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**To:** [Planning Distribution](#)  
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**Subject:** Re: Regular meeting agenda for the planning commission of the City of Manteca - Agenda Item "A" Public Comment for next scheduled February 19, 2026 meeting  
**Date:** Tuesday, February 10, 2026 4:11:59 PM  
**Attachments:** [Attachment #2 \(6\).pdf](#)  
[Attachment #3 \(6\).pdf](#)

## This Message Is From an External Sender

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Dear commission members,

### **Background information related to comments being submitted in this email and attachments:**

After repeated actions by my William and Lucille Harris Trust Estate co-trustees, co-managers, and business partners that has impeded my involvement, I contacted Josh Harder and Jerry McNerney's offices and they were kind enough to assist me in gaining my right to participation in the Mossdale Tract Urban Flood Risk Reduction Project Draft EIR public comment process and I am thankful for their assistance.

### **Limited Authority for comments that I am presenting**

To set the frame work it is important that I advise you that I am writing in my limited authority position as a minority co-trustee for the William and Lucille Harris Irrevocable Trust (HIRT) and co-manager of 18 or more HIRT owned entities affected by the Mossdale Tract Urban Flood Risk Reduction Project. Please accept this email (and attachments) as my continuing good faith effort to promote a more beneficial and safer outcome for those affected by past and continuing City of Manteca Urban Expansion.

### **Martin Harris public comment response to recent information received that I would like the Manteca Planning Commission to consider:**

On January 15, 2026, I finally received a link to the Mossdale Tract Urban Flood Risk Reduction Project Draft EIR and public comment participation process (UFRR). As a result, I downloaded and read through the documents that I was directed to by means of a link provided by SJAFCA representative Ryan Curry before submitting four public comment emails and a new Martin Harris recommended UFRR levee alternative

southernly placement extension that more adequately addresses and mitigates the cumulative impacts for known/planned projects not included in the UFRR Draft EIR documents. (see attachments 1,2,3, and 4 for Martin Harris comment letters sent to SJAFCA representative Ryan Curry in response to the UFRR). Also see HIRT Trust owned entity Terra Land Group LLC's 12 year effort to protect access to its property as broadly described in attachments 5 and 6)

**Because drainage water must be properly managed and directed 200 year flood protection requires the involvement and thoughtful consideration of every decision maker in our community:**

I am sending the commissioners this email (and attachments) to provide notice of my concerns and to pass along the drainage recommendations previously offered by Alex Hildebrand and others on how to address flood and storm water concerns in the areas in and along the San Joaquin and Stanislaus Rivers as detailed in my four UFRR Draft EIR public comment emails.

Thank you for your attention to this very important matter. I hope this information helps as the Planning Commission considers the cumulative impacts of new project submissions moving forward.

Martin Harris

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**From:** Marty Harris <martyharris5151@gmail.com>

**Sent:** Tuesday, January 13, 2026 12:00 PM

**To:** planning@ci.manteca.ca.us <planning@ci.manteca.ca.us>

**Cc:** Sanjeev Singh <ssingh@kempercpa.com>; LeeAnne Cardoza <lcardoza@gccpas.net>; Chris Glassman <cglassman@leadershipone.net>; Brett Mueller <bmueller@tuffboy.com>; tcabrera@tuffboy.com <tcabrera@tuffboy.com>; jwh@caloneandharrel.com <jwh@caloneandharrel.com>; Kurt Glassman <kglassman@leadershipone.net>; smurrill@leadershipone.net <smurrill@leadershipone.net>; Josh Harris <jman4595@yahoo.com>; Jacob Harris <jakeh2198@yahoo.com>; Rob Harris <robertjharris@outlook.com>; Kerry <devotedcook@gmail.com>; Holly Kechriotis <hollyktc@gmail.com>; natalle05@hotmail.com <natalle05@hotmail.com>; Emily Gutierrez <gutierrez.emily2326@gmail.com>; Meredith Hogan <meredithhogan91@gmail.com>; Allison Giles <allie0giles@gmail.com>; Drewperkins85 <drewperkins85@gmail.com>; Lindsey Perkins <lindseyperkins.slp@gmail.com>; Melissa King <mking.hirt@outlook.com>; Marcia Perkins <mperkinshirt@outlook.com>; Bryce Perkins <brycetraileraman@aol.com>; Hightower, Jeffrey [LAFCO] <jhightower@sjgov.org>; Danielle Barney <danielle.barney@ssjid.gov>; ngmplcs@pacbell.net <ngmplcs@pacbell.net>; sylvia.razniak@sjafca.org <sylvia.razniak@sjafca.org>; marc.nolan@doj.ca.gov <marc.nolan@doj.ca.gov>; drudat@mantecafire.org <drudat@mantecafire.org>; kjorgensen@manteca.gov <kjorgensen@manteca.gov>; Kelly, Beckett [BOS] <bkelly@sjgov.org>;

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**Subject:** Regular meeting agenda for the planning commission of the City of Manteca - Agenda Item "A" Public Comment

## **200 year Manteca Flood Protection Levee Project**

My name is Martin Harris and I am a co-trustee for the William and Lucille Harris Family Irrevocable Trust (HIRT) as well as a co-manager of 18 HIRT owned entity properties to be affected in Manteca/Lathrop (South Delta) areas running along the San Joaquin River. I am seeking information regarding the 200 year Manteca Dry Land levee project and associated public comment period and how the William and Lucille Harris Family Irrevocable Trust minority interests can protect their rights and ensure their involvement in the environmental review process.

Recent information received that I would like the Manteca Planning Commission to consider:

On 1/7/2025, I received a text message that I converted to an email on 1/8/25 detailing a City of Lathrop public meeting that approved moving forward with environmental reviews and construction of the \$475M (\$475,000,000) 200 year Flood Protection Levee Project in South Manteca areas affecting drainage on 18 HIRT owned properties (including Mossdale Gateway Ranch (Lathrop) APNs 241-400-06 and 241-400-07). (See attachments #1 & link to Manteca Bulletins article “The Manteca flood of 1997, Hurricane Katrina, SB9, SJAFCA & ignoring the obvious in your own backyard”

<https://www.mantecabulletin.com/opinion/local-columns/the-manteca-flood-of-1997-hurricane-katrina-sb9-sjafca-ignoring-the-obvious-in-your-own-backyard/>

Recent request by Martin Harris for meeting with SSJID

On 1/7/26, I sent an email to SSJID to request a meeting to discuss how to move forward with an underground pipe crossing allowing W/L Harris Family Irrevocable Trust owned entities access to its property (ie. APN #241-330-32, 241-330-33, 241-320-60, & 241-330-34) which was originally approved in 2014 but held up over drainage concerns. The SSJID meeting is also meant to discuss what appears to be unrealized San Joaquin County recorded water rights in favor of one or more of those same W/L Harris Family Irrevocable Trust entity properties already situated in the City of Manteca.

Promoting a 200 year flood levee protection construction outcome that benefits every stakeholder including those attending Nile Garden school and those residing or

operating at Weatherbee Lake and appurtenant SSJID Drain #10 and #11 drainage canal upgradient properties

1. In 2014, my effort to address many of these issues was blocked, deflected, and widely ignored. (see attachment #2 for 3/24/2014 letter to Manteca Planning Commission)
2. On 11/4/2025, I once again brought these issues forward with a letter to the City of Manteca Engineering Department (see attachment #3)
3. My current effort, in conjunction with providing this communication to the Manteca Planning Commission is to ensure both HIRT's majority control interest and minority control interests right to participation in the Manteca Dryland Levee Flood protection Environmental Review and Scoping process.

With this in mind, I am asking the commissioners to please ensure protections to all 18 HIRT owned entity properties are properly provided and allowed for protecting both HIRT majority control and minority control interest rights to mitigate any and all environmental impacts created. The Manteca Planning Commissions assistance in making that happen is important and better serves both the developing and non-developing property ownership and usage interests for the areas to be affected.

Thank you,

Martin Harris

Note to recipients of this email.

Sanjeev Singh is copied solely for record preservation purposes and is not a participant in trust or LLC governance or decision making.

LeeAnne Cardoza is copied solely for record preservation purposes and is not a participant in trust or LLC governance or decision making.

Chris Glassman is copied solely for record preservation purposes and is not a participant in trust or LLC governance or decision making.

Brett Mueller is copied solely for record preservation purposes and is not a participant in trust or LLC governance or decision making.

Tony Cabrera is copied solely for record preservation purposes and is not a participant in trust or LLC governance or decision making.

Jason Harrel is copied solely for record preservation purposes and is not a participant in trust or LLC governance or decision making.

