



**Planning Commission Staff Report**  
**Item # 2, May 1, 2025**  
**Williamson Act Contract Cancellation No. PA-2300137**  
**Lot Line Adjustment No. PA-2500077**  
**Prepared by: Alisa Goulart**

**PROJECT SUMMARY**

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**Applicant Information**

**Property Owner:** The Richard B. and Anna R. Miller Trust, et al  
**Project Applicant:** Dillon and Murphy (c/o Joe Murphy)

**Project Site Information**

**Project Address:** 20861 East Walnut Drive, Linden  
**Project Location:** On the north side of East Walnut Drive, 3,050 feet east of North Wall Road, northeast of Linden.

<b>Parcel Number (APNs):</b>	091-310-38, -39, & -40	<b>Water Supply:</b>	Private
<b>General Plan Designation:</b>	A/G	<b>Sewage Disposal:</b>	Private
<b>Zoning Designation:</b>	AG-40	<b>Storm Drainage:</b>	Private
<b>Project Size:</b>	2.0 acres	<b>100-Year Flood:</b>	Yes (x[500])
<b>Parcel Size:</b>	21.09 acres	<b>Williamson Act:</b>	Yes
<b>Community:</b>	None	<b>Supervisorial District:</b>	4

**Environmental Review Information**

**CEQA Determination:** Notice of Exemption (Attachment C)

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**Project Description**

This project is a Williamson Act Contract Cancellation to remove a 2-acre portion of parcel number 091-310-40 from contract to facilitate a Lot Line Adjustment between 2 parcels resulting in a 2-acre parcel and a 19.09-acre parcel. Both parcels are currently under Williamson Act Contract No. WA-69-C1-0130, which does not permit a Lot Line Adjustment to result in a parcel less than 10 acres in size. A Notice of Nonrenewal (PA-2300138) has been recorded for the 2-acre portion, as required. The applicant intends to utilize the parcel to build a single-family residence.

**Recommendation**

1. Forward the Notice of Exemption to the Board of Supervisors with a recommendation to adopt (Attachment C);
2. Forward the County Assessor Valuation letter for the cancellation fee amount of \$25,000 to the Board of Supervisors with a recommendation to certify the fee to the County Auditor (Attachment G);
3. Forward the Finding No. 1 and the related subfindings for Williamson Act Contract Cancellation to the Board of Supervisors with a recommendation to adopt (Attachment D);

4. Forward Williamson Act Contract Cancellation No. PA-2300137 to the Board of Supervisors with a recommendation to approve the Tentative Certificate of Cancellation (Attachment F);
5. Forward Lot Line Adjustment No. PA-2500077 to the Board of Supervisors with a recommendation to approve with the recommended Conditions of Approval (Attachment H).

# NOTIFICATION & RESPONSES

(See Attachment B, Response Letters)

**Public Hearing Notices**

**Legal ad for the public hearing published in the Stockton Record:** April 21, 2025

**Number of Public Hearing notices:** 61

**Date of Public Hearing notice mailing:** April 18, 2025.

**Referrals and Responses**

- **Early Referral Date:** March 21, 2024
- **Negative Declaration Posting Date:** N/A
- **Project Referral with Environmental Determination Date:** February 12, 2025
- **OPR State Clearinghouse #:** N/A

Agency Referrals	Response Date – Early Consultation	Response - Date Referral
<b>County Departments</b>		
Assessor		
Ag Commissioner		
Community Development		
Building Division		
Fire Prevention Bureau		
Public Works	4/25/2024	4/17/2025
Environmental Health	4/2/2024	
Sheriff's Office		
Mosquito & Vector Control		
Supervisor: District 4		
<b>State Agencies</b>		
Fish & Wildlife, Division: 2		
Dept of Conservation		
<b>Federal Agencies</b>		
<b>Local Agencies</b>		
Linden-Peters Fire District		
Stockton East Water District		

Agency Referrals	Response Date – Early Consultation	Response - Date Referral
<b>Local Agencies</b>		
S.J.C.O.G.	4/3/2025	
Air Pollution Control District		
Dept. of Conservation		
<b>Miscellaneous</b>		
P.G.&E.		4/3/2025
Farm Bureau		
Sierra Club		

