



**Planning Commission Staff Report
Item # 1, October 16, 2025
Conditional Use Permit No. PA-2300155
Prepared by: Alisa Goulart**

PROJECT SUMMARY

Applicant Information

Property Owner: DaSilva, Joe and Ana, TR
Project Applicant: BA Digester, LLC (c/o Jack Deliddo)

Project Site Information

Project Address: 23335 East Dodds Road, Escalon, CA 95320
Project Location: On the north side of East Dodds Road, one mile west of Escalon Belotta Road, Escalon.

Parcel Number (APN):	207-160-04	Water Supply:	Private (well)
General Plan Designation:	A/G	Sewage Disposal:	Private (septic system)
Zoning Designation:	AG-40	Storm Drainage:	Private (retention pond)
Project Size:	10.0 acres	100-Year Flood:	No (X)
Parcel Size:	218.19 acres	Williamson Act:	Yes
Community:	None	Supervisory District:	4

Environmental Review Information

CEQA Determination: Mitigated Negative Declaration (Attachment C, Environmental Document)

Project Description

This project is a Conditional Use Permit to install a manure anaerobic digester and natural gas processing system to capture greenhouse gases. Located on a 10-acre portion of an existing 218.19-acre dairy parcel, the project includes installation of the components for solids separation and wastewater recycling, installation of the anaerobic digester and biogas collection system, as well as construction of a new lined and covered pond, an 800 square foot office building, and a 1,404 square foot equipment building. To meet the biogas production target, solid manure will be trucked in from 10 farms within a 4-mile radius, generating an estimated 17 daily supply trips. Renewable natural gas (RNG) will be trucked away 3 times per day. (Use Type: Renewable Energy – Biomass)

Recommendation

1. Accept the Mitigated Negative Declaration (Attachment C),
2. Adopt the Mitigation Monitoring and Reporting Program (Attachment D),
3. Adopt the Findings for Use Permit (Attachment E),
4. Approve Conditional Use Permit No. PA-2300155 subject to the recommended Conditions of Approval (Attachment F).

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NOTIFICATION & RESPONSES

(See Attachment B, Response Letters)

Public Hearing Notices

Legal ad for the public hearing published in the Stockton Record: October 2, 2025.

Number of Public Hearing notices: 80

Date of Public Hearing notice mailing: October 2, 2025.

Referrals and Responses

- **Early Consultation Date:** February 21, 2024
- **Mitigated Negative Declaration Posting Date:** July 29, 2025
- **Project Referral with Environmental Determination Date:** July 29, 2025
- **OPR State Clearinghouse #:** 2024101118

Agency Referrals	Early Consultation	Public Hearing
County Departments		
Ag Commissioner		
Animal Control		
Assessor		
Community Development		
Building Inspection		
Fire Prevention Bureau		
Public Works	3/29/2024	5/7/2024 12/30/2024 9/23/2025
Surveyor		
Environmental Health	3/19/2024	10/25/2024
Sheriff's Office		
Mosquito & Vector Control		
Supervisor: District 4		
State Agencies		
Fish & Wildlife, Division: 2		
Native American Heritage Commission		
Caltrans District 10		
Federal Agencies		
F.E.M.A.		

Agency Referrals	Early Consultation	Public Hearing
Local Agencies		
Central SJ Water Conservation District		
CVRWQB		11/21/2024 11/25/2024
Farmington Fire District		
S.J.C.O.G.	2/22/2024	
Escalon Unified School District		
Air Pollution Control District		
Miscellaneous		
P.G.&E.	2/22/2024 3/19/2024	
United Auburn Indian Community		
Farm Bureau		
Builders Exchange		
Carpenters Union		
CA North Valley Yokuts Tribe		
Buena Vista Tribe Rancheria		
CA Tribal TANF Partnership		
CA Valley Miwok Tribe		
Haley Flying Service		
Precissi Flying Service		
Sierra Club		

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ANALYSIS

Background

On February 21, 1973, the Community Development Department approved Use Permit No. 73-0171 for a dairy. The dairy has been in continuous operation since 1973.

Operations

To meet biogas production targets, the facility will accept manure from 10 nearby dairies within a 4-mile radius, generating approximately 15 daily truck trips. An additional 3 daily truck trips will truck away the resultant renewable natural gas (RNG). The digester system will operate 24/7 using automated systems, with staff available for emergencies. At least one employee will be on-site during business hours between 8:00 a.m. – 5:00 p.m., Monday through Friday.

CVRWQCB

On November 21, 2024, the Central Valley Water Board submitted comments on the environmental review document, an Initial Study/ Mitigated Negative Declaration (IS/MND), referencing its oversight under R5-2010-0130 (Digester General Order). In the letter, the Water Board recommended incorporating into our environmental review the Water Board's Programmatic Environmental Impact Report (PEIR) adopted with overriding conditions, to acknowledge that manure digester facilities may result in potential unavoidable groundwater quality impacts and to adopt recommended mitigation measures.

Environmental Document

The initial IS/MND was posted to the CEQA Clearinghouse site on October 24, 2024. Following receipt of the November 21, 2024, comment letter from the Central Valley Water Board, an environmental consultant was hired to revise the Initial Study. A revised IS/MND was posted to the CEQA Clearinghouse site on August 20, 2025. With preparation of the revised IS/MND document, CVRWQCB concerns were adequately addressed, and CVRWQCB offered no additional comments.

Williamson Act

In 1973, the subject parcel was placed under Williamson Act Contract No. 73-C1-161, which allows reduced property taxes in exchange for limiting use to specifically defined agricultural uses (Development Title Section 9-702.060[b]). As a Renewable Energy – Biomass use, the project complies with Development Title Section 9-702.060(b) and is allowed under the contract.

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RECOMMENDATION

It is recommended that the Planning Commission:

Recommendation

1. Accept the Mitigated Negative Declaration (Attachment C),
2. Adopt the Mitigation Monitoring and Reporting Program (Attachment D),
3. Adopt the Findings for Use Permit (Attachment E),
4. Approve Conditional Use Permit No. PA-2300155 subject to the recommended Conditions of Approval (Attachment F).

Attachments:

Attachment A – Site Plan
Attachment B – Response Letters
Attachment C – Environmental Document
Attachment D – Mitigation Monitoring and Reporting Plan
Attachment E – Findings for Use Permit
Attachment F – Conditions of Approval

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Attachment A

Site Plan

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Planning Commission Staff Report, PA-2300155 (CUP)
Site Plan



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Attachment B

Response Letters

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March 29, 2024

MEMORANDUM

TO: Community Development Department
CONTACT PERSON: Alisa Goulart

FROM: Christopher Heylin, Development Services Engineer
Development Services Division

SUBJECT: PA-2300155 (C); A Conditional Use Permit application to establish a manure digester at an existing Dairy facility in (2) phases over 5 years. Manure will be trucked in from (12) dairies within a 4-mile radius of the project site in Phase 1 and transported via underground pipe in Phase 2. The project will include the construction of an 800-square-foot office building and a 1,404-square-foot utility building within a 10-acre footprint on a 218.19-acre parcel; located on the north side of E. Dodds Road, 1 mile east of E. Mariposa Road, Escalon.
(Supervisory District 4)

OWNER: DDS Digester, LLC

APPLICANT: SROM

ADDRESS: 23335 E. Dodds Road, Escalon

APN: 207-350-13 & 207-160-04

INFORMATION:

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

Dobbs Road has an existing right-of-way and planned right-of-way width of 60 feet.

RECOMMENDATIONS:

- 1) An encroachment permit shall be required for all work within the road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-607.020 and 9-607.040)

PA-2300155 (C)

- 2) Prior to issuance of the occupancy permit, the driveway approaches shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. 17. (Development Title Section 9-607.040)
- 3) The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolution R-00-433)
- 4) The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- 5) The Water Supply Facilities Impact Mitigation Fee shall be required for this development. The fee is due and payable prior to issuance of the building permit. The fee will be based on the current schedule at the time of payment. (Development Title Section 9-803.020 and Resolutions R-91-327, R-94-185 and R-97-5)
- 6) A copy of the Final Site Plan shall be submitted prior to release of the building permit.
- 7) The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-606)

Informational Notes:

- (i.) Wastewater shall not be allowed into the storm drainage system.
- (ii.) The project will enact appropriate source control BMPs to prevent the discharge of trash offsite.

CH:GM



May 7, 2024

M E M O R A N D U M

TO: Community Development Department
CONTACT PERSON: Alisa Goulart

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

SUBJECT: PA-2300155 (C); A Conditional Use Permit application to establish a manure digester at an existing Dairy facility in (2) phases over 5 years. Manure will be trucked in from (12) dairies within a 4-mile radius of the project site in Phase 1 and transported via underground pipe in Phase 2. The project will include the construction of an 800-square-foot office building and a 1,404-square-foot utility building within a 10-acre footprint on a 218.19-acre parcel; located on the north side of E. Dodds Road, 1 mile east of E. Mariposa Road, Escalon.
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PA-2300155 (C)

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- 8) A "Private Pipeline Agreement" shall be executed within the County right-of-way for pipelines crossing County Roadways. The number of crossings shall be minimized as possible, and non-utility pipelines are not allowed to run parallel in the County right-of-way.

Informational Notes:

- (i.) Wastewater shall not be allowed into the storm drainage system.
- (ii.) The project will enact appropriate source control BMPs to prevent the discharge of trash offsite.

CH:GM



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Department of Public Works

Fritz Buchman, Director

Alex Chetley, Deputy Director - Development

Kristi Rhea, Deputy Director - Administration

David Tolliver, Deputy Director - Operations

Najee Zarif, Deputy Director - Engineering

December 30, 2024

M E M O R A N D U M

TO: Community Development Department
CONTACT PERSON: Alisa Goulart

FROM: Shayan Rehman, Engineering Services Manager 
Development Services Division

SUBJECT: PA-2300155 (C); Conditional Use Permit application to install a manure only anaerobic digester and natural gas clean-up and compression system on a 10-acre portion of a 218.19 acre parcel with an existing dairy. The project includes the installation of the components for solids separation, wastewater recycling, an anaerobic digester, and biogas collection system, including construction of a new lined and covered pond, an 800 square foot office building and a 1,404 square foot utility building to house the equipment. The facility will accept materials for the manure digester from 10 area dairies within a 4-mile radius with an estimated 17 daily truck supply trips from the offsite dairies. The renewable natural gas (RNG) will be trucked away an estimated 3 times per day. The resulting separated solids from the project will be returned to the dairies and the remainder sold as fertilizer. The facility proposes to operate year-round, 7 days per week with an employee operator on site during working hours (7:00 a.m. to 7:00 p.m.); located on the north side of E. Dodds Road, 1 mile east of E. Mariposa Road, Escalon.
(Supervisory District 4)

OWNER: DDS Digester, LLC

APPLICANT: SROM

ADDRESS: 23335 E. Dodds Road, Escalon

APN: 207-160-04

INFORMATION:

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

Dobbs Road has an existing right-of-way and planned right-of-way width of 60 feet.

PA-2300155 (C)

RECOMMENDATIONS:

- 1) An encroachment permit shall be required for all work within the road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-607.020 and 9-607.040)
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- 7) A copy of the Final Site Plan shall be submitted prior to release of the building permit.
- 8) This project is subject to the NPDES Region-Wide Permit requirements and shall comply with the following conditions. Prior to release of the building permit, plans and calculations shall be submitted and approved by the Public Works Department – Water Resources Division (209-468-9360):
 - a) Treatment: A registered professional engineer shall design the site to treat the 85th percentile storm as defined in the County's 2023 Storm Water Quality Control Criteria Plan (SWQCCP).
 - b) Hydromodification: A registered professional engineer shall design the site to comply with the volume reduction requirement outlined in the County's 2023 SWQCCP
 - c) Trash: A registered professional engineer shall design the site to comply with the trash control requirement outlined in the County's 2023 SWQCCP.
- 9) Prior to release of the building permit, the owner shall enter into an agreement with San Joaquin County for post-construction maintenance of stormwater quality facilities.

PA-2300155 (C)

- 10) Prior to release of the building permit the applicant shall submit a Storm Water Quality Control Plan (SWQCP) to Public Works that complies with all requirements of the 2023 SWQCCP
- 11) Prior to release of the building permit the applicant shall submit the Storm Water Pollution Prevention Plan (SWPPP) to Public Works. A copy of the approved SWPPP and all required records, updates, test results and inspection reports shall be maintained on the construction site and be available for review upon request.
- 12) Applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity". The Waste Discharge Identification Number (WDID), issued by SWRCB, shall be submitted to Public Works prior to release of the building permit. Contact the SWRCB at 1-866-563-3107 for further information.
- 13) A "Private Pipeline Agreement" shall be executed within the County right-of-way for pipelines crossing County Roadways. The number of crossings shall be minimized as possible, and non-utility pipelines are not allowed to run parallel in the County right-of-way.

Informational Notes:

- (i.) Wastewater shall not be allowed into the storm drainage system.
- (ii.) The project will enact appropriate source control BMPs to prevent the discharge of trash offsite.

SR:GM:FS



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Department of Public Works

Fritz Buchman, Director

Alex Chetley, Deputy Director - Development

Kristi Rhea, Deputy Director - Administration

David Tolliver, Deputy Director - Operations

Najee Zarif, Deputy Director - Engineering

September 23, 2025

M E M O R A N D U M

TO: Community Development Department
CONTACT PERSON: Alisa Goulart

SR

FROM: Shayan Rehman, Engineering Services Manager
Development Services Division

SUBJECT: PA-2300155 (C); Conditional Use Permit application to install a manure only anaerobic digester and natural gas clean-up and compression system on a 10-acre portion of a 218.19 acre parcel with an existing dairy. The project includes the installation of the components for solids separation, wastewater recycling, an anaerobic digester, and biogas collection system, including construction of a new lined and covered pond, an 800 square foot office building and a 1,404 square foot utility building to house the equipment. The facility will accept materials for the manure digester from 10 area dairies within a 4-mile radius with an estimated 17 daily truck supply trips from the offsite dairies. The renewable natural gas (RNG) will be trucked away an estimated 3 times per day. The resulting separated solids from the project will be returned to the dairies and the remainder sold as fertilizer. The facility proposes to operate year-round, 7 days per week with an employee operator on site during working hours (7:00 a.m. to 7:00 p.m.); located on the north side of E. Dodds Road, 1 mile east of E. Mariposa Road, Escalon.
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INFORMATION:

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Dobbs Road has an existing right-of-way and planned right-of-way width of 60 feet.

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PA-2300155 (C)

RECOMMENDATIONS:

- 1) An encroachment permit shall be required for all work within the road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-607.020 and 9-607.040)
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- 7) A copy of the Final Site Plan shall be submitted prior to release of the building permit.
- 8) This project is subject to the NPDES Region-Wide Permit requirements and shall comply with the following conditions. Prior to release of the building permit, plans and calculations shall be submitted and approved by the Public Works Department – Water Resources Division (209-468-9360):
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 - b) Hydromodification: A registered professional engineer shall design the site to comply with the volume reduction requirement outlined in the County's 2023 SWQCCP
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PA-2300155 (C)

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- 12) Applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity". The Waste Discharge Identification Number (WDID), issued by SWRCB, shall be submitted to Public Works prior to release of the building permit. Contact the SWRCB at 1-866-563-3107 for further information.

Informational Notes:

- (i.) Wastewater shall not be allowed into the storm drainage system.
- (ii.) The project will enact appropriate source control BMPs to prevent the discharge of trash offsite.
- (iii.) No pipelines carrying manure shall be allowed within the County right-of-way.

SR:GM:GG



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Environmental Health Department

Jasjit Kang, REHS, Director

Muniappa Naidu, REHS, Assistant Director

PROGRAM COORDINATORS

Jeff Carruesco, REHS, RDI

Willy Ng, REHS

Steven Shih, REHS

Elena Manzo, REHS

Natalia Subbotnikova, REHS

March 19, 2024

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

From: Steven Shih, (209) 468-9850
Program Coordinator, REHS 

RE: **PA-2300155, Early Consultation, (C), SU0015706**
23335 E. Dodds Rd., Escalon

The Environmental Health Department has the following comments regarding this application:

1. All dairy in-vessel digestion operations shall comply with the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100) Title 14 California Code of Regulation Section 17896.9. The applicant may contact Natalia Subbotnikova, Program Coordinator of Solid Waste Program, at (209) 468-0338 for further information.
2. A soil suitability and nitrate loading study incorporating proposed staff and customer use shall be submitted to the Environmental Health Department, indicating that the area is suitable for septic system usage. The studies must be approved by the Environmental Health Department prior to issuance of building permit(s). (San Joaquin County Development Title, Section 9-604.010(d)). The fee will be based on the current schedule at the time of payment.

The sewage disposal system shall comply with the onsite wastewater treatment systems standards of San Joaquin County prior to approval. A percolation test conducted in accordance with the E.P.A. Design Manual - Onsite Wastewater and Disposal Systems is required for each parcel. The fee will be based on the current schedule at the time of payment.
3. The existing private water wells shall be tested for the chemical Dibromochloropropane (DBCP) and nitrates with the results submitted to the Environmental Health Department prior to issuance of building permit(s). Samples are to be taken and analyzed by a State-approved laboratory (San Joaquin County Development Title, Section 9-601.020(j)).
4. Construction of an individual sewage disposal system(s) under permit and inspection by the Environmental Health Department is required at the time of development based on the Soil Suitability/ Nitrate Loading Study findings (San Joaquin County Development Title, Section 9-605.010).
5. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-601.010(b) and 9-601.020(i)).

1868 E. Hazelton Avenue | Stockton, California 95205 | T 209 468-3420 | F 209 464-0138 | www.sjgov.org/ehd



Environmental Health Department

Jasjit Kang, REHS, Director

Muniappa Naidu, REHS, Assistant Director

PROGRAM COORDINATORS

Jeff Carruesco, REHS, RDI

Willy Ng, REHS

Steven Shih, REHS

Elena Manzo, REHS

Natalia Subbotnikova, REHS

October 25, 2024

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

From: Sastina Thammavongsa; (209) 616-3068 
Environmental Health Specialist

RE: **PA-2300155 (C), Referral, SU0015706**
23335 E. Dodds Road, Escalon APN:207-160-04

The Environmental Health Department has the following comments regarding this application:

1. All dairy in-vessel digestion operations shall comply with the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100) Title 14 California Code of Regulation Section 17896.9. The applicant may contact Natalia Subbotnikova, Program Coordinator of Solid Waste Program, at (209) 468-0338 for further information.

2. A soil suitability and nitrate loading study incorporating proposed staff and customer use shall be submitted to the Environmental Health Department, indicating that the area is suitable for septic system usage. The studies must be approved by the Environmental Health Department prior to issuance of building permit(s). (San Joaquin County Development Title, Section 9-604.010(d)). The fee will be based on the current schedule at the time of payment.

The sewage disposal system shall comply with the onsite wastewater treatment systems standards of San Joaquin County prior to approval. A percolation test conducted in accordance with the E.P.A. Design Manual - Onsite Wastewater and Disposal Systems is required for each parcel. The fee will be based on the current schedule at the time of payment.

3. Prior to issuance of building permit, submit to the Environmental Health Department revised site plans showing the location and configuration of any existing and proposed sewage disposal systems, along with the area required to be reserved for future sewage disposal repair/replacement (area for 100% sewage disposal replacement). The plans shall include the design calculations, including the maximum number of persons the sewage disposal system is proposed to serve.

In addition, show on revised plans that the disposal field area will be barricaded so it cannot be driven over, parked on, or used as a storage area. This disposal field area must be used for that specific purpose only, and it cannot contain any underground utility lines (San Joaquin County Development Title, Section 9-605.010(c)(3)(5)).

4. The existing private water wells shall be tested for the chemical Dibromochloropropane (DBCP) and nitrates with the results submitted to the Environmental Health Department prior to issuance of building permit(s). Samples are to be taken and analyzed by a State-approved laboratory (San Joaquin County Development Title, Section 9-601.020(j)).
5. Construction of an individual sewage disposal system(s) under permit and inspection by the Environmental Health Department is required at the time of development based on the Soil Suitability/ Nitrate Loading Study findings (San Joaquin County Development Title, Section 9-605.010).
6. The existing private water wells shall be tested for the chemical Dibromochloropropane (DBCP) and nitrates with the results submitted to the Environmental Health Department prior to issuance of building permit(s). Samples are to be taken and analyzed by a State-approved laboratory (San Joaquin County Development Title, Section 9-601.020(j)).
7. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-601.010(b) and 9-601.020(i)).



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

SJMSCP RESPONSE TO LOCAL JURISDICTION (RTL) ADVISORY AGENCY NOTICE TO SJCOG, Inc.

To: Alisa Goulart, San Joaquin County, Community Development Department
From: Laurel Boyd, SJCOG, Inc. Phone: (209) 235-0574 Email: boyd@sjcog.org
Date: February 22, 2024
Local Jurisdiction Project Title: PA-2300155 (C)
Assessor Parcel Number(s): 207-350-13, 207-160-04
Local Jurisdiction Project Number: PA-2300155 (C)
Total Acres to be converted from Open Space Use: Unknown
Habitat Types to be Disturbed: Agricultural and Urban Habitat Land
Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Ms. Goulart:

SJCOG, Inc. has reviewed the application referral for PA-2300155 (C). This project consists of a Conditional Use Permit application to establish a manure digester at an existing Dairy facility in 2 phases over 5 years. Manure will be trucked in from 12 dairies within a 4-mile radius of the project site in Phase 1 and transported via underground pipe in Phase 2. The project will include the construction of an 800 square foot office building and a 1,404 square foot utility building within a 10-acre footprint on a 218.19-acre parcel. The project proposes operations year-round with 1 employee working 8 hours per day, 5 days per week. The project will utilize an on-site well for water, an onsite septic system for sewage disposal, and natural storm drainage. The project site has direct access off of E. Dodds Road. The project site is on the north side of E. Dodds Road, 1 mile east of E. Mariposa Road, Escalon (APN/Address: 207-350-13, 207-160-04 / 23335 E. Dodds Road Escalon).

San Joaquin County is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

This project is subject to the SJMSCP and is located within the unmapped land use area. Per requirements of the SJMSCP, unmapped projects are subject to case-by-case review. This can be a 90 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjcog.org>

If this project is approved by the Habitat Technical Advisory Committee and the SJCOG Inc. Board, the following process must occur to participate in the SJMSCP:

- Schedule a SJMSCP Biologist to perform a pre-construction survey **prior to any ground disturbance**
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
 - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or

- d. Purchase approved mitigation bank credits.
- 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
 - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

- Receive your Certificate of Payment and release the required permit

It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.

If you have any questions, please call (209) 235-0600.



S J C O G , I n c .

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

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SJMSCP HOLD

TO: Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department, Other:

FROM: Laurel Boyd, SJCOG, Inc.

**DO NOT AUTHORIZE SITE DISTURBANCE
DO NOT ISSUE A BUILDING PERMIT
DO NOT ISSUE _____ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) **SJMSCP Incidental Take Minimization Measures and mitigation requirement:**
 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
 - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - d. Purchase approved mitigation bank credits.
 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
 - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - c. Purchase approved mitigation bank credits.
- Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

Project Title: PA-2300155 (C)

Landowner: DDS Digester, LLC Applicant: SROM

Assessor Parcel #s: 207-350-13, 207-160-04

T _____, R _____, Section(s): _____

Local Jurisdiction Contact: Alisa Goulart

The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.



Central Valley Regional Water Quality Control Board

21 November 2024

Alisa Goulart
County of San Joaquin
Community Development Department
1810 E Hazelton Avenue
Stockton, CA 95205

CERTIFIED MAIL NUMBER
9589 0710 5270 0591 2610 78

***COMMENTS ON NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE
DECLARATION FOR CONDITIONAL USE PERMIT NO. PA-2300155 - DASILVA
DAIRY FARMS LP DODDS HEIFER RANCH (WDID 5B39NC00278), 23335 DODDS
ROAD, ESCALON, SAN JOAQUIN COUNTY, DIGESTER PROJECT***

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a state agency with the statutory responsibility to protect water quality in California's Central Valley. (See Wat. Code, § 13000 et seq.) In support of this mission, the Central Valley Water Board regulates discharges of waste, including from dairies, that have the potential to affect surface and ground water quality. The Central Valley Water Board has established a regulatory program that regulates discharges of waste from dairy facilities throughout the Central Valley.

The Central Valley Water Board, in its role as responsible agency, has reviewed the Notice of Intent to adopt a Mitigated Negative Declaration and Initial Study (IS/MND) prepared for the County's adoption of Conditional Use Permit PA-2300155, DaSilva Dairy Farms LP Dodds Heifer Ranch (Facility) Digester Project (Project). Consistent with the Central Valley Water Board's obligations as a responsible agency, this comment letter reviews the scope and content of the environmental information germane to the Board's statutory responsibilities that should be included in the environmental impact report for the expansion project.

Project Description/Summary

As described in the IS/MND, the Facility is located on the north side of E. Dodds Rd., 1 mile east of E. Mariposa Rd., Escalon., San Joaquin County. (APN/Address: 207-160-04 / 23335 E. Dodds Rd., Escalon). A Conditional Use Permit to install a manure only anaerobic digester and natural gas clean-up and compression system on a 10-acre portion of a 218.19-acre parcel with an existing dairy. The project includes the installation of the components for solids separation, wastewater recycling, an anaerobic digester, and biogas collection system, including construction of a new lined and covered pond, an 800 square foot office building and a 1,404 square foot utility building to house the equipment. The facility will accept materials for the manure digester from 10 area dairies within a 4-

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mile radius with an estimated 17 daily truck supply trips from the offsite dairies. The renewable natural gas (RNG) will be trucked away an estimated 3 times per day. The resulting separated solids from the project will be returned to the dairies and the remainder sold as fertilizer. The facility proposes to operate year-round, 7 days per week, with an employee operator on site during working hours (7:00 a.m. to 7:00 p.m.).

Central Valley Water Board Comments

1. The Lead Agency Should Consider the Central Valley Water Board's Programmatic Environmental Impact Report (PEIR) for Order R5-2010-0130, Waste Discharge Requirements General Order for Dairies with Manure Anaerobic Digester or Co-Digester Facilities.