## ATTACHMENT 1

Kurt Glassman (Leadership One) is copied solely for record preservation purposes and is not a participant in trust or LLC governance or decision making.

Stephen Murrill (Leadership One) is copied solely for record preservation purposes and is not a participant in trust or LLC governance or decision making.

Josh Harris (son of Martin Harris and co-successor trustee of Martin W Harris Separate Property Trust) is copied solely for record preservation purposes and is not a participant in Trust or LLC governance or decision making.

Jacob Harris (son of Martin Harris and co-successor trustee of Martin W Harris Separate Property Trust) is copied solely for record preservation purposes and is not a participant in Trust or LLC governance or decision making.

Robert Harris (son of Martin Harris and co-successor trustee of Martin W Harris Separate Property Trust) is copied solely for record preservation purposes and is not a participant in Trust or LLC governance or decision making.

Kerry Harris (wife of Martin Harris and named beneficiary of Martin W Harris separate property trust) is copied solely for record preservation purposes and is not a participant in Trust or LLC governance or decision making.

Holly Kechriotis (daughter of declarant) is copied solely for record preservation purposes and is not a participant in Trust or LLC governance or decision making.

Natalie Swanson (daughter of declarant) is copied solely for record preservation purposes and is not a participant in Trust or LLC governance or decision making.

Benjamin Smith (son of declarant) is copied solely for record preservation purposes and is not a participant in Trust or LLC governance or decision making.

Emily Smith (daughter of declarant) is copied solely for record preservation purposes and is not a participant in Trust or LLC governance or decision making.

Meredith Perkins (Marcia Perkins daughter) is copied solely for record preservation purposes and is not a participant in Trust or LLC governance or decision making.

Alison Perkins (Marcia Perkins daughter) is copied solely for record preservation purposes and is not a participant in Trust or LLC governance or decision making.

Andrew Perkins (Marcia Perkins son) is copied solely for record preservation purposes and is not a participant in Trust or LLC governance or decision making.

Lindsey Perkins (Marcia Perkins daughter) is copied solely for record preservation purposes and is not a participant in Trust or LLC governance or decision making.

Terra Land Group, LLC  
5151 E. Almondwood Drive  
Manteca, CA 95337  
Phone: (209) 239-1361 • Fax: (209) 239-7086

March 24, 2014

US MAIL & HAND DELIVERED

City of Manteca Planning Commission  
1001 W. Center St.  
Manteca, CA 95337

Re: Terra Ranch Final Map/Tract #3493/Request for a Public hearing

Dear Commission Members,

I am the authorized representative for Terra Land Group, LLC, ("TLG") with respect to current land use issues.<sup>1</sup>

This letter is in follow up to my prior correspondence to Mark Meissner, Planning Manager for the City of Manteca, on March 5, 2014.

TLG wants to make it clear that TLG does not oppose the Terra Ranch Development Project ("Project"), however, TLG does have a number of issues that it believes were not adequately addressed for the reasons indicated in this letter; and, TLG was not given an opportunity to raise these issues because it was not given prior notice; consequently, I am concerned that if the City approves the Final Map based on misinformation and without proper notice, it could be subject to challenge.

**In summary, TLG is requesting that the Planning Commission or the City Council provide a public hearing with respect to the map referenced above. This hearing is necessary because: 1) TLG was not provided with notice concerning the hearing on the tentative Map. 2) There are outstanding issues that do not appear to have been addressed. 3) Errors were determined to be included in the survey that was used in part for this project. 4) There are conditions that TLG believes violate the City's current procedures; and, there appear to be significant environmental impacts that were not considered properly. 5) Errors exist on the July 14, 2011, Study Map represented by Ron Cheek as the official working document for the Project. 6) Finally, and of most significance, TLG was told by the City that additional hearings would take place, at which, TLG could voice their comments.**

This project has been confusing from the outset because the adjacent property owners used a name for this development that was similar to ours; and, confusion has followed including the City's failure to properly notify us on important issues. For clarification, Terra Land Group formerly known as Terra Ranch, LLC, owns three contiguous parcels south of the project area, which are further described as:

- APN #241-330-32
- APN #241-330-33
- APN #241-320-60

<sup>1</sup> TLG (History) I graduated from Cal Poly in 1975 with a Bachelor's Degree in Mechanical Engineering. In addition, I am currently licensed and in good standing with the State of California as a licensed general contractor

Before requesting this hearing, TLG has attempted to address our concerns informally with various related parties.

**January 7, 2014: Bill Filios/Manteca Development Group, LLC**

On January 7, 2014, I met with Bill Filios at subject property site to discuss my concerns relating to the current property line boundary issues affecting each party's representative property.

Bill Filios ("Filios") is the authorized representative for Manteca Development Group, LLC, ("Filios Group") which holds the right to purchase parcel APN #241-320-20, currently owned by the Rosi Cerri Foundation ("Cerri")

Also present at the meeting were Mike Atherton and Joshua Harris.

As part of the meeting, we presented a list detailing nine (9) specific concerns that directly affect the continuing farming operations of the 230 acres presently owned by TLG and located south and east of the Cerri property.

TLG concerns discussed:

1. **Continued road access to farming property.**
  - 1 a. Both parties, TLG and Filios, acknowledged that by extending the soon-to-be constructed McKinley Avenue Express Way to the south, various options are available to reconnect with the existing roadway which currently serves the Terra 230 acre property.
2. **All costs associated with land survey, permitting and construction of new access roadway to be paid by others.**
  - 2 a. Filios suggested that the Filios Group might assume all costs to construct the roadway extension provided that an agreement favorable to both parties is reached.
3. **Terra Land Group land ownership of property south of the levee to continue in accordance with the property description in place at the time Harris' purchased the property in 1968.**
  - 3 a. Both parties agreed that TLG will instruct Stantec Consulting Company to perform additional survey work to more closely identify:<sup>2</sup>
    - i. The total acreage and specific areas in question.
    - ii. The property boundary location in relation to the TLG owned 36" concrete irrigation water main delivery line serving the ranch.
    - iii. The boundary proximity relating to the main roadway situated between two (2) PVC irrigation lines supporting farming activities on the TLG property.
4. **PG&E power poles and gate located on the disputed boundary west of the access roadway should remain in place until the property line dispute is settled.**

<sup>2</sup> This survey was completed and proved to TLG's satisfaction that the current surveys in the City's possession in the area of the Terra Ranch Development Project are incorrect. It seems odd to me that the developer's survey was incorrect in a manner that benefits the developer's objectives. Any project that is approved based upon the faulty survey could be construed as an arbitrary and capricious act by the City.

4a. I suggested not disturbing the PG&E poles as well as the post with attached gate now in place that various parties recognize to be the legal boundary line as stated on the 1968 Title Report.

Filios' response sets forth that Filios cannot control PG&E's actions relating to the poles. Filios suggests that the Harris' take photos and rely on drawings to support the Harris' claim. Harris, in fact, has taken these photographs.

**5. Continued right to utilize levee roadway to accommodate farming access around property.**

5a. Filios proposed but has not delivered upon an agreement between the Filios Group and TLG that will set forth that TLG may access the levee roadway.

**6. To alleviate future concerns, Harris' propose that TLG purchase Cerri owned property south of the levee (≈ 5 acres).**

6 a. Filios' intent remains to acquire the Cerri five acre portion south of the levee for the purpose of securing a storm water pond collection site. In TLG's view the location of a storm water pond adjacent to a levee is nonsensical.

An exception to the latter would occur only if the Filios Group decided upon another location for the pond, at which time, Filios would agree to offer for purchase the five acre portion of the Cerri property to TLG.

**7. TLG's continued right to utilize and maintain the concrete irrigation pipeline servicing the entire TLG farming property. (Note: portions of the pipeline are located in close proximity to the RD #17 levee).**

7a. Stantec survey work has now been completed

**8. Future claims by Anderson or Bank.**

8a. Filios' position, at the time, was that item #8 should be acceptable to all parties involved.

**9. New McKinley Crossing Buyer's cooperation in accommodating TLG road access to the TLG farming property.**

9a. Filios position was that item #9 should also be acceptable to all parties involved.

As an additional point, Filios suggested that TLG could refrain from planting almonds in the disputed area estimated to be approximately one acre in total size.

I responded that due to the terms of a twenty-five year almond lease currently in effect between TLG and our tenant, WMD Farms, the forced elimination of any tree plantings could be considered a violation of the lease.

Further, prior to the Harris/Filios January 07, 2014, meeting, WMD Farms had put forth a significant investment into the property in preparation for the orchard planting.

That investment includes the costs associated with:

- i. Land leveling.
- ii. Deep ripping of top soil.

- iii. Fumigating.
- iv. Purchasing irrigation pipe and drip line.
- v. Purchasing trees.

With the above in mind, I informed Filios that the small additional cost of planting the trees is but a fraction of the total costs already incurred.

**January 07, 2014: Local Title Company**

I received a complete Chain of Title, from the same Title Company ("Title Company") the developer uses, as per my request from the local title company on January 07, 2014.

The Title Company was made fully aware that the purpose of the request was to support the TLG's property legal description and the related Title Insurance involved for 74.37 acres (APN #241-320-59) sold to Anderson Homes in 2006.

Title documents were received by TLG by e-mail and hand delivery on that same date.

Per TLG staff's inspection, both the e-mail and the hand delivered copies were identical in content.

The chain of title was represented as being complete and dated back to August 31, 1905.

In fact, the chain of title was incomplete.

A most important fact is that three (3) additional key document title recordings appeared to be missed in the title company's January 07, 2014, chain of title submission to TLG. It was only due to TLG's diligence in pursuing further independent explorations through the San Joaquin County Recorder's office that those vital records were discovered.

**January 08, 2014: WMD Farms;**

I met with Bob Williams (Williams), representing the lessee, WMD Farms, farm operator for the 230 acre TLG property.

I presented to Williams certain details covered in the Harris/Filios January 07, 2014, meeting relating to property boundaries, future road access and Filios' intent to construct a five (5) acre storm water pond adjacent to the TLG almond plantings.

Williams responded that a storm water pond would allow water to permeate into the subsoil and adversely affect the health of the orchard.

Williams further stated that his tree layout design for the almond plantings did not allow for any deviation of the current farm access roadway south of the levee.

Williams also expressed concern as to whether an adjusted Woodward south-to-the-levee road placement would allow unauthorized persons easier access to trespass or vandalize portions of the TLG farming property.

**January 09, 2014: Frederick Clark, City of Manteca Community Development Director**

I met with Frederick Clark ("Clark"), community development director for the City of Manteca to discuss my concerns relating to the property.

Also present at the meeting was Bryce Perkins, a Harris family member.

I introduced a copy of the originally proposed Terra Ranch tentative subdivision map dated October 20, 2009.

The map clearly shows a future McKinley Avenue land dedication extending south of Woodward avenue that directly overlays the existing access road that TLG has relied upon as their only property access since the Harris' purchased the entire 382 acre Woodward property in 1968.

Also introduced at the meeting was a subsequent Terra Ranch Tentative Subdivision Study Map dated July 14, 2011. ("Study Map") (see Exhibit "A," attached").

The subsequent Study Map shows a different McKinley Road property dedication that follows a different route from Woodward Avenue south to the levee.

I stated that TLG was working with Bill Filios, who represents development interests in the area, to identify an alternate Woodward Avenue south-to-levee access route that will reconnect with the current TLG existing farming property roadway. Pertinent to the Harris-Filios discussions is the fact that the present TLG roadway extends south of the levee with a location critical to irrigation pipeline facilities currently in place.

Clark stated that he could see no problems with relocating the farm access road for this purpose.

Clark further stated that Filios could make a formal application to extend McKinley Avenue south beyond the "G" Street Road termination point shown on the tentative Study Map dated July 14, 2011.

Clark also stated that the roadway could be designed for farm use only and would not need to be designed to McKinley roadway extension construction standards which will be mandated at the future time that McKinley Avenue is further developed.

I expressed critical concerns pertaining to securing the TLG property from trespass, theft, intrusion, and vandalism by way of gate installation.

Clark indicated that one or two gates could be installed to limit access along the extended portion of the McKinley extension access road.

I commented that a number of bike riders and walkers are currently utilizing the TLG property for recreation on a regular basis.

Clark stated that it was his understanding that **the levee roadways are being promoted by developers for resident recreational use.**

I questioned as to whether development of the Terra Ranch subdivision would include any fencing separating the TLG farm property from the subdivision.

Clark responded that the Terra Ranch Subdivision Study Map only called for landscape; and no fencing was anticipated at this time.

I inquired as to whether another formal public comment meeting would be held to address the Harris' concerns relating to the project.

Clark responded that there would be another public meeting held; and, TLG would be given an opportunity to address those concerns.

**January 10, 2014: Stantec Consulting Services Company:**

I met with a Stantec Surveying Company representative, ("Stantec") at the TLG property site to post markers indicating the location of the McKinley Road dedication footprint in relation to the disputed property boundary lines.

Discussions continued between Stantec and myself covering a detailed analysis of a prior survey by North Star Engineering Company ("North Star") for the benefit of the Cerri property interests. Of particular interest, Stantec informed me that within the total Cerri land holdings, an existing boundary corner marker was disregarded by North Star representative, Keith Spencer ("Spencer").

Stantec further stated that Spencer installed a new boundary corner marker approximately 100' east of the historical boundary corner marker previously recognized to established property boundaries in the area.

Stantec also stated that the placement and utilization of the new boundary corner marker as part of the recently completed North Star survey strongly benefited the Cerri interest's claim of ownership to the section of property that includes the current TLG access roadway.

Stantec then stated that his associates at Stantec thought it was unusual to totally disregard the historical Cerri boundary corner marker still in place while pursuing the placement and utilization of a new marker so far away.

I inquired if it was possible that the Cerri interests had determined where the Terra/Cerri property line needed to be and conducted the survey in reverse order to determine where a new corner boundary marker would better serve the Cerri interests claim to the section of property that includes the TLG roadway.

Stantec responded that they had no way of knowing North Star's intent but further stated that North Star's actions appeared to be highly unusual and it was not a method that Stantec recognizes as a normal business practice.

**January 17, 2014: Letter to Erika Durrer, Senior Planner for the City of Manteca**

On January 17, 2014, I wrote a letter to Erika Durrer, Senior Planner for the City of Manteca.

The letter was meant to memorialize the January 9, 2014, meeting that Bryce Perkins and myself had with Frederick Clark, Community Development Director for the City of Manteca.

In that letter, I further asked for Agricultural Farmland protections in accordance with Manteca Development codes.

Specifically, I asked that the Terra Ranch Development Project require mandatory fencing as well as a possible hold harmless agreement regarding trespass violations and potential injuries to persons intruding onto our property.

As an example of a recent trespass incident, I cited the following:

On January 15, 2014, I visited the TLG farm property to perform site work relating to a recently completed road access survey.

At that time, Doug Vandine ("Vandine"), a local resident, and previously unknown to me, was riding his bicycle on the levee with a dog held by a leash running close to the bike.

Shortly after my first observation of Vandine riding along the levee, Vandine, with dog, exited the levee and proceeded south onto the TLG private roadway which runs through the 230 acre TLG farming property.

Upon reaching me, Vandine stopped the bike to inquire as to TLG's farming intentions on the property.

As the conversation ended, the dog bit me above the right knee causing significant injury. Vandine did not acknowledge the bite incident and continued his ride through the TLG farming property.

The latter incident enhances, but is not meant to limit TLG's concerns regarding trespass and potential liability issues for all parties.

Those concerns expand to include new rules involving food safety and best management practices relating to the control of pathogens and Homeland Security because of the potential for (e-coli) or other contaminants coming into contact with food product in the field.

In conclusion: The Harris' affirm that Harris parties do not intend to impede either the development project or the McKinley Road extension.

Harris parties' intent is only to seek reasonable trespass-violation protection under the law in relation to the increased probability of incidents due to urban development.

I closed the letter by informing Ms. Durrer that TLG intends to pursue these concerns at a future public comment meeting.

**January 28, 2014: RLC Consulting Company:**

I met with RLC Consulting Company owner Ron Cheek ("Cheek") at his office in Manteca.

The purpose of the meeting was to identify the exact location of the proposed McKinley Avenue Roadway dedication ("Road Dedication") footprint as detailed on the Study Map. (see prior Terra Ranch Study Map Exhibit "A" attached)

I presented to Cheek an 11x17 copy of the proposed Study Map with print dimensions too small to rely upon in determining replacement road access to the TLG 230 acre farming property.

Cheek responded by offering two (2) ea. full size Study Maps with site descriptions and dimensions that were much easier to identify.

Cheek then described to me the location and size of the anticipated Road Dedication in relation to the Terra Ranch development west property line.

Cheek pointed out that the Road Dedication would be 104' wide with APN #241-320-59 contributing 74' from the Terra Ranch development site's west boundary.

In addition, Cheek indicated that the Cerri property development interests would contribute to the Road Dedication for future development use, a 30' strip of land as measured heading east from the Terra Ranch development sites' western boundary.

A. (Note: The 32' west portion of the McKinley Road Land Dedication area shown on the drawing was in error and actually should be 30' to add up properly to a total 104' road dedication.)