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# ANALYSIS

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## **Background**

On November 11, 2020, the Community Development Department approved Certificate of Compliance No. PA-2000195 recognizing a 0.15-acre lot (APN: 091-310-38) as separate from the remaining 20.94-acre lot (APN: 091-310-39). The full 21.07-acre lot was under Williamson Act Contract No. WA-69-C1-0130 and, following the recognition of 2 legal lots, both lots remained under contract. On June 14, 2023, the applicant submitted Williamson Act Contract Cancellation No. PA-2300137 concurrently with Williamson Act Contract Notice of Nonrenewal PA-2300138, to remove a 2-acre portion of the 20.94-acre lot from contract. While the Nonrenewal application was processed immediately according to procedure<sup>1</sup>, the Cancellation application was declared incomplete because the underlying project was not submitted. On March 24, 2025, the underlying project, Lot Line Adjustment No. PA-2500077, was submitted to move the lot lines of the 0.15-acre lot to create a 2-acre lot in the northwest corner of APN: 091-310-39.

## **Williamson Act**

On February 25, 1969, the Board of Supervisors approved Williamson Act Contract No. WA-69-C1-0130 on APN: 091-310-17, which included the project site. The Williamson Act program, also known as the California Land Conservation Act, was established in 1965 and is a contract between a private landowner and the County that restricts land to agricultural or open space uses. Parcels under contract are assessed for property tax purposes at a rate consistent with their actual use, rather than their potential market value. The minimum initial term of the contract is 10 years and the contract automatically renews each year for an additional year unless a “Notice of Nonrenewal” is filed which begins the termination process over a 10-year period. Property owners can also submit a Williamson Act Contract Cancellation to request an immediate termination of the contract and must submit a Notice of Nonrenewal concurrently. Notice of Nonrenewal applications are processed at staff level, while Williamson Act Contract Cancellation applications may only be granted by the Board of Supervisors.

## **Lot Line Adjustments**

The California Land Conservation Act regulates Lot Line Adjustments involving parcels under a Williamson Act Contract.<sup>2</sup> Among the regulations is the requirement that the parcels subject to contract must be large enough to sustain their agricultural use after the Lot Line Adjustment, which is defined as a minimum of 10 acres of prime farmland or 40 acres of non-prime farmland.<sup>3</sup> The project site is designated as Prime Farmland by the Department of Conservation Farmland Mapping and Monitoring Program.

Approval of Lot Line Adjustment No. PA-2500077 will result in a 2-acre parcel, which does not meet the minimum size requirement for parcels designated as prime farmland under a Williamson Act Contract. Therefore, in order to facilitate the Lot Line Adjustment, the applicant has applied for a contract cancellation of the 2-acre portion.

## **Cancellation**

Pursuant to Government Code Section 51282(a) and Development Title Section 9-702.090, the Board of Supervisors may grant tentative approval for cancellation of a Williamson Act contract only if the Board of Supervisors makes at least 1 of 2 findings found in Government Code Section 51282(a) and summarized below:

1. The cancellation is consistent with the purposes of the Williamson Act; and/or
2. The cancellation is in the public interest.

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<sup>1</sup> Government Code Section 51245

<sup>2</sup> Government Code Section 51257

<sup>3</sup> Government Code Section 51222

The applicant provided the bases to make Finding No. 1, that the cancellation is consistent with the purposes of the Williamson Act, and has provided analysis based on the required subfindings. (Attachment D) Staff recommends that this finding can be made in the affirmative.

*Cancellation Value and Cancellation Fees*

If the Planning Commission recommends approval of the cancellation to the Board of Supervisors, the Board of Supervisors will either deny the request or approve a Tentative Certificate of Cancellation with conditions and contingencies, including a cancellation fee calculated by the County Assessor. Before the Board can execute a Final Certificate of Cancellation, the landowner must pay the cancellation fee and satisfy any additional conditions and/or contingencies imposed by the Board.


