



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Mayor and Members of the City Council

**FROM:** Al C. Boling, City Manager *acb*

**BY:** Scott Murphy, Planning Director

**DATE:** July 7, 2016

**SUBJECT: REPORT ON MEASURES TAKEN TO ALLEVIATE THE CONDITIONS WHICH LED TO THE ADOPTION OF INTERIM URGENCY ORDINANCE NO. 3053 ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT OF COMPOSTING FACILITIES (GREEN WASTE AND MANURE) PENDING STUDY AND ADOPTION OF REGULATORY AND ZONING STANDARDS**

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### SUMMARY

In accordance with Government Code Section 65858, staff is issuing this report on behalf of the City Council.

### REPORT

On June 7, 2016, the City Council adopted Interim Urgency Ordinance No. 3053 ("Interim Ordinance"), enacting a forty-five (45) day moratorium on the establishment of composting businesses, pending study and adoption of regulatory and zoning standards in order to protect the public health, safety and welfare. The moratorium is set to expire on July 22, 2016.

Government Code Section 65858 requires that at least ten (10) days prior to the expiration of an interim ordinance or any extension, the City Council must issue a written report describing the measures taken to alleviate the condition(s) which led to the adoption of the initial moratorium in the Interim Ordinance. The conditions that led to the adoption of the initial moratorium were listed in the Interim Ordinance and still exist as of the date of this report.

Since the enactment of the Interim Ordinance, the following actions have been taken:

- (1) The City's Planning Department has begun the process of reviewing the City's Zoning Code and identifying which zones might be appropriate for composting facilities.

(2) The City's Planning Department has begun the process of determining appropriate standards for composting facilities within the City.

(3) The City's Planning Department has begun the process of reviewing the State Water Resources Control Board Order WQ 2015-0121-DWQ, General Waste Discharge Requirements for Composting Operations.

(4) The City's Planning Department has begun the process of reviewing the South Coast Air Quality Management District's Rule 1133, requirements for composting facilities.

(5) The City's Planning Department has begun the process of reviewing CalRecycle's requirements for composting facilities.

(6) The City's Planning Department, in conjunction with the City Attorney's Office, has prepared a 22 month and fifteen (15) day extension for the moratorium in accordance with Government Code Section 65858.

In light of the complexity of this matter, City Staff requires additional time to study the issue in depth in order to determine the best way to serve all interests while protecting the public health, safety, and welfare. While this study is being continued and a new ordinance is being prepared, City staff believes it is critical that the moratorium established by the Interim Ordinance be extended in accordance with Government Code Section 65858.

cc: Vicki Kasad, Assistant City Clerk