Cheek went on to explain that the 74' strip of land contribution by the Terra Ranch Development Group would only be partially completed to a point just south of "G" Street as detailed on the Study Map.

Further, Cheek explained that it was his opinion, that the undeveloped 30' west portion of the Road Dedication could be utilized in the final road placement of a new access roadway to the TLG 230 acre farming property.

I questioned Cheek as to whether the Final Terra Ranch Development Subdivision Map could include a southern boundary metal rod iron fence line that would protect the TLG's farming property from trespass due to Terra Ranch Development's resident's recreation use intent.

Cheek indicated that in his opinion, the public comment period for a fence line protecting the TLG property was completed.

I responded that TLG had only recently been advised that certain developers along Woodward Avenue had been promoting the use of TLG's farm properties for local housing development resident recreational use as a benefit to purchasing a home in the area.

I changed the topic and asked Cheek if he was aware that Filios was considering construction of a five acre residential storm water pond south of the levy and located immediately adjacent to the TLG almond plantings.

I further questioned Cheek as to whether the design of such a pond would typically involve a protective liner to prevent percolation into the soil subsurface.

Cheek responded that storm water ponds typically were not lined with any materials to prevent water from permeating into the soil subsurface.

#### **February 11, 2014: Reclamation District #17 Meeting**

On February 11, 2014, I attended a Reclamation District Board Meeting at the designated District Meeting Office in Stockton.

At that meeting, I was informed by Chris Neudeck, the consulting engineer for the District, that the District has recently become aware of new 200 year flood plane regulations that will require for the levee set back distance to be changed from 10' to 20' from the toe of the levee to a point where any farming can take place.

This was further explained to me to result in the Reclamation District contacting TLG and other property owners in the area to secure an additional ten (10) feet of levee easement beyond the ten (10) feet of current easement that the district currently controls.

Mr. Neudeck indicated that he would meet me at the property to locate where the District's existing easement ends to determine the impact on the TLG almond orchard now in place.

#### **February 27, 2014, James DeJong, City of Manteca Planning Senior Engineering Technician**

On February 27, 2014, I met with James DeJong ("Planner"), a planner for the City of Manteca Planning Department. At that time, I inquired as to whether the City of Manteca Planning

Commission had scheduled (as I was previously assured they would) a meeting to approve the recently completed map for the Terra Ranch subdivision project Tract #3493 ("Final Map"). (see prior Terra Ranch Study Map Exhibit "A" attached)

The Planner responded that it was the Planning Department's understanding that the Final Map had already been approved at a prior meeting over a year ago. It should be noted that it is TLG's belief that, despite being an owner of adjacent properties that could be severely impacted by the plan, TLG did not receive notice of the meetings. TLG did not receive proper notice to allow for their participation in any meeting concerning the approval of any map held at any time prior to the date of our prior letter.

I responded to the Planner that Fredrick Clark ("Clark"), Community Development Director for the City of Manteca, had stated to us (including family associate, Bryce Perkins) at a previously scheduled January 09, 2014, meeting, that the City of Manteca would hold a future public meeting to approve the Final Map. Clark went on to state that TLG would be given an opportunity to address concerns relating to trespass, fencing, easements and continued roadway access at that time.

Despite informing the Planner of these facts, the Planner remained firm that it was the Manteca Planning Department's belief that the Final Map was complete and no further public meetings would be held.

I then questioned the Planner as to whether the January 09, 2014 in-house meeting involving Clark, myself and Perkins had resulted in securing a southern boundary fence line to be added as a further condition for final approval of the Terra Ranch subdivision Project (Project"). The Planner proceeded to look through the entire set of Final Map drawings for any specifications calling for a protective fence line to be installed along the southern boundary of the Project. After a quick review of all drawings in his possession, the Planner stated that no fence offering trespass protections to the TLG property appeared to be shown on the drawings. The Planner added that he would check with his supervisor to confirm. This is despite the City's current policy concerning fencing as a condition to a Project Approval, #s RC-P-24 and RC-I-30, calling for a fence.

We then discussed our proposed layout for an alternate TLG farm access roadway route to be located within the McKinley Avenue Road Dedication Area ("MRDA"), adjacent to the subsequent property. This roadway is planned for an area subject to an easement for the benefit of TLG's access to its property. However, the Planner identified a particular drawing included in the Final Map bundle of drawings for my inspection, where the Drawing clearly showed the MRDA currently had no details offered concerning any roadway extension beyond the planned McKinley Avenue termination point shown to end approximately 50' south of the "G" Street roadway connection accessing the Project in order to satisfy TLG's access needs.

I commented that it was important that the replacement Roadway incorporate a gradual sweeping s-curve transitioning west to allow for the safe operation of various types of 80,000# Gross vehicle truck-trailer combinations needed to serve the TLG Ranch property.

Further, I commented that TLG was looking for trespass protections to be put in place that would provide protections against the uninvited public access or intrusions to the TLG farm replacement roadway. The Planner acknowledged our concerns.

I also directed the Planners' attention to TLG's existing 36" concrete water transmission lines and the associated two (2) each concrete junction boxes located on both the south-east and south-west corners of the Terra Ranch housing development property. I further noted that the junction box located on the south-west corner of the project property was also included in the MRDA. (see Exhibits "B" & "C" attached)

I further stated that TLG was looking for protections that would allow for the continued operation of the concrete junction boxes and the nearly 4300 feet of associated water transmission lines currently in place.

Further, I demonstrated on the map that the access roadway should extend the proposed McKinley Avenue south toward the levee to a point before transitioning west to realign with the existing roadway as detailed on the attached drawings. (see Exhibit "A" attached)

It is TLG's desire that the existing farm access roadway remain in place at all locations south of the levee approach ramp to accommodate transmission water and irrigation pipelines currently in place.

The Planner indicated that the alternate roadway design project would take over a week to complete and suggested that I contact Planning Staff the week of March 10, 2014 for an update.

**March 5, 2014, Letter to Mark Meissner, Planning Manager for the City of Manteca**

On March 5, 2014, I wrote a letter to Mark Meissner, Planning Manager for the City of Manteca.

In that letter, I detailed the February 27, 2014 meeting with a City of Manteca Planning Staff Member at the office of the Manteca Planning Department.

Following my detailed description of the discussions held with the Planning Staff Member at the February 27, 2014 meeting, I provided a list of fifteen (15) key points that I requested the City of Manteca Planning Department to consider.

TLG requests that the City consider the following:

1. The existing dirt road access from Woodward Avenue to the TLG 230 acre farming properties has been utilized by TLG or their predecessors since the 1960's and perhaps as far back as the 1920's on a continuing basis. For this reason, TLG believes that they are legally entitled to a reasonable accommodation for that use.
2. Certain existing pipelines, junction boxes and trees ("Existing Agriculture Improvements") are located in direct alignment with the MRDA, and based on a questionable survey, are indicated to be on the Project's property.
3. TLG has been paying all property taxes on properties APN #241-320-60, APN #241-330-32 and APN #241-330-33 since my family purchased the properties in 1968..

TLG believes that reasonable accommodations can be made for the aforementioned Existing Agricultural Improvements by incorporating the suggested alternate TLG farm access roadway alignment as shown in the attached drawing previously referred to as (see Exhibit "A".attached)

4. The Terra Ranch Study Map dated, July 14, 2011, is in conflict with the zoning code and does not comply with the City of Manteca protective fencing requirements for developing properties bordering farming operations contiguous to the development property despite our requests to do so, for public protection, to prevent trespassing, and to conform to City of Manteca condition #'s RC-I-30 and RC-P-24 to the Plan.

Despite the City's denial, the Terra Ranch Study Map drawing indicates that a southern border fence line might easily be incorporated into the final set of conditions required for the Project, in accordance with City Policy.

5. A series of lot line adjustments agreed to in 2006 for the subject area were not completed in a timely manner resulting in confusion as to each parties' resulting interest and the associated infrastructure in place. Notice of the adjacent locations related to said infrastructure were not provided to TLG until after the hearing on the tentative property.
6. A total of two lot line adjustments ultimately were performed on the property further delaying the process.
7. At the time of the property sale to Anderson Homes ("Terra Ranch Properties") in 2006, the real property purchase contract dated September 15, 2003, called for a certain portion of APN #241-320-19 to be meant only to include that portion of property north of the levee and specifically stated that the portion of property to be included in the sale was limited to the "Developable" portion of the 84.65 acre parcel. Project properties have claimed more than the area suitable for residences.
8. In January 2010, TLG contacted a Terra Ranch Properties' representative to notify him that the lot line adjustment had not been completed and property taxes were past due for the Anderson Homes undivided portion of APN #241-320-19, further identified as APN #241-320-55. TLG's portion of property taxes for the undivided portion identified as APN #241-320-56 was paid promptly and on time.
9. TLG was notified in 2011 that Terra Ranch Properties ("Anderson"), in association with Anderson's bank, were looking to sell the property for an amount considerably less than the original purchase price.
10. In spring 2011, I visited the City of Manteca Planning office and met at the counter with Erika Durrer to express concern that Terra Ranch, LLC, was not receiving notices concerning the property.  
  
