

RESOLUTION NO. 96-13

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL
ADOPTING THE KERN COUNTY AND INCORPORATED
CITIES SITING ELEMENT AND SUMMARY PLAN AS
PORTIONS OF COUNTY WIDE INTEGRATED WASTE
MANAGEMENT PLAN**

THE CITY COUNCIL OF THE CITY OF RIDGECREST RESOLVES as follows:

WHEREAS, the California Integrated Waste Management Act of 1989 mandates that each county in the State of California adopt a Siting Element and Summary Plan as part of those jurisdictions' COUNTY WIDE Integrated Waste Management Plan; and

WHEREAS, this Siting Element is to include descriptions of any new solid waste facilities and the expansion of existing solid waste facilities that will be needed to implement the jurisdiction's source reduction and recycling element; and

WHEREAS, this Summary Plan is to summarize the programs to be implemented by the county's and cities source reduction and recycling elements, household hazardous waste elements, and non-disposal facility elements; and

WHEREAS, the City of Ridgecrest intends to amend its Source Reduction Recycling Element within the next five years because the City has complied with AB 939 and met its diversion goals; and

WHEREAS, the Kern County Waste Management Department ("Department") has prepared a proposed Kern County and Incorporated Cities Siting Element and copies of these documents are on file with the Clerk of the Board of Supervisors; and

WHEREAS, these documents are subject to environmental review as defined by Division 13 (commencing with § 21000) California Environmental Quality Act, and the Kern County Waste Management Department has prepared a draft program Environmental Impact Report; and

WHEREAS, on February 9, 1996, the Solid Waste Management Advisory Committee (COUNTY WIDE Integrated Waste Management Planning Task Force) considered this draft Siting Element and Summary Plan and expects it to be found adequate and to satisfy all requirements of State laws and regulations; and

WHEREAS, the Clerk of this City has caused notice to be duly given of a public hearing in this matter in accordance with law; and

WHEREAS, in accordance with §41793 of the Public Resources Code of the State

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of California and §18782(d) of Title 14 of the California Code of Regulations, this Board held a duly noticed public hearing at which the matter of the proposed adoption of the Kern County and Incorporated Cities Siting Element and Summary Plan were heard; and

WHEREAS, at this public hearing, this Council duly considered the proposed Siting Element and Summary Plan, and the report and recommendations of the Department and all interested persons were given the opportunity to address, and were heard by, this Council; and

WHEREAS, all persons desiring to be heard in said matter having been duly heard, and this Council having considered all testimony presented during said public hearing and the report and recommendations of the Department, and said public hearing having been concluded; and

WHEREAS, the Council denied the proposed Siting Element and Summary Plan as written, and this Board having considered language amendments to address concerns to retain local control of proposed programs,

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Ridgecrest hereby finds, determines and declares as follows:

1. This Council finds that the facts recited hereinabove are true, makes the recommended findings for project approval, and further finds that this Council has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. This Council finds and determines that the California Environmental Quality Act of 1970, the State CEQA Guidelines and the City of Ridgecrest Guidelines have been met in connection with said hearing and the considerations of this project.

3. This Council finds that this Siting Element includes description of any new solid waste facilities and the expansion of existing solid waste facilities that will be needed to implement the County's and Cities source reduction and recycling elements.

4. This Council finds that this Summary Plan contains descriptions of all programs considered to be implemented with respect to the source reduction and recycling, household hazardous waste, and non-disposal facility elements.

5. This Council finds that amended language as described below is necessary to resolve the issue of local sovereignty

Amendment #1 - Each program listed be preceded by language identifying it as an alternative. i.e. "In this alternative...", "If this alternative is chosen...", etc. Similar to the

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wording used to prefix the County program alternatives.

Amendment #2 - Addition of this paragraph on page 5-5 preceding the list of city programs:

"The following list of programs were adopted by the cities as desirable alternatives to be utilized in various combinations to meet AB 939 goals. The programs are not to be considered mandatory, but are a "menu" that each city may select from subject to modification by each city to conform to local conditions."

6. Pursuant to the provisions of the California Integrated Waste Management Act of 1989, the proposed Kern County and Incorporated Cities Siting Element and Summary Plan as amended are hereby adopted by the Council.

7. The Clerk of the City shall cause copies of this Resolution to be sent to the following:

Director of Community Development
Kern County Waste Management Department

APPROVED AND ADOPTED this 6th day of March, 1996, by the following vote:

AYES: Mayor Bryan, Council Members Auld, Bitney and Lalor.

NOES: Council Member Parode.

ABSTAIN: None.

ABSENT: None.


Curtis V. Bryan, Mayor

ATTEST:

Pamela Bartlett, CMC
City Clerk