

## ATTACHMENT 3b – 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 17, 2025, the applicant submitted an Extension application (Attachment 3a) citing supply chain delays. The application includes email correspondence with Precision Engineering dated December 10, 2025 confirming they will work with Genesis Air Systems and the operator to complete an OAP for submittal to the County. The operator submitted an OAP revision application prepared by Precision Engineering to P&D on February 2, 2026, which is currently under review.

The application also includes a sales order from Genesis Air dated December 17, 2025 confirming (45) units were ordered and in the production queue. Lead time for

production was estimated to be six (6) weeks and an estimated completion date for the units to ship was identified as January 30, 2026. This date was then delayed due to weather to February 10, 2026. As of the docketing of this board letter, the applicant has taken delivery of (14) of the (45) units. The remaining (31) units are expected for delivery on March 5, 2026.

On December 10, 2025 they initiated work with Precision Engineering to begin work on the OAP, which was not submitted to the County for review until February 2, 2026. Because the applicant did not proactively pursue compliance efforts with the amended odor abatement requirements until December 2025, 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 the criteria for extension listed in Section 35-144U.A.2.f.2. The delay in bringing the operation into compliance with the ordinance was primarily caused by the owner's lack of diligence, not supply-chain delays, on- or off-site power supply upgrades, or other similar circumstances that were 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 subject request is denied.