

## 5.6 Land Use

This section provides an inventory of existing and designated land uses, including agricultural uses, in the vicinity of the Lodi Energy Center (LEC). For the purposes of this analysis, the affected environment study area is defined as those areas within 1 mile of the LEC project site and 0.25 mile within any linear project feature. Section 5.6.1 describes the environment that could be affected. Section 5.6.2 identifies potential environmental consequences, if any, from project development. Section 5.6.3 discusses potential cumulative effects. Section 5.6.4 discusses possible mitigation measures. Section 5.6.5 presents the laws, ordinances, regulations, and standards (LORS) applicable to land use. Section 5.6.6 lists the state and local agencies involved in permitting the project, provides agency contacts, and describes the required permits. Section 5.6.7 provides the references used to write this section.

### 5.6.1 Affected Environment

#### 5.6.1.1 Existing Land Uses within the Study Area (1 Mile of the Project Site)

The proposed 4.4-acre LEC project site is located on land owned and incorporated by the City of Lodi, 6 miles west of the Lodi city center, in San Joaquin County. The power plant site is on the west side of Interstate-5 (I-5) approximately 1.7 miles south of State Route 12 (SR 12). On the east side of the site is the City of Lodi's White Slough Water Pollution Control Facility (WPCF). The WPCF's treatment and holding ponds are located to the north, the existing Northern California Power Agency (NCPA) Combustion Turbine Project #2 (STIG plant) is located to the west with a 230-kV PG&E overhead electrical transmission line aligned further to the west, and the San Joaquin County Mosquito and Vector Control District facility is to the south.

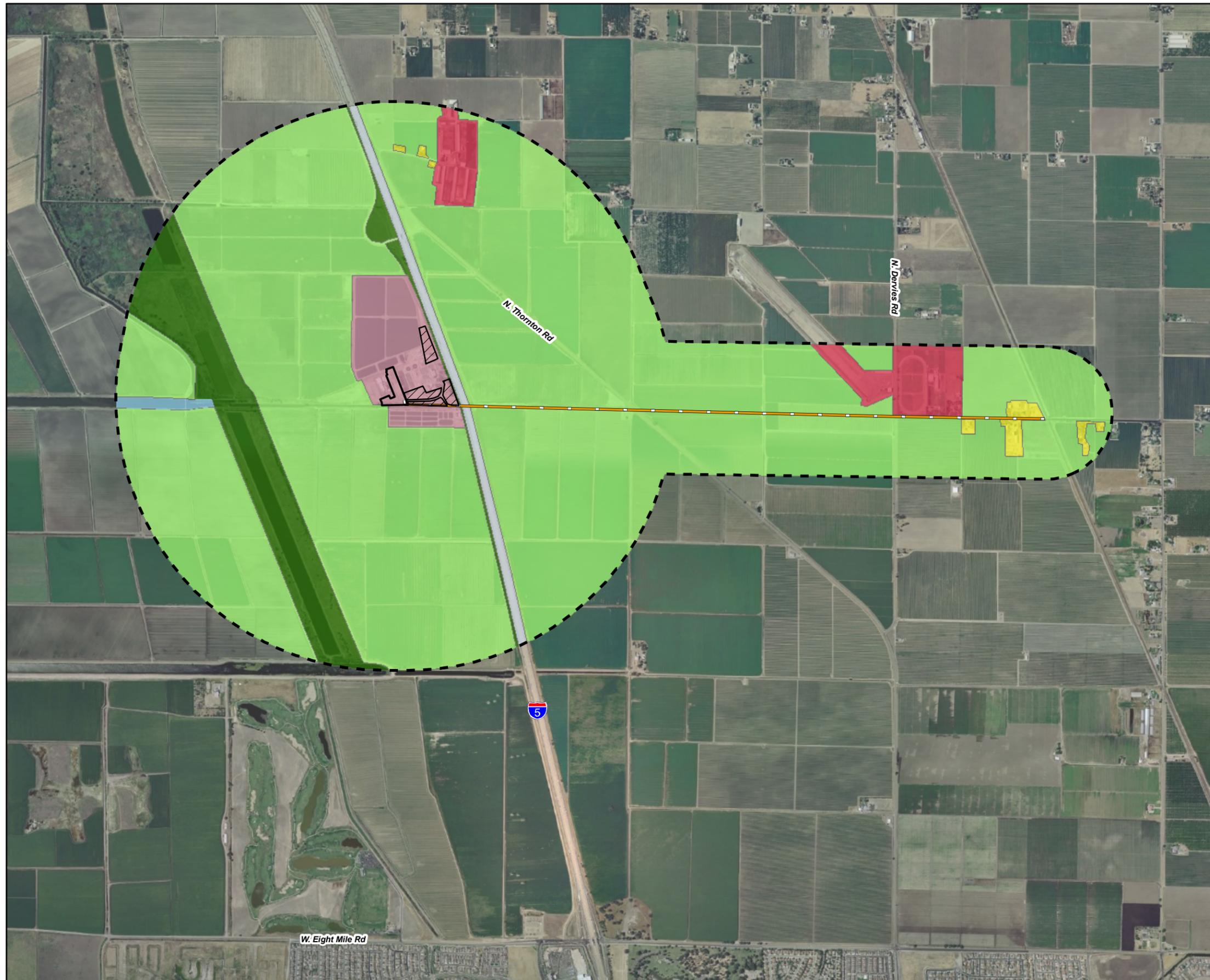
The power plant site is currently used as equipment storage for the WPCF. The four areas (Areas A, B, C, and D) adjacent to the site to the east and northeast that are proposed for laydown areas are open space lands that appear to have been previously disturbed, and are relatively level with a few trees scattered throughout the sites. Area A has a building located within the southern portion of the site. The area in the project vicinity is developed primarily into agricultural land uses with rural residences, I-5 and local roadways, and irrigation canals. There are three residences located approximately 0.75 mile to the north of the power plant site; these are the closest residences. The proposed natural gas pipeline route would be aligned east from the power plant site following the boundaries between seven agricultural fields, crossing two agricultural fields, and passing by rural residential land uses on West Armstrong Road, terminating at a railroad line. The Kingdon Airport is located north of, and adjacent to, the proposed pipeline route. Figure 5.6-1 shows existing land uses within one mile of the project site.

A search to determine if schools (elementary, middle, and high), churches, child care/day centers, parks and recreation centers, historic areas, and mines and quarries are located in the vicinity of the project site revealed that no such facilities are located within one mile of the project site. Table 5.6-1 lists the name of the entity in each of these facility categories that is located closest to the project site.

TABLE 5.6-1  
Distance from Project Site to Facility by Facility Type

Name of Facility	Approximate Distance from Project Site (miles)
<b>Schools</b>	
Learning Experience Preschool 9389 Davis Road Stockton, CA	4.3
Julia Morgan Elementary School 3777 A G Spanos Blvd. Stockton, CA	2.9
Christa McAuliffe Middle School 3880 Iron Canyon Circle Stockton, CA	3.2
Bear Creek High School 10555 Thornton Road Stockton, CA	2.9
<b>Churches</b>	
Logos Mission Church 10730 Siskiyou Lane Stockton, CA	2.7
<b>Child Care/Daycare Centers</b>	
Child Care Referral Center Stockton, CA	8.6
Denise Henry Daycare Center 8162 Palisades Drive #132 Stockton, CA	6.1
<b>Parks and Recreation Centers</b>	
Oak Grove Regional Park 4520 W Eight Mile Road Stockton, CA	2.6
Seafarers Center 10002 River Bluff Lane Stockton, CA	3.4
<b>Historic Areas</b>	
Historic Locke 13952 Main Street Walnut Grove, CA	14.2
<b>Quarries/Mines</b>	
George Reed Quarry Clements, CA	17.1
Black Diamond Mines 5175 Somersville Road Antioch, CA	27.7

Source: Mapquest, 2008.



**LEGEND**

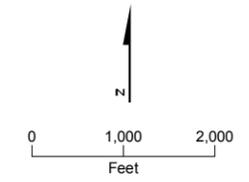
- Natural Gas Pipeline Route
- Proposed Laydown and/or Parking
- Proposed Plant Site
- \*Buffer

**Existing Land Use**

- Agricultural
- Commerical
- Freeway
- Open Space
- Residential
- Wastewater Treatment Plant
- Water

Notes:  
 1. \* 1 mile around Project Site, 1/4 mile around NG Pipeline.