Ms. Durrer stated that it was her understanding that the 230 acres south of the levee (and owned by TLG) was part of the total property holdings of Terra Ranch Properties, LLC, a company controlled by Anderson Homes.
11. For this reason, on June 27, 2011, Terra Ranch, LLC ("Harris"), changed their name to Terra Land Group, LLC, to avoid any other confusion at the City relating to the proper ownership interests on the Harris' 230 acre property.
12. In May, 2011, TLG was informed that Albert Boyce, Mike Atherton and Bill Filios were attempting to purchase the property then owned by Anderson Homes.
13. In January 2012, I was informed that McKinley Crossing, LLC, a company that I was informed includes Albert Boyce, Mike Atherton and Bill Filios, purchased a smaller portion of the 74.52 acre property originally sold to Anderson Homes in 2006.
14. In October 2013, TLG was notified of a survey indicating a potential error in the property line description to the southwest of this Project. This leads me to further question the accuracy of the Final Map in relation to certain existing farm infrastructure and roadway easements and their associated alignments to land Dedication areas that significantly effect the TLG property adjacent to the Project. This leads me to believe that the Final Map is inaccurate relating to those future land development dedications and directly impacts the adjacent TLG farming properties located both south and south-west of the Project. TLG requests that the finalization of this map be postponed until the questionable survey issue is resolved including recent lot line adjustments related to and dating back to the 2006 sale of parcel 241-320-19.

15. TLG is informed and believes that the survey conducted by North Star Engineering on behalf of Applicant may not be accurate, which, in turn, places doubt on the Final Map the survey is based upon. TLG is informed and believes that the North Star Engineering Survey Report is not accurate and impacts:

- a. The ownership of certain TLG property that our family has paid taxes on and farmed since 1968.
- b. Current critical agricultural water line junction boxes (2) each and farm road access easements that TLG relies upon for the cultural operations on its 230 acre farm property.
- c. Future Development Land Dedications based on the survey affecting the continuing farm operations of the TLG property.

For this reason, TLG believes that the City of Manteca should not take any action depending on the results of the North Star Engineering Survey until the current survey dispute has been fully investigated and resolved to the satisfaction of all parties involved.

I then presented a short list of compromises as a means of creating a potential solution to the critical issues that would support development while providing for TLG's ability to continue to farm their 230 acre property.

**Compromises/Critical Issues to Resolve:**

It is important to note again that the TLG/Harris' are not opposed to this development.

However, we are respectfully requesting a public hearing to address each of the issues discussed herein. One major issue TLG would like to discuss is the compromise it is willing to make with the goal of seeing that the development proceeds. The proper property boundaries must be agreed upon in a reasonable, equitable manner.

- 1. TLG is willing to abandon the current farm access roadway for the benefit of all other parties if the suggested roadway routing submitted as part of this letter is accepted or a reasonable alternative suggested. (See Exhibit "A" attached) TLG may request that it be guaranteed the access it has enjoyed for over forty-five (45) years be continued.
- 2. All costs associated with the design, permitting and construction for the new access roadway should be borne by the project proponent: those changing the 40-50 year status quo. TLG will not be made responsible for costs associated with the new farm access roadway.
- 3. TLG to be granted exclusive easements or recorded rights of use, granting said use of access to the RD 17 levee roadways running along the perimeter and bordering the TLG properties.
- 4. TLG to be granted easements or recorded rights of use, granting for those portions of the 30" concrete water transmission lines and the associated two (2) each junction boxes that are believed to be located on both the south-east and south-west corners of the Terra Ranch housing development properties. (see Exhibit "B" and "C" attached).

- 5. Additional conditions to be put in place relating to the Final Map requiring sufficient fencing and gates to be installed along the entire southern border of the Terra Ranch Development site for the purpose of providing protections against uninvited public access to the TLG Ranch property as conditioned by Manteca Community Plan #RC-I-30 and RC-P-24.
- 6. TLG ownership of the property south of the levee to continue in accordance with the property description in place at the time that the southern portion of APN #241-320-19 was originally acquired by the Harris family as part of a larger property purchase in 1968. (Note: the current parcel # for the aforementioned southern portion is APN #241-320-60).
- 7. TLG will consider other reasonable alternatives.

I closed the letter by calling Mr. Meissner's attention to my effort last year in addressing the 2013 updated General Plan and any affects the General Plan might have on future zoning issues as well as TLG's continuing right to farm the 230 acre property.

**March 12, 2014: Letter sent as invitation to meet with Bill Filios**

On March 12, 2014, I sent a fax to Bill Filios and Albert Boyce in an effort to meet. No response has been received by Bill Filios as of the date of this letter/Albert Boyce declined..

**March 17, 2014: Phil Govea, City of Manteca Public works**

On March 17, 2014, I met with Phil Govea ("Govea"), Deputy Director of Public Works for the City of Manteca ("Manteca").

Also present at the meeting was Bryce Perkins ("Perkins"), a Harris family member.

The meeting was initiated by me due to the City of Manteca's inability to supply certain March 18, 2014, City Council meeting support documents describing capital improvement projects listed as Consent Calendar Items A08 and A11. (see Exhibit "D" and "E" attached)

I opened the meeting by stating that TLG had spent considerable time and effort in trying to determine Manteca's intentions relating to the Harris families' 230 acre Almond Ranch located south of Woodward Avenue and west of Airport Way.

I added that TLG was particularly concerned that Manteca's potential plan could lead to the placement of treated sewer water on the TLG farming property.

I referenced a 1993 Sewer System Master Plan that is currently available on Manteca's web site.

I further stated that the 1993 Master Plan included a map that clearly showed the potential for sewer water placement on portions of TLG property (see Exhibit "F" attached).

Govea inquired as to the current zoning of the property.

I responded that a 2013 General Plan update was still under review, but that TLG had been assured by City of Manteca Planning Staff ("Planning Staff"), that once completed, the updated 2013 General Plan would result in re-designating the future zoning for the TLG property into two land use classifications: VLDR and Open Space.

I added that discussions with Planning Staff further included the potential for the future construction of a McKinley Road extension to the south and continuing through the TLG property.

I stated that Planning Staff further commented that due to the TLG's property location within the 100/200 year flood plane, any development occurring on the TLG's property could be 20 to 30 years away.

I offered that it was the 20 to 30 year development prediction by Planning Staff that led to the TLG decision to invest in a twenty-five year Almond Crop on the TLG farm property.

Govea stated that currently, Manteca is discharging treated sewer water at a number of locations.

Govea added that these locations currently include city parks as well as leases with private property owners.

Govea further added that it was his belief that treated sewer water had many uses including compatibility with active farming irrigation.

I responded that I had attended a 2012 South San Joaquin County Farm Bureau meeting.

I added that the SSJID Director, Jeff Shields ("Shields") was also at the meeting and made a presentation to the Farm Bureau members in attendance on water delivery which was followed with questions.

I then stated that I asked Shields "Why Manteca and SSJID did not partner together in the blending and distribution of Manteca treated sewer waste water with SSJID fresh water for ultimate distribution to SSJID dairy feed farmers south of Manteca.

I further stated to Govea that neither Shields or any other farmers in attendance supported my idea. In fact, several farmers were amused.

*I assure you, irrigating with treated sewer water is no laughing matter to almond growers. In fact, it is prohibited by Federal food safety regulations.*

I stated to Govea that continuing conversations with local farmers indicated a general belief that treated sewer water would lead to elevated levels of PH, nitrites, and salts affecting the plant, soil and ground water that would eventually affect crop health and production.

Govea responded that Manteca sewer waste water was in fact determined to include concentration levels that were low in both PH and nitrates while demonstrating non-detectable ammonia levels due to a specialized process that included the utilization of a water distribution plan that blends Manteca well ground water with fresh SSJID water with the benefit of lowering certain contaminant levels and PH.

Govea further stated that Manteca was permitted to discharge 100% of their current and future treated sewer effluent discharge water into the San Joaquin River, but were opting instead to create beneficial alternative uses for future treated sewer water to demonstrate good stewardship in relation to current water conservation measures and best management practices.

