

---

---

**SAN JOAQUIN  
LOCAL AGENCY FORMATION COMMISSION**

**LAFCo**

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

---

---

**AGENDA**

Thursday, August 8, 2019 9:00 A. M.

BOARD OF SUPERVISORS CHAMBERS  
44 NORTH SAN JOAQUIN STREET, 6<sup>TH</sup> FLOOR  
STOCKTON, CALIFORNIA

\* \* \* \*

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

**CONSENT ITEMS**

1. MEETING MINUTES OF JULY 11, 2019  
*(Action by All Members)*  
Approve Summary Minutes of the regular meeting.
2. OUT-OF-AGENCY SERVICE REQUEST  
*(Action by Regular Members)*  
Request from the City of Stockton to provide out-of-agency sewer service outside the City boundary under Government Code §56133 to 2124 Totten Avenue, and 5017 S. Elvin Avenue, Stockton.

**ACTION ITEMS**

3. REQUEST FOR FEE DETERMINATION FOR RECLAMATION DISTRICT NO. 2034 (JONES TRACT) ANNEXATION  
*(Action by Regular Member)*  
Request to authorize a fee of \$4,000 for the processing of an annexation application for BNSF AND EBMUD lands to Reclamation District No. 2034 (Jones Tract).
4. REQUEST FOR TIME EXTENSION FOR GRUDEL ANNEXATION TO CSA 29 (LAFCo 25-18)  
*(Action by Regular Member)*  
Request for One-Year Time Extension to complete condition of approval for Grudel Annexation to CSA 29, Forest Lake Ranchettes.

## **PUBLIC HEARING**

5. CARMAX ANNEXATION TO THE CITY OF STOCKTON (L AFC 14-19)  
*(Action by Regular Members)*  
Request to annex approximately 13.26 acres to the City of Stockton.

## **PUBLIC COMMENTS**

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

## **EXECUTIVE OFFICER COMMENTS**

7. Comments from the Executive Officer

## **COMMISSIONER COMMENTS**

8. Comments, Reports, or Questions from the L AFCO Commissioners

## **CLOSED SESSION**

9. Open Session Disclosure Regarding Closed Session Items pursuant to Government Code Section 54957.7
10. CLOSED SESSION
  - A. Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(a)  
Name of Case: Pacific Gas and Electric v. San Joaquin L AFCo and South San Joaquin Irrigation District (San Joaquin County Superior Court Case No. 39-2015-00321743-CU-JR-STK)
  - B. Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(a)  
Name of Case: Tracy Rural County Fire Protection District with the City Of Tracy as named Real Party of Interest v. San Joaquin L AFCo (San Joaquin County Superior Court Case No. 2019-9687)
11. Open Session Report on Closed Session pursuant to Government Code Section 54957.1

## **ADJOURNMENT**

# **LAFCo**

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

---

---

**SUMMARY MINUTES  
July 11, 2019**

BOARD OF SUPERVISORS CHAMBERS  
44 NORTH SAN JOAQUIN STREET, 6<sup>TH</sup> FLOOR  
STOCKTON, CALIFORNIA

Chairman Johnson called the meeting to order at 9:03 a.m.

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

MEMBERS ABSENT: None

ALTERNATE MEMBERS PRESENT: Commissioners Morowit and Winn

ALTERNATE MEMBERS ABSENT: Commissioner Bretenbucher

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

## **CONSENT ITEMS**

Chairman Johnson opened the matter up for public and Commissioner Comments.

A motion was made by Commissioner Villapudua and seconded by Commissioner Andrade to approve the Consent Calendar.

The motion for approval of the Summary Minutes of June 13, 2019, was passed by an unanimous vote of the Commission with Chairman Johnson abstaining.

The motion for approval for the out-of-agency service request to the property located at 3371 O' Dell Avenue, 3347 O'Dell Avenue, and 1420 N. Golden Gate Avenue, Stockton was passed by an unanimous vote of the regular voting members of the Commission.

## **PUBLIC HEARING ITEMS**

3. CITY OF TRACY FINAL MUNICIPAL SERVICE REVIEW (MSR) AND SPHERE OF INFLUENCE PLAN (SOI) (LAFC 14-16)  
*(Action by Regular Members)*  
Public Hearing to receive testimony and comments on the Final MSR and SOI Update for the City of Tracy.

After extensive discussion at the June 13<sup>th</sup> workshop, the Commission directed the Executive Officer to incorporate the City's alternate Sphere plan proposal into the final MSR. The alternative plan focuses on the expansion of the 10-year planning horizon and development in the floodplain in the first planning horizon.

Mr. James Glaser, Executive Officer, informed the Commission that two comments came in regarding the City of Tracy Draft MSR/SOI. The comments were from Herum\Crabtree\Suntag and Terra Land Group, LLC. All comments have been placed on the Commissioners dais for their review.

Mr. Glaser recommended that the Commission approve the Final MSR and SOI Update for the City of Tracy.

Chairman Johnson opened the floor to Commissioner Comments.

No comments were made.

Chairman Johnson closed the floor to Commissioner Comments.

Chairman Johnson opened the floor to Public Comments.

Bob Bentz addressed the Commission.

Bill Dean, Assistant Development Services Director, City of Tracy, thanked the Commission for their time and work on the Municipal Service Review and Sphere of Influence Update.

Mayor Rickman, City of Tracy, thanked the Commission for working together with the City on the Municipal Service Review and the Sphere of Influence Update.

Chairman Johnson closed the floor to Public Comments.

Commissioner Patti thanked the staff and the City of Tracy for working together.

Chairman Johnson stated that the best solution is when both sides give up a little in order to keep moving forward.

Commissioner Morowit thanked the City of Tracy for working to keep jobs in our region.

The motion was made by Commissioner Andrade, seconded by Commissioner Patti to approve Resolution No. 1409 Approving the City of Tracy Municipal Service Review and Resolution No. 1410 Approving the City of Tracy Sphere of Influence Plan Update.

Roll Call Vote:

Ayes: Commissioners Andrade, Patti, Villapudua, Krumeich, and Chairman Johnson

Nos: None

**PUBLIC COMMENTS**

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

No one came forward.

Chainman Johnson closed the public comments.

**EXECUTIVE OFFICER COMMENTS**

5. Comments from the Executive Officer

Next Commission meeting will be on Thursday, August 8, 2019. Items on the agenda will include Carmax annexation to the City of Stockton. In the near future, SSJID will be coming before the Commission to amend their MSR. Reclamation District 2039 – Jones Tract, will request annexation of the railroad that runs down the middle of the district. BBID and TWSID will request consolidation, and the City of Escalon is currently working on their Municipal Service Review.

**COMMISSIONER COMMENTS**

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

Commissioner Krumeich stated that when he was elected to the City of Escalon City Council, he discovered the various layers of government that was needed to get things done. Commissioner Krumeich stated that government should be very cautious not to overstep.

**CLOSED SESSION**

7. Open Session Disclosure Regarding Closed Session Items pursuant to Government Code Section 54957.7

8. CLOSED SESSION

- A. Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(a)

Name of Case: Pacific Gas and Electric v. San Joaquin LAFCo and South San Joaquin Irrigation District (San Joaquin County Superior Court Case No. 39-2015-00321743-CU-JR-STK)

9. Open Session Report on Closed Session pursuant to Government Code Section 54957.1

There was no Closed Session.

9:23 a.m. – Chairman Johnson adjourned the meeting to Thursday, August 8, 2019.

# **LAFCo**

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

---

---

## **EXECUTIVE OFFICER'S REPORT**

August 8, 2019

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 2124 Totten Avenue, and 5017 S. Elvin Avenue, 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 1412 approving out-of-agency services.

Attachment: Resolution No. 1412  
Vicinity Map

**Resolution No. 1412**

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION  
COMMISSION APPROVING AN OUT-OF-AGENCY SANITARY SEWER  
SERVICE FROM THE CITY OF STOCKTON TO 2124 TOTTEN AVENUE, AND  
5017 S. ELVIN AVENUE, 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 8<sup>th</sup> day of August, by the following roll call votes:

AYES:

NOES:

ABSENT:

---

Peter M. Johnson, Chairman  
San Joaquin Local Agency  
Formation Commission

Res. No. 1412  
08-08-19





**EXECUTIVE OFFICER'S REPORT**

August 8, 2019

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: **REQUEST FOR FEE DETERMINATION FROM  
RECLAMATION DISTRICT NO. 2039 (JONES TRACT)  
ANNEXATION OF BNSF AND EBMUD LANDS**

**Recommendation**

It is recommended that the Commission authorize a fee of \$4,000 for the processing of an annexation application for Burlington Northern & Santa Fe Railroad Company (BNSF) and East Bay Municipal Utility District (EBMUD) lands to Reclamation District No 2039 (Jones Tract).

**Background**

LAFCo has received the attached request from Reclamation District No. 2039 (Jones Tract) to reduce the fee to process an annexation to Reclamation District No. 2039. The adopted fee schedule allows the Commission to waive or adjust processing fees upon the determination that the proposal would further the purposes of LAFCo and that a request for a fee waiver or adjustment be submitted to the Commission prior to the submittal of an application. Without a fee reduction, the fee for the annexation application is \$9,133 plus a \$1,000.00 legal deposit and a \$1,466.60 fee for Public Works review.

The Jones Tract Reclamation District (No. 2039) has been the subject of a Municipal Service Review, Sphere of Influence Update, and a Consolidation proceeding. The District has incurred numerous expenses related to these applications. The last step in this process is to annex the lands (a railroad and utility) that separates the original two districts. The fee is somewhat substantial due the acreage involved (335 acres).

The consolidation and annexation are in furtherance of the recommendations in the Municipal Service Review and the purpose of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, providing for the logical, efficient, and appropriate formation of

special districts. Given the public benefit and that the proposal would further the purposes of LAFCo, it is recommended that the processing fee for the annexation be reduce to \$4000. The legal deposit and the fees for review by the Public Works Department would remain as specified in the adopted fee schedule. A motion is attached for the Commission's consideration.

Attachments: Motion

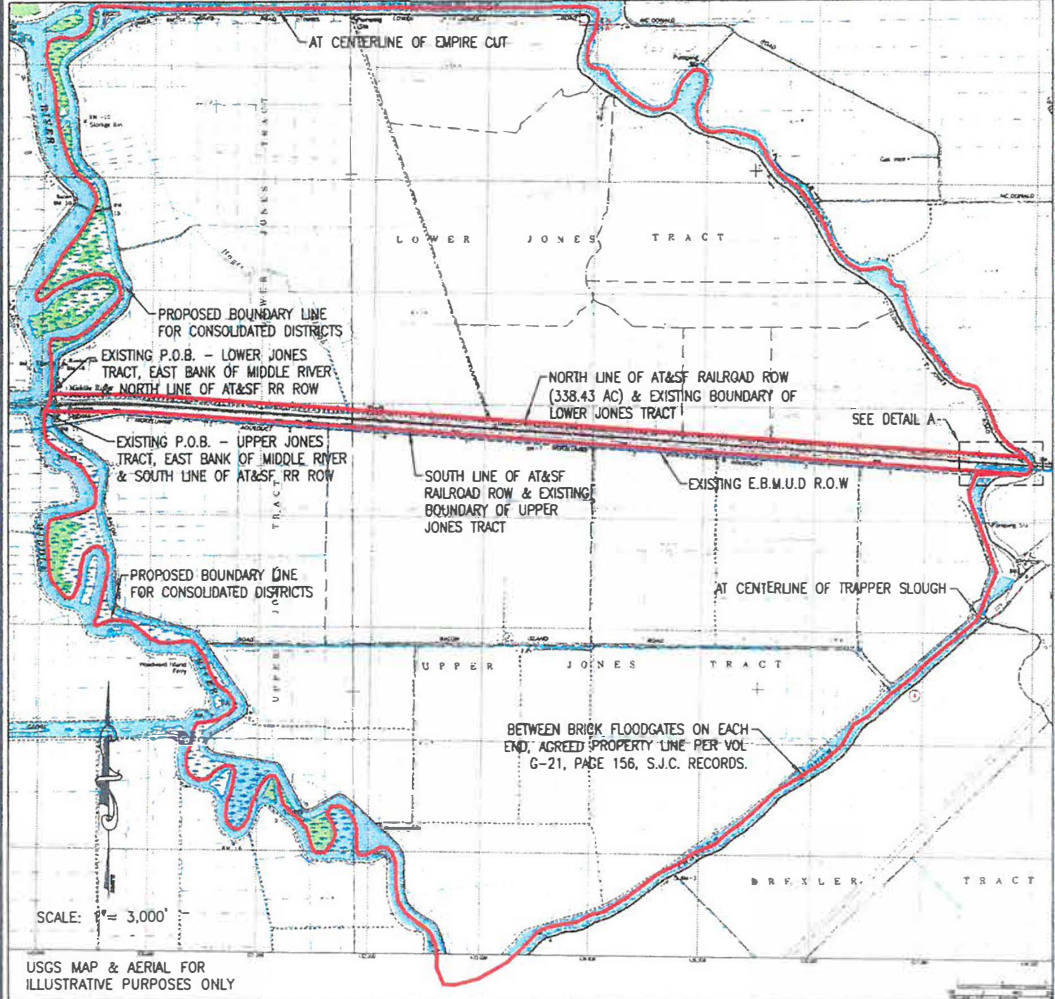
Vicinity Map

Letter from Dante Nomellini, Secretary and Counsel for RD. 2039 dated July 3, 2019

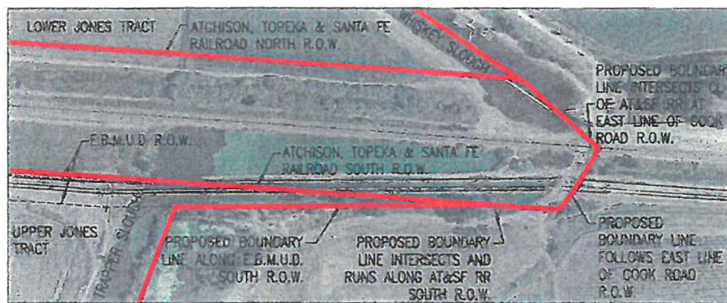
**MOTION**

Moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, to set the filing fee for an annexation application of the BNSF and EDMUD lands to the Jones Tract Reclamation District (RD. 2039) at \$4,000 and further finds that the proposed application would further the purpose of the Local Government Reorganization Act of 2000.