This map was compiled from various scale source data and maps and is intended for use as only an approximate representation of actual locations.



**FIGURE 5.6-1**  
**EXISTING LAND USE WITHIN**  
**ONE MILE OF SITE**  
 LODI ENERGY CENTER  
 LODI, CALIFORNIA

### 5.6.1.2 Agricultural Lands within the Study Area<sup>1</sup>

The Farmland Mapping and Monitoring Program (FMMP) of the California Department of Conservation (CDC) provides statistics on conversion of farmland to nonagricultural uses for San Joaquin County where the project site is located. In 2006, San Joaquin County had approximately 620,070 acres of Important Farmlands (including Prime Farmland, Farmland of Statewide and Local Importance and Unique Farmland) and an additional 144,933 acres of grazing land. In the period between 2004 and 2006, Important Farmlands had shown a net decrease of 18,863 acres (4.0 percent) within the county (CDC, 2006). A review of the "Important Farmlands" mapping by the FMMP shows that the power plant site and four equipment and parking laydown areas are designated as "Urban and Built-Up Land". The natural gas pipeline route would cross land that is primarily designated as "Unique Farmland," with a small portion of the alignment crossing land designated as "Urban and Built-Up Land" and "Farmland of Local Importance" (CDC, 2004). Figure 5.6-2 shows the important farmland designations within one mile of the project site.

Preservation of farmland in California is encouraged by the California Land Conservation Act, more commonly known as the "Williamson Act." Pursuant to this program (which was initiated in 1965), a landowner signs a contract with the County in which the land is located, voluntarily restricting land to agricultural and open space uses. The contract is automatically renewed annually, continuing indefinitely unless the owner requests cancellation or files for non-renewal. The minimum initial contract term is 10 years. The Williamson Act was designed to allow farming to continue in areas close to urbanization by a beneficial tax assessment procedure.

In 1998, the provisions of the Williamson Act were expanded by Senate Bill 1182 to strengthen agricultural land preservation incentives. The 1998 changes to the Act provided a 35 percent property tax discount to the Williamson Act valuation or Proposition 13 valuation, whichever is lower, and other incentives for farmland owners willing to maintain their land in agricultural land use for 20 years. This latter program creates Farmland Security Zones within agricultural preserves. Land enrolled under a Farmland Security Zone contract is restricted to agricultural and open spaces uses for a minimum initial contract term of 20 years. Land within a Farmland Security Zone cannot be annexed into cities, and school districts are prohibited from acquiring Farmland Security Zone lands for school facilities.

Table 5.6-2 lists the parcels of land by Assessor's Parcel Number (APN) that would be affected by the proposed project, i.e., the power plant site and four equipment and parking laydown areas, and natural gas pipeline alignment and a 900-foot-wide disturbance area around each facility, and the parcels' Williamson Act and Farmland Security Act statuses.

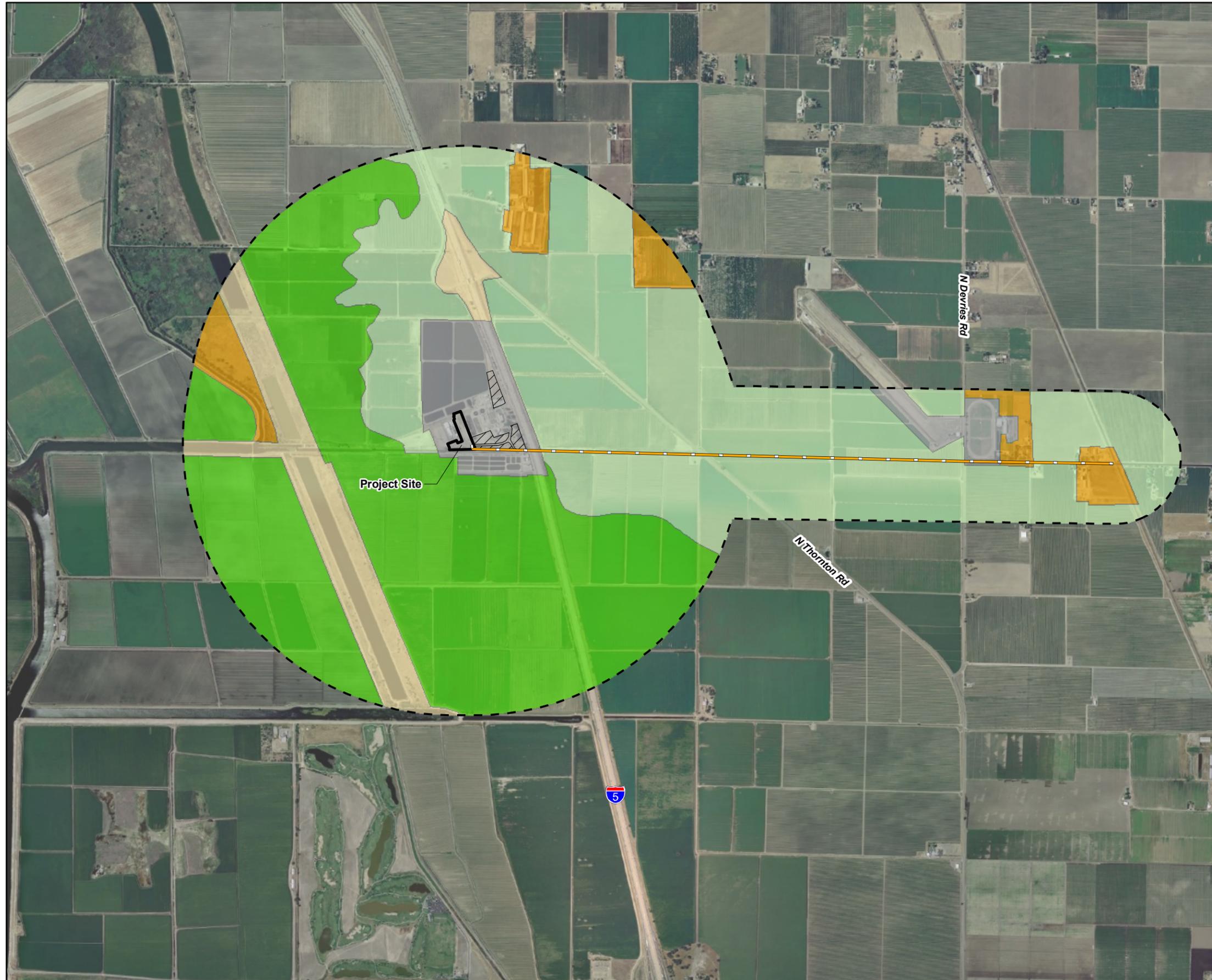
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<sup>1</sup> The Study Area is defined to be a 1-mile radius from the power plant site.

TABLE 5.6-2  
Williamson Act and Farmland Security Act Status of Parcels Affected by the Proposed Project

Assessor's Parcel Number	Williamson Act Status?	Farmland Security Act Status?	Notes
<b>Power Plant Site and Laydown Areas</b>			
055-130-16	None	None	N/A
<b>Disturbance Area Around Power Plant Site and Laydown Areas</b>			
055-120-03	None	None	N/A
055-120-11	None	None	N/A
055-130-13	None	None	N/A
055-150-15	None	None	N/A
055-150-29	None	None	N/A
<b>Natural Gas Pipeline Alignment and Disturbance Area</b>			
055-120-03	None	None	N/A
055-120-08	None	None	N/A
055-120-11	None	None	N/A
055-130-03	None	None	N/A
055-130-04	None	None	N/A
055-130-13	None	None	N/A
055-130-16	None	None	N/A
055-150-09	None	None	N/A
055-180-05	None	None	N/A
055-180-06	Yes	No	Parcel to be affected by disturbance area only.
055-190-01	None	None	N/A
055-190-02	Yes	No	Parcel to be affected by alignment and disturbance area.
055-190-03	Yes	No	Parcel to be affected by alignment and disturbance area. Parcel went into non-renewal in 2007; will come out of Williamson Act for the 2016 tax year.
055-220-05	Yes	Yes	Parcel to be affected by alignment and disturbance area.
055-220-06	None	None	N/A
055-220-33	None	None	N/A
055-220-34	None	None	N/A
055-220-35	Yes	Yes	Parcel to be affected by alignment and disturbance area.
055-220-39	Yes	No	Parcel to be affected by alignment and disturbance area.
055-220-40	Yes	No	Parcel to be affected by alignment and disturbance area.
055-230-28	None	None	N/A
055-230-29	None	None	N/A
055-230-30	None	None	N/A
055-230-33	None	None	N/A
055-230-35	None	None	N/A
055-230-36	None	None	N/A
055-230-44	None	None	N/A

Source: Loree Goold, pers. comm., 2008.