As described in the IS/MND, discharges of waste from the Proposed Project will be regulated under Central Valley Water Board Order R5-2010-0130, Waste Discharge Requirements General Order for Dairies with Manure Anaerobic Digester or Co-Digester Facilities (Digester General Order). In adopting this Order, the Central Valley Water Board adopted a Programmatic Environmental Impact Report (PEIR) for Dairy Manure Digester and Co-Digester Facilities (SCH No. 2010031085) and an accompanying Statement of Overriding Considerations. A copy of the PEIR is available upon request to the Central Valley Water Board.

PEIR section 2.2.2 states,

If a responsible agency determines that, in compliance with CEQA Guidelines § 15162, no new effects would occur and no new mitigation would be required, the agency can rely on this existing [PEIR] to comply with CEQA. In the event that it is determined that a future dairy digester project would result in new or substantially greater impacts, including site-specific impacts, the agency may require preparation of a subsequent environmental document which can be tied from this [PEIR].

The Lead Agency should consider whether its analysis of the Proposed Project can rely, in part, on the PEIR. If not, the Lead Agency should consider revising its CEQA document to tier off of, or otherwise incorporate, the PEIR's analysis and mitigation measures that may apply to the Proposed Project.

One purpose for incorporating the PEIR into the Lead Agency's own CEQA evaluation is that the Project Proponent will need to submit specific information to address relevant environmental issues and mitigation measures identified in the PEIR before it can be enrolled in the Digester General Order. Digester General Order, Attachment A: Digester or Co-Digester Facility CEQA Compliance Assessment describes the documentation that the Board will require from the Project Proponent. The Lead Agency's incorporation of the PEIR may help to streamline the Central Valley Water Board's permitting of the Proposed Project and avoid the need for additional environmental review prior to permit issuance.

A second purpose for incorporating the PEIR is to acknowledge and address the PEIR's finding that digester projects may result in unavoidable cumulative impacts with regard to

water quality. (See PEIR, §§ 5.6, 16.4.) As discussed in the next comment, there is a fair argument that the Proposed Project will have potentially significant, unavoidable impacts with respect to groundwater degradation; while these impacts may be mitigated to less-than-significant over the long term (i.e., 30-50 years, or more), more immediate site-specific and cumulative impacts are likely to be significant.

2. There is a Fair Argument that the Proposed Project's Disposal of Liquid Digester Wastes Will Result in Potentially Significant Impacts with Regard to Groundwater Degradation (Appx. G Checklist, § X.a).

The Proposed Project will involve disposal of liquid digester waste (i.e., liquid digestate) generated from digestion of manure sourced from the Project Proponent's confined animal facility and approximately 10 other local dairies. The IS/MND does not specify the estimated quantities of manure that the Project facility expects to digest on a regular basis, nor which dairies it will receive manure from, so it is not clear to the Central Valley Water Board how much liquid waste will be generated and require disposal as a result of the Proposed Project. The Lead Agency should revise its CEQA document to supplement the Project Description and appropriate discussion sections with additional information concerning the anticipated manure imports.

The IS/MND also does not state how the Proposed Project's liquid digester waste (i.e., liquid digestate) will be disposed. The Central Valley Water Board presumes that liquid digestate will be disposed of via land application to cropped fields in accordance with the requirements of the Digester General Order and the Central Valley Water Board's Salt and Nitrate Control Programs. Discharges of liquid digestate in compliance with these authorities will generally result in less than significant impacts with regard to compliance with water quality standards and waste discharge requirements (CEQA Appx. G Checklist, § X.a) and implementation of water quality control plans (CEQA Appx. G Checklist, § X.e). However, as described below, there is a fair argument that these discharges will foreseeably result in potentially significant impacts, even with mitigation, with regard to and degradation of groundwater quality (CEQA Appx. G Checklist, § X.a). The Lead Agency should revise its CEQA document to (1) supplement the Project Description and appropriate discussion sections with additional information concerning liquid digestate generation and disposal, and (2) evaluate and discuss these potential impacts and corresponding mitigation measures, as appropriate.

Under the Digester General Order, the Project Proponent would be required to implement specific management practices to mitigate or otherwise minimize potential water quality impacts arising from the Proposed Project. Compliance with this Order may in some cases be insufficient to protect groundwater from the impacts of waste discharges from dairies and manure digesters. (See Central Valley Dairy Representative Monitoring Program (CVD RMP), *Summary Representative Monitoring Report* (2019) (SRMR).) No set of dairy waste management practices has been identified that can fully mitigate these water quality impacts; in other words, even dairies

with the highest caliber of waste management practices and infrastructure will generally impact groundwater. (*Ibid.*) As a result, discharges of dairy and digester wastes that comply with the Digester General Order are still likely to, in the short-term, cause or contribute to degradation (i.e., worsening of existing quality) of groundwater with respect to salts and nitrate.

On 31 May 2018, the Central Valley Water Board adopted Basin Plan amendments incorporating the Salt Control Program (SCP) and Nitrate Control Program (NCP) (Resolution R5-2018-0034). On 10 December 2020, the Central Valley Water Board adopted revision to the Basin Plan amendments ([Resolution R5-2020-0057](#)), which became effective on 10 November 2021. These Basin Plan amendments established “alternative compliance pathways” for dischargers of salts and nitrate (e.g., dairies and manure digester facilities) that cannot meet water quality standards for those constituents at this time.

The SCP is a long-term, phased approach intended to identify and support implementation of regionwide salinity management and reduction strategies. The SCP is currently in its first of three 10-to-15-year phases (i.e., Phase I), which is anticipated to conclude between January 2030 and January 2035. Phases II and III will incorporate lessons learned from the preceding Phase(s) to revise permitting approaches for saline wastes. At this stage, the specific details of Phases II and III are largely uncertain. Under the current Phase, dischargers are deemed compliant with applicable water quality standards if they maintain compliance with the requirements of their waste discharge requirements (WDRs) (i.e., waste discharge permits) and provide sufficient financial support for the regionwide Prioritization and Optimization (P&O) Study. The P&O Study is intended to enhance understandings of saline impacts, to identify and support development of physical and non-physical projects, plans, and projects for reducing or otherwise managing salinity-loading to the region's waters, and to identify recommendations for Phases II and III of the SCP. It is possible, but not certain, that this alternative compliance pathway will be available until approximately 2065. As applied in this case, the Project Proponent may discharge saline constituents to groundwater, even where such discharge may cause continued degradation during the approximately 40-year compliance period, so long as the Project Proponent maintains compliance with the Digester General Order, other applicable WDRs, and the SCP.

The NCP likewise provides an alternative compliance pathway for dischargers to continue to discharge nitrates to groundwater, even where such discharge may cause continued degradation of such groundwater, contingent on their participation in groundwater basin-specific Management Zones during a compliance period of up to 35 years. Management Zones are tasked with providing replacement drinking water for domestic users whose domestic wells have been polluted with nitrate, as well as achieving longer-term objectives to reduce nitrate loading to groundwater and, to the extent possible, restore impacted groundwater basins. As applied in this case, once the Proposed Project's WDRs have been updated to authorize managed nitrate degradation

in accordance with the NCP (expected in the next couple of years), the Proposed Project may continue discharges for a period of up to 35 years, even if those discharges continue to cause impacts during the compliance period, so long as it maintains compliance with its applicable WDRs and the NCP.

Ultimately, while the goals of the SCP and NCP are to achieve long-term mitigation of salt and nitrate impacts to the regions' waters, discharges authorized via the Programs' alternative compliance pathways may cause or contribute to potentially significant degradation of groundwater for multiple years before mitigation measures are developed and implemented to reduce the significance of those impacts. Accordingly, the Lead Agency should evaluate and discuss the potentially significant water quality degradation impacts, both site-specific and cumulative, that may foreseeably result from the Proposed Project.

3. Construction General Permit.

The IS/MND notes in section VII.b that, *"The project applicant is required to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity", including the provisions of the California Water Boards Storm Water Program's Construction General Permit (CGP)." CGP applicability is not referenced in section X. Hydrology and Water Quality.*

The Central Valley Water Board agrees that the construction aspects of the Proposed Project will likely require enrollment under and compliance with the CGP (i.e., the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (NPDES General Permit No. CAS000002)). The Lead Agency should expand its discussion in section X.c to include reference to the CGP, as compliance with that permit will mitigate potential impacts in that category.

4. Project Description

The Lead Agency should revise and enhance its Project Description and impact analyses based on the following considerations:

- a. As stated in Comment 2, the Project Description does not describe estimated quantities of manure to be imported for digestion, nor estimated quantities of solid and liquid wastes to be produced by the digester. This information is important for decisionmakers, responsible parties, and the public to understand the scope and quantity of manure imports, waste exports, and on-site waste disposal.
- b. The project description states that digester solids (i.e., solid digestate) will be returned to the dairies from which manure feedstock originated and that the remainder will be sold as fertilizer. No detail is included as to whom excess solid digestate would foreseeably be sold. Based on recent research conducted by the

region's dairy industry (see, e.g., the CVDRMP's 2019 SRMR), the Central Valley Water Board is informed that the supply of cow manure generated in the region exceeds market demand for that manure (i.e., for use as fertilizer, etc.). Since it cannot be guaranteed that a market will always be available to accept the Facility's excess solid wastes, the lead agency should revise its CEQA document to (1) identify manure importers that will actually or foreseeably accept the Facility's excess digestate on a regular basis, and/or (2) describe the Facility's alternative disposal practices for excess digestate that cannot be exported or land applied for nutrient recycling.¹ After making such revision(s), the lead agency should revise its CEQA document to evaluate and describe potential environmental impacts and corresponding mitigation measures associated with the excess digestate disposal component of the proposed project

5. IS/MND Section X.e

IS/MND section X.e states that the proposed project will have a less than significant impact with regard to potential conflicts with or obstruction of implementation of a water quality control plan or sustainable groundwater management plan. The lead agency's "Impact Discussion" for section X.e states,

The applicant will be required to comply with the San Joaquin Valley Water Board's Basin Plan and Water Quality Control Plan to protect surface and groundwater on site and to insure that the project doesn't conflict or obstruct a water quality control plan or sustainable groundwater management plan.

The Lead Agency should revise this discussion based on the following considerations:

- a. There is no agency called "the San Joaquin Valley Water Board." This may be a reference to the Central Valley Water Board. The lead agency should correct this reference.
- b. The "Impact Discussion" does not reference the applicable Basin Plan. The applicable Basin Plan is the Central Valley Water Board's Water Quality Control Plan for the Sacramento River Basin and San Joaquin River Basin. A copy of this Basin Plan and associated information are available at this webpage: https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.
- c. The Central Valley Water Board is not the agency responsible for "sustainable groundwater management plans" and its Basin Plans do not address compliance with such plans. Under the Sustainable Groundwater Management Act (SGMA),

¹ Central Valley Water Board permits regulating discharges of dairy and bovine waste contain limits on the amount of wastes that can be applied to cropped land application areas (LAAs) for nutrient recycling. When a regulated facility produces more waste than can be disposed of via the facility's available LAAs, the facility must either obtain additional LAA acreage or export the excess.

Alisa Goulart
County of San Joaquin
Community Development Department

21 November 2024

- 7 -

locally organized Groundwater Sustainability Agencies (GSAs) are responsible for implementing Groundwater Sustainability Plans (GSPs), subject to oversight by the Department of Water Resources (DWR) and the State Water Resources Control Board (State Water Board). The Central Valley Water Board is responsible for regulating the quality of surface and ground waters within its region; it is not responsible for managing or regulating groundwater allocation, use, or preservation. The Central Valley Water Board's Water Quality Control Plans, also called Basin Plans, are documents developed to designate waters within a specified area for beneficial uses to be protected, water quality objectives to protect those uses, and a program of implementation needed for achieving the objectives. (See Wat. Code, §§ 13050(j), 13240-13249.) The Central Valley Water Board's Basin Plans do not constitute, contain, or reference "sustainable groundwater management plans" or "GSPs." The lead agency should consult with the appropriate agency(s) and complete an analysis of potential impacts and mitigation measures as required by CEQA.

Thank you for the opportunity to comment on the IS/MND. If you have questions about these comments, please contact me (916) 464-4724 or by email at Daniel.Gamon@waterboards.ca.gov.

 Digitally signed by Daniel
Gamon
Date: 2024.11.20 16:40:30
08'00'
Water Boards

Daniel Gamon, PG, CHg
Senior Engineering Geologist
Confined Animals Facilities Unit Chief
Regional Water Quality Control Board, Central Valley Region



Central Valley Regional Water Quality Control Board

25 November 2024

Alisa Goulart
San Joaquin County
Community Development Department
1810 East Hazelton Avenue
Stockton, CA 95205
Alisa.Goulart@sjgov.org

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, PA-2300155 (C) MANURE DIGESTER PROJECT, SCH#2024101118, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 25 October 2024 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the PA-2300155 (C) Manure Digester Project, located in San Joaquin County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has

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adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsir_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

PA-2300155 (C) Manure Digester Project - 5 -
San Joaquin County

25 November 2024

If you have questions regarding these comments, please contact me at (916) 464-4684
or Peter.Minkel2@waterboards.ca.gov.



Peter G. Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento



February 22, 2024

Alisa Goulart
County of San Joaquin
1810 E Hazelton Ave
Stockton, CA 95205

Ref: Gas and Electric Transmission and Distribution

Dear Alisa Goulart,

Thank you for submitting the PA-2300155 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

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

Below is additional information for your review:

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

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

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

Sincerely,

Plan Review Team
Land Management

Attachment 1 – Gas Facilities

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

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

3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment 2 – Electric Facilities

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

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

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

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

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

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

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

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

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



March 19, 2024

Alisa Goulart
County of San Joaquin
1810 E Hazelton Ave
Stockton, CA 95205

Re: PA-2300155
23335 E Dodds Road

Dear Alisa Goulart,

Thank you for providing PG&E the opportunity to review the proposed plans for PA-2300155 dated 2/21/2024. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management

Public

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Attachment C

Environmental Document

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Jennifer Jolley, Director

Eric Merlo, Assistant Director

Tim Burns, Code Enforcement Chief

Corinne King, Deputy Director of Planning

Jeff Niemeyer, Deputy Director of Building Inspection

MITIGATED NEGATIVE DECLARATION

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

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

☒ County Clerk, County of San Joaquin

PROJECT TITLE: Conditional Use Permit No. PA-2300155

PROJECT LOCATION: The project site is on the north side of E. Dodds Rd., 1 mile east of E. Mariposa Rd., Escalon., San Joaquin County. (APN/Address: 207-160-04 / 23335 E. Dodds Rd., Escalon) (Supervisorial District: 4)

PROJECT DESCRIPTION: This project is a Conditional Use Permit to install a manure anaerobic digester and natural gas processing system to capture greenhouse gases. Located on 10 acres of a 218.19-acre dairy parcel, the project includes installation of the components for solids separation and wastewater recycling, installation of the anaerobic digester and biogas collection system, as well as construction of a new lined and covered pond, an 800 square foot office building, and a 1,404 square foot equipment building. To meet the biogas production target, solid manure will be trucked in from 10 farms within a 4-mile radius, generating an estimated 17 daily supply trips. Renewable natural gas (RNG) will be trucked away 3 times per day. (Use Type: Renewable Energy – Biomass)

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

PROPOSER: DDS Digester, LLC / SROM

This is a Notice of Intent to adopt a Mitigated Negative Declaration for this project as described. San Joaquin County has determined that through the Initial Study that contains proposed mitigation measures all potentially significant effects on the environment can be reduced to a less than significant level. The Mitigated Negative Declaration and Initial Study can be viewed on the Community Development Department website at www.sjgov.org/commdev under Active Planning Applications.

Date: October 9, 2025

Contact Person:

Alisa Goulart Phone: (209) 468-0222 Fax: (209) 468-3163 Email: alisa.goulart@sjgov.org

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REVISED ADMINISTRATIVE DRAFT

**DASILVA DIGESTER PROJECT
INITIAL STUDY/MITIGATED NEGATIVE
DECLARATION**

CONDITIONAL USE PERMIT NO. PA-2300155

PREPARED FOR:

San Joaquin County

PREPARED BY:

ICF
980 9th Street Suite 1200
Sacramento, CA 95814
Contact: Sally Zeff, AICP
916.212.7555

July 2025



ICF. 2025. *DaSilva Digester Project Revised Initial Study/Mitigated Negative Declaration*. Conditional Use Permit No. PA-2300155. Administrative Draft. July. (ICF 105458.0.001) Escalon, CA. Prepared for San Joaquin County, Stockton, CA.

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Chapter 1 Introduction/Project Description

Introduction

The proposed project consists of a Conditional Use Permit to install a manure only anaerobic digester and natural gas clean-up and compression system to capture greenhouse gases on a 10-acre portion of a 218.19-acre parcel with an existing dairy. The digester facility is proposed to be separate from the existing dairy and ranch operations.

The project includes the installation of the components for solids separation, wastewater recycling, an anaerobic digester, and biogas collection system, including construction of a new lined and covered pond, an 800 square foot office building and a 1,404 square foot utility building to house the equipment.

Project Location

The proposed project site is located at 23335 E Dodds RD Escalon Ca 95320. It is a portion of APN 207-160-040-000.

Source of Material to Be Digested

Onsite Dairy

The onsite dairy uses a flush system to clean manure from their barns. The flush effluent goes to a sand recovery system. The flushed manure will then be pumped to the sloped screens in order to generate bedding for use on the dairy. Supernatant from the sloped screens will be pumped to a process pit at the AD site. A portion of the supernatant will be used for dilution purposes. The remainder will be processed through an additional process step where solids will be concentrated prior to being pumped to the hydrolyzer.

Offsite Dairies (Donor Dairies)

In order to meet the target biogas production, solid manure will be trucked in from donor farms. The facility will accept materials for the manure digester from 10 area dairies within a 4-mile radius with an estimated 17 daily truck supply trips from the offsite dairies.

Table 1. Donor Dairies

Donor Dairy	Donor Dairy Address
Da Silva #1	27398 Dodds Road, Escalon
Da Silva #2	24666 E. Mariposa Rd, Escalon
Da Silva #3	24275 E. Mariposa Rd, Escalon
Da Silva #4	24567 Lone Tree, Escalon
Rocha #1	23125 Lone Tree Rd, Escalon
Rocha #2	24065 Arthur Rd, Escalon
Koolhaas #1	26805 Dodds Rd, Escalon
Koolhaas #2	24729 Lone Tree Rd, Escalon
G&H Dairy #1	16996 Sexton Rd, Escalon
G&H Dairy #2	16475 Brennan Road, Escalon
Creekside Dairy	23234 Lone Tree Rd, Escalon
Fragoso	14691 Brennan Road, Escalon

Product to Be Transported Offsite

The renewable natural gas (RNG) will be trucked away an estimated 3 times per day. The biogas will be stored mainly in the headspace of the hydrolyzer. The anaerobic digester lagoon may also be used to store the gas as necessary.

All manure from participating dairies will be processed in the digester daily. None will be stored on site. All manure that is processed at the digester will be returned to the respective dairies as liquid digestate in the quantities that it was provided. There will be no separate solids other than what is separated at each dairy prior to digestion. Digestate will be returned to the host dairies to maintain a nutrient balance.

There will be approximately 15 truck trips of manure daily and 3 trips for the RNG will be trucked away approximately 3 times per day. Donor dairies and their addresses are given in Table 1 below. The site plan (Figure 1) shows proposed trucking routes for manure deliveries. Truck filling stations are planned for loading the trucks for transport.

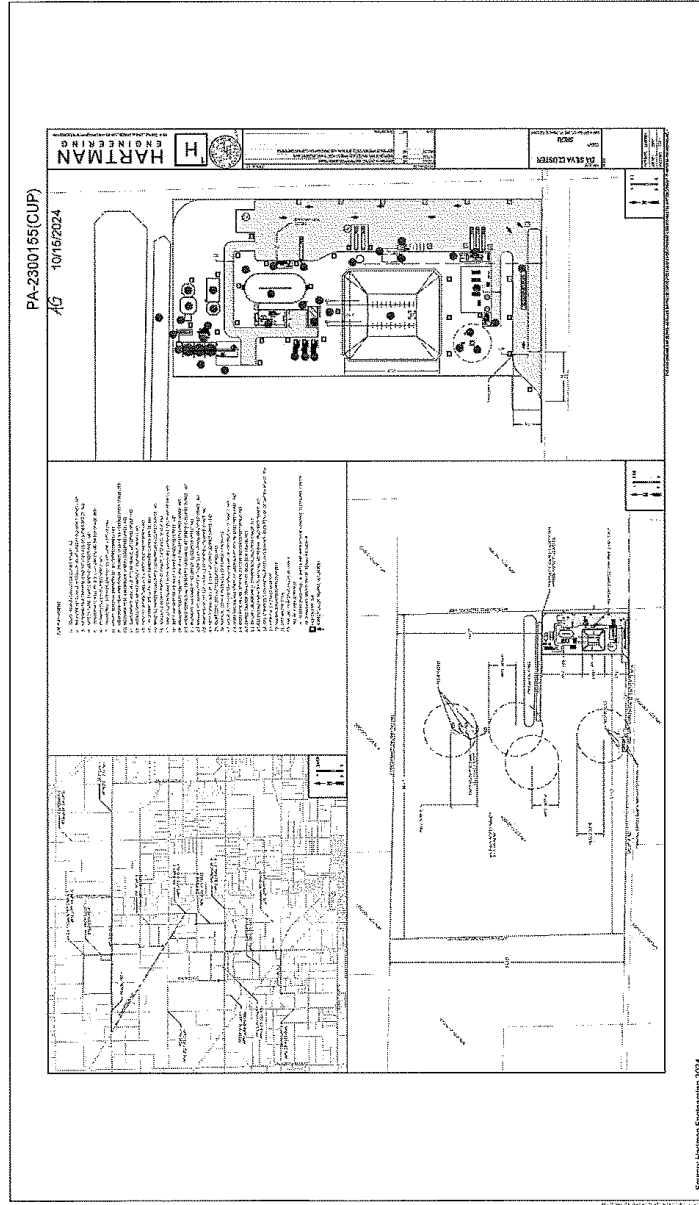


Figure 1. Dasilva Digester Project Site Plan

Use of Product

Once the digestate is returned to the dairies, it will be stored and land applied as each dairy would normally for flush water/manure held in each dairy's onsite lagoons.

Digester Operation

The solid content is anticipated to be 35% upon delivery. Solid manure will be received at the live bottom receiving hoppers (50 cu.yds. each). From the live bottom hoppers, the manure will be conveyed to the injection screw mounted on the hydrolyzer.

The digester will have 2 stages: the first in a concrete, oval-shaped hydrolyzer; the second in an in-ground, Tier 1 double-lined, covered lagoon. There is a 10-foot "hazardous zone" around the digester within which open ignition sources cannot be permanently situated. As a result, system components using exhaust stacks are at least 15 feet from the exterior of the anaerobic digester. These structures are shown on the attached site map. Following digestion, digestate is pumped to a storage lagoon on the farm to be land-applied agronomically.

Biogas is continuously produced in the AD lagoon and is collected around the perimeter of the lagoon where it is continuously drawn off to the biogas upgrading system. The biogas is pretreated to ensure hydrogen sulfide (H₂S) levels in the biogas are suitable for use in the biogas upgrader where carbon dioxide and methane are separated. The methane stream (now RNG) is then sent to an on-site compression system and subsequently trucked from the dairy.

The PSA biogas upgrader processes biogas to produce pipeline-quality RNG. Off-specification RNG is redirected to the digester headspace and re-processed through the biogas upgrader. A gas-burning flare as well as a pressure and vacuum relief valve are installed on the AD lagoon to manage excess gas production; these are safety elements intended to protect workers and equipment.

A hydronic boiler and heat exchanger heat incoming manure in the hydrolyzer and maintain the temperature at 104°F. The heated manure slurry is pumped and circulated through the AD lagoon using a recirculating jet mixing system. A second, smaller, heat exchanger is used to maintain a constant temperature within the AD lagoon. The heated digestate is pumped into and recirculated through the jet mixing system to distribute the heat throughout the AD lagoon.

Three CHPs will power the site. Natural Gas for the CHPs/heating system will be delivered via pipeline in the southwest corner of the site. The exact location is to be determined. There will be gas shutoff valves at each of the engines and where the natural gas enters the site. The utility building will house the hydronic heating system, MCC and PLC/control room. The system described will operate independently but in coordination with the biogas upgrader.

Table 2 provides detail on equipment to be used in the process.

Table 2. Equipment to Be Used

Equipment	Use
Mixers and Pumps	There are jet mixers within the digester used to mix the wastewater in the reactor. The mixers recirculate water in the pond through pipes and expels it with jets back into the circulation. These mixers are located at the bottom of the pond and also work as agitators to keep solids in suspension, to prevent buildup in the pond.
CHP Engines	Three Combined Heat and Power Engines will be installed to power onsite equipment. These engines will be permitted with the Air District.
RTO	The Regenerative Thermal Oxidizer will be permitted with the Air District. This equipment will destroy VOCs in the exhaust of the Quadrogen Upgrader.
4. Quadrogen Upgrader	The site will have a Quadrogen Upgrader. It will have tail gas emissions of 450 CFM. This equipment will be permitted with the Air District.
5. Boilers	The site will have three natural-gas powered boilers, which aggregate less than 5 MMBTU/hr. This equipment will be permitted with the Air District.
6. Flare	As a safety measure, the proposed site plan includes an emergency flare. The flare is capable of burning up to 1,000 CFM of biogas. The flare will be permitted with the Air District.
7. Relief Valves	Pressure and Vacuum relief valves will be installed on the digester and hydrolyzer for use in emergencies, although the primary emergency venting will be at the flare. The valves are capable of venting up to 1,000 CFM of biogas.

Onsite Employees, Office Space, and Hours of Operation

The site will have two full-time-equivalent employees who will have access to office space in the office trailer. The enclosed spaces on site rated for occupancy include only the office trailer. The digester system will operate 24/7. Automated equipment eliminates the need for constant operation, although there will be personnel available in case of an emergency. At least one employee will be on-site during business hours between 8-5, Monday through Friday.

Site Lighting

Security lighting will be placed throughout the site. Lights will be downward facing to prevent light pollution and protect the aesthetic of the facility.

Site Access and Parking

Project roads, turnaround areas, and parking areas will be all-weather surfaces. Two-way roads will be at least 40' wide. One-way roads will be at least 25' wide.

There will be 4 parking spaces plus 1 van-accessible handicap space on the site near the office.

Chapter 2

Environmental Checklist

1. **Project Title:** DaSilva Digester Project Revised Initial Study/Mitigated Negative Declaration. Conditional Use Permit No. PA-2300155.
2. **Lead Agency Name and Address:** San Joaquin County Community Development
Department 1810 E. Hazelton Avenue Stockton, CA
95205.
3. **Contact Person and Phone Number:** Jack N. DeLiddo (209) 602-7391.
4. **Project Location:** North side of East Dodds Road, 1 mile east of Mariposa,
north of the City of Escalon
APN 207-160-04
5. **Project Sponsor's Name:** DS Digester LLC
6. **General Plan Designation:** A/G
7. **Zoning:** AG-40
8. **Description of Project:**

A Conditional Use Permit to install a manure only anaerobic digester and natural gas clean-up and compression system on a 10-acre portion of a 218.19-acre parcel with an existing dairy. The project includes the installation of the components for solids separation, wastewater recycling, an anaerobic digester, and biogas collection system, including construction of a new lined and covered pond, an 800-square-foot office building, and a 1,404-square-foot utility building to house the equipment. The facility will accept materials for the manure digester from 10 area dairies within a 4-mile radius with an estimated 17 daily truck supply trips from the offsite dairies. The renewable natural gas (RNG) will be trucked away an estimated three times a day. The resulting separated solids from the project will be returned to the dairies and the remainder sold as fertilizer. The facility proposes to operate year-round, 7 days per week, with an employee operator on site during working hours (7:00 a.m. to 7:00 p.m.).

Potential Population, Number of Dwelling Units, or Square Footage of Use(s):
A 10-acre site containing structures totaling 2,200 square feet and digester components and equipment for use in a manure-only digester system and RNG facility at an existing 218-acre dairy that is composed of approximately 200,000 square feet in barn and shade structures, one residence, and 10 farm employee houses.
9. **Surrounding Land Uses and Setting:**

NORTH: Agricultural with scattered residences
SOUTH: Agricultural with scattered residences; Lone Tree Creek; City of Escalon
EAST: Agricultural with scattered residences
WEST: Agricultural with scattered residences
10. **Other Public Agencies Whose Approval is Required:**

Central Valley Regional Water Quality Control Board; San Joaquin Air Pollution Control District

- 11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

No California Native American tribes have requested consultation.

REFERENCES AND SOURCES FOR DETERMINING ENVIRONMENTAL IMPACTS:

Original source materials and maps on file in the Community Development Department including all county and city general plans and community plans; assessor parcel books; various local and Federal Emergency Management Agency (FEMA) flood zone maps; service district maps; maps of geologic instability; maps and reports on endangered species such as the California Natural Diversity Database; noise contour maps; specific roadway plans; maps and/or records of archaeological/historic resources; soil reports and maps; etc.

Many of these original source materials have been collected from other public agencies or from previously prepared environmental impact reports (EIRs) and other technical studies. Additional standard sources that should be specifically cited below include onsite visits by staff (note date); staff knowledge or experience; and independent environmental studies submitted to the County as part of the project application. Copies of these reports can be found by contacting the Community Development Department.

Environmental Factors Potentially Affected

The environmental factors checked below would potentially be affected by this project (i.e., the project would involve at least one impact that is a "Potentially Significant Impact"), as indicated by the checklist on the following pages.

- | | | |
|--|--|--|
| ☐ Aesthetics | ☐ Agricultural and Forestry Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Energy |
| ☐ Geology/Soils/
Paleontological Resources | ☐ Greenhouse Gas Emissions | ☐ Hazards and Hazardous
Materials |
| ☐ Hydrology/Water Quality | ☐ Land Use/Planning | ☐ Mineral Resources |
| ☐ Noise | ☐ Population/Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation | ☐ Tribal Cultural Resources |
| ☐ Utilities/Service Systems | ☐ Wildfire | ☐ Mandatory Findings of
Significance |

Determination

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have an impact on the environment that is "potentially significant" or "potentially significant unless mitigated" but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards and (2) has been addressed by mitigation measures based on the earlier analysis, as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the project, nothing further is required.

Signature

Date

Printed Name

For

Evaluation of Environmental Impacts

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained if it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less than Significant with Mitigation Incorporated” applies when the incorporation of mitigation measures has reduced an effect from a “Potentially Significant Impact” to a “Less-than-Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level. (Mitigation measures from *Earlier Analyses*, as described in #5 below, may be cross-referenced.)
5. Earlier analyses may be used if, pursuant to tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where earlier analyses are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are “Less than Significant with Mitigation Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, when appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. the significance criteria or threshold, if any, used to evaluate each question; and
 - b. the mitigation measure identified, if any, to reduce the impact to a less-than-significant level.

I. Aesthetics

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?	☐	☐	☒	☐
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	☐	☐	☒	☐

Discussion

a. Have a substantial adverse effect on a scenic vista?

San Joaquin County is set within the greater San Joaquin Valley, with the delta and large expanses of generally flat, agricultural lands and urban development framed by the foothills of the Diablo Range to the west and the foothills of the Sierra Nevada to the east. According to the County's General Plan, scenic resources within the County include agricultural expanses, waterways, hilltops, and oak groves (County of San Joaquin 2035).

The project site is located on E. Dodds Road, approximately 7.5 miles from the nearest river, the Stanislaus River, on a 218-acre parcel, in a flat area, surrounded by agricultural uses and scattered residences. It is currently the site of the DaSilva North Ranch, an established dairy, and the proposed digester and biogas facility is intended to reduce the greenhouse gases produced by the dairy. The project would expand the developed area of the parcel with 10-acres of structures and equipment areas to be located on land currently used for agriculture that is immediately adjacent to the roadway. Adding to the existing dairy would not further obstruct other views of scenic resources within the vicinity of the project site. For the development, screening will be required so the project is not visible from the roadway. Therefore, the project would have a less-than-significant impact associated with scenic vistas.

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?

There are two officially designated state scenic highways in San Joaquin County: 1-580 and 1-5 (County of San Joaquin 2035). 1-580 is located approximately 15 miles west of the project site. 1-5 is located approximately 5 miles northwest of the project site. Due to distance, the project site is not visible from 1-580 or 1-5.

In addition, the County has designated 26 roadways within the County as local scenic routes (County of San Joaquin 2035). The nearest locally designated scenic route is River Road, located approximately 7.55 miles south of the project site, which, due to distance, does not have a view of the project site. Therefore, the project would have a less-than significant impact associated with scenic resources within a state- or locally-designated scenic highway.

c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The project parcel is 218 acres in size and is located in a generally flat area surrounded by agricultural uses and scattered residences. The existing dairy is developed on the street side portion of the parcel. The proposed project will be located adjacent to the dairy development. For the development, screening will be required so the project is not visible from the roadway. Therefore, the project would have a less-than-significant impact associated with the existing visual quality or character of the site or its surroundings.

d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

The existing lighting and glare conditions in the project area are typical of a rural agricultural area. The project will have security lighting throughout the site that are designed downward facing to confine direct rays to the premises. Therefore, the project is expected to have a less than significant impact from new sources of light or glare on day or nighttime views in the area.

II. Agricultural and Forestry Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts on forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project, and forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:				
a. 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 non-agricultural use?	☐	☐	☒	☐
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?	☐	☐	☒	☐
c. Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e. Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☒	☐

Discussion

a. 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 non-agricultural use?

The project parcel is designated as Unique Farmland and Farmland of Local Importance on maps provided by the California Department of Conservation's Farmland Mapping and Monitoring Program. While the 10-acre project will remove the land from agricultural production, the planned use of an anaerobic manure digester is accessory to the existing dairy use, which is an agricultural use. Therefore, the project is not expected to have a significant impact on the conversion of Prime Farmland, Unique Farmland, or Farmland of State Importance to nonagricultural use.

b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?

The project site is zoned AG-40 (General Agriculture, 40 acre minimum). San Joaquin County classifies a digester and biogas facility as Renewable Energy, a use type that may be conditionally permitted in the AG-40 zone with an approved Conditional Use Permit, therefore, the project will not conflict with existing zoning. The parcel is currently under Williamson Act contract No. WA-73-C1-0161 and is subject to the provisions of the contract which restricts development to uses that are compatible with the Williamson Act. Pursuant to Development Title Section 9-702.060(b), Allowable Land Uses, the Renewable Energy use type is a compatible use on land under a Williamson Act contract. Therefore, the project will not conflict with existing zoning or a Williamson Act contract.

c. Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

d. Result in the loss of forest land or conversion of forest land to non-forest use?

(c-d) There are no forest resources or zoning for forestlands or timberland, as defined by Public Resources Code and Government Code, located on or near the project site, therefore, the project will have no impact on corresponding zoning or conversion of such land.

e. Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

See answer (a) above.

III. Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Discussion

a. Conflict with or obstruct implementation of the applicable air quality plan?

b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard?

c. Expose sensitive receptors to substantial pollutant concentrations?

(a-c) The proposed project is a digester and biomass facility intended to reduce the greenhouse gases produced by the existing dairy. The project site is located within the San Joaquin Valley Air Basin which lies within the jurisdiction of the San Joaquin Valley Air Pollution Control District (APCD). APCD is the local agency established by the State to regulate air quality sources and minimize air pollution.

District Rules and Regulations are intended to reduce a project's impacts on air quality through compliance with regulatory requirements. The project was referred to APCD for review on February 21, 2024. Required permits include an Authority to Construct and a Permit to Operate. With implementation of the District Rules' requirements, the project's impact on air quality is expected to be less than significant.

d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The proposed project site is the location of an existing dairy with lagoons for dairy waste, the odor from which will be reduced with this project. The lagoon odor is mostly created by biological activity

in the lagoon which will now take place in a contained digester. Additionally, manure particles will be removed from the water post digestion which will also remove a source of odors from the dairy lagoons. Therefore, the project is not expected to have a significant negative effect on odor emission.

IV. Biological Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
f. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	☐	☒	☐	☐

Discussion

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?

(a-f) Referrals have been sent to the San Joaquin Council of Governments (SJCOG), the agency responsible for verifying the correct implementation of the *San Joaquin County Multi-Species Habitat Conservation and Open Space Plan* (SJMSCP), which provides compensation for the conversion of Open Space to non-Open Space uses which affect the plant, fish and wildlife species covered by the Plan. Pursuant to the Final EIR/EIS for SJMSCP, dated November 15, 2000, and certified by SJCOG on December 7, 2000, implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than-significant. SJCOG responded to this project referral in a letter dated February 22, 2024, that the project is subject to the SJMSCP. The applicant has confirmed that he will participate in SJMSCP. With the applicant's participation, the proposed project is consistent with the SJMSCP and any impacts to biological resources resulting from the proposed project will be reduced to a level of less-than-significant.

V. Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	☒	☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☒	☐
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Discussion

a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

c. Disturb any human remains, including those interred outside of dedicated cemeteries?

(a-c) The proposed project is a digester and biogas facility at an existing dairy. All development is proposed adjacent to the existing disturbed areas on site which have been utilized for agriculture as well as a dairy. As a result, no impact on cultural resources is anticipated. In the event human remains are encountered during any portion of the project, California state law requires that there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county has determined manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation (California Health and Safety Code - Section 7050.5). At the time of development, if Human burials are found to be of Native American origin, the developer shall follow the procedures pursuant to Title 14, Division 6, Chapter 3, Article 5, Section 15064.5(e), of the California State Code of Regulations.

VI. Energy

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Discussion

a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

(a-b) The California Energy Code (also titled The Energy Efficiency Standards for Residential and Non-residential Buildings) was created by the California Building Standards Commission in response to a legislative mandate to reduce California's energy consumption. The code's purpose is to advance the state's energy policy, develop renewable energy sources and prepare for energy emergencies. These standards are updated periodically by the California Energy Commission. The code includes energy conservation standards applicable to most buildings throughout California. These requirements will be applicable to the proposed project and will be triggered at the time of building permit application, ensuring that any impact to the environment due to wasteful, inefficient, or unnecessary consumption of energy will be less than significant and preventing any conflict with state or local plans for energy efficiency and renewable energy.

The proposed project is a manure only digester and biogas facility at an existing dairy. The facility will be digesting existing manure product, taking the gas emissions, and producing energy. The end product of this process is Renewable Natural Gas (RNG) which is then trucked off site to be entered into a natural gas pipeline at a nearby injection point. This is an energy-producing project.

VII. Geology, Soils, and Paleontological Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
2. Strong seismic ground shaking?	☐	☐	☒	☐
3. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
4. Landslides?	☐	☐	☒	☐
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?	☐	☐	☒	☐
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Discussion

a.1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

a.2. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?

a.3. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?

a.4. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?

According to the California Department of Conservation's California Geological Survey, the project site is not located within an earthquake fault zone. However, similar to other areas located in seismically active Northern California, the project area is susceptible to strong ground shaking during an earthquake, although the site would not be affected by ground shaking more than any other area in the region.

The Project would be required to comply with the most recent version of the California Building Code (CBC), which contains universal standards related to seismic load requirements and is codified within the San Joaquin County Ordinance Code under Section 8-1000. In addition, a soils report is required pursuant to CBC§ 1803 for foundations and CBC appendix§ J 104 for grading. All recommendations of the Soils Report will be incorporated into the construction drawings. As a result, impacts associated with seismic ground shaking or possible ground liquefaction are expected to be less than significant.

The project site is located in an area that is relatively flat and does not contain any slopes that could result in landslides. Therefore, impacts associated with landslides are expected to be less than significant.

b. Result in substantial soil erosion or the loss of topsoil?

The project applicant is required to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity", including the provisions of the California Water Boards Storm Water Program's Construction General Permit (CGP). The CGP requires the development of a Storm Water Pollution Prevention Plan (SWPPP) which will require implementation of temporary and post-construction best management practices and measures to prevent erosion and reduce sediment and pollutants in discharges from the construction site. Therefore, impacts associated with soil erosion are expected to be less than significant.

c. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

As part of the project design process, a soils report will be required for grading and foundations and all recommendations from a soils report must be incorporated into the construction plans. As a result of these grading recommendations, which are required by the California Building Code (CBC), the project would not be susceptible to the effects of any potential lateral spreading, subsidence, or liquefaction. Compliance with the CBC and the engineering recommendations in the site-specific soils report would ensure structural integrity in the event that seismic-related issues are experienced at the project site. Therefore, impacts associated with unstable geologic units are expected to be less than significant.

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

The Soil Survey of San Joaquin County classifies the project site soil as moderately expansive. Expansive soils are characterized by their potential shrink/swell behavior. As a result, engineering specifications to reduce the potential for damage to the planned structures, required by the California Building Code (CBC) specifically for expansive soil, will ensure that the effects of expansive soil on the project buildings are less than significant.

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?

The project is a manure only anaerobic digester at an existing dairy and does not include an on-site septic tank and associated leach field to treat wastewater. Therefore, impacts associated with the soils' ability to support septic systems are expected to be less than significant.

f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

If the project is approved and any paleontological resources not previously uncovered during any prior disturbance are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site. In this way, any adverse change to a paleontological resource is expected to be less than significant.

VIII. Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Discussion

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

(a-b) The project is a manure only anaerobic digester at an existing dairy. The digester is intended to trap greenhouse gases that are released with the bacterial breakdown of the organic waste that is a bi-product of dairies. These gases would otherwise escape into the atmosphere. Implementation of the proposed project would therefore reduce greenhouse gases escaping into the atmosphere.

IX. Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d. Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☒	☐

Discussion

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

(a-c) The proposed project is an anerobic digester at an existing dairy. Pursuant to the Hazardous Materials Disclosure Survey submitted with the application, the facility will handle or store hazardous materials on site. To store or handle hazardous materials onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) and must comply with all applicable federal, state, and local regulations pertaining to the storage of hazardous materials. In this way, impacts related to the use, transport, or disposal of hazardous materials are expected to be less than significant.

d. Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The project site is not listed as a hazardous materials site on the California Department of Toxic Substances Control EnviroStor database map, compiled pursuant to Government Code 65962.5 and, therefore, the project is not expected to create a significant hazard to the public or the environment.

e. Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard or excessive noise for people residing or working in the project area?

The project site is not located in an airport land use plan or within 2 miles of a public airport or public use airport, therefore no such safety hazard would exist.

f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The project site is located in a rural area northwest of the City of Escalon in San Joaquin County. The project, an aerobic digester at an existing dairy, does not include any component or operating practice that would interfere with emergency response or evacuation plans. The project would not affect routes, and moreover, the project would not affect the County's ability to implement its Emergency Operations Plan in the event of an emergency. Therefore, impacts associated with emergency response or evacuation plans are expected to be less than significant.

g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

The project location is not identified as a Community at Risk from Wildfire by Cal Fire's "Fire Risk Assessment Program". Communities at Risk from Wildfire are those places within 1.5 miles of areas of High or Very High wildfire threat as determined from CDF-FRAP fuels and hazard data. Therefore, the impact of wildfires on the project are expected to be less than significant.

X. Hydrology and Water Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☒	☐	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:				
1. Result in substantial erosion or siltation on or off site;	☐	☐	☒	☐
2. Substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site;	☐	☐	☒	☐
3. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
4. Impede or redirect flood flows?	☐	☐	☒	☐
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Affected Environment

The project is within the Lone Tree Creek Watershed. No natural water features are on the proposed project site. The Avena Drain is approximately less than 1 mile southwest of the project site. Temple Creek and Lone Tree Creek are approximately 1 mile north and south of the project site, respectively. None of these water features have Clean Water Act (CWA) 303(d) listed impairments. Water features in the project area ultimately drain to the San Joaquin River. The project site is within the San Joaquin Valley Groundwater Basin - Eastern San Joaquin Subbasin. The project site is outside of the 100-year floodplain, within FEMA Zone X. FEMA Zone X is an area of minimal flood

hazard usually depicted on Flood Insurance Rate Maps as above the 500-year flood level (FEMA 2009).

Regulatory Setting

Federal

The CWA makes the addition of pollutants to waters of the United States from any point source unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The CWA also directs dischargers of stormwater from municipal, industrial, and construction point sources to comply with the NPDES permit scheme. In California, SWRCB and the Regional Water Quality Control Boards (Regional Water Boards) are responsible for ensuring implementation and compliance with the provisions of the CWA. The following are important CWA sections.

- Sections 303 and 304 require states to issue water quality standards, criteria, and guidelines for all surface water of the United States.
- Section 401 requires an applicant for a federal license or permit to conduct any activity that may result in a discharge to waters of the United States to obtain certification from the state that the discharge will comply with other provisions of the CWA. This certification is most frequently required in tandem with a Section 404 permit request (see below).
- Section 402 establishes the NPDES, a permitting system for the discharges (except for dredge or fill material) of any pollutant into waters of the United States. Regional Water Boards administer this permitting program in California. Section 402(p) requires permits for discharges of stormwater from industrial and construction sources and municipal separate storm sewer systems (MS4s).
- Section 404 establishes a permit program for the discharge of dredge or fill material into waters of the United States. This permit program is administered by the U.S. Army Corps of Engineers.

State

Porter-Cologne Water Quality Control Act

California's Porter-Cologne Water Quality Control Act (Porter-Cologne Act) provides the legal basis for water quality regulation within California. This act requires a Report of Waste Discharge for any discharge of waste (liquid, solid, or gaseous) to land or surface waters that may impair beneficial uses for state surface or groundwater resources. Waters of the state include groundwater and surface waters not considered waters of the United States. Discharges under the Porter-Cologne Act are permitted by Waste Discharge Requirements (WDRs), which may be required even when the discharge is already permitted or exempt under the CWA. SWRCB and the Regional Water Boards are responsible for establishing the water quality standards (objectives and beneficial uses) required by the CWA and are included in the applicable Regional Water Board Basin Plan. In California, Regional Water Boards designate beneficial uses for all water body segments in their jurisdictions and then set criteria necessary to protect these uses.

Water quality in surface and groundwater bodies is regulated by SWRCB and the Regional Water Boards. The project site is under the jurisdiction of the Central Valley Regional Water Board. The Central Valley Regional Water Board implements the Water Quality Control Plan for the Sacramento

and San Joaquin River Basins (Basin Plan), a master policy document for managing water quality in the region. The Basin Plan specifies the beneficial uses that apply to the project area. Once beneficial uses are designated, appropriate water quality objectives can be established, and programs that maintain or enhance water quality can be implemented to ensure the protection of beneficial uses (CVRWQB 2019).

NPDES Construction General Permit

The CGP (Order No. 2022-0057-DWQ) issued by SWRCB regulates stormwater discharges from construction sites that have a disturbed soil area of 1 acre or greater. Construction activity that results in soil disturbances of less than 1 acre is subject to this CGP if there is potential for significant water quality impairment resulting from the activity, as determined by the Regional Water Board. Operators of regulated construction sites are required to develop stormwater pollution prevention plans; to implement sediment, erosion, and pollution prevention control measures; and to obtain coverage under the CGP.

NPDES General Municipal Stormwater Permit

CWA Section 402 mandates permits for municipal stormwater discharges, which are regulated under the NPDES General Permit for MS4s. Phase I MS4 regulations cover municipalities with more than 100,000 residents, certain industrial processes, and construction activities that disturb an area of 5 acres or more. Phase II "small" MS4 regulations require stormwater management plans to be developed by municipalities with fewer than 100,000 residents and for construction activities that disturb 1 or more acres of land. SWRCB adopted a Statewide Phase II Small MS4 General Permit in 2013 to efficiently regulate discharges from numerous qualifying small MS4s under a single permit. Small MS4s are categorized as either "traditional" or "non-traditional." Traditional MS4s operate throughout a community. Non-traditional MS4s are similar to traditional MS4s but operate as a distinct facility. Most non-traditional MS4s in California are not designated as having to comply with the Statewide Phase II Small MS4 General Permit, although SWRCB reserves the right to allow the Regional Water Boards to regulate through due process any single non-traditional MS4 if it deemed necessary. The current MS4 permit is Order No. 2013-0001-DWQ (as last amended by Order WQ 2019-0009-EXEC). The Central Valley Regional Water Board adopted a Region-wide MS4 Permit (Region-wide Permit) on June 23, 2016. Phase I MS4 permittees shall enroll under the Region-wide Permit as their current Individual permits expire and Phase II MS4 Permittees may choose to enroll.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act of 2014 (SGMA) is a comprehensive three-bill package that Governor Jerry Brown signed into California state law in September 2014. The SGMA provides a framework for sustainable management of groundwater supplies by local authorities, with a limited role for state intervention only if necessary, to protect the resource. The plan is intended to ensure a reliable groundwater water supply for California for years to come. The SGMA requires the formation of local Groundwater Sustainability Agencies (GSA), which are required to adopt groundwater sustainability plans (GSPs) to manage the sustainability of groundwater basins. GSAs for all high- and medium-priority basins, as identified by the Department of Water Resources (DWR), must adopt a GSP, or submit an alternative to a GSP. The SGMA also requires governments and water agencies of high- and medium-priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. GSPs for high- and medium-priority basins are due to DWR by January 31, 2022; however, GSPs for critically over-drafted high- and medium-

priority basins were due to DWR by January 31, 2020. The project overlies the San Joaquin Valley Groundwater Basin - Eastern San Joaquin Subbasin, which is designated as a high-priority basin and subject to the SGMA. The Eastern San Joaquin Groundwater Authority (ESJGWA) was formed in 2017 in response to the SGMA. A Joint Exercise of Powers Agreement establishes ESJGWA, which is composed of 16 GSAs. The Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan applies to the project area.

Regional and Local

Water Quality Control Plan for the Sacramento and San Joaquin River Basins

The Basin Plan outlines the beneficial uses of specific water bodies and the levels of quality that must be met and maintained to protect those uses. The current edition was revised in February 2019 (CVRWQB 2019). On May 31, 2018, the Central Valley Regional Water Board adopted the original Salt and Nitrate Control Program Basin Plan Amendments for the Sacramento and San Joaquin River Basin Plan and Tulare Lake Basin Plan in Central Valley Regional Water Board Resolution No. R5-2018-0034. Basin Plan Amendments are designed to address both legacy and ongoing salt and nitrate accumulation issues, and establish a prioritized Nitrate Control Program for discharges to groundwater and a phased Salt Control Program for discharges to surface water and groundwater throughout the Central Valley.

On October 16, 2019, SWRCB conditionally approved the original Salt and Nitrate Control Program Basin Plan Amendments with State Water Board Resolution No. 2019-0057. The Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) was initiated in 2006. SWRCB's Recycled Water Policy requires the development of salt and nutrient management plans protective of groundwater and submittal of these plans to the Regional Water Board by May 2016. CV-SALTS is the stakeholder effort working to develop comprehensive salt and nitrate management plans that will satisfy the Recycled Water Policy's salt and nutrient management plans. Targeted revisions to the Salt and Nitrate Control Program Basin Plan Amendments (R5-2020-0057) clarified and added goals to further limit exceedances of applicable water quality objectives in receiving waters and outlined alternative compliance pathways.

Digester General Order of Dairies

The Central Valley Regional Water Board adopted WDRs for Dairies with Anaerobic Digester or Co-Digester Facilities (General Order No. R5-2010-0130; Digester General Order of Dairies). The General Order and the accompanying Program EIR for Dairy Manure Digester and Co-Digester Facilities streamline the Central Valley Regional Water Board's permitting process for dairy digester facilities and provide for the protection of the beneficial uses of surface and groundwater. The General Order applies to dairies with anaerobic digester or co-digester facilities that use only manure generated on site, as well as to dairies with digesters that import either manure or organic feedstock to supplement manure feedstocks. The General Order requires an NOI and a Facility Information Report to be submitted.

San Joaquin County Flood Control and Water Conservation District

The State Legislature formed the San Joaquin County Flood Control and Water Conservation District in 1956 to construct, operate, and plan flood control, water supply, drainage, and groundwater recharge projects. The district is statutorily authorized to form zones within the county to fund

construction of projects and investigations related to flood control and water resources including sustainable groundwater and stormwater management.

San Joaquin County Stormwater Standards

The Phase II MS4 Permit requires certain small projects in San Joaquin County to implement one or more Site Design Measures that treat stormwater runoff using methods to evapo-transpire, infiltrate, harvest and reuse, or biotreat. The Storm Water Management Program would be implemented to limit, to the Maximum Extent Practicable, the discharge of pollutants from the San Joaquin County storm sewer system in the Phase II permit areas.

