

## Notice of Exemption

Appendix E

To: Office of Planning and Research  
 P.O. Box 3044, Room 113  
 Sacramento, CA 95812-3044  
 County Clerk  
 County of: Solano  
675 Texas Street, Suite 6500, 6th Floor  
Fairfield, CA 94533

From: (Public Agency): City of Rio Vista  
One Main Street  
Rio Vista, CA 94571

(Address)


**FILED**

JUN 15 2022

Project Title: MTDN RIO , LLCProject Applicant: Mr. James Polk

Project Location - Specific:

1000 St. Francis

Bill Emien, Clerk of the  
 Board of Supervisors of  
 the County of Solano,  
 State of California  
 Deputy 

Project Location - City: Rio VistaProject Location - County: Solano

Description of Nature, Purpose and Beneficiaries of Project:

MTDN Rio, LLC., plans to operate a Type 12 microbusiness. The project proposes to operate an approximate 9,268 square foot (sf) facility in an existing 17,000 sf metal building on concrete slab. The proposed project would result in minor alterations to the interior of the building, would install mechanical equipment, and does not propose any exterior modifications, nor would it result in or require any off-site improvements.

Name of Public Agency Approving Project: City of Rio VistaName of Person or Agency Carrying Out Project: Rob Hickey

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Section 15301 Class 1 and 3
- ☐ Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

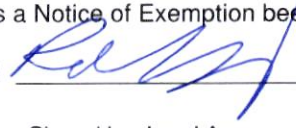
The proposed project would be within an existing metal industrial structure with concrete floor. The project would not result in any ground disturbance. The proposed project is consistent with State CEQA Exemptions Class 1 - Existing Facilities, and Class 3 - New Construction or Conversion of Small Structures in accordance with Cal. Code Regs., tit. 14, § 15300 et seq. (See attachment A)

Lead Agency

Contact Person: Rob Hickey Area Code/Telephone/Extension: (707) 374-6451

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ■ Yes    No

Signature:  Date: 06/03/2022 Title: City Manager

■ Signed by Lead Agency    Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
 Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

Document Posted From  
06/15/2022 to \_\_\_\_\_

Deputy Clerk of the Board

Revised 2011

## **Attachment A**

### **MTDN RIO, LLC Exemption Information**

#### **Form City of Rio Vista**

##### **Project Location**

The MTDN RIO, LLC project is located in an existing structure located at Suite I 1000 St. Francis Road in the City of Rio Vista and County of Solano. The proposed project would occupy approximately 9,268 square feet (sf) of an existing structure at the listed address. The project site is located within A portion of APN: 0178-230-002 and would occupy approximately 0.072 percent (%) of the approximate 2-acre parcel.

##### **Project Site Access**

Primary access to the project site is via the existing driveway on the east side of St. Francis Way, approximately 388 feet to Airport Road, 1,234 Feet east to State Route 84 and then 3,589 feet south to State Highway 12. Highway 12 provides a bridge crossing over the Sacramento River.

##### **Land Uses**

The proposed project is located in the City of Rio Vista Business Park and has a General Plan (GP) designation of Industrial/Employment Limited (I/E L) with a zoning designation of Business Park (B-P). The Business Park occupies an area previously used as an airport but that is now undergoing redevelopment and improvement efforts. The proposed project is consistent with the land use designations and zoning ordinance and City intent. The work that would occur as part of the proposed project is an allowable use. *Figure 1 – Project Location* shows the project location within the City, and *Figure 2- Aerial Location Map*, show the project site and surrounding land uses as of 2018. In addition, *Figure 3 – Historic Aerial Map – 1993*, provides a visual view of the project site illustrating the overall development of the area and past disturbances. The existing industrial building is shown on *Figure 4 – Views of Project Site from Public Roadways*.

##### **Permitting**

The proposed project will be permitted through the City with the permits listed below:

- Conditional Use Permit (CUP) from the City of Rio Vista Planning Commission;
- Project Approval by City of Rio Vista Planning Commission;
- Development Agreement with the City of Rio Vista City Council



## Surrounding Land Uses

The proposed project is primarily surrounded by previously vacant land and other industrial uses within the Business Park. The proposed project site is within land previously used as an airport. The proposed project site is at the northeast terminus of the previous main runway (See Red square below). Based on aerial images, the runway was largely intact until around 1995. During that time, the City installed several roads (Blue line below) in the business park. Water, wastewater, and storm systems were installed at the time the roads were constructed. The project site has a history of heavy disturbance.