The County Assessor is responsible for computing the cancellation fee for the subject property based on 12.5% of the current market value. (Attachment G) Prior to approving a Tentative Certificate of Cancellation, the Board of Supervisors must certify the amount of the cancellation fee to the County Auditor. The fee calculation by the County Assessor is provided below:

APN: 091-310-40:

As-is Current Market Value	\$200,000
<u>12.5% Cancellation Rate</u>	<u>x .125</u>
Cancellation Fee	\$ 25,000

**CEQA Exemption**

The Community Development Department determined that the proposed Williamson Act Contract Cancellation and Lot Line Adjustment are exempt from CEQA under Categorical Exemption Class 4 (CEQA Guidelines Section 15304) and Class 5 (CEQA Guidelines Section 15305). The Class 4 exemption states that projects consisting of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes are exempt from CEQA review. The Class 5 exemption includes minor alterations in land use limitations including minor lot line adjustments. Although this project will change the status of the Williamson Act contract and alter existing lot lines, it will not result in more than minor alterations to the land or the land use, therefore is exempt from CEQA.

 If the application is approved, a Notice of Exemption will be filed following approval of the Final Certificate of Cancellation. (Attachment C)

## **RECOMMENDATION**

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It is recommended that the Planning Commission:

1. Forward the Notice of Exemption to the Board of Supervisors with a recommendation to adopt (Attachment C);
2. Forward the County Assessor Valuation letter for the cancellation fee amount of \$25,000 to the Board of Supervisors with a recommendation to certify the fee to the County Auditor (Attachment G);
3. Forward the Findings No. 1 and the related subfindings for Williamson Act Contract Cancellation to the Board of Supervisors with a recommendation to adopt (Attachment D);
4. Forward Williamson Act Contract Cancellation No. PA-2300137 to the Board of Supervisors with a recommendation to approve the Tentative Certificate of Cancellation (Attachment F).
5. Forward Lot Line Adjustment No. PA-2500077 to the Board of Supervisors with a recommendation to approve with the recommended Conditions of Approval (Attachment H)

### **Attachments:**

Attachment A – Site Plan and Map

Attachment B – Agency Response Letters

Attachment C – Environmental Document – Notice of Exemption

Attachment D – Findings for Williamson Act Contract Cancellation

Attachment E – Williamson Act Contract Cancellation No. PA-2300137

Attachment F – Tentative Certificate of Cancellation

Attachment G – Assessor's Valuation

Attachment H – Lot Line Adjustment No. PA-2500077 Conditions of Approval

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## Community Development Department

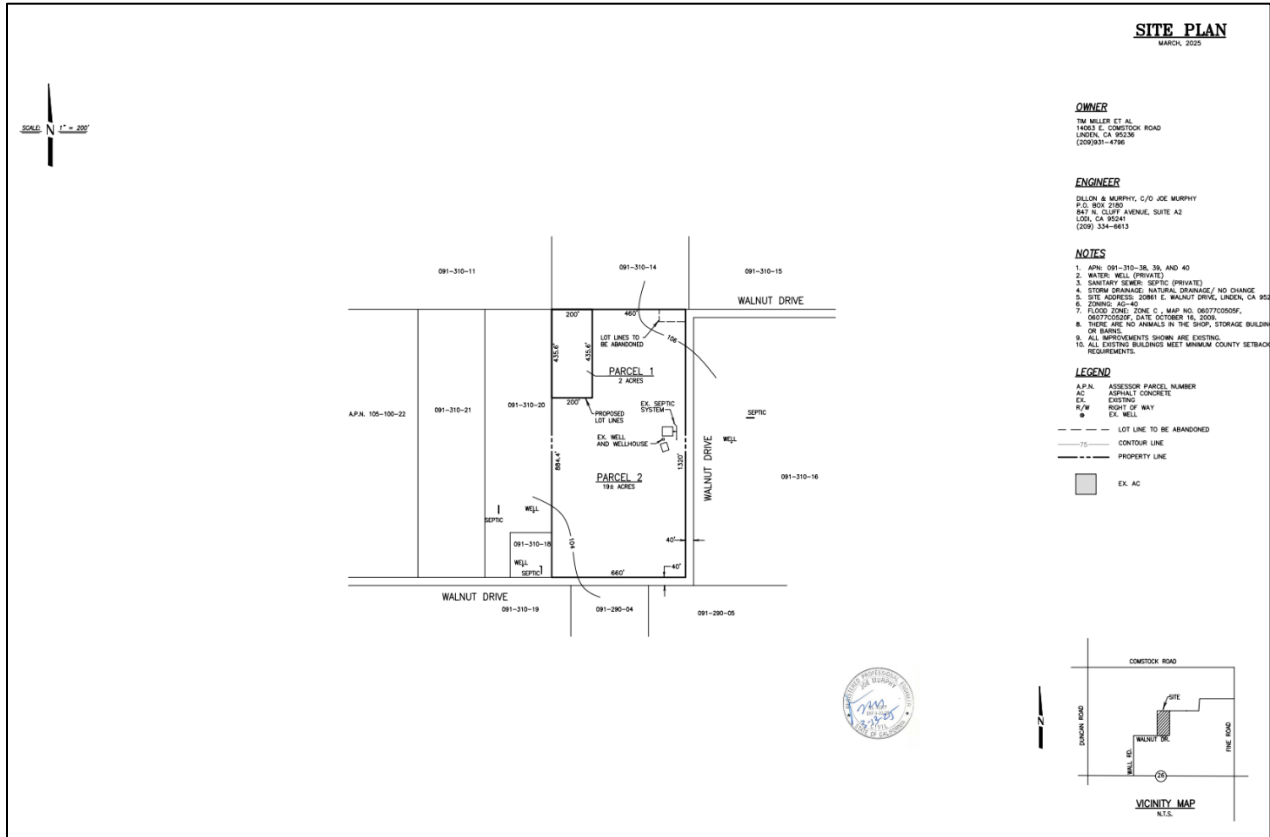
Planning · Building · Code Enforcement · Fire Prevention