Discussion

a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Construction

Construction of the project would involve ground-disturbing activities such as excavation. Construction activities have the potential to generate runoff that contains sediments and other pollutants, which could degrade water quality if not properly controlled. Sources of pollution associated with construction also include chemical substances from construction materials as well as hazardous or toxic materials, such as fuels or chemical spills. However, because more than 1 acre of soil would be affected by the project, the project would be subject to the CGP. Erosion and stormwater control requirements are specified in the CGP. These requirements include preparation and implementation of a SWPPP that contains best management practices (BMPs). The SWPPP would identify potential sources of sediment and other pollutants and prescribe BMPs to ensure that potential adverse erosion, siltation, and contamination impacts do not occur during construction activities. Implementation of a SWPPP and BMPs would control erosion and protect water quality from potential contaminants in stormwater runoff from the construction site. BMPs may include covers, drains, and storage precautions for outdoor material storage areas; temporary cover for disturbed surfaces; and earthen berms, silt fences, check dams, soil blankets or mats, covers for stockpiles, or other BMPs to trap sediments. Such BMPs would help to protect surface water and groundwater quality. Potential impacts on water quality would be **less than significant**.

Operation

The project includes the installation of components for solids separation, wastewater recycling, an anaerobic digester, and biogas collection system. Currently, the 10-acre project site is 100 percent pervious used for agricultural crop production. The project would develop the area with 10 acres of structures and equipment. For the remainder of the 218.19-acre parcel, existing pervious areas would remain pervious (i.e., soil or similar material) for agricultural use. The project includes construction of an 800-square-foot office building and a 1,404-square-foot utility building to house the equipment as well as a new lined and covered pond. The project would route stormwater runoff into the existing storage ponds with capacity verified in application for the Digester General Order.

Products of the dairy digester would be beneficially reused as RNG, the resulting separated solids would be returned to the dairies, and the remainder sold as fertilizer. The facility will accept materials for the manure digester from 10 area dairies within a 4-mile radius. All manure from participating dairies would be processed in the digester daily. Approximately 350,000 gallons per

day would be processed at approximately 9 percent total solids. All manure processed at the digester would be returned to the respective dairies as liquid digestate in the quantities that the dairy provided. There would be no separate solids other than what is separated at each dairy prior to digestion. The participating dairy farms would store and apply the digestate as they would in their typical practices for flush water/manure held in their lagoons. Land application of digestate would comply with the requirements of Digester General Order and the Central Valley Regional Water Board's Salt and Nitrate Control Programs. In addition, operations and stormwater treatment on site would comply with the state stormwater MS4 requirements, which require the use of best conventional pollutant control technology for the control of conventional pollutants and best available technology economically achievable for toxic and nonconventional pollutants.

However, dairy digester products and wastewater result in high levels of salinity (salts). Inorganic impurities in dairy wastewater are represented by sodium, potassium, calcium, and chloride ions (Slavov 2017). Dairy production may leach nitrates and salts into groundwater. Salt levels affect beneficial uses in the Central Valley and management of salinity in surface and groundwaters is a major challenge for dischargers (CVRWQCB 2019). Salinity is the only water quality constituent for which minimum thresholds are established in the Eastern San Joaquin Subbasin. High salinity in the western portion of the Subbasin has been an area of historical concern (Eastern San Joaquin Groundwater Authority 2022). Elevated total dissolved solid concentrations in the subbasin are also a concern and are generally the result of natural processes and overlying land use activities. The reuse of digester products could adversely affect surface and groundwater quality and have potentially significant groundwater quality impacts.

As identified in the Program EIR for Dairy Manure Digester and Co-Digester Facilities, dairy digesters may result in significant impacts. Development of dairy digester and co-digester facilities could contribute to cumulative impacts on water quality or contribute to regional criteria pollutants. Implementation of Mitigation Measure 5.2 and Mitigation Measure 5.3 would reduce project-related water quality impacts. In addition, Section 15097 of the State CEQA Guidelines requires the lead agency to prepare a Mitigation Monitoring and Reporting Program for those mitigation measures prior to project approval.

The Central Valley Regional Water Board has identified the following mitigation measures that reduce potentially significant effects of the program to a less-than-significant level.

Measure 5.2: Require design and operational features to manage all wastes and discharges to protect surface waters

WDRs for digester and co-digester facilities shall include design and operational requirements to manage all wastes and discharges to protect surface waters. Requirements shall include the following:

- Prohibitions against any surface water discharges (unless exempt from NPDES permitting requirements or covered by separate NPDES permit),
- Prohibitions against any discharges that would cause exceedance of surface water quality objectives,
- Setbacks from surface water bodies,
- Drainage requirements for co-digestion substrates/waste storage/receiving/handling areas to drain to on-site wastewater retention ponds,

- Lining requirements for retention ponds in new facilities and operational dairies,
- Monitoring requirements that include sampling data of soils, retention water, and waste streams to reconcile annually with Nutrient Management Plan (NMP),
- Requirements for tailwater return systems or other effective methods to minimize offsite discharges,
- Prohibitions against any unreasonable effects on beneficial uses of nearby surface waters.

Measure 5.3: Require best practicable treatment or control requirements to minimize discharges to land from dairy digester and co-digester facilities

WDRs for the discharge to land from dairy digester and co-digester facilities shall include the following best practicable treatment or control requirements or equivalent:

- Prepare and implement site-specific Salt Minimization Plan (SMP) as approved by the Central Valley Water Board. The SMP shall consider the elimination, decommissioning, or the reduction in use of regenerative water softeners on process water distribution networks or, alternatively, evaluate and install alternate technology that reduces or eliminates on-site brine disposal;
- Prepare and implement a site-specific NMP that incorporates analytical data for soils, wastewater, manure, digester solids, groundwater and/or surface water supply. The required analytical data is to be generated by a site-specific monitoring and reporting program. In the case of groundwater, data from an approved representative groundwater monitoring program may be substituted for some of all site-specific groundwater monitoring, if appropriate. The NMP will be reconciled annually based on results of the monitoring and reporting program and site-specific measurements of agronomic rates;
- Require all drainage be directed to a retention wastewater pond that has been designed to meet antidegradation provisions of Resolution 68-16 by an appropriately licensed professional;
- To the extent practicable, use crops that maximize salt uptake;
- Apply liquid digestate consistently with crop water uptake rates;
- Prohibit hazardous substances in co-digestion substrates processed by each facility as verified by laboratory analytical testing;
- Apply digestate at an approved rate commensurate with agronomic rate;
- Properly time application of digestate in accordance with crop requirements;
- Avoid excess irrigation;
- Maintain cover crops and vegetative buffer zones;
- Develop co-substrate acceptance criteria;
- Perform vector control and reduction;
- Monitor groundwater for pathogen indicator organisms;

- Require that solid wastes be stored on surfaces designed in accordance with a site-specific Waste Management Plan prepared for the facility by an appropriate California registered professional in accordance with WDR requirements;
- Maintain a neutral or alkaline pH for dairy digestate waste water applied to cropland unless conditions warrant otherwise as detailed in the NMP;
- Prohibit hazardous waste, mammalian tissues (with the exception of mammalian tissue as contained in compostable material from the food service industry, grocery stores, or residential food scrap collection), dead animals, and human waste from all discharges; and
- Incorporate lined digester and co-digestion substrate storage facilities that meet the antidegradation provisions of Resolution 68-16, as relevant, into project design in order to prevent groundwater contamination with salts, nutrients, and other constituents.

Each facility shall prepare a site-specific Waste Management Plan in accordance with the WDR requirements for review and approval to the Central Valley Water Board prior to commencement of operations. Annual monitoring reports shall be reviewed by the Central Valley Water Board and any revisions deemed necessary to the handling, storage, or land application of wastes shall be incorporated into facility operations.

Implementation of Mitigation Measures 5.2 and 5.3 would reduce adverse effects on surface and groundwater quality. Therefore, the impact from operations would be less than significant. The project's impact on water quality standards or WDRs is expected to be **less than significant with mitigation**.

b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Implementation of the project would increase the amount of impervious surface cover. The project would expand the area with 10 acres of structures and equipment compared with no impervious cover under existing conditions. An increase in impervious area would result in a decrease in groundwater recharge at the site. However, the remainder of the 218.19-acre parcel would remain pervious for agricultural use including crop production. All runoff from the impervious cover would be routed to pervious areas, which would allow infiltration. Furthermore, surrounding agricultural areas would continue to infiltrate stormwater by draining to pervious surfaces and allowing for infiltration and groundwater recharge to continue to occur, similar to existing conditions.

Existing groundwater wells on the parcel are used for agricultural irrigation, including for crop irrigation on the 10-acre project site. An onsite storage lagoon is supplied by stormwater and recycled water (recycled wash or cleaning water from dairy operations) and is also used as a current source of water supply for dairy operations. Water supply for construction activities would come from existing surface supplies stored in the lagoon or existing onsite groundwater wells, or would be trucked to the site. No new groundwater wells would be established. The volume of construction water supply would be less than the water supply currently used for crop irrigation on the project area. Similarly, operational water supply for the digester process would require less water than the current volume required for dairy operations and crop irrigation on the 10-acre project site. During operations, water is used in the digester cycles and is collected at various stages of the process to be reused for each cycle, reducing the overall water demand by the project. In the event groundwater is encountered during construction, construction dewatering may be required. However, dewatering

activities would be temporary and intermittent during the construction phase only and would not affect groundwater supplies. The project's minimal use of water would not deplete or interfere with groundwater supply or recharge. The project is expected to have a **less-than-significant** impact on groundwater supplies and recharge.

c.1. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would: Result in substantial erosion or siltation on or off site? c.2. Substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site? c.3. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? c.4. Impede or redirect flood flows?

The construction of the proposed project would result in grading and soil-disturbing activities. Stormwater drainage patterns could be temporarily altered during construction. Because more than 1 acre of soil would be affected by the project, the project would be subject to the CGP. These requirements include preparation and implementation of a SWPPP. The project would implement BMPs, as required in the SWPPP, to minimize the potential for erosion or siltation in nearby storm drains and temporary changes in drainage patterns during construction. Construction BMPs would capture and infiltrate small amounts of sheet flow into the ground such that offsite runoff from the construction site would not increase, ensuring that drainage patterns would not be significantly altered. Measures required by the NPDES CGP would also limit site runoff during construction and would not alter stormwater drainage patterns. BMPs would be implemented to control construction site runoff, ensure proper stormwater control and treatment, and reduce the discharge of pollution to the storm drain system.

A grading permit will be required that includes plans and grading calculations and a statement of the estimated quantities of excavation and fill. The grading plan must show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of the CBC. The plans must also show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of the CBC. Therefore, construction would not substantially alter the existing drainage pattern of the area in a manner that would result in substantial erosion or siltation or increase the rate or amount of surface runoff in a manner that would result in flooding on site or off site.

Currently, the project site is used to raise crops and is completely pervious. Implementation of the project would increase the amount of impervious surface cover. An increase in the impervious area would result in an increase in the amount of surface runoff from the site. However, all stormwater runoff would be collected via swales and conveyed to the existing onsite storage lagoon. The existing lagoon stores water from the entire dairy operation, including runoff from barns and other structures. The lagoon would have sufficient capacity to manage the additional stormwater runoff from the 10-acre project site, which is substantial smaller in comparison to the size of the entire parcel, which the lagoon already stores water for dairy purposes. Although onsite drainage patterns would be altered to accommodate the structures and related infrastructure, most of the site would be preserved in agriculture and existing drainage patterns would predominantly be retained. Stormwater would be diverted from impervious areas to surrounding fields or ditches. Pervious cover would reduce runoff and treat stormwater through filtration, in compliance with state and County requirements. Therefore, the project would not substantially alter existing drainage patterns

or result in adverse impacts related to drainage capacity and associated impacts. The project would have **less-than-significant** impacts.

d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

The project site is outside of the 100-year floodplain, within FEMA Zone X. FEMA Zone X is an area of minimal flood hazard (FEMA 2009). Due to the distance from the coast and lack of open water bodies in the project area, the potential for inundation due to tsunami or seiche is considered low. Therefore, there would be no risk of release of pollutants due to inundation of the project site. There would be **no impact**.

e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Commonly practiced BMPs would be implemented to control construction site runoff and to reduce the discharge of pollutants from stormwater and other nonpoint-source runoff. As part of compliance with permit requirements during ground-disturbing or construction activities, implementation of water quality control measures and BMPs would ensure that water quality standards would be achieved, including the water quality objectives that protect designated beneficial uses of surface and groundwater, as defined in the Water Quality Control Plan for the Sacramento and San Joaquin River Basins. Construction runoff would also have to comply with the appropriate water quality objectives for the region. The NPDES CGP also requires stormwater discharges not to contain pollutants that cause or contribute to an exceedance of any applicable water quality objectives or water quality standards, including designated beneficial uses. Preserved agriculture area on the remainder of the parcel would also reduce stormwater runoff flows and associated pollutants.

In the event dewatering is required, it would be conducted temporarily during the construction phase. Although groundwater supplies would be used during operations, less groundwater would be used compared to existing conditions. The amount of impervious area within the project site would increase upon project completion. However, agricultural land on the remainder of the parcel would filter runoff and allow for groundwater infiltration and groundwater recharge. Existing groundwater monitoring within the Eastern San Joaquin Subbasin include the Central Valley Regional Water Quality Control Board WDR dairy data, Dairy Cares, and the Central Valley Dairy Representative Monitoring Program. These programs collect groundwater quality data that assist in meeting monitoring needs under SGMA.

Construction and operation of the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Construction- and operation-related impacts associated with the project would be **less than significant**.

Cumulative Impacts

The project site is not within a mapped flood zone, and the proposed project would have no impact with respect to potential pollutant release due to project inundation as a result of being located in flood hazard, tsunami, or seiche zones. Therefore, the proposed project would not have the potential to contribute to cumulative impacts with regard to this topic.

The cumulative geographic context for impacts related to surface water hydrology and water quality is the Lone Tree Creek Watershed. The cumulative geographic context for impacts related to

groundwater hydrology and water quality is the San Joaquin Valley Groundwater Basin - Eastern San Joaquin Subbasin.

Assuming concurrent implementation of the proposed project with other reasonably foreseeable cumulative development, adverse cumulative effects on hydrology and water quality could include construction impacts related to increases in stormwater runoff and pollutant loading to the Lone Tree Creek Watershed or Eastern San Joaquin Groundwater Subbasin. The project, together with cumulative projects, could degrade stormwater quality during construction through land disturbance and during operation through an increase in impervious surface area and contaminated runoff.

The proposed project, together with cumulative projects, could degrade water quality through an increase in impervious surface area and an increase in contaminated runoff. Development of dairy digester and co-digester facilities could contribute to cumulative impacts on water quality or contribute to regional criteria pollutants. Runoff may also contain oil, grease, and metals that accumulate in streets and parking lots as well as pesticides, nutrients, animal waste, and trash from landscaped areas.

Such potential impacts could ultimately violate water quality standards, affect beneficial uses, and/or further impair 303(d)-listed waters within the watershed. The quality of stormwater runoff varies with surrounding land uses, topography, and the amount of impervious cover as well as the intensity (energy) and frequency of irrigation or rainfall. When the effects of the project on water quality are considered in combination with the overall project and potential effects of other cumulative projects, there would be the potential for cumulative impacts on surface and groundwater quality.

Like the proposed project, cumulative projects would be required to comply with the CGP to control runoff and regulate water quality at each development site, in addition to regional and local requirements regarding protection of water quality. Additionally, projects would be subject to an environmental review process, which would identify potential site and/or project-specific water quality impacts and mitigate for any potential significant impacts. New projects would be required to demonstrate that stormwater volumes could be managed by downstream conveyance features and would not induce flooding.

With regard to groundwater quality, before mitigation, the project could contribute to cumulative significant water quality impacts related to potential discharges of contaminant into surface and groundwater as described under answer (a) above. However, with implementation of Program EIR Mitigation Measures 5.2 and 5.3, described above under answer (a), water quality effects due to discharges of contaminants into surface and groundwater would be controlled such that the proposed project would not contribute considerably to cumulative significant water quality impacts.

Based on the analysis above, the proposed project's contribution to cumulative impacts on hydrology and water quality would be **less than cumulatively considerable with mitigation**.

References Cited

Printed References

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Slavov, A. Kolev. 2017. General Characteristics and Treatment Possibilities of Dairy Wastewater Treatment—A Review. *Food Technology and Biotechnology* 55(1):14–28.

XI. Land Use and Planning

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	☐	☐	☐	☒
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Discussion

a. Physically divide an established community?

This proposed project is an anaerobic digester at an existing dairy. The project does not include construction of any feature that would impair mobility within an existing community, nor does it include removal of a means of access between a community and outlying area. Currently, the project site is not used as a connection between established communities. Instead, connectivity with the area surrounding the project is facilitated via local roadways. Therefore, the project will not result in dividing an established community.

b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The project site is located within unincorporated San Joaquin County and is subject to the County's General Plan and Development Title. The County's General Plan Land Use map designates the Project site as General Agriculture (A/G). The zoning map identifies the site as AG-40 (General Agriculture with a 40-acre minimum size) which is an implementing zone for the A/G land use designation.

The A/G designation is meant to provide for large-scale agricultural production and associated processing, sales, and support uses. The AG-40 zone is intended to preserve agricultural lands for the continuation of commercial agricultural enterprises. According to Development Title Section 9-605.2, the use type assigned to this project, *Renewable Energy - Biomass Conversion*, would be permitted within the AG-40 zone with an approved Conditional Use Permit. Therefore, the project is consistent with the County General Plan and Development Title and impacts associated with applicable land use plans, policies, and regulations are expected to be less than significant.

In California, state regulations have mandated a 40% reduction in methane emissions from dairy and livestock operations by 2030, compared to 2013 levels. Anaerobic digesters, including this project, serve as a key component in helping to achieve that goal.

XII. Mineral Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☒	☐
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☒	☐

Discussion

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

(a-b) Pursuant to the San Joaquin County General Plan Background Report, Chapter 10-Mineral Resources, the primary extractive resource in San Joaquin County is sand and gravel, with the principal areas of sand and gravel extraction located in the southwestern part of the county and along the Mokelumne, Calaveras, and Stanislaus rivers in the eastern portion of the county. The project site is located in the southeastern part of the county and is not located near a waterway. Pursuant to information collected and categorized by the State Mining and Geology Board (SMGB), the project site is not located in an area designated for its mineral deposits of regional or statewide significance. Therefore, the project's impact on the loss of mineral resources or mineral resource recovery sites within the region is expected to be less than significant.

XIII. Noise

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?	☐	☐	☒	☐
b. Generate excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c. Be located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

Discussion

a. Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?

The proposed project is an anaerobic digester at an existing dairy. The project site is located on E. Dodds Road and is currently developed with 10 farm employee houses, in addition to the dairy. The parcels surrounding the project parcel are in agricultural production, with scattered residences. The nearest residence that is not on the project site is located across E. Dodds Road from the dairy, approximately 400 feet south of the site for the proposed facility, at another dairy. The next closest residence is located one quarter of a mile southwest of the site.

The anaerobic digester will operate 24 hours, 7 days per week, with an operator on site from 8:00 a.m. to 5:00 p.m., Monday through Friday. Pursuant to Development Title Section 9-1025.9(b), Part II, proposed projects that would create new stationary noise sources are required to mitigate the noise levels so as not to exceed noise level standards. The noise-generating components of the project are the 3 power-generating CHP engines. Each genset will be housed in a container that will result in noise level reduction to prevent exceeding noise level standards. The stationary noise standard for daytime (7:00 a.m. - 10 p.m.) is 70dB; for nighttime (10:00 p.m. - 7:00 a.m.) it is 65 dB. Therefore, the project's likelihood of generating substantial temporary or permanent increases in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance are expected to be less than significant.

b. Generate excessive groundborne vibration or groundborne noise levels?

The project does not include any operations that would result in excessive ground-borne vibrations. See above for noise discussion.

c. Be located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?

The project site is not located in the vicinity of a private airstrip or an airport land use plan nor within 2 miles of a public airport or public use airport therefore the project's risk of exposing people residing or working in the project area to safety hazards or excessive noise from an airport is expected to be less than significant.

XIV. Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒
b. Displace a substantial number of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion

a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?

b. Displace a substantial number of existing people or housing, necessitating the construction of replacement housing elsewhere?

(a-b) The project site is located in unincorporated San Joaquin County, northwest of the City of Escalon. The proposed project is an anaerobic digester at an existing dairy. The project will not induce substantial population growth in the area either directly or indirectly because the project is not anticipated to result in a substantial increase in the number of jobs available. The proposed project would not displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere because there are no residences on the project site and the zoning will remain the same if the project is approved. Therefore, the project would have no impact on population and housing.

XV. Public Services

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

Discussion

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

Fire protection?

Police protection?

Schools?

Parks?

Other public facilities?

The project site is located in unincorporated San Joaquin County, northwest of the City of Escalon. The area is serviced by the Farmington Fire Protection District, the San Joaquin County Sheriff, and the Escalon Unified School District. The Farmington Fire Protection District operates one fire station its service boundary covers approximately 100 square miles. Police protection services are provided to the project site by the San Joaquin County Sheriff's Office. The Sheriffs Office employs over 800 sworn and support personnel. The project site is located within the Escalon Unified School District which serves nearly 3,000 students from kindergarten through high school. There are no public recreation facilities near the project site.

The public service agencies listed above were provided with the project proposal and invited to respond with any project concerns or conditions. Comments were not received, indicating there were no concerns about significant impacts resulting from the project. Therefore, the project is not expected to have a significant impact on, or will not significantly affect, the ability of these service providers to maintain current levels of service.

XVI. Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion

a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

(a-b) The proposed project is an anaerobic digester at an existing dairy. The project will not result in an increase in demand for neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, because the project will not generate any new residential units and the project, an expansion of an existing winery, is not expected to result in an increased demand for recreational facilities. Therefore, the project will have no impact on recreation facilities.

XVII. Transportation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☒	☐
b. Conflict or be inconsistent with State CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c. Substantially increase hazards because of a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d. Result in inadequate emergency access?	☐	☐	☒	☐

Discussion

a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

The proposed project is an anaerobic digester at an existing dairy located on E. Dodds Road in a rural, agricultural area northwest of the City of Escalon. Regional access to the site is provided by State Route 120. Local roads that provide access to the project site are Mariposa Road (County Road 7) or Escalon Bellota Road (County Road 6). The project was referred to the Department of Public Works on October 5, 2021. The Department of Public Works determined that a traffic study is not required because the proposed project is not expected to exceed 50 vehicle trips during any hour and would have less than significant traffic impacts.

b. Conflict or be inconsistent with State CEQA Guidelines section 15064.3, subdivision (b)?

The proposed project is a Conditional Use Permit for an anaerobic digester at an existing dairy. It was determined that the project will generate less than 110 automobile trips per day and, therefore, is considered a small project according to the Technical Advisory on Evaluating Transportation Impacts in CEQA, as published by the California Office of Planning and Research (OPR) in December 2018. According to this OPR guidance, a small project that generates or attracts "fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact" with regards to Vehicle Miles Traveled (VMT).

c. Substantially increase hazards because of a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The proposed project will not be making any changes to local roadways, therefore, the project's impact on transportation hazards is expected to be less than significant. Additionally, an anaerobic digester is a permitted use in the general agricultural zones making the project compatible with the surrounding area.

d. Result in inadequate emergency access?

The project site is accessed from E. Dodds Road and access into the site is provided by a 25-foot-wide private driveway that must meet the San Joaquin County Fire Chiefs' Association guidelines for providing fire apparatus access as required by the California Fire Code (CFC). Therefore, site access would provide adequate space for fire trucks and emergency vehicles to enter and turn around, and the project is not expected to result in inadequate emergency access.

XVIII. Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☒	☐
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Discussion

a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

The project site is developed with a dairy and associated buildings, and 10 farm employee houses. The remainder of the site is planted in crops. No buildings on the site are listed on the State Office of Historic Preservation California Register or the National Register of Historic Places. Therefore, the project will not result in a substantial adverse change in the significance of a historical resource as defined by CEQA.

b. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: A resource determined by the lead agency, in its discretion and supported by substantial

evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

The project site is approximately 10 acres in size and is located on a 218.19-acre parcel in a rural, agricultural area northwest of the City of Escalon. There are no nearby waterways. A project referral was mailed October 5, 2021, to the California Native American Heritage Commission, the Buena Vista Rancheria, the California Tribal TANF Partnership, the North Valley Yokuts Tribe, and the United Auburn Indian Community. No requests for consultation were received in response to the project referral.

If human remains are encountered, all work shall halt in the vicinity and the County Coroner shall be notified immediately. At the same time, a qualified archaeologist shall be contacted to evaluate the finds. If Human burials are found to be of Native American origin, steps shall be taken pursuant to Section 15064.5(e) of Guidelines for California Environmental Quality Act.

Based on the absence of responses to the project referral, and with the above guidelines in place, the project's impact on a significance tribal cultural resource is expected to be less than significant.

XIX. Utilities and Service Systems

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☒	☐
c. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Discussion

a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

The proposed project is an aerobic digester at an existing dairy, located in a rural, agricultural area northwest of the City of Escalon. There are no public water, sewer, or storm drain systems in the area. Therefore, the project will be served by private, onsite services and will not require relocation of existing facilities or require new facilities.

b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

The project location is the site of an existing dairy which is already served by an existing private well. Wastewater from the digester process will be treated and recycled by being returned to the property. Therefore, the project's impacts on water supplies are expected to be less than significant.

c. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The project location is the site of an existing dairy which is already served by an onsite sewage disposal system. The digester project will not require sanitary sewer, therefore the project is not expected to impact local wastewater treaters.

d. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

(d-e) The proposed project is an anaerobic digester at an existing dairy. As proposed, the project is intended to improve the current method of manure degradation and will recycle components left from the process. Therefore, the project is not anticipated to generate solid waste in excess of State and local standards and will be able to comply with all regulations related to solid waste.

XX. Wildfire

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks of, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts on the environment?	☐	☐	☐	☒
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

Discussion

a. Substantially impair an adopted emergency response plan or emergency evacuation plan?

b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks of, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts on the environment?

d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

(a-d) The project location is in a rural, agricultural area northwest of the City of Escalon in San Joaquin County. The area is not identified as a Community at Risk from Wildfire by Cal Fire's "Fire Risk Assessment Program". Communities at Risk from Wildfire are those places within 1.5 miles of areas of High or Very High wildfire threat as determined from CDFFRAP fuels and hazard data. Therefore, the impact of wildfires on the project are expected to be less than significant.

