



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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January 10, 2020

Pacific Recycling Solutions dba/ Pacific Organics Solutions
PO Box 630
Ukiah, CA 95482

Subject: **DR_2019-0001 (DEVELOPMENT REVIEW)**
Proposed Compost Facility
APN: 184-140-17
3201 Taylor Drive; Ukiah, CA 95482

The above noted application was submitted on June 4, 2019 to the Planning and Building Department per Chapter 20.188 of the Mendocino County Code (MCC, Division I). The zoning of the site is General Industrial, with Flood Plain and Airport Zone Combining Districts (I-2:FP[AZ]). The purpose of the Mendocino County Development Review (DR) application is to assess potential environmental impacts resulting from the establishment of a composting facility located at 3201 Taylor Drive. Within unincorporated Mendocino County, the proposed composting activity is principally permitted in the I-2 zoning designation; albeit subject to further analysis relating to environmental and operational details. In order to satisfy this additional review process, an Initial Study was prepared and submitted by the applicant's agent, LACO and Associates, in accordance with Appendix "B" of the MCC, "Industrial Uses Which Require Environmental Review" (Attachment F). The Initial Study analyzed the potential for environmental impacts resulting from establishing a compost facility at the site, however, was not circulated per Mendocino County regulations regarding the establishment of new composting facilities in Industrial zones [MCC §20.188.20 (a)], as the proposed activity was not found to have the potential for adverse environmental impacts due to extensive review and analysis associated with the conversion of the project site into General Industrial, which aligned it with adjacent properties and uses.

Previous entitlement reviews for the subject site are as follows:

- Mendocino County Airport Land Use Committee: Project compatibility determination with Airport Comprehensive Land Use Plan provided on 10/18/18
- Mendocino County Planning Commission: Project entitlement hearing to review and provide a recommendation to the Board of Supervisors (BOS) for a proposed General Plan Amendment and Rezone to reclassify the site from Agricultural to General Industrial occurred on 11/15/18.
 - The Planning Commission unanimously recommended to the BOS approval of the project.
- Mendocino County Board of Supervisors: Project entitlement hearing to approve or deny the proposed General Plan Amendment, Rezone, Ordinance Amendment and Environmental review (Negative Declaration) was approved on 12/18/18.

The General Plan and Rezone entitlement process to facilitate industrial uses on the site was conducted prior to the request to establish a compost facility. Once that process was complete, the property owner contacted the County to request information on how to proceed with the desire to establish a compost facility at the site. Per MCC Appendix "B", and guided by the requirements set forth in MCC §20.188.15, the County embarked on a Development Review to analyze the potential environmental impacts posed by the establishment of composting activities on the subject site. The Development Review process, as prescribed by MCC §20.188.15, is limited to reviewing the environmental checklist governing all potentially impactful activities

defined under CEQA. Any new potential impacts proposed as a result of the compost facility would be identified as a result of this process.

From the CalRecycle website, “California Environmental Quality Act (CEQA) compliance is required for the establishment, expansion, or change in operation(s) of a Solid Waste Facility (SWF) requiring the issuance or revision of a full Solid Waste Facility Permit (SWFP) or Standardized Permit.

Under CEQA Guidelines, CCR Section 15096, the CIWMB acting as a Responsible Agency, is required to use the environmental document (ED) prepared by the Lead Agency in the CIWMB permit approval or concurrence process. Once the ED is completed by the Lead Agency, CIWMB staff, as a Responsible Agency, must determine whether or not the evaluation of potential environmental impacts assessed in the ED is adequate for CIWMB use in the permitting process.

If the Lead Agency identifies a potential significant environmental impact but finds that the impact is less than significant or that no mitigation is available or necessary, supporting documentation and/or studies should be specifically referenced and be made available for review or included in the ED to support such analysis.”

At the conclusion of completing the environmental checklist, the resulting environmental document supported the determination that the compost facility project would not present any significant impacts to the environment that would either prohibit the applicant from pursuing the project as proposed; nor would it involve incorporating conditional mitigation measures. Existing agencies that govern composting facilities and activities include; the LEA (County of Mendocino Environmental Health), MCAQMD, CalEPA, RWQCB, CDFW, and Ukiah Valley Sanitation District. All operational proposals described by the applicant were in compliance with regional jurisdictional requirements and included procedures by which the facility would alleviate any potential environmental impacts through project design, operational processes and logistics as well as through mandated control mechanisms inherent to conducting composting activities. Therefore, the proposed project is considered to be a Categorical Exempt classification under CEQA, Article 19, Section 15332, In-Fill Development, as it meets all five of the required conditions that are applicable. Condition 15332(b) is not applicable as the project site is not located within City limits, rather is sited in the unincorporated area of Mendocino County, but remains surrounded by “urban” uses and is serviced by water and sanitation infrastructure, that are commiserate with incorporated entities. Additionally, as highlighted in MCC §20.100 (I2-General Industrial District), the proposed activity is a ministerial action, subject to the County process of Development Review (MCC §20.188) for certain industrial activities, and therefore also eligible for a Categorical Exemption under Public Resources Code, Division 13, Chapter 2.6, §21080, and incorporated by reference in CEQA Guidelines Section 15300.1.

The County has worked very closely with the applicant/operator of the proposed compost facility and the company is a known entity to the County as well as the City of Ukiah (letter of support from City Manager of Ukiah listed as Attachment “G”). They have successfully operated several other waste management sites within the County and have proven themselves to be competent stewards of our shared environment as well as responsive applicants during the current process. The Environmental Health Department, acting as project LEA, is in receipt of an application package for the composting facility (Permit #23-AA-0053, accepted by the LEA on November 19, 2019). Per CalRecycle guidelines, the LEA held a publicly noticed meeting for the proposal on December 3, 2019. Details of the meeting and posting documents are included in the attachments referenced below.

In addition to this memo, there are multiple documents the County has deemed worthy of inclusion in the submittal package as supporting evidence for the proposed compost facility; these are listed below as attachments.

In conclusion, the County of Mendocino submits this memo, the Notice of Completion (NOC), and all germane documents, with confidence that thorough analysis was conducted based upon information provided

from the applicant. To the best of our understanding, all relevant procedural statutes have been adhered to, and continued support for the LEA will be provided. We look forward to your response.

Sincerely,



Brent Schultz
Director, Planning and Building Services

CC: LEA, Gary Leonard (County of Mendocino); Kristyn Byrne (Pacific Recycling Solutions); Rebecca Dalske (LACO and Associates); Julia Acker (County of Mendocino); Jesse Davis (County of Mendocino)

Attachments:

- "A": Notice of Completion for the proposed compost facility
- "B": Initial Study, LACO and Associates (DR_2019-0001)
- "C": Initial Study, County of Mendocino (GPA_2018-0002/R_2018-0004)
- "D": Conformed copy of Notice of Determination (NOD-GP/R)
- "E": Maps attachments (DR_2019-0001)
- "F": MCC Code §20.188 (Development Review), Appendix "B", §20.100 (I2, General Industrial)
- "G": Letters of support from City of Ukiah, Senator Mike McGuire, Assembly Member Jim Wood
- "H": Applicant Project Description
- "I": "Report of Composting Site Information" (RCSI) generated by applicant
- "J": Appendix "B" to RCSI
- "K": Information on required public hearing (LEA/Date: 12/3/19)
- "L": DR_2019-0001 Application Materials (Submitted on 06/04/19)
- "M": Pacific Recycling Solutions Wood and Green Waste Operations Plan and Materials