

**CALIFORNIA ENERGY COMMISSION**

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512  
www.energy.ca.gov

November 21, 2008

Mr. Rad Bartlam, Interim Director  
City of Lodi Community Development Department  
Planning Division  
221 West Pine Street  
Lodi, CA 95241-1910

<b>DOCKET</b>	
08-AFC-10	
DATE	NOV 21 2008
RECD.	NOV 18 2008

**RE: Lodi Energy Center (08-AFC-10)**

Dear Mr. Bartlam:

On September 10, 2008, Northern California Power Agency (Applicant) submitted an Application for Certification (AFC) to the California Energy Commission to construct, own, and operate the Lodi Energy Center (LEC), a 255-megawatt (MW) combined-cycle electrical generating facility in the city of Lodi. The proposed project would be located on Assessor's Parcel Number 055-130-16, between the city of Lodi's White Slough Water Pollution Control Facility (WPCF) and the 49-MW NCPA Combustion Turbine Project #2 (STIG plant); the San Joaquin County Mosquito and Vector Control facility is to the south. The project site is on land owned and incorporated by the city of Lodi and is about six miles west of the Lodi city-center. The city of Stockton is approximately two miles to the south. The project site is currently undeveloped and is currently used for equipment storage during upgrades to the WPCF. On November 20, 2008, the AFC was accepted as complete.

**Energy Commission Licensing Process**

The Energy Commission has the exclusive authority to license all new thermal power plants and additions, 50 MW or greater in the state (Pub. Resources Code, §§ 25110, 25120, and 25500). The Energy Commission's license takes the place of other state, regional, and local permits (e.g., conditional use permit and variance), and other entitlements that would otherwise be required. The Energy Commission's facility certification process carefully examines public health and safety, environmental impacts, and engineering aspects of proposed power plants, and all related facilities such as electric transmission lines and natural gas and water pipelines that would serve the project. The Energy Commission is the lead agency under the California Environmental Quality Act (CEQA) for all AFCs and has a certified regulatory program under CEQA.

As part of the licensing process, the Energy Commission must determine whether a proposed facility complies with all applicable state, regional, and local laws, ordinances, regulations, and standards (LORS) (Pub. Resources Code, § 25523(d)(1)). The Energy Commission must either find that a project conforms to all applicable LORS or make specific findings that a project is needed for public convenience and necessity even where the project is not in conformity with all applicable LORS (Pub. Resources Code, § 25525). For the Energy Commission to determine whether a proposed power plant project would comply with applicable

LORS we seek out and welcome input from other state, regional, and local agencies.

We are interested in working with you and your staff to understand the city's position related to the land use, traffic/transportation, visual resources, and any other aspects of the project that may be of concern to your agency (Title 20, California Code of Regulations section 1714.5). We would like to incorporate the city's input and address any concerns it may have in our Preliminary Staff Assessment (PSA). We expect to release the PSA for public review and comment early next year.

### **Land Use**

The 4.4-acre power plant site, construction laydown, and parking areas have a general plan designation of Public/Quasi Public and are zoned Public and Community Facilities (PF) by the city of Lodi. A portion of the gas line would be on land under the jurisdiction of San Joaquin County. The county's general plan land use designation and zoning on these lands are General Agriculture.

As stated in the AFC, on lands designated for public uses, the city determines development standards during its project review process. Prior to making findings for its license, the Energy Commission needs to know what type of development standards the city would normally impose, were it the permitting agency. Any standards or conditions recommended by the city will be considered by Energy Commission staff for inclusion in the conditions of certification for the project. As part of the city's discussion of the development standards, we are also interested in understanding the city's position on the proposed project's consistency with its general plan and zoning ordinance.

### **Traffic and Transportation**

The Traffic and Transportation section of the AFC (pages 5.12-1 through -40) presents the applicant's assessment of the proposed project's consistency with the city of Lodi's traffic and transportation plan, policies and regulations. We would like to know whether the applicant's traffic/transportation information is complete and accurate and what traffic/transportation conditions, if any, would be required.

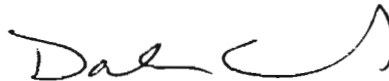
### **Visual Resources**

The Visual Resources section of the AFC (pages 5.13-1 through -32) outlines the applicant's assessment of the proposed project's consistency with the city of Lodi's aesthetic/visual regulations, architectural design review, landscape requirements, and scenic area regulations for the site. We would like to know whether the applicant's visual information is complete and accurate and what aesthetic/visual conditions, if any, would be required.

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We request that the city of Lodi provide a letter by December 22, 2008 addressing the land use, traffic/transportation, and visual resources questions noted above. In your review of the AFC, if you have any other issues or concerns, or need additional time to respond, please let us know. Please contact Paula David, Community Resources Unit Supervisor, by phone at (916) 654-4228 or by email at [pdavid@energy.state.ca.us](mailto:pdavid@energy.state.ca.us) should you have any questions or need additional time.

Sincerely,



Dale Edwards, Manager  
Environmental Protection Office  
Siting, Transmission and Environmental  
Protection Division

cc: Docket (07-AFC-3)  
Proof of Service List