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3 RESOLUTION OF THE BOARD OF SUPERVISORS OF  
4 ORANGE COUNTY, CALIFORNIA

5 November 6, 2001

6 **WHEREAS**, Draft Environmental Impact Report No. 575 (DEIR 575) was prepared for the 2001 Prima  
7 Deshecha Landfill General Development Plan to address the environmental effects, mitigation measures, and  
project alternatives associated with the proposed project; and

8 **WHEREAS**, on March 29, 1999, the County issued a Notice of Preparation/Initial Study for the 2001  
9 Prima Deshecha General Development Plan EIR, and caused that Notice of Preparation to be distributed to all  
responsible agencies, trustee agencies and interested parties; and

10 **WHEREAS**, pursuant to the initial study prepared for the 2001 Prima Deshecha General Development  
11 Plan EIR, and comments received in response to the Notice of Preparation, the County prepared Draft  
Environmental Impact Report 575 (State Clearinghouse Number 99041035); and

12 **WHEREAS**, a Notice of Completion for this DEIR was filed on February 5, 2001, giving public notice  
13 of the availability of the DEIR for review and comment; and

14 **WHEREAS**, public comments have been received on the Draft EIR, and responses to those comments  
15 have been prepared and provided to the Board of Supervisors in a separately bound document entitled "Final  
Program Environmental Impact Report - Responses to Public Comments" (the "Responses to Comments"); and

16 **WHEREAS**, consistent with CEQA Guidelines Section 15132, the DEIR and appendices, the Responses  
17 to Comments and IWMD Staff Reports to the Planning Commission and Board of Supervisors, including all  
minutes, transcripts, attachments, incorporation, and references, comprise the proposed Final Environmental  
Impact Report for the Project, and contain all information specified by that CEQA Guideline; and

18 **WHEREAS**, Memoranda of Understanding regarding the Prima Deshecha Landfill between the County  
19 of Orange and the Cities of San Juan Capistrano and San Clemente were signed by the County on September 12,  
1995 and July 1, 1997, respectively, to ensure the implementation of mitigation measures; and

20 **WHEREAS**, the IWMD prepared a proposed Final Responses to Comments document for the Planning  
21 Commission for review as an advisory body to the Board of Supervisors on such matters; and

22 **WHEREAS**, a noticed public hearing for October 9, 2001 was continued to October 24, 2001, to receive  
and consider public testimony with respect to the Final EIR; and

23 **WHEREAS**, the Planning Commission acted in conformity with the IWMD recommendation that it  
24 advise the Board of Supervisors to find that the proposed Final EIR be certified as adequate; and

25 **WHEREAS**, the Planning Commission is an advisory body to the Board of Supervisors on this matter;  
and

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28 RESOLUTION NO. 01-380  
Approve 2001 General Development  
Plan for Prima Deshecha Property

1           **WHEREAS**, a mitigation monitoring and reporting program has been drafted to meet the requirements of  
2 Public Resources Code section 21081.6 as a Mitigation Measure Monitoring Program. This program is designed  
3 to ensure compliance with project changes imposed and mitigation measures imposed to avoid or substantially  
lessen the significant effects identified in the Final EIR. The mitigation monitoring and report checklist, which is  
included in the Final EIR and incorporated herein by reference, defines the following for each mitigation measure:

- 4 1.    Method and Timing of Verification - In each case, a method and time for verification of the mitigation, or  
5 review of evidence that mitigation has taken place, is provided. The method and verification points  
6 selected are designed to ensure that impact related components of project implementation are adequately  
7 addressed and do not proceed without establishing that the mitigation is assured.
- 8 2.    Responsible Person - In each case, a public official is named in the mitigation measure as responsible for  
9 ensuring that the mitigation is carried out. To guarantee that the mitigation measure will not be  
10 inadvertently overlooked in connection with the issuance of a later permit, the supervising public official  
11 who grants the permit called for in the performance is named.
- 12 3.    Definition of Mitigation - In each case (except where a mitigation, such as a geotechnical report, is a well-  
13 known procedure or commonly understood term), the mitigation measure contains the criteria for  
14 mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to  
15 be taken in mitigation; and

16           **WHEREAS**, Section 21081 of CEQA and Section 15091 of the Guidelines require that the Board of  
17 Supervisors make one or more of the following findings prior to approval of a project for which an EIR has been  
18 completed, identifying one or more significant effects of the project along with statements of facts supporting  
19 each finding:

20           Finding 1 - Changes or alterations have been required in, or incorporated into, the project that avoid or  
21 substantially lessen the significant environmental effect as identified in the final EIR.

22           Finding 2 - Such changes or alterations are within the responsibility and jurisdiction of another public  
23 agency and not the agency making the finding. Such changes have been adopted by such other agency or  
24 can and should be adopted by such other agency.

25           Finding 3 - Specific economic, legal, social, technological, or other considerations, including provision of  
26 employment opportunities for highly trained workers, make infeasible the mitigation measures or project  
27 alternatives identified in the final EIR.