Govea further stated that for several years now, Manteca has required developers to incorporate sewer pressurized lift pumps to move untreated sewage from new developments south of Hwy 120, north, to the Manteca Sewer Treatment Plant.

Govea explained that the current untreated sewer pipeline conveyance system contains various pressurized lift pumps strategically located along Woodward Avenue.

Govea presented a Zone 25 detailed drawing showing current existing untreated sewage conveyance pipelines as well as future not-yet-existing untreated sewage conveyance lines for the area south of the Manteca Sewer Treatment Plant.

No conveyance pipelines for moving treated effluent sewer waste water were included on the drawing.

Govea carefully identified the location of the pressurized sewage lift pumps and their purpose in relation to the existing and future untreated sewage conveyance pipelines shown on the drawing.

Govea added that the March 18, 2014, City Council Consent Calendar Agenda Item #A08 will provide funding to complete the untreated sewer gravity feed pipeline conveyance system from Dutra Estates north to the Manteca sewer plant.

Further, Govea added that once complete, Manteca can abandon the entire Woodward Avenue lift pump pressurized untreated sewer treatment pipeline system to be eventually utilized for a different future use.

Govea then stated that the future use would allow for the raw sewage lift pumps to be reutilized for the purpose of moving treated effluent sewage water to areas south of Hwy 120 and extending to areas along the future McKinley expressway, the Zone 25 sewer shed properties, as well as approximately 400 acres of land located on Hays Road that is expected to receive waste water from the Eckert Cold Storage Facility.

Perkins asked if the pressurized treated sewer water pipeline distribution system design had been completed?

Govea responded that the design was currently in progress but had not been completed.

I responded that TLG was not opposed to development. However, I added that TLG is actively gathering information to fully understand Manteca's current and future plans for growth to determine how that growth may impact the future uses of the TLG farming property.

I then demonstrated on a map that it was TLG's belief that Manteca plans to install a treated effluent sewer water distribution pipeline that may impact portions of the TLG farming properties.

Most important, I stated that it may be in the best interests of everyone involved if Manteca purchased a small portion of TLG farming property to support Manteca's needs relating to development.

Govea supported the idea and suggested that TLG meet with the City of Manteca Economic Development Director, Don Smail.

I then brought Govea's attention to the March 18, 2014, City Council Consent Calendar Agenda Items A08, A09 and A11. I asked specifically if any of the three agenda items will affect the TLG 230 acre properties.

Govea identified himself as the most qualified staff member in the City of Manteca's Public Works Department relating to the South Area Public Facilities Sewer Plan.

Govea assured both myself and Perkins that Agenda item A08, pertaining to the South Area Public Facilities Plan, would have NO impact on the TLG properties.

Further, Govea assured both myself and Perkins that Agenda items A09 and A11 also would have NO direct impact on the TLG farming property.

Perkins inquired as to whether the funding mechanism involved with Agenda items A08, A09 and A11 involved the proper use of RDA Bond Funding.

Govea responded that he believed that the City had met all RDA compliance requirements.

**March 19, 2014: Letter to the City of Manteca Planning Department/Request Documents**

On March 19, 2014, Bryce Perkins delivered a letter addressed to Mark Meissner, Planning Manager for the City of Manteca. (see Exhibit "G")

The letter was written for the purpose of requesting documents in relation to the Terra Ranch Development Tract #3493.

The documents requested are listed as follows:

- 1. Development agreement relating to Terra Ranch Development Tract #3493.
- 2. Tentative and final maps relating to Terra Ranch Development Tract#3493.
- 3. Any amendment actually adopted relating to final map connected to Terra Ranch Development Tract #3493.

That very same day, I was pleased to receive a call indicating that the documents were ready to be picked up and that there would be no charge for the documents. I immediately headed to the City of Manteca planning office to pick up the documents.

On arrival, Ms. Schimmelfennig, a City of Manteca Planning Staff Member, presented the following documents:

- 1. A one page document identified as the Revised Terra Ranch Tentative Subdivision Map Tract #3493 for APN #241-320-55 totaling 74.5 acres (see Exhibit "H" attached)  
The map was dated: August 2, 2010  
Revised: February 18, 2011  
Revised: June 8, 2011
- 2. An unrelated set of documents totaling 14 pages for the Dutra Estates Projects No. 1 and No. 2 dated January 2005 and further identified as Tract #3536 and Tract #3537. (see Exhibit "I" attached)

Further, Ms. Schimmelfennig commented that:

- a. No development agreement relating to the Terra Ranch Development Tract #3493 existed.
- b. Only 1 map consisting of 1 page existed for the Tract #3493 Terra Ranch project.
- c. No evidence of any amendments actually adopted relating to any final map connected to Terra Ranch Development Tract #3493 could be found.

I quickly realized that no documents involving the current Terra Ranch Development Project were related to my request. In addition, no portion of the set of drawings represented as the Final Map during the February 27, 2014, meeting with James DeJong, Senior Engineering Technician for the City of Manteca, were included as part of the documents received. It is my belief that the City has failed to comply with the requirements of California law with respect to public documents, and that I am entitled to the additional documents I requested.

I left with the documents provided and began drafting this letter.

### March 20, 2014: Stantec/Completed Survey

On March 20, 2014, Stantec Consulting Services Company completed a survey that strongly supports TLG's historical claim to the farming property and rights of use to the farm access roadway that TLG/Harris' have utilized and paid taxes on for over forty-five years.

I have included a copy of the survey for your review and analysis. (see Exhibits "J" and "K")

### March 21, 2014: Planning Commission Agenda item #7.2

On March 21, 2014, I downloaded the upcoming Agenda for the March 25, 2014, Planning Commission meeting.

Of particular interest was Agenda item #7.2, which offered a detailed listing of development projects that the Planning Commission could anticipate reviewing throughout the year.

The documents included specific information covering 2 each Terra Ranch projects (see Exhibit "L")

#### Terra Ranch Project #1

200 each finished apartment units

Application date: March 11, 2009

Approval date: June 21, 2011

Expiration date: **June 21, 2013**

#### Terra Ranch Project #2

212 each entitled lots (approved Tentative Map/Pending Final Map)

Application date: March 11, 2009

Approval date (Tentative Map): June 21, 2011

Expiration date: June 21, 2017

Terra Ranch Project #1 (200 apartments) appears to have been approved but is shown as expired as of June 21, 2013, according to the Agenda documents.

In my opinion, any action taken by Manteca Planning Staff to reinstate or approve the 200 unit Terra Ranch apartment site for any future improved use without an updated environmental review could result in a significant impact to neighboring sites and should allow for public review and comments at a future hearing.

Terra Ranch Project #2 (212 housing lots) clearly demonstrated that the Project was still pending Final Map approval. **The documents clearly indicate that NO Final Map has been approved!**

**Additional facts gathered for this letter by means of information obtained from the Terra Ranch Environmental Impact Report (EIR) and associated STAFF Reports.**

#### **1. Right To Farm Policy Code Protection/Fencing**

Manteca's General Plan calls for conditions to be put in place to discourage the premature conversion of agricultural farms lands.

This goal is clearly meant to offer protections by means of policy code requirements currently in place. Those requirements are specifically set forth as detailed below:

- a. Policy LU-P-41: The City shall encourage the continuation of agricultural uses on lands within the Primary and Secondary Urban Services Boundary lines pending their development as urban uses consistent with the General Plan.
- b. Policy RC-P-19: The City shall support the continuation of agricultural uses on lands designated for urban use, until urban development is imminent.
- c. Policy RC-P-20: The City shall provide an orderly and phased development pattern so that farmland is not subjected to premature development pressure.
- d. Policy RC-P-21: In approving urban development near existing agricultural lands, the City shall take actions so that such development will not unnecessarily constrain agricultural practices or adversely affect the viability of nearby agricultural operations.
- e. Policy RC-P-23: Protect designated agricultural lands, without placing an undue burden on agricultural landowners.
- f. Policy RC-P-24: Provide buffers at the interface of urban development and farmland; in order to minimize conflicts between these uses.
- g. Policy RC-P-25: The City shall ensure, in approving urban development near existing agricultural lands, that such development will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations.
- h. Policy RC-P-28: The City shall not extend water and sewer lines to premature urban development that would adversely affect agricultural operations.

The City under general planning law can only approve projects that are in conformance with the General Plan; failure to do so is contrary to the government code and requires review under CEQA. Continuing, the City of Manteca has adopted a right to farm ordinance identified in Chapter 8.24 of the Manteca Municipal code.

