



Referral Early Consultation

Date: August 23, 2023

To: Distribution List (See Attachment A)

From: Emily Basnight, Assistant Planner
Planning and Community Development

Subject: USE PERMIT APPLICATION NO. PLN2023-0042 – AEMETIS BIOGAS, LLC

Respond By: September 7, 2023

******PLEASE REVIEW REFERRAL PROCESS POLICY******

The Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies under the Early Consultation process to determine: a) whether or not the project is subject to CEQA and b) if specific conditions should be placed upon project approval.

Therefore, please contact this office by the response date if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

Thank you for your cooperation. Please call (209) 525-6330 if you have any questions.

Applicant: Aemetis Biogas, LLC

Project Location: 7123, 7190 and 7215 South Prairie Flower Road, between South Mitchell Road and South Faith Home Road, near the border of Stanislaus County and Merced County.

APN: 057-014-001 and 057-013-015

Williamson Act Contract: 92-4218

General Plan: Agriculture

Current Zoning: General Agriculture (A-2-40)

Project Description: Request to establish a biogas facility on a 157.56± acre parcel located in the General Agriculture (A-2-40) zoning district. The project site is comprised of one legal parcel currently being assessed under two separate Assessor Parcel Numbers (APNs), 057-014-001 and 057-013-015. The facility will take manure waste from existing dairies and capture the biogas that is produced in the break down process within a covered anaerobic digester. The digester will serve as a hub to process manure wastewater from the on-site dairy as well as three off-site dairies located in Stanislaus County within 1± mile of the project site. As part of this request, a 9.3± acre covered anaerobic digester, a 4,800± square-foot pretreatment skid including a fiberglass tank system, chiller, and compressor are proposed to be installed on APN: 057-013-015, which is 78.78± acres in size. After the digester captures biogas by-products, it will be sent through a pretreatment

skid on-site and subsequently transferred via private pipeline off-site to the Aemetis Advanced Fuels Keyes facility, where it will be processed and upgraded to compressed natural gas (CNG). Wastewater from the off-site dairies will be pumped to the digester via a proposed underground pipeline located within the County right-of-way. The pipeline will extend to the west across South Mitchell Road and along Hilmar Road in order to access two dairies off Hilmar Road located on APNs: 057-007-005, 057-008-005 and 057-008-010). The pipeline will then cross over South Prairie Flower Road to the east to the remaining off-site dairy located on APNs 057-013-014 and 057-013-019. Wastewater coming out of the digester will be piped back to each respective dairy pursuant to the quantities listed under each dairies' current wastewater management plan (WMP); no net increase of wastewater will be applied to any of the dairies. Manure solids will be filtered out and used for normal dairy operations including bedding and crop fertilizer at each dairy. The parcel is currently improved with 437,132± square feet of building space consisting of six freestall barns, one haybarn, one milk barn, one single-family dwelling, one detached garage, a 7.5± acre dairy wastewater pond and a 130-foot-tall communications facility within an 800± square-foot lease area. No expansion of existing herd sizes will occur as a result of this project on any of the dairies associated with the use of the proposed digester.

The digester will operate 24 hours a day/seven days a week. The applicant anticipates one truck trip for a single employee who will be on-site seven days a week to inspect the property and equipment and perform standard preventative maintenance; no additional truck trips are anticipated beyond the one employee trip. The project site is currently served by a private well and septic system. The project site has existing access from County-maintained South Mitchell and South Prairie Flower Roads. As part of this request, the applicant proposes to gravel a 20-foot-wide driveway extending from the pretreatment skid to South Mitchell Road. Primary access to the site will be from South Mitchell Road.

The pipelines associated with this request are a small portion of an installation of 59.1± miles of pipe within Stanislaus and Merced Counties that will be used to transfer resulting biogas from digesters to the Aemetis Advanced Fuels Keyes facility. The pipeline is subject to review and approval by the Stanislaus County Public Works Department and is currently being evaluated under the Aemetis Biogas LLC Dairy Biogas Cluster Project Supplemental Initial Study with Mitigated Negative Declaration, dated July of 2023.

Full document with attachments available for viewing at:
<http://www.stancounty.com/planning/pl/act-projects.shtm>



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354
 Planning Phone: (209) 525-6330 Fax: (209) 525-5911
 Building Phone: (209) 525-6557 Fax: (209) 525-7759