Existing land uses to the east consist of some industrial business and vacant land that is designated and zoned for industrial uses. The Sacramento River is approximately 0.25 miles in that direction. To the northeast land uses are consistent with the industrial designations and consist of vacant and industrial uses, a closed landfill, and an area designated as a preserve. The preserve is separated from the Business Park by Airport Road. To the northwest land uses consist of vacant and industrial uses and also are planned to be redeveloped with industrial uses. There is a residential development with single family uses approximately 2,483 feet to the south, adjacent to Rolling Green Drive. To the west land uses consist of vacant and industrial designated and zoned properties. There is a residential development (Home Coming) approximately 2,148 feet away, adjacent to Sullivan Street.

Land uses immediately adjacent to the project site include an old cement mixing plant to the north, and a metal etching facility to the south. The project site and adjacent sites are heavily disturbed undeveloped land designated for industrial uses.

## Project Description

The proposed project includes no significant interior or exterior modifications to the existing 17,000 sf structure. The proposed project would not result in any ground disturbance. The facility was originally designed to lease out up to eight suites for Cannabis projects.



The project site is on flat ground, no alteration to any topographic features would occur. Mechanical equipment including heating, ventilation and air conditioning (HVAC), are installed and were engineered for odor control. Existing parking is provided, and vehicle trips would not exceed the 110 trip per day threshold presented by the Office of Planning and Research (OPR) technical advisory for evaluating transportation impacts in CEQA. The proposed project would include a hazardous materials business plan, and a security plan, both verified by the City. The proposed project would use the existing on-site water lines with service by the City of Rio Vista. Electricity and natural gas would be provided from Pacific Gas & Electric Company (PG&E), and solid waste needs would be serviced by Mt. Diablo Resource Recovery (MDRR). All utility services would be provided using existing utility lines and through existing or planned sources.

The proposed project would have approximately 5 employees at least 21 years of age. Operating hours of the project site would be from approximately 8:00 a.m. to 5:00 p.m. The proposed project does not include retail sales. Transportation of Cannabis products could be conducted by the owner, employees, or contracted out. The proposed project is anticipated to receive deliveries 1-2 times per week and ship products up to five times per week. All transportation will occur using a licensed driver and registered motor vehicle in conformance with all vehicle code requirements.

#### *Solid Waste*

The proposed project would result in the generation of solid waste defined in PRC §40191 including, non-putrescible waste produced during renovation of the interior of the space. The proposed project would generate garbage, trash, refuse, paper, and rubbish during operations. The proposed project would be serviced by Mt. Diablo Resource Recover (MDRR). Solid waste would be transported by MDRR to the Keller Canyon Landfill (KCLF) near Pittsburg. The KCLF is currently permitted to receive 3,500 tons per day (tpd) but is proposing to increase capacity to 4,900 tpd. The landfill has a permitted capacity of 75,018,280 cubic yard, and remaining capacity of 63,408,410 cubic yards. Both MDRR and KCLF have adequate capacity to serve the proposed project. The proposed project would recycle all green waste through MDRR. Green waste stored on-site will be in a green waste bin or in compostable bags if bags are used. The green waste would be collected by MDRR and transported to Contra Costa Waste Service to be sorted before being transported to the Recology Recycling and compost facility in Vacaville.

#### *Water and Wastewater*

Water and wastewater /sewer services would be supplied to the proposed project by the City of Rio Vista. Water in the city is supplied via 7 groundwater wells in the Solano Sub-basin and three treatment locations. The proposed project would use water for the restroom facilities and handwashing, irrigation, foliar spraying, and sanitizing and cleaning needs. The proposed project would use approximately 250-500 gallons per day depending on production. The City has adequate water supply to serve the proposed project. In 2017 the City produced approximately 689,842,000 gallons of water from its eight wells. The proposed project would use approximately 0.00000072% of this total.

Wastewater generated by the proposed project would be collected by the existing sewer systems would flow to the City of Rio Vista Beach Wastewater Treatment Plant (WWTP) located near the westerly terminus of Beach Drive. The average winter dry weather flow to the Beach WWTP is 0.51 million gallons per day (mg/day) and peak hourly flow of 1.68 (mg/day). The proposed project would generate between 50-100 gallons of wastewater per day. No discharge of hazardous chemicals or products to the City's Sanitary Sewer System would occur without first obtaining a Pre-Treatment Discharge Permit by the Public Works Department. The Beach WWTP has adequate capacity to serve the project. No wastewater discharge permit is required. The proposed project will be eligible for an exemption from the Central Valley Regional Water Quality Control Board.



