural gas, fire services, police services, school facilities, parks and recreation, and telephone.

11. Indicate which of these services or facilities will require main line extensions or facility upgrades in order to serve the affected territory:

Potable water, wastewater, recycled water, storm drain, and street improvements will connect to existing infrastructure systems, including those in the adjacent Ellis Specific Plan area.

12. Provide any other justification that will assist the Commission in reviewing the merits of this request. **The request is for annexation of approximately 97 acres of land referred to as the Avenues annexation area in this application. In September 2018, the City of Tracy City Council adopted the Avenues Specific Plan to serve as a comprehensive land use and development plan for the development of approximately 95 acres. The Avenues Specific Plan contains a residential neighborhood made up of a mixture of residential building types at a density of 4 to 5 dwelling units per gross acre and a four-acre public park to provide recreational uses to the community. The 97-acre Avenues annexation area includes the 95-acre Avenues Specific Plan area and the portion of Valpico Road along the frontage of the Specific Plan property.**

The proposed Avenues annexation area is bordered directly to the south by the Ellis Specific Plan area, which is comprised of residential, commercial, and recreational uses. Many aspects of the Avenues Specific Plan have been designed to complement the Ellis subdivision, including street designs, architecture, project amenities, maintenance strategies and homeowners' association duties, and the extension of public infrastructure needed to serve the area. The development of the Avenues annexation area will provide additional benefits to the City by connecting collector street Summit Drive from Corral Hollow Road to Valpico Road to the north, thereby improving traffic circulation in the area, as well as provide for conveyance of storm water to the ultimate storm detention basin for the area. A mix of housing sizes and types and a 4-acre public park, and pedestrian trail system will also improve the area.

INDEMNIFICATION AGREEMENT

As part of this application, applicant and real property in interest, if different, agreed to defend, indemnify, hold harmless, and release the San Joaquin Local Agency Formation Commission, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of the above, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the San Joaquin Local Agency Formation Commission, its agents, officers, attorneys, or employees.

Executed at Tracy, California, on September 17, 2019.

APPLICANT

Signature: [Signature]
Title: City Manager

REAL PARTY IN INTEREST
(If different from Applicant)

Signature: [Signature]
Title: Allen Nichols Project Manager

SUBMITTALS

In order for this application to be processed, the following information needs to be provided:

1. Two copies of this Justification of Proposal, completed and signed with original signatures;
2. Five prints of a full-scale proposal map showing the affected territory and its relationship to the affected jurisdiction (Refer to Guide for Preparation);
3. Five copies of an 8.5" x 11" or 11" x 17" reduction of the proposal map;
4. Three copies of a metes and bounds description of the affected territory;
5. One certified copy of the City Council and/or Special District Board Resolution of Application, or a petition making application to LAFCo (as appropriate);
6. Written permission from each affected property owner (or signature form);
7. One copy of the project environmental document (One Compact Disc if more than 25 pages);
8. One copy of the project Notice of Determination;
9. Three 8.5" x 11" copies of the Vicinity Map (if not included on the proposal map);
10. One copy of the plan for providing services along with a schematic diagram of water, sewer and storm drainage systems (refer to Government Code Section 56653);
11. One copy of the Pre-Zoning map or description (as required by Section 56375);
12. One copy of the Statement of Open Space (Ag) Land Conversion (refer to Section 56377);
13. One Copy of the Statement of Timely Availability of Water Supplies (refer to Section 56668(k));
14. One copy of the Statement of Fair Share Housing Needs (if residential land uses are included in the proposal) (refer to Section 56668(l));
15. One copy of the project design (site plan, development plan, or subdivision map);
16. One copy of the Residential Entitlement matrix form (if residential land uses are included in the proposal); and
17. Filing and processing fees in accordance with the LAFCo Fee Schedule and the State Board of Equalization Fee Schedule.

Additional information may be required during staff review of the proposal.

CERTIFICATION

The undersigned hereby certifies that all LAFCo filing requirements will be met and that the statements made in this application are complete and accurate to the best of my knowledge.

(Signature) [Signature]
Print or Type Name: Jennifer D. Haruyama

Date: 9/17/19
Daytime Telephone: 209-831-6115

City of Tracy
333 Civic Center Plaza
Tracy, CA 95376



SUBJECT: PETITION TO ANNEX TO THE CITY OF TRACY

The undersigned, being owner of the property or duly authorized agent of owner of property within the territory indicated on the attached map marked EXHIBIT A, hereby petition to annex the following parcels to the City of Tracy:

Assessor's Parcel Number: 240-140-05 12650 W. Valpico Rd., Tracy, CA

Assessor's Parcel Number: 240-140-06 12500 W. Valpico Rd., Tracy, CA

Odoljatorri, LLC

By: *Nancy Elise Moran*

Its: *Managing Member*

Justification of Proposal

Project Information

Project Title: Avenues Annexation to the City of Tracy

APNs: 240-140-05 and 240-140-49 (formerly 240-140-06)

Project Location: The approximately 97-acre Avenues Annexation site (Project site) is comprised of the Avenues Specific Plan area consisting of two parcels totaling approximately 95-acres and located between Lammers Road and Corral Hollow Road along the southern side of Valpico Road as well as the full width of Valpico Road for the portion that fronts the Avenues Specific Plan area. The parcels are currently used for agricultural purposes and undeveloped. See Section 2 for a location map of the project area.

Project Proposal

The property owner has applied to annex the subject property into the City of Tracy (City). The Project site is an approximately 97-acre area consisting of two parcels located within unincorporated San Joaquin County and the full width of the existing right-of-way that runs along the width of the Avenues Specific Plan area. The Project site is located within the current City of Tracy Sphere of Influence (SOI) and maintains a current County zoning designation of AU-20 (Agriculture-Urban Reserve) which is intended to retain in agriculture those areas planned for future urban development in order to facilitate compact, orderly growth and to assure the proper timing and economical provision of services and utilities. The site has a City pre-zoning designation of Avenues Specific Plan Zone based on project approvals secured in September of 2018 (see discussion below). The Project site is undeveloped, flat, and contains no structures. There are two existing detention basins on-site to collect surface water runoff within the Project site area.

Future utilities serving the Project site would be provided by the City of Tracy, via the extension of the existing nearby water, storm drain, and sewer lines. This is discussed in further detail in the Plan for Services as part of this application. Police services would be provided by the City of Tracy while Fire services would be provided by the South San Joaquin County Fire Authority (SSJCFA). Upon annexation, and consistent with the City's Municipal Services Review (MSR) and San Joaquin LAFCo's detachment policy, the property will detach from the TRFPD and the City of Tracy will become responsible for fire service. The City will provide fire service through the SSJCFA. As described in the City's MSR, the City and TRFPD share in the cost of providing fire service in their combined territories. Under the SSJCFA cost-sharing formula, each SSJCFA member is responsible for: 1) its share of maintenance and operation costs based on its pro-rata share of staffed positions (the number of staffed positions for each of the fire companies operating in their jurisdiction), and 2) repairs exceeding \$5,000 and capital improvements to the fire stations owned by that member.

The proposed project contains a combination of residential and recreational uses, as described in the Avenue Specific Plan. The Specific Plan ("plan") was prepared to serve as a comprehensive land use plan for the development of the Project site. The plan will accommodate between 380 and 480 residential units (not including accessory dwelling units) and open space equaling the required 4 acres per 1,000 people per City requirements. Open space will be in the form of a primary neighborhood park.

The Tracy City Council approved the proposed annexation and rezoning in August 2018 by adopting the Avenues Specific Plan and the associated Final Initial Study/Mitigated Negative Declaration (IS/MND) for the Project site. As stated in the Introduction of the plan, the Avenues Specific Plan serves as the new zoning document for the property within the Avenue Specific Plan area.

Tracy General Plan Policies for the Annexation Area

The current San Joaquin County General Plan designation for the Project site is Low Density Residential (R/L). This designation is appropriate for single-family neighborhoods with a density between 2-6 dwelling units per gross acre.

The current City of Tracy General Plan Land Use designation for the Project site is Residential Low. This designation consists primarily of single-family dwelling units in larger residential communities. Attached units, zero lot line, and clustered housing are also permitted. Allowable densities for this land use designation are 2.1-5.8 dwelling units per gross acre.

Annexation of the Project site would be consistent with the City of Tracy's low density residential land use designation and with the applicable land use objectives and policies listed below. The Project site is bordered directly to the south by the Ellis Specific Plan subdivision. The proposed Avenues project is a logical extension of the Ellis subdivision and will share access along Valpico Road.

The Project site's General Plan land use designation would remain unchanged from its current City of Residential Low designation upon annexation. The proposed number of residential dwelling units (380 480) and proposed density (4-5 DU/gross acre) in the Avenues Specific Plan is within the density allowed within the City or Tracy General Plan (listed above).

Key applicable General Plan objectives and policies related to the annexation of the Avenues Specific Plan area are as follows:

- A balanced and orderly pattern of growth in the City.
- Neighborhoods are residential areas of the city that are approximately ½ mile in diameter and centered on a focal point such as a park, school, or public open space.
- Comprehensively plan for new development in the City's Sphere of Influence.
- Promote efficient residential development patterns and orderly expansion of residential areas to maximize the use of existing public services and infrastructure.
- The City shall encourage residential growth that follows an orderly pattern with initial expansion targeted for areas shown in Figure 2-3 (Page 2-37 of the Tracy General Plan.)
- No urbanization in unincorporated County without annexation to the city, a pre-annexation agreement, or a letter of support from the City.

California Environmental Quality Act Review

Consistent with the California Environmental Quality Act (CEQA) provisions, the City prepared an Initial Study to evaluate the potential environmental impacts associated with the proposed annexation of the Avenue Project site. Based on the findings of the Initial Study prepared by Kimley-Horn on behalf of the City of Tracy, it was determined that the project would not result in any significant impacts which could not be reduced to levels of insignificance. As a result, a Mitigated Negative Declaration (MND) was prepared for the project.

The MND identifies potential environmental effects of the proposed project using the environmental checklist from the State CEQA Guidelines as amended. Less than significant impacts with mitigation incorporated were identified for the following categories:

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural ResourcesGeology and Soils
- Hazardous and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Public Services
- Transportation/Traffic
- Tribal Cultural Resources
- Utilities and Service Systems

Additionally, a potentially significant impact was identified in the aesthetics category. The proposed plan changes the existing character from agricultural to residential uses but is consistent with the character of the adjacent planned residential uses and in an area identified by the City for future urban growth.

A 30-day public review period for the Mitigated Negative Declaration (MND)/Initial Study commenced on July 19, 2018 and ran through August 18, 2018 for interested individuals and public agencies to submit written comments on the document. The City Council adopted the MND at their meeting of September 4, 2018. Copies of the MND and Notice of Determination are contained as Sections 7 and 8 respectively.

RESOLUTION 2018-180

APPROVING THE SUBMISSION OF AN APPLICATION TO LAFCO FOR ANNEXATION/PREZONING OF THE APPROXIMATELY 95-ACRE AVENUES PROJECT SITE LOCATED AT 12650 AND 12500 W. VALPICO ROAD (ASSESSOR'S PARCEL NUMBERS 240-140-05 & 240-140-06) AND ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE PROJECT, APPLICATION NUMBER A/P16-0001

WHEREAS, Applications have been filed or initiated for annexation and prezoning of the Avenues project site consisting of approximately 95 gross acres in unincorporated San Joaquin County adjacent to Tracy City limits, located at 12650 and 12500 W. Valpico Road (Assessor's Parcel Numbers 240-140-05 & 240-140-06), utilizing the Avenues Specific Plan Zone. The application includes a request for a new Avenues Specific Plan (SPA16-0003) and for the establishment of an Avenues Specific Plan (ASP) Zone (ZA16-0001), and

WHEREAS, The Avenues site is designated Residential Low in the City of Tracy General Plan, and the Avenues Specific Plan proposes detached single-family residential and park uses consistent with the Residential Low land use designation and applicable General Plan Goals and Policies, and

WHEREAS, The Avenues Specific Plan is consistent with General Plan Land Use and Housing Goals and Policies, including maintaining a Sphere of Influence that is consistent with the long-term land use vision of the General Plan; size and design neighborhoods to be walkable; and provision of parks, open space, and recreation facilities and services that maintain and improve the quality of life for Tracy residents, and

WHEREAS, The proposed annexation has been evaluated in accordance with California Environmental Quality Act (CEQA) Guidelines, and a Mitigated Negative Declaration is proposed for adoption which would reduce any potentially significant environmental impacts to levels of insignificance, and is proposed for approval, and

WHEREAS, The Planning Commission conducted a public hearing on August 22, 2018 to receive public input and review the Project, and by a 3-0 vote, recommended the City Council adopt the Mitigated Negative Declaration and approve the annexation request, and

WHEREAS, The City Council conducted a public hearing on September 4, 2018 to receive input and review the proposed annexation application;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby takes action as follows:

1. Adopts the Mitigated Negative Declaration, attached as Exhibit 1, the Errata, attached as Exhibit 2, and the Mitigation Monitoring and Reporting Plan, attached as Exhibit 3, and makes the following findings:

The City Council considered the Initial Study, Mitigated Negative Declaration, Errata, and all comments received during the public review process. The City Council finds based on the whole of the record before it that there is no substantial evidence that the project will have a significant effect on the

environment and that the Mitigated Negative Declaration reflects the City Council's independent judgment and analysis.

2. Approves of Annexation of the Avenues site (A/P16-0001), utilizing Avenues Specific Plan (ASP) Zone rezoning.
3. Directs staff to prepare an application for approval of the annexation and rezoning request for San Joaquin LAFCo.

The foregoing Resolution 2018-180, was adopted by the City Council on the 4th day of September, 2018, by the following vote:

AYES:	COUNCIL MEMBERS: DEMENT, RANSOM, YOUNG, VARGAS, RICKMAN
NOES:	COUNCIL MEMBERS: NONE
ABSENT:	COUNCIL MEMBERS: NONE
ABSTAIN:	COUNCIL MEMBERS: NONE



MAYOR

ATTEST:



CITY CLERK
By DEPUTY CITY CLERK

Notice of Determination

Appendix D

To:
[] Office of Planning and Research
U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

From:
Public Agency: City of Tracy
Address: 333 Civic Center Plaza
Tracy, California 95376
Contact: Andrew Malik
Phone: (209) 831-6400

[] County Clerk
County of: San Joaquin
Address: 44 North San Joaquin Street, Suite 260
Stockton, CA 95202

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 20 1 072045

Project Title: Avenues Specific Plan

Project Applicant: Greystone Land Investment Partners

Project Location (include county): The project is located south of Valpico Road, in San Joaquin County, CA

Project Description:
The project applicant proposes the Avenues Specific Plan (ASP, project, or proposed project) to serve as a comprehensive land use plan for the development of approximately 95 acres. The ASP proposes a residential neighborhood made up of a mix of residential and recreational uses. The ASP would allow for a maximum of 480 dwelling units and a minimum of 380 units, for a total density of 4 to 5 dwelling units per gross acre. The ASP proposes a central park of approximately 4 acres. The main entry into the Specific Plan area would be from Valpico Road onto Summit Drive, the main street through the Plan Area.

This is to advise that the City of Tracy City Council has approved the above ([] Lead Agency or [] Responsible Agency)

described project on September 18, 2018 and has made the following determinations regarding the above (date) described project.

- 1. The project [] will [] will not have a significant effect on the environment.
2. [] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [] were [] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [] was [] was not adopted for this project.
5. A statement of Overriding Considerations [] was [] was not adopted for this project.
6. Findings [] were [] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

City of Tracy, Development Services, 333 Civic Center Plaza, Tracy, CA 95376

Signature (Public Agency): [Signature] Title: Development Services Director

Date: 9/19/18 Date Received for filing at OPR: 9/19/18

Governor's Office of Planning & Research

Authority cited: Sections 21083, Public Resources Code. Reference Section 21000-21174, Public Resources Code.

SEP 20 2018 Revised 2011

STATE CLEARINGHOUSE

Section 12: Project Statement of Open Space (Ag) Conversion – Avenues Annexation

In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the Local Agency Formation Commission of San Joaquin County (LAFCO) shall consider all of the following policies and priorities, pursuant to Section 56377 of the Government Code:

- a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
- b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency.

In this instance, the proposal is the Avenues Specific Plan (ASP). An Initial Study/Mitigated Negative Declaration was prepared to address the proposed Annexation, and is on file with the City of Tracy, 333 Civic Center Plaza, Tracy, California 95376 and included as part of this LAFCO application.

Site Background

Implementation of the ASP would entail the conversion of agricultural land to residential uses. As stated above, the California Department of Conservation Farmland Mapping and Monitoring Program has designated the site as “Prime Farmland” and “Farmland of Local Importance.” Areas surrounding the site are also designated Prime Farmland, and Farmland of Statewide Importance. The project area (also referred to as “proposal area”) has been historically used for agricultural production.

The potential environmental impacts from development of the Plan Area for urban uses and the associated removal of prime farmland soil for agricultural use were considered and addressed in the City of Tracy General Plan and General Plan Final EIR. There, it was determined that buildout of the General Plan, including development of the project site, would result in the conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to urban uses. The General Plan Final EIR found this to be a significant and unavoidable impact. On February 1, 2011, the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the loss of prime agricultural land resulting from adoption of the Plan and EIR, and provided mitigation measures for the agricultural land lost to development in the City of Tracy’s urbanized areas. Mitigation measures included the implementation of a “Right to Farm” ordinance by the City (Ord. 10.24 et seq.), intended to preserve and protect existing agricultural operations within the incorporated City, and participation in the City’s agricultural mitigation fee program (Tracy Municipal Code, Chapter 13.26). The proposed project (also referred to as “proposal”) is designated as Residential Low in the Tracy General Plan, which is intended for residential development with generally low densities. The project applicant proposes a Specific Plan which would establish development regulations over the entire Plan Area.

Findings Related to Agricultural Land Conversion

The California Environmental Quality Act (CEQA) Guidelines and the City of Tracy requires decisionmakers to balance benefits of a proposed project against its unavoidable significant environmental effects in determining whether to approve a project. Approval and subsequent development of the project site would result in the conversion of 95 acres of agricultural land to residential and recreational uses. The following analysis references the Gov. Code 56064 for the conversion of prime agricultural land.

Table 1: – Project Relationship to LAFCO Definition of Prime Farmland	
CKH Act Prime Farmland Qualifying Characteristic	Does the Project Quality?
Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not the land is actually irrigated, provided that irrigation is feasible.	
Land that qualifies for rating 80 through 100 Storie Index Rating.	
Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.	No. The project site does not support livestock used for the production of food and fiber.
Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.	No. The land is not planted with these crops.
Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.	

- A. Does the proposal area include any agricultural land as defined in Gov. Code §56016, or prime agricultural land as defined in Gov. Code §56064? If so, please describe.

All land within the proposal area is classified as either Prime Farmland or Farmland of Local Importance per the State's Farmland Mapping and Monitoring Program definition. The project site has historically been used for agricultural production, including crops such as alfalfa.

The potential environmental impacts from development of the proposal for urban uses and the associated removal of prime farmland soil for agricultural use were considered and addressed in the City of Tracy General Plan and General Plan Final EIR. There, it was determined that buildout of the General Plan, including development of the project site, would result in the conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to urban uses.

B. Will the proposal result in the conversion of agricultural land to non agricultural uses (i.e. immediately, over time, etc.)?

The proposal will result in the conversion of agricultural land to non agricultural (residential) uses over time as the project is implemented in phases as was anticipated in the City of Tracy General Plan and General Plan EIR.

C. Is there any local agency (i.e. county, city, district) adopted agricultural preservation policy relating to this area? If so, please describe.

The City of Tracy has General Plan policies to preserve agricultural lands, in addition to policies in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and the City's Agricultural Mitigation Fee Ordinance.

The proposed project is required to participate in the City's agricultural mitigation fee program by paying the established fees on a per-acre basis for the loss of important farmland. Fees paid toward the City's program shall be used to fund conservation easements on comparable or better agricultural lands to provide compensatory mitigation. The City would ensure the preservation of local farmland resources.

D. Does the proposal area include any agricultural preserve areas? If so, please describe.

The City of Tracy participates in the San Joaquin County Habitat Conservation Plan (HCP). The Specific Plan Area is located within the Central/Southwest Transition Zone designated by the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The ultimate goal of the SJMSCP is to provide 100,241 acres of habitat preserves over the projected 50-year lifetime of the SJMSCP. Most of the land for these preserves would be designated as conservation easements over existing agricultural lands in the areas covered by the SJMSCP. Participation in the SJMSCP includes payment of a fee for each acre of land converted to urban use and compliance with Incidental Take Minimization Measures defined in Section 5.2 of the SJMSCP. Relative to land use and planning issues, the proposal conforms to the applicable habitat conservation plan. Therefore, no conflict with such plans would occur with proposal implementation.

E. Describe any agricultural lands adjacent to the proposal area.

The proposal area has agricultural lands directly adjacent to the west, north and along portions of the eastern boundary. The proposal area is consistent in use with the Ellis residential development directly

to the south. Areas to the east are current agricultural uses but have a General Plan Land Use designation of Residential Low.

The proposal is consistent with the City's objectives that provide for contiguous urban growth and extension of urban services for the City of Tracy in order to promote planned, orderly development. Avenues currently sits within the 10-year horizon area on the 2012 Tracy Sphere of Influence (SOI) map.

F. Is any portion of the proposal area within a Land Conservation (Williamson) Act contract?

The proposal area is not under a Williamson Act Contract, nor are any of the parcels immediately adjacent to the proposal area under a Williamson Act Contract. Upon annexation, the proposal area would be zoned as "Avenues Specific Plan". Therefore, implementation of the proposal would not conflict with a Williamson Act Contract and would not conflict with any agricultural zoning.

G. Please describe mitigation measures applicable to the loss of agricultural lands resulting from approval of this proposal (e.g., agricultural easements, agricultural buffers, exchange of land to be preserved for land that may be urbanized, etc.)

The proposed project is consistent with the overriding considerations that were adopted for the General Plan and the established mitigation measures under that Plan. Under this framework, the project applicant is required to participate in the City's agricultural mitigation fee program by paying the established fees to the City on a per-acre basis for the loss of important farmland. Fees paid toward the City's program are collected and distributed to the Central Valley Farmland Trust, and shall be used to fund conservation easements on comparable or better agricultural lands to provide compensatory mitigation. As such, implementation of the proposed project would not create new impacts over and above those identified in the General Plan Final EIR, nor significantly change previously identified impacts.

Farmland Conversion and City Vacant Lands

The proposed project would include the annexation of territory to the City of Tracy and detachment of the same territory from San Joaquin County. The subsequent urban development of the Avenues site would be consistent with the City's zoning and proposed uses for the area and has been contemplated within the City of Tracy General Plan and General Plan Final EIR.

The City of Tracy's 2015-2023 Housing Element contains a Vacant Sites Inventory which identifies vacant parcels within the City that may develop for residential uses within the 8-year planning period. The Housing Element identifies nine vacant parcels, only one of which has a General Plan Land Use of Residential Low. The remaining parcels have a General Plan Land Use of Residential Medium, Residential High, or Downtown. These General Plan Land Uses are not suitable to accommodate the proposal, both in residential development character and size as the vacant sites inventory totals 48.6 acres, approximately half of the proposal area. Furthermore, development of the project area is consistent with the planned residential development of the Ellis Specific Plan area directly to the south.

As shown in the Residential Entitlement Matrix included as part of this application, the Avenues Specific Plan (ASP) permits up to a maximum of 480 dwelling units. It is unlikely that all of the units would be

constructed in a single year, but assuming they were, the total number would be less than the maximum allowed by the City of Tracy's Growth Management Ordinance (GMO).

Section 16: Residential Entitlement Matrix/Vacant Land Survey – Avenues Annexation

Avenues Specific Plan

Development of the Avenues annexation area will be guided by the Avenues Specific Plan. The Avenues Specific Plan proposes single-family residential neighborhood ranging from 380 to 480 dwelling units, not including potential future accessory dwelling units, for an overall density between 4 and 5 units per gross acre, consistent with the site's Tracy General Plan land use designation of Residential Low. The Specific Plan allows for front-loaded lots at a minimum of 4,500 sq ft in size and rear-loaded lots at a minimum of 3,600 sq ft in size. The precise number of each type of lot will be determined through a tentative subdivision map.

Growth Management

The City adopted a residential Growth Management Ordinance (GMO) in 1987. The goal of the GMO is to achieve a steady and orderly growth rate that allows for the adequate provisions of services and community facilities, and includes a balance of housing opportunities. According to the GMO, builders must obtain a Residential Growth Allotment (RGA) in order to secure a residential building permit. One RGA equals the public services and facilities required by one dwelling unit.

Residential growth under the General Plan is limited by the GMO. Through the years 2008 and 2025, the number of residential units allowed under the City's GMO is 8,419 units, not including any exemptions to the GMO (exemptions such as affordable housing units or housing subject to the Regional Housing Needs Allocation (RHNA)). The RGA's and building permits are tracked by the City's Development Services Department to ensure compliance with GMO limitations. As stated above, the Avenues Specific Plan permits up to a maximum of 480 dwelling units. It is unlikely that all of the units would be constructed in a single year, but assuming they were, the total number would be less than the maximum allowed by the GMO. The project developer would be responsible for securing the RGAs in advance of obtaining a building permit.

Implementation of the Avenues Specific Plan would require an amendment to the City's General Plan, specifically to Figure 2-3: Secondary Residential Growth Areas, to include the Avenues Specific Plan area within the Secondary Residential Growth Area. Therefore, prior to issuance of the first building permit, the developer must demonstrate that a General Plan Amendment has been approved by the City Council that identifies the Plan Area with the Secondary Residential Growth Area within the City and must further demonstrate that the developer has secured the necessary RGAs to implement the proposed development consistent with the approved Avenues Specific Plan. Alternatively, this could be accomplished by securing a development agreement with the City to obtain RGAs. Avenues currently sits within the 10-year horizon area on the 2012 Tracy Sphere of Influence (SOI) map.

Exhibit 16.1 below shows the full list of residential projects within Tracy and their current development status and Tables 16.1 and 16.2 and Exhibit 16.2 represent vacant lands in Tracy as of September 2019. While there is existing land within the current Tracy city limits designated for residential development, these lands have not expressed interest in immediate development for various reasons, potentially due to lack of interest from the property owner, challenges with connection to infrastructure systems to serve the development areas, or other undisclosed reasons. As other developments progress, fewer residential sites are available to accommodate housing demand and State requirements for "no net loss" in RHNA sites.

The Avenues annexation area is a logical site for the next area of residential development, because it is contiguous to and an expansion of Ellis in an orderly fashion and abuts developed sites on the eastern perimeter. Accordingly, the Avenues Specific Plan realizes the goals of the City's General Plan for growth, which calls for efficient residential development patterns and orderly expansion of residential areas to maximize the use of existing public services and infrastructure. The Ellis Specific Plan area is a master planned mixed-use community, and the Avenues Specific Plan area would be built to similar street and lot patterns as present in Ellis. The General Plan speaks to locating residential neighborhoods centered on a park or public open space, and the Avenues Specific Plan area is located within a half-mile of the future aquatic center, which is planned to be located in Ellis. The General Plan also encourages high levels of connectivity. Development of the Avenues Specific Plan area furthers connectivity in this area of Tracy by continuing Summit Drive, which starts at Corral Hollow Road within the Ellis subdivision, northerly through to Valpico Road.

Furthermore, development of the Avenues annexation area provides the opportunity to construct infrastructure systems planned in the City's Infrastructure Master Plans in a continuous, logical pattern, including the areas of water, storm drain, and roadways, as previously described in Section 10, thereby increasing mobility options not only for residents of Ellis but of residents in the southern portion of Tracy. Additionally, the City is planning development of a fire station and a stormwater detention basin immediately adjacent to the north of the Avenues annexation area, across Valpico Road. Annexation and development of the Avenues Specific Plan would provide the City direct vehicular access and infrastructure connection to the fire station and detention basin, both of which would benefit existing development in the vicinity by increasing mobility. This furthers the City's General Plan objectives of coordination between land use planning, infrastructure service and fire protection facilities in an orderly fashion.

Exhibit 16.1: City of Tracy Residential Development Pipeline Report

CITY OF TRACY RESIDENTIAL DEVELOPMENT PIPELINE REPORT

Status as of July 2020

APPROVED AND UNDER CONSTRUCTION						
Name	Application #	Zoning	Acres	# of Units	Location	Developer/Builder
Barcelona Infill	TSM14-0002 PUD14-0002	PUD	10.15	51	NWC Barcelona Dr. & Terris Lane	Taylor Morrison
Berg Road Project	R14-0002 TSM14-0003	MDC	10	71	2774,2850, 12920 W. Byron Rd.	Fred Muzer/DeNova Homes
Brookview	3-04-TSM, 12-04-D	PUD	10.01	80	Brookview / Perennial	Britt Evans
Elbasagary Infill	TSM12-0002 PUD12-0003	PUD	10	47	Dominique Dr. between Eastlake Circle & Baroque Dr.	Ponderosa Homes II, Inc.
Ellis Phase 1	TSM11-0002	ESP	150	295	Ellis Town Dr.	Sunland/Lennar
Ellis Phase 2	TSM16-0003	ESP	105	356	Ellis Town Dr.	Sunland/Woodside Homes
Gateway Crossing Phase 2	D14-0011	I-205 SP/GC	10	210	Grant Line Rd. west of Lammers Rd.	SR95 Ventures, LLC.
Pimrose/Kagehiro Phase III	TSM12-0001, PUD13-0001	LDR	47	252	8EC Corral Hollow Rd./Kagehiro Dr.	Lennar Homes/Taylor Morrison
Tracy Harvest	D15-0007	PUD	20	304	Henley Pkwy., south of Grant Line Rd.	Lewis Management Corp.
Tracy Hills Phase 1A	TSM13-0005	TH3P	402	1179	I-205 and Corral Hollow Rd.	Lennar, Shea, Meritage
Southgate High Density	D18-0029, TSM18-0004	PUD	3.43	42	2493 W. Schulte Road	Bright Development
Grant Line Apartments	D15-0012 CUP15-0005 EXT18-0007	GHC	1.9	40	321 E. Grant Line Rd.	Robert Harris
Valpico Glenbriar Apartments	D19-0018	HDR	11.62	264	501 E. Valpico Road	Katerra, Inc.
Brookview West	D18-0007 TSM18-0001	LDR	5.6	23	4005 S. Tracy Blvd.	Britt Evans
Total			796.71	3,218		
APPROVED AND NOT YET UNDER CONSTRUCTION						
Name	Application #	Zoning	Acres	# of Units	Location	Developer/Builder
Rod-Singh Apartments	D18-0028 CUP18-0004	GHC	73.48	24	508 & 522 W. Grant Line Road	Soosan Rod Ramneet Singh
Colin Apartments	D18-0015	HDR	0.4	10	178 Colin Avenue	Abdul Chashmaaisla
Tracy Hills KT Project	GPA19-0003 SPA19-0004 TSM19-0005	TH3P	45	185	Corral Hollow Rd.	John Palmer
East 8th Street Apartments	2A17-0003 D16-0036	CBD	0.23	5	21, 25, & 29 E. 8th Street	Frank Aufdermaur, Jr.
Byron Apartments	D19-0010	MDR	5	60	2660 Byron Road	Rashed Eham, Inc.
Ellis Phase 3	TSM18-0005	ESP	73	305	4260 Lammers Road	The Sunland Companies
Rocking Horse	GPA13-0005	PUD	55	226	Lammers Rd. north of Schulte Rd.	Concentric Development Grp.
Tracy Village	A/P13-0002	-	130	581	8EC Valpico Rd. & Corral Hollow Rd.	Ponderosa Homes
Valpico Apartments	D15-0024	HDR	11.27	252	North side of Valpico Rd. at Glenbriar Dr.	Somis Investments
Hintz Avenue - 4 Plex	D19-0007	HDR	0.16	4	501 Hintz Avenue	Daniel & Carolyn Schaefer
Total			393.54	1,656		
UNDER CITY REVIEW (NOT YET APPROVED)						
Name	Application #	Zoning	Acres	# of Units	Location	Developer/Builder
Tracy Hills Phase 1A Village 6B/7C (update to approved project shown above)	GPA20-0002 SPA20-0003 TSM20-0001	TH3P	19	132	Tracy Hills Drive	John Palmer
Tracy Hills KT Project (update to approved project shown above)	TSM20-0002	TH3P	45	214	Corral Hollow Rd. & Tracy Hills Dr.	John Palmer
Larkspur Subdivision Map	TSM19-0003 D20-0005	LDR	1.89	13	DeBord Dr. and Cairo Ct.	Bright Development
Clover Estates	TSM19-0008	MDC	1.83	9	W. Clover Rd. (between Bushman and Holly)	Schack & Company, Inc.
Draz Duplexes	D19-0028	MDR	0.54	4	4th and C St.	Ali K. Ahmed
Avenues	TSM16-0004	A3P	95.8	453	South of Valpico, west of Corral Hollow	Greystone Land Investment Partners
Tracy Hills Phase 1B & 1C	TSM18-0006 TSM18-0007 TSM19-0007 SPA19-0002 GPA19-0001	TH3P	283	434	Tracy Hills Drive	John Palmer
SANSUE Apartments	D20-0021	MDR	0.76	9	2480 W. Byron Rd.	Panchaksha Patel
Valpico Residential	D18-0019 PUD18-0002 TSM18-0003	HDR	11.27	90	501 E. Valpico Road	Somis Investments
Total			459.09	1,358		

Table 16.1: Lands within Approved Specific Plan or Concept Development Plan (Not Built-Out)

Tracy Vacant Land Survey

Approved Specific Plan, or Concept Development Plan	# of Units or S.F. Constructed (or by acre)	# of Units or S.F. with Tentative Map or Development Review Approved (not Constructed)	Areas of Undeveloped Land (With No Tentative Map or Development Review Approved)
Cordes Ranch Specific Plan (1,780 Total Acres)	5,482,463 S.F. (Industrial)	695,973 S.F. (Industrial)	1,150 Acres
Ellis Specific Plan	299 Units (Single-family homes)	356 Units (Single-family homes)	126 Acres
Tracy Hills Specific Plan (2,732 Total Acres)	400 Units under construction (Single-family homes)	760 Units (Single-family homes)	2,315 Acres
Gateway Concept Development Plan (538 Total Acres)	0 S.F.	0 S.F.	538 Acres
Northeast Industrial Areas Specific Plan (870 Total Acres)	5,624,888 S.F. (Industrial)	1,947,140 S.F. (Industrial)	403 Acres
Industrial Areas Specific Plan (685 Total Acres)	573 Acres	22,000 S.F. (Retail)	109 Acres
I-205 Corridor Specific plan (757 Total Acres)	649 Acres	6,800 S.F. (Restaurant) 304 Units (apartments)	89 Acres

Table 16.2: Vacant Infill Acres (Not Included in the Table Above)

General Plan land Use Designation	Vacant Infill Acres
Residential Low	90 acres
Residential Medium	60 acres
Residential High	36 acres
Commercial	59 acres
Office	17 acres
Industrial	70 acres
Downtown	43 acres
Urban Reserve	110 acres
Total	485 acres

Exhibit 16.2

Specific Plans, Approved Projects, and Vacant Lands within the City

Legend

Planning Areas

City Limits

Sphere of Influence

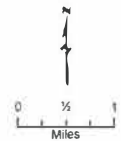
County Limit

Projects, Specific Plans, and Vacant Lands

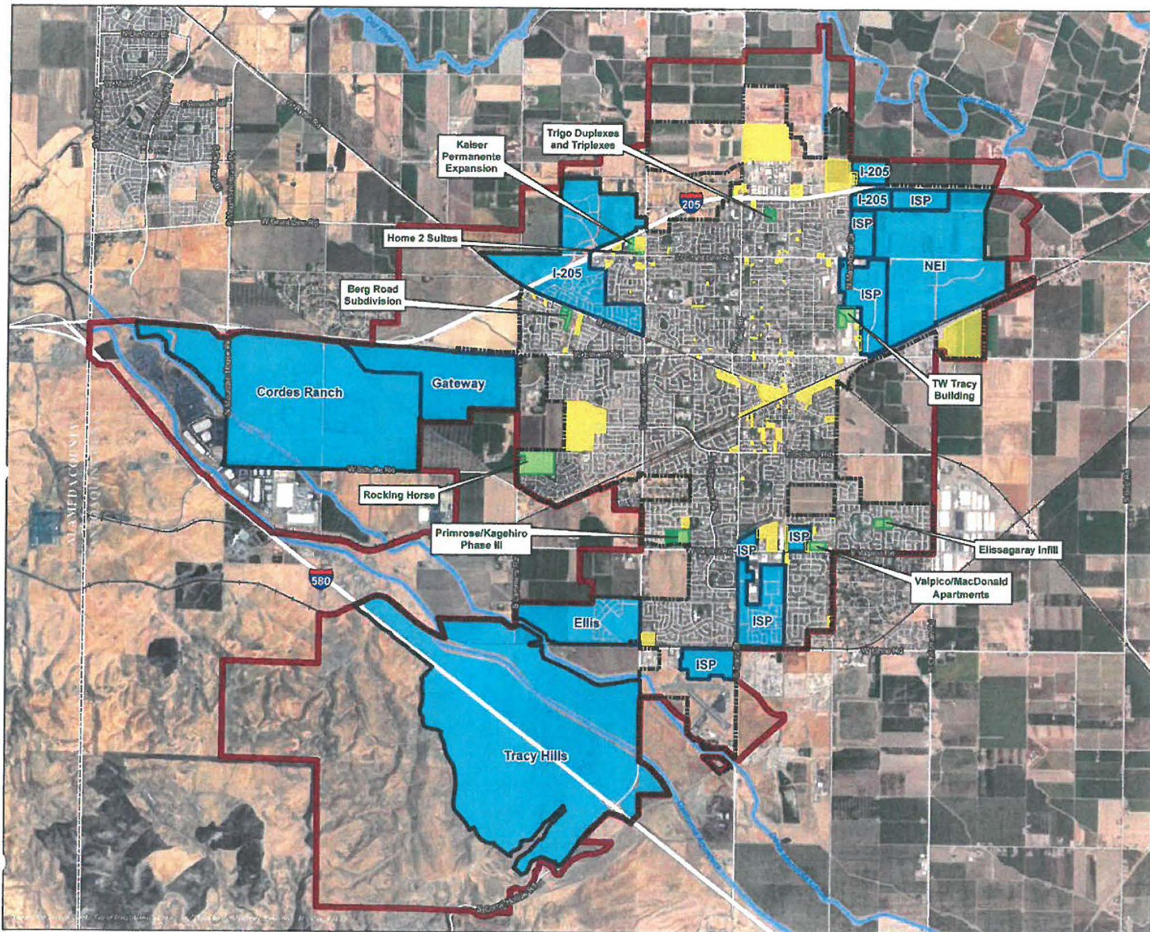
Approved Project

Specific Plan

Vacant Lands



The Stone Planning Group
A Land Use Planning, Design, and Environmental Firm





SAN JOAQUIN
—COUNTY—
Greatness grows here.

Environmental Health Department

Jasjit Kang, REHS, Director
Muniappa Naidu, REHS, Assistant Director
 PROGRAM COORDINATORS
 Robert McClellon, REHS
 Jeff Carruesco, REHS, RDI
 Willy Ng, REHS
 Michael Kith, REHS
 Melissa Nissim, REHS

December 2, 2020

To: San Joaquin Local Agency Formation Commission
 Attention Executive Officer: James E. Glaser

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

RE: **Avenues Reorganization to the City of Tracy (L AFC 22-20)**

The San Joaquin County Environmental Health Department (EHD) is supportive of this project in regards to the provision of full public services. The EHD requests the following comments be added to the above project for consideration:

1. Any existing wells or septic systems to be abandoned shall be destroyed under permit and inspection by the EHD (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4)

If you have any questions, please call Naseem Ahmed, Senior REHS, at nahmed@sjgov.org or (209) 616-3018.

Muniappa Naidu

Muniappa Naidu, REHS
 Assistant Director



SAN JOAQUIN
 COUNTY
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Department of Public Works

Fritz Buchman, Interim Director of Public Works
 Alex Chetley, Interim Deputy Director/Development
 Jim Stone, Deputy Director/Operations
 Najee Zarif, Interim Deputy Director/Engineering
 Kristi Rhea, Public Works Business Administrator

December 16, 2020

MEMORANDUM

TO: James E. Glaser, Executive Officer
 LAFCo
 CONTACT PERSON: Elizabeth Contreras, LAFCo Analyst

FROM: Jayna Rutz, Interim Engineering Services Manager *JR*
 Development Services Division

SUBJECT: AVENUES REORGANIZATION TO THE CITY OF TRACY (LAFc 22-20)
 To annex approximately 97 acres to the City of Tracy.

LOCATION: Located between Lammers Road and Corral Hollow Road along the southern side of
 Valpico Road.

COMMENTS:

- **This annexation is creating an isolated segment of roadway approximately 1,500 feet long from the eastern boundary of this annexation to Corral Hollow Road.**
- **The City of Tracy shall enter into an agreement with the County to maintain that section of roadway until such time in the future as it is annexed especially due to the improvements that will be made to this segment as part of their upcoming signalization of the Corral Hollow Road/Valpico Road intersection.**

JR:SC
 X:\LAFcO\LAFCo Referrals\Avenues Reorganization to the City of Tracy (LAFc 22-20)\Comments to LAFCo (LAFc 22-20).doc



City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

CITY MANAGER'S OFFICE

MAIN 209.831.6000
FAX 209.831.6120
www.cityoftracy.org

December 30, 2020

Najee Zarif, Interim Deputy Director Public Works
Jayna Rutz, Interim Engineering Services Manager
San Joaquin County
1810 East Hazelton Avenue
Stockton, California 95205

Re: Avenues Reorganization to the City of Tracy (LAFC 22-20) to annex approximately 97 acres to the City of Tracy

Mr. Zarif and Ms. Rutz,

LAFCo has informed us that you have submitted a comment letter regarding roadway maintenance to be included as part of an annexation application for a property along Valpico Road between Lammers Road and Corral Hollow Road. We are disappointed to learn about the maintenance issue with the County through a comment letter to LAFCo. The Avenues Annexation Public Hearing is scheduled for January 14, 2021.

As I mentioned to Mr. Zarif, on December 29, 2020, the City is willing to work with the County on the improvements and maintenance related to the intersection of Corral Hollow Road and Valpico Road, and any transitions related to that improvement. However, any roadway maintenance responsibility beyond that would be considered outside any historic practice or policy by the County. In particular, it is unusual to require the City to maintain the roadway when fronting that location is St. Bernard's Church, a County approved development with weekly and weekend classroom and services respectively.

The City is willing to continue to work with the County on the improvements, transitions, and maintenance of the intersection of Valpico Road and Corral Hollow Road as part of the Corral Hollow Road Widening Project, but respectfully disagrees with the request to fully maintain approximately 1,500 feet of roadway along Valpico Road, west of Corral Hollow Road.

We look forward to working with you on this matter as part of the intersection improvements. If you have any questions regarding this issue, feel free to call at (209) 831-6423.

Sincerely,

Andrew Malik
Assistant City Manager, City of Tracy

cc: Jenny Haruyama, City Manager, City of Tracy
Kul Sharma, Utilities Director, City of Tracy
Jim Glaser, Executive Officer, LAFCo

Section 10: Plan for Services – Avenues Annexation

Outline of Requirements

Section 56653 of the California Government Code requires that any application for a change of organization or a re-organization include a plan for providing municipal services within the affected territory. Pursuant to Section 56653, the plan for providing services shall include all of the following information and any additional information required by the commission or the executive officer:

1. An enumeration and description of the services currently provided or to be extended to the affected territory.
2. The level and range of those services.
3. An indication of when those services can feasibly be extended to the affected territory, if new services are proposed.
4. An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
5. Information with respect to how those services will be financed.

Public Facilities Funding Sources

All public infrastructure necessary for the development of the Avenues Specific Plan are included in the City's Infrastructure Master Plans and many infrastructure systems will be extended through the Ellis Specific Plan area located adjacent to the south as shown in the exhibits at the end of Section 10, which are excerpts from the City's Infrastructure Master Plans and water network analysis prepared for the Avenues Specific Plan. All public infrastructure will be constructed through a combination of funding sources including, but not limited to, the following:

- Private capital from developer in the form of development impact fees and in-kind facilities development
- Bond proceeds
- Utility connection charges and rates charged to end-users
- Assessments on the Avenues Specific Plan real property (including Community Facilities Districts) related to park and landscape maintenance or facilities identified in the Specific Plan
- Credits and reimbursements related to oversizing, including public infrastructure improvements and facilities, etc.
- Other partnerships with public and private entities
- Grants and/or other funding sources

To the extent that sufficient funding is not available from other sources, private capital from the developer will cover all infrastructure funding requirements. The park and landscape systems will be incrementally implemented over time to match the needs of the growing community.

Uses of Public Facilities Funds

The public improvements and capital facilities that may be required and may be financed to support the development of the Avenues Specific Plan includes:

- Water supply from the City for the project
- Project's share of the City's domestic John Jones Water Treatment Facility
- Domestic water conveyance (on-site and off-site)

- Project's share of expanding the City's existing Wastewater Treatment Facility
- Wastewater conveyance (on-site and off-site)
- Recycled water conveyance within the Avenues Specific Plan area
- Off-site stormwater detention facility
- Stormwater conveyance
- Dry utilities (on-site and off-site)
- Off-site road improvements
- On-site roads, sidewalks, and trails
- Monuments and the park
- Public area landscape and lighting
- Parks and signage
- Project's share of regional transportation facilities
- Project's share of school facilities
- Project's share of all public and public safety facilities
- Project's share of library facilities

City Services

City services are available and all necessary infrastructure will be extended in the time frame necessary for development. These services are described in the following sections:

Domestic Water Supply

Service Provider

The City of Tracy provides potable water service in the City of Tracy.

Water Supply

The City of Tracy has multiple sources of water including groundwater wells and surface water from the Central Valley Project and the South County Water Supply Project. The City treats the surface water obtained from the Central Valley Project at its John Jones Water Treatment Plant located near the airport in the southeast portion of the City. The surface water obtained from the South County Water Supply Project is treated and delivered to the City by the South San Joaquin Irrigation District.

Existing Facilities

The City's water system is comprised of two existing Pressure Zones (One and Two) and a planned third zone (Three). The Avenues annexation area is located in Pressure Zone Two which serves areas between elevation 75 and 150.

Treated water leaves the City's water treatment plant at Zone 2 Pressure. There is an existing 24" Zone 2 water main in Corral Hollow Road and an existing 24" water main in Valpico Road. There is also a 12" Zone 3 water main in Summit Drive, constructed by the Ellis subdivision located to the south, which will extend to the south side of the project.

Master Plan Improvements

The City of Tracy completed the Citywide Water System Master Plan in December 2012. The Master Plan identified the required potable and recycled water system facilities required to serve the buildout of the City's General Plan including existing and future service areas within the Sphere of Influence. The Avenues annexation area was included as a future project in the Master Plan.

The Master Plan recommended treatment, storage, pumping, and piping improvements as well as new groundwater wells to support the General Plan buildout of the City. These improvements include the improvements needed for the Avenues annexation area, which is the extension of a 12" water main in Summit Drive through the Avenues site with an emergency Pressure Reducing Valve (PRV) at the connection to the planned 12" Zone 3 water main, under construction by Ellis, at the southerly project boundary to the existing 24" water main in Valpico Road.

Avenues will participate in the implementation of the water system Master Plan through the payment of fees, and/or the construction of improvements, which will include a credit and reimbursement agreement.

Projected Water Demand

The projected water demand was calculated for Avenues annexation area using the water demand factors contained in the Master Plan. Table 10.1 shows the projected water demand of 232,065 gpd based on the Master Plan Generation factors.

Table 10.1: Projected Water Demand

Land Use	Acres (ac)	Dwelling Units (du)	Demand Factor (gpd/du or ac)	Average Daily Demand (gpd)
Residential	90.5	480	450	216,000
Park ¹	4.5	--	3,570 ¹	16,065
Total	95	480		232,065

¹Park Demand Factor is based on 4 ac ft/AC/year from the Master Plan

Specific Plan Improvements

The proposed water improvements for Avenues Specific Plan area will consist of a conventional on-site water system with mains, services and fire hydrants designed in accordance with the City of Tracy Design Standards. The exhibits at the end of this section are excerpts from the Tracy’s Infrastructure Master Plans that demonstrate proposed locations of these conveyance systems.

Storm Drainage

Topography/Watershed

Land within Avenues Specific Plan slopes gently from south to north at approximately 1% and has an elevation change of approximately 25'. The site is bordered by Valpico Road to the north, agricultural land to the east and west and Ellis to the south.

Existing Facilities

There is an existing 54" storm drain in Summit Drive, recently constructed by Ellis, on the south side of the project. This storm drain main will drain to an interim retention basin located to the west until Detention Basin 3A (discussed below) and an extension of the storm drain is constructed through the Avenues annexation area.

Master Plan Improvements

The City of Tracy adopted the City of Tracy Citywide Storm Drainage Master Plan (SDMP) in November 2012. The SDMP identified new storm drainage infrastructure needed to serve new development included in the City’s General Plan as well as to correct existing deficiencies. Impacts associated with the

implementation of improvements included in the SDMP were evaluated in the City of Tracy Citywide Storm Drainage Master Plan IS/MND adopted by the City in November 2012.

The City is comprised of a number of watersheds. Avenues annexation area lies within the Westside Channel Watershed which includes a portion of the West Side Irrigation District (WSID) main channel, the Westside Open Channel, several large diameter pipes, and several detention basins.

A portion of the Westside Channel Watershed lies within the Ellis Program sub basin which is generally bordered by Corral Hollow Road on the east, the Delta Mendota Canal on the south, Lammers Road on the west and Valpico Road on the north. Avenues annexation area is included, and development has been planned for in the Ellis Program.

The Ellis Program includes two detention basins, a storm drain with the equivalent capacity of a 12" storm drain extending from the South Linne detention basin to Valpico Road, a 42" storm drain from Valpico Road to the 3A detention basin and an 18" storm drain from the 3A detention basin that will connect to an existing 30" storm drain north of the Union Pacific Rail Road tracks. These improvements were evaluated in the City of Tracy Citywide Storm Drainage Master Plan IS/MND adopted by the City in November 2012.

Avenues Specific Plan will participate in the implementation of the Ellis Program through the payment of fees and/or the construction of facilities with corresponding credits and reimbursements agreement.

Specific Plan Improvements

The proposed storm drain system for Avenues annexation area will consist of a conventional on-site storm drain system with mains, catch basins, and manholes designed in accordance with the SDMP and City of Tracy design standards.

The storm drain improvements will include the extension of the existing 54" storm drain main in Summit Drive, recently constructed by Ellis, to Valpico Road.

With the first phase of site improvements, the Avenues Specific Plan project shall construct, install, and connect to Ellis the storm drain pipeline and waste water collection pipeline in Summit Drive beginning from the south boundary of Avenues Specific Plan to the northern boundary of Avenues Specific Plan at Valpico Road. The project shall also extend the storm drain east on Valpico Road to the point of design of the ultimate storm drain system for basin 3A, and shall extend the wastewater collection pipeline from Summit Drive to Corral Hollow Road, and make connection to the Corral Hollow Road wastewater collection pipeline.

Table 10.2: Stormwater System Demand and Capacity Requirements – Ultimate Site

10 Year Event – Existing Site				
Using Rational Method (Q=CIA)				
Time of Concentration (t _c) = 67 min				
Intensity (I) = 0.32 in/hr				
	C Value	I	Area	Volume
Description		in/hr	ac	cfs
Existing Site	0.25	0.32	95.04	7.60
			Q _E (Peak Flow)	8
10 Year Event – Proposed Site				
Using Rational Method (Q=CIA)				
10 Year Event, t _c = 42 min				
Intensity (I) = 0.42 in/hr				
	C Value	I	Area	Volume
Description		in/hr	ac	cfs
Total Area			95.0	
Residential Lots	0.35	0.42	74.0	10.88
Parks	0.20	0.42	4.0	0.34
Roads	0.95	0.42	17.0	6.79
			Q _P (Peak Flow)	18.01
			Q _P (Peak Flow)	18
Notes				
<i>C Values are per the City of Tracy Design Standards, December 2008.</i>				
<i>Residential Lots = Low Density (Single Family) C=0.35</i>				
<i>Parks = Lawn or Landscaping C=0.20</i>				
<i>Roads = Paving C=0.95</i>				

Stormwater Quality

In 2015, the City of Tracy along with four other municipal agencies, including San Joaquin County, collaborated together to develop the “Multi-Agency Post-Construction Stormwater Standards Manual” (Manual), dated June 2015. This Manual was developed to comply with post-construction requirements from the State Water Resources Control Board under the National Pollutant Discharge Elimination System Phase II Small Municipal Separate Storm Sewer System General Permit (Phase II Permit). The Manual requires full hydromodification for developments that create and/or replace one acre or more of impervious surface. The Phase II Permit requires that the post-construction stormwater runoff flow rate shall not exceed the estimated pre-project flow rate for the 2-year, 24-hour design storm event. Further, the Manual requires bio-retention as the standard, or baseline, stormwater quality treatment measure; however, upon approval by the Utilities Division, alternative measures may be used if they meet the criteria provided on page 6-3 of the Manual and are at least as effective as bioretention. On-site pre-treatment is required by the Manual and shall be incorporated unless it is determined by the Utilities Division that stormwater treatment including pre-treatment is provided elsewhere, such as Detention Basin 3A as discussed below.

The SDMP does not include the additional capacity needed to incorporate stormwater quality treatment and/or full hydromodification within Detention Basin 3A. For this reason, the City shall complete a study to determine additional cost for compliance with the Manual at Detention Basin 3A. Financial plan/fee structure for the Avenues Specific Plan shall address fair share cost of such improvements applicable to the Avenues Specific Plan, if Detention 3A is to be used for compliance with the Manual.

Wastewater Treatment and Collection System

Service Provider

The City of Tracy provides wastewater collection and treatment in the City of Tracy.

Existing Facilities

There is a proposed 8" sanitary sewer main in Summit Drive, under construction by the Ellis Specific Plan project, on the south side of the project that is not intended to serve Avenues annexation area. There is an existing 18" sanitary sewer main in Corral Hollow Road near the intersection of Parkside Drive which flows northerly in Corral Hollow Road increasing in size and eventually reaching the City of Tracy Wastewater Treatment Plant located near Holly Drive and W. Larch Road north of Interstate 205. The Avenues Specific Plan project, upon Final Map approval, is expected to be allocated capacity.

Master Plan Improvements

The City of Tracy completed a Wastewater Master Plan in December 2012. The Master Plan identified infrastructure requirements for both wastewater treatment and conveyance based on wastewater flows from existing and future service areas. The Avenues annexation area was included as future residential in the Master Plan.

The Master Plan recommends a phased expansion of the existing wastewater treatment plant from its current capacity of 10.8 mgd to 21.0 mgd and also recommends conveyance improvements for the east and west catchment areas in the City. The Avenues annexation area is located in the west catchment area which will include an extension of the existing Corral Hollow Road Sewer from Parkside Drive to W. Linne Road as well as upgrades to increase the capacity of the existing Corral Hollow Road Sewer, a new Lammers Road Sewer and other downstream improvements.

Construction plans for the first phase of upgrades to the existing Corral Hollow Road sewer, downstream from Parkside Drive, and the extension of the Corral Hollow Road sewer, from Parkside Drive to Linne Road have been completed.

The Avenues Specific Plan will participate in the implementation of the Wastewater Master Plan through the payment of fees and/or the construction of Master Plan facilities with corresponding fee credit and reimbursement agreement.

Projected Wastewater Demand

The projected wastewater demand was calculated for Avenues annexation area using the wastewater generation factors contained in the Master Plan. Table 9.3 shows a projected wastewater demand of 126,720 gpd. These anticipated sewer flows are part of the adopted Tracy Wastewater Treatment Plant Expansion Master Plan and Master Plan EIR (SCH No. 2000012039).

Table 10.3: Projected Wastewater Demand

Land Use	Acres (ac)	Dwelling Units (du)	Demand Factor (gpd/du or ac)	Average Daily Demand (gpd)
Residential	90.5	480	264	126,700
Park ¹	4.5	--	--	0
Total	95	480	264	126,700

Specific Plan Improvements

The proposed wastewater improvements for Avenues Specific Plan that encompasses the Avenues annexation area will consist of a conventional on-site gravity sanitary sewer system with mains, manholes, and laterals designed in accordance with the City of Tracy Design Standards. The on-site sanitary sewer mains will collect wastewater from the homes and direct it towards Summit Drive and then from south to north in Summit Drive towards Valpico Road.

Street Improvements

Existing Conditions and Citywide Improvements

The existing transportation system serving the Avenues Specific Plan Area includes the following roadways:

Interstate 580

Interstate 580 provides the most direct regional access to the project site via full access interchanges at Mountain House Parkway/Patterson Pass Road and Corral Hollow Road. I-580 also provides access west to the Bay Area (via the Altamont Pass), and connects to I-5 south of the City of Tracy. I-580 currently has four lanes (two lanes in each direction) along the segments adjacent to the City of Tracy with a posted speed limit of 70 miles per hour. In the future, a new interchange would be constructed at Lammers Road.

Interstate 205

Interstate 205 provides direct access to the northern portion of the City of Tracy. It extends between I-580 and I-5 and runs east-west through the northern portion of the City of Tracy. Interchanges are provided at West Eleventh Street, Grant Line Road, Tracy Boulevard, and MacArthur Drive. I-205 consists of six lanes (three lanes in each direction) and a posted speed limit of 70 miles per hour east of the City of Tracy and 65 miles per hour through the City of Tracy and to the west. In the future, a new Lammers Road Extension interchange would be constructed at I-205 and the Eleventh Street interchange would be removed.

Lammers Road

Lammers Road is a major roadway originating one mile south of Valpico Road on the western boundary of the existing developed area of the City of Tracy. The City recently constructed a six-lane facility between the south end of John Kimball High School and Eleventh Street to the north. The remainder of the Lammers Road to the south is a two-lane undivided facility. The posted speed limit within the City is 45 miles per hour. Lammers Road is designated within the City of Tracy Roadway Master Plan (RMP) as an urban expressway and future freeway connection between I-205 and I-580. Lammers Road is not designated as a CMP route in the TMP.

Old Schulte Road

Old Schulte Road is a discontinuous roadway extending from Mountain House Parkway to Chrisman Road. For a short segment of the roadway (east of Mountain House Parkway and adjacent to the Safeway Warehouse Terminal), Schulte Road is a five-lane truck route. East of this segment, Schulte Road narrows to two travel lanes. Schulte Road terminates at the intersection with Lammers Road. The roadway commences again at Corral Hollow Road, approximately ¼ mile south of its westerly segment. From Lammers Road to Corral Hollow Road, it is a two-lane undivided roadway. East of Corral Hollow Road, the roadway has been widened to four travel lanes until MacArthur Drive. Between MacArthur Drive and Chrisman Road, Schulte Road is two lanes. Old Schulte Road is identified within the RMP as a major arterial. The posted speed limit on Old Schulte Road is 45 miles per hour and 55 miles per hour west of Lammers Road.

Valpico Road

Valpico Road is an approximately 4.5-mile continuous roadway extending from Lammers Road on the west side of the City to Chrisman Road on the east side of the City. The roadway is a two-lane undivided roadway from Lammers Road to Cagney Way, where it becomes a four-lane divided arterial up to Tracy Boulevard. The Valpico Road segment east of Tracy Boulevard is a two-lane undivided roadway and primarily provides access to residential neighborhoods, local farms in the west, and the Defense Distribution Depot in the east. The posted speed limit 35 miles per hour in the vicinity of the Avenues Specific Plan Area.

Corral Hollow Road

Corral Hollow Road is a north-south roadway that extends from Lammers Road in the north part of the City of Tracy to past the I-580 ramps in the south. Corral Hollow Road continues west past the I-580 ramps to the City of Livermore, eventually becoming Tesla Road. It is a two-lane, undivided roadway from Lammers Road to Naglee Road; a four-lane, divided roadway from Naglee Road to West Schulte Road; and a two-lane, undivided roadway from Schulte Road to the I-580 ramps. North of Valpico Road in the project vicinity, Corral Hollow Road primarily provides access to residential uses with a 40 mph posted speed limit. South of Valpico Road, Corral Hollow Road primarily provides access to undeveloped farmland and some residential uses, with a 45-mph posted speed limit.

Tracy Boulevard

Tracy Boulevard is a north-south roadway continuing from Highway 4 north of the City to I-580 in the south. It is a route utilized by commuters and residents and provides access to farmland, commercial and residential uses, the Tracy Municipal Airport, Monte Vista Middle School, Highway 4, I-205, and I-580. It is a two-lane, undivided roadway from Highway 4 to I-205; a four-lane, divided roadway from I-205 to Vallerand Road; a four-lane undivided roadway with discontinuous two-way left-turn lanes from Vallerand Road to Sequoia Boulevard; a four-lane, divided roadway from Sequoia Boulevard to Linne Road; and a two-lane, undivided roadway from Linne Road to I-580. Tracy Boulevard has a posted speed limit of 40 mph in the project vicinity.

On-Site Improvements

The project would construct two entry points to the Avenues Specific Plan area. The main entry would be off of Valpico Road into the Plan Area providing primary access and emergency access to the proposed development. A second entry point would be on Summit Drive from south of the Plan Area. An east-west oriented street would also provide entry points into the project at a time when future development occurs on the properties to the east and west of the Plan Area.

Solid Waste

The City of Tracy has an exclusive franchise agreement with Tracy Disposal Service for solid waste collection and disposal and recycling collection. Solid waste is collected and taken to the 40-acre Tracy Material Recovery Facility (MRF) and Transfer Station on South MacArthur Drive before being sent to the Foothill Sanitary landfill, 48 miles northeast of Tracy, off of Shelton Road east of Linden, California. The MRF is operated by Tracy Material Recovery and Solid Waste Transfer, Inc., and has capacity of approximately 1,000 tons per day, but averages approximately 350 tons per day, of which 85 percent is generated in Tracy. Approximately 175,000 tons of solid waste is generated in Tracy each year, of which approximately 27 percent is residential garbage.

The approximately 800-acre Foothill landfill, owned by San Joaquin County, is the primary disposal facility accepting the City's solid waste. The Foothill landfill receives approximately 810 tons per day. The landfill is permitted to accept up to 1,500 tons per day, and has a permitted capacity of 138 million cubic yards, of which approximately 125 million cubic yards of capacity remains.¹⁹ It is estimated that the Foothill landfill would have the capacity to accept solid waste from the City of Tracy until 2054. The proposed project would not generate significant volumes of solid waste, beyond levels normally found in residential developments. The proposed project would not generate hazardous waste or waste other than common household solid waste. As described above, there is adequate landfill capacity to serve the proposed project, and the project would comply with all applicable statutes and regulations related to solid waste.

Parks and Recreation

The proposed project would increase demand for parks and recreational facilities within the City of Tracy and would increase the use of the City's existing parks and recreation system. As described in the Tracy General Plan, the City maintains 48 mini-parks, 15 neighborhood parks, and eight community parks, providing approximately 256 acres at 71 sites. The City is also in the process of constructing the Holly Sugar Sports Park at the northern edge of the City, which would provide an additional 166 acres of sports parks, 86 acres of passive recreation area, and a 46-acre future expansion area for additional park facilities. Additionally, the Avenues Specific Plan area is adjacent to the Ellis Specific Plan area. Included within this Ellis Specific Plan area is a swim center that will be available for use by residents of Avenues.

The City of Tracy requires either the dedication and construction of new parks or the payment of the project's fair share in-lieu parks fees, as required by the City's General Plan. The collection of fees and determined fair share fee amounts are adopted by the City as Conditions of Approval for all new development projects prior to project approval. New park dedications or fees paid aid in the development of new park-space as required, to ensure continued high-quality park facilities for all city residents.

A four-acre park planned in the Avenues Specific Plan will be designed to provide a wide array of active and passive recreation opportunities. The park will meet a range of needs within the community. Consistent with City requirements, the Avenues Specific Plan includes a park obligation of 4 acres per 1,000 people. The Avenues Specific Plan would feature 3 park acres per 1,000 population generated of Neighborhood Parks dedication and 1 park acre per 1,000 population generated of Community Parks obligation (4 park acres per 1,000 population generated total). Population would be based on City of Tracy Parks Master Plan (April 2013), of 3.27 people per dwelling unit for new development.

Schools

Implementation of the proposed project would result in population growth within the City of Tracy, which would likely increase enrollment at schools within the Tracy Unified School District. According to the School District's boundary maps, new elementary and middle school students residing within the Avenues annexation area are expected to attend Hirsch Elementary School, and high school students would attend John C. Kimball High School.

The Tracy Unified School District (TUSD) estimates that 0.1138 elementary school students (grades kindergarten through 5th), 0.0650 middle school students (grades 6th through 8th), and 0.1471 high school students (grades 9th through 12th) would be generated from each new single family detached (SFD) residential unit. Using this generation factor, the proposed project would be expected to generate an additional 55 elementary school students, 31 middle school students, and 71 high school students. The addition of these students would exceed the current capacity at Hirsch Elementary School, and would not exceed the capacity at Kimball High School. According to the Districtwide Facilities Master Plan the build-out projections of residential units currently planned within the School District boundaries (including the proposed project), future school facilities, or expansion of existing facilities may be required.

As discussed in the 2010 General Plan SEIR, implementation of the proposed General Plan, as well as individual projects that would result in an increase of the school age population, such as the proposed project, would increase demand for school facilities. The General Plan includes policies and actions to provide sufficient educational facilities to meet the demands of existing and new development. Accordingly, the TUSD performs needs analysis and adopts an annual budget allocating resources for new school facilities as they are warranted. Although the proposed project itself does not trigger the need for a new school directly, it would contribute to existing capacity deficiencies within the TUSD service area, specifically at Hirsch Elementary School. Any new school would be subject to additional environmental review when it is proposed. The environmental review would determine if there would be an adverse physical impact associated with its construction. As noted in the SEIR, however, as specific school expansion or improvement projects are identified, additional project specific, second tier analysis would be completed. Until such time additional school sites are known and construction is proposed, further analysis would be speculative.

Additionally, TUSD collects impact fees from new developments under the provisions of SB 50. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from taxes, would fund capital and labor costs associated with school services. The adequacy of fees is reviewed on an annual basis to ensure that the fee is commensurate with the service. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the project, would fund improvements associated with school services. Under the provisions of SB 50, a project's impacts on school facilities are fully mitigated via the payment of the requisite new school construction fees established pursuant to Government Code Section 65995.

Fire Protection

The Avenues annexation area is currently within the boundaries of the Tracy Rural Fire Protection District (TRFPD). TRFPD is a member agency of the recently formed Joint Powers Authority, South San Joaquin County Fire Authority (SSJCFA). Effective July 1, 2018, the TRFPD along with the City of Tracy implemented the SSJCFA to streamline governance of fire services and therefore combine their assets,

revenues and personnel. Formation of SSJCFA also moved to officially abandon the South County Fire Authority (SCFA) with the goal being to more effectively serve the entire jurisdictional area of the TRFPD as well as the City of Tracy. The SSJCFA provides fire protection, life safety, and emergency response services to 167 square miles of southern San Joaquin County. This service area includes both the incorporated city limits of Tracy and the surrounding rural fire protection jurisdiction.

Upon annexation, and consistent with the City's Municipal Services Review (MSR) and San Joaquin LAFCo's detachment policy, the property will detach from the TRFPD and the City of Tracy will become responsible for fire service. The City will provide fire service through the SSJCFA. As described in the City's MSR, the City and TRFPD share in the cost of providing fire service in their combined territories. Under the SSJCFA cost-sharing formula, each SSJCFA member is responsible for: 1) its share of maintenance and operation costs based on its pro-rata share of staffed positions (the number of staffed positions for each of the fire companies operating in their jurisdiction), and 2) repairs exceeding \$5,000 and capital improvements to the fire stations owned by that member.

The detachment of the property from TRFPD will result in a loss of revenue (annual assessment and property taxes) to the fire district. Despite the loss of revenue due to the detachment of this property, TRFPD revenue will continue to grow as development in a number of growth areas within the district's boundary such as Tracy Hills, Ellis, Cordes Ranch, and Tracy Gateway will continue to develop and provide revenues toward their prorated share of SSJCFA costs. Once this property is detached and annexed to the City, the City's fire service jurisdiction will grow to include this area. The City's contribution to SSJCFA may increase depending on the SSJCFA cost-sharing formula. The City will continue to fund its portion of costs under the SSJCFA though revenue generated from charges for services, operating grants and contributions, capital grants and contributions, property tax, and sales and uses tax. The City's MSR noted that both the City and TRFPD have demonstrated financial capacity to provide fire services, including the relocation of fire stations, construction of new fire stations, and funding for operations and maintenance.

SSJCFA currently operates six fire stations. SSJCFA provides twenty-four hours-per-day staffing with six paramedic engine companies, one paramedic ladder truck company, and overhead staff. Four fire stations are located within the incorporated area of the City of Tracy, and two are in the jurisdiction of the TRFPD. In May of 2017, the South County Fire Authority completed a Standards of Coverage (SOC) study to analyze the emergency response capability of the SSJCFA. The study evaluated community risk and the distribution and concentration of fire department resources. Fire department deployment is about the speed and weight of a response to an emergency incident. Speed is directly related to the distribution of fire stations to allow for a rapid first-due response to mitigate emergencies. The weight, or concentration of response, concerns the spacing of stations to maximize effective response force to stop escalation of an emergency incident. The study identified additional fire stations to be added to serve future development, one of which is to be built in the immediate vicinity of the Avenues annexation area to serve this and other properties in that sector of the city.

Fire Station No. 97 is located at 595 West Central Avenue, approximately 1.7 miles from the project site and has the capacity to serve the proposed annexation area without adversely affecting existing service levels. Station No. 97 will continue to serve the annexation area until an additional planned fire station is constructed (Fire Station No.99). The fire agency goals for fire and emergency medical services (EMS) is to arrive within six minutes and thirty seconds 90 percent of the time. Fire station geographic placement is based upon travel times of four-minutes. Response travel time from Station No. 97 to the

edge of the annexation site is three minutes and thirteen seconds. Travel time from Station No. 97 to the center of the proposed annexation is four minutes, twenty-two seconds. Further, the annexation area is within the effective response force (ERF) standard of 16 fire personnel on scene within 8 minutes (as indicated in the 2017 Standards of Cover Study). ERF personnel are from three City- owned and operated fire stations.

As stated within the 2017 Standards of Cover Study, additional fire stations are recommended to best serve the entire jurisdictional area of the SSJCFA. One of the planned new fire stations (Fire Station No. 99) is to be located on Valpico Road, immediately adjacent to the annexation area. Once constructed, Fire Station No. 99 will provide first-due emergency response to the annexation area in less than 3 minutes total reflex time. Fire Station No. 99 is currently in the land acquisition phase with expected project completion within the next 5 years. Once operational, Fire Station No. 99 will only enhance already sufficient service to the annexation site.

Medical transport is provided by private ambulance. American Medical Response is the exclusive emergency ambulance service provider in San Joaquin County. Recognizing the potential need for increases in fire protection and emergency medical services, the City's General Plan includes policies to ensure that adequate related facilities are funded and provided to meet future growth (Objective PF-1.1, P1). This policy is implemented through the review of all new projects with the City's Sphere of Influence, prior to development, and through the collection of development impact fees for the funding of facilities.

Implementation of the proposed project would add additional demand to existing fire and emergency services within the City. Impact fees from new development are collected based upon projected impacts from each development. The adequacy of impact fees is reviewed on an annual basis to ensure that the fee is commensurate with the service facility and equipment needs. These impact fees are used to fund the construction of additional fire stations and purchase of equipment. The development of this property will generate impact fees to mitigate its impact on fire and emergency facilities, such as a future Station 99. Station 99 is in the planning process, with an estimated time of completion of 5 years or less, and estimated to cost \$6.6 million to design, construct, and equip. Of this amount, \$1.1 million will be funded by the advancement of public safety fees by the Avenues and Ellis developments and the remaining funding will be provided from a number of sources including impact fees collected from developments. The Tracy City Council approved an advance of development impact fees for public safety facilities in the amount of \$5 million to fund construction and equipment costs for this fire station. Once completed, Station 99 will serve this property as well other property to be developed in the future thereby ensuring that the SSJCFA response times are met.

In addition to the revenue sources mentioned above, the annexation property will create a Services CFD to fund the provision of public services such as landscape maintenance of public property that will be an off-set of General Fund expenses, thus providing additional revenue to the City. The annexation of this project to the City, including the transfer of responsibility for fire service to the City will not adversely impact fire service to the project.

Law Enforcement

The Tracy Police Department provides police protection services to the City of Tracy. The Department is headquartered at 1000 Civic Center Drive. Currently, there are no satellite offices. The headquarters is expected to remain at its current location.

The Department divides calls into three categories, Priority 1, 2, and 3 calls. Priority 1 calls are defined as life threatening situations. Priority 2 calls are not life threatening, but require immediate response. Priority 3 calls cover all other calls received by the police. Average response time for Priority 1 calls within city limits is approximately six to eight minutes. Response time for Priority 2 and 3 calls is, on average, 22 minutes.

The Tracy Police Department provides mutual aid to the San Joaquin County Sheriff's office, and vice versa, when a situation exceeds the capabilities of either department. Mutual aid is coordinated through the San Joaquin County Sheriff.

Police protection for the proposed project would be handled by the Tracy Police Department. The Avenues annexation area was analyzed for police services and the Police Chief determined that no new or expanded police facilities would be necessary to serve the project area.

Short-term impacts to emergency services, fire and police protection could result during construction of the proposed project if any road closures or detours are proposed. Implementation of a Traffic Control Plan, as determined necessary by the City of Tracy, would reduce the potential for short-term impacts to occur. As a standard measure, a Traffic Control Plan, as determined applicable by the City, would include provisions for allowing emergency access or designate alternate routes for emergency response where required. The Traffic Control Plan would also provide for notification to the police and fire departments of the construction schedule and any required detours. No short-term impacts to fire and police protection services would occur.

The project would be required to provide additional sources of funding to support what would be ongoing operational costs for Police services in the project area (as well as for Public Works staffing services related to maintenance of landscaping and other improvements within the public right-of-way). The City would therefore impose a condition of approval on the project requiring the developer to establish and fund a Community Facilities District (CFD) or other lawful funding mechanism prior to issuance of any building permits for the project. Alternatively, the project applicant can propose, subject to City review and approval of an agreement, which shall then be recorded, a source of direct funding that would ensure provision of Fire, Police, and Public Works maintenance services for the project area in perpetuity. This option would also be required to be met prior to building permit issuance.

The Project would be required to pay all applicable Public Safety Master Plan Fees. Additional funding of police services will come from annual payment of property taxes along with sales taxes and other revenue generated citywide. In addition to the revenue sources mentioned above, the annexation property will create a Services CFD to fund the provision of public services such as landscape maintenance of public property that will be an off-set of General Fund expenses, thus providing additional revenue to the City.

Other Public Facilities

Other public facilities in the City of Tracy include libraries, hospitals, and cultural centers such as museums and music halls. The development within the Avenues annexation area would incrementally increase demand on these facilities. However, buildout of the Avenues annexation area would not result in a significant increase in demand for public facilities such that new libraries, hospitals, cultural center, or other public facilities would need to be constructed or expanded to serve the proposed new development.

Findings

As described in greater detail in the Project IS/MND, the proposed annexation has been planned for urban development and presents a logical extension of the City's urban growth boundary. The Avenues Specific Plan project would require the extension of infrastructure and facilities, including public safety, parks and recreation, and utility services from the Ellis Specific Plan area to the project site. The level and range of these improvements are described in greater detail in the Avenues Specific Plan IS/MND. Additionally, the City of Tracy General Plan requires new development to pay its fair share of the costs of public buildings by collecting the Public Buildings Impact Fee. The Public Buildings Impact fee is used by the City to expand public services and maintain public buildings, including the Civic Center and libraries in order to meet the increased demand generated by new development. The collection of fees and determined fair share fee amounts are adopted by the City as Conditions of Approval for all new development projects prior to project approval. Overall, the existing and proposed public services and utility infrastructure would be adequate to serve the Project.

Section 13: Timely Availability of Water Supplies – Avenues Annexation

In reviewing and approving or disapproving proposals which could require additional water supplies, pursuant to Section 56668(k) of the California Government Code, factors to be considered in the review of a proposal shall include a description of timely availability of water supplies adequate for projected needs as specified in Section 65352.5 of the California Government Code.

Findings Related to Water Supply

The project water demand was calculated for the Avenues Specific Plan project (“Project”) using water factors adopted in the 2012 Citywide Water System Master Plan (WSMP). The Avenues Specific Plan was adopted by the Tracy City Council in September 2018 for up to 480 residential units and a 4-acre park. Approval and subsequent development of the Project area would result in a projected potable water demand of 232,065 gallons per day (GPD) or 260 acre-feet per year (AFY). As described more fully in Section XVIII(d) of the Project ISMND, the proposed Project would not exceed the City’s available water supply. Additionally, that section shows there is sufficient water supply to serve the Project, along with other contemplated growth in normal, single dry and multiple dry years until 2035 based on the City’s current and projected future water supply portfolio.

The water supply necessary to serve development of the Project site will be supplied via a connection to a 12-inch water main located in Summit Drive within the Ellis Specific Plan area located to the south of the Project area and a 24-inch water main in Valpico Road adjacent to the north of the Project area. Additionally, the City of Tracy is planning to provide recycled water services to portions of the City. There is a planned 8-inch recycled water main in Summit Drive.

Water Demand of the Project

City’s Existing and Future Water Supply Portfolio

The water sources for the City of Tracy include surface water from the Delta-Mendota Canal Central Valley Project (CVP), surface water from the Stanislaus River via the Couth County Water Supply Project (delivered by the South San Joaquin Irrigation District (SSJID)), groundwater pumped from nine groundwater wells within Tracy, Semitropic Water Storage District storage and Aquifer Storage and Recover supplies to offset reduced deliveries of surface water in dry years and recycled water. In 2018, 60% of the water supply, came from the Stanislaus River, 35% from the Delta-Mendota Canal, and 5% from groundwater. The City owns and operates a water transmission and distribution system as well as production and treatment facilities for surface water and ground water sources.

As identified in Section XVIII(d) of the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Avenues Specific Plan (refer to Section 7 of this application submittal), for all of the hydrologic conditions, the City’s existing and anticipated future supplies are sufficient to meet the City’s Year 2035 water demands. The City’s backbone water treatment and conveyance infrastructure is adequate to serve existing demand, in addition to the demand created by the proposed project.

According to the City’s 2015 Urban Water Management Plan (UWMP), the City’s Year 2040 potable water supplies in normal, single dry and multiple dry years would be 34,830 AFY, 25,980 AFY, and 29,825 AFY, respectively¹⁶. These supplies would be sufficient to meet the City’s Year 2040 potable water demands (27,537 AFY¹⁷). Existing and planned additional water supply would be sufficient to meet water demand for any hydrologic conditions to the year 2035. As the City would have sufficient water supplies to serve the Avenues annexation area under both existing (Current 2018) and year 2035 conditions, as

well as to serve planned future City-wide development, the Project would have sufficient and timely availability of water supplies.