# UPPER JONES TRACT (RD 2039) & LOWER JONES TRACT (RD 2038) CONSOLIDATION



SITE MAP - SCALE: 1"=3000'



DETAIL A - SCALE: 1"=600'

<p>1500 0 750 1500 3000 6000</p> <p style="text-align: center;">HORIZONTAL AND VERTICAL GRAPHIC SCALE 1" = 3000'</p>		<p><b>UPPER JONES &amp; LOWER JONES TRACTS</b> <b>RECLAMATION DISTRICT CONSOLIDATION</b> <b>EXHIBIT MAP</b></p> <p>RD 2038 &amp; RD 2039 SAN JOAQUIN COUNTY, CALIFORNIA</p>	<p>PROJECT NO: 2038-25 DRAWN BY: GME DESIGN BY: RL CHECK BY: GG SCALE: AS SHOWN DATE: 2015-10-20 CAD FILE: T:\PROJECTS\2038-25\DWG</p>	<p>SHEET NO. T-1 DATE 1</p>
--	--	---	--	---------------------------------



DANTE JOHN NOMELLINI  
DANIEL A. McDANIEL  
DANTE JOHN NOMELLINI, JR.

**RETIRED**  
DAVID L. GRILLI  
DAVID L. GRILLI  
PROFESSIONAL LAW CORPORATION

**NOMELLINI, GRILLI & McDANIEL**  
**PROFESSIONAL LAW CORPORATIONS**

235 EAST WEBER AVENUE  
STOCKTON, CALIFORNIA 95202  
POST OFFICE BOX 1461  
STOCKTON, CALIFORNIA 95201-1461  
TELEPHONE: (209) 465-5883  
FAX: (209) 465-3956

**PARTNERS**

DANTE JOHN NOMELLINI  
PROFESSIONAL LAW CORPORATION

DANIEL A. McDANIEL  
PROFESSIONAL LAW CORPORATION

DANTE JOHN NOMELLINI, JR.

July 3, 2019

San Joaquin Local Agency Formation Commission  
509 W. Weber Avenue Suite 420  
Stockton, CA 95203  
Attn. James Glaser

Re: Reclamation District No. 2039 (Jones Tracts)  
Annexation of BNSF and EBMUD land Proposed  
LAFCO Fees

Dear Mr. Glaser:

It is my understanding that the fees for the annexation would be about \$10,133.00 including a deposit of \$1000.00 for legal plus \$1466.60 for Public Works review. These fees would be in addition to the fees previously paid for a current Municipal Service Review and Sphere of Influence Update and the Consolidation proceeding for Reclamation District No 2039 (Upper Jones Tract) and Reclamation District No 2038 (Lower Jones Tract). The previous costs include \$14,110.00 related to the MSR and SOI update, \$1,600.00 for the SOI application fee, \$2,200.00 for the consolidation fee and some other fees. The fees are in addition to legal and engineering expense of the local districts.

The consolidation and annexation are in furtherance of the recommendations in the Municipal Service Review and the purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, providing for the logical, efficient, and most appropriate formation of local municipalities, service areas and special districts. Given the public interest benefit and efficiency in processing to date request is hereby made that the annexation fees be reduced to \$5,000.00 including the \$1,000.00 for legal plus \$1,466.60 for Public Works review.

Thank you for your consideration.

Dante John Nomellini, Secretary and Counsel  
For Reclamation District No. 2039 (Jones Tracts)

# **LAFCo**

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

---

---

## **EXECUTIVE OFFICER'S REPORT**

August 8, 2019

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: **TIME EXTENSION REQUEST FOR GUDEL ANNEXATION TO  
COUNTY SERVICE AREA 29-FOREST LAKE RANCHETTES  
(LAFc 25-18)**

### **Recommendation**

It is recommended that a one year extension be granted to allow sufficient time for the completion of the Commission's Condition of Approval for the project.

### **Background**

At the September 13, 2018 meeting, the Commission approved the annexation of the Gudel properties to CSA 29 for the purpose of obtaining water, storm drainage and street lighting services from the CSA for the development of two major subdivisions. The annexation area consists of three parcels located on the southeast corner of Liberty Road and Lower Sacramento Road north of Lodi (Exhibit A-Vicinity Map).

In March 2006, County Planning approved the development of the subdivisions with the condition that the developer install and finance the storm drainage, water, and street lighting infrastructure and to annex the properties into CSA 29 to allow the County to maintain the facilities as well as collect appropriate assessments and service fees from property owners for the provision of those services. To levy the assessments for services, property owners must first give their approval through a Proposition 218 process.

At the time of Commission approval of the Gudel annexation the Proposition 218 process had not been initiated. The Commission, therefore, condition their approval stating that a Certificate of Completion would not be recorded until this process has been completed (Exhibit B-Resolution No. 1389). Government Code Section 57001 requires that all conditions of approval for an annexation be satisfied within one year of Commission. The one year time frame will expire September 13, 2019.

The County Department of Public Works cites that although the work has begun to initiate the Proposition 218 procedures, they anticipate that they would not be able to complete the process by the expiration date of September 13, 2019 due to staffing constraints and workload demands (Exhibit C-Public Works Letter).

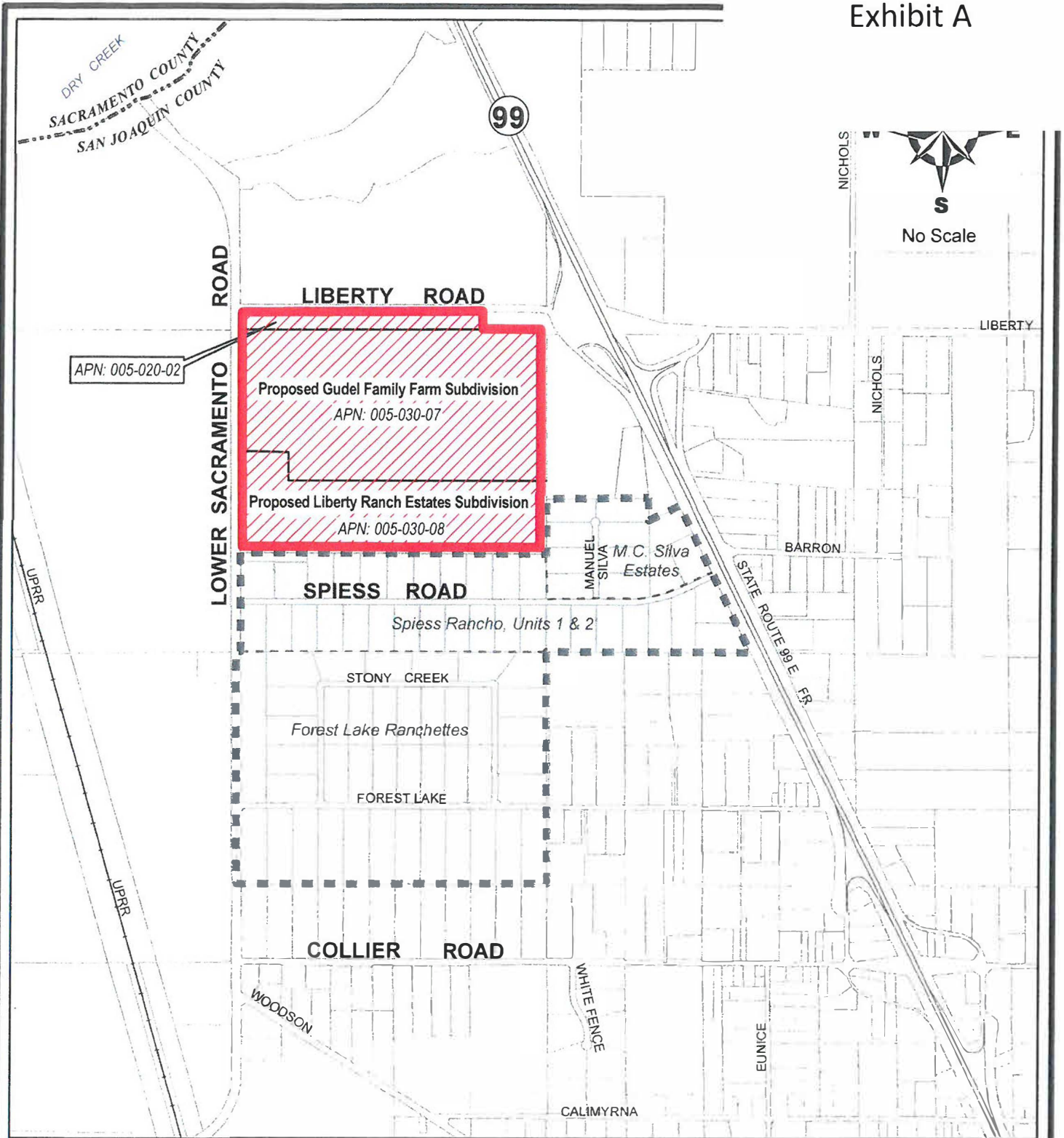
Attachments: Motion for Approval  
Exhibit A-Vicinity Map  
Exhibit B-Resolution No. 1389  
Exhibit C-Public Works Letter dated July 23, 2019



**MOTION**

Moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_ to  
approve a one year extension to September 13, 2020 to the Gudel Annexation to CSA 29-Forest  
Lake Ranchettes to complete the Conditions of Approval.

# Exhibit A



Proposed Annexation
  Existing CSA 29 Boundary
 Date: June 18, 2018



## PROPOSED ANNEXATION INTO COUNTY SERVICE AREA NO. 29 (CSA 29) - FOREST LAKE RANCHETTES

**SAN JOAQUIN COUNTY**  
 Department of Public Works, 1810 E. Hazelton Ave., Stockton, CA 95205  
 The County of San Joaquin does not warrant the accuracy, completeness, or suitability for any particular purpose.  
 The Information on this map is not intended to replace engineering, financial or primary records research.



**RESOLUTION NO. 1389**

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION  
APPROVING THE GUDDEL ANNEXATION TO COUNTY SERVICE AREA 29-FOREST  
LAKE RANCHETTES AND AMENDMENT TO THE SPHERE OF INFLUENCE  
(LAFC 25-18)**

WHEREAS, the above entitled proposal was initiated by Resolution by the County Board of Supervisors and on August 14, 2018, the Executive Officer certified the application filed for processing in accordance with the Local Government Reorganization Act; and

WHEREAS, the Commission held a public hearing on the proposed annexation and sphere of influence on September 13, 2018 in the Board of Supervisors Chambers, 44 North San Joaquin Street, 6<sup>th</sup> Floor, Stockton, CA, pursuant to a Notice of Hearing which was published, posted, and mailed in accordance with State law; and

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

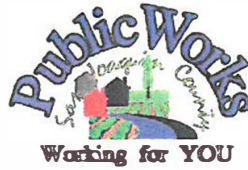
WHEREAS, the County of San Joaquin determined that the project will not have a significant effect on the environment and prepared a Negative Declaration dated March 8, 2007; and

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 56668.3 of the California Governmental Code, and testimony and evidence presented at the meeting held on September 13, 2018.

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

- Section 1. Certified that, as a Responsible Agency, that the Commission has independently reviewed and considered the County of San Joaquin CEQA determination as certified;
- Section 2. Finds that the proposal is uninhabited and has 100% owner consent.
- Section 3. Approves the proposal as submitted to annex 118 acres to County Service Area No. 29-Forest Lake Ranchettes with a final boundary description as approved by the County Surveyor, attached hereto as Exhibit A.



## Department of Public Works

Kris Balaji, Director of Public Works

Fritz Buchman, Deputy Director/Development

Alex Chetley, Interim Deputy Director/Engineering

Jim Stone, Deputy Director/Operations

Kristi Rhea, Manager of Strategic Initiatives

July 23, 2019

San Joaquin County Local Agency Formation Commission  
509 West Weber Avenue  
Suite 420  
Stockton, California 95203  
Attention: Jim Glaser

SUBJECT: REQUEST FOR EXTENSION OF TIME FOR COMPLETING CONDITIONALLY APPROVED GUEL ANNEXATION TO COUNTY SERVICE AREA 29-Forest LAKE RANCHETTES (LAFC 25-18) PER RESOLUTION NO. 1389

Dear Mr. Glaser,

The San Joaquin County Department of Public Works (Department) representing the property owners of the subject annexation as the applicant is requesting a one-year time extension to complete the conditions of approval as set forth in Section 4 of Resolution No. 1389 attached.

The Department understands that per Government Code Section 57001 it is required that all conditions of approval of annexations are satisfied within one year of conditional annexation approval in order to record the Certificate of Completion.

With the time deadline fast approaching and although the process has begun, the Department does not foresee completing the conditions of approval by September 13, 2019 due to staffing constraints and workload demands.

The Department greatly appreciates the approval of the one-year time extension by the Commission in order for the Department to work towards the recordation of the Certificate of Completion of this annexation.

Should you have any questions regarding this matter, please contact me at 209-468-3024, or by email at [dsabiniano@sjgov.org](mailto:dsabiniano@sjgov.org).

Sincerely,

A handwritten signature in blue ink that reads 'Dwayne B. Sabiniano'. The signature is stylized and cursive.

DWAYNE B. SABINIANO

Community Infrastructure Engineering Assistant

Enclosure

Section 4. Conditions approval of the annexation upon Proposition 218 approval of appropriate assessments and service fees for services prior to recordation of the Certificate of Completion.

Section 5. Amends the County Service Area No. 29 Sphere of Influence to include the annexing territory.

PASSED AND ADOPTED this 13<sup>th</sup> day of September, 2018 by the following roll call vote:

AYES: Commissioners Johnson, Kuehne, and Chairman Patti

NOES: None

ABSENT: Commissioners Fox, and Villapudua



---

TOM PATTI, Chairman  
San Joaquin Local Agency  
Formation Commission

# **LAFCo**

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

---

---

## **EXECUTIVE OFFICER'S REPORT**

- PROJECT:** CARMAX REORGANIZATION TO THE CITY OF STOCKTON (LAFCo 14-19)
- PROPOSAL:** To annex 13.26 acres to the City of Stockton with concurrent detachments from the San Joaquin County Resource Conservation District and Waterloo-Morada Fire District.
- APPLICANT:** City of Stockton
- LOCATION:** Southwest corner of the intersection of Hammer Lane and Maranatha Drive, northeast Stockton. (Exhibit A: Vicinity Map)
- PURPOSE:** Annexation required to extend city services to the property
- PROCESS:** Project is uninhabited and has owner consent

### **RECOMMENDATION**

It is recommended that the Commission approve Resolution No. 1413 approving CarMax Reorganization to the City of Stockton.

### **BACKGROUND**

A Resolution of Application was approved by the City of Stockton authorizing an application submittal to LAFCo to annex a 13.26 acres which includes a 10.56 parcel (APN 130-030-12) and the abutting portions Maranatha Drive and Hammer Lane (Exhibit B: City Resolution and Justification of Proposal). The annexation will allow for future development of a CarMax Auto Superstore.

### **ENVIRONMENTAL**

The City of Stockton, as Lead Agency, certified and subsequently adopted a Final Environmental Impact Report (EIR) for the project on May 21, 2019. LAFCO as a Responsible Agency must consider the environmental documentation prepared by the City. Although the City has assumed the role as Lead Agency, the Commission must make findings regarding the environmental documentation. (Exhibit C: 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. The City and County executed a master tax sharing agreement on July 21, 2015, applicable to all annexations through 2025.

## **FACTORS**

The Cortese-Knox-Hertzberg Local Government Reorganization Act requires 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 parcel to be annexed is currently vacant and uninhabited. The project site is adjacent to existing commercial property to the west, which contains the Home Depot superstore. A residential subdivision is on the northeastern corner of Hammer Lane and Maranatha Drive. Vacant commercially designated property is north of the site across Hammer Lane, and vacant land planned for commercial uses is to the east across Maranatha Drive. The proposed annexation site is zoned for commercial uses and would therefore not increase the population of the City.

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

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 following chart:

<b>SERVICE</b>	<b>CURRENT PROVIDER</b>	<b>AFTER ANNEXATION</b>
Law Enforcement	County Sheriff's Office	City
Fire Protection	Waterloo-Morada Fire District	City
Water	Stockton East Water District	Stockton East Water District
Sewer	None	City
Drainage	None	City
Irrigation	Woodbridge Irrigation District	Woodbridge Irrigation District
Schools	Stockton Unified School District	Stockton Unified School District
Planning	County	City

City ordinances and resolutions are in place to ensure that required public facilities fees are paid and that services can be maintained at appropriate levels for the project. The City's recently approved Municipal Service Review and SOI Update and the project specific environmental review concluded that the project impacts on the water, wastewater, and storm drainage systems would be less than significant.

(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 requires consideration of LAFCo's policy to mitigate any impact to a rural fire district. The Waterloo-Morada Rural Fire District currently serves the proposed annexation area and will lose property tax and assessment revenues in the amount of \$528.21 annually. The City and the fire district entered into an agreement on June 12, 2019 to mitigate the financial loss by a one-time payment from CarMax to the fire district for \$5,886.80.

(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.***

In summary, §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 proposed annexation site was included in the City's interim sphere of influence boundary approved in December 2018 as it was anticipated for development. The site is adjacent to the City boundary and is surrounded by urban development or lands planned for eventual development. The site zoned as AU-20 (Agriculture-Urban Reserve) indicates it would remain in agriculture but is planned for future urban development. The parcel has been vacant and not used for agriculture since about 2005.

(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 is currently used for the purpose of producing an agricultural commodity for commercial purposes. The 10.56 acre parcel proposed for annexation is currently not being used for agricultural purposes. It is adjacent to existing urban development to the west and it is expected a development project will soon be forthcoming for the vacant parcels to the east of the project site.

The City has adopted an Agricultural Land Mitigation Program to mitigate the loss of qualifying agricultural lands to urban development. The mitigation program provides that agricultural mitigation lands may be dedicated to a qualifying management entity such as the Central Valley Farmland Trust or a project may pay the City's Agricultural Land Mitigation fee which is currently \$11,758 per acre. The City determined that the CarMax property did not meet the program's definition of qualifying agricultural land.



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

Comments were received from the County Public Works Department recommending that the annexation proposal include all of the widened portion of Hammer Lane (See Exhibit D: Public Works Letter and Map for location). Public Works also states that the annexation parcel is part of a larger parcel proposed to be divided and therefore recommends postponement of the CarMax annexation until this occurs and both parcels as well as the recommended right-of-ways be annexed all at the same time.

The proposed boundary for the annexation area is one tax assessor parcel and is consistent with LAFCO policy of avoiding split lines of assessment or ownership. The annexation boundary also includes the portions of Hammer Lane and Maranatha Drive abutting the annexation site forming a logical city boundary. As indicated in the Public Works letter, an annexation proposal is planned for the second parcel and at that time additional portions of the Hammer Lane right-of-way will be annexed into the City.

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

The 2018 Regional transportation Plan and Sustainable Communities Strategy (RTP/SCS) services as the region's long range transportation plan and provide guidance for decisions about transportation spending priorities. The proposal is consistent with the City's General Plan and other applicable planning documents. The Plan was adopted by the San Joaquin Council of Governments (COG) Board on June 28, 2018. The Plan appears to be consistent with the city general plan.

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

The proposed territory is within the Morada-Waterloo Rural Fire District and the San Joaquin Resource Conservation District spheres of influence. The territory will be detached from these districts. It is also within County Service Area 53-Household Hazardous Waste and County Service Area 54-StormWater Pollution Prevention. The services provided by these county service areas are countywide and will continue to be provided for the area.

**(i) *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. Comments from the County Public Works Department is discussed above in (f). No other comments have been received.

**(j) *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 E). 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 includes ground water and treated surface water. The project site is located within the North Stockton service area which distributes water from the Delta Water Supply Project, Stockton East Water District and from groundwater wells. The project will be required to install a new 12-inch service line for connection into the 24-inch water transmission line located on Hammer Lane.

The City's recent Municipal Service Review evaluates the availability of water supplies for its current users and for development within the sphere of influence. The MSR determined that there are sufficient water resources to serve the City at full build out of its sphere.

Stormwater: CarMax will be served by an on-site storm drainage detention and treatment systems. On-site facilities will discharge via an interim storm drainage connection to the existing storm drain line in Hammer Lane. Development of the project will require improvements to Maranatha Drive which will include installation of portions of the planned the Origone Ranch storm drainage collection system. Permanent storm drainage service the CarMax will be provided in the future upon completion of the Origone Ranch area.

Sewer: The City will provide wastewater collection and treatment upon annexation. The annexation site will temporarily receive services by connection into an existing 12-inch diameter sewer line located in Hammer Lane. The project site is within the City's Wastewater Collection System No. 9 which will be completed with the planned development of Origone Ranch to be located to the south. CarMax will be required to disconnect from the Hammer Lane line and permanently connect to the newly constructed lines for the Wastewater Collection System No. 9.

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. Staffing level for the department is determined each year by City Council and is subject to change as the Council, City Manager, and Chief of Police determine the needs of the city. It is SPD's policy to respond to all emergency calls within a 3-5 minute time period. Public Facilities Fees for police facilities are collected by the City and it is anticipated that the CarMax annexation will generate about \$2,475 in fees. The City will also collected a three-quarter cent sales tax to provide funding for law enforcement, crime prevention and other essential city services.

Fire: The project site will detach from Waterloo-Morada Rural Fire District upon 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. The City and the fire district entered into an agreement on June 12, 2019 to mitigate the financial loss by a one-time payment from CarMax to the fire district for \$5,886.80.

The nearest City fire station is approximately 1.8 miles north of the project site and it is anticipated that response times to the site would be between three and four minutes. A second fire station is located 1.9 miles southwest of the project site and estimated response

time is from five to seven minutes. The City's Public Facilities fees will also be attributable for capital costs of fire station expansion.

**(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. The City an Urban Water Management Plan that evaluates potential population growth and the availability of water based on existing water use patterns. The City determined that an adequate water supply can be reasonably available through 2040.

**(l) *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 CarMax Reorganization proposal will not affect the City's fair share of regional housing needs as it is zoned for commercial uses.

**(m) *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.

**(n) *Any information relating to existing land use designations.***

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

**(o) *The extent to which the proposal will promote environmental justice (fair treatment of people of all races cultures, and incomes with respect to the location of public facilities and the provision of public services).***

The project does not result in the unfair treatment 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. The staff report provides a summary of the factors which must be considered by the Commission when reviewing an annexation proposal. In summary, the project represents a logical extension of the City boundary and would provide for the orderly development of the north east area of the City. The proposed annexation site was considered for development in the City's General Plan and in the City's Sphere of Influence and the municipal service review and City Services Plan provides adequate information that the City can adequately provide municipal services for the proposed development.

Attachments: LAFCO Resolution No. 1413

Exhibit A: Vicinity Map

Exhibit B: City Resolution and Justification of Proposal

Exhibit C: Notice of Determination

Exhibit D: Letter from Department of Public Works dated July 17, 2019

Exhibit E: City Services Plan

**RESOLUTION NO. 1413**

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION  
APPROVING THE CARMAX REORGANIZATION TO THE CITY OF STOCKTON  
WITH CONCURRENT DETACHMENTS FROM THE WATERLOO-MORADA RURAL  
FIRE DISTRICT AND THE SAN JOAQUIN COUNTY RESOURCE CONSERVATION  
DISTRICT (LAFC 14-19)**

WHEREAS, the above entitled proposal was initiated by resolution by the City of Stockton and on June 18, 2019 the Executive Officer certified the application filed for processing in accordance with the Local Government Reorganization Act; and

WHEREAS, the Commission held a public hearing on the proposed reorganization on August 8, 2019 in the Board of Supervisors Chambers, 44 North San Joaquin Street, 6<sup>th</sup> Floor, Stockton, CA, pursuant to notice of hearing which was published, posted and mailed in accordance with State law; and

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

WHEREAS, City of Stockton certified and adopted an Environmental Impact Report (State Clearinghouse No. 2018112038) and approved Mitigation Measures/Monitoring and Reporting Program for the CarMax Reorganization on May 21, 2019;

WHEREAS, the subject territory is uninhabited and does have 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 August 8, 2019.

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 CarMax Environmental Impact Report (State Clearinghouse No. 2018112038) and adopts the CEQA Mitigation Measures/Monitoring and Reporting Program as certified by the City of Stockton.

Section 2. Finds that the proposal is uninhabited and does have 100% owner-consent.

Section 3. Finds that no written protests were received by any landowner or registered voter within the project area by the conclusion of the hearing; and, therefore, waives the protest proceedings pursuant to Government Code Section 56663;

Section 4. Approves the annexation of CarMax Reorganization to the City of Stockton concurrent detachments from the Waterloo-Morada Rural Fire District and the San Joaquin County

Resource Conservation District with the boundary description as approved by the County Surveyor, attached hereto as Exhibit A.

Section 5. Finds, pursuant to Government Code Section 56856.5, the reorganization is necessary to provide services to planned, well-ordered, and efficient urban development patterns that include appropriate consideration of the reservation of open-space lands within those urban development patterns.

Section 6. Finds, that the loss revenue to the Waterloo-Morada Rural Fire District has been mitigated and agreed upon by both agencies.

PASSED AND ADOPTED this 8<sup>th</sup> day of August 2019 by the following roll call vote:

AYES:

NOES:

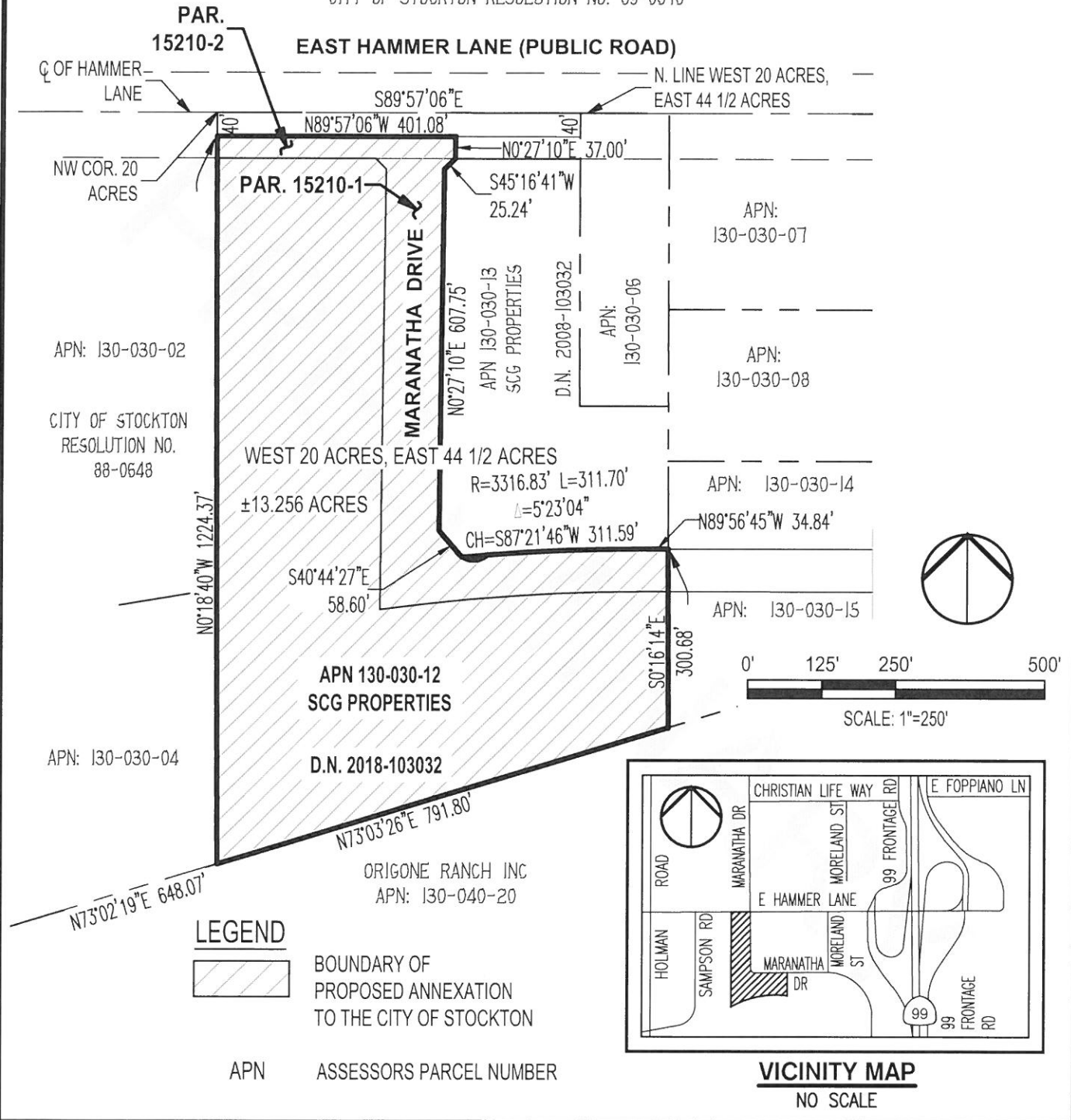
ABSENT:

---

PETER M. JONSON, CHAIRMAN  
San Joaquin Local Agency  
Formation Commission

# EXHIBIT "B" ANNEXATION CITY OF STOCKTON

CITY OF STOCKTON RESOLUTION NO. 89-0670



E:\159\Projects\15073\_CarMax Auto Superstore\Survey\Annexation\15073 - ANNEXATION.MXD copy.dwg 07/24/18

DATE	07/24/18
DESIGN	LZ
DRAWN	LZ
JOB NO.	15073

**SIEGFRIED**

3244 Brookside Road, Suite 100 Stockton, California 95219  
 209-943-2021 www.siegfriedeng.com Fx: 209-942-0214

- CIVIL ENGINEERING
- STRUCTURAL ENGINEERING
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE

SCALE:	AS SHOWN
SHEET	<b>1</b>
	OF: 1

Resolution No. 2019-05-21-1501-02

## STOCKTON CITY COUNCIL

---

**RESOLUTION AUTHORIZING THE FILING WITH THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION AN APPLICATION FOR THE ANNEXATION OF ASSESSOR'S PARCEL NUMBER 130-030-12, ABUTTING PORTIONS OF MARANATHA DRIVE AND, FOR THE PORTIONS ABUTTING APN 130-030-12, TO THE CENTERLINE OF EAST HAMMER LANE WITH RELATED CITY SERVICES PLAN WITH CONCURRENT DETACHMENT FROM THE WATERLOO-MORADA FIRE DISTRICT**

On July 27, 2018, the applicant, Carmax Auto Superstores California, LLC submitted, on behalf of property owner SCG Properties, LLC, a request to, amongst other requests, annex Assessor's Parcel Number (APN) 130-030-12, abutting portions of Maranatha Drive, and to the centerline of East Hammer Lane into the City of Stockton; and

The petition for annexation is for the purposes of obtaining general City services as outlined in the City Services Plan; and

The subject territory is not subject to a Williamson Act contract; and

The subject territory will, upon annexation, be able to receive normal City services as required by section 56653 of the Cortese/Knox Local Government Reorganization Act of 1985; and

In accordance with section 56375(a)(7) of the Cortese/Knox Local Government Reorganization Act of 1985 and the policies of the San Joaquin County Local Agency Formation Commission, the City Council has concurrently with this resolution adopted an ordinance to prezone APN 130-030-12 to Commercial, General (CG) Zone; and

Pursuant to Stockton Municipal Code section 16.216.070(H)(2), the following findings of fact are made:

- a) The subject territory is located within the urban services area of the City.
- b) APN 130-030-12 has been prezoned, as described above.
- c) The subject territory is contiguous to the existing City limits.
- d) The proposed annexation does not split a line of assessment and would, as described in the Environmental Impact Report prepared for the overall project, include a future subdivision map application 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 parcel map to avoid creating remnants of legal lots.

- e) The proposal does not create islands or areas in which it would be difficult to provide City services. The subject territory includes a corner parcel abutting two public roads within requisite infrastructure (e.g., water, sewer, stormwater) located within or in immediate proximity. The proposal utilizes said services without creating a feature that may make their delivery difficult to other areas.
- f) The 2040 General Plan Land Use Map designates the subject site Commercial. Pursuant to Table 2-1 (General Plan Relationship to Development Code) of the General Plan, the CG Zone is compatible with the Commercial General Plan Land Use Map designation of Commercial. The proposed annexation would further the following General Plan policies:

Goal LU-4: Attract and retain companies that offer high-quality jobs with wages that are competitive with the region and state.

Policy LU-4.2: Attract employment- and tax-generating businesses that support the economic diversity of the city.

Policy LU-6.2: Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.

Consistency of the annexation proposed with these policies is demonstrated through its ability to enable development of a new commercial land use in a location that is both vacant and contiguous to the existing City limits. Said commercial zoning is capable of providing high-quality jobs and tax-generating business(es) now absent from the subject site; and

On May 21, 2019, the City Council held a duly noticed public hearing, pursuant to Stockton Municipal Code section 16.216.070, at which time all interested parties had the opportunity to be heard; and

On May 21, 2019, and prior to acting on this request, the City Council considered and certified the Environmental Impact Report prepared pursuant to the California Environmental Quality Act; now, therefore,

//  
//  
//



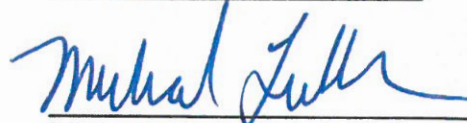
**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:**

1. The City Manager is authorized to file with the San Joaquin Local Agency Formation Commission, the above-noted annexation request and the City Services Plan, attached as Exhibit 1 and incorporated herein by this reference.

2. The San Joaquin Local Agency Formation Commission is hereby requested to approve: (a) the above-noted annexation of territory to the City of Stockton as depicted on Exhibit 2; and (b) the detachment of said territory from the Waterloo-Morada Fire District.

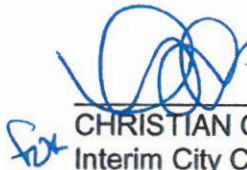
3. The City Manager is hereby authorized to take such further actions as are necessary and appropriate to carry out the purpose and intent of this Resolution

PASSED, APPROVED, and ADOPTED May 21, 2019.



MICHAEL D. TUBBS  
Mayor of the City of Stockton

ATTEST:



CHRISTIAN CLEGG, Deputy City Manager/  
Interim City Clerk of the City of Stockton



**PROJECT INFORMATION**

Please provide project-related information for the following questions:

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

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

<u>APN</u>	<u>Owner</u>	<u>Acreage</u>
130-030-12	SCG Properties LLC	10.52

(Attach a separate sheet if necessary)

- 8. Physical Location of Proposal: SE corner of East Hammer Ln/Maranatha Dr  
(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)? [X] Yes [ ] No

If Yes, please attach a Project Site Plan or Tentative Subdivision Map. See enclosed copy of Stockton Planning Commission Resolution No. 2019-03-280501-3  
 If No, please provide an estimate of when development will occur: \_\_\_\_\_

- 10. List those public services or facilities which will be provided to the affected territory as a result of the proposed action:  
  
All city services (e.g., water, sewer, stormwater, police, fire)
- 11. Indicate which of these services or facilities will require main line extensions or facility upgrades in order to serve the affected territory:  
  
Not applicable
- 12. Provide any other justification that will assist the Commission in reviewing the merits of this request. (Attach a separate sheet if necessary)

See enclosed City Services Plan

**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 City of Stockton, California, on June 13, 2019

**APPLICANT**

Signature: [Signature]

Title: Kurt D. Wilson

City 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]  
(Signature)  
Print or Type Name: Kurt D. Wilson City Manager

Date: 6/13/19

Daytime Telephone: (209) 8212

**APPROVED AS TO FORM AND CONTENT**

**ATTEST:**

CLERK OF THE CITY OF STOCKTON

Justification of Proposal By [Signature] Revised: 6-3-10

**Assistant City Attorney**

[Signature]  
CLERK OF THE CITY OF STOCKTON  
Page 3 of 3  
STOCKTON FOUNDED 1849

Filed Doc #: 39-05282019-174

05/28/2019 02:39:46 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

From:

Public Agency: City of Stockton  
Address: 345 N. El Dorado St.  
Stockton, CA 95202  
Contact: Kevin Colin, Planning Manager  
Phone: (209) 937-8446

County Clerk  
County of: San Joaquin  
Address: 44 N. San Joaquin St., 2nd Floor, Ste. 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): 2018112038

Project Title: Carmax Ato Superstore

Project Applicant: Carmax Auto Superstores, Inc.

Project Location (include county): Southwest intersection of E. Hammer Ln/Maranatha Dr (APN 130-030-12)

Project Description:

Development of automobile sales and service facility on an approximately 7.3-acre site at the southwest corner of Maranatha Drive and Hammer Lane, in the unincorporated area of San Joaquin County adjacent to the City of Stockton. The project includes an outdoor vehicle sales display area, a vehicle staging and service area, including a car wash, a sales structure, a structure for presentation of cars to their new owners, and parking areas for customers and employees

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

described project on May 21, 2019 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 Stockton, Permit Center, 345 N. El Dorado St., Stockton, CA 95202

Signature (Public Agency):  Title: Planning Manager

Date: May 28, 2019 Date Received for filing at OPR:



**Department of Public Works**

Kris Balaji, Director of Public Works

Fritz Buchman, Deputy Director/Development  
Alex Chetley, Interim Deputy Director/Engineering  
Jim Stone, Deputy Director/Operations  
Kristi Rhea, Manager of Strategic Initiatives

**Exhibit D**

July 17, 2019

MEMORANDUM

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

FROM: Awni Taha, Interim Engineering Services Manager  
Development Services Division **AT**

SUBJECT: CARMAX REORGANIZATION TO THE CITY OF STOCKTON (LAFCo 14-19)  
To annex 13.26 acres to the City of Stockton with concurrent detachments from the Waterloo-Morada Fire District and the San Joaquin County Resource Conservation District.

LOCATION: Located at the southwest corner of the intersection of Hammer Lane and Maranatha Drive, northeast Stockton.

COMMENTS:

- The green area in Figure A (below) depicts the City of Stockton's (City) proposed annexation area. A widened portion (depicted in red) of East Hammer Lane was the result of the State Route 99 Interchange project and it is recommended that this portion is annexed by the City and the right-of-way adjusted so that said portion is within City limits.
- The City's proposed annexation area is part of a larger parcel that is yet to be divided. Although LAFCo may have the power to review and make findings regarding definiteness and certainty of the boundaries and approve annexations based on lines of assessment, it is recommended that the proposed annexation occurs after the parcel has been divided. The divided parcel will result in two parcels as depicted by the green area and blue areas in Figure A. Please note that said blue area is intended for the Hammer Petroleum Project where the associated project application was withdrawn from the County as the applicant intends to process it through the City.
- San Joaquin County's Public Works recommends one application from the City that covers both of the aforementioned projects/parcels, and the remaining portion of East Hammer Lane (red area).

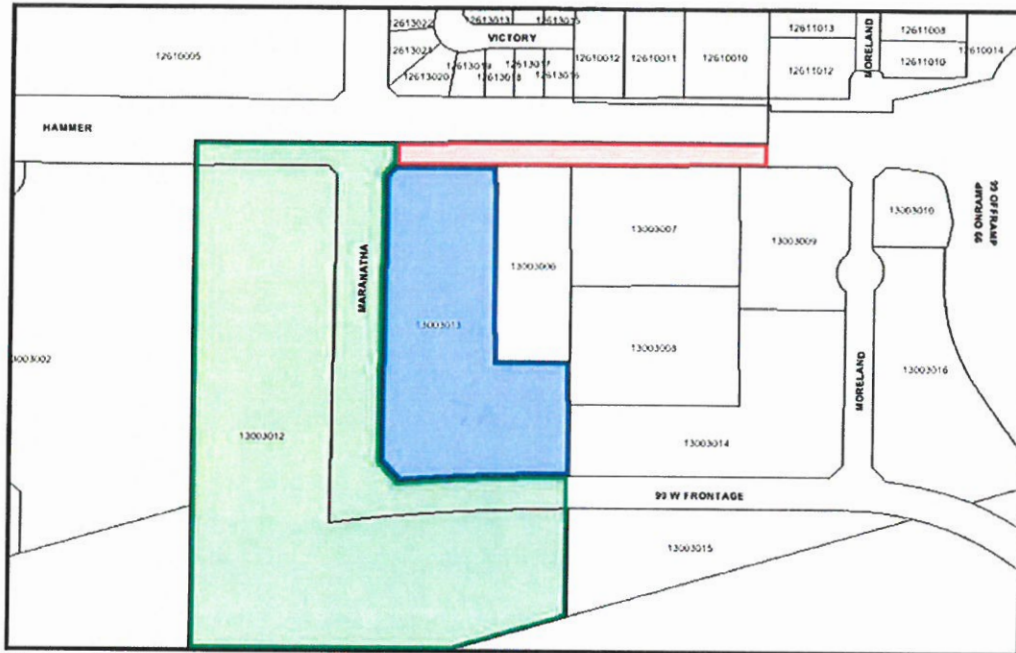


Figure A. Green: City of Stockton's Proposed Annexation Area; Red: Widened portion of East Hammer Lane that is currently within the County limits; Blue: Future parcel after SCG Properties finalizes the division of its parcel.

AT:SC

Final  
CITY SERVICES PLAN

FOR THE

CARMAX AUTO SUPERSTORE PROJECT

Stockton, CA

July 1, 2019

*Prepared for:*

CITY OF STOCKTON  
Community Development Department  
Planning Division  
345 N. El Dorado Street  
Stockton, CA 95202  
(209) 937-8266



Final  
CITY SERVICES PLAN  
FOR THE  
CARMAX AUTO SUPERSTORE PROJECT  
Stockton, CA  
With Statement on Agricultural Lands Conversion

July 1, 2019

*Prepared for:*  
CITY OF STOCKTON  
Community Development Department  
Planning Division  
345 N. El Dorado Street  
Stockton, CA 95202  
(209) 937-8266

*Prepared by:*  
BASECAMP ENVIRONMENTAL, INC.  
115 South School Street, Suite 14  
Lodi, CA 95240  
(209) 224-8213

# CARMAX AUTO SUPERSTORE PROJECT

## CITY SERVICE PLAN

### 1.0 INTRODUCTION

The City of Stockton (City) proposes to annex 13.26 acres of land and road right-of way currently under the jurisdiction of San Joaquin County (Figures 1-1 through 1-3). The proposed annexation area, hereinafter referred to as the “project site,” is located at the southwest corner of the intersection of Hammer Lane and Maranatha Drive, adjacent to and east of the Stockton city limits in northeastern Stockton. The project site consists of Assessor’s Parcel Number (APN) 130-030-12 and the right-of-way for the segment of Maranatha Drive abutting the parcel. The City proposes to pre-zone the project site to allow for future commercial development, including a CarMax Auto Superstore. The project site is within the City’s Sphere of Influence (SOI) and proposed 10-year planning horizon, as set forth in the City’s final draft of its Municipal Service Review.

This City Services Plan provides background information in support of the proposed annexation of the project site. It also is intended to ensure that the annexation complies with all San Joaquin Local Agency Formation Commission (LAFCo) rules and regulations, along with other applicable regulatory requirements such as the California Government Code.

#### 1.1 City Services Plan Contents

The City Services Plan for the project site includes the following sections:

##### 1.1.1 City Services Plan

Pursuant to 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. 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.

The City Services Plan has been prepared to fulfill these requirements. Overall, existing public services, with improvements proposed as part of the project, would be adequate to serve the project site and future development thereon. The project site would require extension of services provided by the City, including public safety and utility services. The level and range of these services is described in the City Services Plan. The design, engineering, and construction of these services and infrastructure improvements will be financed by developers of the project site, subject to approval by the City.

### 1.1.2 Agricultural Land Conversion Statement

The Agricultural Land Conversion Statement provides background on the project, including descriptions of the existing agricultural characteristics and uses of the project site and the soil types on the site. It also discusses the proposed annexation with regard to the following, pursuant to Government Code Section 56377:

- 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.

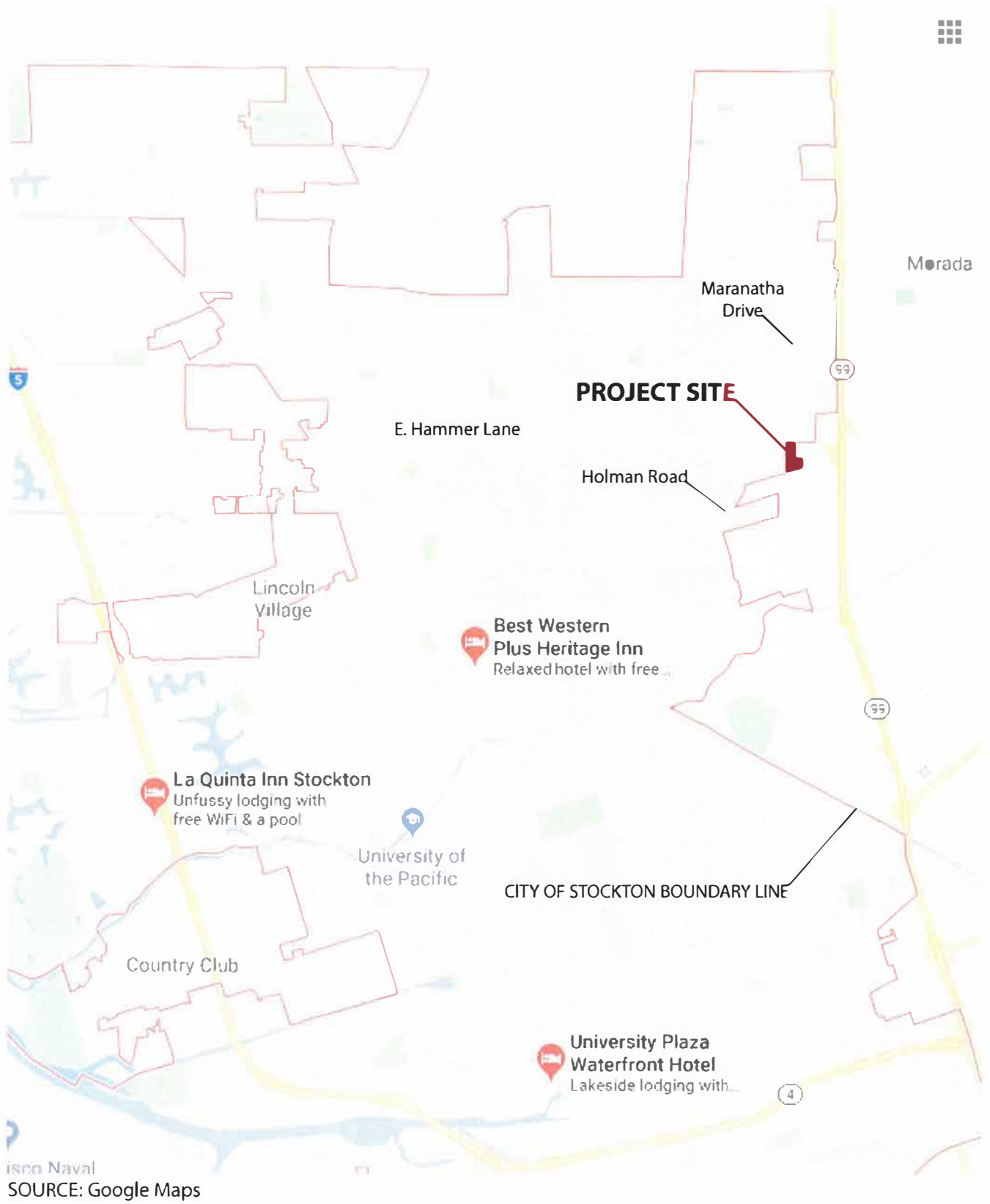
This section also analyzes the agricultural and conservation-related fees that are required to be paid as a result of the proposed conversion to urban uses.

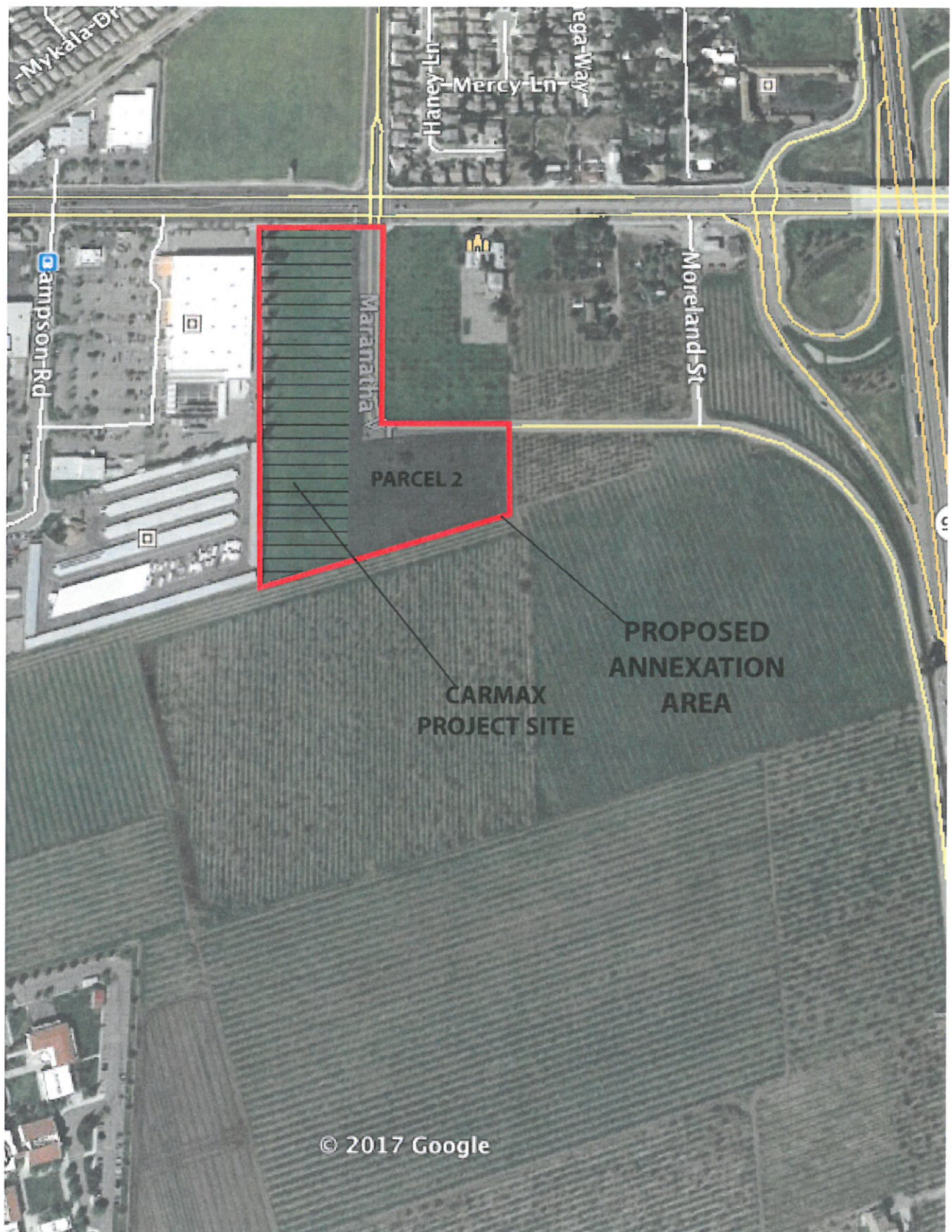
## 1.2 Justification and Findings

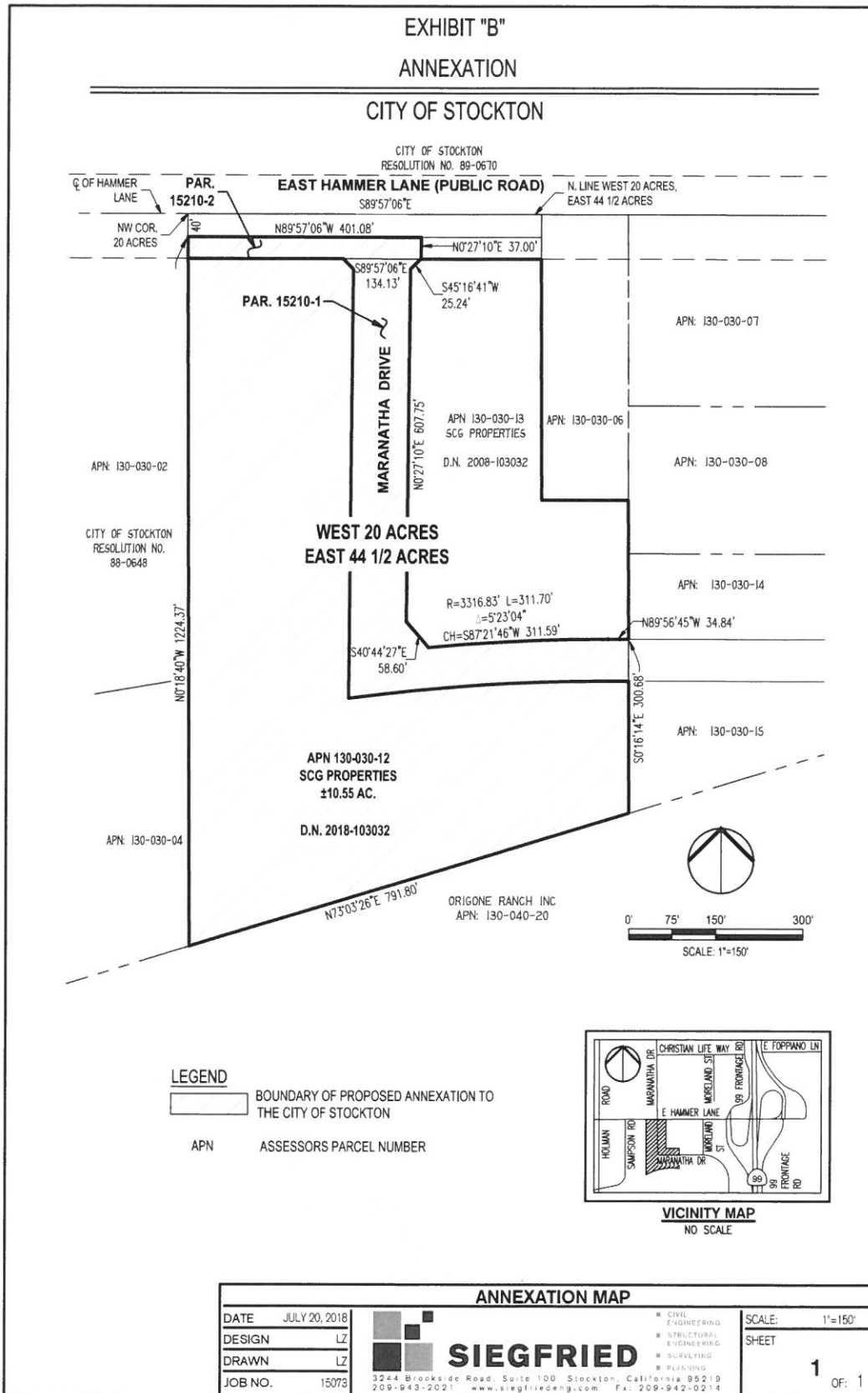
The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 *et seq.*) provides LAFCo with its authority, procedures, and functions. The Act gives LAFCo power to “approve or disapprove with or without amendment, wholly, partially or conditionally” proposals concerning the formation of cities and special districts, annexation or detachment of territory to cities and special districts, and other changes in jurisdiction or organization of local government agencies.

The following justification and findings are made in support of the proposed annexation request, pursuant to the criteria provided in Government Code Section 56337:

- 1) Lands within the annexation area are planned for urban uses in the Stockton General Plan.
- 2) The project is located within the City of Stockton Sphere of Influence and ten-year development timeframe.







- 1) The project proposes an orderly and logical boundary for annexation and is contiguous to the City limits.
- 2) The project creates a logical extension of the City boundaries and can be served by existing infrastructure.

## **2.0 CITY SERVICES**

The City of Stockton provides a full range of municipal services. These municipal services include public safety (police, fire, paramedics, building), sanitation (solid waste disposal, sanitary wastewater and stormwater utility), water utility, community development, library, parks and recreation, and general administrative services. These services will be extended to the project area upon annexation of the site.

### **2.1 Domestic Water Service**

Water systems in the City of Stockton Metropolitan Area use a combination of treated surface water and pumped groundwater from City wells. Stockton water purveyors include the City of Stockton Municipal Utilities Department (MUD), California Water Service Company, and San Joaquin County Maintenance Districts. Should the annexation application be approved, water service to the project site would be provided by the City of Stockton. The City provides water to service areas in North Stockton and South Stockton. The project site is in the North Stockton service area. The City has issued a will-serve letter for the project, specifying the water and other utility extension improvements that will need to be made in conjunction with the project.

Sources of water provided by the City of Stockton include purchases from the Stockton East Water District (SEWD) and the Woodbridge Irrigation District (WID), groundwater wells, and surface water from the Sacramento-San Joaquin Delta through its Delta Water Supply Project (DWSP). Water from SEWD is treated at its water treatment plant east of Stockton. Prior to operation of the DWSP in 2012, the City's planned delivery and allocation of SEWD treated water was 17,500 acre-feet per year (ac-ft/yr), which was 37.6 percent of SEWD's total supplies. The City currently plans to use 6,000 ac-ft/yr from SEWD. Under an agreement with WID, the City purchases 6,500 ac-ft/yr of water for municipal and industrial use. The WID supply will augment the DWSP supply. The DWSP draws water from the San Joaquin River and treats it at a plant in north Stockton. The DWSP currently treats an average of 15 million gallons per day (mgd), which provides the majority of the potable water supply for the City's service areas. The projected capacity of the DWSP by 2035 is 90 mgd with an annual production of approximately 50,000 ac-ft/yr. 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.

There are 23 groundwater wells in service in the North Stockton service area with pump design flows ranging from 550 to 2,800 gallons per minute (gpm). Groundwater is used

conjunctively with the City's surface water supplies. With the DWSP 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. The City has determined that the sustainable groundwater yield is 0.75 ac-ft/acre/yr, equivalent to a groundwater yield of approximately 50,000 ac-ft/yr. Based on available monitoring data, extraction rates appear to be below the sustainable yield of the groundwater basin. Extensive groundwater pumping in the past has caused movement of the saline waters eastward from under the Delta. A principal objective of the DWSP is to reduce groundwater overdraft and protect the groundwater basin from further saltwater intrusion and water quality degradation.

The North Stockton water system distributes water from the DWSP, SEWD, and groundwater wells. 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 two 3.43-MG storage tanks in northwest Stockton. 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 in diameter or less.

An existing 24-inch diameter City water transmission main and a parallel 12-inch service line are located beneath Hammer Lane at the project site and extending further east. The CarMax project will include installation of a new 12-inch service line the existing 12-inch line in Hammer Lane approximately 250 feet west to Maranatha Drive, then south along Maranatha Drive. An eight-inch looped water service would extend from two points along the Maranatha Drive line onto and through the CarMax.

The existing water connection fee charged by MUD for non-residential development varies from approximately \$2,218 to \$28,359, depending on the size of the water meter. For this analysis, a water meter size of two inches is assumed, the connection fee for which is approximately \$13,353. In addition, a DWSP surface water fee is applied, ranging from approximately \$5,223 to \$278,544, again depending on water meter size. For a two-inch water meter, the DWSP fee would be \$27,839. Water connection fees are payable upon issuance of a building permit. In addition, the City bills the property owner for water service on a monthly basis.

### Timely Availability of Water Supplies

California Government Code Section 56668(k) requires an assessment of the timely availability of water supplies for an annexation area. The Urban Water Management Plan (UWMP) for the City of Stockton's water system assessed the reliability of its water supply for its service area, which includes the project site. The UWMP includes a description of the water supply sources, projected water use, and a comparison of water supply water demands during normal, single-dry, and multiple-dry years. The definitions of the three



water year scenarios, as described by the State Department of Water Resources (DWR), are provided below.

1. Average year is a year, or an averaged range of years in the historical sequence that most closely represents median water supply availability to the agency. Normal and average are used interchangeably within the DWR guidebook.
2. Single dry year is the year with the lowest water supply availability to the agency.
3. Multiple-dry year period is the lowest average water supply availability to the agency for a consecutive multiple year period (three years or more) for a watershed since 1903.

As part of the UWMP, a Water Supply Reliability Assessment (WSRA) was conducted to determine the reliability of the City's water supply for all three water year scenarios from 2020 to 2040. This WSRA is currently the most up-to-date and reliable source of information regarding the City's long-term water supplies and their reliability. Under the normal water year scenario, water supply would exceed demand by 34,546 to 50,351 acre-feet per year. Under the single dry water year scenario, supply would exceed demand by 30,546 to 44,351 acre-feet per year. Under the third year of a multiple dry year scenario, supply would exceed demand by the same amounts as in the single dry year scenario.

The Stockton UWMP indicated that commercial activities used 2,553 acre-feet of water per year in 2015. In that same year, there were 2,567 connections to the City's water system. While water usage can vary greatly among commercial activities, for this analysis it is assumed that commercial water usage on the project site would be the average per commercial connection – approximately 0.99 acre-feet per year per connection. Since future commercial development is not known outside the CarMax development, a range of two to five connections is assumed. Based on this assumption, water demand from development on the project site would range from 1.98 to 4.95 acre-feet per year. When compared with the difference in water supply and demand described above, the City would have sufficient water supply for proposed future development on the project site, even in multiple dry years. Water can be readily provided from existing sources, without the need to acquire additional supplies or water rights.

It should be noted that the demand figures in these tables do not consider the amount of water that may be saved by active and passive water conservation programs, which are described in the City Service Plan. The City of Stockton Municipal Utilities Department has met and expects to be able to continue to meet annual water demands within its service area, which includes the project site, during differing hydrologic periods with surface water, groundwater, water conservation, and other potential water supplies such as non-potable supplies from local communities, raw surface water from local irrigation districts, and water from active groundwater storage projects.

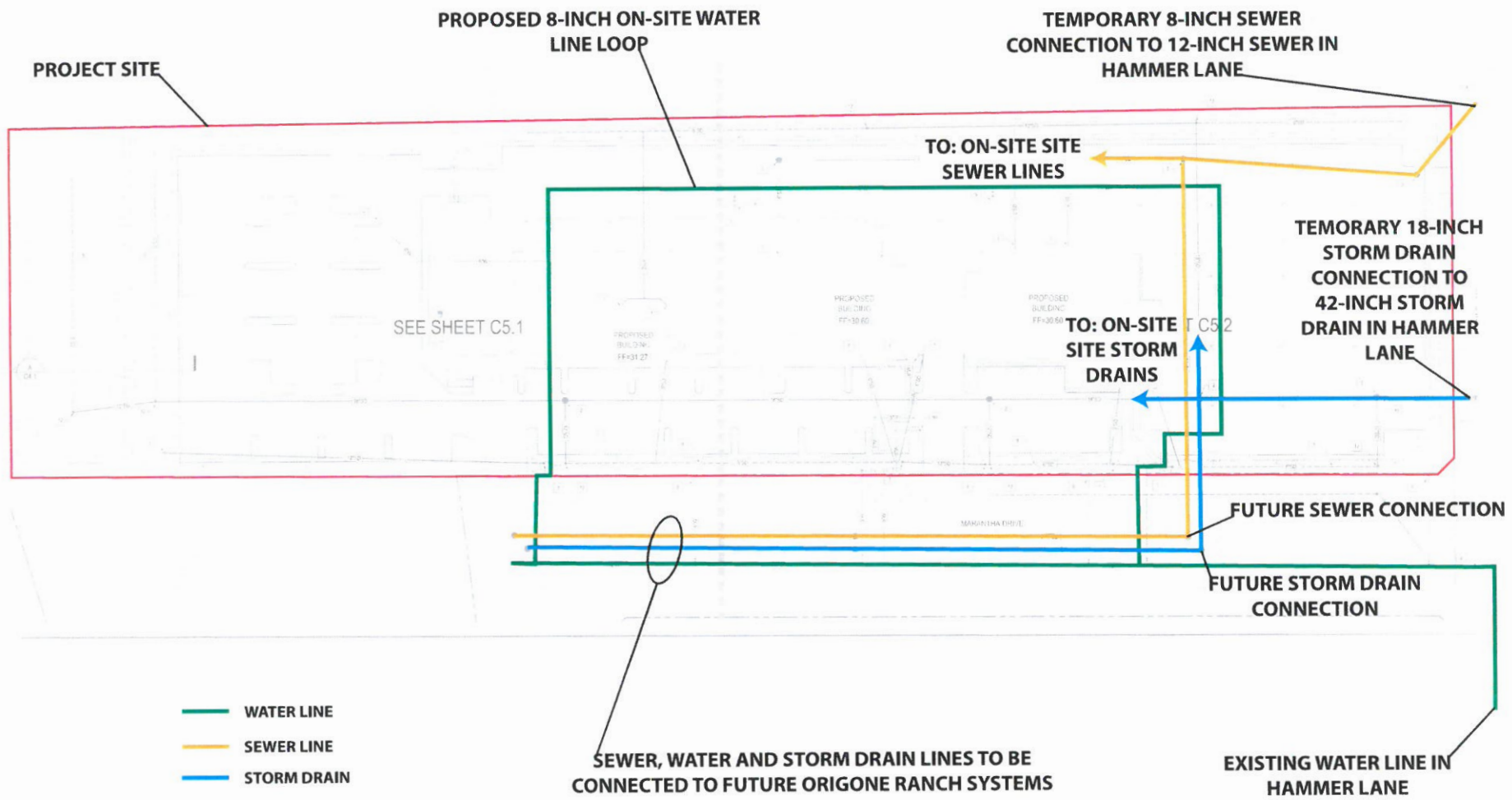


FIGURE 4  
 CARMAX PROPOSED UTILITIES

## **2.2 Wastewater**

As its most recent use was for agriculture, the project site does not have any individual wastewater disposal systems, and it is not connected to any wastewater collection and treatment systems. Should the annexation be approved, the project site would be served by the City's wastewater system.

The City's wastewater collection and treatment facilities consist of the Stockton Regional Wastewater Control Facility (RWCF) and the City of Stockton Wastewater Collection System Facilities. The RWCF provides primary, secondary, and tertiary treatment of municipal wastewater from throughout the city. The RWCF has a designed flow capacity of 55 mgd and average daily flow rate of 31.7 mgd. Treated effluent from the RWCF is dechlorinated and discharged to the San Joaquin River. The RWCF operations are regulated by its National Pollutant Discharge Elimination System (NPDES) Permit.

The City's sanitary sewer collection system is divided into 14 designated subareas or "systems." The project site is within the City's Wastewater Collection System No. 9. Pump stations are located throughout the city and are integral to the wastewater collection system. Most of the pump stations discharge to pressure sewers that convey flow under pressure either directly to the RWCF or to a downstream gravity sewer. Installation of the System 9 collection system will be completed in conjunction with anticipated future development of the Origone Ranch lands to the south of the project site.

Until completion of the Origone Ranch sewer connection, the project site will be connected to an existing 12-inch diameter sewer line located in Hammer Lane near the northwest corner of the site. Improvements to Maranatha Drive along the site frontage will include construction of a portion of the System 9 collection system, an eight-inch line, which will be unused in the near term. Future development of the Origone Ranch lands will include the extension of sewer lines from the project site further south along the future alignment of Maranatha Drive to the existing System 9 pump station adjacent to SR 99. When this linkage is available, CarMax will be required to disconnect from the Hammer Lane line and connect to the new line in Maranatha Drive, which will provide permanent service to the site. These and other project-related utility improvements are described in detail in the City's will-serve letter for the project.

The project site is within the North of Calaveras Sanitary Connection fee area. The existing sewer connection fee in that area is \$3,634. Sanitary sewer connection fees are payable upon issuance of a building permit. In addition, the City bills the property owner for wastewater service on a monthly basis.

## **2.3 Storm Drainage**

The City of Stockton SOI is situated just east of the Sacramento–San Joaquin Delta, a low-lying region of sloughs and channels connecting local waterways with the Suisan Bay and the San Francisco Bay. The city and surrounding areas with the SOI depend on creeks, rivers, and sloughs to collect and convey storm runoff to the San Joaquin River and the

Delta. The primary watercourses that drain the SOI include the San Joaquin River, Bear Creek, Mosher Slough, Five Mile Slough, Fourteen Mile Slough, Calaveras River and Stockton Diverting Canal, Smith Canal, and French Camp and Walker Sloughs. Most storm drains and pump stations within the service area have adequate capacity to collect stormwater drainage.

The project site is within the Calaveras River watershed. Sixteen storm drain pump stations discharge into the Calaveras River and the Diverting Canal. Of these, nine are considered major facilities pumping runoff from storm drains 36 to 72 inches in diameter. Most flow in the Calaveras River comes from the Stockton Diverting Canal, which discharges into the river upstream of the Union Pacific Railroad. Within the city, the Diverting Canal contains the predicted 100-year discharge of 15,000 cubic feet per second. Flood flows are contained within the channel banks along the Calaveras River and the Diverting Canal. The SJAFCA Locally-Constructed Flood Control Project included levee modifications and some limited floodwall construction to ensure that 100-year flows would be contained. This work also extended into Mormon Slough upstream of the Diverting Canal.

The Stormwater Utility Division of MUD operates and maintains 620 miles of pipe, 72 pump stations, and over 100 discharge pipes that collect and route runoff from the streets and gutters to local rivers, creeks, and sloughs. An existing 42-inch diameter storm drain line is located in Hammer Lane. Master-planned storm drainage service for the project site and vicinity will be developed in conjunction with future development of the Origone Ranch project area. New facilities will include a new storm drainage collection and pump station system discharging to the Calaveras River.