### *Energy*

The proposed project would require the use of energy for interior lighting, heating and air conditional and heating (HVAC), and small appliances such as a refrigerator. The proposed would be served by Pacific Gas & Electric Company (PG&E). The proposed project would occur in an existing facility and occupy a total of 4,100 sf. Energy use would be partly depending on fluctuations in weather conditions. The proposed project is estimated to require approximately 800kWh until full production is reached which would require approximately 1,400 kWh to 1,600 Kwh per day

### *Transportation*

The proposed project would not conflict with any existing program, plan, ordinance, or policy related to non-motorized or public transit, and the proposed project would not have an effect on public transit, bicycle, or pedestrian facilities. There are no designated bus routes adjacent to the project site and there are no pedestrian facility or designated bike lane within Poppy House Road or St. Francis Drive that would be affected. The proposed project does not include any roadway improvements, nor would it change any roadway alignment. The proposed project would not conflict with the Office of Planning and Research (OPR) technical advisory on evaluating transportation impacts in CEQA or exceed the 110 trip per day threshold which generally indicates a finding of less than significant impact.

### *Hazards*

The proposed project is not located on a site or in proximity to any hazardous materials site as shown on the State Water Resources Control Board Geotracker tool or the Department of Toxic Substances Control (DTSC) EnviroStor Database.

The proposed project would not use acutely hazardous materials; however, would use, store, and consume some volatile chemicals (discussed below) used in the extraction process. The proposed project would use some cleaning products, but these materials would be used and stored in compliance with all manufacturer's specifications. No materials would be stored and/or used within the building in exceedance of quantities listed in most current version of the California Building Code and Fire Code. Should materials requiring approval be used, approval from the City Manager/Building Official and Fire Chief will be required.

#### **Volatile Solvents:**

Certain cannabis manufacturing licensees may use volatile solvents. Volatile solvents are chemicals that are or produce a flammable gas or vapor that may ignite or explode when present in sufficient qualities in the air. In order to decrease the risk of the uncontrolled dispersal of volatile solvents during a power outage at the business premises, the City's Cannabis/Hemp Ordinance requires cannabis/Hemp manufacturing businesses using volatile solvents to have a back-up power generator.

Occupancies seeking to utilize volatile solvents are highly regulated by the Rio Vista Fire Department and are subject to quarterly Fire & Life Safety Inspections. Volatile solvents generally refer to the use of butane and propane to extract, or divide, the cannabis (or hemp) plant into parts. This process uses heat and pressure in a closed loop system with vacuum to remove the butane or propane solvents. This system is highly regulated under the California Fire Code (Chapter 50 & 57) for quantities of storage on-site. Most occupancies will fall into an "F" Occupancy class and will store less than 120 gallons (or pounds) in a "control area".

The equipment, or systems, used in these facilities requires specific Fire Department approval and are required to be UL (Underwriters Laboratory) approved. No homemade systems or alterations are allowed. The employees are subject to additional education and training, delivered by the Fire Department, at the



discretion of the Fire Chief/Fire Marshal.

The building owner has complied with the City's Building Division and Fire Department has inspected the components of the Extractor are properly installed, the air compressor and chiller/heater unit are properly ventilated and potential fire hazards are minimized.

The applicant will not be permitted to introduce any chemical waste or solvents into the local waste stream. Any product containing any more than a 0.3% trace amount of THC will require the proper disposal of said product using a hazardous waste hauler. All hazardous waste and/or chemicals shall be documented and disposed of in accordance with state and regional laws. No wastewater discharge permit is required.

### **Reasons Why Project is Exempt**

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Class 1) and Section 15304 (Class 4).

- Section 15301, Class 1, is a categorical exemption which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. (Cal. Code Regs., tit. 14, § 15303.)

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301, Class 1. The key consideration for a Class 1 CE is whether the project involves negligible or no expansion of an existing use. The proposed project would be permitted by the City of Rio Vista for operations of a Cannabis related business in an existing facility. Issuance of the approval would be consistent with all applicable land use policy and guidance documents. The proposed project would not require any ground disturbance within the building or outside the building, the site is flat and paved. The proposed project would occur entirely within an existing 17,500 sf privately owned industrial building within a business park zoned for industrial uses. The proposed project would use approximately 1,800 sf within the existing building with concrete floor. The existing building is serviced by adequate parking.

Mechanical equipment including heating, ventilation and air conditioning (HVAC), an engineered odor control system, and lighting are currently installed.

- Section 15303, Class 3, is a categorical exemption that consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. (Cal. Code Regs., tit. 14, § 15303.)

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15303, Class 3. The key consideration for a Class 3 CE is whether the project involves installation of small new equipment or conversions of uses. The proposed project would occur within a small portion, approximately 2,240 sf of the existing structure and convert the use from Cannabis to a Hemp-related activity. This would require installation of a backup power supply, the requirement of which was included in the current Cannabis/Hemp Ordinance that was adopted after the existing building was constructed.

### **Exceptions to Exemptions**

The project does not meet any of the exceptions listed in CEQA Section 15300.2 per the following:

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may be in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project does not occur within a hazardous waste site and the proposed project would not use, handle, store, or dispose of any acutely hazardous materials. Review of the State Water Resources Control Board Geotracker tool or the Department of Toxic Substances Control (DTSC) EnviroStor Database revealed no evidence of hazardous materials site on or near the project site.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

As stated above, the project would not have an impact on surrounding areas, adjoining the site, or result in a cumulative impact over time. The proposed project is consistent with the existing planning and intent of the City for redevelopment of the site and industrial uses. The proposed project includes design features such as engineered systems to control odor and would be adequately served by existing services. All other projects, as they are proposed, in the Business Park area also would undergo the CEQA environmental review process. The proposed project would not result in any impacts to the environment and would not make a cumulative contribution to an environmental impact.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The project would not have a significant effect on the environment as it would occur in an existing building and there is habitat for federal or state listed species. The project includes no ground disturbance and would not affect any historic, cultural, or tribal cultural resources.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. The proposed project would occur within an existing building, and there are no scenic resources on site, in proximity to the site, and it would not affect a scenic highway.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

See response to (a) above.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The proposed project occurs in a recently constructed metal building on concrete slab. The proposed project would not result in any ground disturbance or excavation that could disturb an unknown buried resource. The proposed project would not alter any historic structure. The proposed project would not affect any historic, cultural, or tribal cultural resources.



## **Conclusion**

The proposed project is consistent with State CEQA Exemptions Class 1 - Existing Facilities in accordance with Cal. Code Regs., tit. 14, § 15300 et seq. No exceptions to either Exemption detailed in §15300.2 would be applicable.

The proposed project is not located in an area with sensitive resources; cumulative impacts would not occur; significant impacts would not occur; there are no scenic resources or scenic highway in proximity; the project is not on a hazardous waste site; and the project would not affect a historical resource.

The proposed project would not affect any agricultural land or forested land, biological, cultural or tribal cultural resources, alter any existing hydrology, exacerbate any geologic hazard, generate substantial noise, reduce access to mineral resources, or substantially increase demand for recreational resources. The proposed project would not result in changes to any existing views or scenic resources, result in substantial population growth or divide any area, or be inconsistent with land use and planning documents. The proposed project would be served by existing utilities and public services and no off-site improvements would be needed. The proposed project would not generate substantial vehicle trips or be located in an area susceptible to wildfires. The proposed project would not handle, store, or generate substantial amounts of hazardous materials or be located on a hazardous materials site, and would conform to all applicable environmental regulations, laws, and standards related to the cultivation of cannabis and operation of a business.



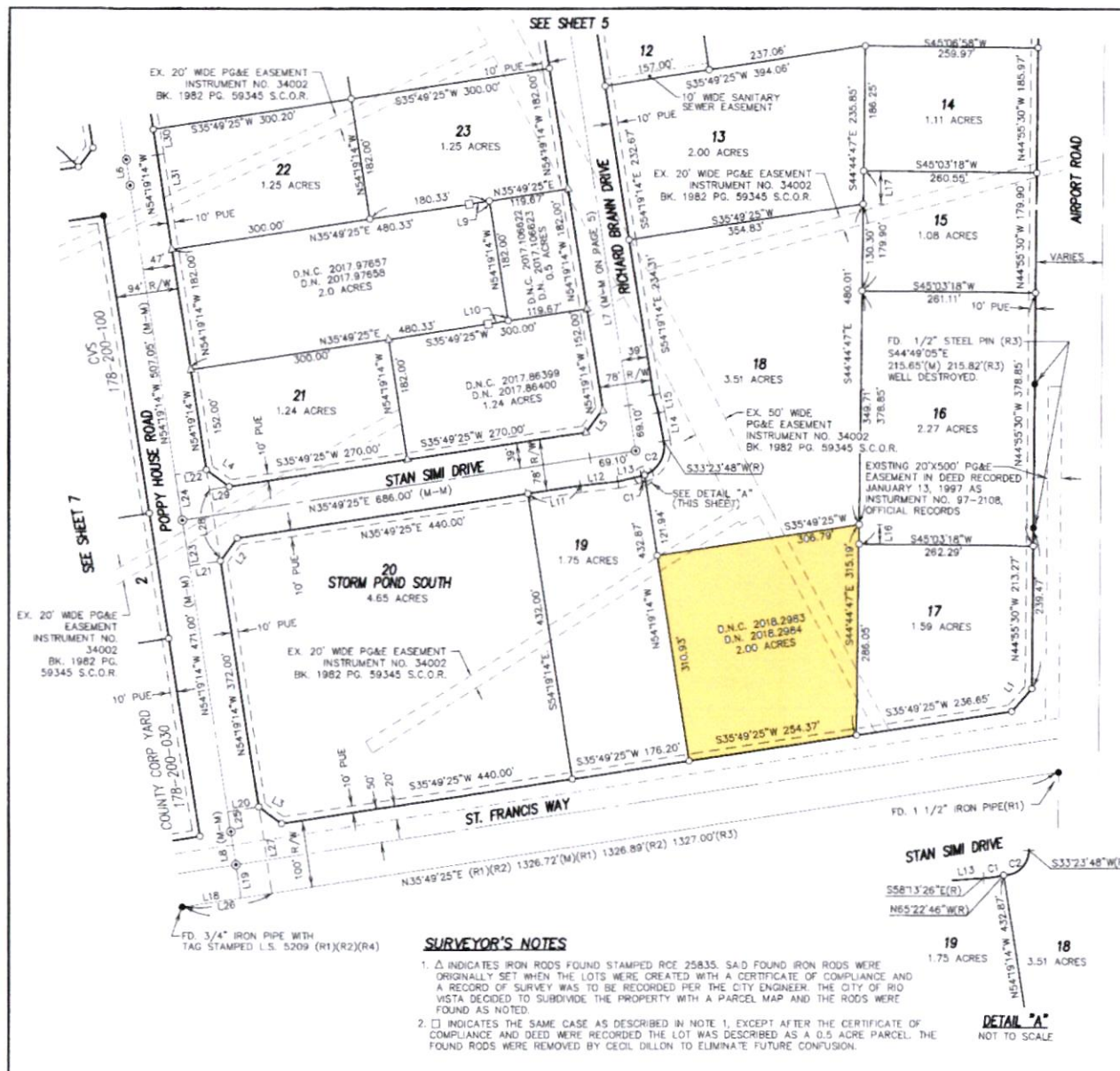
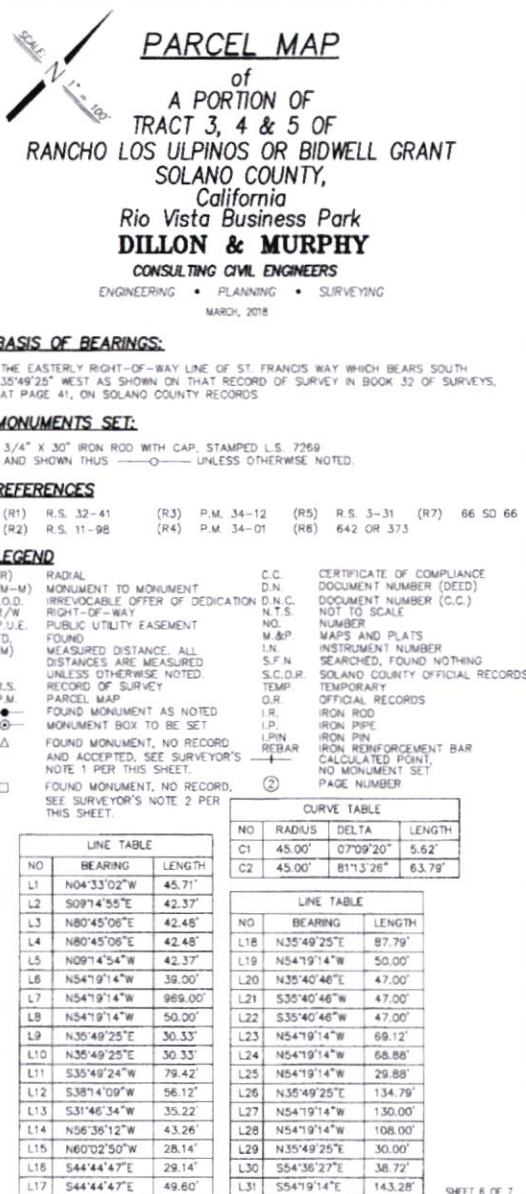