Sustainability Features of the Project Relating to Water Supply

Section 3.8 of the Avenues Specific Plan contains sustainability principles directly relating to the availability and use of water within the Project. These include:

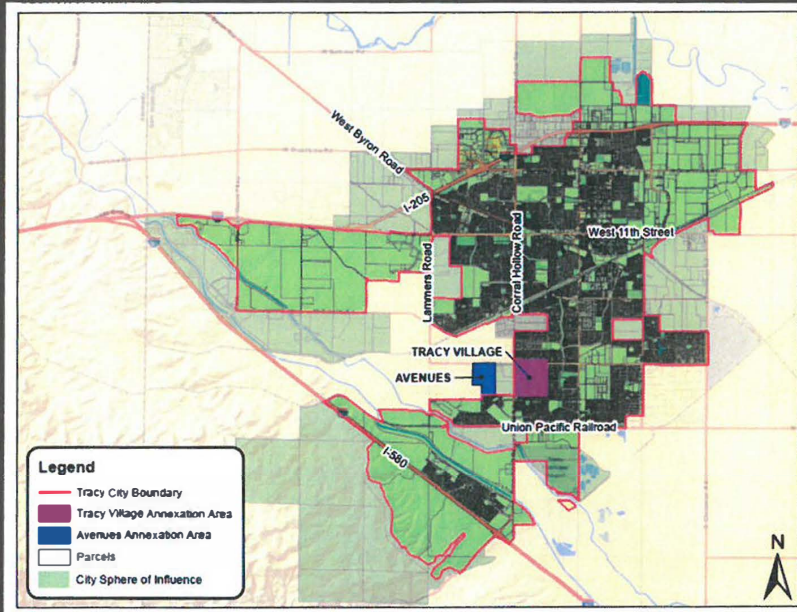
- Emphasize drought tolerant, native and climate-adapted plants
- Minimize the use of lawn, except for recreational purposes
- Group plants by water use, i.e., hydrozones
- Design high efficiency, weather-based irrigation systems

AVENUES REORGANIZATION TO THE CITY OF TRACY (LAFC 22-20)

Public Hearing
January 14, 2021
San Joaquin Local Agency Formation
Commission

PROPOSAL

- Annexation of 97 acres. Includes 2 parcels and a portion of Valpico Road
- Detachments from the Tracy Rural Fire District and the San Joaquin County Resource Conservation District
- City proposes development of 380-480 residential units and open space
- Annexation site is uninhabited and has 100% owner consent



THE AVENUES

Vicinity Map

BACKGROUND

- City pre-zoned the site as the Avenues Specific Plan Zone
- The Avenues Specific Plan Zone allows development of 380-480 housing units of mixed sizes and a 4-acre neighborhood park
- Site is adjacent to the Ellis Specific Plan and is intended to complement the residential subdivision in street design, architecture, and amenities
- Some municipal services to the Avenues will be extended from the Ellis subdivision
- The Avenues project site is within the City 10-year planning horizon

ENVIRONMENTAL

LEAD AGENCY: CITY

- Certified a Mitigated Negative Declaration and adopted a Mitigation Monitoring and Reporting Program

RESPONSIBLE AGENCY: LAFCo

- Must independently review and consider the City's environmental report and make findings

REVIEW FACTORS

POPULATION AND GROWTH

- Annexation site is in agricultural production
- Near residential subdivisions including:
 - Ellis Specific Plan (approximate 2,250 residential units)
 - Tracy Village which was approved in 2019 for 500 single family units
- Within 10-year planning horizon where population growth is anticipated to occur
- City adopted a Growth Management Ordinance to manage population growth

REVIEW FACTORS

AG LAND CONVERSION

- 95 acres of Prime Agricultural land will be converted
- City's General Plan and Final EIR found that conversion of ag land to urban uses is a significant and unavoidable impact
- City adopted mitigation measures including Right to Farm, Ag Mitigation Fee Program, and the Multi-Species Habitat Conservation and Open Space Plan
- Vacant Land Inventory: Other available lands unsuitable or had issues with connection to infrastructure systems for services

REVIEW FACTORS

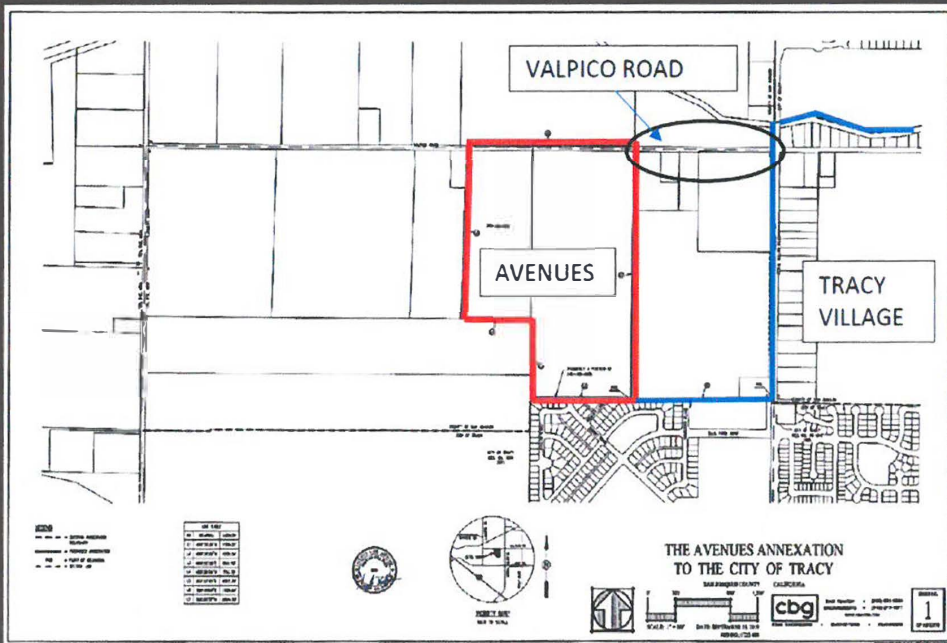
SPHERE OF INFLUENCE OF OTHER LOCAL AGENCIES

- Detachment from Tracy Rural Fire District
- Remains in Byron Bethany Irrigation District will provide new water for treatment and retail delivery

REVIEW FACTORS

COMMENTS FROM AFFECTED AGENCIES

- County Public Works requested an agreement with the City to maintain Valpico Road from annexation site to Corral Hollow Road
- The City states they are willing to work with the County on the Valpico Road/Corral Hollow Road intersection but disagrees with maintaining the 1,500 foot of roadway on Valpico Road
- Issues regarding road maintenance can be handled without LAFCo involvement



County Public Works Area of Concern— Valpico Road

REVIEW FACTORS

CITY SERVICES PLAN

- Avenues will connect to Ellis infrastructure for water and stormwater
- Participation in the implementation of the City's Wastewater Master Plan through payment of fees and/or construction of required infrastructure
- Community Facilities District will be established for police services
- Fire service will be provided by the City through the South San Joaquin County Fire Authority
 - Loss of revenue to Tracy Rural is \$763,80
 - Tracy Rural has not indicated negative financial impact

DISCUSSION

- Logical extension of the City boundary
- Logical extension of the Ellis Specific Plan including the ability to maximize the use of existing public services and infrastructure
- Annexation of the Avenues for residential development addressed in the City's General Plan and the Municipal Service Review and Sphere of Influence Plan

RECOMMENDATION

It is recommended that the Commission approve Resolution No. 1439 approving the reorganization of the Avenues to the City of Tracy.

LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

EXECUTIVE OFFICER'S REPORT

- PROJECT:** TRA VIGNE REORGANIZATION TO THE CITY OF STOCKTON
(L AFC 16-20)
- PROPOSAL:** To annex 343.24 acres to the City of Stockton with concurrent detachments from the Waterloo-Morada Fire Protection District and the San Joaquin County Resource Conservation District.
- APPLICANT:** City of Stockton
- LOCATION:** Southeast quadrant of West Lane and Eight Mile Road (Exhibit A: Vicinity Map)
- PURPOSE:** The City proposes development of approximately 1,413 residential units, a school site, commercial and open space uses (Exhibit B: Justification of Proposal)
- PROCESS:** Proposed annexation area is uninhabited and does not have 100% owner-consent

RECOMMENDATION

It is recommended that the Commission approve Resolution No. 1440 approving the annexation of 343.24 acres to the City of Stockton with concurrent detachments from the Waterloo-Morada Fire Protection District and the San Joaquin County Resource Conservation District.

BACKGROUND

The Stockton City Council approved an application submittal to LAFCo on June 23, 2020 for the annexation of the proposed Tra Vigne project (Exhibit C: Resolution 2020-06-23-1501-02). The project area was pre-zoned RL (Residential, Low Density); RH (Residential, High Density); CG (Commercial, General); OS (Opens Space; and IL (Industrial, Limited). The City proposes development of the 343.24 acres as follows: 1,163 single-family residential units, 340 high density residential units, 20.36 acres of non-traditional park areas; up to 15.07 acres of traditional park areas and a 14.7-acre K-8 school site. The annexation site includes existing industrial on 15.57 acres and two parcels of 5.07 acres, owned by Union Pacific. The portion of Eight Mile Road fronting the annexation on the north will be annexed as well as West Lane to the east of the project area including the portion of West Lane south of Bear Creek Channel to the City limits. Annexation of the 88.9 feet portion of West Lane south of Bear Creek Channel will create an island of unincorporated territory requested by LAFCo to avoid fragmentation of road services between the County and City.

Parcels owned by Pacific Bell, Bragg Investment Company and Union Pacific have not consented to the annexation. The non-consenting parcels total 20.64 acres or 6.47% of the gross land area of the annexation. These three parcels were included in the request for annexation to form a more

logical City boundary. In planning for the annexation, the City included these lands in their Land Use Plan, Infrastructure Planning and the Environmental Impact Report.

Because the Tra Vigne annexation project does not have 100% of the property owners consenting to the annexation a Protest Hearing after approval may apply. The Commission, however, may waive protest proceedings pursuant to GC Section 56663 if these three conditions apply: (1) a 21-day public hearing notice has been given to landowners and registered owners within the annexation area; (2) the hearing notice discloses that unless written opposition to the proposal is received before the conclusion of the hearing, the Commission intends to waive protest proceedings; and (3) written opposition is not received before the close of the hearing. Conditions (1) and (2) have been met with the issuance of the public hearing notice.

ENVIRONMENTAL

The City of Stockton certified a Final Environmental Impact Report (State Clearinghouse No. 2016022061) with a Statement of Overriding Considerations and adopted a Mitigation Monitoring and Reporting Program for the project on June 23, 2020. LAFCo, as a Responsible Agency must consider the City’s environmental report and make findings upon approval of the project. (Exhibit D: Notice of Determination).

PROPERTY TAX EXCHANGE

Pursuant to the Revenue and Taxation Code, the City and County must have an agreement in place that would determine the exchange of property tax revenues from jurisdictional changes. A County/Stockton master tax sharing agreement is in place providing for a County 80% and City 20% split of property taxes

FACTORS

The Cortese-Knox-Hertzberg Local Government Reorganization Act requires 16 factors to be considered by a LAFCO when evaluating a proposal for a change in organization or reorganization to a City. Factors to be considered shall include, but are not limited to the following (Government Code Sections 56668):

(a) Population and population density, likelihood of significant growth during the next 10 years

The project includes the annexation of 343.24 acres for the development of 1,413 residential units, commercial, a school site and open space uses. The project site is located within the Eight Mile/Bear Creek Neighborhood identified as Neighborhood 15 in the General Plan 2040 Update Study. It is anticipated that annexation of the Tra Vigne project will lead to the infill of Neighborhood 15 (Bear Creek South and Bear Creek West) as primary infrastructure, looping of essential water mains, sewer collection systems and road improvements on Eight Mile Road and West Lane will be initiated or completed. The projected completion of Bear Creek South and Bear creek West infill when fully developed could provide an additional 7,900 single-family units and 1,793 multi-family units.

(b) The need for organized services and present cost and adequacy of governmental services community

SERVICE	CURRENT PROVIDER	AFTER ANNEXATION
Law Enforcement	County Sheriff’s Office	City
Fire Protection	Waterloo-Morada Fire District	City

Water	None	City
Sewer	None	City
Drainage	None	City
Irrigation	SEWD/Woodbridge Irrigation District	SEWD/Woodbridge Irrigation District
Schools	Lodi Unified School District	Lodi Unified School District
Planning	County	City

Essential governmental services which are provided to the subject area at the present time, and which will be provided after the proposal is finalized, are indicated in the above chart:

The developers of the project will be required to install all City utilities and improvements consistent with approved City Utility Master Plans. Funding and/or construction of required improvements will be the responsibility of the developers. Development of the project site and the need for City services has been considered under the General Plan. A Municipal Service Review (MSR) and SOI Update which also included the development of the Tra Vigne project concluded that the project can adequately be served by the City.

(c) The effect of the proposed action and of alternative actions, adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

The Pacific Bell and Bragg Investment Company are included in the proposed annexation request without the consent of the property owners. The proponents of the project have had contacts with the property owners, and they have been notified of public noticed meetings. The property owners have not provided additional comments on the effects of the annexation regarding their interests. Two parcels owned by Union Pacific will also be included in the annexation and they have not consented to the annexation. Union Pacific has provided a written response to areas that are of concern to their operations. Further discussion and the City's response are found below in section (j) below.

(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.

Section 56377 requires that the Commission, in reviewing proposals that would reasonably induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, to consider the following policies and priorities:

- (1) Development of land for other than open-space uses shall be guided away from existing prime agricultural lands towards areas containing nonprime agricultural land unless that action would not promote the planned, orderly, and efficient development of the area; and
- (2) Development of existing vacant or non-prime agricultural lands for urban uses within the jurisdiction or within the sphere of influence should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open space uses outside of the jurisdiction or sphere of influence.

An Agricultural Land Conversion Statement (Exhibit E) has been submitted with the annexation application. Approximately 253 acres are in active agricultural purposes such as farming and crop production. The City identified two types of soils that can be found in the annexation site, Jackstone clay and Stockton clay. Based on these soil types, about 78 acres, meets the criteria of Prime Agricultural Land.

Conversion of open space and prime agricultural land is needed to meet the demand for residential housing for the anticipated population growth within the City's SOI. The City prepared a Residential Entitlement Matrix (Exhibit F) which demonstrates that at the end of the 2040 General Plan period a shortfall of available housing units will occur to accommodate the projected growth pattern within the SOI. The Tra Vigne residential housing project is needed to contribute to the City's housing need.

The City has included the site within its 10-year planning horizon in anticipation for development. To mitigate the loss of agricultural lands the parcel is subject to the City's Agricultural Lands Mitigation Program. The program requires the developers of the property to dedicate an agricultural conservation easement at a 1:1 ratio or pay the Agricultural Land Mitigation Fee. Also, the project will be required to participate in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) which would require fee payments for conversion, part of which would be used to conserve agricultural lands. Compliance with the Agricultural Lands Mitigation Program and the SJMSCP would partially compensate for the impact of agricultural land conversion.

Development of the annexation site represents a logical extension of the City boundary, and provides a planned, orderly, and efficient pattern of urban development. City services and utilities are available and can be served by existing infrastructure.

(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

Agricultural lands are defined as lands that are currently used for the purpose of producing an agricultural commodity for commercial purposes. About 253 acres within the annexation site remains in active agricultural use for farming and crop production. The City proposes to develop this land into urban uses. The change in land use will not maintain the physical and economic integrity of agricultural lands within the project site.

(f) The definiteness and certainty of the boundaries of the territory.

The annexation area is consistent with LAFCo's policy requiring full assessor parcels be annexed.

(g) A regional transportation plan adopted pursuant to Section 65080 and consistency with city or county general and specific plans.

The 2020 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) serves as the region's long-range transportation plan and provides guidance for decisions about transportation spending priorities. The proposal is consistent with the City's General Plan and other applicable planning documents.

(h) The proposal's consistency with city or county general and specific plans

The Tra Vigne project is consistent with the Envision Stockton 2040 General Plan and the City's Wastewater and Water Master Plans.

(i) The sphere of influence of any local agency, which may be applicable to the proposal being received.

The Tra Vigne annexation area is within the Waterloo-Morada Fire Protection District and will be detached from the district. It is also within the Woodbridge Irrigation District (WID) and Stockton East Water District (SEWD), but no detachment is proposed. All lands annexed to the City automatically annex into the SEWD pursuant to the district's special legislation. Additionally, the Tra Vigne annexation area is located within the overlapping boundaries of SEWD/WID service area. WID will continue to provide irrigation water for this portion of the City.

(j) The comments of any affected local agency or other public agency.

The proposal was distributed to local and affected agencies for their review and comment. (Exhibit G: Comment Letters)

Environmental Health Department: The agency recommends that existing wells to be abandoned shall be destroyed under permit and inspection by EHD.

County Public Works Department: No comment.

California Public Utilities Commission (CPUC): The CPUC has jurisdiction over rail crossings within the annexation boundary. Potential increases to pedestrian and vehicular traffic will occur due to development of the project area. Traffic impact studies should analyze rail crossing safety and potential mitigation measures. Pedestrian and bike routes should be designed to clearly prohibit and discourage unauthorized access onto the tracks, except at authorized crossings. Construction or modification of public crossings requires authorization from the CPUC.

Union Pacific (UP): UP asks LAFCo and the applicant to keep in mind that the adjacent railroad operation remains an active rail corridor and nearby land uses should be compatible with the continuing rail use. UP commented on areas of concern and suggested mitigation measures including:

- **Trespassing:** Requests that LAFCo require the installation of vandal resistant fencing, pavement markings, and “no trespassing” signs to prevent individuals from trespassing.
- **Increased Traffic:** Increase in traffic may render current safety devices on nearby at-grade crossings to be inadequate. Increases in pedestrian and vehicular traffic may conflict with train operations making rail service less effective and efficient. UP requests that LAFCo examine increases and impacts for additional mitigation measures.
- **Noise and Vibration Impact:** Noise and vibration is expected to occur under UP’s 24-hour rail operations and developers should disclose this information to the residents. Development plans should include sound barriers or landscape buffers.
- **Drainage and Annexation Construction:** UP requests LAFCo ensure that any drainage plans should not shift water drainage towards UP property and infrastructure.
- **At-Grade Rail Crossing and Sight Line Safety:** UP requests an onsite meeting with the California Department of Transportation to discuss potential impact and possible upgrades to mitigate any safety risks resulting from reduced visibility.

LAFCo has forwarded UP’s comments on the Tra Vigne proposal to the City for response. LAFCo received responses from the City and an applicant’s attorney. Furthermore, DeNovo Planning (Project Consultant) provided a comprehensive evaluation of the comments which directs UP and the CPUC to the specific areas in the project planning process that addressed and/or mitigated each area of concern stated above. (Exhibit H: Response to Comments)

(k) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

The City will extend municipal services to the proposed annexation area. As required by Government Code § 56653 the City submitted a plan for providing services (Exhibit I: City Services Plan). GC 56653 requires that the plan address the following: 1) an enumeration and description of services to be provided; 2) the level and range of those services; 3) an indication of when those services can feasibly be extended; 4) improvements or upgrading of services or other conditions that would be imposed or required by the annexation; and 5) how the services will be financed. Detailed information can be found in the City’s Services Plan.

Water: In 2016 the City adopted an Urban Water Management Plan (UWMP). The Plan included existing and projected water demands for existing and projected future land uses to be developed

within the City's Sphere of Influence through 2040. The Tra Vigne development project was included in the projections. The City's water supplies include purchased water from Stockton East Water District (SEWD) and Woodbridge Irrigation District (WID), surface water, and groundwater supplies. In total, the City's total right or safe yield of water supplies are approximately 96,480 acre feet per year (AFY) and water demand for current and proposed uses under average daily and maximum daily demand conditions are approximately 26,319 AFY (2015). The projected potable water demand for Tra Vigne is approximately 808.01 AFY which the City states can be accommodated.

A water distribution system to serve the project will be installed per City Standards and the City's Master Plan. It will include oversizing in order to serve other development in the area. In addition, a new potable water well be installed. Groundwater from the well would be a source for the water supply to serve the project. On-site water infrastructure will be funded and constructed by the developer.

Stormwater: The northwest corner of the project site lies within the 200-year flood plain and will need to comply with SB 5 requirements including construction of a new storm drainage collection system and two detention basins. A new on-site storm water pump station would dispose of the storm water collected by the detention basins to Bear Creek. Construction of the stormwater infrastructure will be funded by the developer. The City will require that an entity for the collection of assessments be established to provide revenue for operation, maintenance, and replacement costs.

Sewer: The City will provide wastewater collection and treatment upon annexation. The Stockton Regional Wastewater Control Facility (RWCF) provides primary, secondary, and tertiary treatment of municipal wastewater gathered from the City as a whole. The RWCF has a design flow capacity of 55 mgd and an average daily flow rate of 31.7 mgd. Treated effluent from the RWCF is dechlorinated and discharged into the San Joaquin River. The Tra Vigne project will be required to construct an on-site and off-site collection system. A sewer main will be constructed from the site to the north edge of the Bear Creek Levee and westerly to connect to an existing pump station in Northwest Stockton System 10, then on to the City's RWCF for treatment. On-site and off-site wastewater collection system will be funded and constructed by the developer. Funding may include a Community Facilities District, connection fees and other charges. Infrastructure that may be oversized to serve other new development will be entitled to reimbursement through an Area of Benefit Fee and through credits against City Public Facilities fees.

Police: Law enforcement services are currently provided by the County Sheriff's Office and will be provided by the City's Police Department (SPD) upon annexation. As of 2019 the police department consisted of 485 sworn officers, 45 police telecommunicators, and 181 civilian staff. It is the department's policy to respond to all emergency calls within three to five minutes. At buildout the project would increase the City's population by approximately 4,606 people. The City states that the increase would be incremental and would not have direct impact to police services. Funding for law enforcement, crime prevention services, and other essential services come from Measure A revenues, a three-quarter cent sales tax approved by the voters in 2014.

Fire: The project site will detach from the Waterloo-Morada Fire District and fire services will be provided by the City. The nearest station to the annexation site is located at the southeast corner of Hendrix Drive and Holman Road in the Cannery Park development, about 1 mile to the east of the Tra Vigne site. The response travel times from this station for a standard structure fire call averages 4:52 minutes, and 90 percent of the time, response travel times are within 8:36. This exceeds the General Plan goal of 4 minutes or less for the initial arriving company.

Currently the quickest route from the nearest fire station to the annexation site is unavailable and two alternate routes have been determined. The quickest and preferred route will not be available until the completion of the Holman Bridge and extension of Eight Mile Road, anticipated to go into construction sometime during the second quarter of 2021. Two alternate routes provide response times of 4.72 and 5.95 minutes, above the City's standard response times. One alternate route includes crossing the Union Pacific Railroad at-grade crossing on Morada Lane which can have delays during train movements.

An interim fire service plan has been devised in the event there is a delay in constructing the Holman Road Bridge. An Interim Fire Protection and Emergency Services Agreement has been entered into between Tra Vigne and the City. The agreement requires Tra Vigne to fund a temporary fire unit in a location to be determined that would allow for fire response times within the City's standards. The Tra Vigne ownership would provide funding for equipment and operation costs while the City will be responsible for the station and to house the equipment and personnel.

It is Commission's policy to consider any significant adverse effects that may be caused by an annexation, (i.e. a negative impact on a special districts' budget) and if adequate mitigation has been provided. To mitigate the fire district's loss in revenues as a result of the annexation, the fire district and Tra Vigne entered into an agreement on July 21, 2020 that requires Tra Vigne to make a one-time payment upon annexation in the amount of \$112,733.15.

(l) Timely availability of water supplies adequate for projected needs as specified in Government Code Section 65352.5.

The City prepared a Statement of Timely Availability of Water Supplies (Exhibit J). The City's Urban Water Management Plan (UWMP) that evaluates potential population growth and the availability of water based on existing water use patterns determined that water supplies would exceed demands for average, single dry year, and multiple dry years from 2020 to 2040. The UWMP considered water usage from the development using the average usage per connection and concluded that sufficient water supplies existed for the development.

(m) The extent to which the proposal will affect a city and the county in achieving their respective fair share of the regional housing needs

The proposed annexation site has been rezoned as Residential, Low Density; Residential, High Density; Industrial, Limited; Commercial; General and Open Space. At full build-out the annexation will accommodate about 1,413 residential units. The residential units are expected to be developed at market rates, and therefore, would be included in the Above Moderate and/or Moderate-income categories. The City has satisfied the housing needs in these categories by units that have been approved or built under the Regional Housing Needs Assessment for the period 2014 to 2023.

(n) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

No information or comments have been received from voters or residents of the affected territory. Landowner comments are discussed in section (j).

(o) Any information relating to existing land use designations.

There is no other land use information related to this project.

(p) The extent to which the proposal will promote environmental justice. This means the fair treatment and meaningful involvement of people of all races, cultures, incomes and national origins with respect to the location of public facilities and the provision of public services to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.

The project does not result in the unfair treatment nor meaningful involvement of disadvantaged people with respect to the location of public facilities and provision of public services.

DISCUSSION

The Cortese-Knox-Hertzberg Reorganization Act of 2000 provides guidance to local LAFCo's in the review of proposals for reorganizations. This staff report provides a summary of the review factors for consideration by the Commission in its review of the annexation proposal. The project represents a logical extension of the City boundary and provides for the orderly development of this area of the City. The proposed development has been addressed in the City's General Plan and the MSR/SOI Plan approved by the Commission indicating that adequate services can be provided by the city.

In order to address response times in the event there is a delay in constructing the Holman Bridge for fire service the City will implement an interim fire service plan. The agreement requires Tra Vigne to fund a temporary fire unit in a location that would allow for fire response times to be within the City standard.

Annexation of the project area and the 88.9 feet portion of West Lane south of Bear Creek Channel to the City limits will create an island but is necessary to avoid fragmentation of road services between City and County.

The Tra Vigne annexation project does not have 100% of the property owners consenting to the annexation. Unless written opposition to the proposal is received by any of the landowners before the conclusion of the hearing, the Commission may waive the protest proceedings.

Attachments: LAFCO Resolution No. 1440
Exhibit A: Vicinity Map
Exhibit B: Justification of Proposal
Exhibit C: City Resolution
Exhibit D: Notice of Determination
Exhibit E: Agricultural Land Conversion Statement
Exhibit F: Residential Entitlement Matrix
Exhibit G: Referral Comment Letters
Exhibit H: Response to Comments
Exhibit I: City Services Plan
Exhibit J: Timely Availability of Water Supplies

RESOLUTION NO. 1440

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION APPROVING
THE TRA VIGNE REORGANIZATION TO THE CITY OF STOCKTON
WITH CONCURRENT DETACHMENTS FROM THE WATERLOO-MORADA FIRE
PROTECTION DISTRICT AND THE SAN JOAQUIN COUNTY RESOURCE CONSERVATION
DISTRICT (LAFc 16-20)**

WHEREAS, the above entitled proposal was initiated by resolution by the City of Stockton and on November 11, 2020 the Executive Officer certified the application filed for processing in accordance with the Local Government Reorganization Act of 2000; and

WHEREAS, the Commission held a telephonic public hearing on the proposed reorganization on January 14, 2021, pursuant to notice of hearing which was published, posted, and mailed in accordance with State law; and

WHEREAS, in accordance with Governor's Executive Order N33-20, LAFCo has arranged for members of the public to observe and address the meeting telephonically and by Zoom.

WHEREAS, at said hearing the Commission heard and received evidence, both oral and written regarding the proposal and all persons were given an opportunity to address the hearing telephonically; and

WHEREAS, the City of Stockton certified and adopted an Environmental Impact Report (State Clearinghouse No. 2016022061) with a Statement of Overriding Considerations and adopted a Mitigation Monitoring and Reporting Program for the Tra Vigne Reorganization Project;

WHEREAS, the subject territory is uninhabited and did not have 100% owner consent;

WHEREAS, annexation of the proposed territory creates an island of unincorporated territory;

WHEREAS, the Commission has, in evaluating the proposal considered the report submitted by the Executive Officer, the factors set forth in Section 56668 of the California Government Code and testimony and evidence presented at the public hearing held on August January 14, 2021.

NOW, THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Certifies that, as a Responsible Agency, the Commission has independently reviewed and considered the Environmental Impact Report (State Clearinghouse No. 2016022061) with a Statement of Overriding Considerations and adopted a Mitigation Monitoring and Reporting Program as certified by the City of Stockton.

Section 2. Finds that the proposal is uninhabited and did not have 100% owner consent.

Section 3. Waives the protest hearing pursuant to Section 56663.

Section 4. Waives the restriction of the Local Government Reorganization Act of 2000 prohibiting the creation of an unincorporated island and finds such restriction would be detrimental to the orderly development of the community.

Section 5. Approves the annexation of the Tra Vigne Reorganization to the City of Stockton with concurrent detachments from the Waterloo-Morada Fire Protection District and the San Joaquin County Resource Conservation District with the boundary description attached hereto as Exhibit A.

Section 6. Finds, pursuant to Government Code Section 56856.5, the reorganization is necessary to provide services to a planned, well-ordered, and efficient urban development pattern that includes appropriate consideration of the reservation of open-space lands within those urban development patterns.

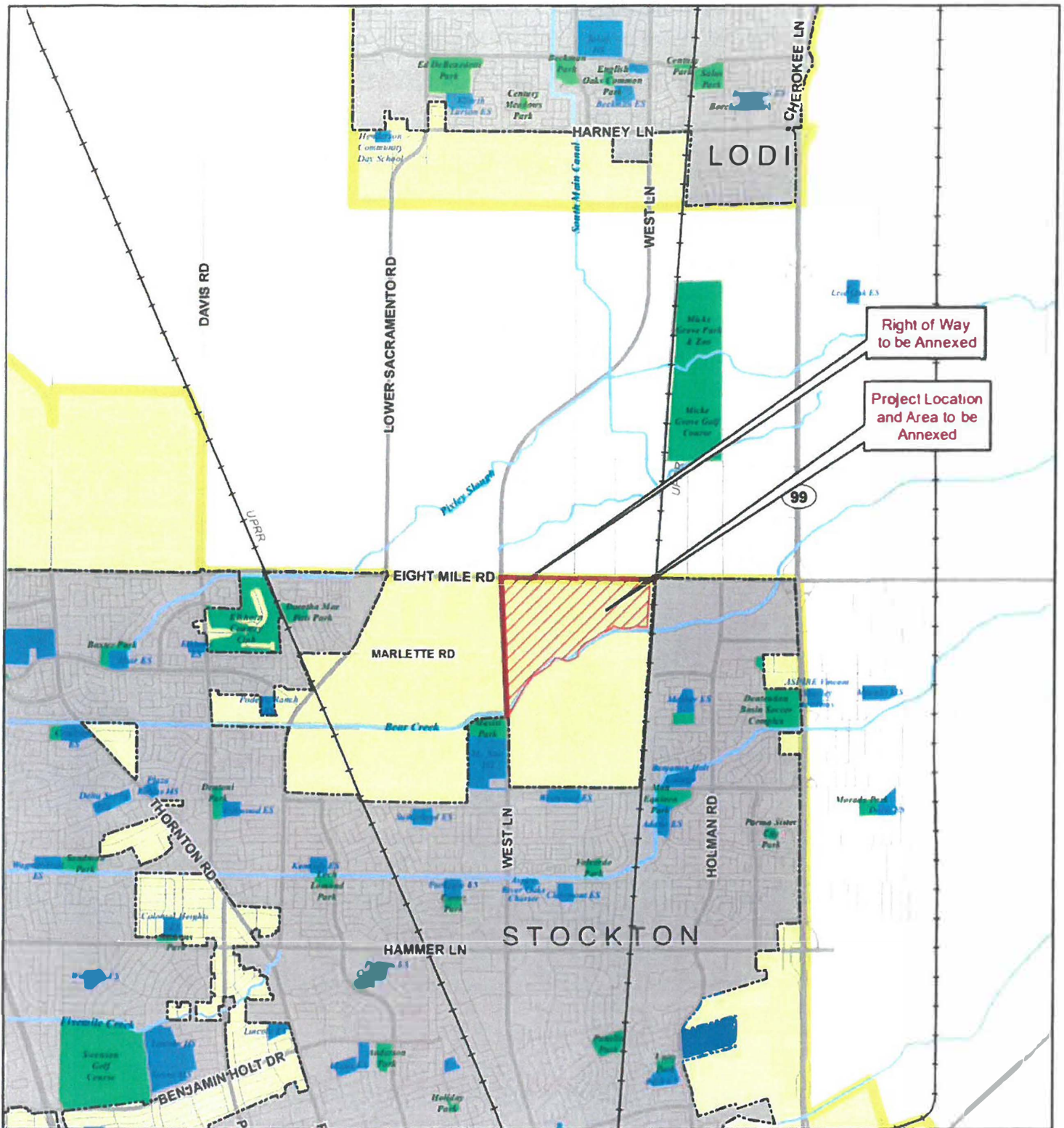
PASSED AND ADOPTED this 14th day of January 2021 by the following roll call vote:

AYES:

NOES:

ABSENT:

, CHAIRMAN
San Joaquin Local Agency
Formation Commission

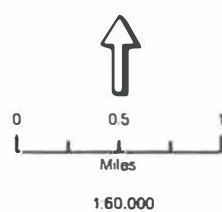


TRA VIGNE

Figure 1: Project Vicinity

Legend

- Project Area Annexation
- ROW Annexation
- City Limits
- Sphere of Influence
- Public School
- Park
- USGS Stream/River



San Joaquin Local Agency Formation Commission

509 West Weber Avenue Stockton, CA 95203
209-468-3198 FAX 209-468-3199

JUSTIFICATION OF PROPOSAL

Please complete the following information to process an application under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: (Indicate N/A if Not Applicable)

SHORT TITLE OF THE PROPOSAL: Tra Vigne Annexation to the City of Stockton

TYPE OF PROPOSAL

- City Incorporation
- Consolidation
- Detachment
- Sphere of Influence Amendment
- Sphere of Influence Update
- Addition of Services
- District Formation
- Annexation
- District Dissolution
- Reorganization (involving an Annexation and Detachment(s))

AGENCY CHANGES RESULTING FROM THIS PROPOSAL

Agency or Agencies gaining territory: City of Stockton

Agency or Agencies losing territory: San Joaquin County
Waterloo-Morada Fire Protection District
Woodbridge Irrigation District

NOTIFICATION

Please indicate the names, addresses and telephone numbers of all Applicants, Applicant's Agents, and all affected Agencies who are to receive the hearing notice and the Executive Officer's Report:

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Attached Listing		

(Attach a separate sheet if necessary.)

PROJECT INFORMATION

Please provide project-related information for the following questions:

- 1. Do the proposed boundaries create an island of non-agency territory? Yes No
- 2. Do the proposed boundaries split lines of assessment or ownership? Yes No
- 3. Does the proposal involve public rights-of-way or easements? Yes No
- 4. Does the proposal involve public land or land assessed by the State? Yes No
- 5. Does any part of the proposal involve land under a Williamson Act Contract or Farmland Security Zone? Yes No
- 6. Does any part of the proposal involve land with a Wildlife/Habitat Easement or Agricultural Land Conservation Easement? Yes No

7. List the affected Assessor Parcel Numbers, Owners of record and Parcel Sizes:

<u>APN</u>	<u>Owner</u>	<u>Acres</u>
------------	--------------	--------------

Attached Listing

(Attach a separate sheet if necessary)

8. Physical Location of Proposal: West Lane at Eight Mile Road, southeast quadrant
(Street or Road, distance from and name of Cross Street, quadrant of City)

9. Has an application been filed for an underlying project (such as Development Plan, Conditional Use Permit, or Tentative Subdivision Map)? Yes No

If Yes, please attach a Project Site Plan or Tentative Subdivision Map.

If No, please provide an estimate of when development will occur: Project Site Plan

10. List those public services or facilities which will be provided to the affected territory as a result of the proposed action:

Utilities: Wastewater, Potable Water, Storm Water

Public Safety: Fire Protection and Emergency Medical, Police

Others: Public Works, Parks & Recreation, Libraries and General Administrative Services

11. Indicate which of these services or facilities will require main line extensions or facility up-grades in order to serve the affected territory:

Potable Water: transmission main 30" line 6,000 feet, Eight Mile Road, 24" main on West Lane to close a loop on West Lane

Wastewater: 24" collector on West Lane to service property to the west

12. Provide any other justification that will assist the Commission in reviewing the merits of this request. (Attach a separate sheet if necessary)

INDEMNIFICATION AGREEMENT

As part of this application, applicant and real property in interest, if different, agreed to defend, indemnify, hold harmless, and release the San Joaquin Local Agency Formation Commission, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of the above, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the San Joaquin Local Agency Formation Commission, its agents, officers, attorneys, or employees.

Executed at _____, California, on _____, 20__.

APPLICANT

Signature: _____

Title: _____

[Handwritten Signature]
MANAGER

REAL PARTY IN INTEREST

(If different from Applicant)

Signature: _____

Title: _____

SUBMITTALS

In order for this application to be processed, the following information needs to be provided:

1. Two copies of this Justification of Proposal, completed and signed with original signatures;
2. Five prints of a full-scale proposal map showing the affected territory and its relationship to the affected jurisdiction (Refer to Guide for Preparation);
3. Five copies of an 8.5" x 11" or 11" x 17" reduction of the proposal map;
4. Three copies of a metes and bounds description of the affected territory;
5. One certified copy of the City Council and/or Special District Board Resolution of Application, or a petition making application to LAFCo (as appropriate);
6. Written permission from each affected property owner (or signature form);
7. One copy of the project environmental document (One Compact Disc if more than 25 pages);
8. One copy of the project Notice of Determination;
9. Three 8.5" x 11" copies of the Vicinity Map (if not included on the proposal map);
10. One copy of the plan for providing services along with a schematic diagram of water, sewer and storm drainage systems (refer to Government Code Section 56653);
11. One copy of the Pre-Zoning map or description (as required by Section 56375);
12. One copy of the Statement of Open Space (Ag) Land Conversion (refer to Section 56377);
13. One Copy of the Statement of Timely Availability of Water Supplies (refer to Section 56668(k));
14. One copy of the Statement of Fair Share Housing Needs (if residential land uses are included in the proposal) (refer to Section 56668(l));
15. One copy of the project design (site plan, development plan, or subdivision map);
16. One copy of the Residential Entitlement matrix form (if residential land uses are included in the proposal); and
17. Filing and processing fees in accordance with the LAFCo Fee Schedule and the State Board of Equalization Fee Schedule.

Additional information may be required during staff review of the proposal.

CERTIFICATION

The undersigned hereby certifies that all LAFCo filing requirements will be met and that the statements made in this application are complete and accurate to the best of my knowledge.

(Signature) _____

Print or Type Name: JOHN TOMASELLO

Date: _____

3/9/18

Daytime Telephone: _____

530-208-8482

INDEMNIFICATION AGREEMENT

As part of this application, applicant and real property in interest, if different, agreed to defend, indemnify, hold harmless, and release the San Joaquin Local Agency Formation Commission, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of the above, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the San Joaquin Local Agency Formation Commission, its agents, officers, attorneys, or employees.

Executed at FREMONT, California, on FEBRUARY 28, 2018.

APPLICANT - WOODSIDE TERESI LLC

REAL PARTY IN INTEREST
(If different from Applicant)

Signature: [Signature]

Signature: _____

Title: DAVID BERETTA, MANAGING MEMBER

Title: _____

SUBMITTALS

In order for this application to be processed, the following information needs to be provided:

1. Two copies of this Justification of Proposal, completed and signed with original signatures;
2. Five prints of a full-scale proposal map showing the affected territory and its relationship to the affected jurisdiction (Refer to Guide for Preparation);
3. Five copies of an 8.5" x 11" or 11" x 17" reduction of the proposal map;
4. Three copies of a metes and bounds description of the affected territory;
5. One certified copy of the City Council and/or Special District Board Resolution of Application, or a petition making application to LAFCo (as appropriate);
6. Written permission from each affected property owner (or signature form);
7. One copy of the project environmental document (One Compact Disc if more than 25 pages);
8. One copy of the project Notice of Determination;
9. Three 8.5" x 11" copies of the Vicinity Map (if not included on the proposal map);
10. One copy of the plan for providing services along with a schematic diagram of water, sewer and storm drainage systems (refer to Government Code Section 56653);
11. One copy of the Pre-Zoning map or description (as required by Section 56375);
12. One copy of the Statement of Open Space (Ag) Land Conversion (refer to Section 56377);
13. One Copy of the Statement of Timely Availability of Water Supplies (refer to Section 56668(k));
14. One copy of the Statement of Fair Share Housing Needs (if residential land uses are included in the proposal) (refer to Section 56668(l));
15. One copy of the project design (site plan, development plan, or subdivision map);
16. One copy of the Residential Entitlement matrix form (if residential land uses are included in the proposal); and
17. Filing and processing fees in accordance with the LAFCo Fee Schedule and the State Board of Equalization Fee Schedule.

Additional information may be required during staff review of the proposal.

CERTIFICATION

The undersigned hereby certifies that all LAFCo filing requirements will be met and that the statements made in this application are complete and accurate to the best of my knowledge.