#### Chapter 8.24 Right to Farm Ordinance

Chapter 8.24 of the Manteca Municipal Code (see EIR page 4.2-7) is a right-to farm ordinance intended to protect agricultural productivity in the city. The ordinance includes the following statement:

- "It is the policy of this City to preserve, protect and encourage the use of viable agricultural lands for the production of food and other agricultural products. When nonagricultural land-uses extend into or approach agricultural areas, conflicts often arise between such land-uses and agricultural operations. Such conflicts often result in the involuntary curtailment or cessation of agricultural operations, and discourage investment in such operations. This chapter is intended to reduce the occurrence of conflicts between nonagricultural and agricultural land uses within the city."

Further, the EIR specifically notes impacts to farmland detailed on pg 4.2-10 of the EIR and further includes language that specifically states that "the right to farm, requires adequate and secure fencing and a buffer at the interface and urban agricultural use".

Chapter 4.2-4: Impacts related to changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use. (see EIR page 4.2-10)

"Development of the Project would result in the construction of single-family, multi-family and open space adjacent to agricultural uses. Manteca GP Policies RC-P-19 and RC-P-28

encourage the continuation of agricultural uses on lands designated for urban use, until urban development is imminent. The Manteca GP land use designations for the properties to the west and south of the site are Business Industrial Park (BIP), and Urban Reserve Very Low Density Residential (UR-VLDR), respectively. In order to protect agriculture uses until development, Policies RC-P-24 and RC-I-30 of the Manteca GP require notification or urban property deed of the right to farm, requires adequate and secure fencing and a buffer at the interface and urban agricultural use, and phasing of new residential subdivisions."

Black's Law Dictionary defines fence as "an enclosing structure of wood, iron or other materials, intended to prevent intrusion from without or straying from within".

In addition, the EIR appears to demonstrate the intention of the City of Manteca and/or Reclamation District 17 to modify the levees to meet 200 year flood requirement guidelines that may very well have been in place or anticipated but were not disclosed at the time that the project was initiated.

Please note my inclusion of a drawing representing the Reclamation District No. 17 Mossdale Tract levee setback standard that was included on page 3-32 of the Final EIR. (see Exhibit "M" attached).

Further, improving levees south of the Project area may result in a levee design that serves as a conduit and promotes neighboring farm land intrusion rather than serving as a barrier to trespass.

Exhibit "I" further demonstrates that the ultimate grading slope of the levee could easily allow intrusion onto the TLG farming property.

Finally, it is my firm belief that both the Developer and the City of Manteca were well aware that the omission of the City of Manteca Ag Farmlands Protective Fencing code requirement would adversely affect the adjacent farming properties by promoting the recreational resident access and use of the TLG farming property south of the project.

**2. Storm Water Drainage**

Page 4. 8-11 of the EIR states that the Public Facilities Implementation Plan "identifies a series of specific improvements required to accommodate drainage of the existing urban areas of the City of Manteca."

In addition, the Public Facilities Implementation Plan requires the following:

- a. "Whenever possible, the land ultimately required for each improvement (included in the Drainage Master Plan) will be preserved before development occurs in an area."
- b. "Storm drainage and flood protection facilities should be constructed when each new development begins"

Further, page 4.8-12 and 13 of the EIR describes "storm drain detention pipes that would detain storm water collected from the entire project site for eventual conveyance to the 66 inch storm drain trunk in Woodward Avenue. However, because the design of the required storm water facilities on-site has not been determined at a subdivision-level basis, runoff from the project **potentially could contribute to an amount exceeding the capacity of the City's storm water facilities** or to the on-site flood potential. Therefore, the impact is considered **potentially significant.**

Certain mitigation measures are discussed on page 4.8-13 including:

"Prior to recording of the Final Map, the applicant shall develop and implement a master drainage plan, subject to review and approval of the City engineer."

In my opinion, **the development and implementation of a master drainage plan could result in a significant impact to the overall project and should allow for Public review and comment at a future hearing.**

### **3. Zone 25 Sewer Shed**

Chapter 4.12-2 of the EIR describes wastewater from the proposed project being conveyed via a system of 6" to 8" pipelines, which would serve the project alone. The project sewer system would connect to the 30" inch sewer trunk in Woodward Avenue.

In addition, the EIR for the Project contains no information relating to the installation of any infrastructure involving the conveyance of treated sewer water once processing is completed at the treatment plant.

Further, continuing project construction delays totaling several years, may have allowed for changes in the current or future planned City of Manteca infrastructure design and conveyance routing of treated sewer water that could lead to potential impacts to neighboring properties situated in the Zone 25 sewer shed.

### **4. Flood Control and Impacts**

Chapter 4.8.4 of the EIR describes impacts and mitigation measures relating to flooding potential.

In addition, the mitigation measures are specifically directed to 100 year flood risk requirements.

It is my understanding that FEMA has increased the flood hazard prevention requirements to a 200 year event criteria.

It is my opinion that this change in Flood hazard prevention requirements results in **significant impacts that have not been properly addressed to the public.**

### **5. Assessing The Continuing Reliability of The 2010 EIR**

In reviewing the scheduled March 25, 2014, City of Manteca Planning Commission Agenda item #7.2, there appears to be over 14000 residential units and lots that the City of Manteca plans to review through the end of this year. **That number is significant.**

With that in mind, I would like to suggest; that due to a number of delays involved with this Project, I believe that the 2010 EIR may be dated and no longer serves as a reliable impact model for the Project.

#### **In Summary:**

As I stated previously, TLG does not oppose the Terra Ranch Development Project, however, I **am troubled by a development process that leads to more confusion than clarity.**

With that in mind, **TLG is requesting that the Planning Commission or the City Council provide a public hearing with respect to the Map referenced at the beginning of this letter.** This hearing is necessary because: 1) TLG was not provided with notice concerning the hearing on the tentative map. 2) There are outstanding issues that do not appear to have been addressed. 3) Errors were determined to be included in the survey that was used in part for this project. 4) There are conditions TLG believes violate the City's current procedures; and, there appear to be significant environmental impacts that were not considered properly. 5) Errors exist on the July 14, 2011, Study Map represented by Ron Cheek as the official working document for

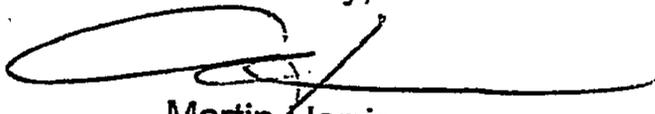
the Project. 6) Finally, and of most significance, TLG was told by the City that additional hearings would take place, at which, TLG could voice their comments.

Prior to the scheduling of the public meeting, TLG suggests that the City of Manteca Planning Commission and TLG agree to an informal 2X2 meeting for the purposes of openly discussing the key issues that could lead to a reasonable solution to the critical issues involved as set forth herein.

Finally, I submit a letter for the purposes of requesting certain documents as detailed on Exhibit "N" (Planning Commission oversight requested).

Looking forward to a fair and equitable resolution.

Yours truly,



Martin Harris  
for Terra Land Group, LLC

MH:yw

Enclosures

cc: Shane Hart at Hart Properties  
Bill Filios at Manteca Development Group

Outlook

Re: Proposed gated and key locked access from Woodward Avenue

From Marty Harris <martyharris5151@gmail.com>

Date Tue 11/4/2025 3:59 PM

To Michael Selling <mselling@manteca.gov>

Cc Lauren Silva <lsilva@manteca.gov>; Melissa King <mking.hirt@outlook.com>; Marcia Perkins-HIRT <mperkinshirt@outlook.com>; Meredith Hogan <meredithhogan91@gmail.com>; 'Bob Williams' <bob@wfarmllc.com>; 'Jennifer Cozart' <jcozart@deldonco.com>; Terry Souza <terry@travaillehippen.com>; jhightower@sjgov.org <jhightower@sjgov.org>; Danielle Barney <danielle.barney@ssjid.gov>; BoardOperations <boardoperations@cob.sccgov.org>; Michael Fonseca <fonsecafarmsinc@aol.com>; ngmplcs@pacbell.net <ngmplcs@pacbell.net>; james.sanders@valleyair.org <james.sanders@valleyair.org>; sylvia.razniak@sjafca.org <sylvia.razniak@sjafca.org>; marc.nolan@doj.ca.gov <marc.nolan@doj.ca.gov>; David Rudat <drudat@manteca.gov>; DOSHMAILLIST@dir.ca.gov <DOSHMAILLIST@dir.ca.gov>; Kevin Jorgensen <kjorgensen@manteca.gov>; planning@ci.manteca.ca.us <planning@ci.manteca.ca.us>; mayorcityclerk@mantecagov.com <mayorcityclerk@mantecagov.com>

2 attachments (32 MB)

Scan\_20251104 (2).pdf; Pictures RD17.zip;

Thanks, Michael, for your response but because of our tenant farmer and other parties and beneficial interests involved, this letter is meant to clarify my concerns

In my previous 10/23/25 email, I devoted paragraphs to expressing Terra Land Group's (TLG's) concerns with recent modifications to the access roadway that crosses over the RD17 cross levee and stated:

**"Transition of Roadway from Asphalt to a combination DIRT/crushed rock surface ideal for emergency medical response but clearly inadequate for 80000# Agricultural/Farm Transport needs for Terra Land Group (TLG) properties (APN #241-320-60/241-330-32/241-330-33).**

It is at the location of this proposed gated and key locked access that the emergency medical response roadway transitions from a standard asphalt roadway built to city of Manteca public roadway code specifications to a dirt/crushed rock surface roadway heading south to a challenged severely angled and steep RD17 levee crossing (recently modified) that is preventing the safe and unimpeded use of the McKinley Avenue extended dirt roadway by 80000# GVWR class 8 trucks in combination with semi/pull hopper or fertilizer bulk hauling trailers or equipment hauling trailers typical of those commonly used by almond farm properties.