Figure 1: Project Location



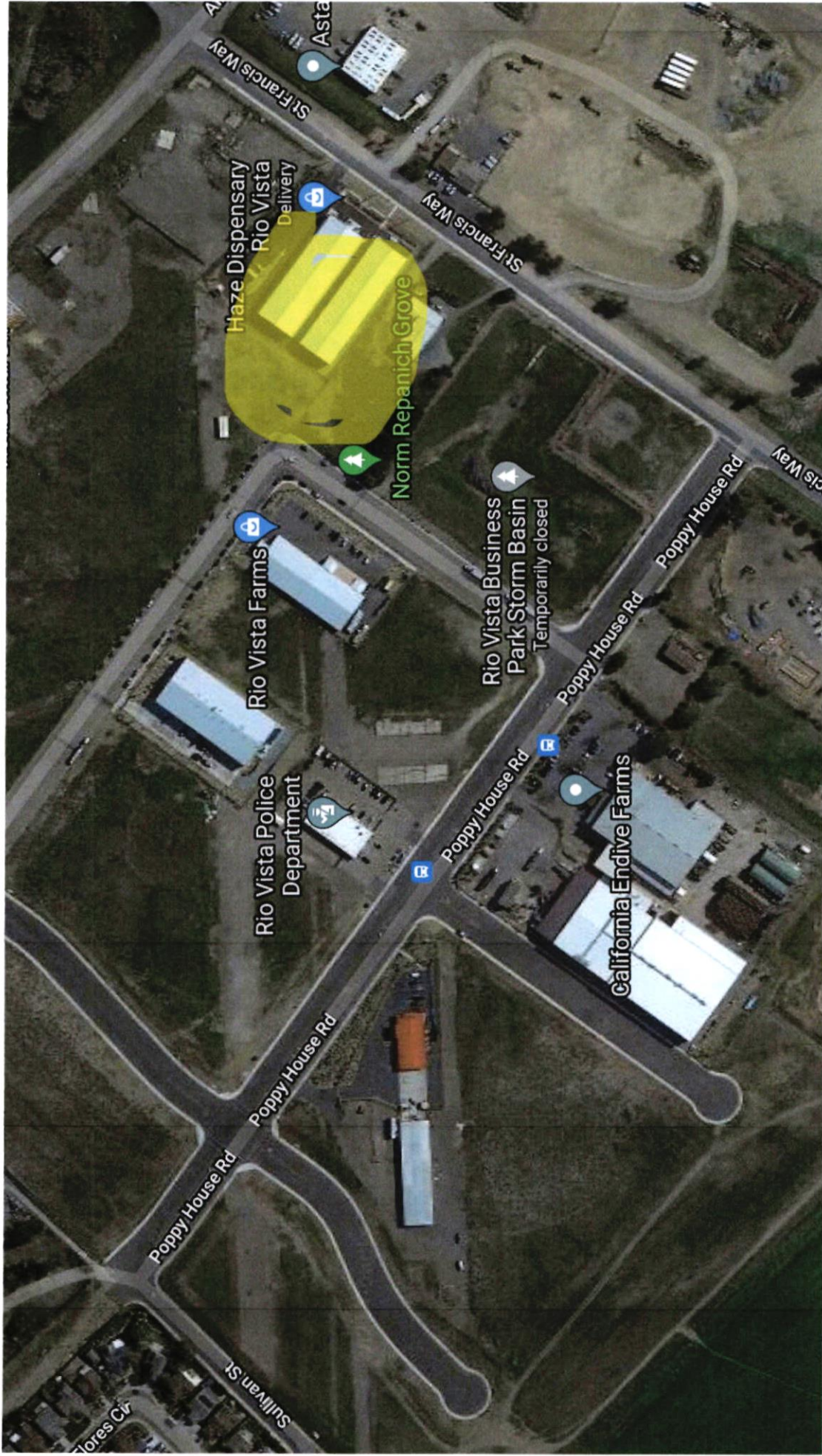
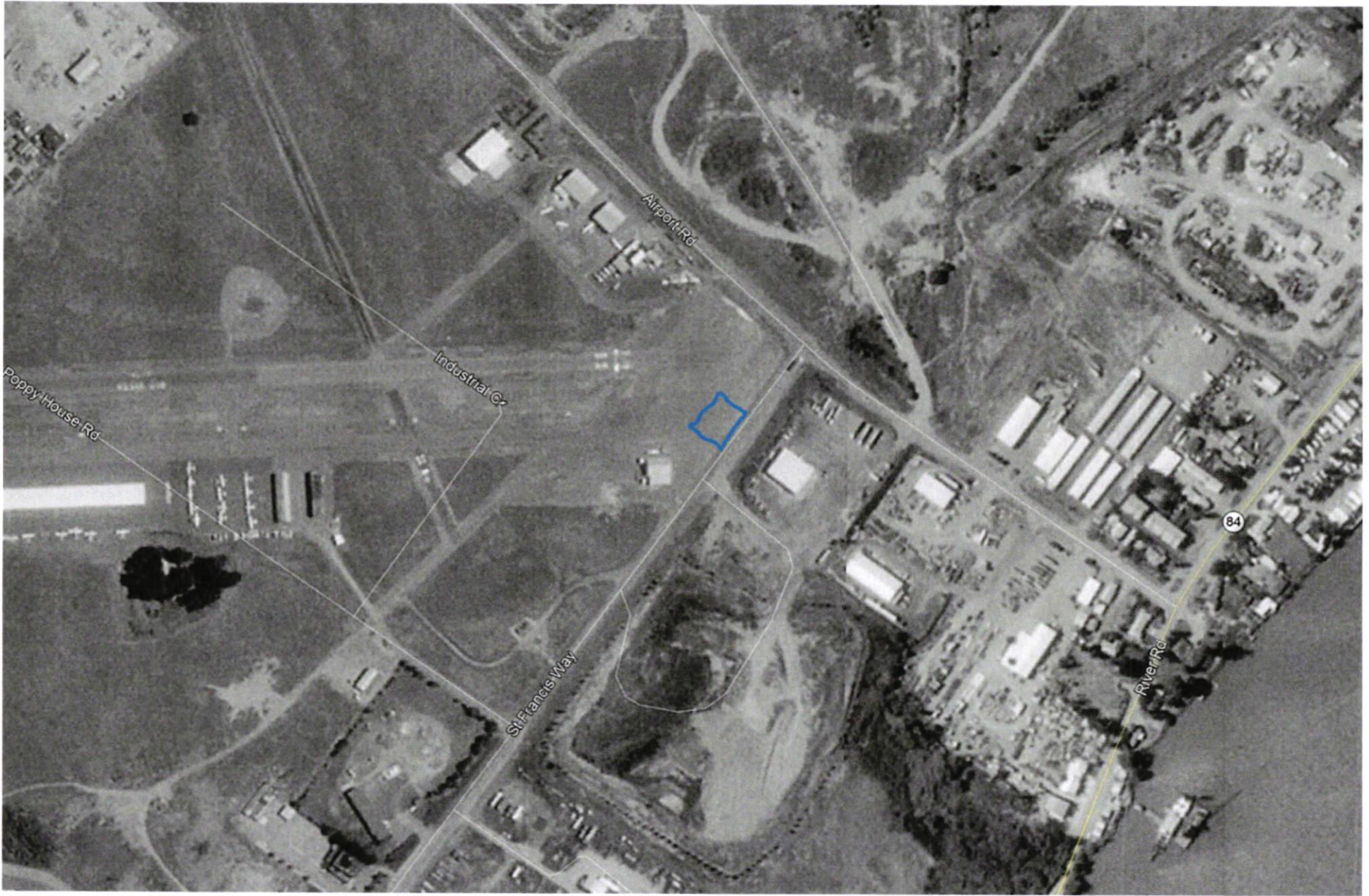


Figure 2: Aerial Location





Source: Google Earth, 2020

**FIGURE 3:** Historical Ariel Map  
1993



Not to scale





**FIGURE 4:** Views of Project Site from Public Roadways  
*City of Rio Vista*



Not to scale