XXI. Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b. Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion

a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

b. Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

(a-c) Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or surrounding area. Mitigation measures have been identified in areas where a potentially significant impact has been identified and these measures, included as conditions of approval, will reduce these impacts to a less than significant level.

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Attachment D

Mitigation Monitoring and Reporting Program

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Impact	Mitigation Measure/Condition	Type of Review		Agency for Monitoring and Reporting Compliance	Action Indicating Compliance or Review	Verification of Compliance or Annual Review of Conditions		
		Monitoring	Reporting			By	Date	Remarks
IV. Biological Resources	Measure 4.a-f: Participation in the SIMSCP		X	San Joaquin Council of Governments	Certificate of Payment and Signed ITMM			
X. Hydrology and Water	Measure 5.2: Require design and operational features to manage all wastes and discharges to protect surface waters. Requirements include the following: - Prohibitions against any surface water discharges (unless exempt from NPDES permitting requirements or covered by separate NPDES permit). - Prohibitions against any discharges that would cause exceedance of surface water quality objectives. - Setbacks from surface water bodies. - Drainage requirements for co-digestion substrates/waste storage/receiving/handling areas to drain to on-site wastewater retention ponds. - Lining requirements for retention ponds in new facilities and operational dairies. - Monitoring requirements that include sampling data of soils, retention water, and waste streams to reconcile annually with Nutrient Management Plan (NMP). - Requirements for tailwater return systems or other effective methods to minimize offsite discharges. - Prohibitions against any unreasonable effects on beneficial uses of nearby surface waters.	X		CVRWQB	Each facility shall prepare a site-specific Waste Management Plan in accordance with the WDR requirements for review and approval by the Central Valley Water Board prior to commencement of operations. Annual monitoring reports shall be reviewed by the Central Valley Water Board and any revisions deemed necessary to the handling, storage, or land application of wastes shall be incorporated into facility operations.			
X. Hydrology and Water	Measure 5.3: Require best practicable treatment or control requirements to minimize discharges to land from dairy digester and co-digester facilities. Requirements include: Prepare and implement site-specific Salt Minimization Plan (SMP) as approved by the Central Valley Water Board. The SMP shall consider the elimination, decommissioning,	X			Each facility shall prepare a site-specific Waste Management Plan in accordance with the WDR requirements for review and approval by the Central Valley Water Board prior to commencement of operations. Annual monitoring reports shall be reviewed by the Central Valley Water Board and any revisions deemed necessary to the handling, storage, or land application of wastes shall be incorporated into facility operations.			

or the reduction in use of regenerative water softeners on process water distribution networks or, alternatively, evaluate and install alternate technology that reduces or eliminates on-site brine disposal;							
• Prepare and implement a site-specific NMP that incorporates analytical data for soils, wastewater, manure, digester solids, groundwater and/or surface water supply. The required analytical data is to be generated by a site-specific monitoring and reporting program. In the case of groundwater, data from an approved representative groundwater monitoring program may be substituted for some of all site-specific groundwater monitoring, if appropriate. The NMP will be reconciled annually based on results of the monitoring and reporting program and site-specific measurements of agronomic rates; • Require all drainage be directed to a retention wastewater pond that has been designed to meet anti-degradation provisions of Resolution 68-16 by an appropriately licensed professional; • To the extent practicable, use crops that maximize salt uptake; • Apply liquid digestate consistently with crop water uptake rates;							
• Prohibit hazardous substances in co-digestion substrates processed by each facility as verified by laboratory analytical testing;							
• Apply digestate at an approved rate commensurate with agronomic rate; • Properly time application of digestate in accordance with crop requirements; • Avoid excess irrigation; • Maintain cover crops and vegetative buffer zones;							
• Develop co-substrate acceptance criteria; • Perform vector control and reduction;							



Attachment E
Findings for Use
Permit

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FINDINGS FOR USE PERMIT

PA-2300155 (CUP)

DaSILVA / BA DIGESTER, LLC

1. The proposed use is consistent with the goals, policies, standards, and maps of the General Plan; any applicable Master Plan, Special Purpose Plan, Specific Plan, and Planned Development zone; and any other applicable plan adopted by the County.
 - **This finding can be made because the proposed Renewable Energy – Biomass Conversion use may be conditionally permitted in the AG-40 (General Agriculture, 40-acre minimum) zone with an approved Conditional Use Permit. The project site is zoned AG-40 which implements its General Plan designation of A/G (General Agriculture). Therefore, the parcel meets the requirements for the A/G General Plan designation and the project will meet the Development Title regulations for the use. There are no Master Plans, Specific Plans, Special Purpose Plans, or other applicable plans adopted by San Joaquin County applicable to the subject property.**
2. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways.
 - **This finding can be made because the project proposes adequate utilities, access roads, sanitation, drainage, and other necessary facilities, and the proposed improvements are properly related to existing and proposed streets and highways. Access will be via one driveway on E. Dodds Road, the placement of which will be subject to the Department of Public Works, ensuring the connection with the current road network will be properly related to the highway. The driveway and circulation lanes will have all weather surfacing to prevent bringing dirt and other site material onto the roadway. The project site will utilize a private onsite well for water and septic system for sanitary sewer. Drainage facilities in accordance with the San Joaquin County Development Standards must be provided for storm water.**
3. The site is physically suitable for the type of development and for the intensity of development.
 - **This finding can be made because the 10-acre project site is adequately sized and shaped to accommodate all components of the anaerobic digester and associated structures, and all other Development Title requirements for the proposed use, as depicted on the Site Plan dated October 15, 2024. The project site will utilize all weather surfacing on driveways, circulation lanes, and parking areas, and other improvements will comply with applicable Development Title regulations to ensure and support the project's type and intensity. The project site is zoned AG-40 (General Agriculture, 40-acre minimum), a zone that is applied to parcels that are suitable for the intensity of all possible uses.**
4. The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
 - **This finding can be made because the project is conditioned to meet all Development Title regulations protecting public health, safety, and welfare and ensuring that adjacent parcels are not injured by the project. Further, the Initial Study prepared for this project found no potentially significant environmental impacts that could not be mitigated to a less than significant impact. Surrounding parcels are primarily in agricultural production with scattered residences. The nearest off-site residence is located approximately 400 feet south. The next nearest residence is located 1,320 feet southwest of the site.**

5. The proposed use will not create any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions.
 - **This finding can be made because all potential impacts identified in the Initial Study performed for the project can be mitigated to less than significant. The proposed project will reduce existing dairy lagoon odors by containing biological activity within the digester and removing manure particles post-digestion. The proposed project must comply with San Joaquin County noise limits specified in Development Title Table 9-404.040. The development will be subject to the rules and regulations of the San Joaquin County Development Title, the Air Pollution Control District, and the State Water Quality Control Boards.**
6. The site of the proposed use is adequately served by highways, streets, water, sewer, storm drainage, and other public facilities and services.
 - **This finding can be made because the project is located with direct access to Dodds Road, and is permitted to have onsite private wells and septic systems, and onsite storm drainage.**
7. The proposed use complies with all applicable provisions of this Title.
 - **This finding can be made because the Renewable Energy – Biomass use is allowed in the AG-40 (General Agriculture, 40-acre minimum) with an approved Conditional Use Permit. The property does not require rezoning to approve the use nor does it conflict with surrounding agricultural uses. The issued Conditions of Approval will ensure that the project complies with all applicable provisions of the Development Title.**



Attachment F

Conditions of Approval

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CONDITIONS OF APPROVAL

PA-2300155

DaSILVA / BA DIGESTER, LLC

Conditional Use Permit No. PA-2300155 was approved by the Planning Commission on . The effective date of approval is . This approval will expire on , which is thirty-six (36) months from the effective date of approval, unless (1) all Conditions of Approval have been complied with, (2) all necessary building permits have been issued and remain in force, and (3) all necessary permits from other agencies have been issued and remain in force.

Unless otherwise specified, all Conditions of Approval and ordinance requirements shall be fulfilled prior to the establishment of the use and the issuance of any building permits. Those Conditions followed by a Section Number have been identified as ordinance requirements pertinent to this application. Ordinance requirements cannot be modified, and other ordinance requirements may apply.

1. COMMUNITY DEVELOPMENT DEPARTMENT (Contact: [209] 468-0222)

- a. **BUILDING PERMIT:** Submit an "APPLICATION-COMMERCIAL BUILDING PERMIT". The Site Plan required as a part of the building permit must be prepared by a registered civil engineer or licensed architect. This Plan must show drainage, driveway access details including gates, on-site parking, landscaping, signs, existing and proposed utility services, and grading (refer to the "SITE PLAN CHECK LIST" for details). Foundation and soils investigation shall be conducted in conformance with Chapter 18 of the California Building Code at the time of permit application. A fee is required for the Site Plan review. (Development Title Section 9-802.020)
- b. **APPROVED USE:** This approval is for a manure only anaerobic digester and natural gas clean-up and compression system to include installation of the components for solids separation, wastewater recycling, an anaerobic digester, and biogas collection system, including construction of a new lined and covered pond, an 800-square-foot office building and a 1,404-square-foot utility building to house the equipment. (Use Types: Renewable Energy - Biomass)
- c. **CAPITAL FACILITY FEE:** This project may be subject to the Capital Facility Fee. If the Capital Facility Fee is applicable, the County shall collect the fees before the issuance of any building permits. (Development Title Section 9-610.070)
- d. **PARKING:** Off-street parking shall be provided and comply with the following:
 1. All permanent parking lots, including internal circulation and loading areas, shall be surfaced and permanently maintained with asphalt concrete or Portland cement concrete. Bumper guards and/or wheel stops shall be provided when necessary to protect adjacent structures or properties. (Development Title Section 9-406.060[i])
 2. A minimum of 5 permanent off-street vehicle parking spaces shall be provided for the project. *(The number of required parking spaces required for the Renewable Energy use type is determined by the Zoning Administrator and was based on employee information provided by the applicant.)* (Development Title Section 9-406.040).
 3. Each vehicle parking stall shall be an unobstructed rectangle, minimum 9 feet wide and 20 feet long. (Development Title Section 9-406.060)
 4. All parking stalls and directional arrows shall be delineated with paint or similar distinguishable material. (Development Title Section 9-406.040[e])
- e. **ACCESS AND CIRCULATION:** The following requirements apply and shall be shown on the Site Plan:

1. Access driveways shall have a width of no less than 25 feet for two-way aisles and 16 feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than 20 feet wide. (Development Title Section 9-406.060[n][1])
 2. Driveways with gated entries shall be designed such that the gate is setback a sufficient distance to allow at least one vehicle (passenger car, delivery truck, etc.) to queue on-site in front of the gate without extending into the right-of-way. (Development Title Section 9-607-040(d))
- f. **LIGHTING:** Lighting shall be provided and comply with the following:
1. All lighting shall be designed to confine direct rays to the premises. No spillover beyond the property lines shall be permitted, except onto public roads, provided, however, that such light shall not cause a hazard to motorists. (Development Title Section 9-406.060[m][3])
- g. **STORAGE:**
1. The facility shall include sufficient on-site storage for both raw materials and fuel production. On-site storage shall also be provided for all additional by-products resulting from bioenergy production unless those additional products are used on site for crop production or livestock consumption. (Development Title Section 9-409.110[c])
- h. **SIGNS:** Sign details shall be consistent with Chapter 9-408 of the Development Title and be included on the Site Plan. All portions of any sign shall be set back a minimum of 5 feet from existing and future right-of-way lines and shall not block pedestrian or vehicle rights-of-way or obstruct drivers' visibility. (Development Title Section 9-408.070[p])
- i. **REGULATORY COMPLIANCE:** The operator of the facility shall provide to Community Development proof that all necessary approvals have been obtained from State and Federal agencies involved in permitting any of the following aspects of biofuel production:
1. Air pollution emissions;
 2. Transportation of biofuel, or additional products resulting from biofuel production;
 3. Use or reuse of additional products resulting from biofuel production; and,
 4. Storage of raw materials, fuel, and additional products used in, or resulting from, biofuel production.
2. DEPARTMENT OF PUBLIC WORKS (Contact: [209] 468-3000)
- a. An encroachment permit shall be required for all work within the road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light-standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-607.020 and 9-607-040)
 - b. Prior to issuance of the occupancy permit, the driveway approaches shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. 17. (Development Title Section 9-607.040)
 - c. The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolution R-00-433)
 - d. The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
 - e. The Water Supply Facilities Impact Mitigation Fee shall be required for this development. The fee is due and payable prior to issuance of the building permit. The fee will be based on the current

schedule at the time of payment. (Development Title Section 9-803.020 and Resolutions R-91-327, R-94-185 and R-97-5).

- f. The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth of the basin is 18 inches or more. Required retention basin capacity shall be calculated and submitted with a drainage plan for review and approval prior to release of building permit. (Development Title Section 9-606)
- g. A copy of the Final Site Plan shall be submitted prior to release of building permit.
- h. This project is subject to the NPDES Region-Wide Permit requirements and shall comply with the following conditions. Prior to release of the building permit, plans and calculations shall be submitted and approved by the Public Works Department – Water Resources Division (209-468-3605).
 - 1. Treatment: A registered professional engineer shall design the site to treat the 85th percentile storm as defined in the County's 2023 Storm Water Quality Control Criteria Plan (SWQCCP).
 - 2. Hydromodification: A registered professional engineer shall design the site to comply with the volume (reduction requirement outlined in the County's 2023 SWQCCP).
 - 3. Trash: A registered professional engineer shall design the site to comply with the trash control requirement outlined in the County's 2023 SWQCCP.
- i. Prior to release of the building permit, the owner shall enter into an agreement with San Joaquin County for post-construction maintenance of stormwater quality facilities.
- j. Prior to release of the building permit, the applicant shall submit a Storm Water Quality Control Plan (SWQCP) to Public Works that complies with all requirements of the 2023 SWQCCP.
- k. Prior to release of the building permit the applicant shall submit the Storm Water Pollution Prevention Plan (SWPPP) to Public Works. A copy of the approved SWPPP and all required records, updates, test results and inspection reports shall be maintained on the construction site and be available for review upon request.
- l. Applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity". The Waste Discharge Identification Number (WDID) issued by SWRCB, shall be submitted to Public Works prior to release of the building permit. Contact the SWRCB at 1-866-563-3107 for further information.

Informational Notes:

- 1. Wastewater shall not be allowed into the storm drainage system.
- 2. The project will enact appropriate source control BMPs to prevent the discharge of trash offsite.

3. ENVIRONMENTAL HEALTH DEPARTMENT (Contact: [209] 468-3420)

- a. All dairy in-vessel digestion operations shall comply with the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with Section 18100) and Title 14 California Code of Regulations Section 17896.9. The applicant may contact Natalia Subbotnikova, Program Coordinator of Solid Waste Program, at (209) 468-0338 for further information.
- b. A soil suitability and nitrate loading study incorporating proposed staff and customer use shall be submitted to the Environmental Health Department, indicating that the area is suitable for septic system usage. The studies must be approved by the Environmental Health Department prior to issuance of any building permit(s). (San Joaquin County Development Title, Section 9-604.010[d]).

The sewage disposal system shall comply with the onsite wastewater treatment systems standards of San Joaquin County prior to approval. A percolation test conducted in accordance with the E.P.A. Design Manual 0 Onsite Wastewater and Disposal Systems is required for each parcel. The fee will be based on the current schedule at the time of payment.

- c. Prior to issuance of building permit, submit to the Environmental Health Department revised site plans showing the location and configuration of any existing and proposed sewage disposal systems, along with the area required to be reserved for future sewage disposal repair/replacement (area for 100% sewage disposal replacement). The plans shall include the design calculations, including the maximum number of persons the sewage disposal system is proposed to serve.

In addition, show on revised plans that the disposal field area will be barricaded so it cannot be driven over, parked on, or used as a storage area. This disposal field area must be used for that specific purpose only, and it cannot contain any underground utility lines (San Joaquin County Development Title, Section 9-605.010(c)(3)(5)).

- d. The existing private water wells shall be tested for the chemical Dibromochloropropane (DBCP) and nitrates with the results submitted to the Environmental Health Department prior to issuance of building permit(s). Samples are to be taken and analyzed by a State-approved laboratory (San Joaquin County Development Title, Section 9-601.020(j)).
- e. The existing private water wells shall be Any geotechnical drilling shall be conducted under permit and inspection by the Environmental Health Department (San Joaquin County Development Title, Section 9-601.010[b] and 9-601.020[ij]).

4. SAN JOAQUIN COUNCIL OF GOVERNMENT (Contact: [209] 235-0600)

- 1. This project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) must provide a Certificate of Payment prior to issuance of any grading or building permits.



**Planning Commission Staff Report
Item 2, October 16, 2025
Use Permit No. PA-2500159
Prepared by: Giuseppe Sanfilippo**

PROJECT SUMMARY

Applicant Information

Property Owner: Jesus E. and M Meza Trust
Project Applicant: Shane Rawlings

Project Site Information

Project Address: 2300 North Teepee Drive
Project Location: On the southwest corner of North Teepee Drive and Wigwam Drive, Stockton

Parcel Number (APN):	132-080-11	Water Supply:	Public (Cal Water)
General Plan Designation:	I/L	Sewage Disposal:	Private
Zoning Designation:	I-L	Storm Drainage:	Public (CSA 17)
Project Size:	1.97-acres	100-Year Flood:	No (X)
Parcel Size:	1.97-acres	Williamson Act:	No
Community:	Stockton	Supervisory District:	4

Environmental Review Information

CEQA Determination: Notice of Exemption (Attachment C)

Project Description

This project is a Conditional Use Permit for construction of a 6,750-square-foot metal bulk storage building for a dry cement distributor (Use Type: Industry General). This use will be in addition to a wholesale landscape business and truck sales office previously approved under Site Approval No. PA-2000184. The proposed metal building will replace the structure previously approved for PA-2000184 and be utilized by both uses. The applicant is requesting a parking modification to reduce the required vehicle parking spaces from 32 to 9 vehicle parking spaces, based on the estimated number of employees and customers. Access to the site will be provided by the existing driveway at the southeast terminus of Teepee Drive and Wigwam Drive.

Recommendation

1. Adopt the Findings for Use Permit (Attachment D); and
2. Approve Use Permit No. PA-2500159 with the attached Conditions of Approval (Attachment E)

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NOTIFICATION & RESPONSES

(See Attachment B, Response Letters)

Public Hearing Notices

Legal ad for the public hearing published in the Stockton Record: October 2, 2025.

Number of Public Hearing notices: 964

Date of Public Hearing notice mailing: October 2, 2025.

Referrals and Responses

- **Project Referral with Environmental Determination Date:** July 9, 2025

Agency Referrals	Response Date - Referral
County Departments	
Assessor	
Community Development	
Building Division	
Fire Prevention Bureau	
Code Enforcement	
Public Works	August 13, 2025
Environmental Health	July 18, 2025
Sheriff Office	
Supervisor: District 4	
Mosquito Abatement	
State Agencies	
C.R.W.Q.C.B.	
Caltrans District 10	
CA Water Service Company	
Fish & Wildlife, Division: 2	
California Highway Patrol	
CA Native American Heritage Commission	
CA DMV	
Local Agencies	
Stockton East Water District	
S.J.C.O.G.	July 9, 2025
San Joaquin Air Pollution Control District	

Agency Referrals	Response Date - Referral
Waterloo Morada Fire District	
C.V.R.W.Q.C.B.	
C.V.F.P.B.	
Stockton Unified School District	
City of Stockton CDD	
City of Stockton Public Works	
Stockton Municipal Utilities District	
Federal Agencies	
F.E.M.A.	
US Fish and Wildlife	
Miscellaneous	
CA Water Service Company	
Building Industry Association	
Builders Exchange	
P.G.&E.	August 12, 2025
Farm Bureau	
CA Tribal TANF Partnership	
United Auburn Indian Community	
CA Valley Miwok Tribe	
CA North Valley Yokuts Tribe	
Buena Vista Tribe Rancheria	
Sierra Club	

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ANALYSIS

Background

On May 19, 2022, the Community Development Department approved Administrative Use Permit No. PA-2000184 for a landscaping materials storage yard and truck sales facility to be built out in 2 phases over 5 years. This Conditional Use Permit proposes to add the storage and distribution of dry cement to the previously approved uses. The 6,750 square foot building proposed with this application will replace the previously approved building and will accommodate the previously approved truck sales use and proposed cement mixing and distribution facility.

The original expiration date for the project was November 19, 2023. However, the project qualified for an automatic two-year Time Extension that was approved for all projects in an approved status at the time of the adoption of the current Development Title to align existing projects with new expiration standards included in the new Title providing 3 years for the development of phase 1. As a result, the new expiration date for this project is November 19, 2025. A Two-Year Time Extension (PA-2500296) for previously approved Administrative Use Permit No. PA-2000184 was filed on September 12, 2025, and if approved will extend the existing expiration date from November 19, 2025, to November 19, 2027. This application is being processed concurrently with this Conditional Use Permit and will be approved administratively by staff.

The project site is currently vacant, as building permits have not been issued for PA-2000184. The project site lies in the existing Cherokee Industrial Park, where adjacent uses include warehouses, building material distribution, and limited retail uses.

CEQA Exemption

This application is for a Conditional Use Permit for the indoor storage and distribution of dry concrete within a proposed 6,750 square foot building that will be utilized by the proposed use and the previously approved truck sales facility. This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines California Code of Regulations, Title 14, Chapter 3, Section 15303 (Class 3, New Construction or Conversion of Small Structures). Section 15303 provides that a project is exempt from CEQA if the activity applies to projects where up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Community Development Department determined that Section 15303 is applicable to this project because the proposed building is less than the 10,000 square foot threshold cited in the exemption. In addition, the proposed use does not involve significant amounts of hazardous substances and the surrounding area is not an environmentally sensitive area because the project site is located within an existing business park with many commercial and industrial uses. Therefore, the proposed project will not cause a significant impact on the environment.

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RECOMMENDATION

It is recommended that the Planning Commission:

1. Adopt the Findings for Use Permit (Attachment D, Findings for Use Permit); and
2. Approve Use Permit No. PA-2500159 with the attached Conditions of Approval (Attachment E, Conditions of Approval)

Attachments:

Attachment A – Site Plan
Attachment B – Agency Response Letters
Attachment C – Environmental Document
Attachment D – Findings for Use Permit
Attachment E – Conditions of Approval

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SAN JOAQUIN
—COUNTY—
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Community Development Department

Planning · Building · Neighborhood Preservation

Attachment A **Site Plan**

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SAN JOAQUIN
—COUNTY—
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Community Development Department

Planning · Building · Neighborhood Preservation

Attachment B Agency Response Letters

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Greatness grows here.



Department of Public Works

Fritz Buchman, Director

Alex Chetley, Deputy Director - Development

Kristi Rhea, Deputy Director - Administration

David Tolliver, Deputy Director - Operations

Najee Zarif, Deputy Director - Engineering

August 13, 2025

M E M O R A N D U M

TO: Community Development Department
CONTACT PERSON: Giuseppe Sanfilippo

FROM: Shayan Rehman, Engineering Services Manager
Development Services Division

SR

SUBJECT: PA-2500159 (C); A Conditional Use Permit application for a bulk storage and distributor of cement under the Industry General use type. This use will be in addition to a previously approved wholesale landscape business and truck sales office approved under PA-2000184. This project proposes the construction of a 6,750 square foot metal building being proposed will replace the structure that was previously approved for PA-2000184. The applicant is requesting a parking modification to reduce the required vehicle parking spaces from 32 to 9 vehicle parking spaces, based on the estimated number of employees and customers. Access to the site will be provided by the existing driveway at the southeast terminus of Teepee Drive and Wigwam Drive. The project site will be served by a new septic system for wastewater, Private California Water for water service, and CSA17 for terminal storm drainage. This parcel is not under a Williamson Act Contract; located on the Southwest corner of Teepee Drive and Wigwam Drive in Stockton.
(Supervisory District 4)

OWNER: Jesus E & Esthela M Meza TR

APPLICANT: Brix and Homes Real
Company INC

ADDRESS: 2300 N Teepee Drive, Stockton

APN: 132-080-11

INFORMATION:

The site is currently located within a Federal Emergency Management Agency Designated Flood Hazard Area designated as Zone AH. The 100-Year Flood Elevation is approximately 29 feet NAVD 1988.

Wigman Drive has an existing and planned right-of-way width of 84'-variable feet.

Teepee Drive has an existing and planned right-of-way width of 84'-variable feet.

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PA-2500159 (C)

RECOMMENDATIONS:

- 1) An encroachment permit shall be required for all work within road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-607.020 and 9-607.040)
- 2) The driveway approach shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. 13 [The return radii for truck-trailer egress shall be designed to prevent encroachment onto opposing lanes of traffic] prior to issuance of the occupancy permit. (Development Title Section 9-607.040)
- 3) If the applicant intends to utilize STAA trucks with this project approval, then applicant shall obtain from the Department of Public Works and Caltrans a STAA terminal and STAA route designations for the proposed facility. Contact the Transportation Engineering Division of the Department of Public Works (209-468-3707) for designation process.
- 4) The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolutions R-00-433)
- 5) The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- 6) The Water Supply Facilities Impact Mitigation Fee shall be required for this development. The fee is due and payable prior to issuance of the building permit. The fee will be based on the current schedule at the time of payment. (Development Title Section 9-803.020 and Resolutions R-91-327, R-94-185 and R-97-5)
- 7) It is the responsibility of the applicant to ensure that a current will serve letter for storm drainage service is on file prior to release of building permit. The applicant or subsequent owner of the property is responsible to ensure that all requirements of the will-serve letter are fulfilled prior to release of the building permit. If any extension, connection, or placement of new facilities is required to connect to the existing main lines, the cost shall be borne by the applicant. For any work within the County right-of-way, an improvement plan shall be submitted to Public Works for review and approval. Required plan check and inspection fees shall apply.
- 8) The applicant shall submit storm drainage calculations per San Joaquin County Development Standards to Community Infrastructure Engineering (CIE) for review and approval prior to the issuance of any building permit.
- 9) A copy of the Final Site Plan shall be submitted prior to release of building permit.
- 10) This project is subject to the NPDES Region-Wide Permit requirements and shall comply with the following conditions. Prior to release of the building permit, plans and calculations

PA-2500159 (C)

shall be submitted and approved by the Public Works Department – Water Resources Division (209-468-9360):

- a) Treatment: A registered professional engineer shall design the site to treat the 85th percentile storm as defined in the County's 2023 Storm Water Quality Control Criteria Plan (SWQCCP).
 - b) Hydromodification: A registered professional engineer shall design the site to comply with the volume reduction requirement outlined in the County's 2023 SWQCCP
 - c) Trash: A registered professional engineer shall design the site to comply with the trash control requirement outlined in the County's 2023 SWQCCP.
- 11) Prior to release of the building permit, the owner shall enter into an agreement with San Joaquin County for post-construction maintenance of stormwater quality facilities.
 - 12) Prior to release of the building permit the applicant shall submit a Storm Water Quality Control Plan (SWQCP) to Public Works that complies with all requirements of the 2023 SWQCCP
 - 13) Prior to release of the building permit the applicant shall submit the Storm Water Pollution Prevention Plan (SWPPP) to Public Works. A copy of the approved SWPPP and all required records, updates, test results and inspection reports shall be maintained on the construction site and be available for review upon request.
 - 14) Applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity". The Waste Discharge Identification Number (WDID), issued by SWRCB, shall be submitted to Public Works prior to release of the building permit. Contact the SWRCB at 1-866-563-3107 for further information.
 - 15) Prior to release of the building permit all new construction and the substantial improvement of any structure or tanks in the area of special flood hazard shall be elevated or floodproofed in accordance with San Joaquin County Ordinance Code Section 9-703.130. Plans and calculations shall be submitted and approved by the Public Works Department – Water Resources Division (209-468-9596).