**LEGEND**

- Natural Gas Pipeline Route
- Proposed Laydown and/or Parking
- Proposed Plant Site
- \*Buffer

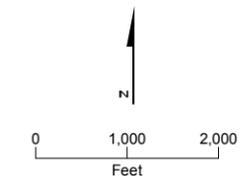
**FMMP Designation**

- Urban and Built-Up Land
- Grazing Land
- Farmland of Local Importance
- Prime Farmland
- Farmland of Statewide Importance
- Unique Farmland
- Other Land

Notes:

1. \*1 mile around Project Site, 1/4 mile around NG Pipeline.
2. Source: California Department of Conservation, Farmland Mapping and Monitoring Program (FMMP), 2006.

This map was compiled from various scale source data and maps and is intended for use as only an approximate representation of actual locations.



**FIGURE 5.6-2**  
**IMPORTANT FARMLAND WITHIN**  
**ONE MILE OF SITE**  
 LODI ENERGY CENTER  
 LODI, CALIFORNIA

### 5.6.1.3 Current Land Use Plans for the Study Area

Plans and policies governing physical development with the project study area include the City of Lodi General Plan<sup>2</sup> and City of Lodi Title 17 Zoning, and the San Joaquin County General Plan and San Joaquin County Title 9 Zoning, the San Joaquin County Multi-Species Habitat Conservation and Open-Space Plan, and the San Joaquin County Council of Governments Airport Land Use Plan (ALUP). Project conformity with current land use plans, policies and regulations is addressed in Sections 5.6.2.2.2 and 5.6.2.3 (Table 5.6-6).

#### 5.6.1.3.1 General Plan Land Use Designations within the Study Area

Land use provisions included in every California city and county general plan (California State Planning Law, Government Code §65302 et seq.) reflect the goals and policies that guide the physical development of land in their jurisdiction. For the purposes of this AFC, because the power plant site is located on land that is owned and incorporated by the City of Lodi that is surrounded by unincorporated San Joaquin County land, the project is analyzed in terms of its conformity with the land use designations and policies described in both the City of Lodi and San Joaquin County general plans. Figure 5.6-3 shows the General Plan Designations within one mile of the project site.

The project site is located in the City of Lodi. The power plant site and construction parking and laydown areas are designated by the City of Lodi as Public/Quasi-Public (City of Lodi, 2008a). The gas pipeline route is located on land that is designated Public/Quasi-Public by the City of Lodi (City of Lodi, 2008a), and also as General Agriculture by San Joaquin County (San Joaquin County, 2008). Land adjacent to and on the north side of the proposed gas pipeline route is designated General Agriculture and Public by the County. Nearly all land within approximately 3 miles of the power plant site and gas pipeline alignment is County-designated General Agriculture. Table 5.6-3 lists the City and County General Plan designations and allowable uses within one mile of the project sites.

TABLE 5.6-3  
General Plan Land Use Designations and Allowable Uses Within a 1-mile Radius of the Project

Land Use Designation	Allowable Uses
<b>City of Lodi – Applicable to the Project Site, Laydown Areas, and a Portion of the Natural Gas Line</b>	
Public/Quasi-Public	Provides for government-owned facilities, public and private schools, and quasi-public uses such as hospitals and churches. The floor area ratio (FAR) shall not exceed 0.50 (City of Lodi, 1991).
<b>San Joaquin County – Applicable to Natural Gas Pipeline</b>	
General Agriculture	Areas generally committed to agriculture with viable commercial agricultural enterprises that require large land areas to efficiently produce their crops (San Joaquin County, 1992). Typical uses include crop production, feed and grain storage and sales, aerial crop spraying, and animal raising and sales. Additional activities such as resource recovery, dairy and canning operations, stockyards, and animal feedlots and sale yards require permits (San Joaquin County, 2002).
Public	Major institutional facilities, including schools (San Joaquin County, 1992).

Sources: City of Lodi, 1991, 2008a; San Joaquin County, 1992, 2002, 2008.

<sup>2</sup> The City of Lodi General Plan is currently being updated; however, a draft document is not yet available (City of Lodi, 2007).

### 5.6.1.3.2 Zoning Designations within the Study Area

The zoning ordinance is a regulatory tool used to implement the General Plan. It defines zones that dictate permitted uses, and can include design requirements such as setbacks and height limits. The city and county zoning ordinances are enforced by their respective planning and building departments.

The power plant site, construction laydown and parking areas, and a portion of the natural gas pipeline route are zoned “Public and Community Facilities” (PF) by the City of Lodi. There are no height restrictions in the PF zoning district (Morimoto, pers. comm., 2008). In lands designated for public uses, the City determines development standards during the project review process (City of Lodi, 2003)<sup>3</sup>.

The gas pipeline is also located in an area that is zoned “General Agriculture” by San Joaquin County. According to Title 9, San Joaquin County’s Development Title, The “General Agriculture” zone was established to preserve agricultural lands for the continuation of commercial agricultural enterprises. This zone is intended to implement the General Agriculture land use category of the General Plan. Minor utility services are a permitted use in the General Agriculture zone; major utility uses are permitted, subject to site approval in the General Agriculture zone (San Joaquin County, 2001).

The zoning designations for land that is within a 1-mile radius of the project sites are listed in Table 5.6-4. The distribution of the zoning relative to the project sites is shown in Figure 5.6-4.

TABLE 5.6-4  
Zoning Designations and Allowable Activities Within a 1-mile Radius of the Project

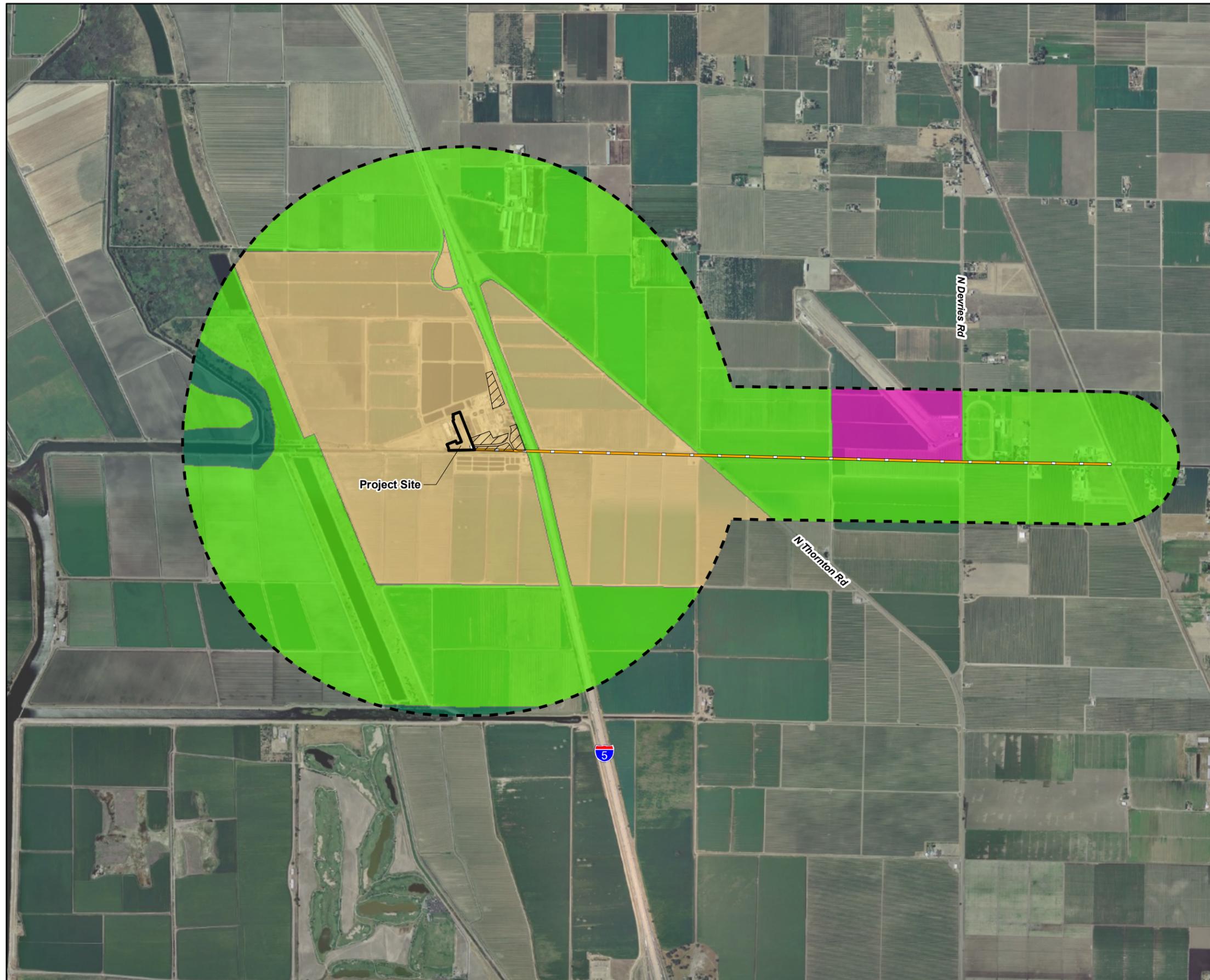
Zoning Designation	Allowable Uses
<b>City of Lodi – Applicable to the Project Site, Laydown Areas, and a Portion of the Natural Gas Pipeline</b>	
Public and Community Facility (PF)	Applied to areas suitable for public land uses including government offices, schools, and libraries, and other related public uses. A Utility Facility is an allowable use in the PF zone.
<b>San Joaquin County – Applicable to the Natural Gas Pipeline</b>	
General Agriculture	Utility Services are a permitted use or a use that is permitted subject to site approval, depending on the utility use. Parcels containing less than two acres in the General Agriculture zone may be created for the purpose of providing a separate lot for an existing use or a use granted by permit (such as Utility Services).