28           **NOW THEREFORE, BE IT RESOLVED THAT:**

- 1    1. The Board of Supervisors hereby certifies the Final EIR prepared for the Prima Deshecha Landfill project  
2 as complete and adequate in that it addresses all environmental effects of the proposed project, including  
3 approval of a General Development Plan, and fully complies with the requirements of the California  
4 Environmental Quality Act and State CEQA Guidelines. The Final EIR will be composed of the  
5 following elements:
  - 6 a.    Draft EIR;
  - 7 b.    Technical Appendices to the Draft EIR;
  - 8 c.    Comments received on the draft EIR and responses to these comments;
  - 9 d.    Integrated Waste Management Department staff report dated October 9, 2001;
  - 10 e.    Planning Commission minutes;

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1 f. Board of Supervisors staff report, Agenda Item Transmittal, resolution, and minutes;

2 g. All attachments, incorporations, and references delineated in a. through f. above.

3 All of the above information referred to in this resolution has been or will be on file with the County of  
4 Orange Integrated Waste Management Department, 320 North Flower Street, Santa Ana, California.

5 2. The Board of Supervisors makes the findings contained in the attached Statement of Findings and Facts  
6 with respect to significant impacts identified in the Final EIR and find that each fact in support of the  
7 findings is true and is based upon substantial evidence in the record, including the Final EIR. The  
8 Statement of Findings and Facts is attached hereto and incorporated into Exhibit A and incorporated  
9 herein by this reference.

10 3. The Board finds that the Final EIR has identified all significant environmental effects of the project and  
11 that there are no known potential environmental impacts not addressed in the Final EIR.

12 4. The Board finds that all significant effects of the project are set forth in the Statement of Findings and  
13 Facts and the Final EIR.

14 5. The Board finds that the Final EIR has described all reasonable alternatives to the project that could  
15 feasibly obtain the basic objectives of the project (including the "No Project" Alternative), even when  
16 these alternatives might impede the attainment of project objectives and might be more costly.

17 6. This Board finds that no substantial evidence has been presented which would call into question the facts  
18 and conclusions in the EIR.

19 7. The Board finds that no significant new information has been added to this EIR pursuant to California  
20 Code of Regulations section 15088.5 such that recirculation for additional public review is necessary.

21 8. This Board finds that, although Final EIR 575 identifies certain significant environmental effects that may  
22 occur if a General Development Plan is approved, all significant effects that can feasibly be mitigated or  
23 avoided have been reduced to an acceptable level by the imposition of mitigation measures set forth in the  
24 "Mitigation Monitoring and Reporting Program," attached hereto and marked as Exhibit B.

25 9. This Board finds that the "Mitigation Monitoring and Reporting Program" for the 2001 Prima Deshecha  
26 General Development Plan, attached hereto and marked as Exhibit B, establishes a mechanism and  
27 procedures for implementing and verifying the mitigations pursuant to Public Resources Code section  
28 21081.6.

10 This Board adopts the "Mitigation Monitoring and Reporting Program" for the 2001 Prima Deshecha  
11 General Development Plan, attached hereto and marked as Exhibit B and made a part hereof. These  
12 mitigation measures shall be incorporated into the 2001 Prima Deshecha General Development Plan prior  
13 to or concurrent with project implementation.

14 11. This Board finds that the unavoidable significant adverse effects of the 2001 Prima Deshecha General  
15 Development Plan project identified in Exhibit A attached hereto (Statement of Findings and Facts), that  
16 have not been reduced to a level of less than significant have been substantially lessened in their severity  
17 by the imposition of the mitigation measures identified in Exhibit B. This Board finds that the remaining  
18 unavoidable significant impacts are clearly outweighed by the economic, social, and other benefits of the  
19 2001 Prima Deshecha General Development Plan project, as set forth in the "Statement of Overriding  
20 Considerations," attached hereto as Exhibit C and made a part hereof.

21 12. This Board adopts the recitation of overriding considerations, notwithstanding certain unavoidable  
22 significant environmental effects which cannot feasibly be substantially mitigated as set forth in the  
23 document entitled "Statement of Overriding Considerations," attached hereto as Exhibit C and made a  
24 part hereof.

1 13. This Board finds that Final EIR 575 reflects the independent review and judgment of the County of  
2 Orange.

3 14. This Board finds that Final EIR 575 serves as adequate and appropriate environmental documentation for  
4 the Proposed 2001 Prima Deshecha General Development Plan Project.

5 **BE IT FURTHER RESOLVED THAT** this Board of Supervisors hereby certifies Final EIR 575 as  
6 complete and adequate in that Final EIR 575 addresses all environmental effects of the Proposed 2001 Prima  
7 Deshecha General Development Plan Project and fully complies with the requirements of the CEQA Statute, the  
8 State CEQA Guidelines, and the County's environmental analysis procedures. This Board of Supervisors hereby  
9 approves the 2001 Prima Deshecha General Development Plan with the following conditions:

10 1. "No later than ninety (90) days following approval of the 2001 General Development Plan (GDP) by the  
11 Orange County Board of Supervisors, the Integrated Waste Management Department (IWMD) Director,  
12 in cooperation with the City Manager of the City of San Juan Capistrano, will convene a Task Force to  
13 determine the feasibility of minimizing traffic noise associated with haul trucks on that segment of Ortega  
14 Highway between Rancho Viejo Road, and the easterly City limit. The purpose and responsibility of the  
15 Task Force will be to develop within a 12-month period from date of formation, a landfill traffic noise  
16 management program shall include, but not limited to the following:

- 17 • retrofitting heavy commercial, trucks which haul waste to the landfill with noise damping accessories,  
18 to eliminate the metal-on-metal impact noise and rattling associated with such trucks.
- 19 • periodic road inspection, and repair at the cost of IWMD for La Pata Avenue (between Ortega  
20 Highway and the landfill) and Ortega Highway (between Rancho Viejo Road and the easterly city  
21 limit) with the objective of eliminating potholes and other pavement deterioration caused by landfill  
22 traffic and maintaining an even, consistent road surface.
- 23 • work with CalTrans on implementing prohibition on the use of "Jake" brakes along La Pata Avenue  
24 (between Ortega Highway and the landfill) and Ortega Highway (between Rancho Viejo Road and  
25 the easterly city limit)."

26 2. This Board approves in concept the alignment for La Pata as proposed, with the understanding that future  
27 modifications to the alignment may be necessary. Any future modifications to this alignment are to be  
28 defined through coordination with the City of San Clemente, and approval subject to subsequent CEQA  
analysis and documentation.

3. Following approval by the Orange County Board of Supervisors of the 2001 Prima Deshecha General  
Development Plan (GDP), and prior to any grading of landfill Zone 4, the Integrated Waste Management  
Department (IWMD) Director, in cooperation with the City Manager of the City of San Clemente, will  
prepare a Zone 4 Viewshed Protection Plan (VPP) for viewpoints, identified by the City Manager, City of  
San Clemente. The preliminary public viewpoints are: A – the approximate center of the proposed High  
School site at the corner of La Pata and Hermosa; B – K-8 school site; and C – Salida intersection with  
unnamed street. The VPP will involve a landscaping plan, landform or contour grading plan, and  
implementation schedule, mutually agreed to by the City and County.

IWMD will review and consult with the City of San Clemente regarding traffic, water quality, viewsheds,  
and landscape mitigation whenever IWMD reviews and updates the Prima Deshecha Solid Waste  
Facilities Permit.

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- 1 4. For the purpose of protecting San Diego Gas & Electric (SDG&E) facilities and access to those facilities,  
2 prior to any grading, development of projects, or establishment of trails on Prima Deshecha property  
3 which require encroachment into the SDG&E right-of-way, or which affect those facilities or access  
4 thereto, IWMD will coordinate with Sempra Energy. Implementation of those elements of the plans that  
5 would affect SDG&E facilities will comply with SDG&E requirements pertaining to the design or  
6 operation of the project to protect SDG&E facilities, including recovery of any cost from the County of  
7 Orange from any temporary or permanent relocation of facilities and/or temporary outages.
- 8 5. Following approval by the Orange County Board of Supervisors of the 2001 Prima Deshecha GDP, prior  
9 to any grading of landfill Zone 4, or at an appropriate time in the planning entitlement process for the  
10 RMV property to be developed to the north and east of the Prima Deshecha property – such time to be  
11 determined by the Director of Planning for the County of Orange – the Integrated Waste Management  
12 Department (IWMD) Director, will conduct a Zone 4 viewshed analysis for public viewpoints from the  
13 RMV property identified by the Director of Planning. Depending on the exposure of the landfill Zone 4  
14 to the RMV development, a Viewshed Protection Plan (VPP) may be required. If required, the VPP will  
15 be prepared by the IWMD Director and may involve a landscaping plan, a landform or contour grading  
16 plan, and implementation schedule, mutually agreed to by the Director of Planning and the IWMD  
17 Director.
- 18 6. Representatives of the County Planning Department will, as soon as may be practical, meet with Rancho  
19 Mission Viejo (RMV) to discuss any long range proposals RMV has for development of the property it  
20 owns adjacent to the north-eastern edge of the Landfill. The purpose of such discussions shall be to work  
21 towards development of a mutually acceptable means to plan for compatibility between landfill activities  
22 conducted by the County in Zone 4 and potential future development of the property adjacent to the  
23 Landfill owned by RMV.

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The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on November 06, 2001, to wit:

AYES: Supervisors: THOMAS W. WILSON, TODD SPITZER, CHARLES V. SMITH  
JAMES W. SILVA, CYNTHIA P. COAD  
NOES: Supervisor(s):  
EXCUSED: Supervisor(s):  
ABSTAINED: Supervisor(s):

*Cynthia P. Coad*  
\_\_\_\_\_  
CHAIR

STATE OF CALIFORNIA )  
                                  )  
COUNTY OF ORANGE )

I, DARLENE J. BLOOM, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chair of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors .

IN WITNESS WHEREOF, I have hereto set my hand and seal.



*Darlene J. Bloom*  
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DARLENE J. BLOOM  
Clerk of the Board  
County of Orange, State of California

Resolution No: 01-380

Agenda Date: 11/06/2001

Item No: 56



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors, Orange County, State of California

DARLENE J. BLOOM, Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy