

ATTACHMENT 2b - FINDINGS FOR DENIAL

1.0 CEQA FINDINGS

Pursuant to CEQA Guidelines Section 15270, The Board of Supervisors finds that CEQA does not apply to projects which a public agency rejects or disapproves.

2.0 ADMINISTRATIVE FINDINGS – ODOR ABATEMENT PLAN EXTENSION

2.1 Section 35-144U.A.2.f.2 - Extensions. (This provision is only applicable to 35-144U.C.7 - Odor Abatement Plans) A one-time extension of the implementation time period described above may be allowed for up to 12 months. The request for an extension shall be heard by the Board of Supervisors with a recommendation by the Director. A request for an extension must be submitted 90 days prior to the expiration of the implementation period and approved by the Board of Supervisors. Requests for extensions may include, but not be limited to:

- a. Supply chain delays**
- b. On-site power supply upgrades**
- c. Off-site power supply upgrades and availability**
- d. Other circumstances as determined by the Director**

On November 18, 2025, the applicant submitted an Extension application (Attachment 2a). The application cited supply chain delays and potential Odor Abatement Plan (OAP) permitting delays as reasons for the request.

The operator intends to utilize Genesis multi-technology carbon filtration (MTCF) but has not yet fully installed the required units and made them operational. The subject site does not require onsite or offsite electrical upgrades in order to make the intended MTCF units functional. The operator submitted an OAP revision application prepared by Yorke Engineering to P&D on February 6, 2026. Feedback detailing the

need for updates to the OAP was provided by P&D to the applicant on March 2, 2026. The applicant has not yet resubmitted an updated OAP to P&D.

According to the extension application, substantial efforts toward meeting the deadline were not made in an expeditious manner. For example, the applicant did not submit the revised OAP application until February 6, 2026. This is less than two months before the March 18, 2026 deadline and does not allow sufficient time for additional rounds of review and eventual approval of the OAP in a timely manner. Also, the applicant has taken possession of all the necessary Genesis MTCF units, therefore, supply chain delays were not a valid cause for the extension request.

Because the applicant did not proactively pursue meaningful compliance efforts with the amended odor abatement requirements until February 2026, the Board of Supervisors finds that the timing of the applicant's compliance efforts was insufficient and that the March 18, 2026 deadline could have reasonably been met had those efforts started earlier.

The Board finds that a one year period was a reasonable amount of time for the operator to install the required odor abatement system and update the OAP and the operator did not show due diligence in meeting the requirements.

The operator did not submit a revised OAP within a timeframe that allowed for review and approval prior to the March 18, 2026 deadline as demonstrated on slide 20 of the power point presentation for the March 10, 2026 hearing.

Additionally, the application does not adequately demonstrate that the criteria for a time extension under Section 35-144.U.A.2.f.2 have been satisfied. The delay in achieving compliance appears to be primarily the result of the owner's lack of diligence rather than circumstances outside the owner's control. Therefore, the Board of Supervisors finds there is not sufficient evidence in the record to support the request for a time extension pursuant to Section 35-144.U.A.2.f.2, and the request is denied.