USE PERMIT APPLICATION NO. PLN2023-0042 – AEMETIS BIOGAS, LLC

Attachment A

Distribution List

X	CA DEPT OF CONSERVATION Land Resources		STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
X	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION		STAN CO ERC
	CEMETERY DISTRICT	X	STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
	CITY OF:	X	STAN CO DER MILK AND DAIRY
	COMMUNITY SERVICES DIST:	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
X	COUNTY OF: MERCED	X	STAN CO SHERIFF
X	DER GROUNDWATER RESOURCES DIVISION	X	STAN CO SUPERVISOR DIST 2: CHIESA
X	FIRE PROTECTION DIST: MOUNTAIN VIEW	X	STAN COUNTY COUNSEL
X	GSA: WEST TURLOCK SUBBASIN		StanCOG
	HOSPITAL DIST:	X	STANISLAUS FIRE PREVENTION BUREAU
X	IRRIGATION DIST: TURLOCK	X	STANISLAUS LAFCO
X	MOSQUITO DIST: TURLOCK	X	STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10
X	STANISLAUS COUNTY EMERGENCY MEDICAL SERVICES		SURROUNDING LAND OWNERS
	MUNICIPAL ADVISORY COUNCIL:	X	INTERESTED PARTIES
X	PACIFIC GAS & ELECTRIC	X	TELEPHONE COMPANY: AT&T
	POSTMASTER:		TRIBAL CONTACTS (CA Government Code §65352.3)
	RAILROAD:		US ARMY CORPS OF ENGINEERS
X	SAN JOAQUIN VALLEY APCD	X	US FISH & WILDLIFE
X	SCHOOL DIST 1: CHATOM UNION		US MILITARY (SB 1462) (7 agencies)
X	SCHOOL DIST 2: TURLOCK UNIFIED		USDA NRCS
	WORKFORCE DEVELOPMENT		
X	STAN CO AG COMMISSIONER		
	TUOLUMNE RIVER TRUST		

STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: _____

SUBJECT: USE PERMIT APPLICATION NO. PLN2023-0042 – AEMETIS BIOGAS, LLC

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- _____ Will not have a significant effect on the environment.
_____ May have a significant effect on the environment.
_____ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

Response prepared by:

Name	Title	Date
------	-------	------

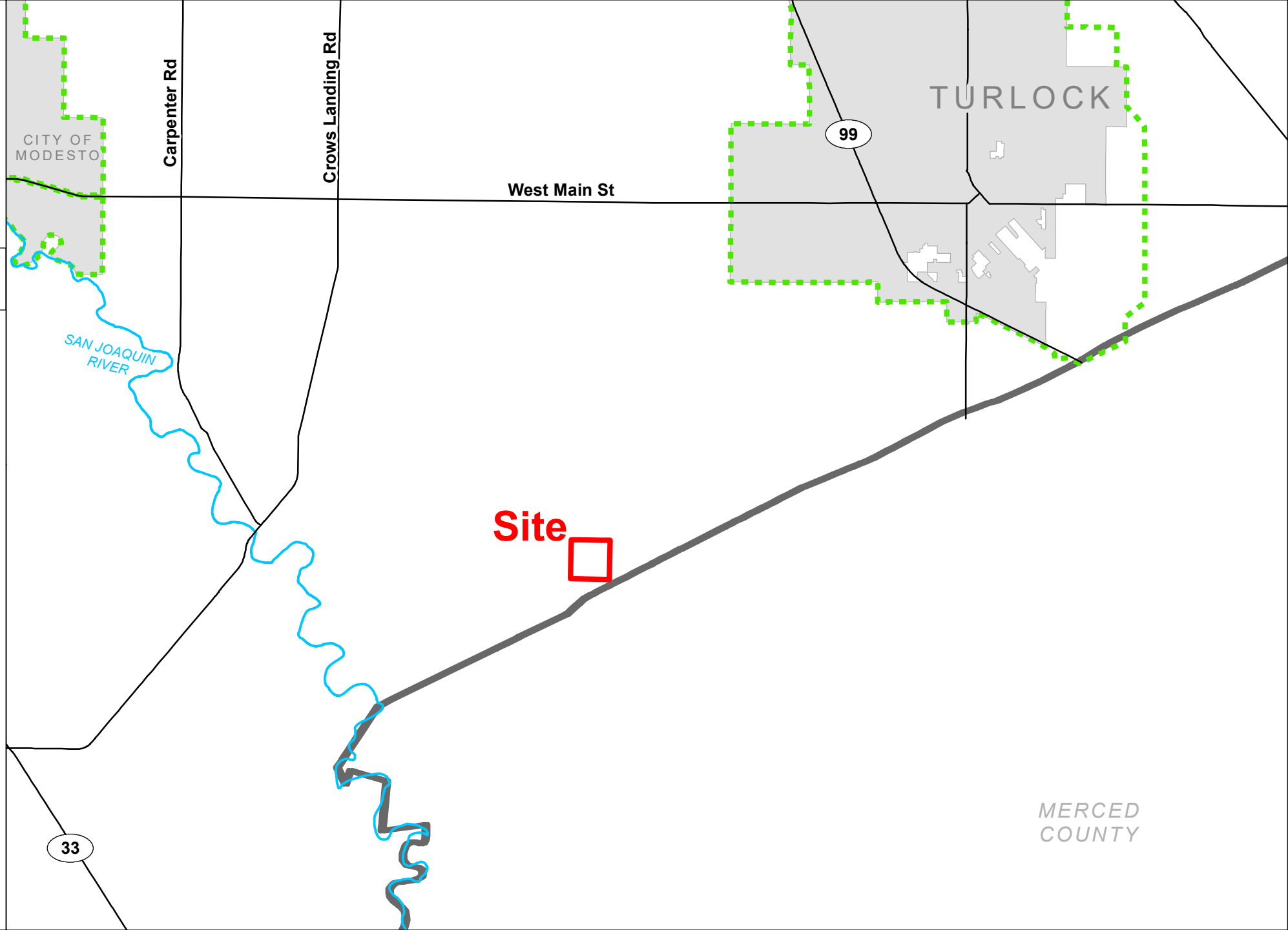
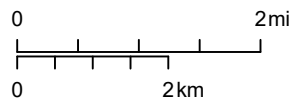
AEMETIS BIOGAS LLC