Sources: City of Lodi, 2003; San Joaquin County, 2001.

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

The San Joaquin County Multi-Species Habitat Conservation and Open-Space Plan (Plan) allows Plan Permittees (such as San Joaquin County and the cities within the County) to issue Incidental Take Permits or allow project applicants to mitigate for impacts to

<sup>3</sup> NCPA met with the City of Lodi Community Development Department, Planning Division, Rad Bartlam, Interim Community Development Director on August 28, 2008. Per Mr. Bartlam, the City will not require or impose development standards for the LEC facility.



**LEGEND**

- Natural Gas Pipeline Route
- Proposed Laydown and/or Parking
- Proposed Plant Site
- Buffer

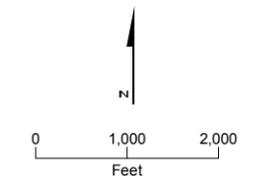
**General Plan Designations**

- General Agriculture
- Open Space/Resource Conservation
- Public
- Public/Quasi-Public

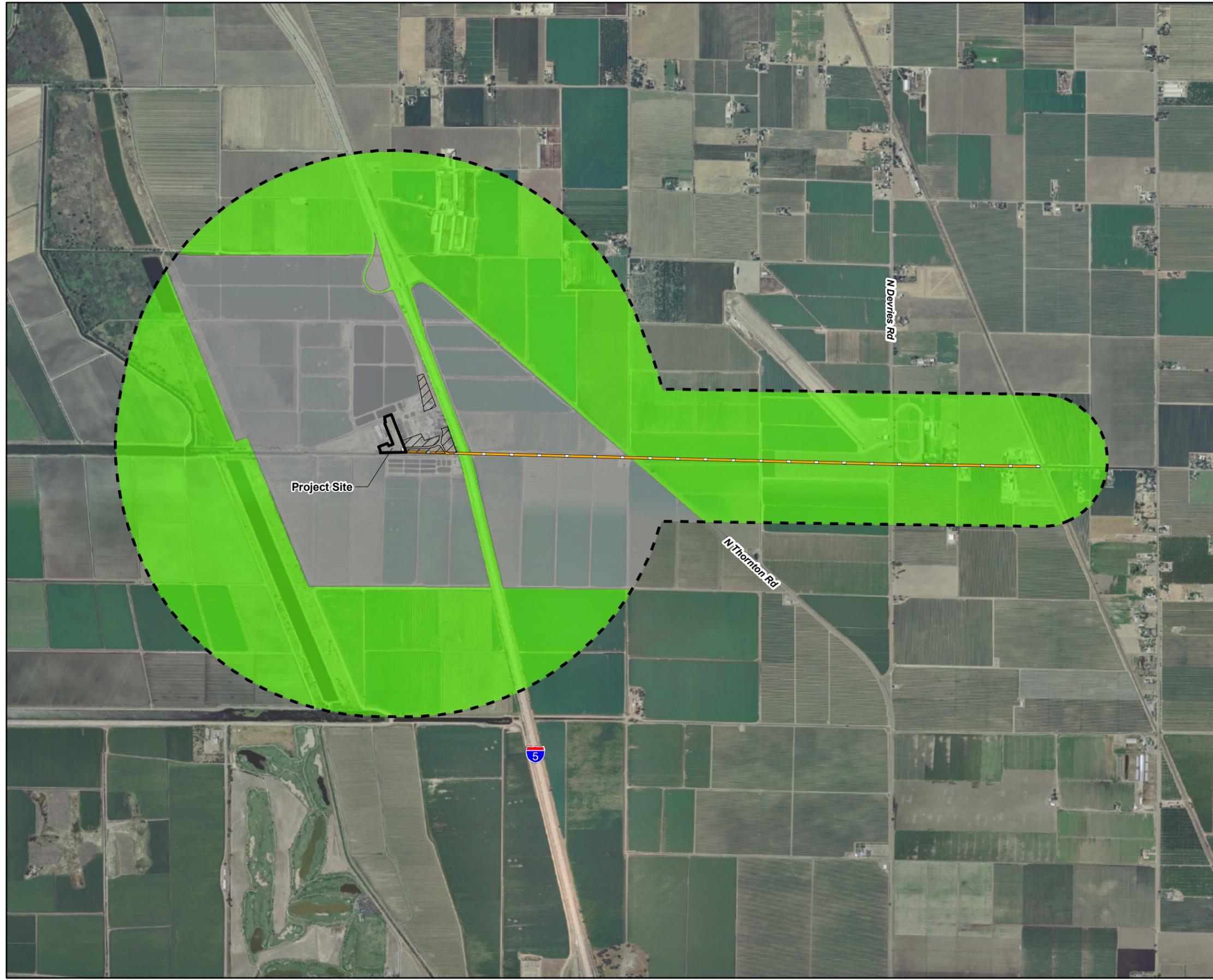
Notes:

1. \*1 mile around Project Site, 1/4 mile around NG Pipeline.
2. Source: General Plan for San Joaquin County, California. City of Lodi, Lodi Civic Center Mapguide, 2008.

This map was compiled from various scale source data and maps and is intended for use as only an approximate representation of actual locations.



**FIGURE 5.6-3**  
**GENERAL PLAN DESIGNATIONS**  
**WITHIN ONE MILE OF SITE**  
 LODI ENERGY CENTER  
 LODI, CALIFORNIA



**LEGEND**

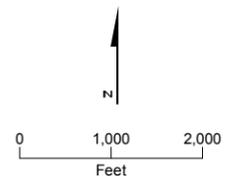
- Natural Gas Pipeline Route
- Proposed Laydown and/or Parking
- Proposed Plant Site
- Buffer

**Zoning Designation**

- General Agriculture
- Other

- Notes:**
1. \*1 mile around Project Site, 1/4 mile around NG Pipeline.
  2. Source: General Plan for San Joaquin County, California. City of Lodi, Lodi Civic Center Mapguide, 2008.

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**FIGURE 5.6-4**  
**ZONING DESIGNATIONS**  
**WITHIN ONE MILE OF SITE**  
 LODI ENERGY CENTER  
 LODI, CALIFORNIA

Plan-covered species resulting from projects that convert open space to urban development and other non-agricultural activities occurring on agriculturally zoned properties. Participation in the Plan is voluntary for project applicants except when conditioned to participate by a Permittee. Project applicants that opt out of the Plan are required to satisfy applicable Endangered Species Act (ESA), California Endangered Species Act (CESA), National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), and other applicable local, state, and federal laws and regulations through consultations with the appropriate parties.

The process for an applicant to follow is: (1) submit a project application to the Lead Agency, (2) fill out the Land Development Form, (3) arrange with the San Joaquin County Council of Governments (SJCOG) for a biologist to conduct a pre-construction survey of the property prior to ground disturbance, (4) sign the Incidental Take Minimization Measures document, (5) pay applicable fees or choose another participation option in the plan, and (6) receive a Certificate of Payment (San Joaquin County, 2005).