WOODSIDE TERESI LLC - PARTICIPANT IN TRAVIGONE PROJECT Date: FEB 28 2018
 (Signature) _____
 Print or Type Name: DAVID BERETTA, MANAGING MEMBER Daytime Telephone: 510 797 5850

Tra Vigne Development Project
Annexation and Justification of Proposal
Affected Agencies

City of Stockton	345 N. El Dorado St, Stockton CA 95202	209-937-4444
William Crew	Interim Community Development Director	William.Crew@stocktonca.gov 209-937-8090
Harry Black	City Manager	209-937-8212
San Joaquin County CDD	1810 E. Hazelton Ave., Stockton, CA 95205	209-468-3124
David Kwong	Community Development Director	209-468-3163
Monica Nino	County Administrator	nino@sjgov.org
Waterloo-Morada Fire District	6925 E. Foppiano Ln., Stockton, CA 95212	209-931-3107
Steve Henry	Fire Chief	chief@waterloomoradafire.org
Clay Titus	Chairman of the Board	Wmfd47@gmail.com
Lodi Unified School District	1305 E. Vine St., Lodi, CA 95240	209-331-7225
Warren Sun	Senior Director of Operations	wsun@lodiUSD.net
Dr. Cathy Nichols-Washer	Superintendent	cwasher@lodiUSD.net
San Joaquin Council of Governments	555 E. Weber Ave., Stockton, CA 95202	209-235-0600
Andy Chesley	Executive Director	chesley@sjcog.org
Woodbridge Irrigation District	PO Box 580, Woodbridge, CA 95258	209-625-8438
Anders Christensen	General Manager	widirrigation@gmail.com
	Chairman of the Board	
Union Pacific Railroad	915 L St., Suite 1180, Sacramento, CA 95814	916-789-5957
Francisco J. Castillo, Jr.	Director, Public Affairs	fcastillo@up.com

Tra Vigne Development Project
Annexation and Justification of Proposal
Affected Agencies

AT&T	5001 Executive Parkway, Room 4W000-o, San Ramon, CA, 94583	925-277-6710
Hamlet Orlaski	Portfolio Manager – No. CA, AZ, ID, MT, UT, WY, OR, WA, AK	Ho626t@att.net
Marilyn Warren	Blu Croix, Ltd. 3961 Blackbird Way Calabasas, CA 91302	Mwarren502@att.net
Bragg Crane	6251 Paramount Boulevard, Long Beach, CA 90805	562-984-2400
Scott Bragg	Vice President	Scott.bragg@braggcrane.com
Owen Kupfer		kupfero@braggcrane.com
Sierra Hills Development	18958 Louis Road, Grass Valley, CA 95945	530-208-8482
John Tomasello	Principal	john@sierrahillsdevelopment.com
Hakeem, Ellis & Marengo	3414 Brookside Drive, Suite 100, Stockton, CA 95219	209-474-2800
Michael Hakeem	Partner	mhakeem@hemlaw.com
De Novo Planning Group	1020 Suncast Lane, Suite 106, El Dorado Hills, CA 95762	916-580-9819
Steve McMurtry	Principal	smcmurtry@denovoplanning.com
NorthStar Engineering	620 12th Street, Modesto, CA 95354	209-524-3525
Tony DeMelo	Project Manager, Director of Engineering	tdemelo@nseng.net
Woodside Teresi, LLC	39560 Stevenson Place, #215, Fremont, CA 94539	510-797-5880
David Beretta	Managing Member	dberetta@berettamgmt.com
KD Anderson & Associates, Inc.	3853 Taylor Road, Suite G, Loomis, CA 95650	916-660-1555

Tra Vigne Development Project
Annexation and Justification of Proposal
Affected Agencies

Wayne Shijo	Project Manager	wshijo@kdanderson.com
Herum Crabtree	5757 Pacific Avenue, Suite 222, Stockton, CA 95207	209-472-7700
Steven A. Herum	Partner	sherum@herumcrabtree.com
MCR Engineering	1242 Dupont Circle, Manteca, CA 95336	209-239-6229
Rob Marler	rob@mrceng.com	209-239-6229
Pennino Management Group	1420 S. Mills Ave., Suite E, Lodi, CA 95242	209-370-1908
Michael E. Locke	Vice President	mlocke@penninogroup.com

The Project site is made up of several assessor parcels (APN's), which are listed in Table 1, and are displayed on Figure 3.

TABLE 1: PARCELS WITHIN THE PROJECT AREA

APN	LEGAL OWNERS	ACREAGE
Tra Vigne West		
120-02-01	MCD South Parcel, LLC	0.75
120-02-02	MCD North Parcel, LLC	80.50
120-02-03	Western States Land, LLC	38.34
120-02-17	MCD South Parcel, LLC	25.53
120-02-18	MCD South Parcel, LLC	5.68
120-02-19	MCD South Parcel, LLC	12.66
120-02-20	MCD South Parcel, LLC	3.52
120-02-22	MCD South Parcel, LLC	20.21
120-02-23	MCD South Parcel, LLC	12.97
Tra Vigne East		
120-02-13	Pacific Bell	5.29
120-02-14	Bragg Investment Company	10.28
120-02-15	Woodside Teresi LLC	98.02
122-01-02	UPRR	2.84
122-01-04	UPRR	2.23
Total Project Area Parcels		
<i>Tra Vigne West</i>	--	200.16
<i>Tra Vigne East</i>	--	118.66
Subtotal - Development Area		318.82
Total Annexation Area		
<i>Right-of-Way</i>	Existing County Public ROW	22.35
Total - Annexation Area		341.17

NOTE: THE 318.82-ACRE DEVELOPMENT AREA REFLECTS THE TOTAL ACREAGE OF THE LEGAL PARCELS WITHIN THE DEVELOPMENT AREA. THE TOTAL DEVELOPMENT AREA ACCORDING TO THE ASSESSOR PARCELS IS APPROXIMATELY 321.57 ACRES, FOR A TOTAL DISCREPANCY OF +2.75 ACRES. THIS DISCREPANCY APPLIES TO APNS 120-02-01 (+0.17 ACRE DISCREPANCY) AND 120-02-02 (+2.58 ACRE DISCREPANCY).

Resolution No. **2020-06-23-1502-05**

STOCKTON CITY COUNCIL

AUTHORIZATION FOR FILING APPLICATION WITH THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION FOR ANNEXATION AND DETACHMENT OF THE WATERLOO-MORADA FIRE PROTECTION DISTRICT, RESOURCE CONSERVATION DISTRICT, AND WOODBRIDGE IRRIGATION DISTRICT BASED ON STAFF'S RECOMMENDATION FOR THE PROPOSED TRA VIGNE MIXED-USE DEVELOPMENT PROJECT (P16-0052)

The proposed Tra Vigne project ("project") includes a General Plan Amendment, Annexation (341.17 acres), Rezoning, as well as Vesting Tentative Maps for the project's two sub-set areas of development, Tra Vigne East and Tra Vigne West; and

At build-out, the project will accommodate up to 1,163 single-family residential units, 340 high density residential units, 101,500 square feet of commercial uses, up to 20.36 acres of non-traditional park area, and up to 15.07 acres of traditional park area. Additionally, the project would establish a 14.7-acre K-8 school site to be developed by the Lodi Unified School District. The project also includes expansion of the existing vehicular and non-vehicular circulation system and utility improvements; and

The project site is within the City of Stockton's Sphere of Influence (SOI). The proposed project would result in the annexation of the project site to the City of Stockton, along with the roadway right-of-way for the adjoining Eight Mile Road and West Lane; and

The total annexation area would be approximately 341.17 acres and the proposed project includes property owner-initiated annexation for all parcels except for APN 120-02-13 (Pacific Bell) and 120-02-14 (Bragg Investment Company); and

The annexation application, if approved by City Council, would then be filed with the San Joaquin Local Agency Formation Commission (LAFCo) for action; and

The LAFCo action would also include the applicant's requested detachment from from several existing districts:

Waterloo-Morada Fire Protection District – The detachment will be subject to an agreement to mitigate the District's loss of current property taxes. Future services will be provided by the City of Stockton.

Resource Conservation District (RCD) – Formed in the early 1980s, the RCD encompasses all of the unincorporated regions of San Joaquin County and includes those areas formerly found within soil conservation districts. The District provides a range of programs oriented around the mission of protecting agricultural soil and related resources.

Woodbridge Irrigation District (WID) – The Woodbridge Irrigation District, organized in 1924 under Irrigation District Law, has the authority divert water from the Mokelumne River (Lodi Lake) and provide water service within its geographic boundaries (an area of approximately 63 square miles). Future services will be provided by the City of Stockton; and

On January 23, 2020, the Planning Commission conducted a workshop to consider the proposed Tra Vigne mixed use development project; and

On March 26, 2020, the Planning Commission conducted a public hearing on the application, in compliance with SMC Section 16.116.040(D), at which point all persons wishing to be heard were provided such opportunity; and

Following close of the public hearing, the Planning Commission voted 7-0 to recommend that the City Council approve annexation and detachment for the Tra Vigne Mixed Use Development Project, with the exception of the detachment of the project site from the Woodbridge Irrigation District as part of the annexation proceedings (P16-0052); and

On May 29, 2020, a public notice for the subject application was published in the local newspaper in accordance with SMC Section 16.88.030; and

On June 23, 2020, the City Council conducted a public hearing on the application, in accordance with SMC Section 16.116.040(D), at which point all persons wishing to be heard were provided such opportunity; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOW:

1. The foregoing recitals are true and correct and incorporated by reference.
2. Based on its review of the entire record herein, the City Council makes the following findings:

Annexation

- a. The subject property is located within the urban services area of the City; and
- b. The property has been rezoned with City of Stockton zoning designations including RL (Residential, Low Density) RH (Residential, High Density), CG (Commercial, General), OS (Open Space), and IL (Industrial, Limited); and
- c. The subject territory is contiguous to existing City limits; and
- d. The proposed annexation does not split a line of assessment or ownership and would as described in the Environmental Impact Report prepared for the overall project, includes two vesting tentative subdivision maps to ensure property ownership lines align with the City Limit boundary established by the annexation. This finding is supported by

San Joaquin Local Agency Formation Commission Policy 10 (Definite and Certain Boundaries) which requires: (a) all boundaries shall be and certain and conform to lines of assessment or ownership; and (b) acknowledgement by the City of Stockton that the Commission may impose a condition on the annexation requiring the recordation of a map to avoid creating remnants of legal lots; and

e. The proposal does not create islands or areas in which it would be difficult to provide City services. The subject territory has existing arterial roadways with utilities that border it on two sides and is also abutting the existing Cannery Park Master Development Plan community area that is within the City Limits. Annexation of the subject territory represents a natural extension urban development and utilizes said existing roadways and utilities without creating a feature that may make their delivery difficult to other areas; and

f. The proposed annexation of the Tra Vigne mixed use development site to the City is consistent with applicable goals and policies related to annexation of lands. The project is located within the Sphere of Influence, and the annexation site is located adjacent to the City boundary. The project site is planned for urban development under the General Plan. All necessary public services and infrastructure will be provided. Costs of the project development, as well as ongoing maintenance costs related to public improvements, are addressed through project Public Facilities and Finance Plan, and Financial Impact Analysis documentation, and would not result in an adverse financial impact to the City.

Detachment

- A. The proposal is contiguous to existing County boundaries or other jurisdiction(s) party to the detachment or reorganization;
 - B. The County Surveyor has determined that the boundaries of the proposal are definite and certain;
 - C. The proposal does not split lines of assessment or ownership;
 - D. The proposal does not create islands or areas in which it would be difficult to provide appropriate services; and
 - E. The proposal is consistent with the land uses, objectives, policies, and programs of the General Plan, any applicable specific plan or master development plan, and other adopted goals and policies of the City and other applicable jurisdiction(s).
3. Based on its review of the entire record herein, including the June 23, 2020, City Council staff report, all supporting, referenced, and incorporated documents, and all comments received, the City Council authorizes the City Manager to file an annexation application with the San Joaquin Local Agency Formation Commission, for annexation of certain property and detachment from the Waterloo-Morada Fire Protection District with a mitigation agreement, Resource

Conservation District, and Woodbridge Irrigation District districts, connected with the Tra Vigne Mixed Use Project, including the City Services Plan, annexation boundary and mitigation agreement for detachment from the Waterloo-Morada Fire Protection District attached as Exhibits 1 (City Services Plan), 2 (Map), and 3 (Mitigation Agreement), all of which are incorporated by this reference.

PASSED, APPROVED, and ADOPTED June 23, 2020.



MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:



ELIZA R. GARZA, CMC
City Clerk of the City of Stockton

Filed Doc #: 39-06242020-209

06/24/2020 02:22:24 PM

Steve J. Bestolarides
San Joaquin County Clerk

Notice of Determination

Appendix D

To:
 Office of Planning and Research
 U.S. Mail: Street Address:
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
 County of: San Joaquin
 Address: 44 N San Joaquin St #260
Stockton, CA 95202

From:
 Public Agency: City of Stockton
 Address: 345 N El Dorado St
Stockton, CA 95202
 Contact: Michael McDowell
 Phone: (209) 937-8690

Lead Agency (if different from above):
 Address: _____
 Contact: _____
 Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2016022061
 Project Title: Tra Vigne Development Project
 Project Applicant: Pennino Management Group
 Project Location (include county): Stockton, San Joaquin County

Project Description:

The Project includes up to 340 HDR units, up to 1,163 LDR units, up to 101,500 square feet of commercial, an existing 15.57 acre industrial area, establishment of a 14.7 acre K-8 school site, and associated park and utility improvements. The Project is requesting annexation of 341.17 acres of land into the Stockton city limits, and the subsequent development of 318.82 acres of land.

This is to advise that the City of Stockton has approved the above
 Lead Agency or Responsible Agency

described project on June 23, 2020 and has made the following determinations regarding the above
 (date)
 described project.

1. The project will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was was not] adopted for this project.
5. A statement of Overriding Considerations was was not] adopted for this project.
6. Findings were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

345 N El Dorado St, Stockton, CA 95202

Signature (Public Agency):  Title: Deputy Director, CDD

Date: June 24, 2020 Date Received for filing at OPR: _____

Authority cited: Sections 21083, Public Resources Code.
 Reference Section 21000-21174, Public Resources Code.

Revised 2011

OPEN SPACE CONVERSION STATEMENT

8. OPEN SPACE CONVERSION STATEMENT

The annexation area is located in San Joaquin County, bounded by the limits of the City of Stockton on the southwest and east. The annexation area is bound by Eight Mile Road to the north, industrial development to the east, undeveloped agricultural land to the south, and West Lane to the west. The 2040 Stockton General Plan designates the Project site as Low Density Residential (LDR, 283.58 acres), High Density Residential (HDR, 10.67 acres), Commercial (C, 10.5 acres), and Industrial (I, 15.57 acres). The annexation area also includes 2.1 acres of the existing West Lane that will be annexed with the development area.

In reviewing to approve or deny proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to use other than open-space uses, the LAFCO of San Joaquin County shall consider, pursuant to section 56377 of the Government Code, the following:

- a) Development or use of land other than open-space uses shall be guided away from existing prime agricultural lands in open-space use and towards areas containing non-prime agricultural lands, unless that action would not promote the planned orderly, efficient development of an area.
- b) Development of existing vacant or non-prime agricultural land for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open space uses which are outside of the existing jurisdiction of the local agency or outside the existing sphere of influence of the local agency.

Agricultural Lands

The current uses on the 318.82-acre Project site are predominantly agricultural and industrial. The Project site consists largely of active agricultural fields (roughly 253 acres in production). The Project site includes 15.57 acres of industrial uses in the north-central portion of the Project site. The agricultural lands on the Project site have been used historically for intensive agricultural purposes such as farming and crop production.

The Project site is surrounded by a variety of designated undeveloped and existing developed land uses. The Project site is bordered to the east by the City of Stockton city limits and existing industrial development that is part of the overall Cannery Park Mixed Use Development project underway within the City. The parcels to the east of the Project site are designated I (Industrial), C (Commercial), LDR (Low Density Residential), and HDR (High Density Residential). The parcels designated for residential uses immediately southeast of the Project site are currently undeveloped agricultural land. The parcels to the south of the Project site are designated LDR, MDR (Medium Density Residential), HDR, and C by the Stockton 2040 General Plan and R/L (Low Density Residential) and R/H (High Density Residential) by the San Joaquin County General Plan. However, the parcels to the south are currently undeveloped agricultural land. Ronald McNair High School is

OPEN SPACE CONVERSION STATEMENT

located immediately southwest of the Project site. The Project site is bordered on the west by West Lane with additional undeveloped agricultural land west of West Lane. Land to the west of the site is designated Low Density Residential, Medium Density Residential, High Density Residential, and Commercial by the Stockton 2040 General Plan and R/L, R/H, and C/O (Office Commercial) by the San Joaquin County General Plan. Land north of the Project site is designated – Open Space/Agriculture by the City’s 2040 General Plan and A/G (General Agriculture) and OS/O (Resource Conservation) by the County’s General Plan. The existing uses north of the Project site include large-lot single family residences and agricultural land.

WILLIAMSON ACT CONTRACTS

The Project site is not currently under an existing Williamson Act contract. Approximately 38 acres of the Project site were previously under a Williamson Act contract; however, a notice of non-renewal was filed in April 2004 and the contract expired in April 2014.

STATE PRIME FARMLAND DEFINITION

The State of California Department of Conservation Farmland Mapping and Monitoring Program and San Joaquin County GIS data were used to determine the farmland characteristics under the State’s definition. Prime Farmland is located in two portions of the site: an area on the northeastern corner of the Project site, and an area on the southwest portion of the site. Prime Farmland on the Project site totals approximately 78.0 acres (24.5percent). The balance of the Project site is designated Farmland of Statewide Importance, Unique Farmland, and Urban and Built-Up Land.

LAFCO PRIME AGRICULTURAL LAND DEFINITION

According to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56064) defines prime agricultural land as follows:

- (1) All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications, whether or not land is actually irrigated, provided that irrigation is feasible.
- (2) Land which qualifies for rating 80 through 100 in the Storie Index Rating.
- (3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
- (4) Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- (5) Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

OPEN SPACE CONVERSION STATEMENT

LAFCO PRIME FARMLAND ON PROJECT SITE

The project site has two primary soil types, which was determined through a Custom Soil Survey using the NRCS Web Soil Survey program. These include: Jackstone Clay and Stockton Clay. The LAFCo Prime Agricultural Land criteria for these soils (Government Code Section 56064) are discussed in Table 2 below.

TABLE 2: LAFCO PRIME FARMLAND CLASSIFICATION

NAME	ACRES	PERCENT OF SITE	CAPABILITY CLASSIFICATION	STORIE INDEX RATING	SUPPORT LIVESTOCK	ANNUAL GROSS VALUE (UNPROCESSED AGRICULTURAL PLANT PRODUCTS)
Jackstone clay	231.08	72.48%	IIs-8 irrigated, IVs non-irrigated	10-20	No	Approximately 75% of this soil on the project site produces less than \$400/acre.
						Approximately 25% of this soil on the project site produces more than \$400/acre.
Stockton clay	77.70	24.37%	IIs-5 irrigated, IVs non-irrigated	20-40	No	Approximately 80% of this soil on the project site produces less than \$400/acre. Approximately 20% of this soil on the project site produces more than \$400/acre.

SOURCE: USDA SOIL CONSERVATION SERVICE, SOIL SURVEY OF SAN JOAQUIN COUNTY, CALIFORNIA.

As described in Table 2 above, Stockton Clay (if irrigated), which makes up the approximately a quarter of the project site, qualifies for a rating of class II soils in the Natural Resource Conservation Service land use capability classifications. Therefore, 78 acres of the Project site meets the Cortese Knox-Hertzberg definition for prime agricultural land. It is noted, however, that the land has a storie index rating of 10-40 index rating. This suggests that the site is currently severely limited or not suited for cultivated crops. Currently, the project site does not have or does not support livestock for the production of food and fiber. Lastly, the annual gross value for unprocessed agricultural products (including land planted with fruit- or nut-bearing trees, vines, bushes, or crops) on the Stockton clay is less than \$400/acre for any calendar year within the last five years on 80% of this area, and is over \$400/acre for approximately 20% of this area given it is planted in vines. Altogether, development of the proposed Project would result in the permanent conversion of 78.0 acres of prime agricultural land under the LAFCo definition.

EIR ANALYSIS OF LOSS OF PRIME FARMLAND

The certified EIR analyzed the loss of farmland with the development of the Project site. The EIR noted that the Stockton General Plan EIR anticipated development of the Project site as part of the overall evaluation of the buildout of the City. The General Plan EIR addressed the conversion and loss of agricultural land, including prime farmland, that would result from the build out of the General Plan (General Plan Draft EIR, pp. 13-32 through 13-34). The General Plan EIR determined that impacts would be significant and unavoidable. According to the General Plan EIR, although local policies, including LAFCo policies, would support continued agricultural uses and would require

OPEN SPACE CONVERSION STATEMENT

urban development to fund agricultural conservation easements and other programs, no additional feasible mitigation is available.

The certified EIR concluded, that while the project is consistent with the General Plan expectation for development in this area, it would have a significant and unavoidable impact relative to the loss of prime farmland. It is noted that the area that is State designated "Prime Farmland" aligns with the area that is LAFCo designated "Prime Agricultural Land", therefore, the statement of overriding consideration adopted with the certified EIR cover the loss of LAFCO Prime Agricultural Land.

STOCKTON AGRICULTURAL LAND MITIGATION FEE

Pursuant to a litigation settlement, the City of Stockton prepared an agricultural land conversion fee nexus study in 2006 and adopted the Agricultural Land Mitigation Program in 2007. The Program applies to projects that would convert agricultural lands, as defined on the most-recent Important Farmland Maps published by the California Department of Conservation. Projects may provide "agricultural mitigation land" on a 1:1 basis for each acre of land converted, including administrative costs of approximately \$1,000 per acre, or pay the established Agricultural Land Mitigation Fee of \$14,352. The Project would pay the established Agricultural Land Mitigation Fee of \$14,352 per acre, as required by Mitigation Measure 3.2-1. The program is administrated by the Central Valley Farmland Trust using these funds to purchase conservation easements on agricultural and habitat lands that are placed over agricultural land, such as alfalfa and row crops in the Project vicinity.

In addition to the agricultural mitigation fee, the City of Stockton has adopted Chapter 16.36 of the Stockton Municipal Code, General Development and Use Standards, establishes the City's "Right-to-Farm" ordinance, which is intended to protect agricultural uses in and around the City. Specifically, Section 16.36.040 of the ordinance establishes the City's policy to preserve the City and County's agricultural operations while minimizing conflicts to new urban development. The City's "Right-to-Farm" ordinance serves to protect farmers from nuisance complaints. The ordinance requires owners and builders to notify their successors-in-interest of the potential conflicts and effects of agricultural activities, and the ordinance specifies that typical agricultural practices shall not be considered a nuisance.

SJMSCP MITIGATION FEE

The City of Stockton is a participant in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The SJMSCP provides comprehensive measures for compensation and avoidance of impacts on various biological resources, which includes ancillary benefits to agricultural resources. For instance, many of the habitat easements that are purchased or facilitated by the SJMSCP program are targeted for the protection of Swainson's hawk or other sensitive species habitat that are dependent on agricultural lands. The biological mitigation for these species through the SJMSCP includes the purchase of certain conservation easements for habitat purposes; however, the conservation easements are placed over agricultural land, such as alfalfa and row crops (not vines or orchards). As such, SJMSCP fees paid to SJCOG as administrator of the SJMSCP will result in the preservation of agricultural lands in perpetuity.

OPEN SPACE CONVERSION STATEMENT

Areas located within SJMSCP “No Pay Zones” are exempt from the agricultural land mitigation fee program. Lands in the No Pay Zones are lands that are largely developed. The Project site is designated as Category A/No Pay Zone and Category C/Pay Zone B. The Category A/No Pay Zone consists of parcels where conversions of open space have already occurred or where new conversions of open spaces would not require compensation. The Category C/Pay Zone B consists of “Agricultural Habitat Lands”, as described in Chapter 2.2 of the SJMSCP. The area of the Project site in Category A/No Pay Zone includes the 15.157-acre area of industrial uses, and a small portion in the southwestern portion of the site where a previous single-family home was located. The SJCMSP Fee for Agriculture Land is \$19,030 for Single Residential (2020). The total estimated fee for the Tra Vigne Development is \$1,143,036.

PROJECT MITIGATION FOR LOSS OF PRIME FARMLAND

The City has imposed mitigation measure that would require compliance with the City’s Agricultural Land Mitigation Program. This would require the project to provide “agricultural mitigation land” on a 1:1 basis for each acre of land converted, including administrative costs of approximately \$1,000 per acre, or pay the established Agricultural Land Mitigation Fee of \$17,808 (SJCOG-SJMSCP Habitat Fees, 2017) per acre. The Project is anticipated to pay the established Agricultural Land Mitigation Fee of \$17,808 per acre, as required by Mitigation Measure 3.2-1. SJCOG would then use these funds to purchase conservation easements on agricultural and habitat lands that are placed over agricultural land, such as alfalfa and row crops in the Project vicinity. As such, the Project fees paid to SJCOG as administrator of the SJMSCP would result in the preservation of agricultural lands in perpetuity. The purchase of conservation easements and/or deed restrictions through the City’s Agricultural Land Mitigation Program and the SJMSCP allows the agricultural landowner to retain ownership of the land and continue agricultural operations, and preserves such lands in perpetuity.

Justification for Approval

The annexation area is planned for urban uses in the Stockton 2040 General Plan. The project is also located within the City of Stockton 10-year Planning Horizon. Despite the impact to agricultural land in San Joaquin County, the project will promote planned, orderly, and efficient development. Lastly, the project proposes an orderly and logical boundary for annexation and is contiguous to the City limits. Consistent with the requirement that LAFCO review the proposed annexation request pursuant to the criteria provided in Government Code Section 56337, the following justification and findings are made in support of approval of the annexation request.

- 1) Lands within the annexation area are planned for urban uses in the Stockton 2040 General Plan.
- 2) The project is located within the City of Stockton 10-year Planning Horizon.
- 3) The project proposes an orderly and logical boundary for annexation and is contiguous to the City limits.
- 4) The project creates a logical extension of the City boundaries and can be served by existing infrastructure.

Tra Vigne Development Residential Entitlement Matrix May 2019 Executive Summary

The intent of this analysis is to understand the status of approved/entitled projects within the City of Stockton. This analysis provides a more detailed look at the supply of potential new single-family homes, given actual projects and current constraints to their development (e.g. SB5.) In addition, the projected demand for new homes is presented to provide perspective on the amount of actual supply. This analysis is focused on single family detached housing units (SFDU) only.

The following Table 1. shows the summary of actual home sites available to be built in Stockton:

TABLE 1. SINGLE FAMILY Home Sites (Lots)

Single Family Lots	28,001
Permits previously issued	<4,502> ¹
Subtotal	<u>23,499</u>
² Exclusion of Mariposa Lakes and Tidewater	<11,051>
Subtotal	<u>12,448</u>
³ SB-5 Flood Risk designation 2016-2025	<7,406>
Total Single Family Home Sites	<u>5,042</u>
⁴ Low Growth Demand Forecast 2016-2025	6,301

¹ Base Line Conditions Report, Placeworks, Inc., August 2015

² Exclusion of Mariposa Lakes and Tidewater Crossing for the purposes of this analysis. Mariposa Lakes is not included in projected projects given the lack of annexation perfecting their development agreement and the required level of infrastructure to initiate the project. Tidewater Crossing was eliminated based on proposals by the project proponent to re-designate the land use for Industrial.

³ SB-5 Flood Risk, site impacted n designation 2016-2025. See discussion in Exhibit D.

⁴ Placeworks LLC, Stockton 2040 General Plan, Market Analysis Technical Memorandum, July 20, 2016

Tra Vigne Development Residential Entitlement Matrix May 2019 Executive Summary

The City of Stockton has several guiding documents for future residential development. The summary of these documents and efforts include:

- Housing Demand Forecasts, Residential Land Use Demand Forecasts, PlaceWorks, Inc., Stockton 2040 General Plan, Market Analysis Technical Memorandum, July 20, 2016
- 2015-2023 Housing Element, City of Stockton, April 1, 2016, Regional Housing Needs Allocation and Site Inventory
- Municipal Services Review – Interim Potential Residential Projects, Mintier-Harnish, September 20, 2018
- Infill Opportunities Report – Discussion and Analysis, PlaceWorks, Inc., updated October 11, 2016
- 2040 General Plan, Market Analysis Technical Memorandum, July 20, 2016, Placeworks, Inc.

City of Stockton, Approved Entitlements

The Stockton City Council met on April 4, 2017, at a Special Meeting to receive and discuss the Land Use Alternatives which have been presented in the public meeting process for the General Plan Update 2040. The three presented alternatives were;

- ⁵ Alternative A, Existing 2035 General Plan
- Alternative B, Corridor Focus
- Alternative C, Infill Focus

In the course of that meeting during the Community Development staff presentation it was again stated that the City of Stockton had approved entitlements representing over

⁵ Proposed Alternate for the General Plan Update 2040, PlaceWorks, Inc. 2017, presented to City Council on April 4, 2017.

- Alternate A, Existing General Plan 2035
- Alternate B, Corridor Focus, consistent with the adopted Sphere of Influence adopted 2008, LAFCO. This option eliminates growth north of Eight Mile Road from Davis Road to SH-99 and eliminates growth south of Weston Ranch.
- Alternate C, Infill Focus, eliminates all growth north of Eight Mile Road and south of Weston Ranch with development in the French Camp/I-5 corridor. The proposal eliminates growth south of French Camp Road along I-5.

Tra Vigne Development Residential Entitlement Matrix May 2019 Executive Summary

30,000 dwelling units. This number represented projects within the City Limits and Mariposa Lakes in the unincorporated County, entitled but not effectuated.

In this analysis of the housing demand/capacity, the report will document the expected capability of the previously entitled properties to develop within defined time periods, based on existing conditions for the short term 2016-2025 as defined by PlaceWorks, Inc., the City's consultant for the General Plan Update 2040.

The City Council's selection of Alternative C as its Preferred Alternative for the 2040 General Plan was a significant departure from the 2035 General Plan. The Land Use Plan would eliminate growth north of Eight Mile Road and south of Weston Ranch. The City Council directed a Land Use option in the vicinity of I-5 and Eight Mile Road related to a proposal of significant economic and job generating development. A more definitive description of conditions for consideration of future entitlement/annexation was defined in the General Policy document and included in the Stockton City Council Envisions Stockton adoptive action, December 4, 2018 of the 2040 General Plan.

RESIDENTIAL SUBDIVISION MATRIX

⁶Base Line Report, PlaceWorks, Inc., August 2015
Major Development Projects

This analysis is based on the Placeworks Base Line Report (Exhibit A) defining Major Projects and the identified Housing Units in entitled projects. The information presented has been modified to only represent projected Single Family detached dwelling units.

FORECAST DEMAND

In the General Plan Update 2040, PlaceWorks has prepared projections for housing unit demands at five-year increments based on population projections (Exhibit B). The analysis for this study addresses the 2015-2025 period anticipating a staged resolution of the SB-5 Flood Risk Threat.

⁶ Baseline Report, PlaceWorks, Inc., August 15, 2015. This report presented a Residential Subdivision Matrix summarizing Major Development Projects and was used as a source document for the Draft Municipal Services Review Update prepared for and submitted to the Local Agency Formation Commission.

Tra Vigne Development Residential Entitlement Matrix May 2019 Executive Summary

TABLE 2. FORECAST DEMAND

Single Family Dwelling Units		⁷ Units Per Year
Low Growth	6,301	630/900
Moderate Growth	8,519	1,082/1,217
High Growth	10,738	1,534

Based on the review of Entitled Projects as adjusted and the impacts of SB-5, there is a projected need for additional single-family dwelling units to meet forecasted demand to be brought forward even to meet the Low Growth forecasts.

The ability to respond to the projected shortfall, consistent with existing and anticipated Planning Policies is recognition of the Bear Creek Neighborhood (Neighborhood 15) (attached) Infill Projects. The ability to respond to the projected shortfall with the entitlement and annexation of the Bear Creek Infill includes lands to be annexed which are within the adopted 2008 Sphere of Influence (SOI) and the 2019 Interim Sphere of Influence as previous studies have recognized the need to include these lands south of Eight Mile Road in future growth. The entitlement and annexation of what is known as the Bear Creek Neighborhood Infill projects will meet the forecasted demand shortfall and provide for construction jobs and expand economic benefit to the City of Stockton (Exhibit C).

TABLE 3. INITIAL DEVELOPMENT PROJECTS 2018-2025
Entitlement and Annexation Proposals⁸

Outside Existing City Limits	2016-2025	2025-2040	Total
Tra Vigne (Entitlements in process)	612	798	1,410
Bear Creek South (Application in discussion)	450	3,150	3,600
Bear Creek West (no action)		6,800	6,800
Origone Ranch (Application in discussion)	375	1,125	1,500
Subtotal	1,437	11,873	13,310

⁷ Units Per Year, based on 2018-2025, or a seven-year period. The units per year is based on the PlaceWorks Demand Forecasts divided by the 2018-2025 period.

⁸ Estimates and status are presented by Tra Vigne's understanding of the current City of Stockton entitlement process.

Tra Vigne Development Residential Entitlement Matrix May 2019 Executive Summary

TABLE 4. SUMMARY

Single Family Detached Dwelling Unit

⁹ Existing Entitlements	2,734	5,042
¹⁰ Projected Bear Creek Projects	375	1,898 375
Origone Ranch		
Total Projected SFDU	5,482	7,315
Units per Year		700

The proposed Tra Vigne project, subject of the current entitlement process and proposed annexation is described as follows.

Project Description:

Gross land area of proposed annexation 341.17 acres ±
Land area of proposed developments 318.82 acres ±

Project land uses

Residential – Single Family Detached	1,073 units
Residential – Multi-Family Units	340 units
Commercial Site	10.5 acres, 101,500 bldg. sq. ft.
School Site (K-8)	14.7 acres
Parks	
Traditional	15.07 acres
Non-traditional	20.36 acres

⁹ North Stockton Project – 7 small projects with partial buildout at the time of Decision. Approximately 19%, or a buildout of 472 single family dwelling units, of mostly improved lots remained in 2017. It is anticipated that these lots will be built out by late 2019.

Westlake Villages, Spanos Master Plan Development. The City of Stockton has made findings of adequate progress in relationship to meeting the requirements of SB-5. The initial projects reflect a single-family dwelling unit count from 186-244 over the next several years with a build out over 5-7 years, 2630 units.

¹⁰ Projected Bear Creek Projects, Table 3, Initial Development Projects 2018-2025. The Table is a work product of Pennino Management Group, noting that there are no pending development applications for Bear Creek South and West areas.

Tra Vigne Development
Residential Entitlement Matrix
May 2019
Executive Summary

Conclusion

To meet forecasted demand while addressing the impacts of SB-5 Flood Risk Threat and other project timing it is important to proceed with the entitlement and annexation process to incorporate the Bear Creek Neighborhood Infill Projects.

The only project with an active entitlement process at this time is the Tra Vigne (formerly Bear Creek East) Project. The Draft Environmental Impact Report was published April 12, 2018, which initiated the 45-day mandated comment period. This is the culmination of several years of discussion and resolution of local concerns which will be effectively addressed in the implementation of the Tra Vigne Project following annexation.



Department of Public Works

Fritz Buchman, Interim Director of Public Works

Alex Chetley, Interim Deputy Director/Development

Jim Stone, Deputy Director/Operations

Najee Zarif, Interim Deputy Director/Engineering

Kristi Rhea, Public Works Business Administrator

December 16, 2020

MEMORANDUM

TO: James E. Glaser, Executive Officer
LAFCo
CONTACT PERSON: Elizabeth Contreras, LAFCo Analyst

FROM: Jayna Rutz, Interim Engineering Services Manager
Development Services Division *JR*

SUBJECT: TRA VIGNE REORGANIZATION TO THE CITY OF STOCKTON (LAFc 16-20)
To annex 343.27 acres to the City of Stockton.

LOCATION: The southeast quadrant of West Lane and Eight Mile Road

COMMENTS:

- **No comments for this proposal.**

JR:SC

X: LAFCO LAFCo Referrals Tra Vigne Reorganization to City of Stockton (LAFc 16-20) Comments to LAFCo (LAFc 16-20) doc



SAN JOAQUIN
— COUNTY —
Greatness grows here.

Environmental Health Department

Jasjit Kang, REHS, Director

Muniappa Naidu, REHS, Assistant Director

PROGRAM COORDINATORS

Robert McClellon, REHS

Jeff Carruesco, REHS, RDI

Willy Ng, REHS

Michael Kith, REHS

Melissa Nissim, REHS

December 2, 2020

To: San Joaquin Local Agency Formation Commission
Attention Executive Officer: James E. Glaser

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

RE: **Tra Vigne Reorganization to the City of Stockton (LAFC 16-20)**

The San Joaquin County Environmental Health Department (EHD) is supportive of this project in regards to the provision of full public services. The EHD requests the following comments be added to the above project for consideration:

1. Any existing wells or septic systems to be abandoned shall be destroyed under permit and inspection by the EHD (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4)

If you have any questions, please call Naseem Ahmed, Senior REHS, at nahmed@sjgov.org or (209) 616-3018.

Muniappa Naidu

Muniappa Naidu, REHS
Assistant Director

PUBLIC UTILITIES COMMISSION

180 Promenade Circle, Suite 115
Sacramento, CA 95834



December 11, 2020

Elizabeth Contreras
LAFCo
509 W. Weber Avenue, Suite 420
Stockton, CA 95203

Re: TRA VIGNE REORGANIZATION TO THE CITY OF STOCKTON (LAFCo 16-20)

Dear Ms. Contreras:

The California Public Utilities Commission (Commission/CPUC) has jurisdiction over rail crossings (crossings) in California. CPUC ensures that crossings are safely designed, constructed, and maintained. The Commission's Rail Crossings Engineering Branch (RCEB) is in receipt of the Application Referral for the proposed Tra Vigne Reorganization. The City of Stockton (City) is the lead agency.

The City has submitted an application to LAFCo to annex 343.27 acres to the City for the development of approximately 1,413 residential units, a school site, commercial and open space uses. The annexation boundary includes the right-of-way for Eight Mile Road and West Lane and is located at the southeast quadrant of West Lane and Eight Mile Road and abuts the Union Pacific Railroad (UPRR) tracks on the eastern edge of the project boundary.

There are two private crossings of the Union Pacific Railroad (UPRR) Roseville Division, Fresno Subdivision, tracks within the project boundary. They are not open to public use and cannot be used or modified without permission from UPRR.

Any development adjacent to or near the railroad right-of-way (ROW) should be planned with the safety of the rail corridor in mind. New developments may increase pedestrian or vehicular traffic volumes not only on streets and at intersections, but also at nearby rail crossings. Traffic impact studies should analyze rail crossing safety and potential mitigation measures. Safety improvement measures may include the planning for grade separations or improvements to existing at-grade crossings. Examples of improvements may include but are not limited to: addition or upgrade of crossing warning devices, detectable warning surfaces and edge lines on sidewalks, and pedestrian channelization. Pedestrian and bicycle routes should be designed to clearly prohibit and discourage unauthorized access (trespassing) onto the tracks, except at authorized crossings.

In addition, construction or modification of public crossings requires authorization from the Commission. RCEB representatives are available to discuss any potential safety impacts or concerns at crossings. Please continue to keep RCEB informed of the project's development. More information can be found at: <http://www.cpuc.ca.gov/crossings>.

If you have any questions, please contact me at (916) 928-2515 or atm@cpuc.ca.gov.

Sincerely,

David Stewart
Utilities Engineer
Rail Crossings and Engineering Branch
Rail Safety Division



BUILDING AMERICA[®]

December, 11, 2020

Elizabeth Contreras
San Joaquin Local Agency Formation Commission
509 W. Weber Avenue
Suite 420
Stockton, CA 95203

Re: Comments to notice for the project LAFC 16-20 TRA VIGNE Reorganization to the City of Stockton (the "Annexation")

Dear Ms. Contreras:

Thank you for allowing Union Pacific Railroad Company ("UP") the opportunity to submit the following comments regarding the above-referenced Annexation. UP is a Delaware corporation that owns and operates a common carrier railroad network in the western half of the United States, including the State of California. UP's rail network is vital to the economic health of California and the nation as a whole and its rail service to customers in California is crucial to the future success and growth of those customers.

The proposed Annexation location is adjacent to UP's property and railroad operations. Any land planning decisions should consider that train volumes near the Annexation area may increase in the future. UP also asks that the San Joaquin Local Agency Formation Commission ("LAFCo") and the applicant(s) keep in mind that this is an active rail corridor and nearby land uses should be compatible with this continuing rail use.

Trespassing

Approval of the Annexation will likely increase pedestrian traffic and trespassing onto the railroad right-of-way. UP strongly recommends that any developers and LAFCo evaluate such impacts and set forth appropriate mitigation measures. If the Annexation is approved, we request that LAFCo require any developers to install vandal resistant fencing at least 8 feet or taller (without impairing visibility), pavement markings and "no trespassing" signs designed to prevent individuals from trespassing onto the railroad tracks. All pedestrians and cyclists should be directed to use designated pedestrian rail crossings by utilizing appropriate signage and paths. Buffers and setbacks should also be required adjacent to the right-of-way.

