

RESOLUTION NO. ____-2015

RESOLUTION OF THE FORT BRAGG CITY COUNCIL CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE CENTRAL COAST TRANSFER STATION PROJECT, ADOPTING FINDINGS OF FACT, ADOPTING A MITIGATION MONITORING PROGRAM, AND APPROVING THE IMPLEMENTATION OF THE PROJECT

WHEREAS, the County of Mendocino ("County") and City of Fort Bragg ("City") are partners in management of solid waste in the central coast region of Mendocino County pursuant to the Joint Powers Agreement Between the County of Mendocino and the City of Fort Bragg for Caspar Landfill and Solid Waste Transfer Station dated January 2011("JPA"). When acting together by mutual consent pursuant to the JPA, the City and County are collectively referred to herein as the "JPA"; and

WHEREAS, pursuant to the JPA, on August 13, 2013, the JPA designated a preferred site for a new Central Coast Transfer Station and directed the preparation of an Environmental Impact Report (EIR). The JPA, through its representing partner agency Mendocino Solid Waste Management Authority ("MSWMA"), retained GHD, Inc., an environmental consulting firm, to assist in the preparation of the EIR for the Central Coast Transfer Station Project; and

WHEREAS, pursuant to the JPA, the County and City agreed that the JPA is the lead agency for the EIR pursuant to CEQA Guidelines Section 15051(d); and

WHEREAS, a Notice of Preparation of the EIR was prepared and distributed on January 27, 2014 in conformance with the California Environmental Quality Act (CEQA), triggering a 30-day scoping period that ended on February 25, 2014; and

WHEREAS, approximately 18 comments on the scope of the EIR were received from State agencies and members of the public and a public Scoping Meeting on the EIR was held at Fort Bragg Town Hall on February 19, 2014; and

WHEREAS, responsible and trustee agencies were consulted on the contents of the EIR; and

WHEREAS, a Draft EIR given State Clearinghouse Number 2014012058 was prepared and issued, public notice of the availability of the Draft EIR and request for comments thereon was provided, and the Draft EIR and a Notice of Completion were filed with the State Clearinghouse, all in compliance with CEQA, triggering a 45-day public review and comment period that began on February 9, 2015 and ran through March 26, 2015, with a public hearing held before the Board of Supervisors and City Council on March 19, 2015; and

WHEREAS, a Notice of Completion and Availability of the Draft EIR, the public comment period, and the time and place of the public hearing were published in the Fort Bragg Advocate-News on February 12, 2015; and

WHEREAS, copies of the Draft EIR were provided to the State Clearinghouse (which forwarded the Draft EIR to responsible and trustee agencies) and made available to the public at Fort Bragg City Hall, the Fort Bragg Library, and the Mendocino Solid Waste Management Authority, and posted online at www.MendoRecycle.org; and

WHEREAS, the JPA considered all the comments it received on the Draft EIR and prepared a Response to Comments (“RTC”) Document that contains: (1) an introduction and summary of the CEQA process; (2) a list of proposed minor revisions to the Draft EIR; (3) a list of all public agencies and persons that commented in writing or through oral comments on the Draft EIR; and (4) copies of all the comments on the Draft EIR and formal responses thereto; and

WHEREAS, the RTC document was published on June 30, 2015 and provided on July 7, 2015 to all agencies that commented on the Draft EIR in compliance with CEQA; and

WHEREAS, the adequacy of the Final EIR, the Findings of Fact, the Mitigation Monitoring and Reporting Program, and the proposed project were considered at a joint meeting held by the Board of Supervisors and City Council on July 21, 2015, with additional public comment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Fort Bragg (“Council”), and based on the foregoing findings and on the whole of the record of proceedings before them, hereby find, determine, declare, order and resolve as follows:

1. The foregoing recitals are true and correct, are supported by substantial evidence in the record, and are hereby adopted as findings as set forth herein.
2. The Final EIR (comprised of the Draft EIR and the RTC Document) was presented to the City Council and the City Council has independently reviewed, analyzed and considered the Final EIR and all written documentation and public comments related thereto prior to making these findings, determinations and recommendations on the EIR and taking action on the Project.
3. The information and analysis contained in the Final EIR reflects the independent judgment and analysis of the City Council.
4. The minor revisions made to the Draft EIR in the RTC Document do not require recirculation of the EIR for additional public review and comment as those revisions merely clarify and amplify information in the adequate Draft EIR and do not add significant new information thereto.
5. The EIR was prepared and completed in full compliance with the provisions of CEQA and the CEQA Guidelines, and the City Council hereby certifies the Final EIR.

BE IT FURTHER RESOLVED that the City Council, based on the foregoing findings and on the whole of the record of proceedings before them, hereby find, determine, declare, order and resolve as follows:

1. After considering and certifying the Final EIR, and all information in the administrative record, and in conjunction with making these findings, the City Council hereby finds that, pursuant to Section 15092 of the CEQA Guidelines, approval of the Project without any mitigation measures could result in significant effects on the environment; however, the City Council has eliminated or substantially lessened all of the Project’s potentially significant effects on the environment as demonstrated in the Findings of Fact set forth

in Exhibit A attached hereto. The City Council hereby adopts and makes the findings set forth in Exhibit A pursuant to Section 15091 of the CEQA Guidelines.

2. The City Council hereby finds all of the proposed mitigation measures described in the Final EIR and in Exhibit A are feasible and thus are included in the Mitigation Monitoring and Reporting Program ("MMRP") attached hereto as Exhibit B and incorporated herein by reference. The City Council hereby adopts the Mitigation Monitoring and Reporting Program as set forth in Exhibit B and affirms that compliance with the MMRP will be a condition of all subsequent permits and contracts associated with the construction and operation of the Project.
3. The City Council hereby approves the Central Coast Transfer Station Project and authorizes staff to proceed with carrying out and implementing the Project forthwith, starting with the preparation of a Request for Proposals for design, construction and operation of the Central Coast Transfer Station by a qualified solid waste organization.

BE IT FURTHER RESOLVED that the City Council designates MSWMA's General Manager, Michael Sweeney, as the custodian of the documents and other materials that constitute the record of proceedings upon which the decisions herein are based. These documents are kept and may be found at MSWMA's offices located at 3200 Taylor Drive, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that Michael Sweeney, MSWMA's General Manager, or a person he may designate, is hereby directed to file a Notice of Determination concerning this EIR certification and Project approval with the County Clerk of Mendocino County.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 21st day of July, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DAVE TURNER,
Mayor

ATTEST:

Brenda Jourdain
Administrative Assistant