



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

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District No. 2

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Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 5.1

MEETING DATE: 10/11/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Arielle Goodspeed

SUBJECT:

RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING- Hold a public hearing and consider adoption of a resolution that would (1) Certify the John Smith Road Landfill Expansion Project (SCH# 2021020371) Environmental Impact Report (EIR) and adopt the California Environmental Quality Act (CEQA) Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring Report Program for the John Smith Road Landfill Expansion Project for purposes of the conditional use permit; (2) Approve a conditional use permit for the John Smith Road Landfill Expansion Project on 388.05 acres located on the north side of John Smith Road (2650 John Smith Road; APNs 025-190-078 and 025-190-079) to allow the addition of 388.05 acres to the existing 95.16-acre John Smith Road Landfill (APNs 025-190-072, 025-190-073, and 025-190-074) that would increase the landfill's capacity, expand the total waste footprint, increase the maximum elevation of the final landfill, increase the maximum permitted daily tonnage from 1,000 tons per day (tpd) to the proposed 2,300 tpd or lower tonnage approved by the Planning Commission, identify the haul route for commercial trucks from the proposed or alternative routes studied in the EIR, and adopt the composing alternative studied in the EIR; (3) Recommend the Board of Supervisors certify the John Smith Road Landfill Expansion Project (SCH# 2021020371) EIR and adopt the CEQA Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring Report Program for the John Smith Road Landfill Expansion Project for the General Plan amendment; and (4) Recommend the Board of Supervisors adopt a General Plan amendment that would change the General Plan Land Use Designation from Rangeland (R) and Agricultural (A) to Public/Quasi-Public (PQP) on the John Smith Road Landfill Expansion Project parcels (APNs 025-190-078 and 025-190-079) and amend the land use diagrams in the General Plan to reflect the change to the land use designations, including Figures 3-1, 3-2, 3-4, 3-5, and 3-6 of the Land Use Element of the General Plan.
SBC FILE NUMBER:790

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

See Staff Report.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

STAFF RECOMMENDATION:

The Resource Management Agency (“RMA”), which includes the Planning, Building and Code Enforcement and Public Works Departments, recommends the Planning Commission certify the EIR as it performs the environmental analysis required by CEQA. RMA is not making a recommendation on whether the Planning Commission should approve the CUP or recommending a preferred haul route or daily tonnage. The applicant has requested that the Planning Commission adopt the Best Road Haul Route alternative due to the reduced impact on County roads.

Integrated Waste Management, which is a division of RMA, recommends the Planning Commission include the composting alternative as part of the project for certification of the EIR because the ability to construct and operate a composting facility is critical for the County to meet the state’s increasingly stringent diversion requirements and will provide an opportunity for the County to seek grant funding to pursue composting and obtain additional diversion credits.

In addition to making the determinations discussed in this staff report regarding daily tonnage, the haul route, and the addition of composting that would be included into the CUP, to approve the Project, the Planning Commission would adopt Resolution No. 2023-___, approving the

following:

1. Certification of the Environmental Impact Report (“EIR”) that evaluates the impacts of development from the Conditional Use Permit for the John Smith Road Landfill Expansion prepared pursuant to the California Environmental Quality Act (Pub. Res. Act § 21000 *et seq.*) (“CEQA”) and CEQA Guidelines (14 Cal. Code Regs. §§ 15000-15387) (Exhibit 5); adopt CEQA Findings of Fact and Statement of Overriding Considerations (Exhibit 2); adopt mitigation measures to reduce any significant environmental impacts where feasible, as recommended in the EIR; and adopt the Mitigation Monitoring and Reporting Plan (Exhibit 3).
2. Adopt a Conditional Use Permit (Exhibit 1) for the John Smith Road Landfill Expansion based on the findings and conditions of approval set forth in Planning Commission Resolution 2023-___, and all documents relied on and incorporated therein by reference, including but not limited to the recommended CEQA Findings of Fact, General Plan consistency findings, and all associated land use approvals.
3. Recommend that the Board of Supervisors certify the EIR that evaluates the impacts of development from the General Plan amendment for the John Smith Road Landfill Expansion prepared pursuant to the CEQA; recommend the Board of Supervisors adopt CEQA Findings of Fact and Statement of Overriding Considerations; recommend the Board of Supervisors adopt mitigation measures to reduce any significant environmental impacts where feasible, as recommended in the EIR; and recommend the Board of Supervisors adopt a Mitigation Monitoring and Reporting Plan.
4. Recommend that the Board of Supervisors approve a General Plan amendment to change the land use designations of the 388.05-acre expansion parcels (APNs 025-190-078 and 025-190-079) from Rangeland (RG) and Agriculture (A) to Public Quasi Public (PQP) for consistency with the existing JSRL’s land use designations and to accommodate the proposed waste disposal activities and direct staff to prepare amended General Plan land use diagrams to reflect the land use designation changes, including Figures 3-1, 3-2, 3-4, 3-5, and 3-6 of the Land Use Element of the General Plan, for the Board of Supervisor’s consideration.

ATTACHMENTS:

[John Smith Road Landfill Expansion Staff Report](#)
[Exhibit 1 Planning Commission Resolution 2023-__ and Conditions of Approval](#)
[Exhibit 2 CEQA Findings of Fact and Statement of Overriding Considerations](#)
[Exhibit 3 CEQA Mitigation Monitoring and Reporting Program](#)
[Exhibit 4 Conditional Use Permit Plan Set \(December 2020, revised September 23, 2023](#)
[Exhibit 5\(a\)\(1\) Draft EIR](#)
[Exhibit 5\(a\)\(2\) Draft EIR Appendices A - D](#)
[Exhibit 5\(a\)\(3\) California Red-legged Frog Habitat Assessment Draft 2018.pdf](#)

Exhibit 5(a)(4) California Tiger Salamander Habitat Assessment Draft 2018.pdf
Exhibit 5(a)(5) JSRL Draft Bio Assessment 2018.pdf
Exhibit 5(a)(6) JSRL Expansion Project Habitat Assessment 2020.pdf
Exhibit 5(a)(7) JSRL Survey Memo 2020.pdf
Exhibit 5(a)(8) JSRL Wetland Delineation Report.pdf
Exhibit 5(a)(9) JSRL Wetland Delineation - App. B - F.pdf
Exhibit 5(a)(10) San Joaquin Kit Fox Habitat Assessment Draft 2018.pdf
Exhibit 5(a)(11) Noise and Vibration Study 2021.pdf
Exhibit 5(a)(12) JSRL Traffic Study 2022.pdf
Exhibit 5(b) Final EIR
Exhibit 6 San Benito County Landfill Expansion Road Impact Analysis (October 2023)
Exhibit 7 John Smith Road Landfill Revenue Analysis (October 2023)
Exhibit 8 John Smith Road Landfill Expansion Project Level of Service Analysis (December 13, 2022)
Exhibit 9 Planning-Level Fire-Water Service Plan, John Smith Road Landfill Expansion Project, dated August 25, 2023
Exhibit 10 Landfill Operating Agreement Between the County of San Benito and Waste Solutions Group of San Benito, LLC and amendments thereto
Exhibit 11 Notice of Preparation (February 22, 2021)
Exhibit 12 Public Comment 1. JSRL Public Comment_Landfill Petition to County Officials_20230928.pdf
Exhibit 12 Public Comment 2. FW_ Carbotura - Public Hearing - PLN210002 (Landfill Use Permit)_20231003.pdf
Exhibit 12 Public Comment 3. Jose Corona & Carolina Gonzalez_20231002.pdf
Proof of Publication.pdf