

## EXHIBIT C

### STATEMENT OF OVERRIDING CONSIDERATIONS 2001 PRIMA DESHECHA GENERAL DEVELOPMENT PLAN

#### I. INTRODUCTION

The County of Orange is the Lead Agency under the California Environmental Quality Act (CEQA), for preparation, review and certification of the EIR for the Prima Deshecha General Development Plan (EIR No. 575). As the Lead Agency, the County is also responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed action.

In making this determination the Lead Agency is guided by CEQA Guidelines Section 15093 which provides as follows:

- (a) CEQA requires the decision maker to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable.
- (b) Where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its actions based on the final EIR and/or other information in the record. This statement may be necessary if the agency also makes a finding under Section 15091(a)(2) or (a)(3).
- (c) If an agency makes a Statement of Overriding Considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination.

In addition, Public Resources Code Section 21082(b) requires that where a public agency finds that economic, legal, social, technological, or other reasons make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

Final EIR 575 identified a number of alternatives to the proposed project that reduced some of the significant unavoidable effects to insignificance. However, for the reasons detailed in the Statement of Findings of Facts in Support of the Prima Deshecha General Development Plan, all of these alternatives were found to be infeasible.

The Orange County Board of Supervisors, acting as Lead Agency and having reviewed Final EIR 575 and the public record, adopts this Statement of Overriding Considerations, which has balanced the benefits of the project against its significant unavoidable adverse environmental impacts in reaching a decision to approve the project.

## II. UNAVOIDABLE ADVERSE SIGNIFICANT IMPACTS

### Topography

Impact: Changes in topography are an unavoidable impact of landfilling. No mitigation is possible to completely avoid or reduce these impacts. The on-site impacts of the landfilling activities on topography after mitigation will be substantial. As a result, the impacts of these changes on surrounding communities following mitigation are also considered to be significant because of the substantial earth movement and natural landform alteration. Therefore, landfilling under the GDP will result in significant long-term adverse impacts on topography.

### Biological Resources

Impact: Short-term unavoidable adverse significant impacts will occur to the existing habitat on-site. Although adequately mitigated upon the successful establishment of coastal sage scrub on the site and/or in the immediately surrounding area contiguous to existing native plant communities, these habitat losses are considered unavoidable adverse significant impacts during the interim period.

### Aesthetics

Impact: The GDP landfilling activities, landfill operations structures, recreation uses and the circulation and roadway improvements will conflict with ridgeline protection policies and result in significant aesthetic impacts from the San Clemente vantage points that cannot be reduced to a less than significant level.

## III. OVERRIDING CONSIDERATIONS

The proposed project consists of the adoption of a General Development Plan and Revised Solid Waste Facility Permit for the Prima Deshecha Landfill located in the City of San Juan Capistrano and unincorporated Orange County. Analysis in the Environmental Impact Report (EIR) for this project has concluded that the proposed project will result in several long-term, project-specific impacts that cannot be mitigated to a less than significant level. Impacts in these and other cases have been mitigated to the extent considered feasible. All significant adverse impacts are identified in the EIR and are addressed in the Findings of Fact which accompany this Statement of Overriding Considerations (refer to Exhibit A).

The County has determined that the residual unavoidable adverse impact to topography, biological resources and aesthetics resulting from the implementation of the proposed project, which will remain after mitigation, are acceptable, and each and every one of them is outweighed by specific social, economic and other benefits of the project. In making this determination, the following factors and public benefits were considered as overriding considerations which apply to each unavoidable impact.

1. The County of Orange is charged with the responsibility of providing landfill capacity to serve the anticipated demand created within the County. This demand is presently being served by the existing Prima Deshecha Landfill which has a capacity of 81 mcy based on the existing landfill plan. Implementation of the proposed project would increase that capacity by 50 mcy, allowing for over 66 years of remaining life. This increased capacity (over the existing landfill plan) will enable the County to continue to meet its current and future demand for landfill capacity.

2. The residual unavoidable adverse impacts of the proposed project have been mitigated to the extent possible and, although short-term (i.e., interim loss of sensitive biological habitat) and long-term (i.e., contributing to the unacceptable visual and topographic conditions) in nature, it is the goal of the proposed project and other local and regional plans which regulate landfills, to provide a long-term regional solid waste management facility with appropriate environmental safeguards to protect water, air, soil, and other important resources which exist on-site and on surrounding properties.
3. The project proposes the reservation of space at the Prima Deshecha site for the future implementation of long-term landfill activities which reduce solid waste and preserve landfill capacity.
4. The General Development Plan encompasses three components, including the landfill component, circulation component, and recreation component. Each of these components will provide needed facilities and services to residents of the County. Construction of La Pata Avenue through the landfill property will provide for regional as well as local access to landfill operations and recreational activities proposed for the site. The provision of both interim and ultimate recreation uses on the site will enhance regional recreation opportunities in the County, including active and passive uses. In addition, essential linkages to existing riding and hiking trails will be created to serve both users of the regional park and south County residents.
5. Regionally significant coastal sage scrub habitat will be preserved and enhanced consistent with current local, state and federal policies and set aside as natural reserves which can be used throughout the region for education purposes.
6. The ability to accept imported trash will provide the County with a much needed source of additional revenue. This revenue stream will supplement the existing deficiencies in the County's budgetary shortfall and facilitate the provision of public facilities and services, including police and fire protection, library services, parks and recreation amenities, etc.