# Attachment A Site Plan and Map

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# SITE PLAN

Lot Line Adjustment No. PA-250077



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## Community Development Department

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

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**Department of Public Works**

**Fritz Buchman, Director**

**Alex Chetley, Deputy Director - Development**

**Kristi Rhea, Deputy Director - Administration**

**David Tolliver, Deputy Director - Operations**

**Najee Zarif, Deputy Director - Engineering**

April 17, 2025

**MEMORANDUM**

**TO:** Community Development Department  
CONTACT PERSON: Alisa Goulart

SR

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

**SUBJECT:** PA-2300137, -138, and PA-2500077 (WC, WN, LA); A Lot Line Adjustment application between 2 parcels. Parcel 1 to contain 2 acres. Parcel 2 to contain 19.09 acres. Both parcels are accessed from E. Walnut Drive. Both parcels will utilize onsite wells and septic systems and natural drainage for storm water. These parcels are under Williamson Act contract. This application is tied to Williamson Act Nonrenewal Contract No. PA-2300138 and Williamson Act Contract Cancellation No. PA-2300137 to cancel a 2-acre portion from the contract; located on the north side of E. Walnut Drive, 3,170 feet east of N. Wall Road, Linden.

(Supervisory District 4)

**OWNERS:** Richard L. and Eleanor B. Miller

**APPLICANT:** Dillon & Murphy

**ADDRESS:** 20861 E. Walnut Drive, Linden

**APN:** 091-310-38, -39, -40

**INFORMATION:**

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

Walnut Drive has an existing right-of-way width of 40 feet and a planned right-of-way width of 50 feet.

**RECOMMENDATIONS:**

- 1) Prior to change of ownership of either parcel OR prior to the release of any non-agricultural building permit on Parcel 1: a minimum 25-foot-wide private right-of-way or access easement shall be made across Parcel 2 for the benefit of Parcel 1.
- 2) A Recorded Deed is allowed, but if points or lines are set, a Record of Survey is required to be filed with the County Surveyor. (New legal description shall be submitted to Surveyor's office for review.) (Development Title Section 9-511)

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

PA-2300137, -138, and PA-2500077 (WC, WN, LA)

3) New description must reflect correct distance with qualifiers to avoid overlap or gap.