The proposed CarMax development will include development of on-site storm drainage detention and treatment systems; on-site facilities will discharge via an interim storm drainage connection to the existing storm drain line in Hammer Lane onto the site. Project-related improvements to Maranatha Drive will include installation of portions of the Origone Ranch storm drainage collection system, which will be unused for the time being. Permanent storm drainage service to CarMax will be provided upon future development of the Origone Ranch area; the project will be required to disconnect from the Hammer Lane storm when these facilities become available.

Stormwater quality is governed by CVRWQCB Order No. R5-2016-0040, NPDES No. CAS0085324. Stormwater discharges from the Stockton urbanized area are considered to contain significant sources of pollutants. Five Mile Slough, Mosher Slough, the Stockton Deep Water Channel, and the San Joaquin River are listed as “water quality impaired”.

The City of Stockton provides local management of the federal and state programs for implementation of the Clean Water Act’s National Pollutant Discharge Elimination System (NPDES). The regulations of the City’s Grading and Erosion Control Ordinance and the Storm Water Management and Discharge Control Ordinance establish local oversight of the state general permit system and effective control of storm water quality impacts. The design of drainage facilities is regulated by the City. The City Department of Public Works

Standard Specifications Section 71, Sanitary Sewers and Storm Sewers, and Section 79, Storm Water Basins, cover much of the design criteria for these facilities.

The City's General Plan commits the City to maintain existing storm drain and flood management facilities. The General Plan includes policies that ensure and require that stormwater drainage planning be addressed prior to development, including those that encourage the use of Best Management Practices to reduce stormwater runoff pollution. The City requires that any costs associated with new facilities and/or upgrades to existing facilities be offset through revenue and fees generated by future development and that all flood issues be adequately mitigated. In addition, the City will review future projects on an individual basis and require compliance with requirements (e.g., inspection fees) in effect at the time building permits are issued. The project site will be subject to these requirements.

## **2.4 Solid Waste Disposal**

City ordinance provides for mandatory collection of municipal refuse, which would apply to the project site. The City's franchise haulers provide solid waste collection in Stockton. Solid waste is disposed at existing County-owned and private landfill facilities. There is no shortage of landfill space available to the City.

Recent information regarding individual jurisdiction diversion of solid waste from landfills is no longer available. The most recent information from 2006 indicates that about 33% of the City of Stockton's solid waste is landfilled while the remainder is handled by one or more of the City's waste diversion (recycling) programs. Commercial businesses are now required to participate in the separation of waste process and are issued recycling containers that are collected in conjunction with containers of solid trash.

In order to increase construction and demolition debris recycling, the City of Stockton adopted a Construction and Demolition Debris Ordinance in 2008; the ordinance requires construction and demolition contractors to divert from the landfill 50% (by weight) of all waste generated and to document these reductions in written reports filed with the City. The proposed maintenance facility will be subject to this ordinance during the construction period.

The waste provider bills the property owner for collection service on a monthly basis, based on the size of collection container utilized.

## **2.5 Natural Gas, Electric, Telephone, and Cable Television Services**

Pacific Gas and Electric Company (PG&E) currently provide both natural gas and electric services to the project site vicinity. Local telephone service is provided by AT&T and cable television service is provided to the project by Comcast Cable Company. These systems would also provide these services to the project site, and the utilities do not anticipate concerns in serving the proposed project. Developer/utility company cost-sharing agreements will be executed to provide installation of facilities to serve the project site.

## **2.6 Police Protection**

Law enforcement services to the project site currently are provided by the San Joaquin County Sheriff's Department. Should the project site be annexed, law enforcement will be the responsibility of the Stockton Police Department (SPD). The SPD as of 2007 serves the area within City limits, covering more than 65 square miles. As of September 2017, the SPD consisted of 485 sworn officers, 41 police telecommunicators, and 186 civilian staff. The staffing level for the department 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 District, one of which (Valley Oak) is adjacent to the project site.

It is SPD's policy to respond to all emergency calls within a 3-5 minute time period. Currently, there are no adopted service levels for the SPD; however, the police department is aware that a higher level of service may be required as population increases. The project would receive law enforcement service during construction as well as upon completion of development.

Capital costs of Police Department expansion are accounted for by the City's Public Facilities Fee program. The City of Stockton has adopted a Public Facility Fee for police facilities payable upon issuance of a building permit. For retail land uses, the fee is \$54 per 1,000 square feet. The proposed CarMax development would involve 18,824 square feet of building area. Assuming an additional 27,000 square feet of future commercial development on the project site, an estimated \$2,475 in Public Facility Fees for police facilities would be generated. Additionally, in November 2014, Stockton's voters approved Measure A, which instituted a three-quarter cent (0.75%) sales tax to provide funding for law enforcement, crime prevention services, and other essential city services.

## **2.7 Fire Protection**

Fire protection services for the project site are presently provided by the Waterloo-Morada Fire District. Should annexation occur, the project site will be detached from this district, and fire protection services will be provided by the Stockton Fire Department (SFD).

The SFD provides fire protection, fire prevention services, paramedic emergency medical services 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 by the Fire Department include firefighting, fire prevention, fire hydrant maintenance, training, fire dispatch, hazardous materials intervention, and weed abatement services. The SFD currently serves an area of about 86 square miles and has about 181 total personnel.

The SFD has twelve stations located throughout the greater Stockton metropolitan area. The closest station to the project site is Station 13, located at 3606 Hendrix Drive, approximately 1.8 miles north of the project site. The station is equipped with one engine

and one emergency medical service rescue vehicle and is staffed by three firefighters, two of whom are also paramedics. The response time to the site from Station 13 would be between three and four minutes. The second responder would be Station 11, located at 1211 East Swain Road, approximately 1.9 miles southwest of the project site. This station has a single engine company with three firefighters. The response time to the site from this station would be from five to seven minutes (Phil Simon, SFD).

To provide adequate fire protection services, future development will coordinate with the SFD during the planning and design of the proposed project to ensure site access, response time, sprinkler requirements, water system design, and hydrant placement are acceptable. Improvements to the City of Stockton water system will also be constructed in conformance with the Uniform Fire Code fire flow standards, and hydrants will be placed in accordance with SFD standards.

As with police facilities, capital costs of fire station expansion are accounted for by the City's Public Facilities Fee program. The City of Stockton has adopted a Public Facility Fee for fire stations payable upon issuance of a building permit. For retail land uses, the fee is \$61 per 1,000 square feet. Using the same assumptions in estimating fees for police facility expansion, an estimated \$2,795 in Public Facility Fees for fire stations would be generated by the project.

## **2.8 Schools**

The project site is within the boundaries of the Stockton Unified School District (SUSD). The nearest public school to the project site is Cesar Chavez High School, located at 2929 Windflower Lane, less than one-half mile to the southwest. SUSD experiences overcrowding in their schools, however, SUSD coordinates with residential developers to ensure that sufficient capacity would exist within the school system to accommodate residential-related student generation.

The City will designate the project site for commercial development, so no residences that could house families with school-age children would be built. Nevertheless, to assist in meeting school construction costs, the SUSD would collect developer fees from future development on the project site in accordance with State law, based on a non-residential development rate of \$0.56 per square foot. Using the same assumptions described above, an estimated \$25,661 in school impact fees would be generated. Project development will contribute to these fees in conjunction with building permit issuance.

## **2.9 Parks and Recreational Facilities**

The City of Stockton provides park and recreational services. Panella Park is the nearest City park, approximately 1.1 miles southwest of the project site. Panella Park is equipped with picnic tables, playgrounds, sports fields, and restrooms. The Stockton General Plan establishes policies and standards for the size and siting of parklands.

The project site is vacant, and the City does not propose new residential development on the site that would increase park demands in the vicinity of the project site. Public Facility Fees for parklands are only assessed on new residential development. Future commercial development, which is proposed on the project site, is exempt from parkland fees. However, such development would be subject to the payment of Public Facility Fees for community recreation centers. For retail land uses, this fee would be \$20.25 per 1,000 square feet. Using the same assumptions in estimating fees for police facility expansion, an estimated \$928 in Public Facility Fees for community recreation centers would be generated. As with other Public Facility Fees, these fees would be payable upon issuance of a building permit.

## **2.10 Libraries**

The public library system is operated jointly by the City of Stockton and San Joaquin County. The nearest library to the project site is the Arnold Rue Branch Library, a “micro” library in the Arnold Rue Community Center on Lorraine Avenue in northeastern Stockton. The City’s Master Library Plan recommends the construction of a new library, which is planned in northeast Stockton adjacent to the Ronald McNair High School campus.

Capital costs of library expansion are accounted for by the City’s Public Facilities Fee program. The City of Stockton has adopted a Public Facility Fee for libraries payable upon issuance of a building permit. For retail land uses, the fee is \$48.50 per 1,000 square feet. Using the same assumptions in estimating fees as above, an estimated \$2,222 in Public Facility Fees for libraries would be generated.

## **2.11 Maintenance of Public Facilities/Other Governmental Services**

The existing roadways of Hammer Lane and Maranatha Drive will be maintained by the City of Stockton. No new public roadways would be constructed in conjunction with annexation and development of the project site. Future development of the project site will involve street improvements along frontages of Hammer Lane and Maranatha Drive, including curb, gutter and sidewalks, all of which would be designed and constructed according to City of Stockton standards.

With increased vehicular traffic resulting from the development of the project site, the need for road maintenance will increase. Future development will be responsible for payment of adopted Public Facility Fees for street improvements and traffic signals to fund intersection and roadway segment improvements identified in the City's Street Improvement Plan. For retail land uses, street improvement fees are \$3,177 per 1,000 square feet, which would generate approximately \$145,583 in street improvement fees. Traffic signal fees vary by proposed land use; they are \$342 per 1,000 square feet for automobile dealerships and \$1,271 per 1,000 square feet for small shopping centers. Assuming these land uses, approximately \$40,745 in traffic signal fees would be generated. The City of Stockton requires that these fees be paid prior to building permit issuance.



A Regional Transportation Impact Fee (RTIF) will be required of future development on the project site. The RTIF program's objective is to generate funding from new development projects that impact the Regional Transportation Network and integrate these funds with federal, state, and other local funding to make transportation improvements identified in the RTIF Program. Proposed improvements in the RTIF Program that are in the vicinity of the project site include the SR-99/Eight Mile Road interchange, the SR-99/Morada Lane interchange, and bus rapid transit (BRT) projects on March Lane and West Lane. The Regional Transportation Impact Fee on retail development is \$1,333.73 per 1,000 square feet, so future development would generate approximately \$61,117 of this fee.

The project proponent will also be responsible for construction of on-site road improvements, off-site improvements necessitated by the maintenance facility project and any proportionate shares based on the traffic loadings of improvements not included in the City's fee program. Construction costs for some of the off-site improvements necessitated by projects may be subject to reimbursement through the Public Facilities Fee program or future Areas of Benefit.

## **2.12 Summary of Finances to Support Services**

### **2.12.1 City Fees**

Table 2-1 summarizes the total fees that the proposed CarMax development and projected additional commercial development on the project site would pay, based on the current City fee schedule. Along with the fees described above, fees are also collected for the following:

- Expansion of City offices (\$22.50 per 1,000 square feet of retail)
- Air quality (\$689 per 1,000 square feet of retail)
- County facilities (\$478.33 per 1,000 square feet of retail)
- Surface water for SEWD (\$0.283 per square feet of retail/0.30)
- Related administrative costs (see below)

Mechanisms exist to ensure that the required Public Facilities Fees are paid and that public services can be maintained at appropriate levels. These mechanisms include various City ordinances and resolutions requiring the payment of fees and establishing updated fee schedules. Provision has been made by the City to adjust fee schedules annually to keep pace with infrastructure and public facility costs. As a result, the City of Stockton operates from year to year with a fee structure that reasonably anticipates and collects fees sufficient to meet all capital improvement needs associated with new development.

TABLE 2-1  
ESTIMATED CAPITAL FACILITY FEES FOR  
CARMAX AUTO SUPERSTORE ANNEXATION PROJECT

<b>Fee Category</b>	<b>Annexation Total</b>
a. City Office Space	\$1,031
b. Fire Protection	\$2,795
c. Libraries	\$2,222
d. Police Protection	\$2,475
e. Community Recreation Centers	\$928
f. Surface Water	\$3,890
g. Street Improvements	\$145,583
h. Parkland	\$0 <sup>1</sup>
i. Agricultural Lands Mitigation	\$0 <sup>2</sup>
j. Air Quality	\$31,573
<i>Subtotal of Items a. through j.</i>	<i>\$190,497</i>
k. Administrative Fee (2.5% of subtotals for Items a.- j.)	\$4,762
<i>Subtotal</i>	<i>\$195,259</i>
l. Water Connection Fee	\$41,192 <sup>3</sup>
m. Wastewater Connection Fee	\$3,634
<i>Subtotal of Items l. and m.</i>	<i>\$44,826</i>
Administrative Fee (3.5% of subtotals for Items l., m.)	\$1,569
Regional Transportation Impact Fee	\$61,117
<i>Subtotal</i>	<i>\$302,771</i>
n. Traffic Signal Fee	\$40,745
<b>GRAND TOTAL</b>	<b>\$343,516</b>

<sup>1</sup> See discussion contained in Section 2.9 Parks and Recreational Facilities

<sup>2</sup> See discussion contained in Section 3.0 Agricultural Land Conversion Statement

<sup>3</sup> See discussion contained in Section 2.1 Domestic Water

### 2.12.2 Estimated Project Revenues

As a Charter City, the City of Stockton benefits from the same revenue sources as general law cities, as well as a utility user tax. The City receives a portion of the property tax collected within the City limits, and receives franchise payments from electrical distribution, cable television and refuse collection activities. The major sources of revenue that will be generated by the project for the City of Stockton are shown in Table 2-2 and are described in detail below. The total revenue presented in Table 2-2 is a conservative estimate; property and sales tax revenues could be higher. Additionally, the City operates its public utilities (i.e., water and sewer) as enterprise functions, and it engages in a number of public recreation activities on a quasi-enterprise basis, subsidized by the general fund (e.g., golf courses, ice arena, civic auditorium).