UP
PLN2023-0042

AREA MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  City
-  Road
-  River



AEMETIS
BIOGAS LLC

UP
PLN2023-0042

GENERAL PLAN MAP

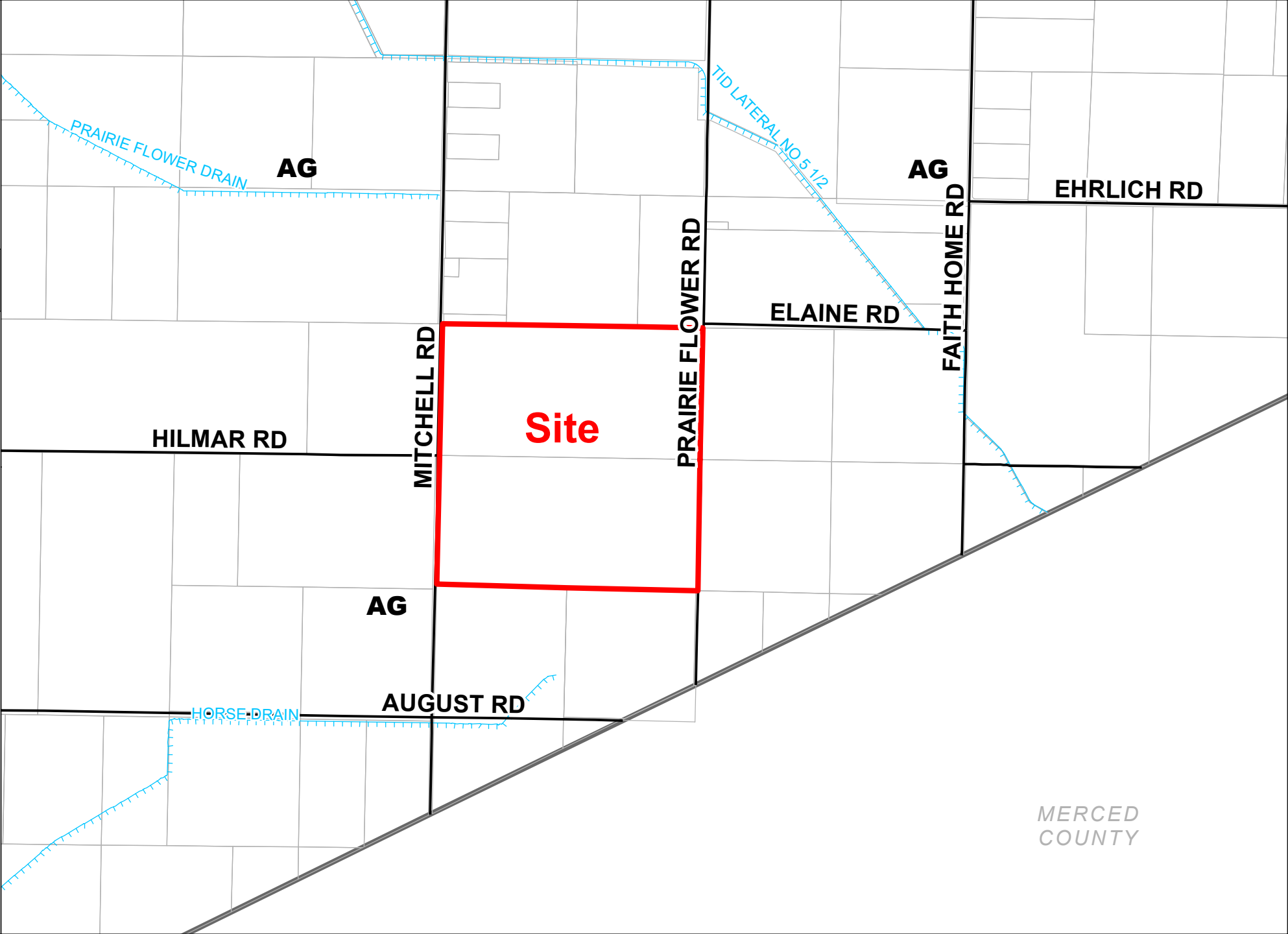
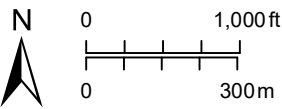
LEGEND