#### 5.6.1.3.4 San Joaquin Council of Governments Airport Land Use Plans

California state statutes require every county with an airport served by one or more commercial air carriers to have an Airport Land Use Commission (ALUC). For San Joaquin County, the San Joaquin Council of Governments Board of Directors is the designated ALUC. State statutes require each County's ALUC to prepare an Airport Land Use Compatibility Plan (ALUCP) with a 20-year planning horizon. The Airport Land Use Plan (ALUP) for San Joaquin County's Aviation System was prepared and adopted in 1983, and was revised and updated in 1993.

In January 2008, the San Joaquin Council of Governments (SJCOG) initiated the 16- to 18-month process of updating the 1993 ALUP. It has prepared several chapters<sup>4</sup> of a Draft Airport Land Use Compatibility Plan (ALUCP), which have been posted on the following website: <http://www.coffmanassociates.com/public/SanJoaquin/>. Because the ALUCP is not a final approved document, pertinent information from it is summarized in this discussion; however, the goals, objectives, and policies from the 1993 ALUP are the standards that the project must comply with.

#### *1993 Airport Land Use Plan*

The ALUP addresses six airports located within San Joaquin County<sup>5</sup>, and has been deemed consistent with both the San Joaquin County's and City of Lodi's General Plans (Brunn, 2008). The Kingdon Airport is located in proximity to (north of and adjacent to) the proposed gas pipeline alignment. The 41-acre airport is privately owned, and is used by general aviation business and pleasure aircraft including single engine, twin engine, and small business jets. Activities that occur at the airport include crop dusting, flight schools, aircraft maintenance training, full aircraft maintenance, fuel service, and hangar and tie-down services (SJCOG, 1993).

<sup>4</sup> Chapter 1 of the Draft ALUCP refers to a Chapter 3 that will include the safety, noise, and height restriction guidelines. Chapter Three is not yet available from the website.

<sup>5</sup> The airports addressed in the 1993 ALUP were: Kingdon Airport, Lodi (Lind's) Airport, Lodi (Precissi) Airpark, New Jerusalem Airport, Stockton Metropolitan Airport, and Tracy Municipal Airport.

The proposed power plant site would be located within the Conical Surface as shown in Figure 5.6-5. The proposed gas pipeline would cross the following zones:

- **Conical Surface:** a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet for non-military runways.
- **Horizontal Surface:** a horizontal plan 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of the airport and connecting adjacent lines tangent to those arcs. The Kingdon Airport has a designated horizontal surface of 5,000 feet.
- **Approach Surface (Inner Approach and Runway Protection Zone):** a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface for non-military runways. The inner edge of the approach surface expands uniformly to a width of 1,250 feet for Kingdon Airport. The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 to 1. Both the Inner Approach surface and the Runway Protection Zone that would be crossed by the proposed gas pipeline route are located within the Approach Surface. The Runway Protection Zone is 1,000 feet long with an outer width of 450 feet at Kingdon Airport.

In the Runway Protection Zone, agricultural uses and open space uses are permitted if they do not attract birds, do not create a population density of more than two persons in an acre at any one time, and do not have structures of any type located on the site. Utility use and petroleum storage use are prohibited uses in this zone.

In the Inner Approach Zone, no land use that would result in a density of greater than 10 persons in any one acre at any one time is permitted in this zone. Utility uses are permitted, and natural gas and petroleum pipelines and petroleum storage are prohibited uses in this zone.

In the Conical and Horizontal Zones, few restrictions are necessary. Very tall structures should be evaluated to ensure that they will not be aircraft hazards (SJCOG, 1993).

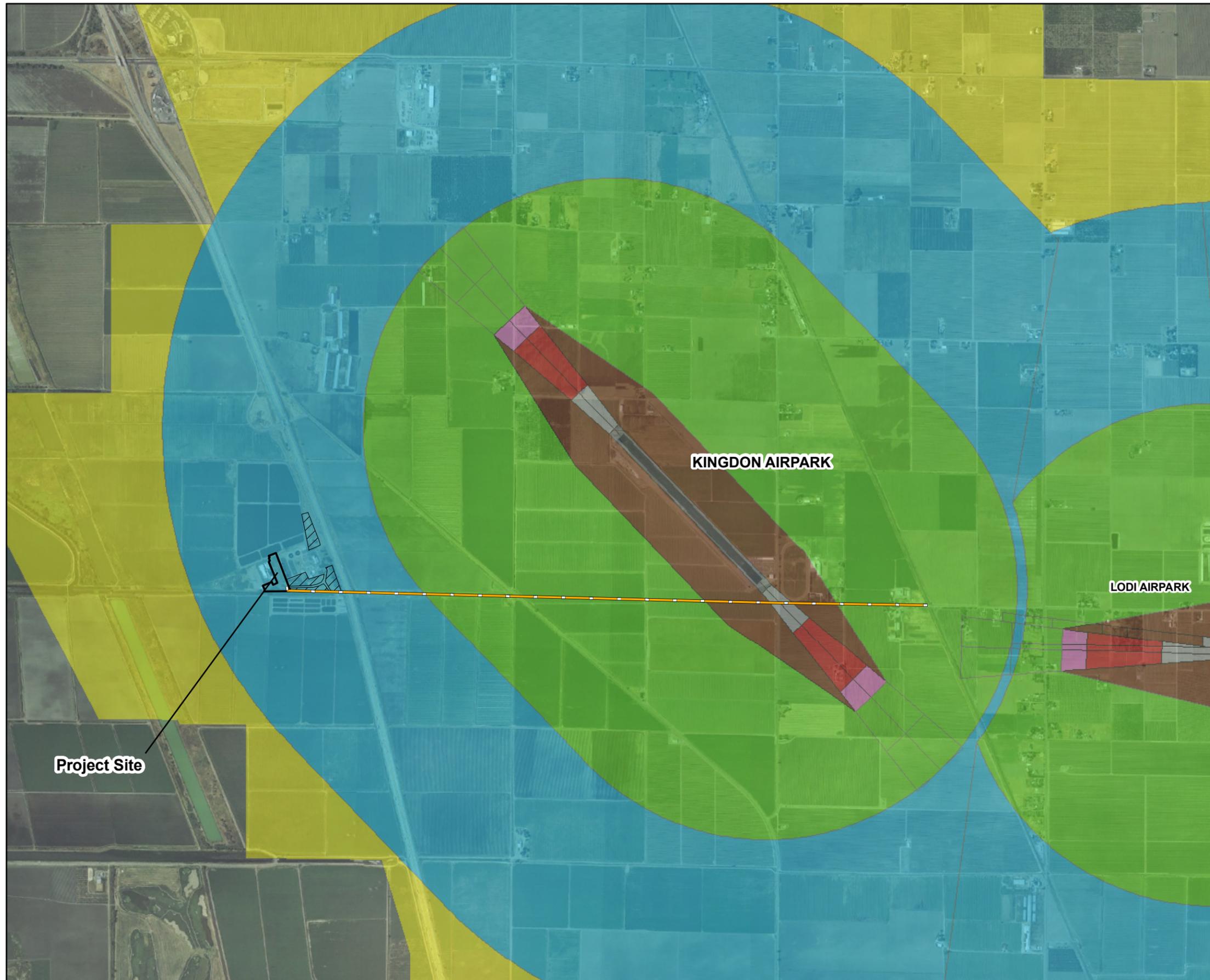
#### ***2008 Draft Airport Land Use Compatibility Plan***

The ALUCP addresses seven airports located within San Joaquin County<sup>6</sup> (SJCOG, 2008). The Kingdon Airport currently has one northwest/southeast-oriented runway that is 60 feet wide and 3,705 feet long. Future airport plans include a 1,000-foot extension of the runway to the northwest to accommodate aircraft that cannot operate currently at the airport. The current annual airport operations are 24,472; long-range (20-year forecast) operations after additional services and improved facilities are implemented are expected to be 84,500 (SJCOG, 2008).

The ALUCP indicates that the Federal Aviation Administration (FAA) has no authority to remove or to prevent construction or growth of objects deemed to be obstructions to the airport; that authority remains with local governments having jurisdiction over land uses.