**Protecting TLG's 12 year use of 80000# truck access off Airport Way.**

Protecting TLG's current access off Airport Way by utilizing a HIRT Trust owned LLC (W/L Harris Ranches (WLHR) LLC) property's SSJID Drain #10 (APN 241-330-34) following a joint 2014 decision by SSJID and Pete Boyce to remove the Drain #11 crossover pipe roadway bridge former recorded access on the south boundary of the TLG property is TLG's primary goal moving forward.

**Why is this important**

In September 2025, at the time that the 30000 trees on the property were harvested, 57 truckloads of almonds (80000# each) were shipped by WMD Farms (TLG tenant farmer) to Travaille and Phippen (WMD + TLG shared almond processor). Please be advised that a 2016 TLG court case vs RD17. Manteca

Development Group, TR Land and Cerri involved testimony and court records that highly suggest the primary access to the TLG property was best served and could be depended upon by means of accessing the property along SSJID Drain #10 off Airport way. (case #STK-CV-URP-2014-4238)"

I would like to add that the levee and cross over road access modifications were performed under the watchful eye of KSN Inc who were represented and were an active participant and gave testimony in 2016 at the time that the TLG access roadway (TLG vs RD17, Manteca Development Group, TR Land and Cerri) was litigated in San Joaquin County Court (Case #STK-CV-URP-2014-4238). There is no doubt in my mind that Chris Nevdeck and RD17 and KSN fully understand the importance of TLG being able to maintain safe and reliable truck access to its property.

**Truck access that the Harris Family utilized for 50 years from Woodward Avenue is NO LONGER SAFE**

Please be advised that due to continuing phased changes to what once was straight (and safe) access to and over the RD17 cross levee to what is now a challenged severely angled, steep and unsafe RD17 levee crossing from Woodward Avenue (recently modified as per photos attached) is No Longer Safe and needs to be collectively mitigated and protected along with the access off Airport Way to ensure continued access to the TLG property. (see attachment)

**W/L Harris Family controlled property Rights to access from Airport Way (APN 241-330-34)**

Protecting TLG access from Airport way along both the North and South sides of SSJID Drain #10 is the key to mitigating TLG's need for access as the city works toward achieving 200 year flood protection certification. (Note: that is the reason the W/L Harris Irrevocable Trust approved buying the 21611 Airport property in 2013)

TLG trusts that it's continuing effort to protect TLG's right to access will be honored, respected and accommodated by all parties and agencies involved and believes it is the right and appropriate thing to do.

Thank you,

Martin Harris

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**From:** Michael Selling <mselling@manteca.gov>  
**Sent:** Thursday, October 23, 2025 5:22 PM  
**To:** Marty Harris <martyharris5151@gmail.com>  
**Cc:** Lauren Silva <lsilva@manteca.gov>; Melissa King <mking.hirt@outlook.com>; Marcia Perkins-HIRT <mperkinshirt@outlook.com>; Meredith Hogan <meredithhogan91@gmail.com>; 'Bob Williams' <bob@wfarmsllc.com>; 'Jennifer Cozart' <jcozart@deldonco.com>; Terry Souza <terry@travaillehippen.com>; jhightower@sjgov.org <jhightower@sjgov.org>; Danielle Barney <danielle.barney@ssjid.gov>; BoardOperations <boardoperations@cob.sccgov.org>; Michael Fonseca <fonsecafarmsinc@aol.com>; ngmplcs@pacbell.net <ngmplcs@pacbell.net>; james.sanders@valleyair.org <james.sanders@valleyair.org>; sylvia.razniak@sjafca.org <sylvia.razniak@sjafca.org>; marc.nolan@doj.ca.gov <marc.nolan@doj.ca.gov>; cnevdeck@ksninc.com <cnevdeck@ksninc.com>; David Rudat <drudat@manteca.gov>; DOSHMAILLIST@dir.ca.gov <DOSHMAILLIST@dir.ca.gov>; Kevin Jorgensen <kjorgensen@manteca.gov>  
**Subject:** RE: Proposed gated and key locked access from Woodward Avenue

Hi Marty,

Thanks for your email. As we discussed and you articulated in your email, the City understands the primary access for your agriculture related activities is to/from Airport Way and the best emergency response access would be from McKinley. As you noted in our discussion, there

has been a significant increase in illegal dumping in the vicinity of the existing gate at the south end of McKinley, which the City has maintenance and cleanup responsibility for. Consequently, the City has determined the need to lock the gate at this time as part of the response to curb the illegal dumping and reduce the impact to City resources. As such, the City is willing to provide keys to yourself or another HIRT representative as well as the respective entities included here. Per your indication below, you/HIRT are electing not to take a key at this time. Should you/HIRT or any other entities identified here have need for a key in the future, please contact the Engineering Department (209-456-8460 or [mantecaeng@manteca.gov](mailto:mantecaeng@manteca.gov)) at such time as you determine so.

Thanks,



Michael Selling, PE, Deputy Director  
City of Manteca | Engineering Department  
Office: 209.456.8437 | [mselling@manteca.gov](mailto:mselling@manteca.gov)

From: Marty Harris <martyharris5151@gmail.com>  
Sent: Thursday, October 23, 2025 10:43 AM  
To: Michael Selling <mselling@manteca.gov>  
Cc: Lauren Silva <lsilva@manteca.gov>; Melissa King <mking.hirt@outlook.com>; Marcia Perkins-HIRT <mperkinshirt@outlook.com>; Meredith Hogan <meredithhogan91@gmail.com>; 'Bob Williams' <bob@wfarmsllc.com>; 'Jennifer Cozart' <jcozart@deldonco.com>; Terry Souza <terry@travaillehippen.com>; jhightower@sjgov.org; Danielle Barney <danielle.barney@ssjid.gov>; BoardOperations <boardoperations@cob.sccgov.org>; Michael Fonseca <fonsecafarmsinc@aol.com>; ngmplcs@pacbell.net; james.sanders@valleyair.org; sylvia.razniak@sjafca.org; marc.nolan@doj.ca.gov; cnevdeck@ksninc.com; David Rudat <drudat@manteca.gov>; DOSHMAILLIST@dir.ca.gov  
Subject: Proposed gated and key locked access from Woodward Avenue

Hi Michael,

Thank you meeting with me on Monday 10/20/2025 at your office.

(Note: I also spoke by phone with Lauren Silva on 10/21/2025 and discussed reason for not accepting a gate key at this time)

My visit was in response to a call that city of Manteca representative Lauren Silva made to me offering me a key to the gate securing and preventing unauthorized traffic beyond the paved termination point of McKinley Avenue and further situated .375 miles approximately south of Woodward Avenue.

**Transition of Roadway from Asphalt to a combination DIRT/crushed rock surface ideal for emergency medical response but clearly inadequate for 80000# Agricultural/Farm Transport needs for Terra Land Group (TLG) properties (APN #241-320-60/241-330-32/241-330-33)**

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**No key accepted at this time**

Due to my limited and individual rights as a W/L Harris Family Irrevocable Trust (HIRT) Trustee and a HIRT owned entity manager; and identical roles as HIRT trustees and LLC managers served by my sisters Marcia Perkins and Melissa King; LLC Manager roles served by Marcia Perkins daughter Meredith Perkins Hogan; a large number of subcontractors serving the needs of the TLG tenant (WMD Farms); various regulators and government inspectors of medical emergency responders that need to access the property; I am forwarding this email to other decision makers and those affected to gain the best and safest workplace safety approach for everyone to be affected.

I trust that hard fought prior effort as part of this continuing effort to protect TLG's access will be both honored and respected and accommodated by all agencies involved.

Thank you,  
Marty Harris