

RESOLUTION NO. ____-2016

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 ("JP Agreement"). When acting together by mutual consent pursuant to the JP Agreement, the County and City are collectively referred to herein as the Joint Powers Agencies ("JPA"); and

WHEREAS, pursuant to the JP Agreement, 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 ("Project"); and

WHEREAS, pursuant to the JP Agreement, the County and City agreed to serve as co-lead agencies 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, an original 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 original 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 original Draft EIR and prepared a Response to Comments/Final EIR 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 (“RTC/Final EIR”); and

WHEREAS, the RTC/Final EIR was published on June 30, 2015 and provided on July 7, 2015 to all agencies that commented on the original 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; and

WHEREAS, the JPA decided to continue the July 21, 2015 public hearing to allow City and County staff to consult with the two State agencies that submitted comments on the day prior to and the day of the hearing and, as a result of those consultations, the JPA decided to revise and recirculate the Draft EIR; and

WHEREAS, the JPA prepared a Revised Draft EIR, which incorporates the original Draft EIR by reference but amended and superseded six of its chapters (2.0 Project Description, 3.1 Aesthetics, 3.2 Air Quality & Odor, 3.4 Biological Resources, 3.9 Hydrology & Water Quality, 4.0 Alternatives Description & Analysis) and added Appendix L: Bishop Pine Mitigation Plan; and

WHEREAS, public notice of the availability of the Revised Draft EIR and request for comments thereon was provided on May 11, 2016 and a 45-day public review and comment period ran through June 24, 2016, with a public hearing held before the City Council on June 16, 2016; and

WHEREAS, a Notice of Completion and Availability of the Revised Draft EIR which identified the public comment period and the time and place of the public hearing were filed with the Mendocino County Clerk on May 6, 2016 and published in the Fort Bragg Advocate-News on May 12, 2016; and

WHEREAS, copies of the Revised Draft EIR were provided to the State Clearinghouse (which forwarded the Revised 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 Revised Draft EIR and prepared a Response to Comments/Revised Final EIR (“RTC/Revised FEIR”) document that contains: (1) an introduction and summary of the CEQA process; (2) a list of proposed revisions to the original Draft EIR; (3) a list of all public agencies and persons that commented in writing or through oral comments on the Revised Draft EIR; and (4) copies of all the written comments and summaries of all the oral comments on the Revised Draft EIR and formal responses thereto; and (5) appendices; and

WHEREAS, the RTC/RFEIR document was mailed to all agencies that commented on the original Draft EIR and/or the Revised Draft EIR on September 2, 2016 and published to the general public on September 7, 2016 in compliance with CEQA; and

WHEREAS, notices of the September 19, 2016 public hearing before the Board of Supervisors and the City Council to consider Resolutions certifying the EIR for the Central Coast Transfer Station Project, Adopting Findings of Fact, Adopting a Mitigation Monitoring and Reporting Program, and Approving the implementation of the Project were published in the September 8, 2016 edition of the Fort Bragg Advocate-News and in the September 8, 2016 edition of the Ukiah Daily Journal; and

WHEREAS, on September 9, 2016 a full agenda packet for the September 19, 2016 public hearing (including a staff report, all of the EIR documents, Resolution with Findings of Fact and a Mitigation Monitoring and Reporting Program) was made available to the public on both the City and County websites and available for public inspection at Fort Bragg City Hall, 416 North Franklin Street, Fort Bragg, California; and

WHEREAS, the RTC/Revised 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 September 19, 2016, with additional public comment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Fort Bragg ("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. 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 Revised Final EIR (comprised of the Draft EIR and the original RTC/Final EIR document along with the Revised Draft EIR and the RTC/Revised Final EIR document) was presented to the City Council and the City Council has independently reviewed, analyzed and considered the Revised 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 Revised Final EIR reflects the independent judgment and analysis of the City Council.
4. The Revised Final EIR was prepared and completed in full compliance with the provisions of CEQA and the CEQA Guidelines and includes minor revisions to three sections of the Revised Draft EIR (Project Description - Required Permits and Approvals; Biological Resources; and Alternatives Description & Analysis), and the City Council hereby certifies the Revised 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 finds, determines, declares, orders and resolves as follows:

1. After first considering and certifying the Revised 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 Revised 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 MMRP 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 taking action to: (1) request the option for the County to acquire title to the Project site and secure the option agreement authorized by Public Resources Code section 4659; and (2) preparing a Request for Proposals for the 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 the MSWMA General Manager 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 the MSWMA General Manager, or a person he/she 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 19th day of September, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DAVE TURNER,
Mayor

ATTEST:

June Lemos
City Clerk