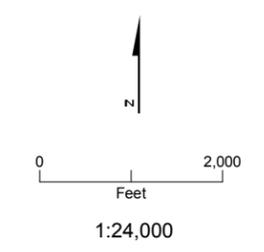
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<sup>6</sup> The airports addressed in the Draft 2008 ALUCP are: Byron Airport, Kingdon Airport, Lodi Airpark, Lodi Airport, New Jerusalem Airport, Stockton Metropolitan Airport, and Tracy Municipal Airport.



- LEGEND**
- Natural Gas Pipeline Route
  - Proposed Lay Down and/or Parking
  - Proposed Plant Site
- Airport Surface Information**
- Area of Influence
  - Conical
  - Horizontal
  - Transitional
  - Outer Approach
  - Inner Approach
  - Runway Protection
  - Primary
  - Runway

This map was compiled from various scale source data and maps and is intended for use as only an approximate representation of actual locations.



**FIGURE 5.6-5**  
**AIRPORT LAND USE ZONES**  
 LODI ENERGY CENTER  
 LODI, CALIFORNIA

Also according to the ALUCP, FAA guidance states that no land use should be allowed if it could endanger or interfere with the landing, take off, or maneuvering of an aircraft at an airport. Specific land use characteristics to be avoided include:

- Creation of electrical interference with navigational signals or radio communication between the airport and aircraft;
- Lighting that is difficult to distinguish from airport lighting;
- Glare in the eyes of pilots using the airport;
- Smoke or other impairments to visibility in the airport vicinity; and
- Uses that attract birds and create bird strike hazards (SJCOG, 2008).

The ALUCP presents the California Land Use Planning Handbook land use compatibility guidance for the maximum nonresidential intensity for the area within the safety compatibility zones is as follows:

- **Conical Surface (the power plant and a portion of the gas pipeline are located within this area):** guidance not indicated.
- **Horizontal Surface (the gas pipeline is located within this area):** guidance not indicated.
- **Inner Approach (the gas pipeline is located within this area):** 10 to 25 people per gross acre.
- **Runway Protection Zone (the gas pipeline is located within this area):** zero people per gross acre (SJCOG, 2008).

#### 5.6.1.4 Recent Proposed Zone Changes and General Plan Amendments

A review of the City of Lodi Planning Commission meeting minutes and agendas from January 2008 to the present was undertaken to determine if it had considered changes to its zoning and/or General Plan regulations. The City of Lodi Planning Commission has considered one change to its regulations in the past several months, as shown in Table 5.6-5. The table lists the item that was considered, the meeting at which it was considered, and the status of the item.

TABLE 5.6-5  
City of Lodi Recent Proposed Zone Changes and General Plan Amendments

Date	Meeting Name	Item	Status
February 13, 2008	Lodi Planning Commission Regular Commission Meeting	Continuing the request of Farmers and Merchants Bank for Growth Management Allocations, a General Plan Amendment, a Rezoning, and an associated Mitigated Negative Declaration to permit construction of up to 47 residential units at the southwest corner of Lower Sacramento Road and Turner Road to a date to be determined.	Approved

Source: City of Lodi, 2008b.

### 5.6.1.5 Recent Discretionary Review by Public Agencies

The City of Lodi has jurisdiction over land use planning within the City limits, which includes the parcel of land upon which the proposed power plant and construction parking and equipment laydown areas would be located.

San Joaquin County has jurisdiction over land use planning on unincorporated county lands. Because the power plant site is surrounded by County land and the proposed gas pipeline route would be located on land within both the City's and County's jurisdiction, a list of discretionary approvals from San Joaquin County was also requested.

Within the City of Lodi, over the past 18 months, there were 26 projects in various stages of processing with the City. Most of these projects are residential, with a few office, mixed use, institutional, commercial, and industrial projects proposed. Table 5.6A-1 in Appendix 5.6A includes a list of the major development projects within the City of Lodi (Bereket, 2008; City of Lodi, 2008c).

Within San Joaquin County, over the past 18 months, there were 1,891 projects that were each valued at over \$25,000 in various stages of processing with the County. These projects were located in unincorporated areas throughout the county, as well as incorporated cities and towns. The types of projects include residential projects such as new residences, additions and remodels to existing residences, mobile home renovations, and pool construction; commercial projects such as administration buildings, barns, and riding arenas; light industrial projects such as storage buildings, spray booths, and warehouses; office projects such as new offices, building conversions, and tenant improvements; and institutional projects such as a classroom relocation and facilities to house animals. Table 5.6A-2 in Appendix 5.6A includes a list of the major development projects within the County (Raborn, 2008).

Project status of these City and County projects ranges from preliminary review to complete.

### 5.6.1.6 Population and Growth Trends

Land use and growth trends identified for the study area are based on population estimates, projections, and current land use plans. Section 5.10, Socioeconomics, discusses population and growth trends of the City and County.

## 5.6.2 Environmental Analysis

### 5.6.2.1 Significance Criteria

Significance criteria for impacts to land use were determined through review of applicable state and local regulations. Because of the CEC Site Certification Process pursuant to the Warren-Alquist Act, a certified agency program pursuant to the California Environmental Quality Act (CEQA), the following criteria developed from the CEQA Guidelines and the CEQA Checklist were used to evaluate the potential environmental impacts of the project:

- Will the project physically divide an established community?
- Will the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan,

specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

- Will the project conflict with any applicable habitat conservation plan or natural community conservation plan?
- Will the project convert prime farmland, unique farmland, or farmland of statewide importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?
- Will the project involve other changes in the existing environment which, given their location and nature, could result in conversion of Farmland to nonagricultural use?

### 5.6.2.2 Potential Effects on Land Use during Project Construction and Operation

#### 5.6.2.2.1 Divide an Established Community

The presence of the proposed project would not physically divide any community within the City of Lodi or San Joaquin County. The project involves the construction and operation of a new power plant on undeveloped land owned by the City of Lodi, and adjacent to the City's wastewater treatment plant. The project would not involve the displacement of any existing development; nor would it result in new development that would physically divide an existing neighborhood.

#### 5.6.2.2.2 Conflict with an Applicable Land Use Plan, Policy, or Regulation

The power plant site, construction laydown areas, and a portion of the natural gas pipeline route are situated on land that is designated Public/Quasi-Public by the City of Lodi General Plan, and is designated Public and Community Facilities according to the City of Lodi Zoning (Title 17). Although a power plant, construction laydown area, and gas pipeline are not specifically listed as a City of Lodi permitted use on land that is General Plan-designated as Public/Quasi-Public, a power plant and its ancillary facilities that are sited on City land may be considered a quasi-public use. In addition, a gas pipeline is not specifically listed as a San Joaquin County permitted use on land that is General Plan-designated as General Agriculture; however, disturbance of the land would be temporary, lasting approximately 6 months, after which time the existing agricultural uses could resume.

A power plant and a gas pipeline (Utility Facility) are allowable uses in the City of Lodi's Public and Community Facility (PF) Title 17 zoning designation. In addition, Utility Services are a permitted use on land that is zoned General Agriculture, according to San Joaquin County Zoning Title 9. Therefore, the project would not conflict with City of Lodi or San Joaquin County General Plan and Zoning of the project sites and pipeline alignment.

Construction and operation of the gas pipeline would conflict with the allowable uses within the Runway Protection Zone and the Inner Approach Zone, as indicated in the ALUP addressing the airport surfaces at Kingdon Airport. Utility use is not allowed in the Runway Protection Zone, and natural gas and petroleum pipelines are prohibited uses within the Inner Approach Zone; however the existing gas pipeline for the STIG plant is currently located in these zones, and the new gas pipeline will be constructed adjacent to the existing pipeline.

Development of the power plant at the proposed site is an allowable use. Because the proposed LEC site is within 20,000 feet of the Kingdon Airpark, an FAA Notice Criteria evaluation was performed for the 150-foot-tall exhaust stack and is included as Appendix 5.6B. Based on the results of this evaluation, a FAA Form 7460-1, Notice of Proposed Construction or Alteration has been filed with the FAA and is included in Appendix 5.6C.

The complete evaluation of the potential effects of LEC on airport operations is located in Section 5.12.2.5. The evaluation demonstrates that the LEC does not pose a hazard to aircraft operations therefore its location in the conical zone is not inconsistent with the ALUP.

Because the license granted by the California Energy Commission is in lieu of a conditional use permit issued by a local agency, the California Energy Commission will address the issues typically reviewed by a local agency in granting a conditional use permit. The project would not require any change in either the City of Lodi General Plan or zoning designations for the property or the San Joaquin County General Plan or zoning designations for the pipeline alignment, and it would be consistent with other uses that currently occur on the remainder of the City-owned property.

