

Attachment 3 - Original Findings and Conditions

FINDINGS - EXHIBIT A

Environmental Determination:

- A. Certify the proposed Final Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
- B. Approve the Mitigation Monitoring Program for the proposed project.
- C. Adopt the Findings of Fact of the proposed Final Environmental Impact Report which finds that there is evidence that the project may have a potentially significant effect on the environment and therefore an Environmental Impact Report was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) Mitigation measures were identified to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, water, noise, public services, traffic and circulation and agricultural resources which, when implemented, reduce all project impacts to an insignificant level.
- D. The proposed project is consistent with the San Luis Obispo County General Plan because:
 1. the proposed project is identified as an "S-1" special use in Table "O" of the "Framework For Planning" of the Land Use Element which requires the review and approval of a Development Plan and the applicant has applied for the required type of land use permit;
 2. the proposed project is not located on an active fault as identified in the Seismic Safety Element of the General Plan;
 3. the proposed project will not generate a level of noise as identified in the Safety Element of the General Plan that is incompatible with surrounding uses;
 4. the proposed project will not cause a reduction, as identified in the Conservation Element of the General Plan, in the amount of water available to agricultural uses and
 5. the proposed project is required to monitor groundwater for hazardous substances pursuant to Title 27, of the California Code of Regulations and as required by the Conservation Element of the General Plan.
- E. As conditioned, the proposed project satisfies all applicable provisions of Title 22 of the County Code because:
 1. the proposed project is considered through a Development Plan application as required by Land Use Ordinance Section 22.02.034;
 2. the proposed project is conditioned to submit a grading and revegetation plan for proposed ridgefill areas to the County for review and approval pursuant to the provisions of the County Land Use Ordinance;
 3. the proposed project is conditioned to implement construction Best Available Control Technologies for equipment used in operations and haul road paving pursuant to San Luis Obispo Air Pollution Control District requirements;
 4. the proposed project is conditioned to prepare and implement a plan for construction phase PM₁₀ emissions reduction and utilize Best Available Control Technologies on equipment used to construct new modules pursuant to San Luis Obispo Air Pollution Control District requirements;

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5. the proposed project is conditioned to conform to erosion control requirements pursuant to the provisions of the County Land Use Ordinance;
 6. the proposed project is conditioned to conform with erosion control requirements of the Regional Water Quality Control Board and the California Integrated Waste Management Board as defined in Title 27 of the California Code of Regulations;
 7. the proposed project is conditioned to submit an erosion control and revegetation plan to the County for proposed ridgeline fill areas pursuant to the provisions of the County Land Use Ordinance;
 8. the proposed project is conditioned to conform with landfill liner and leachate control requirements of the Regional Water Quality Control Board and the California Integrated Waste Management Board as defined in Title 27 of the California Code of Regulations;
 9. the proposed project is conditioned to submit a Fire Safety Plan to the California Department of Forests/County Fire Department for review and approval pursuant to the provision of the County Land Use Ordinance and
 10. all required mitigation measures are recommended to be included in applicable regulation agency permits.
- F. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because:
1. aesthetics impacts will be minimized through the provision as conditioned of ridgeline fill areas north and northeast of the proposed ridgeline fill area in order to screen views of the landfill expansion area from outside vantage points;
 2. as conditioned, air pollutant emissions from construction equipment operations and haul road paving as well as from construction of new modules have been minimized to the maximum extent feasible;
 3. as conditioned, areas within the proposed ridgeline fill area will be surveyed for special status species and protected trees in order to minimize the loss of habitat and oak trees;
 4. as conditioned, the required erosion control plan will include measures to minimize the potential introduction or spread of invasive species
 5. as conditioned, project construction could be halted and proper notification would be given if cultural resources or human remains are uncovered;
 6. as conditioned, landfill employees will be trained to identify archaeological resources and to implement measures if resources are uncovered;
 7. as conditioned, the proposed project must conform with erosion control requirements of the County, the Regional Water Quality Control Board and the California Integrated Waste Management Board including preparation of erosion control plans for proposed ridgeline fill areas;
 8. as conditioned, the proposed project must conform with landfill liner and leachate control requirements of the Regional water Quality Control Board and the California Integrated Waste Management Board in order to minimize groundwater quality impacts;
 9. noise impacts upon surrounding area will be reduced through the provision as conditioned of ridgeline fill areas north and east of the proposed landfill expansion area;