TABLE 2-2  
ESTIMATED CITY REVENUES BASED ON TAX SOURCES  
AS A RESULT OF PROJECT

<b>Source</b>	<b>Revenue</b>
Property Tax	\$8,000*
Sales Tax	\$1,034,848*
Franchise Tax	\$3,115
Utility User Tax	\$9,345
Business License Fees and Taxes	\$2,500
<b>TOTAL</b>	<b>\$1,057,808</b>

\* Estimated minimum.

*Property Tax*

Property tax rates are set at 1% of assessed property value. The potential property tax revenues resulting from the project were based on information provided by the CarMax project applicant and the current City/County Revenue Sharing Agreement for annexations. Based on information provided by the CarMax project applicant, the annual property tax assessed on the project site would be \$100,000-\$125,000.

With approximately 60% of every property tax dollar allocated among the Stockton Unified School District, San Joaquin Delta Community College, and the State’s educational fund, the “available share” amounts to approximately 40% of the overall property tax revenue, which is divided between the County, the City, Stockton Metropolitan Transit, and other County agencies. The City/County Revenue Sharing Agreement, updated in 2015, provides that the available share of property tax revenue be split 80%/20% between the County and the City, respectively. Based on this, the City’s share of the total property tax amount would be \$8,000-\$10,000.

*Sales Tax*

Sales tax revenues make up a large share of the City’s budget. The current sales tax rate in the City of Stockton is 9.00%, with the City receiving 2.25% of taxable sales, 1.25% of which is a result of measures approved by City voters (Measure A – 0.75%, Measure W (police and fire) – 0.25%, Measure M (library and recreation) – 0.25%). Taxable sales activity would be generated by the proposed commercial land uses on the project site. Based on information provided by the CarMax project applicant, the project site is expected to generate \$65,000,000-80,000,000 in annual retail sales. The estimated City of Stockton sales tax revenue would be reduced by sales to non-residents who would not pay the additional 1.25% sales tax approved by the three measures noted above. It is estimated that by the City that 53% of sales would be to non-residents. Based on this, the estimated sales tax revenue from the project would be \$1,034,848-\$1,273,659.

### *Franchise Tax*

Franchise taxes are levied upon the providers of natural gas, electric, refuse removal and cable television service. The franchise tax, which is 2% for most utilities and 3% for cable TV, is levied upon the provider rather than the customer and is charged against all utility revenues. For the proposed CarMax project and additional projected commercial development, the estimated annual utility costs, and therefore utility provider revenues, would be approximately \$155,760 annually. As a result, commercial development on the project site would generate approximately \$3,115 annually in franchise tax revenues.

### *Utility User Tax*

A utility user tax is levied against utility charges for all non-public users of gas, electric, water, telephone and cable television services. This tax is 6% of a customer's monthly bill. As noted above, commercial development on the project site would generate approximately \$155,760 in utility costs annually. The project site would therefore generate an estimated \$9,345 annually in utility user tax revenues.

### *Business License Tax*

The City of Stockton assesses a business registration fee and a license tax on any person engaged in or carrying on any profession, trade, calling, occupation or business in the City. Beyond a registration fee of \$24, businesses are assessed at varying rates based typically on their gross receipts; gross receipts information for the annexation area is unknown. For the purposes of this analysis, it is assumed that there are five businesses within the project site, equal to the maximum number of water connections assumed in Section 2.1. Assuming each business is responsible for annual business license fees and taxes of \$500, this would yield an annual revenue increase to the City of \$2,500. This is considered a low estimate; gross receipt information is not available to provide a more realistic estimate.

### *State Subventions*

Gas tax, homeowners exemption, and motor vehicle license and other fees are grouped as various State of California taxes which, when distributed to local government, become a source of city revenue. Gas tax revenues are restricted in use to upgrading, constructing, and maintaining public roads. These revenues have typically been estimated on a per capita (population) basis. However, since the proposed project site is vacant and planned for commercial development, no new residential development is proposed. As a result, no substantial State subvention revenues would be generated.

### *Measure K – Local Street Repair*

The passage of Measure K in 1990 instituted a 1/2-cent sales tax dedicated to transportation improvement projects in San Joaquin County. Measure K provides funding for a system of improved highways and local streets, new passenger rail service, regional and interregional bus routes, park-and-ride lots, new bicycle facilities, and railroad crossings. Measure K was extended another 30 years by voter approval in 2006.

San Joaquin County and cities within the County share thirty-five percent (35%) of the sales tax revenue for local street repair. The local jurisdictions receive an annual funding allocation for local street repairs, safety and operations improvements. The local share of

Measure K funds is distributed by formula based primarily on the City's proportionate share of the overall County population. Since the proposed annexation would not involve any change in the City's population, there would be no substantial change in Measure K revenue.

#### *On-Site Public Infrastructure Improvements*

Development projects in Stockton are responsible for the costs of on-site public infrastructure improvements, including interior streets, sewer, water and storm drainage lines, and other infrastructure, and their connection to existing City systems. The developer is also responsible for street and utility improvements along project frontage on existing streets. Improvements of city or area-wide benefit may be subject to reimbursement. Some of these improvements have already been installed at the project site. However, further development would require substantial internal infrastructure improvements as well as improvements to the Maranatha Drive frontage. These costs would be the responsibility of the developers. The developers would also be responsible for infrastructure-related Public Facilities Fees described above.

### **2.13 Overall Impact of Project on City Budget**

As indicated in Table 2-1, the CarMax project would generate approximately \$343,516 in one-time capital facility fees to cover expenses associated with new or expanded public facilities and services. In addition, as indicated in Table 2-2, the project is expected to generate a minimum of \$1,057,808 in annual revenues to the City.

An Environmental Impact Report prepared for the project concluded that project impacts on the City's water, wastewater, and storm drainage systems would be less than significant. The City's wastewater system has adequate capacity to accommodate additional wastewater from the project, and existing sewer lines in the area can carry the anticipated flow. Supplies for the City's water system are sufficient to satisfy potential project demand, and no new supplies would need to be obtained. The project developer would provide the necessary water and sewer connections to the City's systems, along with storm drainage facilities to accommodate runoff in accordance with City standards. The City would not need to provide new or expanded facilities for the project. Expenses to provide these City utilities to the project site are expected to be minimal, and these expenses would be covered by monthly utility billing to the project activities.

The Environmental Impact Report also concluded that project impacts on services provided by the City, primarily fire and police protection, would be less than significant. While the project would place an additional demand for service on the City's fire and police departments, no new or expanded facilities would be required to accommodate this demand. Regardless, the project will be required to pay Public Facility Fees to the City for fire and police facilities. Expenses to provide City fire and police services to the annexation area are also expected to be minimal.

It is expected that the annexation would increase costs to the City of ongoing road maintenance, as segments of Maranatha Drive and Hammer Lane would be annexed. These

segments total approximately 1,555 linear feet. A rough approximation of the increased maintenance cost can be obtained by dividing the total miles currently maintained by the City of Stockton into total street maintenance cost, then applying the results to the segments to be annexed. According to the FY 2016-2017 budget for the City of Stockton, the City maintains 763 miles of streets at a cost of \$7,440,203. Based on these figures, the additional cost to maintain the segments of Maranatha Drive and Hammer Lane to be annexed would be approximately \$2,872. This is a rough estimate and may be high, as only one lane of Hammer Lane is proposed to be annexed.

In summary, the City would be expected to incur limited expenses in providing City services to the project site, while it would expect to receive substantial revenues from project activities. Thus, at the project level, the City would likely operate at a budget surplus.

### **3.0 AGRICULTURAL LAND CONVERSION STATEMENT**

The project site is in San Joaquin County, bounded by the limits of the City of Stockton on the north and west. The site is bounded by Hammer Lane to the north and Maranatha Drive to the east. Commercial development has occurred to the west of the project site, and residential development is located to the northeast. Vacant land is found to the north, south, and east. The Stockton General Plan designates the project site as Commercial. The project proposes annexation of one parcel totaling approximately 10.6 acres, along with adjacent street right-of-way for a total of 13.26 acres. The project site would be designated for commercial development, including a CarMax Auto Superstore.

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 San Joaquin LAFCo 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.

### **3.1 Agricultural Lands**

The project site and surrounding areas historically have been used for agriculture. In recent years, urban development has displaced much of the agriculture in the area, including commercial development up to the west boundary of the project site. The project site is currently a vacant parcel that has not been in active agricultural use since 2005 at the latest. The project site is adjacent to existing commercial property to the west, which contains a Home Depot superstore. A residential subdivision is on the northeastern corner of Hammer Lane and Maranatha Drive. Vacant commercially designated property is north of the site across Hammer Lane, and vacant land planned for commercial uses is to the east across Maranatha Drive.

The Important Farmland Maps, prepared by the California Department of Conservation as part of the Farmland Mapping and Monitoring Program (FMMP), designate the viability of lands for farmland use, based on the physical and chemical properties of the soils. The maps categorize farmland, in decreasing order of soil quality, as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance. Collectively, these categories, along with Grazing Land, are referred to as “agricultural lands” by the FMMP. According to the 2016 Important Farmland Map of San Joaquin County, the project site is designated as “Farmland of Local Importance.”

The project site is currently zoned by San Joaquin County as AU-20 (Agriculture-Urban Reserve). The AU zone 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 AU zone is not intended to preserve long-term agricultural use. The proposed land use and pre-zoning would be consistent with the intention of the AU zone, which provides for future urban development. As previously noted, the Stockton General Plan has designated the project site for Commercial development.

### **3.2 Soils**

There are several methods for classifying soil quality for agricultural uses. One method involves a soil capability rating provided by the Natural Resources Conservation Service (NRCS). This classification shows, in a general way, the suitability of soils for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects.

In the capability system, soils are generally grouped at three levels: capability class, subclass, and unit. Capability classes, the broadest groups, are designated by the numbers I through VIII. The numbers indicate progressively greater limitations and narrower choices for practical use. Based on this classification system, the soil on the project site,

which is Stockton clay, is a Class IV soil when not irrigated. A Class IV soil has very severe limitations that reduce the choice of plants or that require very careful management, or both. When irrigated, Stockton clay is a Class II soil, which has moderate limitations that reduce the choice of plants or that require moderate conservation practices. With irrigation, Stockton clay is considered a Prime Farmland soil.

### **3.3 Agricultural Land Conservation Policies and Programs**

#### **3.3.1 Agricultural Lands Mitigation Program**

Issues regarding conversion of agricultural lands to urban uses, and mitigation measures for such conversion, are the subject of ongoing dialogue in San Joaquin County and the City of Stockton. After completing a nexus study, the City of Stockton adopted an Agricultural Lands Mitigation Program in 2007. The program applies to projects that would convert Prime Farmland, Farmland of Statewide Importance, and Unique Farmland, as defined on the most recent Important Farmland Maps published by the California Department of Conservation, to a non-agricultural use.

The mitigation program currently requires that projects provide “agricultural mitigation land” - land encumbered by an agricultural conservation easement - on a 1:1 basis for each acre of important agricultural land converted by the project. The mitigation program provides that agricultural mitigation lands will be dedicated to a qualifying management entity such as the Central Valley Farmland Trust (CVFT). The purpose of the CVFT is to acquire or accept property interests, including conservation easements from willing sellers who want to preserve their farmland and related natural resources. CVFT seeks to obtain funding to hold and oversee conservation easements and other interests, to promote educational programs, policy projects and community involvement to protect farmland.

Alternatively, projects may pay the City’s established Agricultural Land Mitigation Fee, which is used to acquire conservation easements on agricultural land. The fee would be collected by the City, held in a dedicated account, and then expended by the City to acquire agricultural mitigation land or to pay for the monitoring and administrative costs of the program. The fees may also be transferred to a qualifying entity for the same purpose. Currently, the agricultural land mitigation fee for retail development is \$11,758 per acre of net parcel area. However, as noted, the FMMP has classified land on the project site as Farmland of Local Importance, which is not covered by the City’s Agricultural Lands Mitigation Program.

#### **3.3.2 Right to Farm Ordinance**

In addition to the agricultural mitigation fee, the City of Stockton has adopted a "Right to Farm" Ordinance (Stockton Municipal Code Section 16.36.040). The intent of this ordinance is to preserve agricultural operations in the City and County while minimizing conflicts with new urban development. Under the ordinance, no agricultural activity, operation, or facility, or appurtenances thereof conducted or maintained for commercial



purposes, and in a manner generally consistent with recognized minimum customs and standards, shall be or become a private or public nuisance due to any changed conditions in or about any land proximately located to any farming operation. A conclusive presumption shall apply in any administrative, civil, or criminal action or proceeding arising directly or indirectly from a decision by the City to convert proximately located land from agriculture to urban uses that all persons or entities enjoying or occupying the converted land had full knowledge of existing or future agricultural activity and operation and as a condition of enjoying, directly or indirectly, the benefits conferred by the land use decision of the City specifically waived any objection, complaint, or disagreement to the agricultural operator's right to continue conducting farming existing and future agricultural activities and farming operations.

The City's Right to Farm Ordinance requires each tentative subdivision map approved or use permit issued to convert proximately located land from agriculture to urban uses to contain a condition requiring the landowner report a deed restriction waiving any right to complain about or file any action concerning farming operations and practices. The approval of all parcel, tentative, or vesting tentative maps adjacent to or near agricultural lands shall require the owners, developers, or successors-in-interest to notify all purchasers of lots within the project site of the nature and extent of existing agricultural activities, operations, and facilities in the vicinity of the project site. This disclosure shall provide notice of the potential conflicts or effects of typical agricultural activities including, noise, odors, dust, agricultural spraying, agricultural burning, etc. Notice shall be provided in compliance with California Civil Code Section 3482.5, stating that typical agricultural activities shall not be considered a nuisance except as otherwise provided in that Civil Code section.

### 3.3.3 San Joaquin County Multi-Species Habitat Conservation and Open Space Plan

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. SJMSCP fees are typically collected at permit issuance. Currently, the fee for the conversion of agricultural land under the SJMSCP is \$19,400 per gross acre.

### **3.4 Conclusions on Agricultural Land Conversion**

While the project site contains land suitable for agriculture, it requires irrigation to be suitable. The project site has not been used for agriculture in more than ten years, and it is planned for urban uses in the Stockton General Plan. Despite the impact to potential 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. As such, the proposed annexation is not considered to have a significant impact on agricultural land in San Joaquin County.