The project would be consistent with City and County General Plan policies for this area. The power plant would be sited on City-owned land adjacent to an existing industrial land use, so it would be a compatible land use. The project's conformity with the City's and County's General Plan policies is outlined in detail in Table 5.6-6.

#### **5.6.2.2.3 Conflict with an Applicable Habitat Conservation Plan**

The proposed project would be located within the San Joaquin County Multi-Species Habitat Conservation and Open-Space Plan area. The project would not conflict with the Plan's requirements for identifying potential impacts to covered species from project development, and associated mitigation requirements that are included in the Plan. The project was sited and is designed to be compatible with its adjacent developed land uses. Project implementation would not adversely affect SJCOG's ability to implement the Plan.

#### **5.6.2.2.4 Convert Farmland to Non-agricultural Uses**

Development of the proposed power plant would result in the long-term conversion of 4.4 acres of CDC-designated Urban and Built-Up Land from a disturbed open space use to an industrial use. Development of any of the four materials and equipment laydown areas would result in a temporary conversion of CDC-designated Urban and Built-Up Land from a disturbed open space use to an industrial use. Installation of the proposed gas pipeline would result in minor and temporary impacts to land designated as Unique Farmland, Farmland of Local Importance, and Urban and Built-Up Land. Therefore, project implementation would result in no long-term conversion of farmland to a non-agricultural use.

The power plant is not located in an area that has a Williamson Act contract associated with it. The natural gas pipeline would cross portions of seven parcels that have a Williamson Act contract.

#### **5.6.2.2.5 Cause Changes in the Environment Resulting in Conversion of Farmland**

Project construction and operation would result in the long-term conversion of approximately 4.4 acres of disturbed open space land to an industrial land use. The use of

any of the four proposed materials and equipment laydown areas would not result in any permanent land use changes. The laydown areas are currently disturbed open space land. Temporary use of this property during project construction would not result in the conversion of farmland. In addition, the installation of the proposed gas pipeline would result in only minor and temporary impacts to farmland.

### 5.6.2.3 Compatibility with Existing and Designated Land Uses and Applicable Planning Policies

Table 5.6-6 lists applicable local plans and policies and describes the project's conformity with them.

TABLE 5.6-6  
Project Conformity with Local Land Use Plans and Policies

Goal/Objective/Policy	Project Consistency
<b>City of Lodi General Plan</b>	
<b>Section 3 Land Use and Growth Management Element</b>	
Goal A: To provide for orderly, well-planned, and balanced growth consistent with the limits imposed by the City's infrastructure and the City's ability to assimilate new growth.	The project would have no effect on the City's ability to provide for orderly, well-planned, and balanced growth.
3. The City shall ensure the maintenance of ample buffers between incompatible land uses.	The power plant will be located on an existing industrial site and adjacent to the WPCF and the STIG plant. As a result, it would not affect the existing buffers.
Goal B: To preserve agricultural land surrounding Lodi and to discourage premature development of agricultural land with non-agricultural uses, while providing for urban needs.	The project would have no effect on the City's ability to preserve agricultural land surrounding the City.
1. The City shall encourage the preservation of agricultural land surrounding the City.	The power plant will be located on an existing industrial site and adjacent to the WPCF and the STIG plant. As a result, it would not affect the existing buffers.
5. The City shall promote land use decisions within the designated urbanized area that allow and encourage the continuation of viable agricultural activity around the City.	The project would have no effect on the City's ability to allow and encourage continued agricultural activity around the City. The power plant has been sited to be adjacent to other existing industrial development (i.e. the STIG plant and the WPCF) to separate it from the nearby agricultural land uses, and the gas pipeline has been sited to minimize impacts to agricultural uses by following agricultural field boundaries to the extent possible, while creating a straight alignment.
6. The City shall encourage San Joaquin County to retain agricultural uses on lands adjacent to the City.	The project would have no effect on the City's ability to encourage the County to retain agricultural uses on lands adjacent to the City.
Goal C: To provide adequate land and support for industrial uses that create jobs and enhance the economy of Lodi.	The project would have no effect on the City's ability to provide adequate land and support for industrial land uses.

TABLE 5.6-6  
Project Conformity with Local Land Use Plans and Policies

Goal/Objective/Policy	Project Consistency
3. The City shall promote the development of clean industries that do not create problems or pose health risks associated with water and air pollution or potential leaks or spills.	Refer to the Water Resources chapter for a discussion of the potential effects on water resources and measures to minimize those effects. Refer to the Air Quality chapter for a discussion of project air emissions and measures to minimize potential air quality impacts. Refer to the Hazardous Materials chapter for a discussion of potential hazards and measures to minimize potential project leaks or spills.
Goal H: To provide adequate land for development of public and quasi-public uses to support existing and new residential, commercial, and industrial land uses.	The project would have no effect on the City's ability to provide adequate land for development of public and quasi-public land uses.
3. The City shall designate adequate appropriately located land for quasi-public uses such as hospital, churches, private school facilities, and utility uses.	The power plant would be sited on land that allows utility uses. In addition, the power plant would be located adjacent to other industrial, and compatible, land uses.
<b>San Joaquin County General Plan</b>	
<b>Chapter VI Resources</b>	
<b>Agricultural Lands Objectives</b>	
1. To protect agricultural lands needed for the continuation of commercial agricultural enterprises, small-scale farming operations, and the preservation of open space.	The project would have no effect on the County's ability to protect agricultural lands from urban development.
3. To minimize the impact on agriculture in the transition of agricultural areas to urban development.	The project would have no effect on the County's ability to protect agricultural lands from urban development.
<b>Agricultural Policies</b>	
5. Agricultural areas shall be used principally for crop production, ranching, and grazing. All agricultural support activities and non-farm uses shall be compatible with agricultural operations and shall satisfy the following criteria:	
(a) The use requires a location in an agricultural area because of unusual site area requirements, operational characteristics, resource orientation, or because it is providing a service to the surrounding agricultural area;	The gas pipeline was sited in its current location to allow for a connection to an existing gas pipeline. In addition, the gas pipeline was sited to follow an existing gas pipeline route that is currently aligned with agricultural field boundaries to the extent possible, while creating a straight alignment.
(b) The operational characteristics of the use will not have a detrimental impact on the management or use of surrounding agricultural properties;	Operating the power plant would have no effect on agricultural operations. Operation of the gas pipeline would result in no impacts to the agricultural parcels it would cross.
(c) The use will be sited to minimize any disruption to the surrounding agricultural operations; and	Siting of the power plant would have no effect on agricultural operations. Construction of the gas pipeline would result in temporary impacts to the agricultural parcels it would cross; no long-term impacts to agricultural operations on those parcels are expected.

TABLE 5.6-6  
Project Conformity with Local Land Use Plans and Policies

Goal/Objective/Policy	Project Consistency
(d) The use will not significantly impact transportation facilities, increase air pollution, or increase fuel consumption.	The project would have no effect on transportation facilities. Refer to the Air Quality chapter for a discussion of project air emissions and measures to minimize potential air quality impacts. The project would require the use of natural gas; however, if the proposed project is not constructed, other electric generation facilities would be required, which could also consume fuel.
7. There shall be no further fragmentation of land designated for agricultural use, except in the following cases:	
(a) Parcels for homesites may be created, provided that the General Plan density is not exceeded.	The project would have no effect on the County's ability to protect agricultural lands from fragmentation.
(b) A parcel may be created for the purpose of separating existing dwellings on a lot, provided the Development Title regulations are met.	The project would have no effect on the County's ability to protect agricultural lands from fragmentation.
(c) A parcel may be created for a use granted by permit in the A-G zone, provided that conflicts with surrounding agricultural operations are mitigated.	Constructing and operating the project would not require the creation of parcels of land.
8. To protect agricultural land, non-agricultural uses which are allowed in the agricultural areas should be clustered, and strip or scattered development should be prohibited.	Siting the power plant adjacent to the existing wastewater treatment plant and mosquito and vector control district meets this requirement.
10. Non-agricultural land uses at the edge of agricultural areas shall incorporate adequate buffers (e.g., fences and setbacks) to prevent conflicts with adjoining agricultural operations.	The power plant site would be fenced, and would be adjacent to other industrial land uses.

Sources: City of Lodi, 1991; San Joaquin County, 2002.

