



MITIGATED NEGATIVE DECLARATION (MND) ADDENDUM MINOR MODIFICATION CASE NO. PL16-0126 TO CONDITIONAL USE PERMIT (CUP) CASE NO. LU04-0145

AMERICAN SOIL AMENDMENT PRODUCTS

A. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

1. **Entitlement:** The Applicant requests approval of a Minor Modification to a Conditional Use Permit (CUP) No. LU04-0145 for the continued use of a soil amendment facility (Case No. PL15-0126).
2. **Applicant/Property Owner:** American Soil Amendment Products, Kurt Mikell
3. **Applicant's Representative:** Nichole Garner, Jensen Design and Survey, 1672 Donlon Street, Ventura, CA 93303
4. **Location:** 4730 Tapo Canyon Road, approximately 0.31 miles north of the intersection of Tapo Canyon Road and Bennett Road, near the city of Simi Valley, in the unincorporated area of Ventura County
5. **Tax Assessor's Parcel Number:** 620-0-320-165
6. **Lot Size:** 51.84 acres (CUP area is approximately 5.17 acres)
7. **General Plan Land Use Designation:** Open Space
8. **Zone District:** AE-40ac/HCWC (Agricultural Exclusive, 40-acre minimum lot size/Habitat Connectivity Wildlife Corridor Overlay Zone)
9. **Project Description:** The Applicant requests a Minor Modification to CUP Case No. LU04-0145 to authorize the continued use and operation of a soil amendment blending operation and medium-scale commercial organics processing and vermiculture facility (soil amendment facility), known as American Soil Amendment Products, for a period of 10 years. The soil amendment facility manages up to 1,000 cubic yards of composting. The facility composts organic materials consisting of clean wood chips and used horse bedding. The facility does not accept chipping, grinding, or green waste. There will not be any increase in the amount of composting and vermiculture. There are no existing structures on site, and no structures are proposed. A diesel-powered blending machine, two front-end loaders, and two forklifts provide automated support to move product around the facility. The proposed project also includes the minor expansion of the southwest portion of the CUP boundary from approximately 3.59 acres to approximately 5.17 acres. The expanded CUP boundary will account for previously

graded, disturbed areas that the Applicant currently occupies. There will not be any increase in the amount of composting and vermiculture.

The facility is operated by a single, full-time employee Monday through Saturday, 7:00 a.m. to 4:00 p.m. The City of Simi Valley will continue to provide water to the project site for fire protection and dust suppression, and portable restroom facilities will continue to provide sewage disposal.

All processing activities will take place on approximately 5.17 acres of a 51.84-acre lot. In-process piles will be located in the eastern portion of the CUP area; finished piles available for pick-up by customers will be located within the center of the corral area, in the northwestern portion of the CUP area, to separate the public from the processing area and to allow for vehicle turnaround. Unpaved on-site parking (consisting of compacted soil and asphalt chips) will be available for up to four trucks, one to two front-end loaders, one to two forklifts, and a diesel-powered blending machine.

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

On October 27, 2005, the Planning Director adopted a Mitigated Negative Declaration (MND) that evaluated the environmental impacts of a soil amendment blending operation and a medium-scale commercial organics processing operation for composting and vermiculture (no chipping and grinding, no green waste, and organic materials would consist of clean wood chips and used horse bedding only) (Exhibit 4 of the June 7, 2021 Staff Report). No permanent structures were authorized as part of the CUP, and the CUP included grading improvements to on-site unpaved parking areas. Ten mitigation measures were included in the MND and included to address impacts to biological resources (San Diego Horned Lizard and nesting bird pre-construction surveys and on-site fencing types) and public health impacts (hazardous materials, Odor Impact Minimization, odor control, Bioaerosol level maintenance and Best Management practices for dust suppression and bioaerosol minimization). With the implementation of mitigation measures, potentially significant impacts to biological resources (special-status animal species) and public health were reduced to less than significant. All of the biological resource mitigation measures were successfully completed prior to the submittal of the subject modification request. The public health mitigation measures were implemented prior to the submittal of the subject modification request but include mitigation components that are ongoing for the life of the permit. These mitigation measures have been carried forward into the modified permit as a revised Mitigation Monitoring and Reporting Program (Exhibit 6 of the June 7, 2021 Planning Director Staff Report, Condition Nos. 19 through 25).

Section 15164(b) of the CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3) states that the decision-making body may adopt an addendum to an adopted MND if: (1) only minor technical changes or additions are necessary; and

(2) none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent Environmental Impact Report (EIR) or MND have occurred.