SR:GM:GG



Environmental Health Department

Jasjit Kang, REHS, Director

Muniappa Naidu, REHS, Assistant Director

PROGRAM COORDINATORS

Jeff Carruesco, REHS, RDI

Willy Ng, REHS

Steven Shih, REHS

Elena Manzo, REHS

Natalia Subbotnikova, REHS

July 18, 2025

To: San Joaquin County Community Development Department
Attention: Giuseppe Sanfilippo

From: Aaron Gooderham (209) 616-3062 
Senior Registered Environmental Health Specialist

RE: **PA-2500159 (C), Referral, SU-2500679**
2300 N. Teepee Drive, Stockton

The following requirements have been identified as pertinent to this project. Other requirements may also apply. These requirements cannot be modified.

- 1) A soil suitability and nitrate loading study incorporating proposed staff and customer use shall be submitted to the Environmental Health Department, indicating that the area is suitable for septic system usage. The studies must be approved by the Environmental Health Department prior to issuance of building permit(s). (San Joaquin County Development Title, Section 9-604.010(d)). The fee will be based on the current schedule at the time of payment.

The sewage disposal system shall comply with the onsite wastewater treatment systems standards of San Joaquin County prior to approval. A percolation test conducted in accordance with the E.P.A. Design Manual - Onsite Wastewater and Disposal Systems is required for each parcel. The fee will be based on the current schedule at the time of payment.

- 2) Construction of an individual sewage disposal system(s) under permit and inspection by the Environmental Health Department is required at the time of development based on the Soil Suitability/ Nitrate Loading Study findings (San Joaquin County Development Title, Section 9-605.010).
- 3) The applicant shall provide written confirmation from the water providers that improvements have been constructed or financial arrangements have been made for any improvements required by the agency and that the agency has or will have the capacity to serve the proposed development. Said written confirmation shall be submitted prior to the issuance of a building permit (San Joaquin County Development Title, Section 9-602.010).
- 4) Prohibited discharges into OWTS include: septic tank pumpings, automobile and garage waste, storm drainage, solvents and toxics, solids, garbage, kitchen wastewater from restaurant or bar, air conditioners, hazardous wastes, backwash, truck terminal wastes, recreational vehicle holding tank waste, industrial and manufacturing waste, and food processing wastes (San Joaquin County Development Title, Section 9-605.030(b) and San Joaquin County OWTS Standard).

- 5) The onsite wastewater treatment system (OWTS) shall be designed to receive all domestic sewage and wastewater from the property. Only domestic sewage is allowed to discharge into the OWTS. No basement, footing or surface drainage or discharge from water softener, iron filter, pool filters, or water treatment systems shall be permitted to enter any part of the OWTS. (San Joaquin County OWTS Standards 1.10.1)
- 6) Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-601.010(b) and 9-601.020(i)).
- 7) Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at cers.calepa.ca.gov/ and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases). The applicant may contact the Program Coordinator of the CUPA program, Elena Manzo (209) 953-7699, with any questions.
 - a) Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. – Hazardous Waste Program (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)
 - b) Onsite treatment of hazardous waste – Hazardous Waste Treatment Tiered Permitting Program (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
 - c) Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County – Hazardous Materials Business Plan Program (HSC Sections 25508 & 25500 et sec.)
 - d) Any amount of hazardous material stored in an Underground Storage Tank – Underground Storage Tank Program (HSC Sections 25286 & 25280 et sec.)
 - i) If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.
 - ii) Additionally, an EHD UST permit to operate is required once the approved UST system is installed.
 - e) Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault – Aboveground Petroleum Storage Program (HSC Sections 25270.6 & 25270 et sec.)
 - i) Spill Prevention, Countermeasures and Control (SPCC) Plan requirement
 - f) Threshold quantities of regulated substances stored onsite - California Accidental Release Prevention (CalARP) Program (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
 - i) Risk Management Plan requirement for covered processes



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0574 • Email: boyd@sjcog.org

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

SJMSCP RESPONSE TO LOCAL JURISDICTION (RTL) ADVISORY AGENCY NOTICE TO SJCOG, Inc.

To: Giuseppe Sanfilippo, San Joaquin County, Community Development Department
From: Laurel Boyd, SJCOG, Inc. Phone: (209) 235-0574 Email: boyd@sjcog.org
Date: July 9, 2025
Local Jurisdiction Project Title: PA-2500159 (C)
Assessor Parcel Number(s): 132-080-11
Local Jurisdiction Project Number: PA-2500159 (C)
Total Acres to be converted from Open Space Use: Unknown
Habitat Types to be Disturbed: Urban Habitat Land
Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Mr. Sanfilippo:

SJCOG, Inc. has reviewed the project referral for PA-2500159 (C). This project consists of a Conditional Use Permit application for bulk storage and distributor of cement under the Industry General use type. This use will be in addition to a previously approved wholesale landscape business and truck sales office approved under PA-2000184. This project proposes the construction of a 6,750 square foot metal building being proposed will replace the structure that was previously approved for PA-2000184. The applicant is requesting a parking modification to reduce the required vehicle parking spaces from 32 to 9 vehicle parking spaces, based on the estimated number of employees and customers. Access to the site will be provided by the existing driveway at the southeast terminus of Teepee Drive and Wigwam Drive. The project site will be served by a new septic system for wastewater, Private California Water for water service, and CSA 17 for terminal storm drainage. The project site is located on the Southwest corner of Teepee Drive and Wigwam Drive, Stockton (APN/Address: 132-080-11 / 2300 N Teepee Drive, Stockton).

San Joaquin County is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

This Project is subject to the SJMSCP. This can be up to a 30 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjcog.org>

Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

- Schedule a SJMSCP Biologist to perform a pre-construction survey **prior to any ground disturbance**
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
 - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or

- d. Purchase approved mitigation bank credits.
- 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
 - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

- Receive your Certificate of Payment and release the required permit

It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.

If you have any questions, please call (209) 235-0574.



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San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0574 • Email: boyd@sjcog.org

SJMSCP HOLD

TO: Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department, Other: _____

FROM: Laurel Boyd, SJCOG, Inc.

**DO NOT AUTHORIZE SITE DISTURBANCE
DO NOT ISSUE A BUILDING PERMIT
DO NOT ISSUE _____ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) **SJMSCP Incidental Take Minimization Measures and mitigation requirement:**
 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
 - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - d. Purchase approved mitigation bank credits.
 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
 - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

Project Title: **PA-2200240 (IP)**

Landowner: **Wilson Way Enterprises PTP**

Applicant: **Jared C. Tomaszewski**

Assessor Parcel #: **132-070-10**

T _____, R _____, Section(s): _____

Local Jurisdiction Contact: **Sol Jobrack**

The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.



Pacific Gas and Electric Company
PGEPlanReview@pge.com
Land Management
300 Lakeside Drive
Oakland, CA 94612

August 12, 2025

Sean Cardenas
Office Assistant Specialist
San Joaquin County

Re: PA-2500159

Dear Sean,

Thank you for providing PG&E with the opportunity to review your proposed plans for PA-2500159 (C). Our review indicates the proposed work and/or improvements appear to interfere with PG&E's existing facilities and land rights.

PG&E has existing underground electric distribution facilities on the Northeast portion of the property. There appears to be proposed landscaping and drain fields in this area, which is the reason for this letter. Please confirm your awareness of the underground facilities and that these will not be exposed or impacted by the proposed landscaping and drain field in this area.

To request delineation maps for review of PG&E's existing facilities, please submit to the following mailbox for gas maps: DelineationMapRequests@pge.com. For electric maps, submit through PG&E's JUMP Portal: [Joint Use Map Portal](#). Please note, when a request is submitted, the Delineation Team will confirm if a Nondisclosure Agreement needs to be completed.

For any requests to modify or relocate PG&E's existing facilities, or to request gas and/or electric service, please submit an application to PG&E's Service Planning department through PG&E's Your Project Portal: [Sign In \(yourprojects-pge.com\)](#).

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of two (2) working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding this response, please contact me at Matthieu.McNair@pge.com

Sincerely,

Matthieu McNair
Land Management

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Attachment C **Environmental Document**

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Jennifer Jolley, Director

Eric Merlo, Assistant Director

Tim Burns, Code Enforcement Chief

Corinne King, Deputy Director of Planning

Jeff Niemeyer, Deputy Director of Building Inspection

NOTICE OF EXEMPTION

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

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

☒ County Clerk, County of San Joaquin

Project Title: Conditional Use Permit No. PA-2500159

Project Location - Specific: The project site is located on the Southwest corner of Teepee Drive and Wigwam Drive in Stockton. (APN/Address: 132-080-11 / 2300 N Teepee Drive, Stockton) (Supervisory District: 4)

Project Location – City: Stockton

Project Location – County: San Joaquin County

Project Description: Conditional Use Permit application for a bulk storage, blending and distributor of dry cement under the Industry General use type. This use will be in addition to a previously approved wholesale landscape business and truck sales office approved under PA-2000184. This project proposes the construction of a 6,750 square foot metal building being proposed will replace the structure that was previously approved for PA-2000184. The applicant is requesting a parking modification to reduce the required vehicle parking spaces from 32 to 9 vehicle parking spaces, based on the estimated number of employees and customers. Access to the site will be provided by the existing driveway at the southeast terminus of Teepee Drive and Wigwam Drive. The project site will be served by a new septic system for wastewater, Private California Water for water service, and CSA17 for terminal storm drainage. This parcel is not under a Williamson Act Contract.

The Property is zoned I-L (Limited Industrial) and the General Plan designation is I/L (Limited Industrial).

Project Proponent(s): Jesus E & Esthela M Meza TR / Brix and Homes Real Estate Company INC c/o Shane Rawlings

Name of Public Agency Approving Project: San Joaquin County Planning Commission

Name of Person or Agency Carrying Out Project: Giuseppe Sanfilippo, Senior Planner
San Joaquin County Community Development Department

Exemption Status:
General Exemptions. (Section 15303)

Exemption Reason:
Processed under the provisions of the California Code of Regulations Section 15303, which are exempt from CEQA. This project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303. Class 3 Categorical Exemptions includes a list of classes of projects that have been determined not to have a significant effect on the environment and that are, therefore, exempt from the provisions of CEQA. Section 15303 lists Class 3 projects, which include "construction and location of limited numbers of new, small facilities or structures: installation of small new equipment and facilities in small structure." The proposed 6,750 square foot metal building is a small structure with no expected significant effect on the environment and, therefore, the project is not subject to CEQA.

Lead Agency Contact Person:
Giuseppe Sanfilippo Phone: (209) 468-0227 Fax: (209) 468-3163 Email: gsanfilippo@sjgov.org

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

Signature: _____ Date: _____
Name: Sean Cardenas Title: Deputy County Clerk
Signed by Lead Agency
Date Received for filing at OPR: _____

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



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Attachment D **Findings for Use Permit**

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FINDINGS FOR USE PERMIT

PA-2500159 (CUP) MEZA TR

1. The proposed use is consistent with the goals, policies, standards, and maps of the General Plan, any applicable Master Plan, Specific Plan, and Special Purpose Plan, and any other applicable plan adopted by the County.
 - **This finding can be made because the Industry – General use type may be conditionally permitted in the I-L (Limited Industrial) zone with an approved Conditional Use Permit application. The I-L zone implements the General Plan’s I/L (Limited Industrial) designation. The subject parcel has a General Plan designation of I/L (Limited Industrial) and is zoned I-L. Therefore, the proposed use for concrete mixing and distribution facility is consistent with the goals, policies, standards, and maps of the General Plan. There are no Master Plans, Specific Plans, and/or Special Purpose Plans adopted by San Joaquin County in the project vicinity.**
2. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways.
 - **This finding can be made because adequate utilities, access roads, sanitation, drainage, and other necessary facilities have been provided or are proposed, and the improvements are properly related to existing and proposed streets and highways. The project site will be served by public water and storm drainage, and on-site wastewater disposal. The on-site wastewater disposal system is subject to review and permit by the Environmental Health Department.**
3. The site is physically suitable for the type of development and for the intensity of development.
 - **This finding can be made because the 1.97-acre parcel is of adequate size and shape to accommodate the proposed use, and all yards, building coverage, setbacks, parking areas and other requirements of the Development Title, as depicted on the Site Plan, as well as the previously approved landscaping services facility and truck sales facility.**
4. The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
 - **This finding can be made because the proposed use is allowed in the I-L zone with an approved Conditional Use Permit application and the adjacent parcels have existing commercial and industrial uses. As a result, the project is anticipated to be compatible with and not adversely affects the livability or appropriate development of abutting properties and the surrounding neighborhood.**
5. The proposed use will not create any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions.
 - **This finding can be made because the proposed use is not anticipated to create any nuisances related to the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions with the inclusion of the proposed Conditions of Approval. Requirements from the Planning Division and Building Division will address noise, vibration, and glare. Requirements from these departments along with the recommended conditions from the Department of Public Works, Environmental Health Department, and the San Joaquin Council of Governments will ensure that the project is developed to the appropriate standards to avoid creating a nuisance.**
6. The site of the proposed use is adequately served by highways, streets, water, storm drainage, and

other public facilities and services.

- **This finding can be made because the project has direct access to Teepee Drive, a public road. The Department of Public Works has provided Conditions of Approval that will ensure the proposed use is adequately served by highways and streets. The subject parcel will be served by public water and storm drainage, and on-site wastewater disposal as required by the General Plan. The wastewater disposal will be subject to the rules and regulations of the Environmental Health Department.**

7. The proposed use complies with all applicable provisions of this Title.

- **This finding can be made because the proposed use, Industry – General, can be conditionally permitted in the I-L zone with an approved Conditional Use Permit. The Site Plan depicts required utilities, adequate parking, and landscaping that meets the provisions of the Development Title, and the Conditions of Approval will ensure compliance with applicable Development Title standards.**



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Attachment E **Conditions of Approval**

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CONDITIONS OF APPROVAL

PA-2500159 JESUS E. AND ESTHELLA M. MEZA TRUST

Conditional Use Permit Application No PA-2500159 was approved by the Planning Commission on _____. The effective date of approval is _____. The effective date of approval is _____. This approval will expire on _____, which is thirty-six (36) months from the effective date of approval, unless (1) all Conditions of Approval have been complied with, (2) all necessary building permits have been issued and remain in force, and (3) all necessary permits from other agencies have been issued and remain in force.

Unless otherwise specified, all Conditions of Approval and ordinance requirements shall be fulfilled prior to the establishment of the use and the issuance of any building permits. Those Conditions followed by a Section Number have been identified as ordinance requirements pertinent to this application. Ordinance requirements cannot be modified, and other ordinance requirements may apply.

1. COMMUNITY DEVELOPMENT DEPARTMENT (Contact: [209] 468-3121)

- a. Submit an "APPLICATION-COMMERCIAL BUILDING PERMIT". The Site Plan required as a part of the building permit must be prepared by a registered civil engineer or licensed architect. This Plan must show drainage, driveway access details including gates, on-site parking, landscaping, signs, existing and proposed utility services, and grading (refer to the "SITE PLAN CHECK LIST" for details). Foundation and soils investigation shall be conducted in conformance with Chapter 18 of the California Building Code at the time of permit application. A fee is required for the Site Plan review. (Development Title Section 9-802.110[a][2])
- b. **APPROVED USE:** This approval is for bulk storage and distribution of dry cement including the construction of a 6,750 square foot building to be utilized by the proposed facility and the previously approved truck sales facility replacing the 10,000 -square-foot structure approved with PA-2000184. (Use Type: Industry - General)

This approval is in addition to PA-2000184.

- c. **CAPITAL FACILITY FEE:** This project may be subject to the Capital Facility Fee. If the Capital Facility Fee is applicable, the County shall collect the fees before the issuance of any building permits. (Development Title Section 9-610.070)
- d. **SURFACING:** All permanent parking areas, including driveways and maneuvering areas, shall be surfaced and permanently maintained with asphalt concrete or Portland cement concrete. Bumper guards and/or wheel stops shall be provided when necessary to protect adjacent structures or properties. (Development Title Section 9-406.060[i], Development Title Section 9-406.080[g][5]))
- e. **VEHICLE PARKING:** Off-street parking shall be provided and comply with the following:
 1. A minimum of 9 permanent off-street vehicle parking spaces shall be provided (Development Title Section 9-406.110).
 2. Each vehicle parking stall shall be an unobstructed rectangle, minimum 9 feet wide and 19 feet long. (Development Title Section 9-406.060)
 3. All parking stalls and directional arrows shall be delineated with paint or similar distinguishable material. (Development Title Section 9-406.060 [e])
 4. One parking space intended for the exclusive use of a Disabled Person permitted vehicle and provision of access for disabled persons shall be provided. Such spaces will be counted towards the parking requirements (Development Title Section 9-406.030)

f. ACCESS AND CIRCULATION: The following requirements apply and shall be shown on the Site Plan:

1. Access driveways shall have a width of no less than 25 feet for two-way aisles and 16 feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than 20 feet wide. (Development Title Section 9-406.060 [n][1])
2. Vehicle access gates shall be recessed from the property line a minimum of 10 feet unless there are at least 16 feet between the property line and the edge of the travelled roadway, in which case the setback is waived. (Development Title Section 9-400.040 [a][4])

g. LIGHTING: Lighting shall be provided and comply with the following:

1. The equivalent of one foot of candle illumination shall be provided throughout the parking area. (Development Title Section 9-9-406.060 [m][1])
2. All lighting shall be on a time clock or photo-sensor so as to be turned off during daylight hours and during any hours when the parking area is not in use. This requirement does not apply to security lighting. ((Development Title Section 9-406.0609[m][2])

All lighting shall be designed to confine direct rays to the premises. No spillover beyond the property lines shall be permitted, except onto public roads, provided, however, that such light shall not cause a hazard to motorists. (Development Title Section 9-406.0609[m][3])

h. SIGNS: Sign details shall be consistent with Chapter 9-408 of the Development Title and be included on the Site Plan. All portions of any sign shall be set back a minimum of 5 feet from any future right-of-way line, including any corner cut-off (snipe). (Development Title Section 9-408.070.3 [p])

i. LANDSCAPING: Landscaping shall be provided and comply with the following:

1. A minimum ten (10) foot wide landscaped strip, respecting the ultimate right-of-way width of Teepee Drive, shall be installed across the frontage of the project site. (Development Title Section 9-402.030 [c][2]))

3. DEPARTMENT OF PUBLIC WORKS (Contact: [209] 468-3000)

- a. An encroachment permit shall be required for all work within road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-607.020 and 9-607.040)
- b. The driveway approach shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. 13 [The return radii for truck-trailer egress shall be designed to prevent encroachment onto opposing lanes of traffic] prior to issuance of the occupancy permit. (Development Title Section 9-607.040)
- c. If the applicant intends to utilize STAA trucks with this project approval, then applicant shall obtain from the Department of Public Works and Caltrans a STAA terminal and STAA route designations for the proposed facility. Contact the Transportation Engineering Division of the Department of Public Works (209-468-3707) for designation process.
- d. The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolutions R-00-433)

- e. The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- f. The Water Supply Facilities Impact Mitigation Fee shall be required for this development. The fee is due and payable prior to issuance of the building permit. The fee will be based on the current schedule at the time of payment. (Development Title Section 9-803.020 and Resolutions R-91-327, R-94-185 and R-97-5)
- g. It is the responsibility of the applicant to ensure that a current will serve letter for storm drainage service is on file prior to release of building permit. The applicant or subsequent owner of the property is responsible to ensure that all requirements of the will-serve letter are fulfilled prior to release of the building permit. If any extension, connection, or placement of new facilities is required to connect to the existing main lines, the cost shall be borne by the applicant. For any work within the County right-of-way, an improvement plan shall be submitted to Public Works for review and approval. Required plan check and inspection fees shall apply.
- h. The applicant shall submit storm drainage calculations per San Joaquin County Development Standards to Community Infrastructure Engineering (CIE) for review and approval prior to the issuance of any building permit.
- i. A copy of the Final Site Plan shall be submitted prior to release of building permit.
- j. This project is subject to the NPDES Region-Wide Permit requirements and shall comply with the following conditions. Prior to release of the building permit, plans and calculations shall be submitted and approved by the Public Works Department – Water Resources Division (209-468-9360):
 - 1. Treatment: A registered professional engineer shall design the site to treat the 85th percentile storm as defined in the County's 2023 Storm Water Quality Control Criteria Plan (SWQCCP).
 - 2. Hydromodification: A registered professional engineer shall design the site to comply with the volume reduction requirement outlined in the County's 2023 SWQCCP
 - 3. Trash: A registered professional engineer shall design the site to comply with the trash control requirement outlined in the County's 2023 SWQCCP.
- k. Prior to release of the building permit, the owner shall enter into an agreement with San Joaquin County for post-construction maintenance of stormwater quality facilities.
- l. Prior to release of the building permit the applicant shall submit a Storm Water Quality Control Plan (SWQCP) to Public Works that complies with all requirements of the 2023 SWQCCP.
- m. Prior to release of the building permit the applicant shall submit the Storm Water Pollution Prevention Plan (SWPPP) to Public Works. A copy of the approved SWPPP and all required records, updates, test results and inspection reports shall be maintained on the construction site and be available for review upon request.
- n. Applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity". The Waste Discharge Identification Number (WDID), issued by SWRCB, shall be submitted to Public Works prior to release of the building permit. Contact the SWRCB at 1-866-563-3107 for further information.
- o. Prior to release of the building permit all new construction and the substantial improvement of any structure or tanks in the area of special flood hazard shall be elevated or floodproofed in accordance

with San Joaquin County Ordinance Code Section 9-703.130. Plans and calculations shall be submitted and approved by the Public Works Department – Water Resources Division (209-468-9596).

4. ENVIRONMENTAL HEALTH DEPARTMENT (Contact: [209] 468-3420)

- a. A soil suitability and nitrate loading study incorporating proposed staff and customer use shall be submitted to the Environmental Health Department, indicating that the area is suitable for septic system usage. The studies must be approved by the Environmental Health Department prior to issuance of building permit(s). (San Joaquin County Development Title, Section 9-604.010(d)). The fee will be based on the current schedule at the time of payment.

The sewage disposal system shall comply with the onsite wastewater treatment systems standards of San Joaquin County prior to approval. A percolation test conducted in accordance with the E.P.A. Design Manual - Onsite Wastewater and Disposal Systems is required for each parcel. The fee will be based on the current schedule at the time of payment.

- b. Construction of an individual sewage disposal system(s) under permit and inspection by the Environmental Health Department is required at the time of development based on the Soil Suitability/ Nitrate Loading Study findings (San Joaquin County Development Title, Section 9-605.010).
- c. The applicant shall provide written confirmation from the water providers that improvements have been constructed or financial arrangements have been made for any improvements required by the agency and that the agency has or will have the capacity to serve the proposed development. Said written confirmation shall be submitted prior to the issuance of a building permit (San Joaquin County Development Title, Section 9-602.010).
- d. Prohibited discharges into OWTS include: septic tank pumpings, automobile and garage waste, storm drainage, solvents and toxics, solids, garbage, kitchen wastewater from restaurant or bar, air conditioners, hazardous wastes, backwash, truck terminal wastes, recreational vehicle holding tank waste, industrial and manufacturing waste, and food processing wastes (San Joaquin County Development Title, Section 9-605.030(b) and San Joaquin County OWTS Standard).
- e. The onsite wastewater treatment system (OWTS) shall be designed to receive all domestic sewage and wastewater from the property. Only domestic sewage is allowed to discharge into the OWTS. No basement, footing or surface drainage or discharge from water softener, iron filter, pool filters, or water treatment systems shall be permitted to enter any part of the OWTS. (San Joaquin County OWTS Standards 1.10.1)
- f. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-601.010(b) and 9-601.020(i)).
- g. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-1115.3 and 9-1115.6).
- h. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at cers.calepa.ca.gov/ and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases). The applicant may contact the Program Coordinator of the CUPA program, Elena Manzo (209) 953-7699, with any questions.
 - 1. Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. – Hazardous Waste Program (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)

2. Onsite treatment of hazardous waste – Hazardous Waste Treatment Tiered Permitting Program (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
 3. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County – Hazardous Materials Business Plan Program (HSC Sections 25508 & 25500 et sec.)
 4. Any amount of hazardous material stored in an Underground Storage Tank – Underground Storage Tank Program (HSC Sections 25286 & 25280 et sec.)
 - i. If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.
 - ii. Additionally, an EHD UST permit to operate is required once the approved UST system is installed.
 5. Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault – Aboveground Petroleum Storage Program (HSC Sections 25270.6 & 25270 et sec.)
 - i. Spill Prevention, Countermeasures and Control (SPCC) Plan requirement
 6. Threshold quantities of regulated substances stored onsite - California Accidental Release Prevention (CalARP) Program (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
 - i. Risk Management Plan requirement for covered processes
5. SAN JOAQUIN COUNCIL OF GOVERNMENTS (Contact: [209] 235-0600)
- b. This project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). At the time of development, any structures that require ground disturbance on this or subsequent divided parcels will be subject to participate in the SJMSCP and should be resubmitted to the San Joaquin Council of Governments to ensure biological and mitigation obligations are satisfied.