Increased Traffic Impact

Rail crossing safety is critical to the public and to UP. Any increase in traffic from the Annexation may render inadequate the current safety devices in place on the nearby at-grade crossings. Additionally, an increase of pedestrian and vehicular traffic may conflict with train operations causing trains to proceed more slowly through the city, and/or make more frequent emergency stops, which would make rail service less effective and efficient. Should this Annexation be approved, the developers and LAFCo should

examine any increase in vehicular and pedestrian traffic and the impacts on the nearby at-grade road crossings to see what additional mitigation measures should be included in the development plans.

Noise and Vibration Impact

UP's 24-hour rail operations generate the noise and vibration one would expect from an active railway. Any increase in pedestrian and vehicular traffic over and around at-grade crossings may result in additional horn use by railroad employees. As a mitigation measure, any developers should disclose to the general public, including residents of any proposed developments, the daytime and nighttime noise levels naturally occurring with rail service, including sounding horns at vehicle crossings where required, as well as the pre-existing and predictably-occurring vibration. These disclosures should note that train volume may increase in the future. Any development plans should also include appropriate mitigation measures, such as construction of sound barrier walls or landscape buffers, and/or use of sound-proofing materials and techniques.

Drainage and Annexation Construction

UP requests LAFCo ensure that any drainage plans relating to the Annexation do not shift storm water drainage toward UP property and infrastructure. Any runoff onto UP's property may cause damage to its facilities resulting in a potential public safety issue. If the Annexation is approved, we ask that LAFCo require any developers to mitigate all safety risks and the impacts of the railroad's 24-hour operations during the construction of any developments, including contacting UP to arrange for flaggers for work performed within twenty-five feet (25') of the nearest track.

At-Grade Rail Crossing and Sight Line Safety

The safety of UP's employees, customers, adjoining land owners, and the communities we operate through is our top priority. At-grade rail crossings are areas where railroad operations and the public come into close contact. Appropriate modifications to the street and warning devices on any nearby rail crossings may need to be included as part of any development plans. Development at the Annexation location may result in poor sight lines for vehicular traffic approaching the at-grade crossings. Should this project be approved, UP requests that an onsite meeting with the California Department of Transportation, and any other appropriate parties, be scheduled to discuss potential impact and possible upgrades to mitigate any safety risks resulting from reduced visibility. UP also recommends the educational material available through Operation Lifesaver, a nationwide non-profit public information program dealing with safety at railway crossings. Their website, www.oli.org, has age appropriate educational material available for the public.

UP appreciates LAFCo giving due consideration to the above concerns, as this proposed Annexation may result in impacts to land use and public safety. Please give notice to UP of all future hearings and other matters with respect to the Annexation as follows:

Peter Kenney – Sr. Manager Field Operations
Union Pacific Railroad Company
1400 Douglas Street - STOP 1690 Omaha, NE 68179
(402) 544-8581
pkenney@up.com

Please do not hesitate to contact Peter Kenney if you have any questions or concerns.

Sincerely,

Madeline E. Roebke
Senior General Counsel
Union Pacific Railroad Company

cc: Peter Kenney
Francisco Castillo, Jr.



CITY OF STOCKTON

COMMUNITY DEVELOPMENT DEPARTMENT

Permit Center • 345 N. El Dorado Street • Stockton, CA 95202-1997 • 209 / 937-8266 • Fax 209 / 937-8893
www.stocktongov.com/cdd

December 28, 2020

Mr. Jim Glaser
 Executive Director
 San Joaquin Local Agency Formation Commission
 509 W. Weber, Suite 420
 Stockton, CA 95203

SUBJECT: UNION PACIFIC RAILROAD AND PUBLIC UTILITIES COMMISSION
 LETTERS DATED DECEMBER 11, 2020 – RECEIVED BY THE SAN JOAQUIN LOCAL
 AGENCY FORMATION COMMISSION

This letter is in response to the subject two letters of communication submitted to the San Joaquin Local Agency Formation Commission (LAFCO) regarding the Tra Vigne Reorganization.

From 2016 to present, the City has been actively processing land use entitlement applications for the Tra Vigne Mixed Use Development Project, including a General Plan Amendment, (2) Vesting Tentative Subdivision Maps, Rezoning, and a request for filing of an annexation request with LAFCO. During this time period, the City offered numerous opportunities for adjacent land owners, including the Union Pacific Railroad (UPRR), state agencies (through State Clearinghouse) and the general public to provide comments on the Project. Opportunities include holding two neighborhood/public scoping meetings for preparation of an Environmental Impact Report, public notice of availability for the draft Environmental Impact Report, notice of Public Workshop with the Planning Commission (January 23, 2020), and notices for public hearings held at the Planning Commission (April 9, 2020) and City Council (June 9, 2020). The UPRR and the California Public Utilities Commission (PUC) never provided comments on the Project.

Furthermore, the City conducted an extensive California Environmental Quality Act (CEQA) process culminating in certifying an EIR that specifically addressed the topics raised in the December 11 UP and PUC letters that are summarized below. The UP and PUC never objected to the City action of certifying the EIR on June 9, 2020, nor did either party file timely objections challenging the legal sufficiency of the EIR or its evaluation of relevant environmental impacts.

1. Tra Vigne East – Site Location

- The approved Project design requires masonry walls for homes backing up to the UPRR tracks and grade separation easement.

- The eastern boundary is 200 west of the center of the Stockton Pacific Co. Main Track (2) parcels totaling 5.07 acres with a width of 150 feet between the main Track (UPRR) site survey data, NorthStar Engineering Group Inc.
- UPRR owns two additional Parcels West of Trackage Right-of-Way composed of (2) Parcels totaling 5.07 acres with a width of 150 feet between the Main Line Right-of-Way and the eastern property line of the Tra Vigne Project.

2. Tra Vigne Development Project (State Clear 2016022061)

- Draft Environmental Impact Report dated April 2018, prepared by De Novo Planning Group – Final EIR Certified June 9, 2020.
 - Section 3.11.1 Fundamentals of Acoustics and Vibration (pages 3.11-4 thru 3.11-14)
- Mitigation Monitoring Reporting Program – adopted by Stockton City Council June 9, 2020
 - Impact 3.11-6 Noise Mitigations
 - Mitigations 3.11-4 Sound barrier 3.11-5 Interior sounds mitigation

3. Vesting Tentative Subdivision Map and Conditions of Approval, Tra Vigne East

Approved by Stockton City Council June 9, 2020 Tra Vigne East, Vesting Tentative Subdivision Map, Relevant conditions of approval below:

- Condition 69; UPRR, 12 foot berm/sound wall or 12 foot sound wall, a 12 foot service road is required for maintenance access
- Condition 25; Bear Creek trail (top of Bear Creek Channel levee) for a bicycle/pedestrian requiring an at-grade UPRR crossing.
- Condition 35; Storm Water - The Project to comply with Stockton Municipal code, section 13.20 Storm Water Quality Control Plan and Phase 1 Storm Water NPDES permit, California Water Quality Control Board. Storm Water Management Plan for design and operation was prepared by West-Yost Engineers and accepted as a Condition of Approval. Final improvement will be reviewed and approved by the City of Stockton Directors of Public Works and municipal Utilities.

4. Existing At-Grade Crossing – Existing Permits for San Joaquin County Department of Public Works maintenance of the Bear Creek Flood Control Channel

Tra Vigne Developer submitted an initial request to San Joaquin County Flood Control to consider an Engineering Study to identify and understand the feasibility, required conditions and costs to modify the existing permit for the At-Grade Crossing of UPRR on top of the levee for the Bear Creek Flood Control Channel. This was initiated by requirement of the City of Stockton consistent with their Bicycle Master Plan. This requirement was included as Condition Number 25 of the Tra Vigne Vesting Tentative Subdivision Map. It was subsequently determined that the Cannery Park Development located on the east side of the UPRR is responsible to pursue an at-Grade crossing permit from the UPRR and request approval by the Public Utilities Commission.

5. Listing of Noticed Neighborhood, Public and Hearings.

A. Chronology of Communication, Union Pacific Railroad.

- April 28, 2016 Request for consent to Annex, No Response
- May 3, 2018 Neighborhood Meeting – Noticed

San Joaquin Local Agency Formation Commission
December 28, 2020

- January 23, 2020 Planning Commission Workshop – Noticed
- April 9, 2020 Planning Commission Public Hearing – Noticed
- June 9, 2020 City Council Public Hearing Final Action – Noticed

B. Environmental Impact Report (EIR)

- March, 2016 Notice of Preparation
- April 21, 2018 – May 29, 2018 Draft EIR Circulated
- June 9, 2020 City Council Public Hearing and Certification of EIR (including responses to comments received and Mitigation Monitoring and Report Program).

In conclusion, the City of Stockton contemplated the land use entitlements requested for the proposed Tra Vigne Mixed Use Development Project and carefully analyzed potential significant environmental impacts related to Project development and identified mitigations measures in an EIR certified by its City Council during a noticed public hearing held on June 9, 2020, by unanimous vote. We respectfully request LAFCO's recognition that comments raised by the UP and PUC in the December 11 letters address land use matters and are not relevant to the Tra Vigne Reorganization to the City of Stockton. If you have any questions, please contact me at (209) 937-8690.

WILLIAM CREW, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

Michael McDowell

MICHAEL MCDOWELL
DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

emc: Lori Asuncion, Assistant City Attorney

John Tomasello
David Beretta, Woodside Teresi, LLC

December 21, 2020

Mr. Jim Glaser
Executive Director
San Joaquin Local Agency Formation Commission
509 W. Weber #420
Stockton, CA 95203

Re: Union Pacific Letter of December 11.

Dear Mr. Glaser:

On behalf of the TraVigne landowners I have been asked to respond to the December 11 letter submitted to LAFCO by the Union Pacific.

To start with please note that Stockton notified UP of this project in 2016 but UP failed to provide any comments during the City's lengthy public approval process. To put a finer point on it, from 2015 until December 2020 UP had never commented on this land use project and it offers no excuse for failing to file timely objections.

Next we observe UP freely acknowledges its comments focus on land use issues rather than issues within the jurisdiction of LAFCOs. For instance the UP letter instructs LAFCO that when making "[a]ny *land planning decisions (LAFCO) should consider*" UP's concerns in particular that "*nearby land uses should be compatible* with this continuing rail use." It concludes by nakedly asserting "this proposed Annexation may result in *impacts to land use*". The body of the letter mentions four land use or CEQA topics: land use compatibility (labeled trespass in the letter), traffic, noise and vibrations, and sight safety. (All italics added.)

LAFCOs possess limited statutory authority over these topics. First, since LAFCOs lack general land use regulatory powers¹ the UP letter's repeated reference to land use issues is inapt to this forum. The City undertook an extensive public process to consider and approve the land use request by my client and provided UP with multiple

¹ Government Code section 56375(a)(6) instructs us a LAFCO "commission shall not impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements."

opportunities to participate by submitting comments and presenting its concerns at noticed public hearings.

Furthermore, the City conducted an extensive CEQA process culminating in certifying an EIR that specifically addressed the topics raised in the December 11 UP letter. UP never objected to the City action of certifying the EIR nor did it file timely objections challenging the legal sufficiency of the EIR or its evaluation of relevant environmental impacts. Accordingly LAFCO, as a responsible agency under the CEQA structure, is conclusively bound by the determinations made by the City in EIR² and cannot reevaluate the analysis and conclusions reached by a lead agency at the conclusion of the lead agency's CEQA process.

Nevertheless, the certified EIR did address the topics raised by UP in the December 11 letter. Most basic, the approved design requires masonry walls for homes backing up to the railroad tracks. Additional examples of the City's evaluation and treatment of the topics raised by UP include:

1. Tra Vigne East – Site Location

- The Project is North of the Bear Creek Flood Control Channel and extends northerly to the Eight Mile Road Right-of-Way including the Grade separation Easement.
- The eastern boundary is 200 west of the center of the Stockton Pacific Co. Main Track (2) parcels totaling 5.07 acres with a width of 150 feet between the main Track (UPRR) site survey data, NorthStar Engineering Group Inc.
- UPRR owns two additional Parcels West of Trackage Right-of-Way composed of (2) Parcels totaling 5.07 acres with a width of 150 feet between the Main Line Right-of-Way and the eastern property line of the Tra Vigne Project.

2. Tra Vigne Development Project (SCH 2016022061)

- Draft Environmental Impact Report dated April 2018, De Novo Planning Group – Final EIR Certified June 23, 2020
 - Section 3.11.1 Fundamentals of Acoustics and Vibration (pages 3.11-4 thru 3.11-14)
- Mitigation Monitoring Reporting Program – adopted by Stockton City Council June 23, 2020
 - Impact 3.11-6 Noise Mitigations

² CEQA Guideline section 15231 reads in relevant part: "A final EIR prepared by a lead agency ...shall be conclusively presumed to comply with CEQA for purposes of use by responsible agencies which were consulted pursuant to Sections 15072 or 15082".

Mitigations 3.11-4 Sound barrier 3.11-5 Interior sounds mitigation

3. Vesting Tentative Subdivision Maps and Conditions of Approval, Tra Vigne East and Tra Vigne West

-Approved to Stockton City Council June 23, 2020 Tra Vigne East, Vesting Tentative Subdivision Map, Condition of Approval Condition

- Condition 69; UPRR, 12 foot berm/sound wall or 12 foot sound wall, a 12 foot service road is required for maintenance access
- Condition 25; Bear Creek trail (top of Bear Creek Channel levee) for a bicycle/pedestrian requiring an at-grade UPRR crossing.
- Condition 35; Storm Water

The Project to comply with Stockton Municipal code, section 13.20 Storm Water Quality Control Plan and Phase 1 Storm Water NPDES permit, California Water Quality Control Board.

Storm Water Management Plan for design and operation was prepared by West-Yost Engineers and accepted as a Condition of Approval. Final improvement will be reviewed and approved by the City of Stockton Directors of Public Works and municipal Utilities.

4. Existing At-Grade Crossing – Existing Permits for San Joaquin County Department of Public Works maintenance of the Bear Creek Flood Control Channel

MCD North Stockton Tra Vigne – Crossing Improvement for Bike Way

Tra Vigne Development ownership filed an initial request for an Engineering Study to identify and understand the feasibility, required conditions and costs to modify the existing permit for the At-Grade Crossing of UPRR on top of the levee for the Bear Creek Flood Control Channel. This was initiated by requirement of the City of Stockton consistent with their Bicycle Master Plan. This requirement was included as Condition Number 25 of the Tra Vigne Vesting Tentative Subdivision Map. It was subsequently determined that the Cannery Park Development is responsible to pursue the At-Grade crossing permit with the UPRR and request approved by the Public Utilities Commission.

5. Listing of Noticed Community, Public Meetings and Public Hearings.

- A. Chronology of Communication, Union Pacific Railroad.
- | | |
|----------------|---|
| April 28, 2016 | Request for consent to Annex, No Response |
| May 3, 2018 | Community Meeting – Noticed |

Mr. Jim Glaser
December 21, 2020
Page 4 of 4

January 23, 2020 Planning Commission – Noticed
March 26, 2020 Planning Commission Public Hearing – Noticed
June 23, 2020 City Council Public Hearing Final Action – Noticed
January 14, 2020 LAFCO Public Hearing Annexation – Noticed

- B. Environmental Impact Report (EIR)
March, 2016 Notice of Preparation
April 21, 2018 – May 29, 2018 Draft EIR Circulated – Comment
Received and Responded to.
January 23, 2020 City Council Public Hearing and Certification of EIR.

In short, the environmental topics raised by UP were evaluated in a comprehensive manner in the EIR and the EIR, without any objection from UP, was unanimously certified by the City after a noticed public hearing where UP neglected to appear and failed to express any concerns with the project. This is simply the wrong time and the wrong agency for UP to raise these issues in the first instance.

Very truly yours,



STEVEN A. HERUM
Attorney-at-Law

SAH:lac

cc: Mike McDowell
City of Stockton

1 INTRODUCTION

The City of Stockton certified the Tra Vigne EIR on June 23, 2020 (SCH2016022061), including all discretionary development entitlements (i.e. land use, pre-zoning, annexation, tentative maps, etc.). The development of the Tra Vigne project requires annexation into the City of Stockton, which can only be approved by the San Joaquin County LAFCo upon receiving a recommendation for annexation by the Stockton City Council. The Stockton City Council has approved the project and has issued a recommendation to LAFCo to annex the property into the City.

The certified Tra Vigne EIR has adequately addressed all CEQA environmental topics associated with the discretionary entitlements, including the LAFCo action. The LAFCo annexation process requires that they contact property owners prior to taking action, and as a result, two comments were provided. Each of these comments are addressed in detail below. No new significant environmental impacts or issues, beyond those already covered in the certified EIR for the Tra Vigne Development Project, were raised during LAFCo's outreach to property owners.

2 COMMENTS AND RESPONSES

Written comments received by LAFCo are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Each letter is lettered (i.e., Letter A, Letter B) and each comment within each letter is numbered (i.e., comment A-1, comment A-2).



BUILDING AMERICA

December, 11, 2020

Elizabeth Contreras
San Joaquin Local Agency Formation Commission
509 W. Weber Avenue
Suite 420
Stockton, CA 95203

Re: Comments to notice for the project LAFC 16-20 TRA VIGNE Reorganization to the City of Stockton (the "Annexation")

Dear Ms. Contreras:

Thank you for allowing Union Pacific Railroad Company ("UP") the opportunity to submit the following comments regarding the above-referenced Annexation. UP is a Delaware corporation that owns and operates a common carrier railroad network in the western half of the United States, including the State of California. UP's rail network is vital to the economic health of California and the nation as a whole and its rail service to customers in California is crucial to the future success and growth of those customers.

The proposed Annexation location is adjacent to UP's property and railroad operations. Any land planning decisions should consider that train volumes near the Annexation area may increase in the future. UP also asks that the San Joaquin Local Agency Formation Commission ("LAFCo") and the applicant(s) keep in mind that this is an active rail corridor and nearby land uses should be compatible with this continuing rail use.

A-1

Trespassing

Approval of the Annexation will likely increase pedestrian traffic and trespassing onto the railroad right-of-way. UP strongly recommends that any developers and LAFCo evaluate such impacts and set forth appropriate mitigation measures. If the Annexation is approved, we request that LAFCo require any developers to install vandal resistant fencing at least 8 feet or taller (without impairing visibility), pavement markings and "no trespassing" signs designed to prevent individuals from trespassing onto the railroad tracks. All pedestrians and cyclists should be directed to use designated pedestrian rail crossings by utilizing appropriate signage and paths. Buffers and setbacks should also be required adjacent to the right-of-way.

A-2

Increased Traffic Impact

Rail crossing safety is critical to the public and to UP. Any increase in traffic from the Annexation may render inadequate the current safety devices in place on the nearby at-grade crossings. Additionally, an increase of pedestrian and vehicular traffic may conflict with train operations causing trains to proceed more slowly through the city, and/or make more frequent emergency stops, which would make rail service less effective and efficient. Should this Annexation be approved, the developers and LAFCo should

A-3

UNION PACIFIC RAILROAD
1400 Douglas Street
Omaha, Nebraska 68179

examine any increase in vehicular and pedestrian traffic and the impacts on the nearby at-grade road crossings to see what additional mitigation measures should be included in the development plans.

A-3 Cont'd

Noise and Vibration Impact

UP's 24-hour rail operations generate the noise and vibration one would expect from an active railway. Any increase in pedestrian and vehicular traffic over and around at-grade crossings may result in additional horn use by railroad employees. As a mitigation measure, any developers should disclose to the general public, including residents of any proposed developments, the daytime and nighttime noise levels naturally occurring with rail service, including sounding horns at vehicle crossings where required, as well as the pre-existing and predictably-occurring vibration. These disclosures should note that train volume may increase in the future. Any development plans should also include appropriate mitigation measures, such as construction of sound barrier walls or landscape buffers, and/or use of sound-proofing materials and techniques.

A-4

Drainage and Annexation Construction

UP requests LAFCo ensure that any drainage plans relating to the Annexation do not shift storm water drainage toward UP property and infrastructure. Any runoff onto UP's property may cause damage to its facilities resulting in a potential public safety issue. If the Annexation is approved, we ask that LAFCo require any developers to mitigate all safety risks and the impacts of the railroad's 24-hour operations during the construction of any developments, including contacting UP to arrange for flaggers for work performed within twenty-five feet (25') of the nearest track.

A-5

At-Grade Rail Crossing and Sight Line Safety

The safety of UP's employees, customers, adjoining land owners, and the communities we operate through is our top priority. At-grade rail crossings are areas where railroad operations and the public come into close contact. Appropriate modifications to the street and warning devices on any nearby rail crossings may need to be included as part of any development plans. Development at the Annexation location may result in poor site lines for vehicular traffic approaching the at-grade crossings. Should this project be approved, UP requests that an onsite meeting with the California Department of Transportation, and any other appropriate parties, be scheduled to discuss potential impact and possible upgrades to mitigate any safety risks resulting from reduced visibility. UP also recommends the educational material available through Operation Lifesaver, a nationwide non-profit public information program dealing with safety at railway crossings. Their website, www.oli.org, has age appropriate educational material available for the public.

A-6

UP appreciates LAFCo giving due consideration to the above concerns, as this proposed Annexation may result in impacts to land use and public safety. Please give notice to UP of all future hearings and other matters with respect to the Annexation as follows:

Peter Kenney – Sr. Manager Field Operations
Union Pacific Railroad Company
1400 Douglas Street - STOP 1690 Omaha, NE 68179
(402) 544-8581
pkenney@up.com

A-7

Please do not hesitate to contact Peter Kenney if you have any questions or concerns.

Sincerely,

Madeline E. Roebke
Senior General Counsel
Union Pacific Railroad Company

cc: Peter Kenney
Francisco Castillo, Jr.

Response to Letter A: Madeline E Roebke, Union Pacific Railroad Company

Response A-1: The first part of the comment serves as an introduction to the comment letter and does not warrant a response. The commenter then states that *“The proposed Annexation location is adjacent to UP’s property and railroad operations. Any land planning decisions should consider that train volumes near the Annexation area may increase in the future. UP also asks that the San Joaquin Local Agency Formation Commission (“LAFCo”) and the applicant(s) keep in mind that this is an active rail corridor and nearby land uses should be compatible with this continuing rail use.”*

Consistent with the commenter’s statement, the Draft EIR for the Tra Vigne project reflects that the UPRR tracks are located along the eastern boundary of the project site. Also, as is reflected throughout the Draft EIR, the City of Stockton considered the UPRR tracks (including the ongoing operation of rail transportation on this facility) during their extensive land use planning process for this site. The City’s considerations included: parcel ownership, noise issues, vibration issues, potential for toxic release/spills, derailment/accidents, safety/security, traffic, and drainage/flooding.

It is also noted that the City considers the UPRR facilities in their land use planning efforts on a city-wide level, which is reflected in the City’s General Plan and General Plan EIR. The annexation of the Tra Vigne project is consistent with the General Plan, and it is noted that a project-level of environmental analysis has been performed and an EIR has been certified for this project. During the City’s deliberations as they considered the Tra Vigne discretionary entitlements, the City Council found that the land uses planned on the Tra Vigne site are appropriate for this location, and all discretionary entitlements were granted by the City Council. The City Council has sent a recommendation to LAFCo for a final action to authorize annexation of the property into the City limits to enable development under the entitlements that have been granted.

Lastly, it is noted that the City includes conditions of approval and mitigation measures that are intended to protect, both their citizens and UPRR’s facilities when development occurs proximate to UPRR facilities. This applies to the Tra Vigne project, which includes a variety of mitigation measures and conditions that reflect the project’s proximity to the UPRR facilities. Some of those measures and conditions are specifically outlined in the following responses.

Response A-2: The commenter states *“Approval of the Annexation will likely increase pedestrian traffic and trespassing onto the railroad right-of-way. UP strongly recommends that any developers and LAFCo evaluate such impacts and set forth appropriate mitigation measures. If the Annexation is approved, we request that LAFCo require any developers to install vandal resistant fencing at least 8 feet or taller (without impairing visibility), pavement markings and “no trespassing” signs designed to prevent individuals from trespassing onto the railroad tracks. All pedestrians and cyclists should be directed to*

use designated pedestrian rail crossings by utilizing appropriate signage and paths. Buffers and setbacks should also be required adjacent to the right-of-way.”

It is noted that the eastern boundary of the Tra Vigne project is 200 feet west of the center of the Main Track. There are two parcels totaling 5.07 acres with a width of 150 feet between the main Track (UPRR). The City approved design requires masonry walls for homes backing up to the UPRR tracks and grade separation easement. More specifically, Condition 69; UPRR, 12 foot berm/sound wall or 12 foot sound wall, a 12 foot service road is required for maintenance access. The combination of the high masonry walls will minimize trespassing due to any increase in pedestrian traffic in the vicinity, and the 150 foot setback adequately buffers the project from the existing right-of-way. Collectively, these conditions/mitigations address the concerns provided in this comment.

Response A-3: *The commenter states “Rail crossing safety is critical to the public and to UP. Any increase in traffic from the Annexation may render inadequate the current safety devices in place on the nearby at-grade crossings. Additionally, an increase of pedestrian and vehicular traffic may conflict with train operations causing trains to proceed more slowly through the city, and/or make more frequent emergency stops, which would make rail service less effective and efficient. Should this Annexation be approved, the developers and LAFCo should examine any increase in vehicular and pedestrian traffic and the impacts on the nearby at-grade road crossings to see what additional mitigation measures should be included in the development plans.”*

It is noted that there is an existing separated grade overpass along Eight Mile Road that includes vehicle and bike/ped facilities over the UPRR tracks. The Tra Vigne project does not propose any modifications to the overpass. In addition, the City of Stockton imposed Condition 25; Bear Creek trail (top of Bear Creek Channel levee) for a bicycle/pedestrian path requiring an at-grade UPRR crossing. This was initiated by requirement of the City of Stockton consistent with their Bicycle Master Plan. The Tra Vigne Developer submitted an initial request to San Joaquin County Flood Control to consider an Engineering Study to identify and understand the feasibility, required conditions, and costs to modify the existing permit for the At-Grade Crossing of UPRR on top of the levee for the Bear Creek Flood Control Channel. It was subsequently determined that the existing Cannery Park Development located on the east side of the UPRR is responsible to pursue an at-Grade crossing permit from the UPRR and request approval by the Public Utilities Commission. As such, the Tra Vigne project does not include any at-grade crossings of UPRR facilities.

Response A-4: *The commenter states “UP’s 24-hour rail operations generate the noise and vibration one would expect from an active railway. Any increase in pedestrian and vehicular traffic over and around at-grade crossings may result in additional horn use by railroad employees. As a mitigation measure, any developers should disclose to the general public, including residents of any proposed developments, the daytime and nighttime*

noise levels naturally occurring with rail service, including sounding horns at vehicle crossings where required, as well as the pre-existing and predictably-occurring vibration. These disclosures should note that train volume may increase in the future. Any development plans should also include appropriate mitigation measures, such as construction of sound barrier walls or landscape buffers, and/or use of sound-proofing materials and techniques.

This comment is noted. The Draft Environmental Impact Report (April 2018, De Novo Planning Group) includes an analysis of noise and vibration, which specifically address rail noise. The analysis can be found in Section 3.11, pages 3.11-1 through 3.11-50. The analysis included noise measurements conducted adjacent to the railroad tracks for a 24-hour period. The sound level meter was programmed to collect single event noise level data due to train passbys on the Project site, as well as overall hourly noise level data. The noise level measurements were conducted at a distance 90 feet east of the centerline of the railroad track and south of a grade crossing. This distance remains appropriate for the proposed Project site plan. Instrumentation consisted of LDL Model 820 precision integrating sound level meters. The systems were calibrated before use with a matching acoustical calibrator to ensure accuracy of the measurements.

The purpose of the noise level measurements was to determine typical sound exposure levels (SEL) for railroad line operations within the Project vicinity, accounting for the effects of travel speed and other factors which may affect noise generation. In addition, the noise measurement equipment was programmed to identify individual train operations, so that the typical number of train operations could be determined.

The results indicate that the railroad activity resulted in an overall noise level of 80 dB Ldn at a distance of 90 feet from the track centerline. Proposed residential land uses located adjacent to the UPRR line are predicted to be impacted by railroad noise. UPRR train activity is predicted to exceed the City of Stockton lower level 60 dB Ldn and upper level 65 dB Ldn exterior noise level standard applicable to residential uses and is, therefore, considered significant according to the Project's Significance Criteria.

A barrier analysis was conducted to determine the appropriate barrier heights and setbacks required to reduce railroad noise levels within compliance with the City of Stockton exterior noise level criteria. Table 3.11-22 in the EIR shows the results of the barrier analysis. Based upon Table 3.11-22, it is not practical to achieve the lower limit noise level standard of 60 dB Ldn with setbacks of up to 200 feet. With a setback of 200 feet, the upper limit of 65 dB Ldn can be achieved with a 12-foot tall wall/barrier (relative to the building pad elevation). With a setback of 300 feet, the lower limit of 60 dB Ldn can be achieved with a 12-foot tall wall/barrier (relative to the building pad elevation). Additionally, with a setback of 300 feet, the upper limit of 65 dB Ldn can be achieved with a 10-foot tall wall/barrier (relative to the building pad elevation). As a result of this analysis, Mitigation Measure 3.11-4 and 3.11-5 were developed. The analysis and mitigation measures address the concerns associated with this comment.

Mitigation Measure 3.11-4: For the first row of residences facing the UPRR track, the Project site shall include setbacks and barriers to achieve a minimum exterior noise level of 65 dB Ldn at the backyards of the first row of residences facing the UPRR track. With a setback of 200 feet, a 12-foot tall wall/barrier (relative to the building pad elevation) would be required. With a setback of 300 feet, a 10-foot tall wall/barrier (relative to the building pad elevation) would be required. Noise barrier walls shall be constructed of concrete panels, concrete masonry units, earthen berms, or any combination of these materials. Wood is not recommended due to eventual warping and degradation of acoustical performance. These requirements shall be included in the improvements plans prior to their approval by the City's Public Works Department.

Mitigation Measure 3.11-5: A detailed analysis of interior mitigation measures shall be conducted when building plans for the first row of residences facing the UPRR track are available. The analysis shall be conducted for all residences up to a distance of 285 feet from the railroad track centerline (which represents the location of the 70 dB Ldn contour). Mechanical ventilation shall be installed in all residential uses to allow residents to keep doors and windows closed, as desired for acoustical isolation. These requirements shall be included in the improvements plans prior to their approval by the City's Public Works Department.

Response A-5: The commenter states “UP requests LAFCo ensure that any drainage plans relating to the Annexation do not shift storm water drainage toward UP property and infrastructure. Any runoff onto UP’s property may cause damage to its facilities resulting in a potential public safety issue. If the Annexation is approved, we ask that LAFCo require any developers to mitigate all safety risks and the impacts of the railroad’s 24-hour operations during the construction of any developments, including contacting UP to arrange for flaggers for work performed within twenty-five feet (25’) of the nearest track.”

The City of Stockton imposed Condition 35 on the project to address storm drainage concerns. This condition requires the Project to comply with Stockton Municipal code, section 13.20 Storm Water Quality Control Plan and Phase 1 Storm Water NPDES permit, California Water Quality Control Board. Storm Water Management Plan for design and operation was prepared by West-Yost Engineers and accepted as a Condition of Approval. Final improvement will be reviewed and approved by the City of Stockton Directors of Public Works and Municipal Utilities. Ultimately, the storm drainage system will ensure that there is no runoff from the project site that may cause damage to UPRR facilities.

Response A-6: The commenter states “The safety of UP’s employees, customers, adjoining land owners, and the communities we operate through is our top priority. At-grade rail crossings are areas where railroad operations and the public come into close contact. Appropriate modifications to the street and warning devices on any nearby rail crossings may need to be included as part of any development plans. Development at the Annexation location may result in poor site lines for vehicular traffic approaching the at-grade crossings. Should this project be approved, UP requests that an onsite meeting with the California Department of Transportation, and any other appropriate parties, be scheduled to discuss potential impact and possible upgrades to mitigate any safety risks resulting from reduced visibility. UP also recommends the educational material

available through Operation Lifesaver, a nationwide non-profit public information program dealing with safety at railway crossings. Their website, www.oli.org, has age appropriate educational material available for the public.

As discussed in Response A-3, there is an existing separated grade overpass along Eight Mile Road that includes vehicle and bike/ped facilities over the UPRR tracks. The Tra Vigne project does not propose any modifications to the overpass. In addition, the City of Stockton imposed Condition 25; Bear Creek trail (top of Bear Creek Channel levee) for a bicycle/pedestrian path requiring an at-grade UPRR crossing. This was initiated by requirement of the City of Stockton consistent with their Bicycle Master Plan. The Tra Vigne Developer submitted an initial request to San Joaquin County Flood Control to consider an Engineering Study to identify and understand the feasibility, required conditions, and costs to modify the existing permit for the At-Grade Crossing of UPRR on top of the levee for the Bear Creek Flood Control Channel. It was subsequently determined that the existing Cannery Park Development located on the east side of the UPRR is responsible to pursue an at-Grade crossing permit from the UPRR and request approval by the Public Utilities Commission. As such, the Tra Vigne project does not include any at-grade crossings of UPRR facilities.

Response A-7: The commenter states *“UP appreciates LAFCo giving due consideration to the above concerns, as this proposed Annexation may result in impacts to land use and public safety. Please give notice to UP of all future hearings and other matters with respect to the Annexation as follows:*

*Peter Kenney – Sr. Manager Field Operations
Union Pacific Railroad Company
1400 Douglas Street - STOP 1690 Omaha, NE 68179
(402) 544-8581
pkenney@up.com*

This comment is noted. LAFCo staff will include this comment letter, as well as this response, in staff report for consideration by the LAFCo Commissioners. LAFCo takes note of the contact provided for notices and future hearings.

PUBLIC UTILITIES COMMISSION

180 Promenade Circle, Suite 115
Sacramento, CA 95834



December 11, 2020

Elizabeth Contreras
LAFCo
509 W. Weber Avenue, Suite 420
Stockton, CA 95203

Re: TRA VIGNE REORGANIZATION TO THE CITY OF STOCKTON (LAFc 16-20)

Dear Ms. Contreras:

The California Public Utilities Commission (Commission/CPUC) has jurisdiction over rail crossings (crossings) in California. CPUC ensures that crossings are safely designed, constructed, and maintained. The Commission's Rail Crossings Engineering Branch (RCEB) is in receipt of the Application Referral for the proposed Tra Vigne Reorganization. The City of Stockton (City) is the lead agency.

B-1

The City has submitted an application to LAFCo to annex 343.27 acres to the City for the development of approximately 1,413 residential units, a school site, commercial and open space uses. The annexation boundary includes the right-of-way for Eight Mile Road and West Lane and is located at the southeast quadrant of West Lane and Eight Mile Road and abuts the Union Pacific Railroad (UPRR) tracks on the eastern edge of the project boundary.

There are two private crossings of the Union Pacific Railroad (UPRR) Roseville Division, Fresno Subdivision, tracks within the project boundary. They are not open to public use and cannot be used or modified without permission from UPRR.

B-2

Any development adjacent to or near the railroad right-of-way (ROW) should be planned with the safety of the rail corridor in mind. New developments may increase pedestrian or vehicular traffic volumes not only on streets and at intersections, but also at nearby rail crossings. Traffic impact studies should analyze rail crossing safety and potential mitigation measures. Safety improvement measures may include the planning for grade separations or improvements to existing at-grade crossings. Examples of improvements may include but are not limited to: addition or upgrade of crossing warning devices, detectable warning surfaces and edge lines on sidewalks, and pedestrian channelization. Pedestrian and bicycle routes should be designed to clearly prohibit and discourage unauthorized access (trespassing) onto the tracks, except at authorized crossings.

B-3

In addition, construction or modification of public crossings requires authorization from the Commission. RCEB representatives are available to discuss any potential safety impacts or concerns at crossings. Please continue to keep RCEB informed of the project's development. More information can be found at: <http://www.cpuc.ca.gov/crossings>.

If you have any questions, please contact me at (916) 928-2515 or atm@cpuc.ca.gov.

Sincerely,

David Stewart
Utilities Engineer
Rail Crossings and Engineering Branch
Rail Safety Division

Response to Letter B: David Stewart, California Public Utilities Commission

Response B-1: This comment is noted. This comment serves as an introduction to the comment letter, describing the role of the California Public Utilities Commission and their understanding of the Tra Vigne project. This comment does not warrant a response.

Response B-2: The commenter notes that there are two private crossings of the Union Pacific Railroad (UPRR) Roseville Division, Fresno Subdivision, tracks within the project boundary and that they are not open to public use and cannot be used or modified without permission from UPRR.

As was discussed in Response A, the Draft EIR for the Tra Vigne project acknowledges that the project is 200 feet west of the center of the UPRR Main Track. The Draft EIR further indicates that there are two parcels totaling 5.07 acres with a width of 150 feet between the main Track (UPRR). The City approved design requires masonry walls for homes backing up to the UPRR tracks and grade separation easement. More specifically, Condition 69; UPRR, 12-foot berm/sound wall or 12-foot sound wall, a 12-foot service road is required for maintenance access. The combination of the high masonry walls will minimize trespassing due to any increase in pedestrian traffic in the vicinity, and the 150-foot setback adequately buffers the project from the existing right-of-way. Collectively, these conditions/mitigations address the concerns provided in this comment.

Response B-3: The commenter states that *“Any development adjacent to or near the railroad right-of-way (ROW) should be planned with the safety of the rail corridor in mind. New developments may increase pedestrian or vehicular traffic volumes not only on streets and at intersections, but also at nearby rail crossings. Traffic impact studies should analyze rail crossing safety and potential mitigation measures. Safety improvement measures may include the planning for grade separations or improvements to existing at-grade crossings. Examples of improvements may include but are not limited to: addition or upgrade of crossing warning devices, detectable warning surfaces and edge lines on sidewalks, and pedestrian channelization. Pedestrian and bicycle routes should be designed to clearly prohibit and discourage unauthorized access (trespassing) onto the tracks, except at authorized crossings.”* The commenter goes on to note that *“In addition, construction or modification of public crossings requires authorization from the Commission. RCEB representatives are available to discuss any potential safety impacts or concerns at crossings. Please continue to keep RCEB informed of the project’s development. More information can be found at: <http://www.cpuc.ca.gov/crossings>”*

As discussed in Response A-3, there is an existing separated grade overpass along Eight Mile Road that includes vehicle and bike/ped facilities over the UPRR tracks. The Tra Vigne project does not propose any modifications to the overpass. In addition, the City of Stockton imposed Condition 25; Bear Creek trail (top of Bear Creek Channel levee) for a bicycle/pedestrian path requiring an at-grade UPRR crossing. This was initiated by requirement of the City of Stockton consistent with their Bicycle Master Plan.

The Tra Vigne Developer submitted an initial request to San Joaquin County Flood Control to consider an Engineering Study to identify and understand the feasibility, required conditions, and costs to modify the existing permit for the At-Grade Crossing of UPRR on top of the levee for the Bear Creek Flood Control Channel. It was subsequently determined that the existing Cannery Park Development located on the east side of the UPRR is responsible to pursue an at-Grade crossing permit from the UPRR and request approval by the Public Utilities Commission. As such, the Tra Vigne project does not include any at-grade crossings of UPRR facilities.

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3. PLAN FOR SERVICES

Introduction

Pursuant to California Government Code Section 56653, the San Joaquin LAFCO requires that any application for a change of organization or reorganization be accompanied by a plan for providing services. In accordance with Section 56653, the plan shall include:

- an enumeration and description of services to be extended to the affected territory;
- the level and range of those services;
- an indication of when those services can feasibly be extended to the affected territory;
- an indication of any improvements or upgrading of structures, roads, sewer or water facilities, or other conditions that the local agency would impose or require within the affected territory if the change of organization or reorganization is completed; and
- information with respect to how those services will be financed.

This City Plan for Services has been prepared to fulfill this requirement.

Discussion

The proposal being submitted to LAFCO includes the annexation of approximately 341± gross acres of land to the City of Stockton (including existing public rights of way)¹. A number of related land use entitlement applications have been approved by the City of Stockton to develop the area as residential development with a variety of commercial uses. The proposed Project site is located in the northeastern portion of the City of Stockton Metropolitan Area, within the unincorporated area of San Joaquin County. The Project area is adjacent to the City of Stockton city limits to the east, within the Stockton SOI as defined in the 2040 Stockton General Plan, and within the City of Stockton Urban Services Boundary. The Project site consists largely of active agricultural fields (roughly 253 acres in production) and 15.57 acres of existing industrial uses in the north-central portion of the Project site; uses within these existing industrial lots include Pacific Bell, and Bragg Investment Company².