The conditions described in Section 15162 of the CEQA Guidelines which require the preparation of an EIR or subsequent MND, are provided below, along with a discussion as to why an EIR or subsequent MND is not required:

- 1. Substantial changes are proposed in the project which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§ 15162(a)(1)].**

The proposed project includes a request to extend the life of the subject CUP for an additional ten years and increase the CUP boundary from approximately 3.59 acres to approximately 5.17 acres. No new construction, grading, or ground disturbance is proposed. The facility is limited to a maximum of 1,000 cubic yards of composting and vermiculture on site, which will not change as part of the proposed project. No changes to the total pile volumes and soil amendment blending or compost operations are proposed. The expanded CUP boundary will account for previously graded, disturbed areas that the Applicant currently occupies. The overall operation of the facility and intensity of the use would not change from the previously permitted uses under CUP Case No. LU04-0145.

The MND identified potentially significant impacts to sensitive wildlife species, specifically the San Diego Horned Lizard (*Phrynosoma coronatum blainvillii*) and nesting birds. The original CUP (Case No. LU04-0145) included grading to improve the on-site unpaved driveway. The Applicant was required to conduct pre-construction surveys prior to earth disturbing activities. Additionally, the Applicant was required to comply with state and local ordinances as enforced by the Ventura County Environmental Health Division (EHD). Pre-construction surveys were completed, and the mitigation measure was satisfied. The expansion of the CUP boundary will not result in any new ground disturbance or activities associated with the soil amendment facility; therefore, no additional pre-construction surveys for the San Diego Horned Lizard and nesting birds are required.

Potentially significant but mitigable impacts to public health will continue to occur with the continued operation of the proposed project. Continued implementation of the existing EHD mitigation measures (which are included as conditions of approval) related to public health will continue to remain in effect as they require compliance for the life of the project (Exhibit 6 of the June 7, 2021 Staff Report, Condition Nos. 19 through 25). The proposed project does not result in any major changes to the underlying approved CUP Permit.

The proposed project would not require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§ 15162(a)(2)].

As stated in Item No. 1 (above), the request includes the continued use of an existing facility for a period of 10 years and a minor expansion of the existing CUP boundary. No substantial changes to the project are proposed. No major revisions of the previous MND are required, and there are no new significant environmental impacts associated with this project. The existing baseline conditions that were used to analyze potential impacts to the environment have not changed to the extent such that the proposed revisions to the project would require revisions to the MND. No new reasonably foreseeable future or recently approved projects existing within the Tapo Canyon area that, in conjunction with approval of the proposed project, would result in a potentially significant contribution to a cumulative impact that was not previously analyzed in the original MND.

No changes to the CUP are requested that would result in alterations to the mitigation measures included in the original MND, and the public health-related measures will be carried forward as conditions of approval throughout the life of the CUP (Exhibit 6 of the June 7, 2021 Staff Report, Condition Nos. 19 through 25).

No substantial changes have occurred with respect to the circumstances under which the project is undertaken which require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Planning Director adopted the previous MND, shows any of the following:

a. The project will have one or more significant effects not discussed in the previous MND [§ 15162(a)(3)(A)].

The proposed modifications will not change the analysis set forth in the previous MND. The proposed project will not result in any significant effects that were not already discussed in the previous MND. No new information or mitigation measures that were unknown and could not have been known when the MND was adopted have become available. As stated in this Addendum (above), the proposed project does not change the purpose and intent of the mitigation measures adopted for CUP

Case No, LU04-0145. The proposed project will not create new significant impacts to biological resources or public health.

As discussed in Section B of this staff report (above) and in the MND (Exhibit , and this MND Addendum, the proposed project is in compliance with CEQA. The MND identified potentially significant impacts, which included impacts to sensitive animal species (San Diego Horned Lizard [*Phrynosoma coronatum blainvillii*]) and nesting birds during ground disturbance throughout project construction and to public health associated with enforcement of state regulations and the potential for odors to escape the project site. Because physical changes to the project site would be limited to a minor expansion of the CUP boundary and no additional grading or construction activities will occur, the proposed project is not anticipated to exacerbate impacts to sensitive species, and no additional pre-construction surveys, which were previously required as a mitigation measure for CUP Case No, LU04-0145, would be required to mitigate potential impacts.

Therefore, based on the information provided above, there is no substantial evidence to warrant the preparation of a subsequent MND. The decision-making body shall consider this addendum to the adopted MND prior to making a decision on the project.

E. PUBLIC REVIEW:

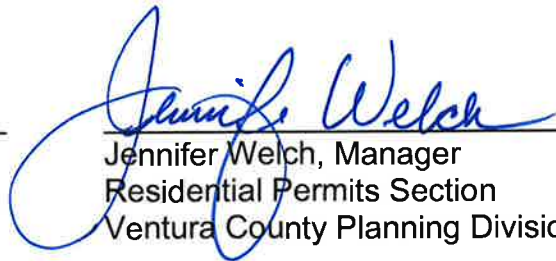
Pursuant to the CEQA Guidelines [§ 15164(c)], this addendum to the MND does not need to be circulated for public review, and shall be included in, or attached to, the adopted MND.

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