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10. as conditioned, the proposed project must prepare and implement a fire safety plan in order to reduce potential fire hazards;
 11. as conditioned, the proposed project must prepare and implement a litter control plan that includes a range of actions to reduce accidental or intentional littering of roadways;
 12. as conditioned, the proposed project must prepare and implement a plan for reconfiguring the landfill entrance to the specifications of the County Public Works Department in order to substantially reduce turning movement conflicts at this location and
 13. as conditioned, the project applicant must file a Notice of Partial Non-Renewal prior to the alteration of any land currently within the Williamson Act contract.
- G. The proposed project or use will be inconsistent with the character of the immediate neighborhood nor contrary to its orderly development because:
1. aesthetics impacts will be minimized through the provision as conditioned of ridgeline fill areas north and northeast of the proposed ridgeline fill area in order to screen views of the landfill expansion area from outside vantage points;
 2. as conditioned, air pollutant emissions from construction equipment operations and haul road paving as well as from construction of new modules have been minimized to the maximum extent feasible;
 3. as conditioned, areas within the proposed ridgeline fill area will be surveyed for special status species and protected trees in order to minimize the loss of habitat and oak trees;
 4. as conditioned, the required erosion control plan will include measures to minimize the potential introduction or spread of invasive species;
 5. as conditioned, project construction could be halted and proper notification would be given if cultural resources or human remains are uncovered;
 6. as conditioned, landfill employees will be trained to identify archaeological resources and to implement measures if resources are uncovered;
 7. as conditioned, the proposed project must conform with erosion control requirements of the County, the Regional Water Quality Control Board and the California Integrated Waste Management Board including preparation of erosion control plans for proposed ridgeline fill areas;
 8. as conditioned, the proposed project must conform with landfill liner and leachate control requirements of the Regional water Quality Control Board and the California Integrated Waste Management Board in order to minimize groundwater quality impacts;
 9. noise impacts upon surrounding area will be reduced through the provision as conditioned of ridgeline fill areas north and east of the proposed landfill expansion area;
 10. as conditioned, the proposed project must prepare and implement a fire safety plan in order to reduce potential fire hazards;
 11. as conditioned, the proposed project must prepare and implement a litter control plan that includes a range of actions to reduce accidental or intentional littering of roadways;
 12. as conditioned, the proposed project must prepare and implement a plan for reconfiguring the landfill entrance to the specifications of the County Public Works Department in order to substantially reduce turning movement conflicts at this location and
 13. as conditioned, the project applicant must file a Notice of Partial Non-Renewal prior to the alteration of any land currently within the Williamson Act contract.

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- H. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because:
1. The proposed project does not involve any changes to the existing landfill operations, i.e. no change in currently permitted daily peak/annual waste tonnage or currently permitted peak daily trips. As such, the proposed project will not generate additional traffic volumes onto local roadways beyond those associated with the current landfill operations.
 2. as conditioned, the proposed project must prepare and implement a plan for reconfiguring the landfill entrance to the specifications of the County Public Works Department in order to substantially reduce turning movement conflicts at this location.

**CHICAGO GRADE LANDFILL
CONDITIONS OF APPROVAL – EXHIBIT B**

Approval Project

1. A Development Plan to allow expansion of the permitted disposal area footprint for the Chicago Grade Landfill from 38.44 acres to 82.74 acres, an increase of 44.30 acres. The expansion would involve construction of two new landfill modules that together would provide capacity for disposal of approximately 3,098,775 additional tons of waste with a maximum height of 1304 feet above mean sea level. At a projected two percent annual growth in demand for disposal capacity, the service life of the landfill would be extended by approximately 29 years to the year 2045. In addition, the applicant is requesting that the current permitted facility boundary be expanded to include the entire 189-acre parcel owned by the applicant. In order to reduce visibility of the landfill, the applicant is requesting the permitted maximum height of the landfill be reduced from 1,400 to 1,360 feet above mean sea level and that fill material be placed in two low points along ridgelines defining the northern site boundary. The applicant is also proposing creation of an additional 100 foot buffer at the periphery of the proposed expansion area in addition to the existing 500 foot buffer in this area. No changes in the currently permitted daily peak/annual waste tonnage or the currently permitted peak daily vehicle trips are proposed.

Condition Compliance/ Mitigation Monitoring

2. The applicant shall provide funding for the County of San Luis Obispo to retain an environmental monitor to ensure compliance with those certain County Conditions of Approval and EIR mitigation measures designated in this condition. The monitor shall assist the County in condition compliance and mitigation monitoring for conditions 3, 4, 8, 9, 12, 14, 16 and 17 under the supervision of the County Department of Planning and Building. The monitor will prepare a working monitoring plan applicable to the County-approved environmental mitigation measures/ conditions of approval designated for monitoring by the County Department of Planning and Building and the environmental monitor. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) quarterly reporting of compliance with the designated mitigation measures /conditions of approval; and (4) action to be taken in the event of non-compliance. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.

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3. The applicant shall provide an annual estimate of the anticipated location and volume of grading to occur. Grading activities shall be subject to quarterly monitoring by the environmental monitor funded by the applicant. The applicant shall also provide records that indicate the location and volume of grading that has occurred in prior years in order to assist this monitoring.