SR:GM:FS



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## Environmental Health Department

**Jasjit Kang, REHS, Director**

Muniappa Naidu, REHS, Assistant Director

**PROGRAM COORDINATORS**

Jeff Carruesco, REHS, RDI

Willy Ng, REHS


Steven Shih, REHS

Elena Manzo, REHS

Natalia Subbotnikova, REHS

April 2, 2024

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

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

RE: **PA-2300137 (WC), Early Consultation, SU0015711**  
**20861 E. Walnut Dr., Linden**

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

1868 E. Hazelton Avenue | Stockton, California 95205 | T 209 468-3420 | F 209 464-0138 | [www.sjgov.org/ehd](http://www.sjgov.org/ehd)



April 18, 2025

Ref: Gas and Electric Transmission and Distribution

Hello,

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

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

Below is additional information for your review:

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

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

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

Sincerely,

Plan Review Team  
Land Management

### Attachment 1 – Gas Facilities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Attachment 2 – Electric Facilities

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

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

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

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

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

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

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

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

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



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## Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

# Attachment C

## Notice of Exemption

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Jennifer Jolley, Director

Eric Merlo, Assistant Director

Tim Burns, Code Enforcement Chief

Corinne King, Deputy Director of Planning

Jeff Niemeyer, Deputy Director of Building Inspection

**NOTICE OF EXEMPTION**

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

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

County Clerk, County of San Joaquin

**Project Title:** Williamson Act Contract Cancellation No. PA-2300137 and Lot Line Adjustment No. PA-2500077

**Project Location - Specific:** The project site is on the north side of E. Walnut Drive, 0.5 miles east of N. Wall Road, Linden. (APN/Address: 091-310-38, -39, -40 / 20861 E. Walnut Dr., Linden) (Supervisorial District: 4)

**Project Location – City:** Linden

**Project Location – County:** San Joaquin County

**Project Description:** This project is a Williamson Act Contract Cancellation to remove a 2-acre portion of parcel number 091-310-40 from contract to facilitate a Lot Line Adjustment between 2 parcels resulting in a 2-acre parcel and a 19.09-acre parcel. Both parcels are currently under Williamson Act Contract No. WA-69-C1-0130, which does not permit a Lot Line Adjustment to result in a parcel less than 10 acres in size.

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

**Project Proponent(s):** Richard Miller ET AL / Dillon & Murphy

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

**Name of Person or Agency Carrying Out Project:** Alisa Goulart, Associate Planner  
 San Joaquin County Community Development Department

**Exemption Status:**  
 Categorical Exemption. (Sections 15304 and 15305)

**Exemption Reason:**  
 This project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15304 which consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes and Section 15305 which consists of minor alterations in land use limitations including minor lot line adjustments.

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Gerardo Altamirano Title: Deputy County Clerk

Signed by Lead Agency

Date Received for filing at OPR: \_\_\_\_\_

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

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# **Attachment D**

## **Findings for Williamson Act Contract Cancellation**

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# FINDINGS FOR WILLIAMSON ACT CONTRACT CANCELLATION

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PA-2300137

1. That the cancellation is consistent with the purposes of the Williamson Act;

**This finding that the cancellation is consistent with the purposes of the Williamson Act can be made in the affirmative as described below in the subfindings.**

- a. The cancellation is for land on which a Notice of Nonrenewal has been served pursuant to Section 51245 of the Government Code.

**This subfinding can be made because the landowner has served a Notice of Nonrenewal pursuant to Section 51245 of the Government Code. On June 14, 2023, the property owner submitted Notice of Nonrenewal No. PA-2300138 for the 2.0-acre portion of the parcel (APN: 091-310-40).**

- b. The cancellation is not likely to result in the removal of adjacent lands from agricultural use.

**This subfinding can be made because the proposed cancellation for the 2-acre portion of the parcel is to allow a homesite for a family member. With the exception of the envelope of the residence, the remaining parcel area will remain in agriculture as it is currently farmed in conjunction with the property owner's adjoining 20-acre parcel. Other parcels in the area are large enough to develop homesite parcels through the subdivision process, which could also remove 2 to 5 acres from agricultural use, which is a permitted use and would not change as a result of this cancellation request, if approved.**

- c. The cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan.

**This subfinding can be made because the alternative use for the 2.0 acres that are proposed for removal from Williamson Act contract is a homesite. This parcel is designated as General Agriculture (A/G) in the 2035 General Plan, and residences are a permitted use on parcels designated as A/G. As a result, the alternative use of the site is consistent with the General Plan.**

- d. The cancellation will not result in discontinuous patterns of urban development.

**This subfinding can be made because the zoning of the subject lots (General Agriculture) is consistent with the zoning designations of the surrounding lots and the cancellation will not result in development that is not permitted on surrounding lots. The General Agriculture zoning designation permits a maximum of one single family residence and one accessory dwelling unit. Therefore, the cancellation will not result in discontinuous patterns of urban development.**

- e. There is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

**This subfinding can be made because the property owners do not own any contracted proximate land that could be used in the Lot Line Adjustment. The purpose of the application is to create a parcel suitable for a homesite. This application does not promote urban development as rural homesites are not an urban use and the remainder of the property will continue to be farmed.**

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# **Attachment E**

## **Williamson Act Contract Cancellation Application**

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# APPLICATION – CONTRACT CANCELLATION

SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

FILE NUMBER: **PA2300137**

TO BE COMPLETED BY THE APPLICANT PRIOR TO FILING THE APPLICATION		
Owner Information		Applicant Information
Name: Tim Miller, et al	Name: Dillon & Murphy, c/o Joe Murphy	
Address: 14063 E. Comstock Road Linden, CA 95236	Address: PO Box 2180 Lodi, CA 95241	
Phone: 209-931-4796	Phone: 209-334-6613	
PROJECT DESCRIPTION		
Proposal		
Description of the proposed project (proposed alternative use of the property):		
We would like to take two acres out of Contract to be used at a later date as a homesite parcel for a family member.		
Existing General Plan Designation: A/G		
Is the proposed use consistent with the General Plan Designation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "No", explain:		
PROPERTY AND VICINITY DESCRIPTION		
Property Information		
Assessor Parcel Number(s)	Property Size	Number of Parcels
091-310-17	19.09 Ac	one
Property Address: 20861 E. Walnut Drive, Linden, CA 95236		
Williamson Contract Number(s): 690130		Date:
Notice of Non-Renewal filed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Date filed: September 1, 2022

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# APPLICATION – CONTRACT CANCELLATION

SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

FILE NUMBER: PA-\_\_\_\_\_

PROPERTY AND VICINITY DESCRIPTION (Continued)	
<b>Existing Land Uses</b>	
Uses On-Site (description of Ag Crops):	Walnuts and a residence
Uses to the North:	Walnuts
Uses to the East:	Walnuts
Uses to the South:	Walnuts
Uses to the West:	Walnuts and a residence
<b>ENVIRONMENTAL INFORMATION</b> (USE ADDITIONAL PAPER, IF NECESSARY)	
<b>Water, Drainage and Flooding</b>	
Describe any areas subject to flooding (include flood depths and flood panel map number):	
No zones are subject to flooding. FEMA Flood Map 06077C0365F Zone X and FEMA Floor Map 06077C0370F Zone X	
Describe the current depth of the ground water and depth to potable water:	
Potable is 180' +/-, Groundwater is 150' +/-	
Describe any existing drainage courses or eroded areas on or near the project site (e.g. rivers, creeks, swales or drainage ditches):	
N/A	
<b>Land, Land Use and Biota</b>	
Describe the site's topography (e.g. land forms, slopes, etc.):	
Flat	
Describe agricultural land that will be lost as a result of the project (type of crops, acres, quality of soil, etc.):	
None	
Describe any wildlife habitat on-site and species that are or may be present:	
Native birds and rodents.	

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## APPLICATION – CONTRACT CANCELLATION

SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

FILE NUMBER: PA-\_\_\_\_\_

Land, Land Use and Biota (Continued)
Describe any vegetation on-site by type and extent:
Walnuts
Air Quality
Describe air pollutants that may result from the project (e.g. construction related dust, vehicle trips per day, fire places, incinerators, etc.):
N/A
Other
Describe any items of historical or archaeological interest on-site (e.g. cemeteries or structures):
N/A
Describe any on-site or off-site sources of noise or vibration (e.g. freeway noise, heavy equipment, etc.):
N/A
Describe any on-traffic increases:
N/A
Describe any on-site or off-site source of odor (e.g. agricultural wastes):
N/A
Describe any displacement of people that will be caused by the project (e.g. numbers of people, housing units):
N/A

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Williamson Act Contract Cancellation (Revised 05-11-09)



# APPLICATION – CONTRACT CANCELLATION

SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

FILE NUMBER: PA-\_\_\_\_\_

## AUTHORIZATION SIGNATURES PAGE 1

ONLY THE OWNER OF THE PROPERTY OR AN AUTHORIZED AGENT MAY FILE AN APPLICATION.

I, the Owner/Agent agree, to defend, indemnify, and hold harmless the County and its agents, officers and employees from any claim, action or proceeding against the County arising from the Owner/Agent's project.

I, further, certify under penalty of perjury that I am (check one):

Legal property owner (owner includes partner, trustee, trustor, or corporate officer) of the property(s) involved in this application, or

Legal agent (attach proof of the owner's consent to the application of the property's involved in this application and have been authorized to file on their behalf, and that the foregoing application statements are true and correct.

Print Name: <u>Timothy L. Miller</u>	Signature: <u>[Signature]</u>	Date: <u>9/6/02</u>
Print Name: <u>Eleanor Miller</u>	Signature: <u>[Signature]</u>	Date: <u>9/6/02</u>
Print Name: <u>Mark Miller</u>	Signature: <u>[Signature]</u>	Date: <u>9/6/02</u>
Print Name: <u>Anna R. Miller</u>	Signature: <u>[Signature]</u>	Date: <u>9-16-22</u>
Print Name: <u>Richard B Miller</u>	Signature: <u>[Signature]</u>	Date: <u>9-16-22</u>

## FINDINGS

### FINDINGS

In order to grant tentative approval to an application for contract cancellation, the Board of Supervisors must make either of the set of findings below:

- The cancellation is consistent with the purposes of the Williamson Act because:
  - The cancellation is for land on which a Notice of Nonrenewal has been served pursuant to Section 51245 of the Government Code.
  - The cancellation is not likely to result in the removal of adjacent lands from agricultural use.
  - The cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan.
  - The cancellation will not result in discontinuous patterns of urban development.
  - There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

---- OR ----
- The cancellation is in the public interest because:
  - Other public concerns substantially outweigh the objectives of the Williamson Act.
  - There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contract land be put, or, development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

Note: On a separate sheet (s) of paper, please indicate which of the two findings you think can be made to support your request for contract cancellation including the required subfindings. These findings that you provide will be included with the staff report that is prepared by staff and distributed to the Board of Supervisors.



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# **Attachment F**

## **Williamson Act Cancellation**

### **Tentative Certificate of Cancellation**

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DRAFT

AFTER RECORDING, RETURN TO:  
San Joaquin County Community Development Department  
1810 Hazelton Avenue, Stockton, CA 95205  
Attn: Alisa Goulart

RECORDING INITIATED BY:

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

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

RESOLUTION

R-XX-XX

RESOLUTION APPROVING TENTATIVE WILLIAMSON ACT CONTRACT CANCELLATION NO. PA-2300137 OF  
THE RICHARD B. AND ANNA R. MILLER TRUST, ET AL  
-----

WHEREAS, on (date), 2025, the Board of Supervisors did conduct a public hearing on said matter, notice of which hearing was given in accordance with law, and oral and documentary evidence having been received in favor of or opposed to said matter, and this Board of Supervisors being advised on the premises.

NOW, THEREFORE, BE IT RESOLVED by this Board of Supervisors that said Williamson Act Contract Cancellation be, and it hereby is approved, with the following conditions and contingencies:

Pay the full amount of the cancellation fee of \$25,000. Unless the fee is paid within the time period specified by the County Assessor, said fee shall be computed as of the date of the notice from the landowner that all other conditions and contingencies have been satisfied.