 Project Site

 Parcel

 Road

General Plan
 Agriculture



AEMETIS BIOGAS LLC

UP
PLN2023-0042

ZONING MAP

LEGEND

 Project Site

 Parcel

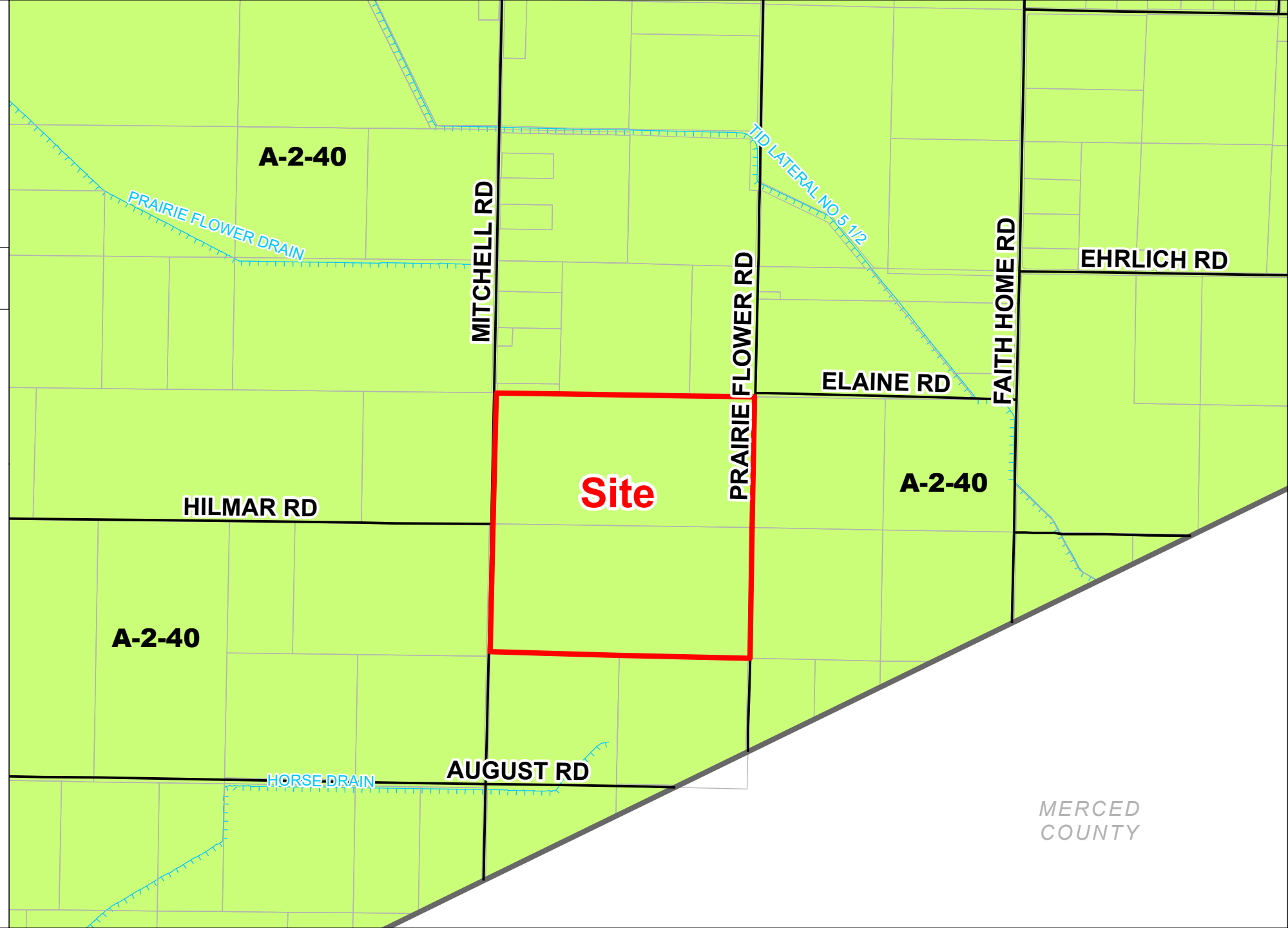