The developer will be required to install all City utilities and improvements consistent with approved City Utility Master Plans as shown on its Tentative Subdivision Map.

The Project will be responsible for funding and/or construction of required improvements, subject to credits against the Project's impact fee obligations and potential future reimbursements from other benefitting properties through a City-created special district or benefit fee.

Infrastructure maintenance and public services required by the Project will be funded through a combination of City revenues generated by the Project (e.g., property taxes, sales taxes, and other

¹ Notice of Preparation (NOP), July 7, 2017. See Table 1, pg. 3.

² Notice of Preparation (NOP), July 7, 2017. See Project Location and Setting, Existing Site Uses, pg. 3.

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public revenues) and Project-specific assessments and CFD special taxes for services/maintenance. Other new development in the area is expected to contribute to the funding of shared facilities and infrastructure by payment of Area of Benefit fees and/or participation in private funding agreements for their proportionate share of facilities.

The proposal also requires detachment from several existing districts as follows:

- **Waterloo-Morada Fire Protection District** – The detachment will be subject to an agreement to mitigate the District’s loss of current property taxes. Future services will be provided by the City of Stockton.
- **San Joaquin County Resource Conservation District (RCD)** – Formed in the early 1980s, the SJCRCD encompasses all of the unincorporated regions of San Joaquin County and includes those areas formerly found within soil conservation districts. The District provides a range of programs oriented around the mission of protecting agricultural soil and related resources. The SJCRCD does not collect property taxes and therefore detachment will not cause a financial impact.

The annexation of the property to the City will be subject to a tax share agreement between the City and County³. Taxes currently accruing to the County’s General Fund and Road Fund, plus the taxes of detached districts (Waterloo-Morada Fire Protection District) will be shared according to the tax share agreement.

The following sections provide a Service Plan including a description of the proposed Project, existing and proposed services to the Project, and a summary of proposed financing of needed services, public facilities and infrastructure documented in further detail in separate reports.

A Fiscal Impact Analysis (FIA) of the proposed project, prepared under separate cover, evaluates the fiscal impacts of the Project on the City of Stockton’s operating budget’s annual costs and revenues, and demonstrates how annual services and maintenance functions will be funded. A Public Facilities Financing Plan (PFFP) describes a strategy for financing infrastructure and public facilities.

Water

The City of Stockton Municipal Utilities Department (CSMUD) would be the retail water provider for the proposed Project. The proposed Project, as approved by the City, is capable of being served by the City from the City’s existing and future portfolio of water supplies. The water supply for the proposed Project will have the same water supply reliability and water quality as the water supply available to each of the City’s other existing and future water customers.

The CSMUD currently serves 170,417 residents through approximately 49,387-metered services. Based on the total number of accounts, residential users make up about 95 percent of the total

³ “Agreement for Property Tax Allocation upon Annexation”, Exhibit 1 to Resolution Approving an Agreement for Property Tax Allocation and a Deferred Annexation Agreement for the Airpark 599 Project.

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customer base, commercial, industrial and institutional users account for approximately three percent, and the remaining two percent of connections is for landscape irrigation.

The City’s most recently adopted *Urban Water Management Plan (UWMP)* (the City’s 2015 UWMP) was adopted by the City Council on July 12, 2016. The City’s 2015 UWMP included existing and projected water demands for existing and projected future land uses to be developed within the City’s Sphere of Influence through 2040. The water demand projections in the City’s 2015 UWMP included existing City water demands and future water demands within the service area.

EXISTING POTABLE WATER SUPPLIES

The City’s 2015 UWMP describes the City’s available water supplies. The City’s water supplies include purchased water, surface water, and groundwater. The City currently receives treated water from Stockton East Water District (SEWD). In addition, a purchase agreement with the Woodbridge Irrigation District (Woodbridge ID) for water supply from the Mokelumne River was executed in 2008. A summary of the actual supply sources and quantities in 2015 is provided in Table 6.

TABLE 6: ACTUAL 2015 WATER SUPPLY FOR THE CITY OF STOCKTON (AFY)

WATER SUPPLY	ACTUAL VOLUME	WATER QUALITY	TOTAL RIGHT OR SAFE YIELD
Purchased water (SEWD)	4,159 ¹	Drinking water	6,380
Purchased water (WID)	4,628	Raw water	6,500
Supply from storage	--	--	--
Groundwater	6,628	Raw water	50,000
Surface water	9,428	--	33,600
Recycled water	0	--	0
Desalinated water	0	--	0
Stormwater use	0	--	0
Transfers	0	--	0
Exchanges	0	--	0
Total	24,843	--	96,480

NOTE: ¹ THE 1,486 AFY WATER WHEELED FROM SEWD TO SAN JOAQUIN COUNTY WATER SYSTEMS IS NOT INCLUDED.

SOURCE: STOCKTON 2015 UWMP (2016), TABLE 5-6.

PURCHASED WATER

The City purchases water from SEWD and Woodbridge ID WID as described in the following section.

Stockton East Water District

The City currently receives treated water from SEWD. As described in detail in SEWD’s 2015 UWMP, this supply is made up of surface water from New Melones Reservoir and New Hogan Reservoir as well as groundwater. Per the terms of the Second Amended Contract with SEWD, the City’s supply allocation from SEWD is based on the amount of water delivered in the previous year. Approximately three months prior to the beginning of the water year, the City reviews their current year SEWD treated water deliveries and determines whether they desire to change the agreement for the upcoming year, compared to what they received in the current water year.

With the commencement of the operation of the Delta Water Supply Project (DWSP) in 2012, the City’s planned delivery and allocation of SEWD treated water was 17,500 AFY, which was 37.6

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percent of SEWD's total supplies. For 2015, due to the drought and a reduction in the SEWD's supplies, the City's planned SEWD delivery and allocation was amended to 6,380 AFY, which was 31.9 percent of total SEWD supplies. The City used 5,634 AF of the SEWD supply in 2015. The City has entered into another allocation agreement with all of the parties resulting in 6,000 AF for 2016 for the City, or 30 percent of SEWD supplies during 2016. Moving forward the City will use approximately 6,000 AFY from SEWD.

If SEWD is not able to supply the City the total amount requested, the City will be allocated a proportional reduction in the amount of SEWD treated water requested for the subsequent water year.

Woodbridge ID

In 2008, the COSMUD executed a 40-year purchase agreement with WID for 6,500 AFY of water from the Mokelumne River for municipal and industrial water use within the City. This supply will augment the DWSP supply if the San Joaquin River water is not available due to environmental issues. The water is conveyed to the DWSP water treatment plant (WTP) for treatment and pumping to the water distribution system. Under this contract an additional 6,500 AFY of WID supply will become available to the City as WID-served agricultural lands in the northern part of the City are annexed to the City for municipal and industrial use at a rate of 3.0 AFY. For this analysis, it is assumed the WID supply will increase from 6,500 AFY to 13,000 AFY by 2025. It is assumed that the WID supply is cut back by approximately 30 percent in single dry years and the third year of a dry year period, similar to what occurred in 2015.

A. GROUND WATER

Groundwater is used conjunctively with the City's surface water supplies. With the DWTP now online, the City uses less groundwater in wet and average years and increases groundwater use in dry years to make up for reductions in surface water deliveries. Groundwater is managed for long-term sustainability and supply through conjunctive use with surface water supplies. The City has determined that the sustainable groundwater yield is 0.75 acre-feet per year, equivalent to a groundwater yield of approximately 50,000 acre-feet per year. To establish the projected groundwater supply that is reasonably available, COSMUD assumes that the reasonably available groundwater for the current water service area (38,524 acres) is pumped at 0.6 acre-feet per year, equivalent to an annual groundwater supply of 23,100 acre-feet per year.

During dry years when surface water availability is limited, groundwater pumping increases to meet municipal demands. In water year 2014-2015, 2,010.81 mgd of groundwater were pumped from wells in the north and south systems, and 7,529 mgd of surface water were used to meet municipal demands totaling 9539.81 mgd within the COSMA. More surface water use and less groundwater use have shown an overall benefit to the groundwater basin. Based on available monitoring data, extraction rates appear to be below the sustainable yield of the groundwater basin. (Stockton Municipal Utilities Department, Monthly Operations and Maintenance Report, January 2016, Table 2-3).

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The City currently has groundwater wells located in the City's North and South systems. Groundwater is used conjunctively with the City's other supply sources. With the DWSP WTP now online, the City uses less groundwater in wet and average years and increases groundwater use in dry years to make up for reductions in surface water deliveries. Groundwater is managed for long-term sustainability and supply through conjunctive use with surface water supplies. The City has determined that the sustainable groundwater yield is 0.75 AF/acre/yr, equivalent to a groundwater yield of approximately 50,000 AFY. To establish the projected groundwater supply that is reasonably available, COSMUD assumes that the reasonably available groundwater for the current water service area (38,524 acres) is pumped at 0.6 AF/acre/yr, equivalent to an annual groundwater supply of 23,100 AFY.

B. SURFACE WATER

Surface water supply in COSMA is provided by three sources, the DWP, SEWD, and the Woodbridge Irrigation District (WID). The DWSP draws water from the San Joaquin River Delta via intakes at the Delta Water Treatment Plant (DWTP), which is operated by COSMUD. The DWTP, which has the capacity to treat 30 million gallons per day (mgd) and produces an average of 15 mgd of treated surface water, provides the majority of the City's water service areas' potable supply. SEWD's surface water comes from New Melones Reservoir and New Hogan Reservoir. COSMUD, Cal Water, and San Joaquin County each purchase surface water from SEWD to serve customers within the SOI. WID-provided water comes from the Mokelumne River. While agricultural users within the COSMA rely primarily on groundwater, they do divert minor amounts of surface water.

The City has developed a new surface water supply, Delta water at the DWSP intake facility, from the San Joaquin River. The objective of this supply is to achieve a long-term reliable water supply from the Delta for existing and future customers. The City has rights to Delta water because portions of the COSMA fall within the legally defined Delta and the area of origin. The City's water rights application addressed a long-term planning horizon through the year 2050, requesting an ultimate diversion of 160 million gallons per day (mgd) (125,900 AFY). The State Water Resources Control Board (SWRCB) divided the water rights application into two separate applications, Application 30531A and 30531B. Application 30531A covers the initial phase of the DWSP up to 30 mgd (33,600 AFY) and the place of use is confined to the current 1990 General Plan boundary. The initial phase was granted a water right under California Water Code Section 1485. The City has a permit from the SWRCB issued on March 8, 2006 for a 33,600 AFY supply from the Sacramento/San Joaquin Delta.

The DWSP intake and water treatment plant was operational in 2012 with an initial capacity of 30 mgd (33,600 AFY). The projected capacity of the DWSP by 2035 is 90 mgd with an annual production of approximately 50,000 AFY. The DWSP will expand as needed up to 120 mgd provided water rights are granted.

The City's supply from the San Joaquin River is curtailed annually from February through June of each year due to U.S. Department of Fish and Wildlife Service and Department of Fish and Game restrictions.

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California Water Code (CWC) Section 1485 Water Rights allows the City to take out of the Delta as much water as the City’s wastewater treatment plant discharges into the Delta. This quantity, which fully covers the 33,600 AFY, is not restricted as long as the same amount of wastewater is discharged into the Delta. Section 1485 water may be subject to pumping restriction in some months due to fish protection.

CITY PROJECTED WATER DEMAND

The City’s 2015 UWMP describes the projected City water demand through 2040. The City has developed potable water demand projections, shown in Table 7.

TABLE 7: CITY OF STOCKTON TOTAL WATER DEMAND PROJECTION

YEAR	HISTORICAL DEMAND	PROJECTED DEMAND¹	PROJECTED DEMAND²	PROJECTED DEMAND³
2005	34,149	34,149	--	--
2006	34,806	--	--	--
2007	40,076	--	--	--
2008	38,143	--	--	--
2009	36,646	--	--	--
2010	33,333	--	--	--
2011	N/A	--	--	--
2012	N/A	34,961	34,961	34,961
2013	N/A	34,394	34,394	34,394
2014	N/A	29,627	29,627	29,627
2015	24,843	24,843	24,843	24,843
2016	--	26,510	--	--
2017	--	28,177	--	--
2018	--	29,844	--	--
2019	--	31,511	--	--
2020	--	33,178	34,948	33,178
2021	--	33,618	--	--
2022	--	34,059	--	--
2023	--	34,499	--	--
2024	--	34,940	--	--
2025	--	35,380	37,925	35,380
2026	--	36,147	--	--
2027	--	36,915	--	--
2028	--	37,682	--	--
2029	--	38,450	--	--
2030	--	39,217	39,800	37,743
2031	--	39,723	--	--
2032	--	40,230	--	--
2033	--	40,736	--	--
2034	--	41,243	--	--
2035	--	41,749	42,473	40,274
2036	--	42,292	--	--
2037	--	42,835	--	--
2038	--	43,379	--	--
2039	--	43,922	--	--
2040	--	44,465	45,325	42,989

NOTES:

(1) DEMANDS BASED ON UNIT WATER DEMANDS AND PROJECTED NUMBER OF CONNECTIONS (AFY), AS PROVIDED BY THE 2015 UWMP.

(2) 2015 UWMP VALUES BEFORE SBX7-7 (AFY) (3) 2015 UWMP VALUES AFTER SBX7-7 (AFY).

SOURCE: WATER SUPPLY ASSESSMENT FOR THE TRA VIGNE DEVELOPMENT PROJECT (CITY OF STOCKTON MUNICIPAL UTILITIES DEPARTMENT, 2017)

Several steps, including demand reduction, are being taken to help ensure an adequate water supply for the City. The City's 2015 UWMP provides a discussion of how the City is evaluating and implementing the eight Demand Management Measures (DMM) required by the Urban Water Management Planning Act. These DMMs include water waste prohibition, metering, conservation pricing, public education and outreach, programs to assess and manage COSMUD distribution system real loss, water conservation program coordination and staff support, other demand management measures, and planned implementation to achieve water use targets.

D. EXISTING TRANSMISSION AND DISTRIBUTION SYSTEM

There are five water service areas in the COSMA, with service provided by three water purveyors. COSMUD serves the North Stockton, South Stockton, and Walnut Plant Area (WPA) service areas, which includes land designated for residential, commercial, industrial, public, agricultural, and native or idle (i.e., natural open space) uses. The SJCMDs serve the Lincoln Village and Colonial Heights unincorporated pockets, which are designated for residential and commercial uses. Cal Water serves Central Stockton, which includes land designated for residential, commercial, industrial, public, agricultural, and native or idle.

COSMA is also divided into four separate water storage and distribution systems: North Stockton, Central Stockton, WPA, and South Stockton. The North Stockton, South Stockton, and WPA systems are operated by COSMUD and SJCMDs. The Central Stockton system is operated by Cal Water. The Tra Vigne annexation is within the North Stockton district of the COSMUD.

The North Stockton water system distributes water from the DWTP, groundwater wells, and the SEWD WTP. Treated drinking water from the DWTP and groundwater wells is delivered from Stockton East Water District to the North, South, and Walnut Plant service areas. The DWTP provides the majority of the City's water service area's drinking water. There are 23 groundwater wells in service with pump design flows ranging from 550 to 2,800 gallons per minute (gpm). The entire system is one pressure zone with the lowest ground surface elevation (5 feet above mean sea level) on the western side of the system and the highest elevation (35 feet above mean sea level) on the eastern side of the system. Additionally, there are two 3-million-gallon (MG) storage tanks near 14-Mile Slough and three 3.43 MG storage tanks near the Northwest Reservoir. These tanks deliver water through 18-, 24-, and 30-inch diameter mains. Additionally, a 48-inch diameter pipeline connects the system to the SEWD. The remainder of the distribution system consists primarily of mains of 12 inches or less. In January 2016, the North system was converted to using chloramines as the primary disinfectant.

E. WATER CONSERVATION

The City of Stockton has a rigorous water conservation program that is consistent with the California Urban Water Conservation Council (CUWCC) Memorandum of Understanding (MOU). The City of Stockton program complies with the 14 best management practices (BMPs) listed in the MOU. In addition to the existing water conservation measures, COSMA has initiated a Water Conservation Ordinance with permanent usage restrictions and a dry-year rationing program.

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The City intends to tailor its active water conservation program to enable the City to meet its SB X7-7 per capita target of 165 GPCD. The City's minimum required conservation program savings to meet the GPCD target ranges from approximately 1,300 acre-feet per year in 2020 down to zero minimum water conservation program savings by 2040. In addition to the demand management measures (DMMs) the City plans to implement, the City is exploring a variety of conservation activities to meet this minimum savings goal, including improving COSMUD operations to reduce water loss, targeting large water users to effect greater water savings, and reducing outdoor water use through more efficient irrigation practices.

F. GENERAL PLAN

The City's 2040 General Plan includes policies and implementation programs related to maintaining an adequate water supply for the City's population. Following adoption of the General Plan, the City updated its Water Management Plan based on the growth projections of the General Plan. Based on existing water use patterns the water supply is reasonably available through 2035. The area served would include all potential development within the 10-year Planning Horizon which includes the project location. The City's Water Master Plan also makes it clear that additional areas of the City, including the 20-year Planning Horizon, could be served by using more surface water and developing additional groundwater supplies. City identified use of recycled water could also generate sufficient water savings to extend the supply availability to support growth through 2030. The Public Facilities and Services Element of the General Plan addresses water supply and delivery through policies and implementation measures.

- PFS-2.1. Water Conservation. The City shall continue to implement water conservation programs that save significant amounts of water at a reasonable cost.
- PFS-2.2. Water Supply. The City shall evaluate long-term water supply strategies, including acquiring or developing additional water supplies that would be available during drought periods, to offset the shortages anticipated from existing supplies, and improved water conservation and re-use. For new development, the City will require the installation of non-potable water infrastructure for irrigation of large landscaped areas where feasible and cost effective. Conditions of approval will require connection and use of non-potable water supplies when available at the site.
- PFS-2.5. Water Quality. The City shall monitor water quality regularly to ensure that safe drinking water standards are met and maintained in accordance with State and EPA regulations and take necessary measures to prevent contamination.
- PFS-2.6. Level of Service. The City shall maintain adequate levels of water service by preserving, improving, and replacing infrastructure as necessary.
- PFS-2.7. Water Supply for New Development. The City shall ensure that water supply capacity and infrastructure are in place prior to granting building permits for new development.
- PFS-2.8. Delta Water Supply. The City shall not approve new development that relies on water from the Delta Water Supply Project until this Delta water is allocated through a water right to the City by the State of Water Resources Control Board or a replacement water supply is secured.

- PFS-2.10. Sustainability of Surface Water Supplies. The City shall work in concert with other water purveyors in the region to seek long-term renewable surface water contracts, and shall take actions to acquire, protect, and expand surface water rights to serve growing water demands.
- PFS-2.11. Sustainability of Groundwater Supplies. The City shall work in concert with other water purveyors in the region to achieve the target yield (0.6 AF/year) of the drinking water aquifer, and shall limit its long-term average groundwater withdrawals to this target yield.
- PFS-2.12. Water for Irrigation. The City shall encourage the use of non-potable water supplies for irrigation of landscape.
- PFS-2.13. Timing of Future Development. Prior to approval of any tentative small lot subdivision map for a proposed residential project of more than 500 dwelling units, the City shall comply with Government Code Section 66473.7. Prior to approval of any tentative small lot subdivision map for a proposed residential project of 500 or fewer units, the City need not comply with Section 66473.7 or formally consult with the public water system that would provide water to a proposed subdivision, but shall nevertheless make a factual showing or impose conditions similar to those required by Section 66473.7 in order to ensure an adequate water supply for development authorized by the map. Prior to recordation of any final small lot subdivision map, or prior to City approval of any project-specific discretionary approval or entitlement required for nonresidential land uses, the City or the project applicant shall demonstrate, based on substantial evidence, the availability of a long-term, reliable water supply from a public water system for the amount of development that would be authorized by the final subdivision map or project-specific discretionary nonresidential approval or entitlement. Such a demonstration shall consist of a written verification that existing sources are or will be available and that needed physical improvements for treating and delivering water to the Project site will be in place prior to occupancy.

G. PROJECTED WATER DEMAND FOR THE PROJECT

The projected water demand for the proposed Project is shown in Table 8. As indicated in Table 8, the total projected annual potable water demand for the proposed Project is projected to be 808.01 acre-feet per year (AFY). The calculation of total water demand for the Project is based on the 2015 UWMP and its use of gallons per connection per day. Given that the unit water demands are presented on a “per-connection” basis, a unit water demand on a “per-acre” basis can be developed using known averages on how many homes are built on a gross acre of residential developed land including arterial streets.

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TABLE 8: PROJECT TOTAL AVERAGE ANNUAL WATER DEMAND

LAND USE	ACREAGES (ACRES)	UNIT WATER DEMAND FACTOR (AF/ACRE/YEAR)	ESTIMATED WATER DEMAND (AFY)
Single Family Residential	232.18	1.65	383.10
Multi-family Residential	11.70	22.33	261.26
Commercial	10.50	1.50	15.75
Industrial	15.57	1.50	23.36
Parks and Recreation	15.07	2.00	30.14
Major Roads	21.09	1.50	31.64
Schools and Institutional Facilities	14.70	1.50	22.05
Open Space/Agriculture	20.36	2.00	40.72
Totals	341.17	--	808.01

NOTE: AFY = ACRE-FEET PER YEAR

SOURCE: WATER SUPPLY ASSESSMENT FOR THE TRA VIGNE DEVELOPMENT PROJECT (CITY OF STOCKTON MUNICIPAL UTILITIES DEPARTMENT, 2017)

Based on the Project's land use tabulation, total residential units range from 1,413 to 1,503. Of the 1,503 units, up to 340 units would be multi-family residential, and up to 1,163 would be single family residential. Using the maximum number of multi-family residential units, the overall average over the 11.7 acres of multi-family residential uses is approximately 29.0 multi-family residential connections per multi-family residential acre. Using the maximum number of single family residential units, the overall average over the 232.18 acres of single family residential uses is approximately 5.0 single family residential connections per single family residential acre. (Municipal Utilities Department, 2017).

For commercial, industrial, and open space land uses, it is difficult to statistically show how many connections might occur on an acre of land within the Project. Given that demands for these uses are on average low, the unit demand factors applied in previous WSAs will continue to be used. Based on these known parameters, Table 9 also includes the per-acreage demand factors used within the Water Supply Assessment.

TABLE 9: UNIT WATER DEMANDS

WATER USE SECTORS	UNIT DEMANDS IN AFY/CONNECTION AS PER 2015 UWMP	UNIT DEMAND IN AF/ACRE/YEAR
Single Family Residential	0.33	1.65
Multi-family Residential	0.77	22.33
Commercial	4.08	1.50
Industrial	124.86	1.50
Open Space	4.21	2.00

NOTE: AFY = ACRE-FEET PER YEAR

SOURCE: WATER SUPPLY ASSESSMENT FOR THE TRA VIGNE DEVELOPMENT PROJECT (CITY OF STOCKTON MUNICIPAL UTILITIES DEPARTMENT, 2017)

H. TIMING AND EXTENSION OF WATER SUPPLY TO THE ANNEXATION AREA

Following annexation, the Project would be provided with potable water by the City of Stockton Municipal Utilities Department (CSMUD), which serves the northern and southern portions of the

City. Projected potable water demand of 808.01 acre-feet per year (AFY)⁴ can be accommodated within the water supply capacity and projected total demand of CSMUD, according to documents prepared by the City⁵.

Water distribution will be by an underground distribution system installed per City of Stockton standards and its adopted Water Master Plan consistent with the City's General Plan 2035.

The water system design consists of a 12-inch and 24-inch line on Eight Mile Road to West Lane and a 24-inch main on West Lane completing a water main loop. The extension east of West Lane on Eight Mile Road is a 24-inch main to the end of the Project, and a looped network of 18-, 16- and 12-inch lines located within the Project site, including oversizing to serve other developments. Local service lines, eight inches in diameter or larger would extend along proposed streets to provide water service to all proposed land uses at their street frontage. The proposed project would include the development of a new City potable water well to be located at the southwest corner of the site, adjacent to Bear Creek and West Lane; the proposed project intends to dedicate the site for well development. Groundwater from the well would be a source for the water supply to serve the development. The off-site water pipeline would include extension of a water pipeline from the existing 12-inch water line along Eight Mile Road east 1,200 linear feet (LF) to Lower Sacramento Road and along Eight Mile Road to West Lane. This pipeline would ultimately connect to an existing water main at Marlette Road. The proposed Project would not require the construction of new water treatment facilities or expansion of existing water treatment facilities for water service⁶.

Onsite water infrastructure will be funded and constructed by the Developer through the use of conventional real estate development funding sources that may include some combination of developer equity, land sales proceeds, and Community Facilities District funds, as well as utility connection and other charges. The Project's PFFP anticipates that certain facilities constructed by the Developer will be oversized to serve other new development, and will be entitled to reimbursement, for example through an Area Development Impact Fee, and through credits against City Public Facilities Fees and other reimbursements.

The Developer will also pay infrastructure connection charges according to adopted City fee schedules⁷ as well as a one-time Delta Water Supply Project Surface Water Supply Fee and Stockton

⁴ Projected water demand estimates referenced in the Chapter 3.14 Utilities of the Draft EIR for the Project are based on the Water Supply Assessment (Municipal Utilities Department, 2017).

⁵ Projected water supply and demand through 2040 according to the City's most recently adopted Urban Water Management Plan (UWMP) adopted by the City Council on July 12, 2016. See also DEIR, pg. 3.14- 27.

⁶ City of Stockton General Plan, Public Facilities and Services Element, Water Supply and Delivery Policies, PFS-2.13.

⁷ See City of Stockton Fee Schedule

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East Water District fee⁸. New residents, commercial and industrial activities would pay the City's monthly service charges to fund operations, maintenance and capital replacement.

The City prepared and adopted SB 610 water supply assessment documented that the City has adequate water supplies to support existing demand in the City in addition to the proposed Project under average daily and maximum daily demand conditions. Water demand for current and proposed uses in the City of Stockton is approximately 26,319 AFY (in Year 2015). The City has a total supply of 96,480 AFY (Year 2015), leaving 70,161 AFY available. As shown in Table 8, the proposed Project's water demand would be approximately 808.01 AFY.

A comparison of the City's projected water supplies and demands is shown in Table 14 for Normal, Single Dry, and Multiple Dry Years. The supply-demand difference in Table 14 indicates that the City will have sufficient water to meet its customers' needs through 2040.

Stormwater

The City of Stockton provides and maintains a system of storm drains, detention basins, and pumping facilities as well as monitoring and control of the operations of the storm drain system. Additionally, the City enforces storm drain regulations established by the US EPA and the State of California.

The City of Stockton Stormwater Utility Division operates and maintains 620 miles of pipe, 72 pump stations, and over 100 discharge pipes that collect and route runoff from the City of Stockton's streets and gutters and into local rivers, creeks, and sloughs. The City of Stockton operates under Municipal Stormwater Permit Requirements Order No. R5-2007-0173.

The Stormwater Utility Division also manages the City's National Pollutant Discharge Elimination Permit (NPDES) and all the monitoring, testing, education, and programs required under the permit.

The NPDES Stormwater Program regulates stormwater discharges from three potential sources:

- construction activities,
- industrial activities, and
- municipal stormwater system.

A. EXISTING STORMWATER DRAINAGE SYSTEM

In 2009, the City of Stockton adopted a Stormwater Management Plan (SWMP) that covers the jurisdictional limits of the City of Stockton and the urbanized areas of San Joaquin County. The SWMP, which includes existing and enhanced program control measures, is the City's strategy for controlling the discharge of pollutants from the municipal storm drain system to the maximum extent practicable. An increasingly important element to consider is the protection of the Delta through the development and implementation of Total Maximum Daily Loads (TMDLs). The SWMP includes relevant TMDL needs/requirements. As such, the SWMP addresses specific pollutants of

⁸ See City of Stockton Fee Schedule

concern that have been identified as impacting or potentially impacting local receiving water quality, including that of the Delta in the Stockton Urbanized Area (SUA). The pollutants/conditions of concern that are being addressed through the implementation of special studies include pesticides, pathogens, mercury, and low dissolved oxygen. The special studies are designed to characterize the fate and transport of these pollutants and to assist with source identification and identification of control measures. To address the core objectives and pollutants of concern, the SWMP incorporates a series of commitments and performance standards and, as a result, provides for a long-term, comprehensive, and multidisciplinary effort by the City to achieve water quality standards and protect beneficial uses.

Stormwater capture is regulated by standards and criteria related to the computation of runoff, facility design, and quality of runoff entering streams. Maintenance and construction within streams requires a Streambed Alteration Agreement with the California Department of Fish & Game (Sections 1601-1603 of the California Fish & Game Code). If implementation of a drainage plan affects wetlands or waters of the United States, a Corps of Engineers Section 404 permit under the Clean Water Act may be required. Other regulatory agencies may have jurisdiction if drainage facility construction and operation impact the habitat of endangered species, such as the U.S. Fish & Wildlife Service. Requirements include establishing TMDL standards, the Endangered Species Act, and Section 401 Water Quality Certification.

The city and surrounding areas within the SOI depend on creeks, rivers, and sloughs to collect and convey storm runoff to the San Joaquin River and the Delta. Typically, these streams originally had wide floodplains that stored large volumes of runoff. Over time, most streams have been confined by levees and their floodplains developed, limiting both the stream's capacity and the floodplain benefits associated with periodic flooding. The streams do, however, remain the backbone of the storm drain system and runoff collected within the city is, for the most part, pumped into one of these receiving waters.

B. FUTURE STORMWATER DRAINAGE DEMANDS AND SYSTEM IMPROVEMENTS

200-Year Flood Protection in the Central Valley

A significant portion of the western side of Stockton near Interstate 5 and some isolated areas in the central and eastern parts of the city are subject to inundation during a 200-year flood event. This includes areas that have been annexed to the city with the expectation of development. In June 2015, the Stockton City Council adopted amendments to the City's General Plan to address requirements established by 2007 State legislation, including SB 5 and AB 162. This included modifications of existing and incorporation of new goals, policies, and implementation measures to strengthen the relationship between land use planning decisions and consideration of potential floodplain hazards. In May 2016 and July 2017, the Council followed up with amendments to the City's Zoning Code to establish consistency with the General Plan, in compliance with SB 5 and AB 162 requirements.

Based on SB 5 and the City's actions to comply, the City must make specific flood findings on certain development projects located within a flood hazard zone. Developers will be required to provide substantial evidence to address 200-year protection for the record for the City to review prior to

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making a finding determination on certain development projects. Development methods for addressing 200-year protection may consist of one or a combination of measures, including raising the site elevation with fill material, increasing building pad height, flood-proofing, elevating habitable space with parking and storage below, making improvements to the flood protection system, or re-designating land in the flood hazard areas to avoid flooding problems. In some instances, where infill opportunities exist, the necessary flood protection improvements may not be feasible or easily achieved. Through enforcement of SB 5 requirements and implementation of these newly-enacted provisions, the City of Stockton expects to continue to meet stormwater flood control needs within the existing SOI in cooperation with San Joaquin County and the San Joaquin Area Flood Control Agency. For instance, the City's 2040 General Plan Update changed the land use designations in some flood-prone areas in southwestern Stockton to prohibit urban development.

Buildout of the existing SOI will continue to require the capture and removal of stormwater in a safe manner. This will include flood control improvements to enable land that has already been annexed for development, including several major projects in the northwestern part of the city.

Drainage problems do occur in the SOI, although they are localized within certain areas, and the quality of stormwater discharges from the city and SOI are considered to be significant sources of pollutants.

As development occurs within the SOI, creeks, rivers, and sloughs will continue to collect and convey storm runoff to the San Joaquin River and the Delta. The City will continue to require new development in growth areas in the SOI to develop storm drains to collect and convey runoff to pumps that will lift the runoff into one of the creeks, sloughs, or rivers. The City expects to continue to work with the San Joaquin Area Flood Control Agency to address areas within the SOI that experience flooding issues or where storm drain problems exist. In addition, the quality of runoff water is expected to be emphasized in future stormwater management activities to address stormwater pollution.

As required by SB 5 and AB 162, the City's General Plan commits the City to maintain existing storm drain and flood management facilities and includes goals, policies, and implementation measures to strengthen the relationship between land use planning decisions and consideration of potential floodplain hazards. In combination with the City's Zoning Code, the General Plan requires developers to provide substantial evidence of 200-year protection for the record for the City to review prior to making a finding determination on development projects.

The City anticipates that as growth within the SOI occurs, the creeks, rivers, and sloughs mentioned above will continue to collect and convey storm runoff to the San Joaquin River and the Delta. These will remain the backbone of the storm drain system and runoff collected within the city will be, for the most part, pumped into one of these receiving waters. The City will continue to require new development in the SOI to develop storm drains to collect and convey runoff to pumps that will lift the runoff into one of the creeks, sloughs, or rivers. Outside of major development projects shown in Table 4, which will prepare their own separate stormwater plans, infill development under the 2040 General Plan is anticipated to require, in total, approximately 100 acre-feet of storage capacity and 88 cubic feet per second pumping capacity (City of Stockton 2040 General Plan Update and

Utility Master Plan Supplements Draft EIR, 2018). New development will be required to mitigate all flood issues prior to developing, including contribution to regional flood control solutions.

C. CAPITAL IMPROVEMENT PROGRAM/FINANCING

Generally, funding sources for other needed system improvements include CFDs, taxes, bonds, grants, and exactions. Some financing mechanisms may, however, be difficult to use because they require voter approval. For this reason, grants are often used for infrastructure improvements to reduce the cost burden for taxpayers, although grant programs can be very competitive and, thus, not a reliable source of funding. Given the City Council's July 2018 decision, the establishment of CFDs may be the most promising way to ensure necessary improvements can be funded and maintained.

In addition to local infrastructure funding mechanisms, there are also funding sources offered by the federal and State government that address existing deficiencies and/or expansion of infrastructure for new development. A summary of each program is provided below:

- **Community Development Block Grants (CDBG)** – The Community Development Block Grant program is an annual funding mechanism offered by the United States Housing and Urban Development Department. These versatile grants often fund the construction of projects such as water and sewer facilities, recreation facilities, street maintenance, as well as other public work projects.
- **Integrated Regional Water Management (grants)** – This funding program is offered by the California Department of Water Resources. DWR's IRWM Grant Programs are managed within the Division of IRWM, Financial Assistance Branch, with assistance from DWR's regional offices. The IRWM Grant Programs include IRWM funding for planning, disadvantaged community involvement, implementation, and companion grant programs that support sustainable groundwater planning and water-energy programs and projects.
- **Proposition 84** – The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act provides funding from the State Water Resources Control Board. Proposition 84 allows the funding to be used for capital costs on projects that pertain to protecting river, lakes, and streams from excessive stormwater runoff. Such projects that can be funded could be related to the collection of stormwater, and treatment of water to reduce the likelihood of ground contamination.

The Public Facilities and Services Element of the General Plan addresses stormwater drainage through policies and implementation measures.

- PFS-4.1: Creek and Slough Capacity. The City shall require detention storage with measured release to ensure that the capacity of downstream creeks and sloughs will not be exceeded. To this end:
 - Outflow to creeks and sloughs shall be monitored and controlled to avoid exceeding downstream channel capacities;
 - Storage facilities shall be coordinated and managed to prevent problems caused by timing of storage outflows.

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- PFS-4.2: Watershed Drainage Plans. The City shall require the preparation of watershed drainage plans for proposed developments within the urban services boundary. These plans shall define needed drainage improvements and estimate construction costs for these improvements. The plans will also identify a range of feasible measures that can be implemented to reduce all public safety and/or environmental impacts associated with the construction, operation, or maintenance of any required drainage improvements (i.e., drainage basins, etc.).
- Best Management Practices. The City shall require, as part of watershed drainage plans, Best Management Practices (BMPs), to reduce pollutants to the maximum extent practicable (PFS-4.3).
 - As of November 25, 2003, the City shall require that all new development and redevelopment projects to comply with the post-construction Best Management Practices (BMPs) called for in the Stormwater Quality Control Criteria Plan (SWQCCP), as outlined in the City's Phase 1 Stormwater NPDES permit issued by the California Water Quality Control Board, Central Valley Region (Order No. R5-20020-0181). Also, the owners, developers, and/or successors-in-interest must establish a maintenance entity acceptable to the City to provide funding for the operation, maintenance, and replacement costs of all post-construction BMPs.
 - The City shall require, as part of its Storm Water NPDES Permit and ordinances, to implement the Grading Plan, Erosion Control Plan, and Pollution Prevention Plan (SWPPP) during construction activities of any improvement plans, new development and redevelopment projects for reducing pollutants to the maximum extent practicable.
- Regional Basins. The City shall define drainage service areas and encourage and support the use of regional stormwater facilities, including stormwater detention and stormwater quality basins within these service areas (PFS-4.4).
- Public Facilities Fees. The City shall develop a Stormwater Management Utility fee that will financially support the stormwater system operation, the Stormwater Management Plan, and maintenance and management program activities (PFS-4.5).
- Stormwater Facility Sizing. The City shall ensure through the development review process that public facilities and infrastructure are designed to meet ultimate capacity needs, pursuant to a master plan, to avoid the need for future replacement to achieve upsizing. For facilities subject to incremental sizing, the initial design shall include adequate land area and any other elements not easily expanded in the future.
- Storm Water Discharge. The City shall require for new development within the horizontal surface boundary of the Stockton Metropolitan Airport that any storm water detention basin be designed to discharge as rapidly as possible to minimize the attraction of birds in the vicinity of the airport (PFS-4.7).
- Low Impact Development. The City shall incorporate low impact development (LID) alternatives for stormwater quality control into development requirements. LID alternatives will include: (1) conserving natural areas and reducing imperviousness, (2) runoff storage, (3) hydro-modification (to mimic pre-development runoff volume and flow rate), and (4) public education (PFS-4.8).

E. TIMING

Drainage improvements will be constructed in order to maintain the service level standard. This is accomplished by constructing the storm drainage and flood protection facilities for each new area that is developed, and by ensuring that necessary facilities are developed efficiently prior to and during construction activities.

E. STORM DRAINAGE WITHIN THE TRA VIGNE MASTER PLAN ANNEXATION AREA

While the project site is not within the 100-year flood hazard area, the northwestern corner of the project site does lie within the 200-year flood hazard area as identified on the San Joaquin County Public Works 200-year floodplain viewer (PBI Engineering, March 2015). SB 5 for the San Joaquin River region has resulted in stricter development standards in 2016. Pursuant to the revised City floodplain regulations contained in Chapter 16.90 of the City Municipal Code, the proposed Project would be required to comply with SB-5 requirements. It is noted that the 200-year flood plain hazard within the boundary of the project site is from the Bear Creek, and is not associated with the San Joaquin River.

To comply with the requirements included in SB 5, the development of the proposed Project will include construction of a new storm drainage system, including a drainage collection system, and two detention basins (one in the southwestern corner of Tra Vigne West, and one at the southwestern corner of Tra Vigne East). It is anticipated that a pump station that would discharge to Bear Creek would be installed at the Tra Vigne West detention basin.

Proposed storm drain lines would range from 12 inches to 60 inches in diameter. Collection lines would flow generally west and south to the proposed detention basins located in the southwest corners of Tra Vigne East and Tra Vigne West.

The City will require that a maintenance entity be established to provide for the operation, maintenance, and replacement costs of the detention pond system and other water quality features of the Project. The perimeter of the detention facilities will be landscaped to temper and screen views of the detention basins. Additionally, fencing would be constructed around the detention basin areas for safety and security purposes.

Areas of proposed development within the Project site will be required to meet the "volume reduction" requirements of the City's most recent stormwater NPDES permit. Units of development would incorporate design features that would divert storm water to the groundwater system and/or detain runoff before it reaches the collection system. These design features would include measures also described as Low Impact Development (LID) and Volume Reduction Measures, such as grassy swales, porous pavement, rain barrels, and rain gardens, among others. Compliance with the City's stormwater standards will require that storm drainage from new development be reduced below "existing runoff" rates.

Disposal of storm water collected to the Tra Vigne West detention basin would be handled by a new on-site storm water pump station and discharge outfall to Bear Creek. The pump station would operate when storm water quality and detention objectives have been met. The pump station is

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expected to consist of a concrete sump, trash screen and two or more pumps that would deliver storm water flow over or through the Bear Creek levee to an outfall facility. The pump station facility may include an emergency generator to supply electrical power to the pump station during power outages. Disposal of storm water collected to the Tra Vigne East detention basin would be conveyed to the Tra Vigne West detention basin via a 24- and 30-inch storm drain line.