The following conditions of approval must be satisfied upon Project Commencement, which shall be defined as the occurrence of the first of the following activities: (a) placement of liner outside the area of "Ongoing Waste Disposal and Recycling Operations" as shown on Exhibit A (Final EIR, page 5-73); or (b) placement of waste material outside the area of "Ongoing Waste Disposal and Recycling Operations" as shown on Exhibit A (Final EIR, page 5-73).

4. The applicant shall prepare a complete engineered grading plan and revegetation plan to State standards for the proposed ridge fill, for review and enforcement by the LEA/EA and RWQCB. The grading plan must illustrate how the proposed fill will be contoured to blend in with existing adjacent topographical forms and features. A revegetation plan shall also be prepared using plant species that are consistent with adjacent grassland and scrub habitat types. The plan must be consistent with related Title 27 erosion-control standards and is subject to approval by the County Department of Planning and Building.
5. The applicant shall install a total of three (3) Diesel oxidation Catalysts or other SLOAPCD approved best available control technology devices on the equipment that will be use to operate and construct the new landfill modules. The applicant shall demonstrate to the satisfaction of the SLOAPCD that such devices will be installed. The applicant shall contact the SLOAPCD to coordinate the implementation of this mitigation.
6. The applicant shall pave the currently unpaved portion of the on-site haul road to a point as close as possible to the working area of modules 6 and 7.
7. The applicant shall prepare a map of the segment of the haul road to be paved and present the map to the SLOAPCD for review and approval.
7. The operator shall apply any of the following (or combination thereof) of: application of water to unpaved roads and customer unloading areas and annual vegetation of disturbed soil areas that will not be further disturbed for at least 6 months, to prevent air borne dust transport from the landfill property following Project Commencement. In the event of complaints or SLOAPCD/LEA/EA observations of dust transport from the property, the following compliance verification shall apply:

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- a. The SLOAPCD shall collect grab samples of ambient air at the landfill property line; at least one grab sample shall be collected during working hours and one grab sample shall be collected during the same 24-hour period, outside of operational hours. The 24-hour average concentration of PM10 shall be computed from the grab samples and compared to the CAAQS 24-hour average (150.0 micrograms/cubic meter); and,
 - b. If the concentration of PM10 in ambient air along the landfill property line (measured as above) exceeds the CAAQS, additional measures including but not limited to those listed above plus application of approved soil binders shall be required; and compliance sampling shall be repeated following the modified PM10 control procedures to verify compliance with the CAAQS standard.
8. A qualified biologist shall survey areas within the footprint of the proposed ridge fill locations, access roads, and staging areas that may be affected by vehicles or heavy equipment during the placement of the proposed ridge fill for special status species and protected trees. If special status species or protected trees are located during the survey: 1) the ridge fill and access roads or staging areas must be redesigned to avoid the species and/or habitat and protected trees, or 2) the applicant will follow the required County, CDFG, or USFWS mitigation as appropriate for impacts to special status species and protected trees. Consultation with CDFG or USFWS may be required. Results of the survey, proposed mitigation measures and proposed mitigation implementation actions must be reviewed and approved by the County Planning and Building Department.
9. In order to prevent the spread of invasive non-native species, the following shall be included in the erosion control and revegetation plans
- a. An eradication plan for plants listed in the *Exotic Pest Plants of Greatest Ecological Concern in California* (CalPPC October 1999) and currently growing on the project site;
 - b. Use of plants listed in the County brochure *Exotic Pest Plants of Greatest Ecological Concern in California* shall be prohibited; and
 - c. Plant materials used in landscaping, erosion control or habitat restoration shall consist of appropriate native California plants or cattle forage as identified by a qualified biologist.
10. The project applicant shall prepare an erosion control plan prepared by a registered engineer or engineering geologist that meets requirements of RWQCB Order R3-2004-0002. Since the proposed project would disturb

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an area greater than one acre, the erosion control plan must be part of a Storm Water Pollution Prevention Plan as required for compliance with NPDES Storm Water Discharge General Permits. The erosion control must be reviewed and approved by RWQCB and CIWMB.

11. The applicant shall prepare an erosion control plan to be implemented at the proposed ridge fill locations. The plan must be consistent with related Erosion and Sedimentation Control Plan standards contained in Title 27 and Waste Discharge Order R3-2004-0003 and those portions of the LUO specified below:

Indigenous or site adapted species shall be used for revegetation to increase the probability for success;

Seedbeds shall be prepared to control unwanted vegetation and provide rapid infiltration (e.g., loose, irregular surface);

Any broadcast seeds shall be planted at an appropriate depth to ensure their success. Larger seeds shall be planted deeper, smaller seeds shallower;

Revegetation and /or seeding shall occur when moisture and temperature conditions are the most favorable to provide the longest possible period for germination and early growth;

Seedlings shall be protected from grazing for at least two growing seasons;

Contour furrows or trenches shall be constructed to break slope length and provide depression storage for surface runoff, and hold water in place until it infiltrates the soil to assist with vegetation establishment. Pitting may also be used to create depressions for establishing clustered vegetation; and

Any channelization that occurs due to surface waters cutting vertical paths into the slope shall be repaired to prevent gullies and further erosion.