 Road

Zoning Designation

 General Agriculture 40 Acre



0 1,000 ft
0 300m



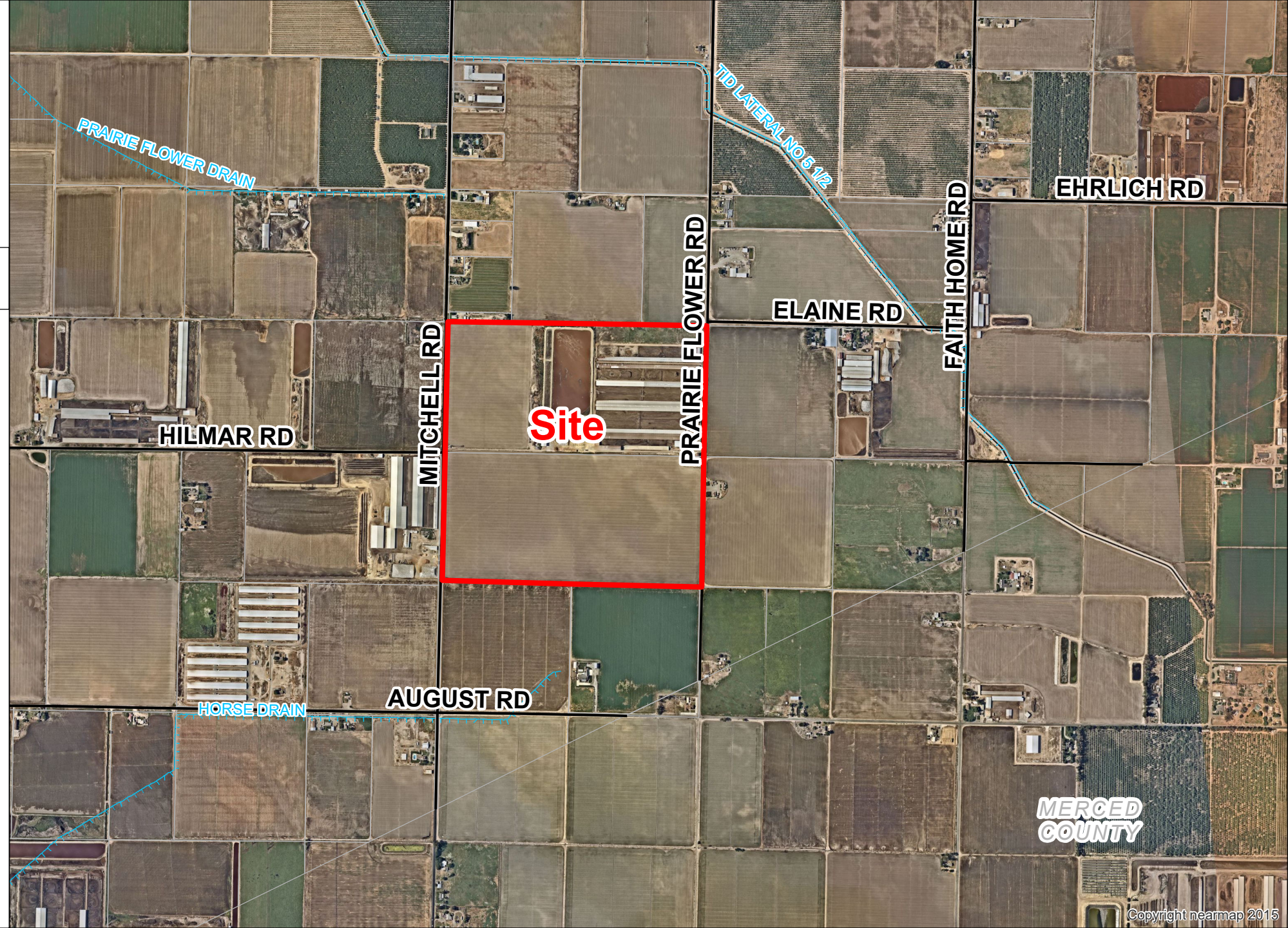
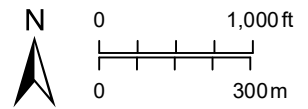
**AEMETIS
BIOGAS LLC**

UP

PLN2023-0042

2022 AERIAL AREA MAP

- LEGEND
-  Project Site
 -  Road
 -  Canal



AEMETIS BIOGAS LLC

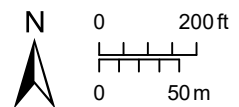
UP
PLN2023-0042

2022 AERIAL SITE MAP

LEGEND

 Project Site

 Road



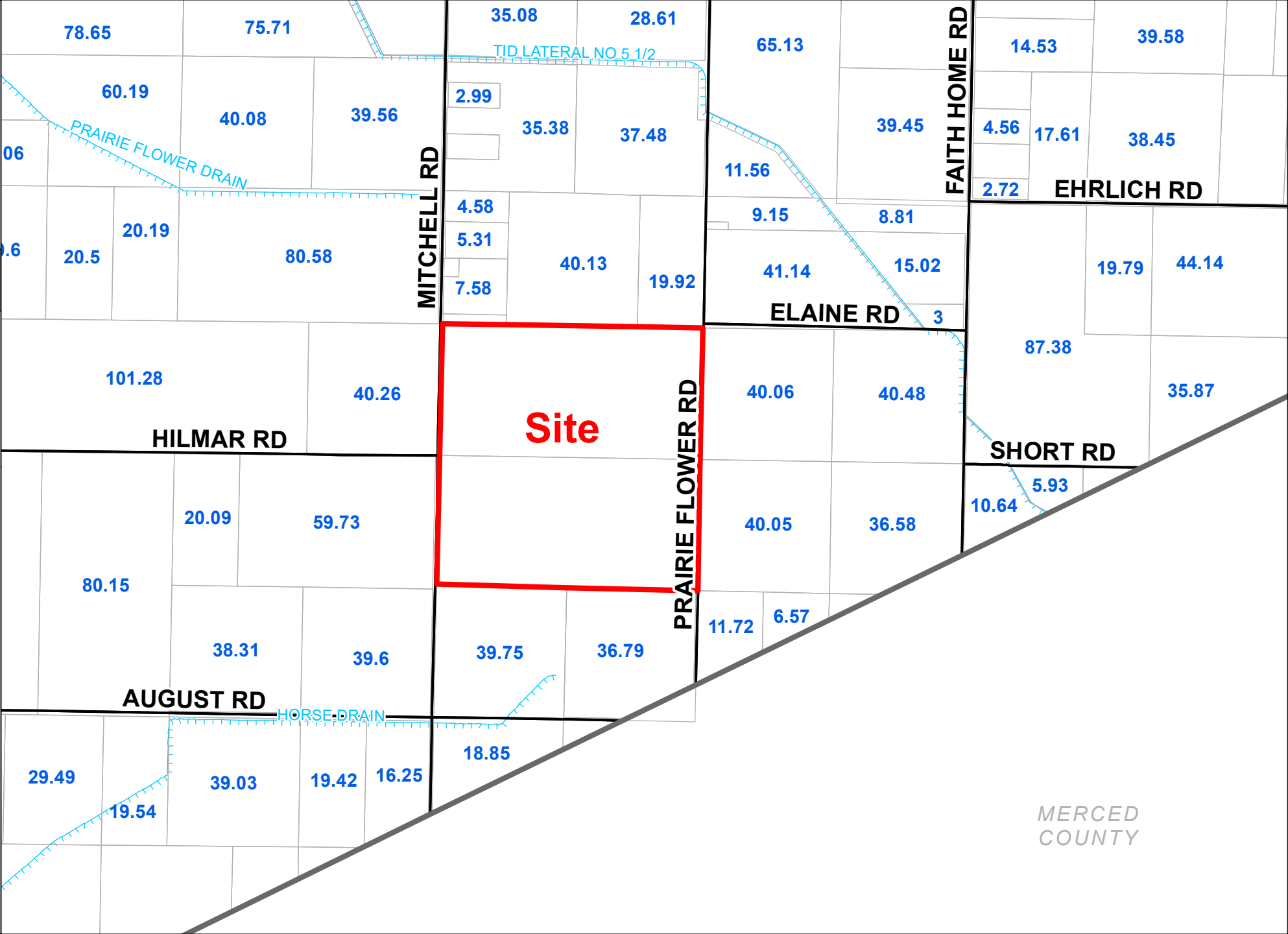
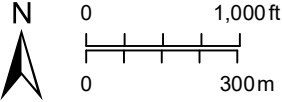
AEMETIS
BIOGAS LLC

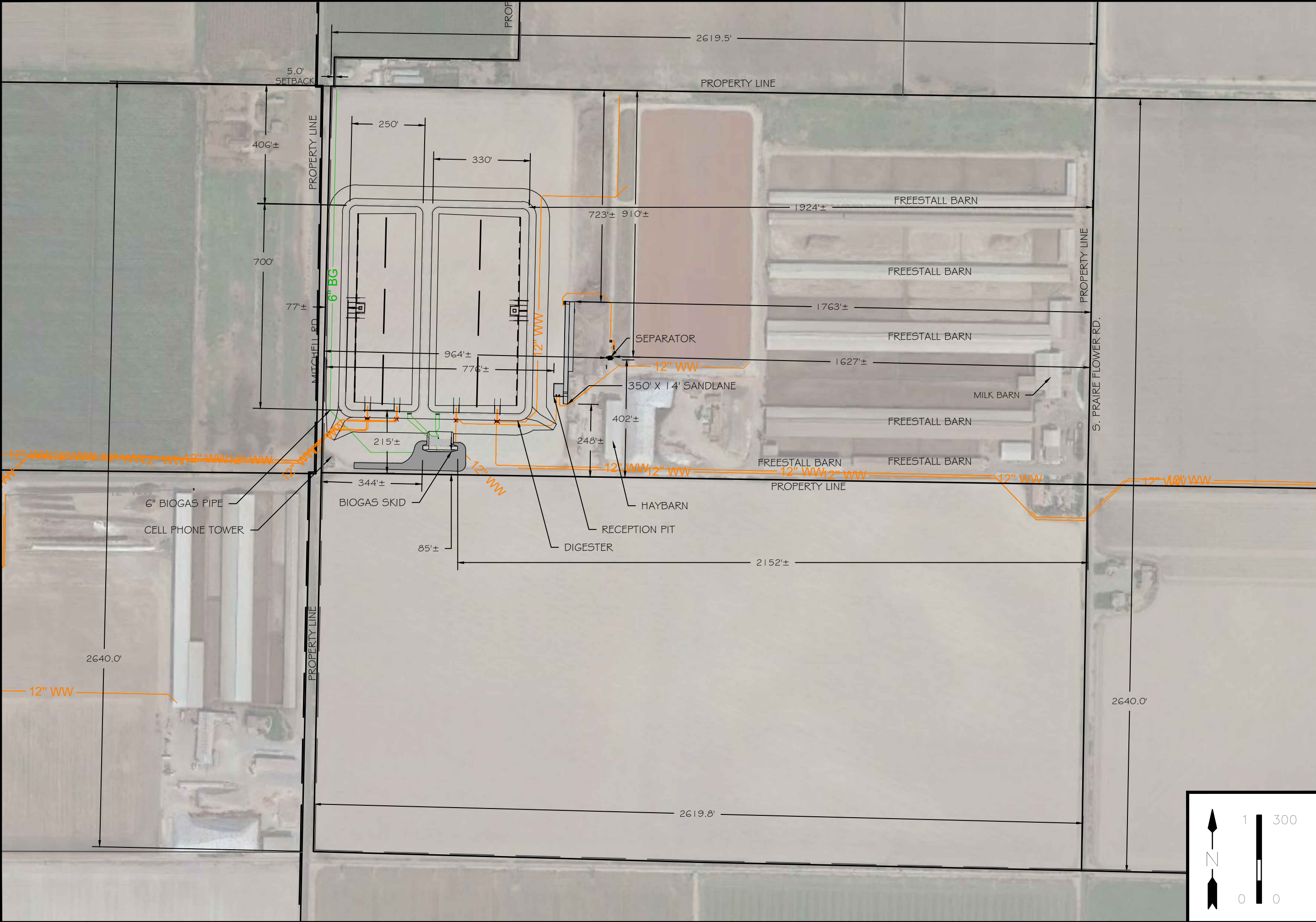
UP
PLN2023-0042

ACREAGE MAP

LEGEND

-  Project Site
-  Parcel/Acres
-  Road





308 WEST OAK AVENUE
VISALIA, CA 93291
(559) 463-0444



PROJECT:
**LUMAR
DAIRY
DIGESTER**

CLIENT:
AEMETIS
20400 STEVENS CREEK
BOULEVARD SUITE 700
CUPERTINO CA 95014

SITE PLAN
DAIRY BUILDINGS

VERSION 3.2

REVISION LOG:

PLOT DATE:	07/31/2023
JOB NO.:	21053
SCALE:	AS SHOWN
SHEET NO.:	A.3.2



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354

Planning Phone: (209) 525-6330 Fax: (209) 525-5911

Building Phone: (209) 525-6557 Fax: (209) 525-7759

Form Available Online: <http://www.stancounty.com/planning/applications.shtm>

APPLICATION QUESTIONNAIRE

Please Check all applicable boxes

APPLICATION FOR:

Staff is available to assist you with determining which applications are necessary

- | | |
|---|--|
| ☐ General Plan Amendment | ☐ Subdivision Map |
| ☐ Rezone | ☐ Parcel Map |
| ☒ Use Permit | ☐ Exception |
| ☐ Variance | ☐ Williamson Act Cancellation |
| ☐ Historic Site Permit | ☐ Other _____ |

PLANNING STAFF USE ONLY:

Application No(s): PLND023-0042

Date: 5/15/23

S 12 T 6 R 9

GP Designation: Ag

Zoning: A-2-40

Fee: 5305

Receipt No. 571838

Received By: Tm

Notes: _____

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

PROJECT INFORMATION

PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

**Please note: A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 17 – 19 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).*

Project will build and consist of a two cell anaerobic digester connecting to four (4) dairies. The biogas generated from the digester will be transported via underground pipeline for processing and upgrading to compressed natural gas at an existing upgrading hub facility. Project will operate 24/7 and the biogas will be used to refuel CNG trucks. See Operating Statement for further details.

PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10th Street – 3rd Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 057 Page 013 Parcel 015

Additional parcel numbers: 057-008-010, 057-008-005, 057-007-005, 057-013-014, 057-013-019

Project Site Address
or Physical Location: _____

Property Area: Acres: 73 or Square feet: 3,179,972

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

Dairy/Agriculture

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)

Existing General Plan & Zoning: _____

Proposed General Plan & Zoning: _____
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: Silva Holstein Dairy and cropland. Agricultural uses.

West: Soares Dairy and cropland. Agricultural uses.

North: Cropland. Agricultural uses.

South: Cropland. Agricultural uses.

WILLIAMSON ACT CONTRACT:

Yes ☒ No ☐

Is the property currently under a Williamson Act Contract?

Contract Number: 1991-92-4218

If yes, has a Notice of Non-Renewal been filed?

Date Filed: N/A

Yes ☐ No ☒

Do you propose to cancel any portion of the Contract?

Yes ☐ No ☒

Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: _____

SITE CHARACTERISTICS: (Check one or more)

Flat ☒

Rolling ☐

Steep ☐

VEGETATION: What kind of plants are growing on your property? (Check one or more)

Field crops ☒

Orchard ☐

Pasture/Grassland ☐

Scattered trees ☐

Shrubs ☐

Woodland ☐

River/Riparian ☐

Other ☐

Explain Other: _____

Yes ☐ No ☒

Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

GRADING:

Yes ☒ No ☐

Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) _____

195,000 cu-yd of grading for digester, 15 acres.

STREAMS, LAKES, & PONDS:

Yes ☐ No ☒

Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes ☐ No ☒

Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed) _____

Yes ☐ No ☒

Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes ☐ No ☒

Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.

STRUCTURES:

- Yes ☒ No ☐ Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.)
- Yes ☐ No ☒ Will structures be moved or demolished? (If yes, indicate on plot plan.)
- Yes ☒ No ☐ Do you plan to build new structures? (If yes, show location and size on plot plan.)
- Yes ☐ No ☒ Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) _____

PROJECT SITE COVERAGE:

Existing Building Coverage: 432,715 Sq. Ft. Landscaped Area: _____ Sq. Ft.
Proposed Building Coverage: 652,727 Sq. Ft. Paved Surface Area: 27,687 Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) _____
652,727 sq-ft. See drawings for dimensions.

Number of floors for each building: 1

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) _____

Proposed building will be less than 20ft in height.

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) _____

Less than 20ft.

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) _____

N/A

UTILITIES AND IRRIGATION FACILITIES:

Yes ☒ No ☐ Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: Turlock Irrigation District Sewer*: Septic

Telephone: AT&T Gas/Propane: Pacific Gas

Water**: Well Irrigation: Turlock Irrigation District

***Please Note:** A “will serve” letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.

****Please Note:** A “will serve” letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

None

Please Note: Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes ☒ No ☐ Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes ☐ No ☒ Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes ☒ No ☐ Does the project require extension of utilities? (If yes, show location and size on plot plan.)

AFFORDABLE HOUSING/SENIOR:

Yes ☐ No ☒ Will the project include affordable or senior housing provisions? (If yes, please explain)

RESIDENTIAL PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots: _____ Total Dwelling Units: _____ Total Acreage: _____

Net Density per Acre: _____ Gross Density per Acre: _____

(complete if applicable)	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse
Number of Units:	_____	_____	_____	_____
Acreage:	_____	_____	_____	_____

COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): Biogas conditioning facility - 4,800 sq ft

Type of use(s): Biogas processing and upgrading to CNG.

Days and hours of operation: 24 hours a day, 7 days a week.

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: Year round.

Occupancy/capacity of building: 0

Number of employees: (Maximum Shift): 3 (Minimum Shift): 1

Estimated number of daily customers/visitors on site at peak time: 0

Other occupants: None live on the dairy property.

Estimated number of truck deliveries/loadings per day: 1 per day, maintenace and operations.

Estimated hours of truck deliveries/loadings per day: 1 hour per weekday.

Estimated percentage of traffic to be generated by trucks: 3%

Estimated number of railroad deliveries/loadings per day: 0

Square footage of:

Office area: 0 Warehouse area: 0

Sales area: 0 Storage area: 0

Loading area: 0 Manufacturing area: 3,700

Other: (explain type of area) _____

Yes ☒ No ☐ Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

Raw biogas to be processed contains methane, carbon dioxide, and hydrogen sulfide.

The hydrogen sulfide will be reduced to safe, elemental sulfur as a co-product.

The carbon dioxide will be stripped out of the biogas and vented naturally to the atomsphere

The methane will be compressed to CNG as the primary product.

ROAD AND ACCESS INFORMATION:

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

Hilmar Road will provide the project's main access and Mitchell Road will provide main access for maintenance

and service to the digesters.

- Yes ☒ No ☐ Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)
- Yes ☐ No ☒ Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)
- Yes ☐ No ☒ Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.

STORM DRAINAGE:

How will your project handle storm water runoff? (Check one) ☐ Drainage Basin ☐ Direct Discharge ☒ Overland

☐ Other: (please explain) _____

If direct discharge is proposed, what specific waterway are you proposing to discharge to? _____

Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.

EROSION CONTROL:

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

All grading will be compacted to 100% relative compaction or better conditions than before. _____

Also per water board specifications at each dairy. _____

Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.

ADDITIONAL INFORMATION:

Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

The project is a completely sealed (covered) anaerobic digester, and not technically a standard, open animal waste storage lagoon/pond as described in County Zoning Ordinance §21.20.020 K, and thus will not result in any additional or increased odors. _____
