

## ATTACHMENT 5b - 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 December 18, 2026, the applicant submitted an Extension application (Attachment 5a). The application cited delays in implementing on and off-site power supply upgrades and power availability, and supply chain delays.

The operator intends to utilize the Byers multi-technology carbon filtration (MTCF) units but has not yet purchased, received, or installed the units. In addition, the operator has not yet submitted an Odor Abatement Plan (OAP) revision to P&D for review.

According to the extension application, substantial efforts toward meeting the deadline were not made in an expeditious manner. For example, the applicant has not submitted the revised OAP application to P&D as of March 10, 2026. This is eight days before the March 18, 2026 deadline, and even if the application were submitted on March 11, 2026, this does not allow sufficient time for additional rounds of review and eventual approval of the OAP. In addition, the Byers MTCF units have not yet been purchased, received, or installed. Therefore, supply chain delays are not a valid cause for the extension request because the applicant has not yet purchased the necessary equipment.

Because the applicant did not proactively pursue meaningful compliance efforts with the amended odor abatement requirements, 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.