PASSED AND ADOPTED (date) by the following vote of the Board of Supervisors, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

By \_\_\_\_\_  
Deputy Clerk

Clerk of the Board of Supervisors  
Of the County of San Joaquin,  
State of California

\_\_\_\_\_

Chair, Board of Supervisors  
County of San Joaquin,  
State of California

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### **Attachment G** **Williamson Act Cancellation** **Assessor's Valuation**

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**Office of the Assessor-Recorder-County Clerk**

Steve J. Bestolarides, Assessor-Recorder-County Clerk

Karyn Johnson, Assistant Assessor-Recorder-County Clerk

January 17, 2025

Certified Mail # 7000 0520 0019 1679 1127  
Alisa Goulart  
San Joaquin County  
Community Development Department  
1810 E. Hazelton Avenue  
Stockton, CA 95205

Re: Williamson Act Contract Cancellation Value for Assessor Parcel Number **091-310-400-000**

Dear Ms. Goulart:

Pursuant to Section 51283(a) of the Government Code, we certify the "Current Market Value" of the subject property noted above, as of July 25, 2024, is:

**\$200,000**  
**(Two Hundred Thousand Dollars)**

Applying the 12.5 percent cancellation rate indicates a cancellation fee, as follows:

**$\$200,000 \times 0.125 = \$25,000$**

If I can be of any further assistance, please feel free to contact me at 209-468-0851.

Respectfully,

Matthew Chelli  
Appraiser IV

44 N. San Joaquin Street, Suite 230 | Stockton, California 95202 | T 209 468 2630 | F 209 468 0422

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# **Attachment H**

## **Lot Line Adjustment**

### **Conditions of Approval**

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# CONDITIONS OF APPROVAL

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PA-2500077  
MILLER / DILLON AND MURPHY

Lot Line Adjustment No. PA-2500077 was approved by the Board of Supervisors on \_\_\_\_\_, which is the effective date of approval. This approval will expire on \_\_\_\_\_, which is \_\_\_\_\_ months from the effective date of approval, unless a Notice of Lot Line Adjustment has been recorded and a Record of Survey has been filed, if required by the Land Surveyors' Act.

Unless otherwise specified, all Ordinance Requirements shall be complied with prior to recordation of a Notice of Lot Line Adjustment.

1. COMMUNITY DEVELOPMENT DEPARTMENT (Staff Contact: (209) 468-3121)
  - a. **APPROVAL:** This approval is for a Lot Line Adjustment between 2 parcels as shown on the Site Plan dated March 28, 2025.
  - b. **NOTICE OF LOT LINE ADJUSTMENT:** A "Notice of Lot Line Adjustment" shall be recorded prior to conveyance of property through deeds by the owner. Legal descriptions of the resultant properties shall be submitted to the Surveyor's Division for review and forwarding to the Community Development Department. The legal descriptions shall be prepared, stamped and signed by a Registered Civil Engineer, qualified to practice Land Surveying per Section 8731 of the Land Surveyors' Act, or a Licensed Land Surveyor. (Development Title Section 9-872.4)
  - c. **LOT SIZE:** Parcel 1 shall be two acres in size and align with the area identified in Notice of Nonrenewal No. PA-2300138 and Cancellation No. PA-2300137.
  - d. **PLANNING APPLICATION No. PA-2300137:** The Final Approval for Williamson Act Contract Cancellation No. PA-2300137 shall be recorded prior to the recordation of the "Notice of Lot Line Adjustment" for Lot Line Adjustment No. PA-2500077.
2. DEPARTMENT OF PUBLIC WORKS (Contact: [209] 468-3000, see memo dated April 17, 2025.)
3. ENVIRONMENTAL HEALTH DEPARTMENT (Contact: [209] 468-3420, see memo dated April 4, 2025.)

## NOTES AND INFORMATION ONLY:

See Pacific Gas and Electric Company letter dated April 18, 2025.

Access to Parcel 1 is not created by this Lot Line Adjustment. A Zoning Compliance Review for a Private Right-of-Way application shall be required before issuance of a non-agricultural building permit for proposed Parcel 1.

APN: 091-310-38 and 091-310-39 are under Williamson Act Contract No. WA-69-C1-0130. The proposed project is only consistent with Government Code Section 51257 if a Final Certificate of Cancellation is approved and recorded for Williamson Act Contract Cancellation No. PA-2300137.