**Planning Commission Staff Report
Item # 3, October 16, 2025
Variance No. PA-2400350
Prepared by: Alisa Goulart**

PROJECT SUMMARY

Application Information

Property Owner: Harry S. and Parminder K. Shergill, TR
Project Applicant: Paul C. Koslow

Project Site Information

Project Address: 11500 North Alpine Road, Stockton
Project Location: On the east side of North Alpine Road, 1,045 feet south of East Live Oak Road, Stockton.

Parcel Number (APN):	063-050-35	Water Supply:	Private
General Plan Designation:	A/L	Sewage Disposal:	Private
Zoning Designation:	AL-5	Storm Drainage:	Private
Project Size:	5.0 acres	100-Year Flood:	No (X Levee)
Parcel Size:	5.0 acres	Williamson Act:	No
Community:	None	Supervisory District:	4

Environmental Review Information

CEQA Determination: Notice of Exemption (Attachment D)

This project is a Variance requesting a reduced front yard setback from zero (0) feet to -13.24 feet for an existing, unpermitted open fence consisting of 3-foot-high CMU block topped by 3-foot-high wrought iron, that is located within the County right-of-way of North Alpine Road.

Recommendation

1. Deny the Variance based on the inability to make Findings for Variance Nos. 1, 2, 3, and 4.

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NOTIFICATION & RESPONSES

(See Attachment B, Response Letters)

Public Hearing Notices

Legal ad for the public hearing published in the Stockton Record: October 2, 2025.

Number of Public Hearing notices: 105

Date of Public Hearing notice mailing: October 2, 2025.

Referrals and Responses

- **Early Referral Date:** May 8, 2025

- **Project Referral with Environmental Determination Date:** September 10, 2025

Agency Referrals	Early Consultation	Public Hearing
County Departments		
Ag Commissioner		
Assessor		
Community Development		
Building Inspection		
Fire Prevention Bureau		
Code Enforcement		
Public Works	6/11/2025	
Surveyor		
Environmental Health	5/8/2025	
Sheriff's Office		
Mosquito & Vector Control		
Supervisor: District 4		
State Agencies		
Fish & Wildlife, Division: 2		
Native American Heritage Commission		
Federal Agencies		
F.E.M.A.		
U.S. Fish & Wildlife		

Agency Referrals	Early Consultation	Public Hearing
Local Agencies		
C.V.F.P.B.		
SEWD		
Waterloo-Morada Fire District		
S.J.C.O.G.		
Lodi Unified School District		
SJ Air Pollution Control District		
Miscellaneous		
P.G.&E.	5/12/2025 5/28/2025	
United Auburn Indian Community		
SJ Farm Bureau		
CA North Valley Yokuts Tribe		
Buena Vista Tribe Rancheria		
Lodi District Grape Growers Association		
Sierra Club		

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ANALYSIS

Background

On December 9, 2021, Code Enforcement Case No. EN-2100364 was opened for an unpermitted 6-foot-high solid CMU block fence constructed at the subject property. Assuming the unpermitted fence was set on the front property line, this violated fencing standards outlined in the Development Title (Section 9-400.040) as a solid fence over 4 feet high is not permitted along the front property line and must be set back a minimum of 10 feet.

On April 15, 2022, a building permit application was submitted for a modified fence consisting of 3-foot-high CMU block topped by 3-foot-high wrought iron. With the included modifications, the fence qualified as an “open fence” eligible for placement on the property line. The submitted Site Plan inaccurately depicted the fence location and property lines, showing the fence constructed on the front property line. During review of building permits, the Planning Division reviews specifics relating to the property, including address/APN, property dimensions, existing and proposed development, and setbacks, however, the Planning Division cannot confirm the precise location of property lines. As a result, the applicant is responsible for knowing and accurately depicting all property lines and easements. To minimize liability during Site Plan approval of the building permit review, the Planning Division includes the following disclaimer on all Site Plans: **“APPLICANT SHALL BE RESPONSIBLE FOR DETERMINING LOCATION OF ALL PROPERTY LINES AND EASEMENTS.”** Building Permit No. BP-2201592 was subsequently approved and issued and the permit was finalized on May 3, 2022. The enforcement case was then closed.

On May 11, 2022, the Department of Public Works (Public Works) received a complaint concerning the construction of an unpermitted fence with electrical and the filling of a drainage ditch at this location. A subsequent survey conducted by Public Works confirmed that the fence encroached into the public right-of-way along Alpine Road. The property owner was subsequently notified of these findings.

On June 10, 2022, Code Enforcement Case No. EN-2200283 was opened to include unpermitted electrical lights added to the above fence. The violation remains under enforcement.

On January 30, 2024, representatives from the Community Development Department (CDD) and Public Works met with the property owner and their representative to discuss the location of the fence and potential remedies to address the issue. A follow-up meeting was held on August 15, 2024, with CDD, Public Works, and the property owner to review the previously discussed options and to outline the necessary actions required of the property owner.

On September 3, 2024, Variance application PA-2400350 was submitted.

Development Title Regulations

The following sections of Development Title Section 9-400.040 Fencing and Screening apply to this application:

(a)(1) - Placement. Fences and screening can be constructed anywhere on a lot.

(b)(1) - Height Limits and Required Setbacks. Table 9-400.040-B establishes height limits for closed fences, which create a solid barrier, and open fences, which have separations allowing views into the interior of the lot at a ratio of 2:1, open to closed.

Table 9-400.040-B - Permits a maximum 4-foot closed or 8-foot open fence on the front and street side property lines of a lot.

Therefore, Development Title regulations permit closed fences up to 4 feet in height along front and street-side property lines, while open fences – defined as having a minimum 2:1 open-to-closed ratio - are allowed up to 8 feet. The subject fence, as shown on the applicant’s Site Plan, may be permitted if constructed on the property line.

Department of Public Works

In comments dated June 11, 2025, the Department of Public Works indicated that it was willing to issue an encroachment permit for the subject fence, subject to several conditions. These include the applicant maintaining an insurance policy naming the County as an additional insured and indemnifying the County against any liability, among other requirements.

Findings for Variance

Pursuant to Development Title Section 9-805.010, a Variance provides a means of altering the requirements of the Title in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties in the vicinity and under identical zoning, due to special circumstances applicable to the property involved.

Before approving a Variance application, the Planning Commission must affirmatively make all four (4) required findings listed below. The applicant has provided justification in support of each finding. However, the Community Development Department (CDD) has reviewed the applicant's statements and determined that none of the required findings can be made in the affirmative.

Finding 1. Special Circumstances.

Because of the special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the regulation deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;

Applicant Proposed Finding:

"The existence of the concrete block wall within the right of way in favor of the County of San Joaquin does not impair or affect traffic on N. Alpine Road."

CDD Comment:

The applicant's finding does not demonstrate the existence of a special circumstance. The project site is located in the Limited Agriculture, 5-acre minimum (AL-5) zone. The AL zone permits open fences to be constructed on front property lines provided they meet specific design standards. However, the existing fence was installed approximately 13.24 feet into the public right-of-way of Alpine Road, beyond the property boundary. The improper placement of the fence constitutes an error but is not a special circumstance. Therefore, this finding cannot be made in the affirmative.

Finding 2. No Detriment.

The Variance will not be detrimental or injurious to property or improvements in the vicinity of the subject property, or the public health, safety or general welfare;

Applicant's Proposed Finding:

"No other property or improvements are affected in any detrimental or injured by the existence of the block wall within the right-of-way easement."

CDD's Comment:

The existing fence was constructed approximately 13.24 feet into the public right-of-way of Alpine Road, positioned approximately 18 feet from the edge of the paved roadway. If properly sited on the property line, the fence would be located approximately 31 feet from the edge of the paved roadway. Its current location within the public right-of-way may pose a potential hazard and could be detrimental or injurious to public safety. Therefore, this finding cannot be made in the affirmative.

Finding 3. No Special Privileges.

The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated;

Applicant's Proposed Finding:

"Granting of the variance is conditioned upon the County of San Joaquin being named as an additional named insured on the general liability insurance policy covering the property. In the future if it is necessary to widen N. Alpine Road, then the concrete block wall is to be relocated off of the right of way easement and a Notice of Variance to be recorded with the County Recorder."

CDD's Comment:

The existing fence has been installed within the County right-of-way, 13.24 feet beyond the property line. The Development Title does not allow for the placement of private fences outside of a property boundary. As a result, granting this Variance, and allowing the fence to remain within the public right-of-way, would constitute a grant of special privilege inconsistent with the limitations placed on other properties. Although the Department of Public Works has required, as a condition of approval, that the property owner name San Joaquin County as an additional insured, this insurance requirement is a condition if the Variance is approved and does not establish that the fence does not constitute a special privilege. Subsequently, this finding cannot be made in the affirmative.

Finding 4. Use Authorized.

The Variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.

Applicant's Proposed Finding:

"Allowing the concrete block wall to remain does not alter the zone regulation for the property."

CDD's Comment:

While fences are permitted in the AL-5 zone, the Development Title establishes specific standards regarding fence placement and height. Because the existing fence does not comply with the placement requirements, approval of this Variance would effectively authorize a use not otherwise permitted under the applicable zoning regulations. Therefore, this finding cannot be made in the affirmative.

Neighborhood Comment

The Community Development Department received 3 letters of opposition as well as a submittal containing of photographs, maps, and other materials related to the subject property. The primary concern raised is that Alpine Road serves as a route for agricultural equipment due to the surrounding agricultural land use, and the encroaching fence may hinder the safe passage of such equipment along the roadway.

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RECOMMENDATION

It is recommended that the Planning Commission:

Recommendation

1. Deny the Variance based on the inability to make Findings for Variance numbers 1, 2, 3, and 4.

Attachments:

Attachment A – Site Plan
Attachment B – Agency Response Letters
Attachment C – Opposition Submissions
Attachment D – Environmental Document (Notice of Exemption)
Attachment E – Findings for Variance

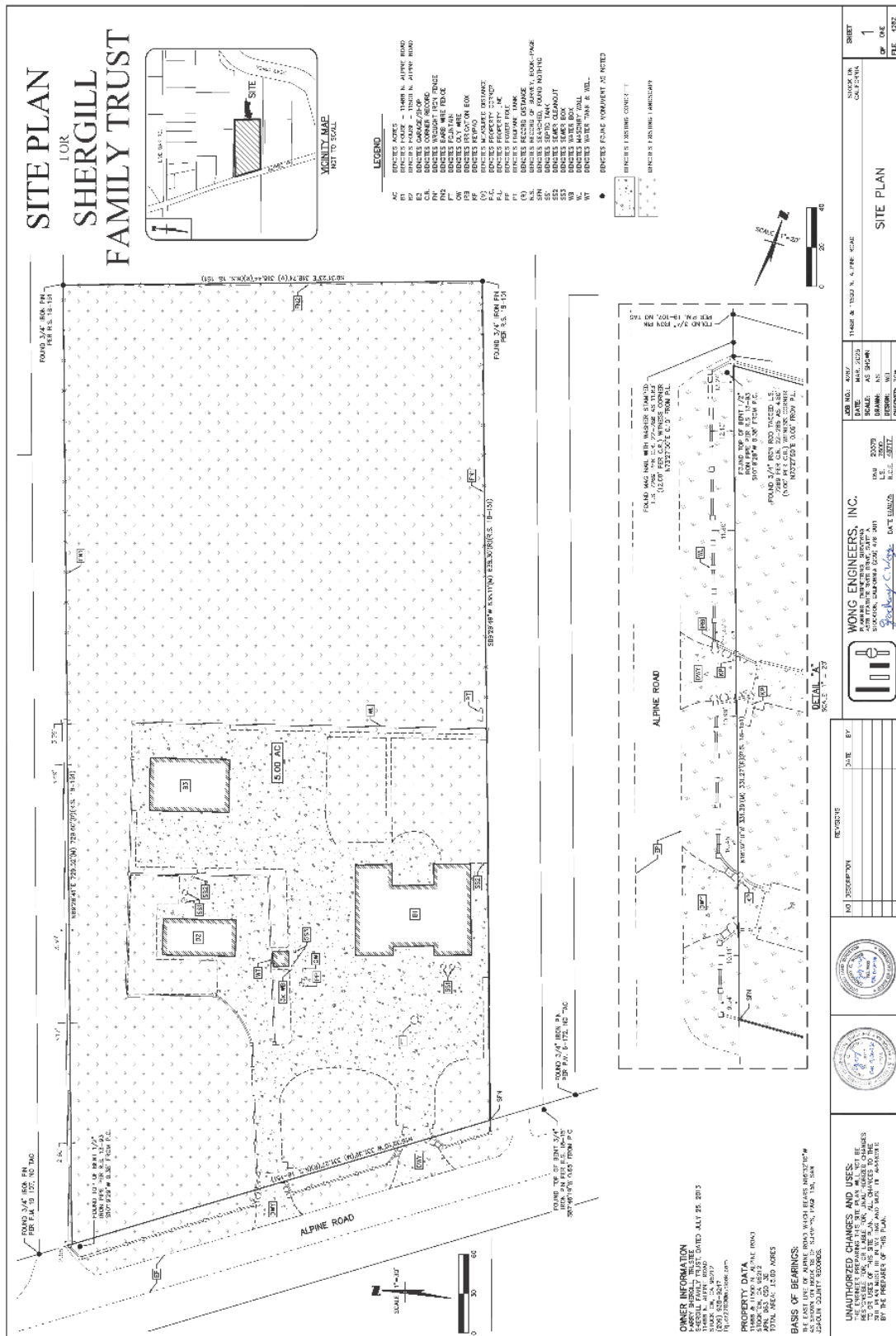
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Attachment A **Site Plan**

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Planning Commission Staff Report, PA-2400350 (VR)
Site Plan



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Attachment B

Agency Response Letters

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SAN JOAQUIN
COUNTY
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Department of Public Works

Fritz Buchman, Director

Alex Chetley, Deputy Director - Development

Kristi Rhea, Deputy Director - Administration

David Tolliver, Deputy Director - Operations

Najee Zarif, Deputy Director - Engineering

June 11, 2025

M E M O R A N D U M

TO: Community Development Department
CONTACT PERSON: Alisa Goulart

SR

FROM: Shayan Rehman, Engineering Services Manager
Development Services Division

SUBJECT: PA-2400350 (VR); A Variance application to reduce the minimum setback for an existing masonry wall as follows:
Front Setback: Reduce from 0 feet to 13.24 feet into the public right-of-way
Side Setback: Reduce from 0 feet to a maximum of 3.79 feet into the adjacent property to the north (APN: 063-050-58).
This property is not under Williamson Act Contract. The Property is zoned AL-5 (Limited Agriculture, 5-acre minimum) and the General Plan designation is A/L (Limited Agriculture); located on the east side of N. Alpine Road, 1118 feet south of E. Live Oak Road, Stockton.
(Supervisory District 4)

OWNER: Harry S. & Parminder K Shergill

APPLICANT: Paul Kozlow

ADDRESS: 11500 Alpine Rd.
Stockton, CA 95212

APN: 063-050-35, -58

INFORMATION:

The site is currently located within a Federal Emergency Management Agency Designated Flood Hazard Area designated as shaded Zone X.

Alpine Road has an existing and planned right-of-way width of 80 feet.

THESE CONDITIONS OF APPROVAL PERTAIN TO THE COUNTY RIGHT-OF-WAY AND THE FRONT SETBACK VARIANCE; THEY DO NOT APPLY OR CONSTITUTE APPROVAL BY PUBLIC WORKS FOR THE SIDE SETBACK VARIANCE.

RECOMMENDATIONS:

- 1) An encroachment permit shall be required for all work within road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-607.020 and 9-607.040)
- 2) Any modification to the roadside ditch shall require an encroachment permit and be designed to County Improvement Standards.
- 3) The driveway approach shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. R-17. (Development Title Section 9-607.040)
- 4) Prior to issuance of an encroachment permit, the property owner shall record a Declaration of Covenants that shall include the following statements and requirements:
 - a) Maintain, in perpetuity, insurance coverage of \$1 million (minimum) until the masonry wall is removed. The Certificate of insurance shall name San Joaquin County as additional insured. Any failure to maintain and provide written documentation to the County shall be grounds for removal or relocation of the wall and any appurtenances, at no cost to the County.
 - b) Indemnify the County from any liability associated with the masonry wall, including legal fees.
 - c) No structures shall be permitted between the property line and masonry wall.
 - d) The property owner shall relocate, at no expense to the County, the wall and any appurtenances installed, if and when made necessary by the County for use of the right-of-way, at the County's sole discretion.

SR:GM



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Environmental Health Department

Jasjit Kang, REHS, Director

Muniappa Naidu, REHS, Assistant Director

PROGRAM COORDINATORS

Jeff Carruesco, REHS, RDI

Willy Ng, REHS

Steven Shih, REHS

Elena Manzo, REHS

Natalia Subbotnikova, REHS

May 8, 2025

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

From: Aaron Gooderham (209) 616-3062 
Senior Registered Environmental Health Specialist

RE: **PA-2400350 (VR), Early Consultation, SU-2500511**
11500 N. Alpine Road, Stockton

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



May 12, 2025

Gerry Altamirano
Office Assistant Specialist
(209) 468-3121

Ref: Gas and Electric Transmission and Distribution

Dear Gerry Altamirano,

Thank you for submitting the **PA-2400350 (VR)** project plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

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

Below is additional information for your review:

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

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

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

Sincerely,

Plan Review Team
Land Management

Attachment 1 – Gas Facilities

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

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

3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment 2 – Electric Facilities

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

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

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

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

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

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

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

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

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



Pacific Gas and Electric Company
PGEPlanReview@pge.com
Land Management
300 Lakeside Drive
Oakland, CA 94612

May 28, 2025

Re: Gas and Electric Transmission and Distribution

Dear Gerry Altamirano,

Thank you for providing PG&E the opportunity to review your proposed plans for PA-2400350 (VR). Our review indicates the proposed work and/or improvements do not appear to directly interfere with any of PG&E's existing facilities or land rights.

Please note, this is our preliminary review and PG&E may provide additional comments in the future as the project progresses or if additional information is provided. If there are subsequent modifications made to the design, we ask that the plans be resubmitted for review to the email address listed below.

If PG&E gas and/or electric service are needed, please submit an application through PG&E's Your Project Portal: [Sign In \(yourprojects-pge.com\)](https://yourprojects.pge.com).

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of two (2) working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding this response, please contact me at (877) 259-8314 or pgeplanreview@pge.com

Sincerely,

PG&E Plan Review Team
Land Management

From: [Rehman, Shayan \[PW\]](#)
To: [alpineroadneighbors@gmail.com](#)
Cc: [Cooper, Scott \[PW\]](#); [Goulart, Alisa \[CDD\]](#); [Stowers, Stephanie \[CDD\]](#)
Subject: RE: 11500 Alpine Road - Wall in County Right Away
Date: Tuesday, June 24, 2025 2:54:10 PM

Hello,

Thank you for contacting the County regarding the masonry wall at 11500 Alpine Road. I've included Alisa Goulart with the Community Development Department, who is the lead planner on the variance planning application. She can assist by providing a status update on this application and future hearing dates.

Thank you,

Shayan Rehman, P.E., CFM

Engineering Services Manager - Public Services
(209) 468-3023

From: Alpine Road Neighbors <[alpineroadneighbors@gmail.com](#)>
Sent: Tuesday, June 24, 2025 2:36 PM
To: Cooper, Scott [PW] <[scooper@sjgov.org](#)>
Subject: Re: 11500 Alpine Road - Wall in County Right Away

Please forward the previous email to Mr. Shayan Rehman. Thank you

From: Alpine Road Neighbors <[alpineroadneighbors@gmail.com](#)>
Sent: Monday, June 9, 2025 1:01 PM
To: Cooper, Scott [PW] <[scooper@sjgov.org](#)>
Subject: 11500 Alpine Road - Wall in County Right Away

Mr Scott Cooper,

When is Harry Shergill removing the wall he built in the county right away at 11500 Alpine Road? This has been going on way too long. Neighbors are meeting to discuss our options against the county if he is not required to remove the wall.

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Attachment C

Opposition Submissions

This page intentionally left blank.

John Schallberger
8422 Live Oak Rd
Stockton, CA. 95212

September 20, 2025

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

Subject: Opposition to Variance Request – Setback Reduction for Masonry Wall on Alpine Road

Dear Community Development Department,

I am writing to formally express my opposition to the variance application requesting a reduction in the minimum setback for the existing masonry wall that protrudes into the County right-of-way along Alpine Road.

As a local farmer who regularly moves farm equipment along Alpine Road multiple times each year, I am very concerned about the safety hazard this wall presents. Large agricultural equipment requires the full width of the roadway to operate safely, and any encroachment into the County right-of-way increases the risk of accidents for both farmers and the public. This wall creates an unnecessary obstacle and a dangerous narrowing of the available travel space.

Furthermore, this masonry wall has only been in place for a short amount of time. Its existence suggests it was built without proper permitting or County approval, since it clearly violates the required setback. Granting a variance now would not only legitimize an unsafe and noncompliant structure, but it would also set a troubling precedent for others to bypass permitting requirements and later seek after-the-fact approval.

I also believe it creates a visibility issue for vehicles pulling out of the northern residential properties. This is a safety concern for all involved.

For these reasons, I respectfully request that the County deny the variance application and require the removal or relocation of the wall to meet the proper setback requirements. This action would restore the full right-of-way to its intended purpose and protect the safety of all who use Alpine Road.

Thank you for considering my concerns on this important matter. I appreciate the County's commitment to public safety and proper land use enforcement.

Sincerely,


John Schallberger

John Schallberger, Sr.
Marie Schallberger
10799 N. Alpine Road.
Stockton, CA 95212

September 22, 2025

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

SUBJECT: Opposition to Variance Application #PA-2400350 (VR)

Dear Community Development Department,

We are writing to oppose the variance application PA-2400350 requesting a reduction in the minimum setback for the existing wall that protrudes into the County right-of-way along Alpine Road.

Vehicles driving Alpine Road encounter large farm equipment traffic on the roadway during Spring planting and Fall harvest. We farm on Alpine Road and Live Oak Road and continually move large farm equipment back and forth on Alpine and Live Oak Roads. We try to pull over for passing motorists, especially before and after the Bear Creek bridge. There is no way to pull over at the 11500 N. Alpine Road area because of the concrete wall encroachment into the County right-of-way. This increases the risk of accidents for both us farmers and the vehicles driving down Alpine Road.

We request that the County deny the variance application for the safety of all vehicles using Alpine Road.

Thank you,

Sincerely,



John Schallberger, Sr.
Marie Schallberger

9/19/25

San Joaquin County – Community Development Department
1810 E Hazelton Ave
Stockton, CA 95205

Application #: PA-2400350 (VR)

To whom it may concern,

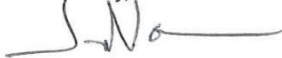
Cindy and I own the property just north of 11500 N Alpine Rd. Mr Harry Shergill installed a block wall 3.79' into our private access road. This is unacceptable, and needs to be removed immediately. There was never an agreement for Mr Shergill to encroach on our property, and he was warned multiple times during construction of the wall.

The road was built around 2001, and was designed to meet minimum width required by the fire department. The wall encroachment is a problem for several reasons:

- 1) The 3 neighbors to the north have owned and maintained the private access road for almost 25 years. Permission was never given to encroach into our property.
- 2) Cindy and I own a large RV trailer. It was already challenging to back my RV trailer into my driveway. Losing almost 4' makes it very difficult. The front of my truck comes within inches of hitting the block wall when backing in our driveway.
- 3) We have several parties a year. Our driveway is not big enough for all the cars, so people park along the private access road. The parked cars make the access road non-compliant with the fire department's minimum width requirement.

Please notify me of the San Joaquin County Planning Commission hearing date.

Sincerely,



Joseph & Cynthia Novara
11564 N Alpine Rd
Stockton, CA 95212
(209) 403-7495

The following pages were submitted from a neighbor.



#2

MAP OF SURVEY

BEING A PORTION OF SECTION 28

T. 34 N., R. 7 E., M.D.B. & M.

SAN JOAQUIN COUNTY, CALIFORNIA

Kenneth H. Glenny, Civil Engineer

Stockton, California January 1969

Scale 1/4" = 200'

CLASS OF BEARING:

The entire line of 1/4" = 200' which bears N. 19° 30' 17" W. as shown on Map of Survey filed in Book of Surveys 16, 17, 18, Page 8, San Joaquin County Records.