The outfall structure would consist of two or more pipelines directed southeasterly to a point inside the Bear Creek levee. Outfall pipelines would likely terminate at a concrete headwall and energy dissipators set into the toe of the Bear Creek levee; storm drainage would be discharged to a concrete, gunite or riprap apron to flow into the Bear Creek channel. Outfall pipes would terminate in a “tideflex” or a comparable check valve system.

The proposed Project includes development of a new storm drainage system to serve the proposed uses as described above. The drainage system will be designed and constructed to meet the City’s performance standards.

Onsite storm water infrastructure will be funded and constructed by the Developer through the use of conventional real estate development funding sources that may include some combination of developer equity, land sales proceeds, and Community Facilities District funds.

The City will require that a maintenance entity be established to provide for the operation, maintenance, and replacement costs of the detention pond system and other drainage system features of the Project, estimated to cost approximately \$50,000 to \$70,000 annually⁹. The Project’s FIA and PFFP anticipate that the Project would fund those costs through assessments that could be charged to a newly created zone for the Project within the Stockton Consolidated Storm Drainage Maintenance Assessment District No. 2005-1. In addition, homeowners will be responsible for paying a storm water monthly fee¹⁰.

Wastewater

Wastewater service is provided by the City of Stockton via their network of collection infrastructure and the Stockton Regional Wastewater Control Facility (RWCF), which is located on Navy Drive in southwest Stockton. The RWCF provides secondary and tertiary treatment of municipal wastewater from throughout the City. The remainder of the City is served by on-site septic systems, or lie outside the urban service area. As of 2008, dry weather flows at the RWCF are estimated to be approximately 35 million gallons per day (mgd), or approximately 80 percent of the current dry weather capacity of the facility. Recent improvements to the RWCF increased the average dry weather flow capacity of the RWCF to 48 mgd.

⁹ West Yost Associates, Technical Memorandum, Operations, Maintenance and Replacement Costs for Detention Basins at Tra Vigne, September 1, 2017.

¹⁰ SMC 13.16.180 Storm water Rate Structure.

A. WASTEWATER CONVEYANCE

Municipal wastewater treatment and collection services in the Stockton city limits are provided by the City of Stockton Municipal Utilities Department (COSMUD). The existing City of Stockton wastewater collection system is divided into 10 designated sub-areas or “systems.” Systems 1 through 7 have been in existence for at least 15 years, and encompass the majority of the City. System 8 was intended to serve southern areas of the City, and has been partially developed; however, the majority of the area remains undeveloped. System 9 is intended to serve currently undeveloped areas at the eastern edge of the City along Highway 99; the backbone trunk sewer and pump stations for System 9 were completed in 2007. System 10 is intended to serve northern areas of the City, and has been partially constructed; however, the majority of the area remains undeveloped. Available capacity is greatest in the northern and southern areas of the City, which largely correspond to System 10 and System 8, respectively.

The collection system in the city is comprised of gravity flow pipes sized between 6 and 36 inches. In places where topography is relatively flat or adverse for the use of gravity sewers, force mains ranging in size from 6 to 24 inches.

GRAVITY SEWERS

Current City standards call for all gravity sewers to be designed for full-pipe gravity flow. Surcharging results in sewers that do not meet this criterion under a given flow condition. For planning purposes, the available capacity is zero in gravity sewers with a predicted peak flow equal to or greater than the full-pipe gravity flow capacity. The following standards are used in the design of gravity sewers. Pipes must be sloped to produce a minimum of 2 feet per second at peak flow. Flatter slopes (as low as 0.0006 ft/ft) have been allowed for some designs in Stockton to accommodate project-specific constraints. It can be difficult to maintain the desired grade during construction of pipelines at slopes less than 0.001 ft/ft. Initial flows during the early years will be lower than the design flows, causing velocities to be lower. During design, steeper slopes should be considered where feasible. Additional maintenance or other measures may be required to control odors in sewers with initially low velocities.

FORCE MAINS

Force mains convey flow from pump stations to a downstream gravity sewer. There are approximately 158,000 lineal feet of force mains in the model, representing all city-owned force mains of significant length as well as some private pumping and force main systems. City design standards recommend that force main velocities should be limited to “around 7 feet per second (fps)” for lengths up to 300 ft, and “around 5 fps” for lengths in excess of 1,000 ft.

EXISTING PUMP STATIONS

Wastewater pumping stations are located throughout the City and are integral to the wastewater collection system. Most of the pump stations discharge to pressure sewers (force mains) that convey flow under pressure either directly to the RWCF or to a downstream gravity sewer.

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B. WASTEWATER TREATMENT PLANT PERMITTING AND CAPACITY

The City's *2035 Wastewater Master Plan* includes projected wastewater generation factors for residential and commercial land uses. The *Water Master Plan Update* also provides overall projected water demand for the City of Stockton Municipal Utilities District (COSMUD) service area. Based on the data provided, it was determined that the City will have additional water flows totaling approximately 110,000-acre feet/year for the entire City of Stockton Municipal Utilities Department service area, or 98.14 MGD, when full build-out of the 2035 General Plan Area occurs (City of Stockton, 2007). As noted previously, the Stockton RWCF uses approximately 80% of its existing permitted capacity. Future capacity improvements are planned as part of the City's ongoing commitment to provide adequate wastewater capacity for all users within its service area.

As described previously, the existing City of Stockton wastewater collection system is divided into 10 designated sub-areas or "systems." Systems 1 through 7 have been in existence for at least 15 years, and encompass the majority of the City. System 8 was intended to serve southern areas of the City, and has been partially developed; however, the majority of the area remains undeveloped. System 9 is intended to serve currently undeveloped areas at the eastern edge of the City along Highway 99; the backbone trunk sewer and pump stations for System 9 were completed in 2007. System 10 is intended to serve northern areas of the City, and has been partially constructed; however, the majority of the area remains undeveloped. Available capacity is greatest in the northern and southern areas of the City, which largely correspond to System 10 and System 8, respectively. The proposed Project would be located within System 10.

According to the City's *2035 Wastewater Master Plan*, the proposed Project's residential uses are estimated to generate a maximum (95th percentile rate) rate of 112.0 gpd/capita (City of Stockton, 2008). Based on U.S. Census data factors (3.17 persons per household), the Project site would have a maximum of approximately 4,765 persons, at full Project build-out, resulting in approximately (4,765 x 112) 533,680 gpd that would be generated by Project residential uses. The proposed Project also includes 10.5 acres of commercial space. According to the City's *2035 Wastewater Master Plan*, commercial land uses generate approximately 1,100 gpd/acre. Using this rate, the proposed commercial uses would generate approximately 11,550 gpd. Combined, the proposed Project would be expected to generate a maximum of approximately 545,230 gpd at full build-out. Industrial uses were not calculated as part of the projection, since the industrial uses already exist, and would only be annexed by the proposed Project.

In conclusion, the proposed Project would increase the amount of wastewater requiring treatment by 545,320 gpd (or 0.55 MGD). The wastewater would be treated at the RWCF. As noted previously, the Stockton RWCF uses approximately 80% of its existing permitted capacity, and the City will have additional wastewater flows totaling approximately 98.14 MGD for the entire City of Stockton Municipal Utilities Department service area when full build-out of the 2035 General Plan Area occurs. The addition of 0.55 MGD of wastewater requiring treatment as a result of the proposed Project accounts for 0.56 percent of the predicted wastewater treatment when full build-out of the 2035 General Plan Area occurs. Additionally, the proposed Project would result in a reduction in units compared to what is allowed by the existing General Plan land uses.

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Occupancy of the proposed Project would be prohibited without sewer allocation. An issuance of sewer allocation from the City’s available capacity would ensure that there would be a final determination by the wastewater treatment and/or collection provider that there is adequate capacity to serve the proposed Project’s projected demand in addition to the provider’s existing commitments. Additionally, any planned expansion to the RWCF with a subsequent allocation of capacity to the proposed Project would ensure that there would not be a determination by the wastewater treatment and/or collection provider that there is inadequate capacity to serve the proposed Project’s projected demand in addition to the provider’s existing commitments.

C. WASTEWATER QUALITY

The City’s wastewater treatment plant is governed by a Federal NPDES permit. The City is required by law to have its permit reviewed every five years by the Regional Water Quality Control Board (the State’s regulating agency for the NPDES permit program). On June 6, 2014, the Central Valley Regional Water Quality Control Board issued a wastewater discharge permit to the City of Stockton for the operation of its wastewater treatment facility.

D. FUTURE WASTEWATER DEMAND AND SYSTEMS IMPROVEMENT

Projected wastewater flows and loads to the RWCF at build-out conditions are provided by the Wastewater Master Plan. Domestic/commercial flow projections for average day dry weather conditions based upon a projected buildout population of 580,717 persons and a per capita flow contribution of 112.0 gallons per capita per day. Domestic/commercial BOD and TSS contributions at average conditions were based upon per capita contributions of 0.31 and 0.30 pounds per capita per day, respectively. Average ammonia loads are based upon the current observed influent concentration of 25 mg/l. Peak flows and loads, shown in Table 10, are based upon the use of existing observed peaking factors applied to the projected average daily loading conditions.

TABLE 10: PROJECTED WASTEWATER FLOWS AND LOADS GENERATED IN THE MASTER PLAN SERVICE AREA AT BUILDOUT CONDITIONS

PARAMETER	UNITS	AVERAGE DRY WEATHER FLOW	AVERAGE DAY MAX PER MONTH	PEAK DAY MAX PER MONTH	PEAK HOUR WET WEATHER
Flow	mgd				
Domestic/Commercial		6.5	78	126.8	164.1
Wet Industrial		5.0	7.2	11.5	12.6
Recycle		1	1.1	0.9	2.5
<i>Totals</i>		<i>71.0</i>	<i>86.3</i>	<i>139.2</i>	<i>179.2</i>
BOD	Lbs/day				
Domestic/Commercial		180,000	180,000	180,000	NA
Wet Industrial		24,000	62,000	24,000	NA
Recycle		-	12,000	16,000	NA
<i>Totals</i>		<i>204,000</i>	<i>254,000</i>	<i>220,000</i>	<i>NA</i>
TSS	Lbs/day				
Domestic/Commercial		174,000	174,000	183,000	NA
Wet Industrial		6,200	27,000	7,000	NA
Recycle		0	12,000	17,000	NA
<i>Totals</i>		<i>180,200</i>	<i>213,000</i>	<i>207,000</i>	<i>NA</i>
Ammonia-N	Lbs/day				
Domestic/Commercial		13,600	16,300	27,400	NA

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PARAMETER	UNITS	AVERAGE DRY WEATHER FLOW	AVERAGE DAY MAX PER MONTH	PEAK DAY MAX PER MONTH	PEAK HOUR WET WEATHER
Wet Industrial		1000	1200	2,000	NA
Recycle		200	200	300	NA
<i>Totals</i>		<i>14,800</i>	<i>17,700</i>	<i>29,700</i>	<i>NA</i>

SOURCE: 2035 WASTEWATER MASTER PLAN, PG 7-2.

To account for the additional wastewater flows in the project area after the construction of the proposed Project, additions to the existing wastewater infrastructure will be needed. The sanitary sewer collection will be by an underground collection system installed as per the City of Stockton standards and specifications. Sanitary sewer disposal will flow to the City's RWCF for treatment. Improvements include connection to existing sanitary sewer lines located along Eight Mile Road and Beer Creek.

The Public Facilities and Services Element of the Stockton General Plan addresses wastewater treatment through the following policies and implementation policies:

- Water Treatment Capacity. The City shall plan, secure funding for, and procure sufficient water treatment capacity and infrastructure to meet projected water demands (PFS-2.3).
- Sanitary Sewer Service Area. The City shall require that all new urban development is served by an adequate collection system to avoid possible contamination of groundwater from onsite wastewater disposal (septic) systems (PFS-3.1).
- Wastewater Treatment Standards. The City shall continue to take actions necessary to meet water quality discharge standards in the operation of the regional wastewater treatment plant (PFS-3.2).
- Compliance with Federal Standards for Surface Water Protection. The City shall comply with the requirements of the Clean Water Act with the intent of minimizing the discharge of pollutants to surface waters (PFS-3.3).
- Wastewater Facility Sizing. The City shall ensure through the development review process that public facilities and infrastructure are designed and constructed to meet ultimate capacity needs, pursuant to a master plan, to avoid the need for future replacement to achieve upsizing. For facilities subject to incremental upsizing, initial design shall include adequate land area and any other elements not easily expanded in the future (PFS-3.4).
- Wastewater Collection System Rehabilitation. The City shall ensure that when infrastructure rehabilitation projects are undertaken, upsizing of the facility and cost sharing are considered in order to accommodate upstream planned growth in accordance with an approved master plan (PFS-3.5).
- Wastewater Reuse. The City shall continue to discharge treated effluent to the Delta and reuse that water through the City's California Water Code Section 1485 water right (PFS-3.6).
- Security. City shall seek to minimize vulnerability of its wastewater collection and treatment systems to unauthorized tampering (PFS-3.7).

Timing of Future Development. Prior to approval of any tentative subdivision map for a proposed residential project, the City shall formally consult with the wastewater system provider that would

serve the proposed subdivision to make a factual showing or impose conditions in order to ensure an adequate wastewater removal system necessary for the proposed development. Prior to recordation of any final small lot subdivision map, or prior to City approval of any project-specific discretionary approval or entitlement required for nonresidential land uses, the City or the project applicant shall demonstrate, based on substantial evidence, the availability of a long-term, reliable wastewater collection system for the amount of development that would be authorized by the final subdivision map or project-specific discretionary nonresidential approval or entitlement. Such a demonstration shall consist of a written verification that existing treatment capacity is or will be available and that needed physical improvements for treating wastewater from the Project site will be in place prior to occupancy (PFS-3.8).

E. WASTEWATER SYSTEM WITHIN THE TRA VIGNE MASTER PLAN ANNEXATION AREA

Following annexation, wastewater flows from the Project will be collected and treated by the City of Stockton Municipal Utilities Department (CSMUD) via an onsite collection system to be constructed within the Project's roads. The Project site is located within the City's Wastewater Collection System 10. The wastewater trunk line serving the System 10 area was constructed in conjunction with the North Stockton Pipelines project. Wastewater mains have been extended north from the trunk sewer in conjunction with development of the La Morada and Villa Antinori projects located east of the UPRR, including an 18-inch line along the Holman Road alignment; this line is expected to be extended north through the Cannery Park project to near Eight Mile Road in conjunction with the development of Cannery Park project.

Offsite facilities include construction of sewer mains beginning at Street B and West Lane thence south on West Lane to the north edge of the Bear Creek Levee westerly to connect to an existing pump station in Northwest Stockton in System 10, then to the City's Regional Wastewater Control Facility (RWCF) for treatment. The development of the Project "would not exceed the wastewater discharge requirements" for the RWCF under current NPDES orders¹¹.

Stockton's General Plan policies require that, prior to the approval of any tentative subdivision map, there be a demonstration that "existing treatment capacity is or will be available and that needed physical improvements for treating wastewater from the Project site will be in place prior to occupancy¹²."

Onsite and offsite wastewater collection infrastructure will be funded and constructed by the Developer through the use of conventional real estate development funding sources that may include some combination of developer equity, land sales proceeds, and Community Facilities District funds, as well as utility connection and other charges. The Project's PFFP anticipates that certain facilities constructed by the Developer will be oversized to serve other new development,

¹¹ *ibid*, DEIR, Volume II, April 2018, pg. 3.14-9.

¹² City of Stockton General Plan, Public Facilities and Services Element, Wastewater Policies, PFS-3.8.

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and will be entitled to reimbursement, for example through an Area of Benefit Fee, and through credits against City Public Facilities Fees and other reimbursements.

New residents, commercial and industrial activities would pay the City's monthly service charges to fund operations, maintenance and capital replacement¹³.

Solid Waste

The City of Stockton Public Works Department (Solid Waste & Recycling Division) provides solid waste hauling service for the City of Stockton. This agency would serve the proposed Project. In Stockton, residents who live in a single-family home, duplex or triplex are supplied with "residential" waste collection services. These services are provided at a fixed rate and include recycling, street sweeping and an annual neighborhood cleanup program at no additional charge. Stockton residents are provided with three wheeled carts - one for trash, one for recycling and one for green/food waste. Waste collection services are provided weekly on a day, as specified by the waste haulers that serve the City, which include Republic Services and Waste Management. Customers with brown-colored carts are served by Republic Services, and those with green-colored carts are served by Waste Management.

Solid waste from Stockton is primarily landfilled at the Forward Sanitary Landfill, located southeast of Stockton. Other landfills used include Foothill Sanitary and North County Landfills. The permitted maximum disposal at the Forward Landfill is 8,668 tons per day. The total permitted capacity of the Forward Landfill is 51.04 million cubic yards, which is expected to accommodate an operational life until January 1, 2021. The remaining capacity is 22,100,000 cubic yards. Solid waste generated by the proposed Project was estimated based on CalRecycle generation rate estimates by use (discussed below). The permitted maximum disposal at the Foothill Landfill is 1,500 tons per day. The remaining capacity is 125,000,000 cubic yards with an anticipated closure year of 2055. The permitted maximum disposal at the North County Landfill is 1,200 tons per day. The remaining capacity is 35,400,000 cubic yards with an anticipated closure year of 2048. The proposed Project commercial space is estimated to generate roughly five pounds per day per 1,000 sf. For the proposed Project, it is estimated that there would be 10.5 acres of commercial uses. The commercial site is proposed to include a 70,000-sf grocery store, 22,000 sf of retail shops, a 3,500-sf quick service restaurant, a 3,500-sf convenience store with attached fueling facility, and a 2,500-sf wine tasting room, for a total of 101,500 sf. It is estimated that the 101,500 sf of commercial space would generate 507.5 pounds per day of solid waste.

The residential portion of the Project site is estimated to generate roughly 10 pounds per day per household. For the Project site, up to 1,503 residential units are proposed. It should be noted that this number of residential units is the maximum that would be implemented, providing a conservative estimation of total residential units at the Project site. It is estimated that the 1,503 residential units would generate 15,030 pounds per day of solid waste.

¹³ See City of Stockton Fee Schedule

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In total, the proposed Project would generate approximately 15,537.5 pounds or 7.77 tons per day (9.17 cubic yards per day) of solid waste. Industrial uses were not calculated as part of the projection, since the industrial uses already exist, and would only be annexed by the proposed Project.

The City's solid waste per capita generation has decreased since 2007 due to the waste diversion efforts of the City. The permitted maximum disposal at the Forward Landfill is 8,668 tons per day. The permitted vehicle limit is 620 vehicles per day; however, the landfill averages 212 daily trucks.¹⁴ The remaining capacity of the landfill is 22.1 million cubic yards. The addition of solid waste associated with the proposed Project, approximately 15,537.5 pounds or 7.77 tons per day (9.17 cubic yards per day) at total buildout, to the Forward Landfill would not exceed the landfill's remaining capacity. Solid waste collection services would be made available to new residents, owners, and tenants of the project as units begin to become occupied. The Forward Sanitary Landfill has adequate to serve the solid waste removal needs of the annexation area.

Electricity, Natural Gas, Telephone, and CATV Services

Pacific Gas and Electric Company (PG&E) is responsible for provision of electricity and 'natural gas to the City and the annexation area. PG&E delivers approximately 86,179 million kilowatt-hours (kWh) of electricity to its 15 million customers throughout the 70,000-square-mile service area in northern and central California. The service area is divided into seven distribution areas, with Stockton located in the Stockton Division of PG&E's Operations, Maintenance, and Construction Area 5.

PG&E is also responsible for the provision of natural gas to the City. Gas is delivered to the City and the City Planning Area through portions of PG&E's 48, 198 miles of natural gas pipelines. Residents, owners, and/or tenants would be responsible for paying for electricity and natural gas services, based on the amount of energy used.

Local telephone service is provided by AT&T, and cable television service is provided by Comcast. These systems are obligated to extend service to the subject site on request. Developer/utility company cost-sharing agreements to provide these services will be executed as required.

Police Services

Law enforcement services in Stockton's SOI are provided by the Stockton Police Department and the San Joaquin County Sheriff's Department. Numerous other public and private agencies such as school districts, colleges, and large private employers employ security personnel. The Stockton Police Department currently serves the area within city limits, covering over 65 square miles, while the San Joaquin County Sheriff's Department serves all adjacent unincorporated areas within the SOI.

¹⁴ San Joaquin County Community Development Department. Draft Environmental Impact Report – Forward Landfill Expansion (SCH#2008052024). September 2012. Page III-13.

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As of 2019, the Police Department consisted of 485 sworn officers, 45 police telecommunicators, and 181 civilian staff.¹⁵ The staffing level is determined each year by the Stockton City Council and is subject to change as the Council, City Manager, and Chief of Police determine the needs of the city.

The service area is organized into six Community Policing Districts, one of which (Valley Oak) is adjacent and to the east of the subject site.¹⁶ It is the Police Department's policy to respond to all emergency calls within three to five minutes.¹⁷

The average response time to in-progress, life-threatening emergencies is between 3 and 5 minutes. Depending on the nature of the call, the time of day, the location, and the number of on-duty personnel, response times to non-emergency calls can exceed 25 minutes.¹⁸ The project would receive law enforcement service during construction as well as upon completion of development.

The City of Stockton's police department will take over responsibility from the County Sheriff for serving the Project. The City is in the process of rebuilding its staffing, and currently reports 485 sworn officers¹⁹, a ratio slightly above 1.5 sworn officers per 1,000 population²⁰. This ratio meets the City's General Plan minimum standard of 1.5 sworn officers per 1,000 residents²¹. The Stockton Police Department serves the area of the City limits, while the San Joaquin County Sheriff's Department serves all adjacent unincorporated areas within the Stockton Sphere of Influence. Additional officers are planned to be hired, as the City population grows. At full build-out, this project would increase the City's population by approximately 4,606 people²². This increase would be incremental and would not be considered to have any direct impact to police services. Additionally, the City has been steadily increasing the number of sworn officers at the Police Department in recent years.

Police services outside of the City of Stockton city limits are provided by the San Joaquin County Sheriff's Department, located in French Camp approximately 7 miles south of Stockton. Police patrol services are provided 24 hours a day by 138 uniformed deputies as of 2019. The County is divided

¹⁵ SOI/MSR (2020), pg. 5-13.

¹⁶ SOI/MSR (2020), Table 5-4.

¹⁷ ANNEXATION REPORT SANCHEZ ANNEXATION Administrative Review Draft Annexation Report, Sanchez Annexation, July 20, 2020, pg. 15.

¹⁸ SOI/MSR (2020), pg. 5-21.

¹⁹ City of Stockton website, retrieved 5/2/18,
<http://www.stocktongov.com/government/departments/police/about.html>

²⁰ According to the Cal. State DOF, Stockton's population was 320,554 on January 1, 2017.

²¹ City of Stockton General Plan, Public Facilities and Services Element, PFS-7.2.

²² Population calculation is based on 3.6 persons per dwelling unit.

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into eight geographical areas or "beats." These beats are staffed around the clock and provide emergency response capability to citizens in the unincorporated area of the County. The Stockton Police Department provides mutual aid to the San Joaquin County Sheriff's Office, and vice versa when a situation exceeds the capabilities of either department. Mutual aid is coordinated through the San Joaquin County Sheriff. The San Joaquin Sheriff's Department provides law enforcement services to the unincorporated areas within Stockton's SOI. The primary divisions and services within the Sheriff's Department include the following:

- Custody Division
- Patrol Division
- Investigation Division
- Unified Court Services Division
- Professional Standards Division

The City's General Plan includes policies and implementation measures that would allow for the Department to continue providing adequate staffing levels. Below is a list of relevant policies:

- Police Response Time. The City shall maintain an average response time of 5 minutes or less for priority one calls (PFS-7.1).
- Staffing Ratios. The City shall strive to maintain a minimum ratio of 1.5 sworn officers per 1,000 residents served (PFS-7.2).
- Design Features for Crime Prevention and Reduction. The City shall continue to promote the use of building and site design features as a means for crime prevention and reduction (PFS-7.5).

The Stockton Police Department defines offences for statistical purposes using the Uniform Crime Reporting Code of California. Crimes are classified as Part 1 or Part 2 offences, depending on the priority of the crime. In 2018, 9,972 Part 1 offences, which include homicide, rape, burglary, and larceny, were reported. Property Crime and Larceny were the most common crimes in Stockton, combined accounting for almost 60% of offenses in 2018.

Stockton has a long history of high crime rates, including particularly high violent crime rates. According to FBI reporting, as of 2017, Stockton's violent crime rate was the 10th highest in the United States and the highest in California among cities with over 100,000 residents. For property crime, Stockton was 105th nationally and 11th in California. The overall crime rate is trending down according to the FBI's Uniform Crime Reporting Program (UCR). Nonetheless, crime prevention and law enforcement remain high priorities in Stockton as evidenced by the passage of Measure A and enactment of the City's Marshall Plan on crime. In November 2014, Stockton's voters approved Measure A, which instituted a three-quarter cent (0.75%) transaction and use tax (sales tax) to provide funding for law enforcement, crime prevention services and other essential city services, including the City's Marshall Plan on Crime. The revenue generated from the Measure A tax is intended to support the hiring of 120 additional sworn officers and 33 civilian support positions. Measure A also funds the Office of Violence Prevention that works to significantly reduce violence in the City through data driven, partnership-based violence prevention and reduction programs, and

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strategies rooted in best practices. The Marshall Plan is an approach to addressing Stockton's crime problems by reducing peaks of violence and overall crime. It focuses on violence reduction strategies based on local data and what works to address and prevent crime. It is a collaboration between the City of Stockton, the criminal justice system, faith-based and nonprofits, business, and neighborhoods. The passage of Measure A afforded a significant increase in the number of authorized sworn police positions, slightly surpassing pre-bankruptcy levels of 2008. Between 2014 and 2017 the City saw unprecedented hiring of Police Officers, meeting the goal of 80 each year. At the same time, however, about half of those offers were lost through attrition, retirement, and to other agencies. The City achieved a net gain of 120 offers since the passage of Measure A, including attaining its highest staffing levels in Department history during 2018, and currently maintains a 3- to 5-percent vacancy rate. In 2016, the Department reached its lowest crime rate in 16 years and continues to maintain a downward trend in violent crime. Recruitment and retention continue to be important priorities as well as increased and expanded training to counteract the loss of tenured experience through attrition. The Department released its Three-Year Strategic Plan in January 2017 highlighting recruitment, hiring, and training as goals, along with specific objectives on how they will be achieved.

The FY 2019-2020 budget for the Police Department is \$ 135,469,455. The need for additional personnel in the future will be addressed by the Chief of Police, the City Manager, and the City Council as response times are reassessed annually and as budget allows. The budget for the Police Department is expected to increase, as development of the City of Stockton continues. Development of the area to be added to the 10-year Planning Horizon as part of this Amendment to the SOI would provide additional revenues to the Stockton Police Department.

The Stockton Police Department has sufficient resources to serve the annexation area. Staffing levels at the Stockton Police Department are adjusted based on Police Department response times and new hiring is expected to occur as the population of Stockton grows. Additional revenue would be provided directly to the Police Department by the development of the Tra Vigne Master Plan. Furthermore, the proposed developments would be easily accessible by improved road infrastructure that would be developed. This extension of services would occur concurrent with the development of the annexation area.

Fire Services

Detachment from Waterloo-Morada Fire District

Should annexation occur, the subject site would be detached from the Waterloo-Morada Fire District, and fire protection services would be the responsibility of the Stockton Fire Department. The financial impact of the detachment on the District would be mitigated by an agreement providing for a one-time payment.²³

²³ Agreement Between the City of Stockton and MCS North Stockton and Woodside Teresi, and Waterloo Morada Fire Protection District Regarding Annexation of Property from the District to the City of Stockton.

Stockton Fire Department

The Stockton Fire Department provides fire protection, fire prevention, paramedic emergency medical, and other related services to all areas of the City of Stockton, as well as on a contract basis to the Lincoln, Eastside, Boggs Tract, and Country Club Fire Districts. Specific services provided include fire hydrant maintenance, training, fire dispatch, hazardous materials intervention, and weed abatement services. The Fire Department currently serves an area of about 86 square miles and has about 181 total personnel.

Fire Stations

The Fire Department has twelve stations located throughout the greater Stockton metropolitan area, as shown in Figure 5. Fire Station 13, located at the southeast corner of Hendrix Dr. and Holman Road in the Cannery Park Development, is the closest station at approximately 1 mile to the east of the site. The station is equipped with one engine, one grass rig, and one EMS Rescue, and is staffed by a captain, an engineer, and a firefighter. Two of the staff are also paramedics.²⁴ The response travel times from Station 13 to a standard structure fire call averages 4:52, and 90 percent of response travel times are within 8:36²⁵, which exceed the General Plan goal of a travel time standard of 4 minutes or less for the initial arriving company.

Currently, the preferred and quickest path to the Tra Vigne Development from Station 13 is prevented by the lack of Holman Road Bridge Crossing and Extension to Eight Mile Road. The Holman Road Bridge Crossing and Extension to Eight Mile Road are reasonably foreseeable projects, and are specifically anticipated to go into construction during 2021. Absent the Holman Road Bridge Crossing, the current path is south on Holman Road to Morada Lane, then west to West Lane, then north to the project entrance; however, this route includes crossing the Union Pacific Rail Road at-grade crossing on Morada Lane which can have delays during train movements.

Response Time Calculations

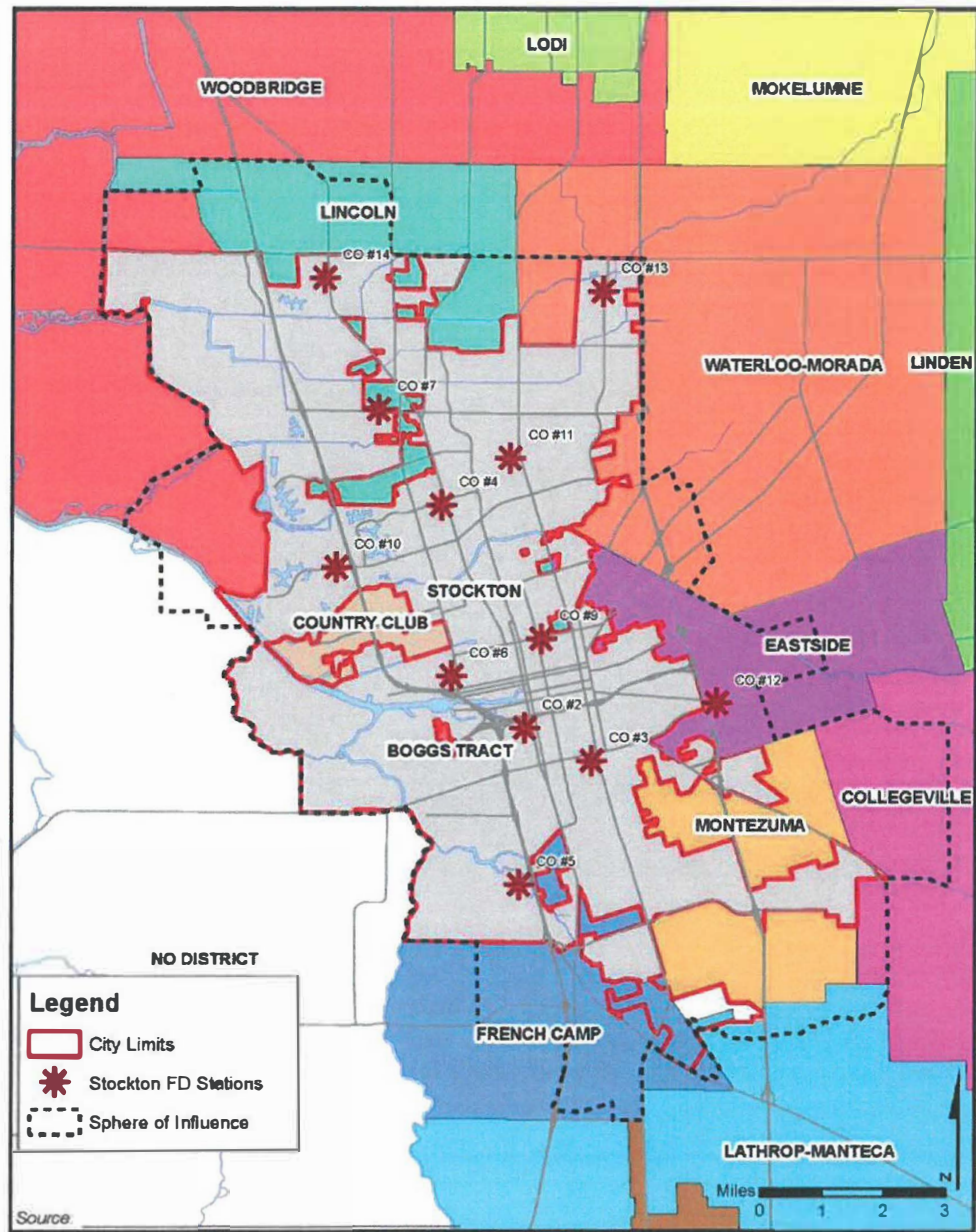
To assess accurate response times from station 13 to the project site, the RAND Corporation conducted extensive studies of fire department response times and developed a formula for calculating travel time. The Insurance Service Office (ISO), working with several fire departments in the City of Stockton, recently conducted its own review of the formula and found the RAND work is still valid as a predictive tool. The RAND formula is as follows:

$$T = 0.65 + (S)D$$

- T = time in minutes to the nearest 1/10 of a minute
- 0.65 = a vehicle-acceleration constant for the first 0.5 mile traveled
- S = a vehicle-speed constant validated for response distances ranging from 0.5 miles to 8 miles.
 - Average Speed Factor = $60 \div \text{Average Speed}$
- D = distance traveled in miles

²⁴ City of Stockton Sphere of Influence Plan/Municipal Service Review, Final Draft April 23, 2020, adopted ____ (SOI/MSR (2020), Table 5-3.

²⁵ SOI/MSR (2020), Table 5-7.



TRA VIGNE

Figure 5: Fire Stations and Districts

This map was prepared by the City of Stockton, Office of Information Management Services, under contract to the City of Stockton, California, by De Novo Planning Group, Inc., on 11/11/2008.

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Table 11 presents a summary of the travel time calculations by route and travel speed from Station 13 to the project site. It is noted that the 35-mph travel speed is the standard that is used within the City of Stockton, but the analysis includes a 40 and 45 mph calculation which may be achievable at times in this more undeveloped suburban environment. The 40 and 45 mph calculations are presented simply for informative purposes.

TABLE 11: TRAVEL TIME CALCULATIONS FROM COMPANY 13 TO THE TRA VIGNE SITE

ROUTE #	ROUTE DESCRIPTION	TRAVEL TIME (MINUTES)		
		35 MPH	40 MPH	45 MPH
1	Holman Road Bridge to Eight Mile Road	3.04	2.75	2.51
2	Holman Road to Collector D to the SR 99 Frontage Road to Eight Mile Road	4.72	4.22	3.82
3	Holman Road to Morada Lane to West Lane	5.95	5.3	4.77

Assuming that the Holman Road extension and bridge is complete as planned under the City's Public Facilities Implementation Plan (PFIP), this would result in the shortest travel distance to the Tra Vigne site from Station 13. The expected travel time calculation is as follows:

Expected Travel Time in Minutes = $0.65 + (1.71 \times 1.40 \text{ Miles})$
↔ Expected Travel Time in Minutes = 3.04

This route meets across the Holman Road Bridge to Eight Mile Drive allows the project to meet the four-minute travel time goal with a travel speed of 35mph. However, until that route is available, Station 13 will likely use existing routes (routes 2 and 3 noted above) to the Tra Vigne site which would have travel times of 4.72 or 5.95 minutes, respectively. This would be above the City's response time standards.

The completion of the Holman Road Bridge and Road Extension to Eight Mile is an obligation of Cannery Park Development in coordination with the City of Stockton. Funding for this improvement is in-place and the construction drawings are at 75% design review with an expectation of completing the plans in early 2021 and starting construction in the second quarter of 2021.

Interim Fire Project and Emergency Services Agreement

The Tra Vigne ownership group has developed a plan for interim fire service in the event that there is a delay construction of the Holman Road bridge. The plan for the interim fire services is embodied in an Interim Fire Protection and Emergency Services Agreement that has been entered into by the Tra Vigne ownership group and the City of Stockton. This interim plan would result in the Tra Vigne ownership group funding a temporary fire unit in a location that would allow for fire response within the City's standard. The City retains the right to determine the exact location, however, it is noted that discussions suggest that it will be along West Lane near the McNair High School. A fire response to Phase 1 of the Tra Vigne project site would be well under the four-minute standard.

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The Interim Fire Protection and Emergency Services Agreement requires the following from both parties:

Tra Vigne Owners responsibilities:

1. Pay up front \$180,000 to provide an emergency response vehicle, Ford 4x4 Brush Unit squad, equipped.
2. Pay monthly operating expense estimated at \$90,000 per month for a fire fighter-EMT and a fire fighter-paramedic to staff the vehicle.
3. Pay a 2% escalator in costs applied and compounded annually.
4. Tra Vigne shall acquire the equipment 120 days prior to the initiation of phase 1 Improvement of the Holman Road Bridge and Extension are not substantially complete to allow fire vehicle response from Station 13.

City of Stockton responsibilities:

1. Provide a fire fighter-EMT and a fire fighter-paramedic to provide service to the Tra Vigne project.
2. The initiation of service shall be by written authorization of Tra Vigne and remain effect until the Holman Bridge and Extension are substantially complete.
3. The City will be responsible to station and house the equipment and personnel at its own expense.
4. City is solely responsible for any liabilities for personnel and operations.

Notes:

1. The substantial completion of the Holman Road Bridge and Roadway connection to Eight Mile Road shall mean the completion of the bridge and roadway to provide emergency response vehicle access from Station 13.
2. If the Holman Bridge and Extension to Eight Mile Road is completed prior to the initiation of construction of Tra Vigne Phase 1 the need for an Interim Fire and Emergency Services will be negated.
3. If there are unexpected delays in completing the Holman Road Bridge and Extension and Tra Vigne requests initiation of construction then Tra Vigne Development would have the option to initiate the implementation of the Interim Services Agreement.

Stockton Fire Department Fire Service Standards

The City of Stockton General Plan includes policies and implementation measures that would allow for the Department to continue providing adequate facilities and staffing levels. Below is a list of relevant policies:

- Staffing levels. Maintain adequate staffing levels to support achieving the City's service level goals for police and fire protection.

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- Development Requirements. Require development to mitigate any impacts to existing sewer, water, stormwater, street, fire station, park, or library infrastructure that would reduce service levels.
- Fire Staffing. 1.23 sworn firefighters per 1,000 residents for a population up to 500,000 people.
- Fire Response Times. 240 seconds or less travel time for the arrival of the first arriving engine company at a fire suppression incident.

For other than high-rise, 480 seconds or less travel time for the deployment of an initial full alarm assignment at a fire suppression incident.

For high-rise, 610 seconds or less travel time for the deployment of an initial full alarm assignment at a fire suppression incident.

Stockton Fire Service Levels

In 2016, the average total response time for all types of calls was 5:47. The 90 percentile was 7:37 and for fire calls the time was 9:41. The average travel time for fire incidents was 5:16, which exceeds the General Plan standard for the first engine company's travel time to be four minutes or less.

The more centrally-located, urban stations in the city (e.g., 2, 3, 4, 9, 11) tend to have the shortest average response times for most types of calls, and they are meeting the General Plan fire response time standard of four minutes or less travel time for the first arriving engine.

Conversely, the stations on the city's periphery (e.g., 5, 12, 13, 14) tend to have the longest average response times, and they are not meeting the General Plan fire response time standard. This pattern is typical of response times in the fire protection field, with urban stations having faster response times than suburban or rural stations.

The response time by call type is also typical, with most stations experiencing the shortest response times for vehicle accidents (with the most convenient access) and the longest response times for grass fires (with the least convenient access). While there are some departures from these patterns, there do not appear to be any significant disparities from station to station or by type of call.

The Stockton Fire Department had previously achieved an ISO rating of 1. Following the Great Recession and the City's subsequent financial crisis, the Fire Department was no longer able to maintain its level 1 rating, and its rating dropped to level 3. After the rating was reduced to level 3, the Fire Department bolstered its emergency response capabilities by establishing a mutual aid agreement with the Woodbridge Fire District and an automatic aid agreement with the Waterloo Morada Fire District. The last survey brought it to a level 2, which is where it stood as of 2019.

