RESOLUTION NO. 06-04

RESOLUTION OF THE PLANNING COMMISSION OF ORANGE COUNTY, CALIFORNIA

June 7, 2006

On Motion of Commissioner Goacher duly seconded and carried, the following Resolution was adopted:

WHEREAS, the County of Orange ("County") prepared the Regional Landfill Options for Orange County (RELOOC) Strategic Plan which assessed existing disposal system capacity in Orange County, assessed future system demands and developed viable short and long-term strategies and options for meeting the County's solid waste disposal needs;

WHEREAS, the RELOOC Strategic Plan recommended the expansion of the Frank R. Bowerman Landfill to provide for short and long-term solid waste disposal capacity in Orange County;

WHEREAS, the Board of Supervisors of Orange County adopted the RELOOC Strategic Plan on May 21, 2002; and

WHEREAS, the Frank R. Bowerman Landfill is entirely located within unincorporated Orange County; and

WHEREAS, on July 21, 2005, the County is lead agency under the California Environmental Quality Act ("CEQA") issued a Notice of Preparation ("NOP") for the RELOOC Strategic Plan – Frank R. Bowerman Landfill Implementation Environmental Impact Report No. 604 ("Project") and caused the NOP to be distributed to all responsible agencies, trustee agencies and interested parties for review and comment; and

WHEREAS, the County, in an effort to provide further opportunity for public review and solicit public comments relative to Environmental Impact Report (EIR) No. 604, conducted a public scoping meeting on August 4, 2005; and

WHEREAS, pursuant to the NOP for the RELOOC Strategic Plan – Frank R. Bowerman Landfill Implementation EIR No. 604, and in recognition of the comments received in response to the NOP, the County determined that the Project may result in significant adverse effects and therefore prepared Draft EIR No. 604 (State Clearinghouse Number SCH No. 2005071102), dated January 24, 2006; and

WHEREAS, a Notice of Completion for the Draft EIR 604 was filed on January 24, 2006 giving public notice of the availability of Draft EIR 604 for review and comment; and

WHEREAS, copies of Draft EIR 604 were circulated and made available for public review and comment between January 24, 2006 and March 9, 2006 (the "Comment Period"); and

WHEREAS, during the Comment Period, 11 comment letters were received relative to Draft EIR 604; and

WHEREAS, in accordance with the requirements of CEQA, responses to those comments were prepared, and said comments and responses were provided to the Planning Commission in a separate document entitled "Environmental Impact Report No. 604 Responses to Comments" ("Responses to Comments"); and

WHEREAS, the proposed Final EIR 604 is comprised of (i) Draft EIR 604 text with appendices, (ii) clarifications and revisions to Draft EIR 604, (iii) the Responses to Comments, (iv) Draft Mitigation Monitoring and Reporting Program, (v) Draft Board of Supervisors Statement of Findings and Facts in Support of the RELOOC Strategic Plan – Frank R. Bowerman Landfill Implementation EIR and (vi) Draft Statement of Overriding Considerations; and

WHEREAS, the Planning Commission has reviewed the findings contained in the "Settlement of Findings and Facts in Support of Findings" with respect to significant impacts identified in proposed Final EIR 604. The Statement of Findings is attached to the EIR and is incorporated herein by this reference; and

WHEREAS, a Mitigation Monitoring and Reporting Program (MMRP) has been drafted to meet the requirements of CEQA Section 21081.6 as a mitigation measure monitoring program. The MMRP is designed to ensure compliance with the mitigation measures imposed upon the Project to avoid or substantially lessen the significant effects identified in proposed Final EIR 604; and

WHEREAS, a copy of the MMRP is attached to the EIR and is incorporated herein by this reference; and

WHEREAS, on an annual basis, IWMD will prepare and make available for review a report documenting the status of implementation of the MMRP; and

WHEREAS, the Planning Commission finds that proposed Final EIR 604 identifies all significant environmental effects of the Project, and that there are no known potential environmental impacts which are not specifically and adequately addressed in proposed Final EIR 604; and

WHEREAS, the Planning Commission finds that although proposed Final EIR 604 identifies certain significant environmental effects that will result if the Project is approved, those significant effects which can be feasibly mitigated or avoided have been reduced to an acceptable level by the incorporation of mitigation measures on the approved Project. The individual mitigation measures identified for the Project are incorporated into the Statement of Findings as part of the MMRP. For those Project significant effects that cannot be reduced to

less than significant level, even after the incorporation of mitigation measures, a Statement of Overriding Considerations has been prepared and is included with the EIR; and

WHEREAS, the Planning Commission has reviewed all documentation and materials comprising the Final EIR and found that proposed Final EIR 604 considers all environmental effects of the Recommended Project and is complete and adequate and fully complies with all requirements of CEQA and CEQA Guidelines;

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby makes the following recommendation:

The Planning Commission recommends certification of proposed Final EIR 604 as complete and adequate in that it addresses all environmental effects of the Project and fully complies with the requirements of CEQA, the CEQA Guidelines and the County's environmental analysis procedures. All of the information comprising proposed Final EIR 604 is on file with the County of Orange Integrated Waste Management Department, 320 N. Flower Street, Suite 400, Santa Ana, California.

Tim Neely, Executive Officer
Orange County Planning Commission

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