MONUMENTS SET:

Iron Rod 1/2" diameter, 30" long with brass tag attached and stamped "K.E. 1969", shown thus: —

SURVEYORS CERTIFICATE:

This map correctly represents a survey made by me or under my direction in accordance with the requirements of the Land Surveyors Act of the request of Lee Franklin in December 1968

James H. Glenny
Kenneth H. Glenny, Registered Civil Engineer No. 15599
Stockton, California

COUNTY SURVEYORS CERTIFICATE:

This map has been examined in accordance with the requirements of the Land Surveyors Act this 11th day of March, 1969

Robert A. Blum
Robert A. Blum, County Surveyor of San Joaquin County, California

RECORDERS CERTIFICATE:

This map, 5" x 10" map of March 11, 1969 at 11:00 A.M. in Book 16 of Surveys at Page 8, San Joaquin County Records, at the request of Kenneth H. Glenny

1969 \$50

George H. Chapman, Jr.
County Recorder Deputy

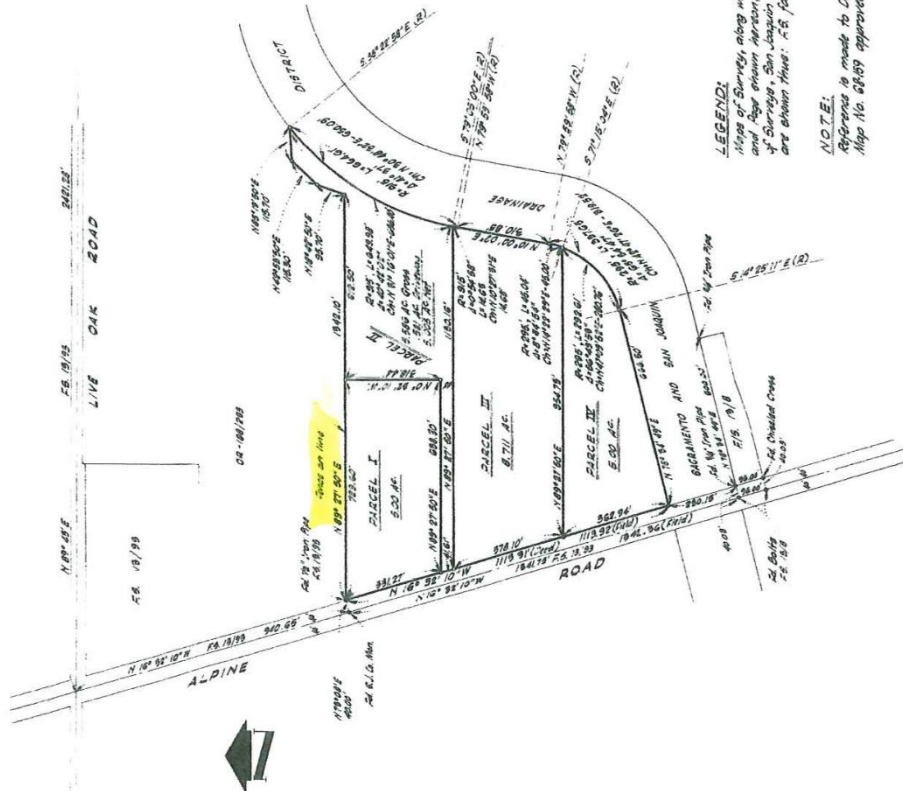
East of Section Cor.

SECTION 28, T. 34 N., R. 7 E., M.D.B. & M.

San Joaquin County, California

Map No. 18-151, Page 28

S.J. Co. Records

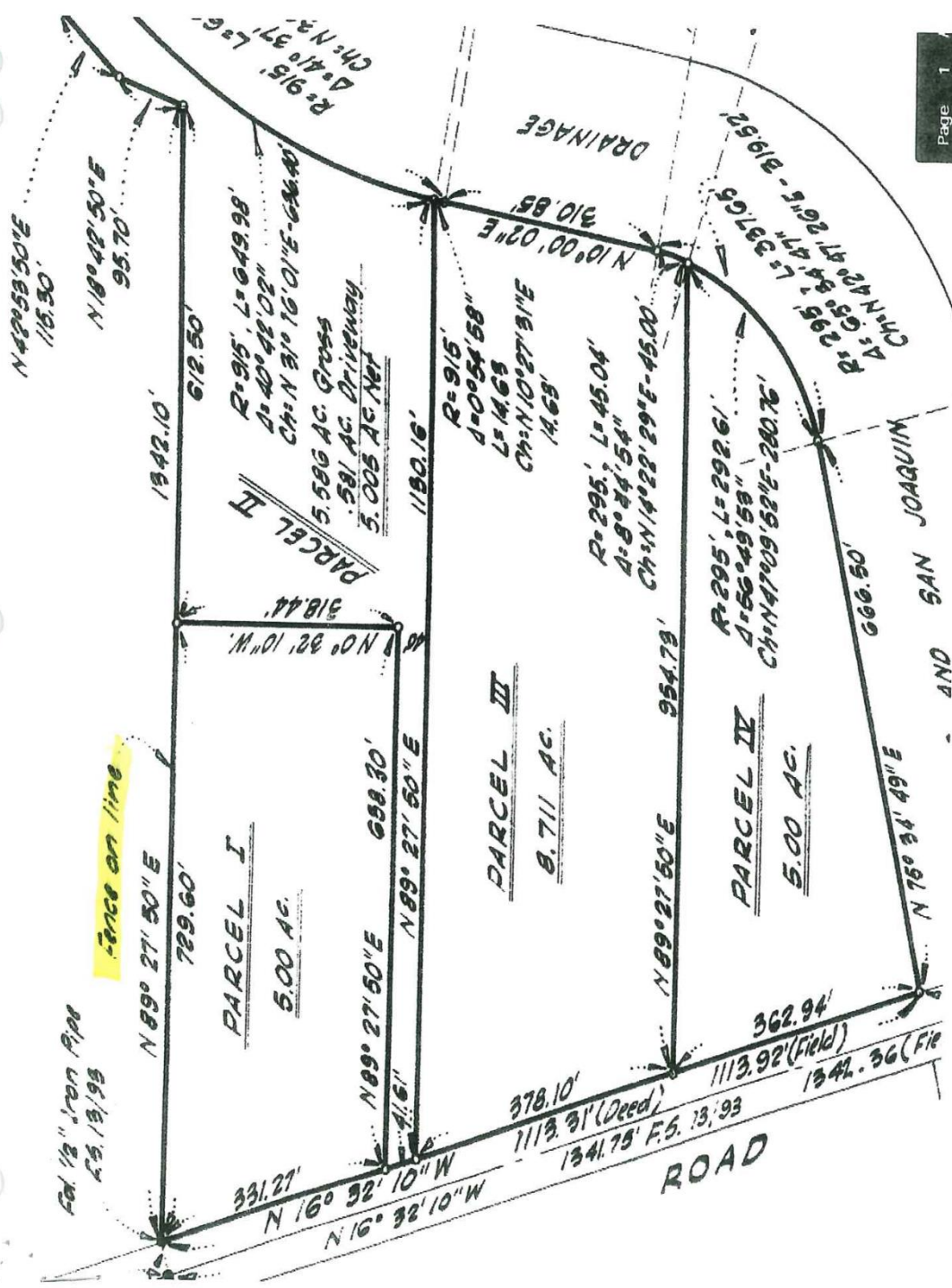


LEGEND:

Map of Survey, along with the Volume and Page where Section 28 is located in Book of Surveys, San Joaquin County Records are shown thus: 16, 17, 18, Page 8

NOTE:

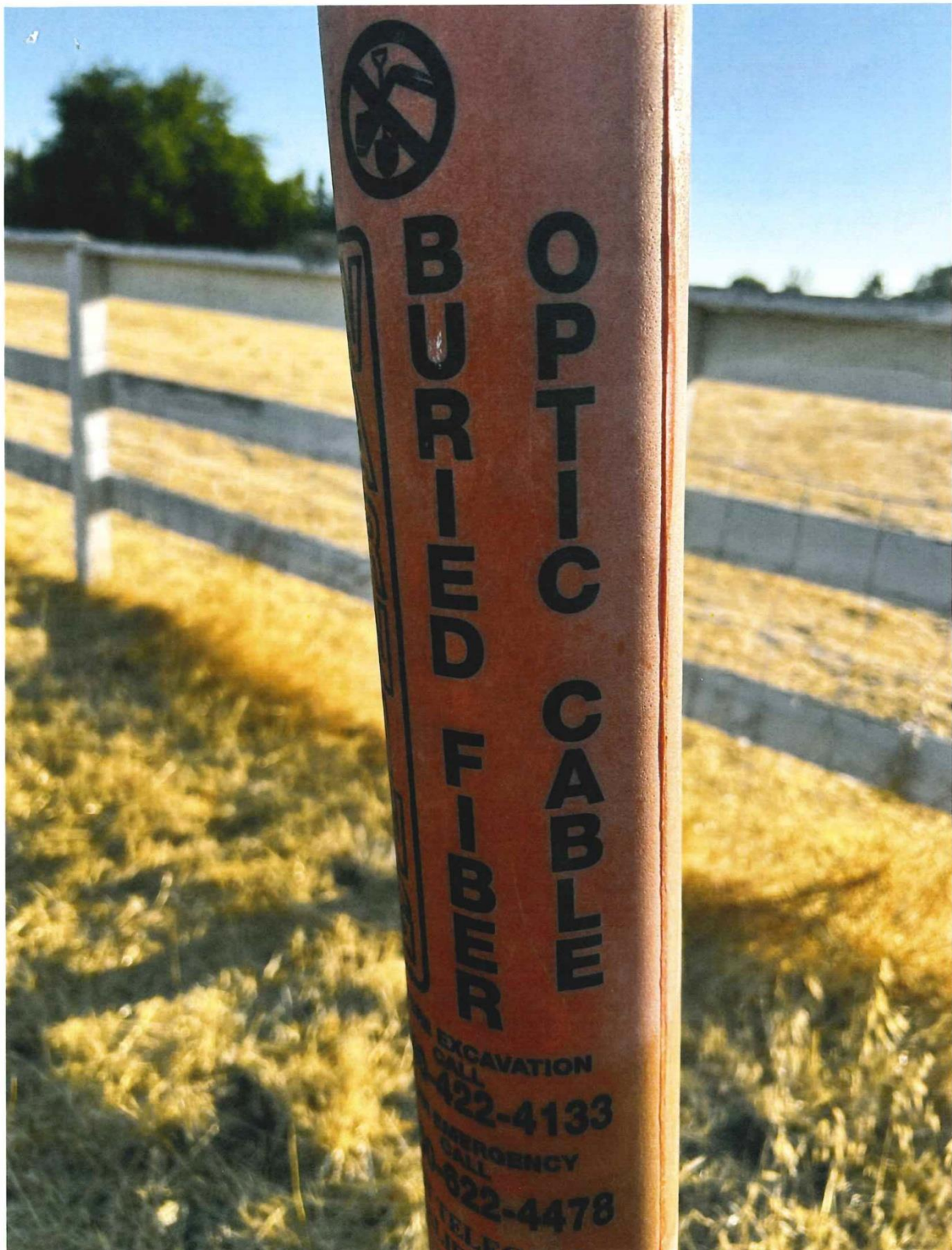
Reference is made to Division of Land Map No. 18-151 approved Nov. 20, 1968



#4

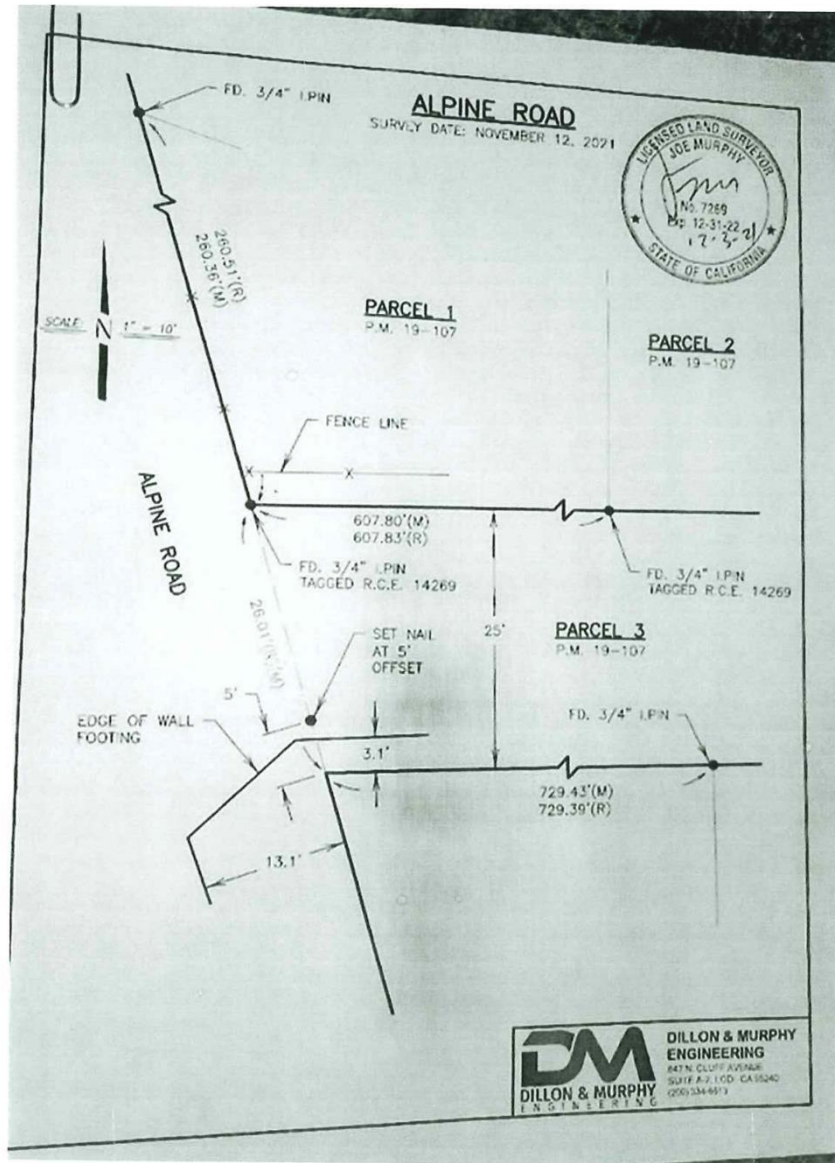








#5







Community Development Department

At this site, anyone may research Building permit records dating back to 1992, Planning activities to 2019, Code Enforcement to 2010, and Business Licenses to 2000.

11500 alpine rd

Permit/En/BI Activites

SEARCH

Total Results: 7

Pages: 1

BP-2203885

Addresses

11500 N ALPINE RD, STOCKTON

Accessories Permit

Status

COR/REQ ^

Balance \$ 1544.32 PAY FULL

Description

REPLACE DETACHED GARAGE W/STOREAGE & WORKSHOP AND ELECTRICAL FOR LIGHTS AND PLUGS

ACCESSORY TO SFR

Type BLDRES: Residential Permit

Sub Type ACCESS: Accessories Permit

Addresses 11500 N ALPINE RD, STOCKTON

Parcels 06305035

Status COR/REQ

Valuation \$ 114720.00

People

Applicant DAVID MIRAFLORES

Dates

Initialized 08/25/2022

Issued

To Expire 02/21/2023

Last Inspection

CHECK OR REQUEST INSPECTIONS

Fees

Fees \$ 2293.45

Paid \$ 749.13

Balance \$ 1544.32 PAY FULL

EN-2200283

Addresses

11500 N ALPINE RD, STOCKTON

Enforcement

Status

OPN/NOI ^

<https://www.sjgov.org/commdev/cgi-bin/cdyn.exe?str=11500+alpine+rd&grp=main&htm=results&typ=apd>

1/3

Description

Building without permits, non-permitted Garage/Shop in rear property with electrical, (Non-Permitted Electrical lights Added to permitted masonry wall/fence)

Type ENFORCE: Jan 31,2022 Fee Update
 Sub Type ENFORCE: Enforcement
 Addresses 11500 N ALPINE RD, STOCKTON
 Parcels 06305035
 Status OPN/NOI
 Valuation \$ 0.00

Dates

Initialized 07/08/2022
 First Notice Sent 07/08/2022
 Final Notice Sent 08/17/2022

BP-2201592

Addresses 11500 N ALPINE RD, STOCKTON

Addition Remodel

Status FINAL ^

Description

CMU BLOCK WALL W/WROUGHT IRON FENCING, GATES, AND PILLARS AT SFR (EN-2100364)

Type BLDRES: Residential Permit
 Sub Type ADDN/REM: Addition Remodel
 Addresses 11500 N ALPINE RD, STOCKTON
 Parcels 06305035
 Status FINAL
 Valuation \$ 0.00

People

Applicant SHERGILL HARRY S & PARMINDER K

Dates

Initialized 04/15/2022
 Issued 04/15/2022
 To Expire 04/15/2023
 Last Inspection 05/03/2022: Approved (Building Permit Final)

CHECK OR REQUEST INSPECTIONS

Fees

Fees \$ 3464.00
 Paid \$ 3464.00

Balance \$ 0.00

EN-2100364 Addresses 11500 N ALPINE RD, STOCKTON Enforcement Status CLOSED ^

Description

Building without permits (sound wall with electrical); Building within required setbacks (minimum 30 feet from front property line & 10 feet from side property line required)

Type ENFORCE: Enforcement Activity

Sub Type ENFORCE: Enforcement

Addresses 11500 N ALPINE RD, STOCKTON

Parcels 06305035

Status CLOSED

Valuation \$ 0.00

Dates

Initialized 12/09/2021

First Notice Sent 12/09/2021

Final Notice Sent 01/24/2022

EN-2000232 Addresses 11500 N ALPINE RD, STOCKTON Weed Abatement Status CLOSED v

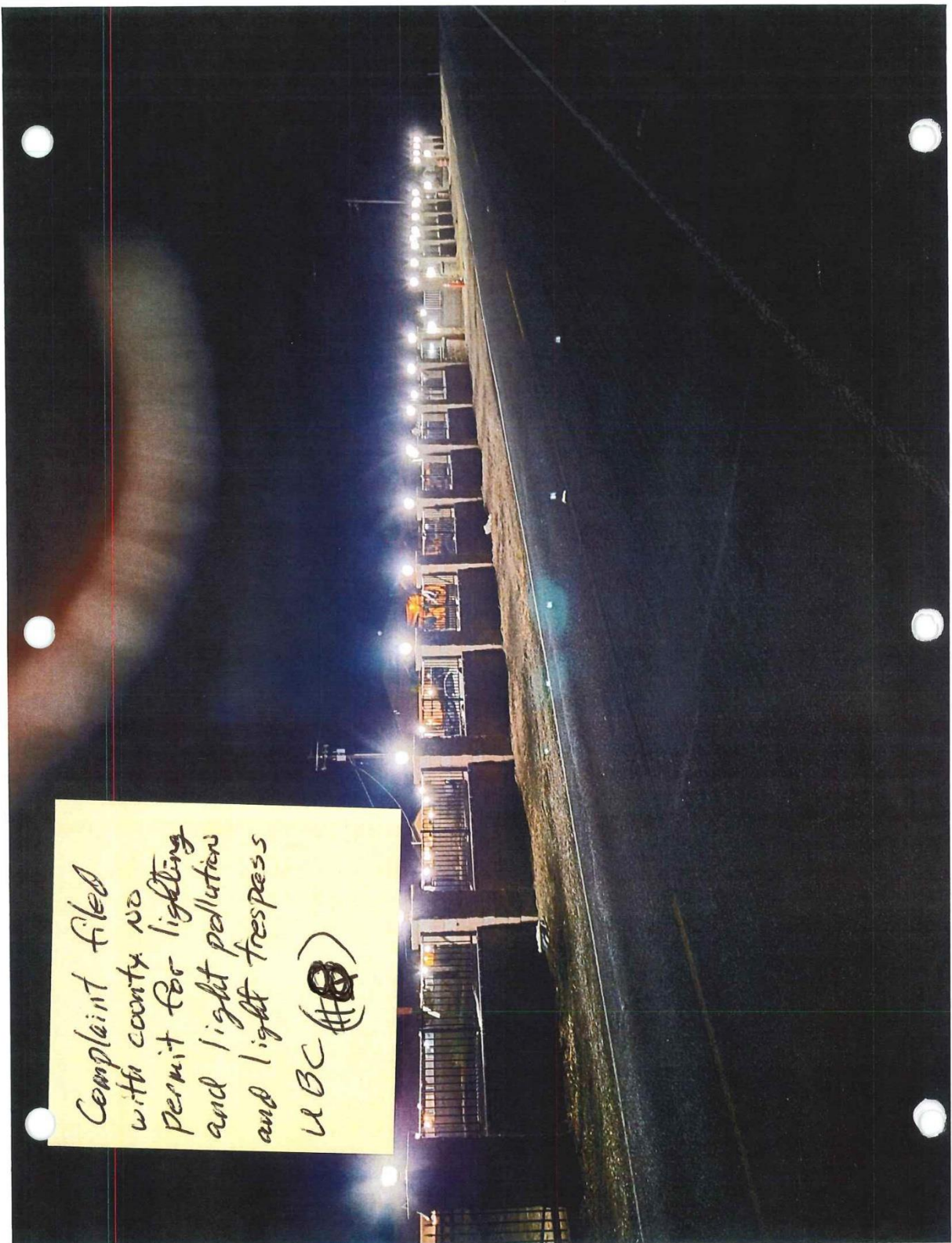
BP-0203808 Addresses 11500 N ALPINE RD, STOCKTON Heat/Air Status FINAL v

BP-9801946 Addresses 11500 N ALPINE RD, STOCKTON Reroof Permit (CVT) Status FINAL v

Total Results: 7

Pages: 1

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9/19/25

San Joaquin County – Community Development Department
1810 E Hazelton Ave
Stockton, CA 95205

Application #: PA-2400350 (VR)

To whom it may concern,

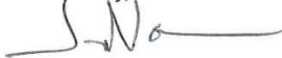
Cindy and I own the property just north of 11500 N Alpine Rd. Mr Harry Shergill installed a block wall 3.79' into our private access road. This is unacceptable, and needs to be removed immediately. There was never an agreement for Mr Shergill to encroach on our property, and he was warned multiple times during construction of the wall.

The road was built around 2001, and was designed to meet minimum width required by the fire department. The wall encroachment is a problem for several reasons:

- 1) The 3 neighbors to the north have owned and maintained the private access road for almost 25 years. Permission was never given to encroach into our property.
- 2) Cindy and I own a large RV trailer. It was already challenging to back my RV trailer into my driveway. Losing almost 4' makes it very difficult. The front of my truck comes within inches of hitting the block wall when backing in our driveway.
- 3) We have several parties a year. Our driveway is not big enough for all the cars, so people park along the private access road. The parked cars make the access road non-compliant with the fire department's minimum width requirement.

Please notify me of the San Joaquin County Planning Commission hearing date.

Sincerely,



Joseph & Cynthia Novara
11564 N Alpine Rd
Stockton, CA 95212
(209) 403-7495



John Schallberger, Sr.
Marie Schallberger
10799 N. Alpine Road.
Stockton, CA 95212

September 22, 2025

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

SUBJECT: Opposition to Variance Application #PA-2400350 (VR)

Dear Community Development Department,

We are writing to oppose the variance application PA-2400350 requesting a reduction in the minimum setback for the existing wall that protrudes into the County right-of-way along Alpine Road.

Vehicles driving Alpine Road encounter large farm equipment traffic on the roadway during Spring planting and Fall harvest. We farm on Alpine Road and Live Oak Road and continually move large farm equipment back and forth on Alpine and Live Oak Roads. We try to pull over for passing motorists, especially before and after the Bear Creek bridge. There is no way to pull over at the 11500 N. Alpine Road area because of the concrete wall encroachment into the County right-of-way. This increases the risk of accidents for both us farmers and the vehicles driving down Alpine Road.

We request that the County deny the variance application for the safety of all vehicles using Alpine Road.

Thank you,

Sincerely,



John Schallberger, Sr.
Marie Schallberger



Attachment D
Environmental Document
(Notice of Exemption)

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Community Development Department

Planning · Building · Code Enforcement · Fire Prevention

Jennifer Jolley, Director

Eric Merlo, Assistant Director

Tim Burns, Code Enforcement Chief

Corinne King, Deputy Director of Planning

Jeff Niemeyer, Deputy Director of Building Inspection

NOTICE OF EXEMPTION

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

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

☒ County Clerk, County of San Joaquin

Project Title: Variance No. PA-2400350

Project Location - Specific: The project site is located on the east side of N. Alpine Road, 1118 feet south of E. Live Oak Road, Stockton. (APN/Address: 063-050-35 / 11500 N. Alpine Rd., Stockton) (Supervisory District: 4)

Project Location – City: Stockton

Project Location – County: San Joaquin County

Project Description: Variance application to request a reduced front yard setback from zero (0) feet to -13.24 feet for an existing, unpermitted open fence consisting of 3-foot-high CMU block topped by 3-foot-high wrought iron, that is located within the County right-of-way of North Alpine Road.

The Property is zoned AL-5 (Limited Agriculture, 5-acre minimum) and the General Plan designation is A/L (Limited Agriculture).

Project Proponent(s): Harry S. & Parminder K Shergill / Paul Kozlow

Name of Public Agency Approving Project: San Joaquin County Planning Commission

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

Exemption Status:

General Exemptions. (15061 (b)(3))

Exemption Reason:

This project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines section 15061(b)(3). Section 15061(b)(3) states that "CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." There is no possibility that this project may have a significant effect on the environment and, therefore, the project is not subject to CEQA.

Lead Agency Contact Person:

Alisa Goulart Phone: (209) 468-0222 Fax: (209) 468-3163 Email: alisa.goulart@sjgov.org

Signature: _____ Date: _____

Name: Gerardo Altamirano Title: Deputy County Clerk

Signed by Lead Agency

Date Received for filing at OPR: _____

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

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Attachment E

Findings for Variance

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FINDINGS FOR VARIANCE

PA-2400350 (VR) SHERGILL / KOSLOW

1. Special Circumstances. Because of the special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the regulation deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
 - **This finding cannot be made because there are no special circumstances applicable to this property that could result in deprivation of privileges. The Limited Agriculture zoning allows for an open fence that meets specific design criteria to be placed on the front property line. There are no circumstances that prevented the fence from being placed on the property line. Instead, the existing fence was installed outside of the property line, approximately 9.5 feet into the right-of-way of Alpine Road. An error in the placement of the fence does not constitute a special circumstance. As a result, this finding cannot be made in the affirmative.**
2. No Detriment. The Variance will not be detrimental or injurious to property or improvements in the vicinity of the subject property, or the public health, safety or general welfare.
 - **This finding cannot be made because the existing fence was installed within the public right-of-way for Alpine Road, 18 feet from the edge of the paved roadway. If correctly sited, the fence would be 27 feet from the edge of the paved roadway. In its current location, the fence may be detrimental or injurious to public safety by serving as a hazard for roadway traffic. As a result, this finding cannot be made in the affirmative.**
3. No Special Privileges. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
 - **This finding cannot be made because the existing fence has been installed within the County right-of-way, 9.5 feet beyond the front property line. The Development Title does not allow for the placement of private fences outside of a property boundary. As a result, granting this Variance, and allowing the fence to remain within the public right-of-way, would constitute a grant of special privilege inconsistent with the limitations placed on other properties. Subsequently, this finding cannot be made in the affirmative.**
4. Use Authorized. The Variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.
 - **A fence is an activity permitted in the AL-5 zone, however the Development Title defines specific requirements on placement and height of fences. As the fence does not meet the requirements for placement, this Variance would authorize a use not otherwise permitted by the regulations governing the property. As a result, this finding cannot be made in the affirmative.**