Stockton Fire Service Funding

The Stockton Fire Department receives funding from various revenue sources including the City's General Fund, Fire Prevention, Measure W, Emergency Communications, Emergency Medical

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Transport, and County Fire District Contracts. The FY 2019-2020 budget for the Stockton Fire Department is \$57,453,171 (Administration \$1,382,890, Operations \$10,161,185, Prevention \$321,170). The need for additional firefighters in the future will be addressed as warranted. Development of the annexation area would provide additional revenues to the Stockton Fire Department, which would help to ensure that adequate fire service is extended to the annexation area.

Additional fire department staff that may be required to serve the Project will be funded from annual General Fund revenues generated by new residents and commercial activity of the Project supplemented by a Community Facilities District special tax for services/maintenance paid by the Project.

Existing Public Facility Fees to be paid by the Project will help fund future capital costs that may be required. The developer may also participate in funding road improvements that may be required to achieve response time standards.

Rural Fire Districts

City growth will also impact the rural fire districts providing services in city expansion areas, including Montezuma, French Camp, Waterloo-Morada, and Woodbridge. In October 2011, LAFCo adopted a service review for the rural fire districts in San Joaquin County, including those providing services in the Stockton Metropolitan Area. That report recommended that districts with contractual arrangements with Stockton for areas in the City's 10-year planning horizon for annexations be annexed (Final Municipal Service Review, Rural Fire Protection Districts, San Joaquin County, "Stockton Contract District Alternatives," p. 64, October 21, 2011). As part of the annexation process, the City will have to demonstrate that it has the capacity to provide services. In cases where the City annexes these areas, the boundaries of the rural fire districts currently providing services will be reduced in territory, which may have a long-term financial impact on those districts. San Joaquin LAFCo has adopted a policy that requires the Commission to consider the adverse impact of annexation on the other agencies and requires mitigation through the payment of fees. The proposed project would annex land currently served by the Waterloo-Morada Fire District, and the financial impact of the detachment on the District would be mitigated by an agreement providing for a one-time payment.²⁶

School Services

The annexation area is located within the service boundaries of the Lodi Unified School district (LUSD). LUSD provides school services for grades K through 12 within the communities of Lodi, North Stockton, and the communities of Acampo, Clements, Lockeford, Victor, and Woodbridge. The developer will be required to pay the school fees to the applicable school district to mitigate any impacts.

²⁶ Agreement Between the City of Stockton and MCS North Stockton and Woodside Teresi, and Waterloo Morada Fire Protection District Regarding Annexation of Property from the District to the City of Stockton.

Within the urban area of Stockton, LUSD consists of two high schools, 15 elementary schools, 3 middle schools, and two continuation high schools. Other elementary and middle schools are tentatively planned. Both a future elementary school and a future middle school are planned to be located between Lower Sacramento Road and West Lane and between Eight Mile Road and Bear Creek. A second future elementary school is planned to be located within the Bear Creek West project, south of Bear Creek, north of Morada Lane and west of West Lane. A third future elementary school is planned to be located within the Bear Creek South project, south of Bear Creek and east of West Lane.²⁷ With the payment of school fees to the applicable school districts, timely extension of school services to the annexation area is expected to occur.

The Tra Vigne Project has identified a possible K-8 school site based on discussion with the LUSD. No final decision as to a decision to acquire the site has been made by the LUSD.

Libraries

The public library system in San Joaquin County is operated by the City of Stockton and funded jointly by the City and the County.

The City would charge Public Facilities Fees for library facilities to serve new residential and commercial development in the Project²⁸. These fees could help to fund the proposed new regional branch library planned to be located on a City-owned site adjacent to the campus of the Lodi Unified School District's McNair High School. This site has been selected to be the first priority for a new library to be constructed from proceeds of Measure M.

The Project will generate new public tax revenues, including Measure M sales taxes (0.25%) for library and recreation services, to help fund operating costs. The fiscal impact analysis prepared for the Project demonstrates that net new tax revenues to the City from the Project will offset additional service costs, including library services allocated proportionate to new residents, assuming the Project also pays assessments and CFD special taxes proposed by the City.

Roads

The project will be responsible for timely construction of all onsite roads and road-related improvements, in addition to offsite-improvements. Table 13 provides phasing detail to assure that required facilities will be in place prior to phased development that will require these facilities.

West Lane will be widened from the intersection of Eight Mile Road southerly along the entire frontage of the Tra Vigne property to the City of Stockton south of Bear Creek. Eight-Mile Road will be widened from the intersection of West Lane and Eight-Mile Road easterly up to and including the intersection at Leech Road; there are three signals proposed along this portion of Eight-Mile Road.

²⁷ Personal communication with Vickie Brum, LUSD Planning Analyst. March 3, 2016.

²⁸ See City of Stockton Fee Schedule.

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Street and traffic signal improvements are required at the intersection of West Lane and Eight Mile Road.

As prescribed in the project conditions of approval, the project will be responsible for design and construction of required improvements to City roads. The developer will utilize a variety of funding sources for construction; a portion of this cost may be reimbursed through PFF credits and funding from other benefitting developers, consistent with City policies.

Following annexation and development, the City of Stockton will be responsible for maintenance of roads and related facilities. Responsibilities of the Public Works Department include maintenance, repair and replacement for the following facilities:

- 763 miles of roads
- Over 1,200 miles of sidewalk, pavement striping and markings
- More than 16,000 traffic control signs Public Works also maintains and pays the electrical power costs for over 19,000 streetlights and 308 traffic signals. State Gas Tax and Measure K maintenance revenues help to fund road maintenance, in addition to the General Fund.

The Parks Section of Public Works manages over 2.0 million square feet of median and streetscape landscape maintenance, alley maintenance, and weed spraying. As described below under Parks and Recreation, it is anticipated that the Project will become a new zone within the City's existing Consolidated Landscape Maintenance Assessment District 96-2 and pay assessments to help fund maintenance of Project facilities.

The City has adopted road-related PFFs that the project will pay. Table 10 estimates a total of \$17.8 million in street improvement fees and \$200,000 in traffic signal fees. The project will also pay an estimated \$4.4 million in County regional transportation impact fees. It is anticipated that credit will be provided for certain facilities constructed by the developer. Actual fees depend on rates applicable at the time of imposition, and credits provided by the City consistent with City policies.

A Regional Transportation Impact Fee (RTIF) also will be required of future development on the subject site. The RTIF's objectives are to generate funding from new development projects that impact the Regional Transportation Network and to integrate these funds with federal, state, and other local funding to make transportation improvements identified in the RTIF Program. The project is estimated to generate \$4.4 million in RTIF.

Measure K was passed by voters in 1990 and extended for another 30 years by voter approval in 2006. This measure instituted a 1/2-cent sales tax dedicated to transportation improvement projects in San Joaquin County. Measure K funding is allocated to specific projects including improved highways and local streets, new passenger rail service, regional and interregional bus routes, park-and-ride lots, new bicycle facilities, and railroad crossings by the San Joaquin Council of Governments. The additional City population added by the project will increase the City's share of these revenues.

Parks and Recreation

Parks and recreation services in the City of Stockton are provided by the Community Service Department, which operates 63 park facilities throughout the City that range in size from 2 to 64 acres. The City recently completed a new community park facility to the north of McNair High School, immediately southwest of the Project site. The City also recently completed an active sports facility within the San Joaquin Area Flood Control Agency detention basin facility, southeast of the Project site.²⁹

The City of Stockton General Plan includes policies and implementation measures that would allow for the Department to continue providing adequate facilities and staffing levels. Below is a list of relevant policies:

- To provide a variety of recreational facilities to meet the diverse needs of Stockton’s residents, workers, and visitors (RW-2).
- The City shall ensure that park and recreation facilities be provided at a level that meets the standards (net acres/1,000 residents, minimum net acres/park, service radius) for neighborhood parks, community parks, and regional parks shown in Table [12] (RW-2.1).

TABLE 12: CITY OF STOCKTON PARK STANDARDS

<i>TYPE OF PARK</i>	<i>NET ACRES/1,000 RESIDENTS</i>	<i>MINIMUM NET ACRES/PARK</i>	<i>SERVICE RADIUS</i>
Neighborhood	2	5	Up to 0.5-mile radius
Community	3	15	Up to 1-mile radius
Regional	3	30 and over	Region-wide
Public Golf Courses	1 course/40,000	160-230	Region-wide

SOURCE: CITY OF STOCKTON GENERAL PLAN, TABLE 10-1.

In addition, San Joaquin County also provides parks and recreational facilities available to the public. San Joaquin County operates two regional County park facilities in proximity to the Project site. Micke Grove Park and Zoo is located approximately 1.4 miles north of the Project site on Micke Grove Road. The Micke Grove Park and Zoo includes amenities such as a zoo, golf course, swimming pool, amusement rides, museum, Japanese garden, play areas, and picnic areas. The Oak Grove Regional Park, located approximately 3.7 miles west of the site on Eight Mile Road, is a 180-acre park which includes fishing, paddle boats, disc golf, picnicking, and nature study opportunities. The County has no plans for construction of additional regional parks or other parks in the vicinity of the Project site. The County General Plan shows no new regional parks are planned in the Stockton vicinity.

Although there are no future parks shown on the City’s General Plan within the Project site, the Project would provide traditional park space, non-traditional park space, and open space areas. Approximately 9.5 acres of traditional park space is proposed for Tra Vigne West, consisting of a centrally located 5.8-acre park and a 3.7-acre park in the southwest corner of the Tra Vigne West

²⁹ Tra Vigne EIR, pg. 3.12-5 et seq.

PLAN FOR SERVICES

site. Additionally, a 6.24-acre detention basin area would be located in the southwestern portion of the Project site, adjacent to the 3.7-acre park. While the detention basin areas would provide open space and visual relief, fencing would be constructed around the detention basin areas for safety and security purposes. Tra Vigne East includes plans for an additional 5.57 acres of traditional park space, located in the southern portion of Tra Vigne East, adjacent to the Bear Creek open space area. Additionally, a 3.75-acre detention basin area would be located in the southwestern portion of the Tra Vigne East within the Project site. In addition to dedicated parkland within the Project site, 20.36 acres of non-traditional park/open space areas (13.75 acres at Tra Vigne West, and 6.61 acres at Tra Vigne East) are planned along the Bear Creek corridor (19.53 acres) and east of the existing industrial area (0.83 acres).³⁰

The Developer will be responsible for construction and land dedication for required parks and improvements, including open space. Parks and open space will be improved and dedicated as development proceeds, and as indicated in the phasing plan shown in Table 14.

The City collects a parkland facility fee from new residential development that can help to fund improvements to land reserved within the site for new parks³¹. The fees total an estimated \$3.6 million as shown in Table 13; the City will provide a credit to the developer for qualifying parkland dedications and improvements consistent with City policies.

Maintenance of public parks is the responsibility of the City's Public Works Department (Parks Division). The City utilizes funds from its Consolidated Landscape Maintenance Assessment District 96-2 Fund. Improvements maintained include, but are not limited to, street and median landscaping, fountains, ornamental structures, public lighting (such as street lights and traffic signals), walls, irrigation, parks, and park equipment. Maintenance typically includes mowing, edging, trash collection, irrigation system operation and repairs, and replanting of landscape. All maintenance services are provided by contract with the exception that lighting work is typically performed by City staff with time charged to the District.

The City will create a new zone for the Project within the City's existing Consolidated Landscape Maintenance Assessment District 96-2 Fund; assessments paid by the Project would be utilized only within the zone.

The City's Community Services Department provides recreation services and programs to residents. The Project will generate new General Fund revenues, and Measure M sales taxes (0.25%) for library and recreation services, to help fund operating costs for recreation programs, in addition to program fees from participants. These revenues would be supplemented by CFD 2018-3 special taxes paid by project property owners for services/maintenance.

³⁰ Tra Vigne EIR, pg. 3.12-6 et seq.

³¹ See City of Stockton Fee Schedule

Findings

Overall, existing public services, with improvements proposed as a part of the project, would be adequate to serve the project. The project would require extension of services provided by the City, including public safety and utility services. The level and range of these public services is described in this document and in additional detail in the Tra Vigne Environmental Impact Report. The design, engineering, and construction of these services and infrastructure improvements will be financed by the developer subject to approval by the City of Stockton.

TIMELY AVAILABILITY OF WATER SUPPLIES

5. TIMELY AVAILABILITY OF WATER SUPPLIES

Eventual build out of the project would total approximately 1,413 residential units (1,073 single-family units and 340 multifamily units), a 14.7-acre school site, a 15-acre existing Industrial area, a 10.5-acre commercial area, 15 acres of park space, and 20 acres of open space mainly along Bear Creek¹ on approximately 341± acres. If the school site is excluded, up to 90 additional units could be built. This would generate an annual average total demand of up to approximately 808.01 AFY, as shown in Table 8 earlier in this document.

A comparison of the City’s projected water supplies and demands is shown in Table 15 for Normal, Single Dry, and Multiple Dry Years. As can be seen on Table 14, there is no projected supply deficit under the projected hydrologic conditions through 2040.

TABLE 15: CITY OF STOCKTON - NORMAL YEAR PROJECTED WATER SUPPLY AND DEMAND COMPARISON (AFY)

YEAR	2020	2025	2030	2035	2040
<i>WATER DEMAND VERSUS SUPPLY FOR NORMAL HYDROLOGIC YEARS</i>					
Supply Totals	69,200	75,700	75,700	92,100	92,100
Demand Totals	34,564	36,856	39,217	41,749	44,465
Difference	34,546	38,844	36,483	50,351	47,635
<i>WATER DEMAND VERSUS SUPPLY FOR SINGLE-DRY HYDROLOGIC YEARS</i>					
Supply Totals	65,200	69,700	69,700	86,100	86,100
Demand Totals	34,654	36,856	39,217	41,749	44,465
Difference	30,546	32,844	30,483	44,351	41,635
<i>WATER DEMAND VERSUS SUPPLY FOR MULTIPLE-DRY HYDROLOGIC YEARS (YEAR 3)</i>					
Supply Totals	65,200	69,700	69,700	86,100	86,100
Demand Totals	34,654	36,856	39,217	41,749	44,465
Difference	30,546	32,844	30,483	44,351	41,635

SOURCE: STOCKTON 2015 UWMP (2016), TABLES 6-4, 6-5, AND 6-6.

The City’s most recently adopted *Urban Water Management Plan (UWMP)* (the City’s 2015 UWMP) was adopted by the City Council on July 12, 2016. The City’s 2015 UWMP included existing and projected water demands for existing and projected future land uses to be developed within the City’s Sphere of Influence through 2040. The water demand projections in the City’s 2015 UWMP included existing City water demands and future water demands within the service area.

The City has adequate water supplies to support existing demand in the City in addition to the proposed Project under average daily and maximum daily demand conditions. Water demand for current and proposed uses in the City of Stockton is approximately 26,319 AFY (in Year 2015). The City has a total supply of 96,480 AFY (Year 2015), leaving 70,161 AFY available.

A comparison of the City’s projected water supplies and demands is shown in Table 14 for Normal, Single Dry, and Multiple Dry Years. Based on the analysis described above, this water supply analysis demonstrates that the City’s existing and projected potable water supplies are sufficient to meet

¹ Notice of Preparation (NOP), July 7, 2017. See Project Description, Project Characteristics, pg. 7.

TIMELY AVAILABILITY OF WATER SUPPLIES

the City's existing and projected future potable water demands, including those future water demands associated with the Project, to the year 2040 under all hydrologic conditions.

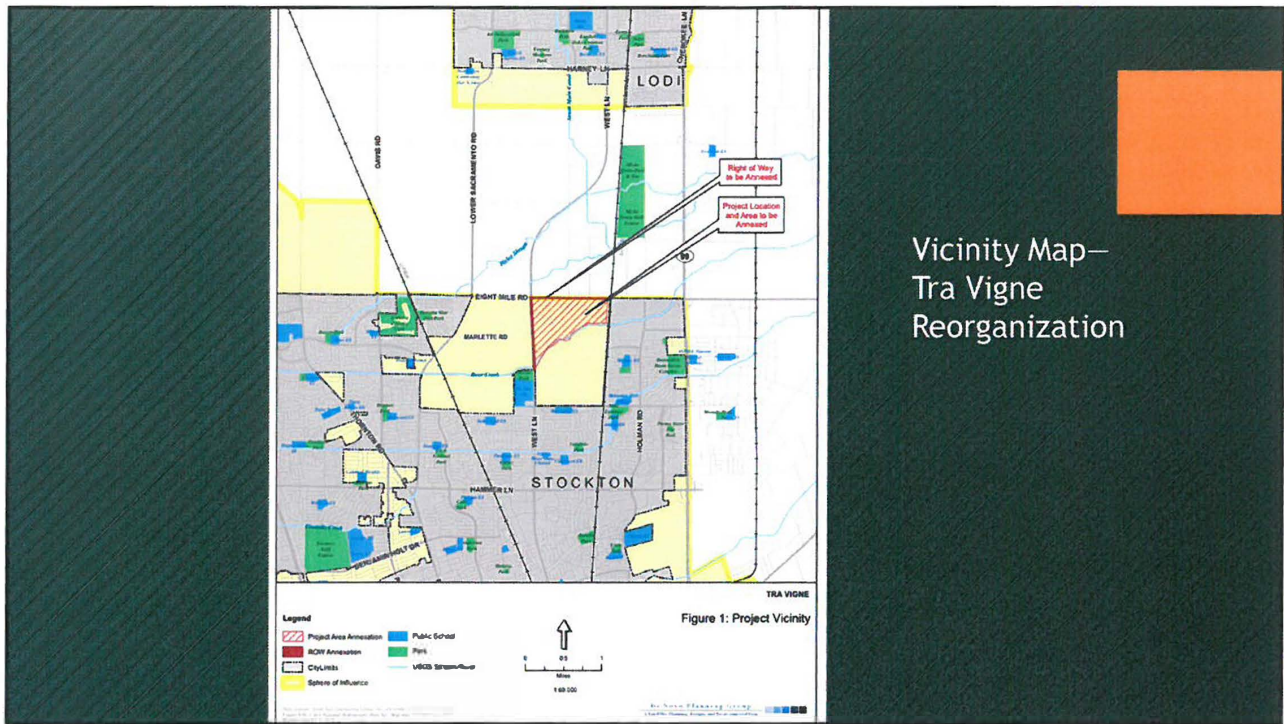
Public Hearing
January 14, 2021

Tra Vigne Reorganization to the City of Stockton (LAFC 16-20)

San Joaquin Local Agency Formation Commission

PROPOSAL

- Annexation of 343.24 acres to the City of Stockton
- Concurrent detachments from the Waterloo-Morada Fire Protection District and the San Joaquin Resource Conservation District
- The applicant proposes development of approximately 1,413 residential units, a school site, commercial and open space
- Includes 15.57 acres of existing industrial, two Union Pacific parcels and West Lane and Eight Mile Road right-away
- Area is uninhabited (less than 12 registered voters) and does not have 100% owner consent



Vicinity Map—
Tra Vigne
Reorganization

Background

- In June 2020, the Stockton City Council approved:
 - Annexation and application to LAFCo
 - Prezoned the area for low density residential (1,163 SFE), high density residential (340 high density residential), commercial, open space, and industrial uses
- Pacific Bell, Union Pacific, and Bragg Investment land-owners did not consent to the annexation
- Proposed annexation will create an unincorporated island
- Annexation area is within the City's 10-year sphere of influence

Protest Proceedings

Commission may waive protest proceedings if the following occurs:

- 21-day public hearing notice given to landowners and registered owners within the annexation area
 - Hearing notice discloses that unless written opposition is received before the conclusion of hearing, the Commission intends to waive the protest proceedings;
 - Written opposition is not received before the close of the hearing
-
- Conditions 1 & 2 above have been met

Review Factors

Gov. Code Section 56668

Population and likelihood of significant growth in the next 10 years

- 1,413 residential units will be developed on the annexation site
- Project site is located in the Eight Mile/Bear Creek Neighborhood 15 in the City's General Plan and is within the Sphere of Influence 10-year Planning Horizon
- Annexation of Tra Vigne will lead to further infill as infrastructure for water and sewer and road improvements will be initiated or completed

Review Factors

Gov. Code Section 56668

Agricultural Lands and Open-Space Land Conversion

- Approximately 253 acres are in active agricultural uses
- The project site consists of 78 acres of Prime Agricultural Land
- Conversion of open-space land and prime agricultural land is needed to meet the demand of residential housing in the City
- Tra Vigne is required to participate in the City's Agricultural Lands Mitigation Program including payment of fees under the SJMSCP

Review Factors

Gov. Code Section 56668

Comments from Affected Agencies

- CPUC: Has jurisdiction over rail crossings and any construction and/or modification of public crossings requires authorization from CPUC
- Union Pacific: Expressed areas of concern that may affect UP operations and requested mitigation measures
 - No Trespassing signs
 - Additional mitigation measures for conflicts to UP operations caused by increase in pedestrian and vehicle traffic
 - Development plans should include barriers and landscaping to buffer noise and vibration
 - Drainage plans should shift water away from UP property
 - Discussion of possible upgrades to mitigate safety risks from reduced visibility for At-Grade Rail Crossing

Response to Comments

- LAFCo received responses from the City, the applicant's attorney, and DeNovo Planning (Project consultant)
- Responses by DeNovo provided a comprehensive evaluation of the comments from CPUC and UP
- DeNovo's response directed CPUC and UP to specific areas in the project planning process that addressed and/or mitigated areas of concern

Review Factors

Gov. Code Section 56668

Ability to Provide Services

- Tra Vigne will be required to fund and construct the infrastructure for water, sewer and drainage
- Annexation area will detach from Waterloo-Morada Fire District
- The City has mitigated the loss of revenue to the district with a one-time payment in the amount of \$112,733
- The Developer entered into an Interim Fire Protection and Emergency Services Agreement if there is a delay in the construction of the Holman Road Bridge
 - Tra Vigne will fund a temporary fire unit that would allow fire response times to be within City standards and funding for equipment and operation
 - City will be responsible for the stations and provide personnel

Discussion

- Logical and orderly extension of the City boundary
- Annexation site is within the City's 10-year planning horizon and included in the General Plan
- The City has demonstrated the ability to provide adequate services to the annexation area
- A Fire Protection and Emergency Services Agreement will address fire response times in the event there is a delay in construction of the Holman Road Bridge
- Inclusion of the West Lane segment will create an island but will avoid fragmentation of road services
- If no written opposition to the annexation is received by the end of the public hearing, protest proceedings may be waived

Recommendation

It is recommended that the Commission approve Resolution No. 1440 approving the Tra Vigne Reorganization to the City of Stockton.

EXECUTIVE OFFICER'S REPORT

January, 14, 2021

TO; LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: **Transfer of Jurisdiction to Contra Costa Local Agency Formation Commission (LAFCo) for Annexation Proceedings for Byron-Bethany Irrigation District**

Recommendation

It is recommended that, the Commission agrees to have the exclusive jurisdiction vested in Contra Costa LAFCo for the consideration of an annexation application for Bryon-Bethany Irrigation District. Attached is a resolution for Commission's consideration.

Background

An application from Contra Costa LAFCo has been received requesting jurisdiction for processing an annexation to Byron-Bethany Irrigation District (BBID) of four parcels located entirely within Contra Costa County. The project site comprises approximately 90 acres and is located at 2043 Camino Diablo in Byron (Byron Highway and Vasco Road) as shown on the attached map. The property is currently in agricultural production (corn and tomatoes) and may shift to almonds once a secure supply of irrigation water is established.

Bryon-Bethany Irrigation District is a 96 year old tri-county district providing agricultural water service to portions of Alameda, Contra Costa, and San Joaquin counties. In addition, BBID provides raw untreated water to the Mountain House community and the City of Tracy. BBID's service area is approximately 36,000 acres in size. Because, "the greatest portion of the entire assessed value of all taxable property" is located in San Joaquin County, San Joaquin is the principal county.

Discussion

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (§ 56388) allows transfer of jurisdiction to a county, other than the principal county, in which the territory of the district is located if all the following occur:

- (a) The commission of the principal county agrees to having the exclusive jurisdiction vested in the commission of another county.
- (b) The commission of the principal county designates the commission of another county which shall assume exclusive jurisdiction.
- (c) The commission of the county so designated agrees to assume exclusive jurisdiction.

The applicant, Contra Costa County, has expressed a desire to have this matter heard by Contra Costa LAFCo. In addition, the Executive Officer of Contra Costa LAFCo has indicated her willingness to process this matter. Accordingly, Contra Costa LAFCo formally considered exclusive jurisdiction of this detachment request at its October 15, 2020 meeting.

San Joaquin LAFCo, as the principal county, has the choice to process this application or transfer jurisdiction to Contra Costa. It is the opinion of the Executive Officer that this matter involves local issues that can be best understood at the local level and not by an adjoining county. Furthermore, if not transferred, San Joaquin County (not San Joaquin LAFCo) may be required to negotiate a tax-sharing agreement. San Joaquin County would be ill-equipped to exercise this power.

Staff has prepared a resolution for Commission's consideration.

Attachments: Resolution No. 1441
Vicinity Map
Letter from Contra Costa LAFCo

Resolution No. 1441

**Before the San Joaquin Local Agency Formation Commission
Transferring Jurisdiction to Contra Costa LAFCo for Annexation Proceedings for
Byron-Bethany Irrigation District**

WHEREAS, on October 14, 2020 San Joaquin LAFCo received a request for transferring jurisdictional to Contra Costa LAFCo for the annexation of approximately 90 acres to Bryon-Bethany Irrigation District; and

WHEREAS, San Joaquin LAFCo is the principal county for Bryon-Bethany Irrigation District since the greatest portion of the entire assessed value of all taxable property is located in San Joaquin County; and

WHEREAS, Section 56388 of the Government Code allows the transfer of jurisdiction to a county, other than the principal county, in which the territory is located if the commission of the principal county agrees to having the exclusive jurisdiction vested in the commission of another county, the commission of the principal county designates the commission of another county, and the commission of the county so designated agrees to assume exclusive jurisdiction; and

WHEREAS, on October 14, 2020 Contra Costa LAFCo agreed to assume exclusive jurisdiction for annexation proceedings to Bryon-Bethany Irrigation District.

WHEREAS, the Commission at its meeting of January 14, 2021 heard and received evidence, both oral and written regarding the transfer of jurisdiction, and all persons present were given an opportunity to be heard; and

NOW, THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Designates Contra Costa LAFCo to assume exclusive jurisdiction for annexation proceedings for Byron-Bethany Irrigation District.

Section 2. The Executive Officer is hereby authorized and directed to distribute copies of this Resolution to affected agencies and interested parties.

PASSED AND ADOPTED this 14th day of January 2021, by the following roll call votes:

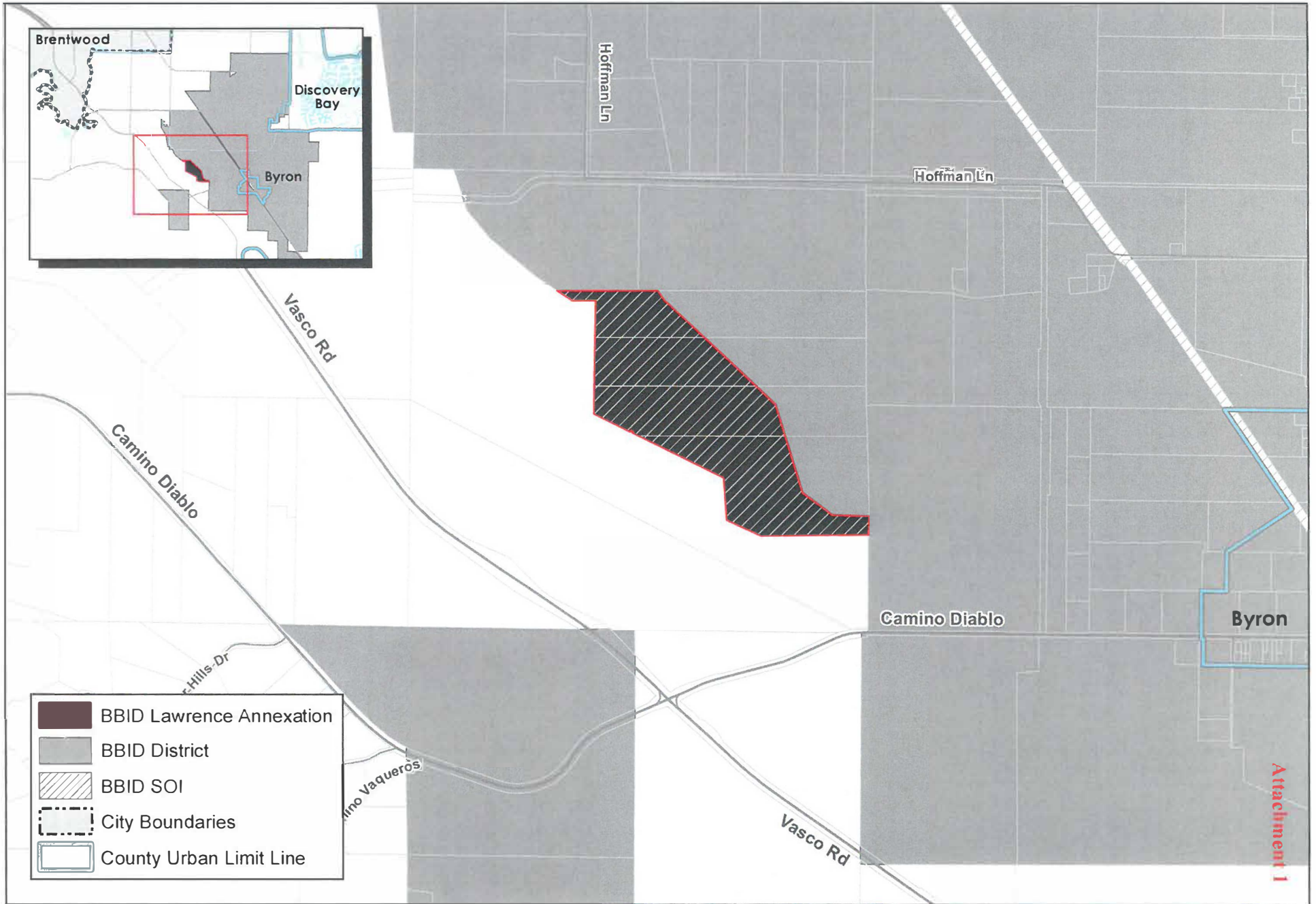
AYES:

NOES:

ABSENT:

Chairman
San Joaquin Local Agency
Formation Commission

Lawrence Property Annexation to Byron Bethany Irrigation District



Map created 10/06/2020
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37.59 41.791N, 122.07 03.756W

This map or dataset was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.



Attachment 1



Lou Ann Teixeira
 Executive Officer

MEMBERS

Candace Andersen <i>County Member</i>	Federal Glover <i>County Member</i>
Donald A. Blubaugh <i>Public Member</i>	Michael R. McGill <i>Special District Member</i>
Tom Butt <i>City Member</i>	Rob Schroder <i>City Member</i>
Igor Skaredoff <i>Special District Member</i>	

ALTERNATE MEMBERS

Diane Burgis
County Member
Stanley Caldwell
Special District Member
Charles R. Lewis, IV
Public Member
Sean Wright
City Member

October 14, 2020

James Glaser, Executive Officer
 San Joaquin LAFCO
 509 W. Weber Avenue, Suite 420
 Stockton, CA 95203

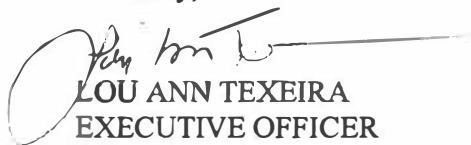
Dear Mr. Glaser:

Contra Costa LAFCO recently received a request to annex four parcels to the Byron Bethany Irrigation District (BBID). The project site comprises 89.48± acres and is located at 2043 Camino Diablo in Byron (Byron Highway and Vasco Road) as shown on the attached map. The property is currently in agricultural production (corn and tomatoes) and may shift to almonds once a secure supply of irrigation water is established.

Since San Joaquin is the principal county for BBID, this is a formal request, pursuant to Government Code §§56387 and 56388, that San Joaquin LAFCO grant exclusive jurisdiction to Contra Costa LAFCO for the boundary change. This request for transfer of jurisdiction was approved by Contra Costa LAFCO on October 14, 2020 at which time the Commission agreed to assume exclusive jurisdiction for the proposed boundary change subject to San Joaquin LAFCO's approval of a transfer of jurisdiction.

We have enclosed a check for the transfer of jurisdiction, and respectfully request that this matter be placed on your October 15, 2020 LAFCO agenda for consideration. Please contact me if you have any questions. Thank you for your assistance.

Sincerely,



LOU ANN TEXEIRA
 EXECUTIVE OFFICER

Attachment - Map

c: Rick Gilmore, BBID
 James and Victoria Lawrence, Property Owners

LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

EXECUTIVE OFFICER'S REPORT

January 14, 2021

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: **ELECTION OF CHAIR AND VICE-CHAIR**

At the beginning of each year, the Commission selects its Chair and Vice-Chair. Rotation of the Chair has traditionally been City-County-City-County-Public Member. Although this has been the usual order for selection, the Rules of the Commission policy does not specify the order of the rotation. If the Commission chooses to follow past practice, a County Member would serve as Chairperson and a City Member will serve as Vice-Chair in 2021.

	<u>Chair</u>	<u>Vice-Chair</u>
2015	Mike Maciel City	Chuck Winn County
2016	Chuck Winn County	Doug Kuehne City
2017	Doug Kuehne City	Tom Patti County
2018	Tom Patti County	Peter Johnson Public
2019	Peter Johnson Public	Jesus Andrade City
2020	Jesus Andrade City	Miguel Villapudua County

LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

2021 MEETING SCHEDULE

SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION

The Commission generally meets on the second Thursday of each month at 9:00 A.M. in the Board of Supervisors Chambers, 6th Floor, 44 North San Joaquin Street Stockton, California. Occasionally, conflicts may arise that would require an adjustment to the schedule and location.

MEETING DATE

January 14, 2021

February 11, 2021

March 11, 2021

April 8, 2021

May 13, 2021

June 10, 2021

July 8, 2021

August 12, 2021

September 9, 2021

October 14, 2021

November 11, 2021 (No Meeting – Holiday)

December 9, 2021

LAFCo

509 W. WEBER AVENUE SUITE 420

STOCKTON, CA 95203

EXECUTIVE OFFICER'S REPORT

January 14, 2021

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: **Emergency Out-of-Agency Service Approval for Sewer Service for 5 North Wagner Avenue and 3211 South Fairmont Avenue, Stockton**

Under the authorization of Out-of-Agency Service Policies and Procedures approved by the LAFCo Commission in 2008, the Executive Officer approved emergency sewer hook-ups for two residential housing units located at 5 North Wagner Avenue and 3211 South Fairmont Avenue, Stockton. Commission policy provides that the Executive Officer may administratively approved applications for service connections when an emergency condition exists that present an imminent peril to health and safety. The procedure requires that the Executive Officer approvals be reported to the Commission at the next regular Commission meeting after approval.

City sewer is available to the properties as they located within the areas where sanitary sewer lines were installed by the City under the East Stockton Sanitary Sewer Project and the Mosswood Sewer Project. The requests for out-of-agency service are in compliance with Government Code Section 56133 and Commission policies.

Attachment: Resolution No. 1442
Vicinity Maps

Resolution No. 1442

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION
APPROVING AN EMERGENCY OUT-OF-AGENCY SANITARY SEWER SERVICE
FROM THE CITY OF STOCKTON TO 5 NORTH WAGNER AVENUE AND 3211 S.
FAIRMONT AVENUE IN STOCKTON**

WHEREAS, the above-reference requests have been filed with the Executive Officer of the San Joaquin Local Agency Formation Commission pursuant to §56133 of the California Government Code.

NOW THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

- Section 1. Said emergency out-of-agency service request was approved by the Executive Officer on November 24, 2020.
- Section 2. The proposal is found to be Categorically Exempt from CEQA.
- Section 3. The proposal was subject to the following conditions:
 - a. Prior to connection to the city sewer or water, the City of Stockton shall record a covenant and agreement with the property owners to annex to the City of Stockton in a form acceptable to the Executive Officer.
 - b. This approval and conditions apply to current and future property owners.

PASSED AND ADOPTED this 14th day of January 2021, by the following roll call votes:

AYES:

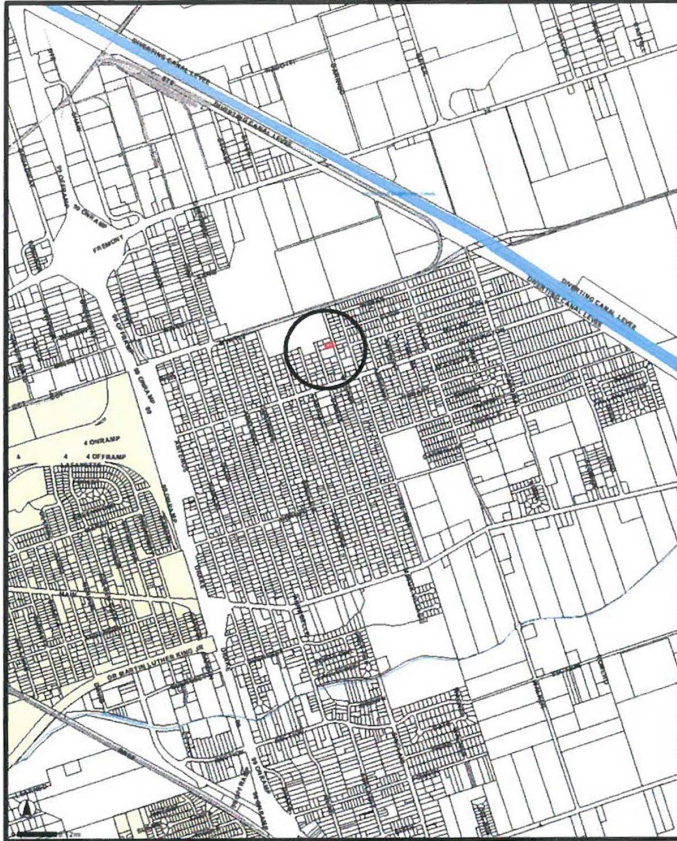
NOES:

ABSENT:

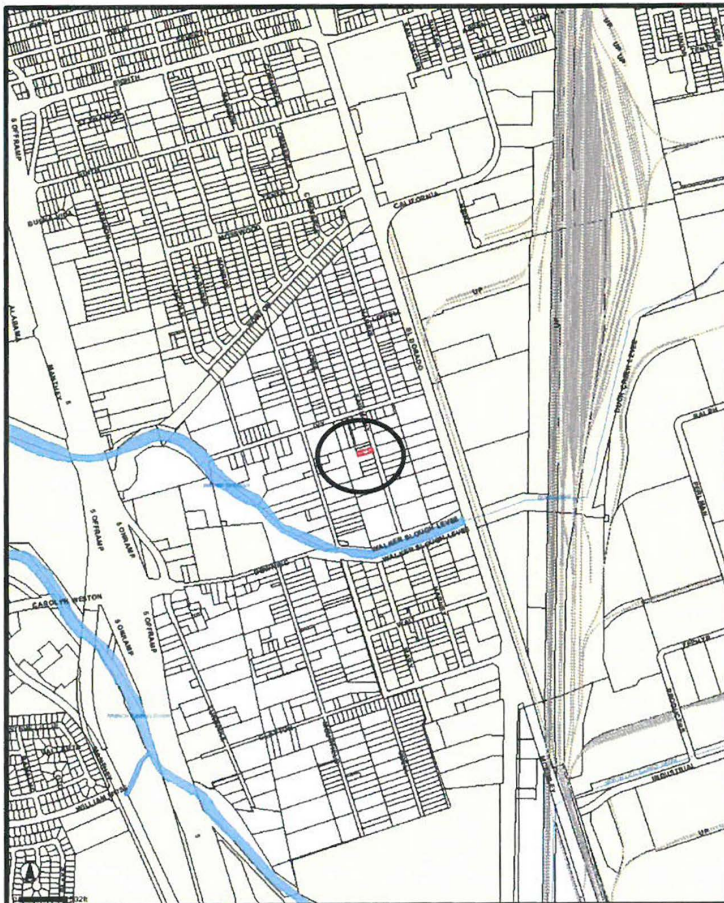
Chairman
San Joaquin Local Agency
Formation Commission

Res. No. 1442
01-14-21

Vicinity Maps



5 North Wagner Avenue



3211 South Fairmont Avenue