12. To reduce potential noise impacts on off-site residences located north and east of the expansion area, the applicant shall implement one of the two following mitigation options:

- a. limit the hours of operation for material recycling and grinding equipment to the daytime hours of 7a.m. to 6 p.m. Provide all residents living within 500 feet of all road segments that are located within a ¼ mile radius of the landfill boundary with a contact

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number for the onsite landfill manager, for which complaints can be reported regarding noise. In the event that corrective action is inadequate, a second contact number shall also be provided for the local monitor for which unresolved noise complaints can be reported; or

- b. place fill in the low points of surrounding ridges as proposed by the applicant. Fill must be placed at a higher elevation than waste within the expansion area at all times. The environmental monitor shall monitor compliance quarterly.

13. The applicant shall prepare a fire safety plan consistent with LUO Section 22.05.082. The plan must be prepared and approved by the California Department of Forestry/County Fire Department.

14. The applicant shall prepare a litter control plan, which reduces littering of local roadways resulting from transport of uncovered loads to the landfill and litter blowing off the landfill site. The environmental monitor shall review the litter control plan and upon initial commencement of the project, conduct quarterly site visits to verify that it has been implemented. The plan shall include, but not be limited to the following components:

- a. Issue a written "one-time" warning and provide educational material to the driver of any vehicle with an uncovered load;
- b. Post signage at the landfill entrance and/or scale house stating this policy; and
- c. Provide weekly removal of trash and litter on the sections of Homestead Road, South El Pomar Road, El Pomar Road and Templeton Road located within one mile of the landfill entrance; and
- d. Provide all residents living within 500 feet of all road segments that are located within a ¼ mile radius of the landfill boundary with a contact number for the onsite landfill manager, for which complaints can be reported regarding trash on these roadways. In the event that corrective action is inadequate, a second contact number shall also be provided for the local monitor for which unresolved litter complaints can be reported.

Implementation of the plan shall be monitored through the contact agency noted in item "d" of this mitigation with corrective action to be taken by that agency for violations of the mitigation.

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15. In the event that the current configuration of the landfill entrance does not comply with County requirements as determined by the County Public Works Department, the applicant shall prepare a landfill entrance reconfiguration plan detailing the improvements necessary to address the safety issues at the existing entrance. The improvement plan shall be prepared to County specifications, which include the following:

- Driveway shall meet Homestead Road at a 90-degree angle;
- Driveway throat shall extend 50 feet into the site, measured from the edge of Homestead road, before making any turns;
- Driveway corners shall have radii to accommodate California Design Vehicle, with no need to cross into an opposing lane on Homestead Road;
- Driveway location shall comply with County Standard A-11 for sight distance; and
- Driveway construction shall comply with county Standard B-2-2.

The following conditions of approval must be satisfied during project construction:

16. If archaeological resources or human remains are unearthed during activities within modules 6 and 7, work shall be halted within 50 meters (165 feet) of the find until it can be investigated by a qualified professional archaeologist. In the event that human remains are unearthed or otherwise discovered, the County Coroner must be contacted to the finds can be properly identified and evaluated. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

17. The landfill operator shall train all landfill employees on the appropriate procedures to follow when/if archaeological resources are unearthed within the proposed expansion area. Each employee shall be trained: (a) at least once per year and (b) within the first two weeks of accepting employment at the landfill. Each employee shall sign a form that identifies the trainer, date of training and that training was completed. The form shall be kept on file for the duration of each employee's employment at the landfill. All existing employees shall be trained prior to issuance of a revised SWFP. The forms shall be subject to inspection by the Department of Building and Planning.

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The following condition of approval must be satisfied ten years prior to commencement of the proposed project.

18. The landowner shall file a Notice of Partial Non-renewal with the County of San Luis Obispo for that portion of the parcel under Williamson Act contract that would be converted from an agricultural use to landfill use, with follow up contract amendment applications to add land being required only if the land remaining under contract, excluded from the nonrenewal, would no longer meet the eligibility requirements in the Rules of Procedure. Further, excavation and grading would be allowed on the nonrenewal portion during the nonrenewal period as long as liners and waste are not installed and placed there. The request for partial non-renewal shall be subject to County review and approval.

Indemnification

19. The applicant shall as a condition of approval of this conditional use permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this conditional use permit or the manner in which the County is interpreting or enforcing the conditions of this conditional use permit, or any other action by a third party relating to approval or implementation of this conditional use permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.