### 5.6.3 Cumulative Effects

A cumulative impact refers to a proposed project's incremental effect together with other closely related past, present, and reasonably foreseeable future projects whose impacts may compound or increase the incremental effect of the proposed project (Public Resources Code § 21083; California Code of Regulations, title 14, § 15064(h), 15065(c), 15130, and 15355).

In July 2008, 21 projects were in various stages of progress with the City of Lodi. Most of these projects are zoned residential, with a few office, mixed use, institutional, commercial, and industrial projects proposed. All of these projects are more than 4 miles from the proposed project, except for the improvements at the White Slough WPCF (Draft EIR issued March 28, 2008), which is adjacent to the project site (Bereket, 2008; City of Lodi, 2008c).

In July 2008, 72 projects<sup>7</sup> were being processed with the San Joaquin County Building Department. These projects were located in Acampo, Escalon, Farmington, French Camp,

<sup>7</sup> For the purposes of this discussion, San Joaquin County sorted its projects by project cost, and provided a list of the projects costing \$25,000 or more.

Linden, Lodi, Lockeford, Manteca, Ripon, Stockton, and Tracy. The types of projects included residential projects such as new residences, additions and remodels to existing residences, mobile home renovations, and pool construction; commercial projects such as administration buildings, barns, and a riding arena; light industrial projects such as storage buildings, spray booths, and warehouses; office projects such as building conversions and tenant improvements; and institutional projects such as classroom relocation and facilities to house animals (Raborn, 2008).

Because the LEC is an allowable use at the proposed site and would not result in significant adverse impacts that cannot be mitigated, and because the LEC is located on land owned and incorporated by the City of Lodi impacts from the LEC would not likely combine with those from the projects being processed in the city limits to result in significant cumulative impacts. Similarly, because the LEC site is in a primarily agricultural area of the county, it is unlikely that the LEC's project impacts would combine with those of the projects being processed in the county to result in significant cumulative impacts. Although the LEC would change disturbed open space land to another land use, this land is designated in the General Plan and zoned for non-agricultural uses. Therefore, the LEC would not contribute to cumulative impacts.

#### 5.6.4 Mitigation Measures

The long-term conversion of approximately 4.4 acres of disturbed open space land, needed to construct the proposed power plant, would result in a land use change from existing conditions, but would not result in an impact on agricultural land uses. The short-term conversion of any of the four construction parking and equipment laydown areas would also result in no impacts on agricultural land uses. In addition, the land where the power plant and laydown areas would be located does not have a Williamson Act contract associated with it. Because no impacts have been identified due to the power plant and associated laydown areas, no mitigation is required.

Construction of the proposed gas pipeline would result in the short-term loss of use of agricultural land along the alignment. Agricultural land uses are expected to resume along the alignment after the pipeline is constructed. The natural gas pipeline would cross portions of seven parcels that have a Williamson Act contract associated with it, which is considered an impact. To mitigate this impact, the Applicant shall consult with San Joaquin County regarding the extent, duration, and severity of the impact on agricultural land uses and activities. The purpose of such consultation is to determine the appropriate mitigation for this impact. Once that mitigation is determined in consultation with San Joaquin County, the Applicant shall implement such mitigation. It is expected that such mitigation may include contributing to a conservation or mitigation fund or establishing a conservation easement.

The Applicant will file a request for consistency determination with the San Joaquin County ALUC to determine what if any special requirements for the portion of the pipeline that will be buried in the transition and runway approach zones would be necessary to support a finding of consistency. Since an existing natural gas pipeline is located in the same easement proposed for the new proposed natural gas pipeline, no new or additional risk to airport operations should result from installation of the new pipeline.

Project implementation will occur in compliance with all LORS applicable to the construction and operation of power plant facilities, including the City of Lodi General Plan and Municipal Code Title 17, the San Joaquin County General Plan and Zoning Regulations Title 9, the San Joaquin County Multi-Species Habitat Conservation and Open-Space Plan.

### 5.6.5 Laws, Ordinances, Regulations and Standards

This subsection lists and discusses the land use LORS that apply to the project. Consistent with CEC AFC requirements, all plans and polices applicable to the one-mile area surrounding the proposed power plant site are summarized below. The site, including all project components (plant site and natural gas pipeline) are located in the City of Lodi and San Joaquin County, and are subject to all of the City of Lodi's and San Joaquin County's General Plan policies and objectives. Table 5.6-7 lists the LORS, the agencies that administer them, and the AFC section that discusses the project's conformance with the LORS.

TABLE 5.6-7  
Laws, Ordinances, Regulations, and Standards for Land Use

LORS	Requirements/Applicability	Administering Agency	AFC Section Explaining Conformance
<b>Jurisdiction for the Project Sites</b>			
CEQA California Public Resources Code, Sections 21000-21178.1, including Guidelines for implementation of CEQA are codified in the CCR Sections 15000-15387.	Establishes policies and procedures for review of proposed power plants in California	California Energy Commission	Section 5.6.5.2
Warren-Alquist Act (Public Resources Code Section 25000 et seq.)	Legislation that created and gives statutory authority to the California Energy Commission.	California Energy Commission	Section 5.6.5.2
City of Lodi General Plan (1991)	Comprehensive long-range plan to serve as the guide for the physical development of the City.	City Of Lodi Community Development Department, Planning Division 221 West Pine Street P.O. Box 3006 Lodi, California 95241-1910	Table 5.6-3
City of Lodi Title 17 Zoning (2003)	Establishes zoning districts governing land use and the placement of buildings and district improvements.	City Of Lodi Community Development Department, Planning Division 221 West Pine Street P.O. Box 3006 Lodi, California 95241-1910	Table 5.6-4
San Joaquin County General Plan (1992, 2002)	Comprehensive long-range plan to serve as the guide for the physical development of the County.	San Joaquin County Community Development Department, Planning/Development Services 1810 E Hazelton Avenue Stockton, CA 95205	Table 5.6-3

TABLE 5.6-7  
Laws, Ordinances, Regulations, and Standards for Land Use

LORS	Requirements/Applicability	Administering Agency	AFC Section Explaining Conformance
San Joaquin County Zoning Regulations (Title 9) (2001)	Establishes zoning districts governing land use and the placement of buildings and district improvements.	San Joaquin County Community Development Department, Planning/Development Services 1810 E Hazelton Avenue Stockton, CA 95205	Table 5.6-4

### 5.6.5.1 Federal LORS

No federal LORS for land use are applicable to the site or the proposed project.

### 5.6.5.2 State LORS

The AFC process is the CEQA-equivalent pursuant to the Warren-Alquist Act and, therefore, fulfills the requirements of CEQA. CEQA is codified in the California Public Resources Code, Section 21000-21178.1. Guidelines for implementation of CEQA are codified in the California Code of Regulations (CCR) Sections 15000-15387.

### 5.6.5.3 Local LORS

Land use provisions that are included in every California city and county General Plan (California State Planning Law, Government code §65302 et seq.) reflect the goals and policies that guide the physical development of land in their jurisdiction. The city and county zoning ordinances are enforced by their respective planning and building departments.

## 5.6.6 Agencies Contacts and Permits

Table 5.6-8 lists the agency contacts for land use issues and permits that are related to the proposed project.

TABLE 5.6-8  
Agency Contacts and Permit for Land Use

Issue	Agency	Contact	Permit Schedule
Land Use Plans and Permits	City of Lodi	Kari Chadwick Planning Secretary City of Lodi Community Development Department, Planning Division 221 West Pine Street P.O. Box 3006 Lodi, California 95241-1910 209-333-6711 Email: kchadwick@lodi.gov	Prior to Construction

TABLE 5.6-8  
Agency Contacts and Permit for Land Use

Issue	Agency	Contact	Permit Schedule
Building Permits	City of Lodi	Dennis Canright Building Official City of Lodi Community Development Department, Building Division 221 West Pine Street P.O. Box 3006 Lodi, California 95241-1910 209-333-6714 Email: dcanright@lodi.gov	Prior to Construction
Airport Land Use Commission	San Joaquin County Council of Governments	Laura Brunn Planner 555 E. Weber Avenue Stockton, CA 95202 209-468-3913 Email: Brunn@sjcog.org	NA
Building Permits (gas pipeline only)	San Joaquin County	Kermit Darrow Architect/Plan Checker San Joaquin County Community Development Department, Building Division 1810 E Hazelton Avenue Stockton, CA 95205 209-468-3179 Email: building@sjgov.org	Prior to Construction

## 5.6.7 References

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