

**ATTACHMENT 4b**

**STATEMENT OF OVERRIDING CONSIDERATIONS**

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In spite of the efforts of the County to adopt all feasible mitigation measures, there are five areas of impact which cannot be mitigated to a level of insignificance, and which must therefore be supported by a Statement of Overriding considerations. CEQA Guidelines §15093 requires each decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable”.

In this case the significance environmental effects which cannot be mitigated to a level of insignificance are set forth below. The Board of Supervisors finds that these effects remain significant, notwithstanding the fact that the mitigation adopted by the Board causes these impacts to be substantially lessened.

- Loss of 33 acres of agriculturally mapped prime farmland.
- Temporary loss of prime agricultural land during construction
- Possible future failure of intended conveyance to County of the 40 acres on El Toro Base for agricultural purposes.
- Impacts to four arterial links within the Arterial Highway System in the long-range condition.
- Significant contributions of NOx after Phase 1 jail construction.
- Temporary particulate (PM10) air quality impacts during construction operations.

The Board of Supervisors further finds that with respect to the possible future failure of intended conveyance to the County of the 40 acres on the El Toro Base for agricultural purposes, that pursuant to CEQA Guidelines § 15091 this is a mitigation measure for which authority lies outside of the authority of the Board of Supervisors and can and should be adopted by the agency with authority.

As documented in FEIR 564 at length, and also in the latest Institutional Overcrowding Report of the County of Orange (September 1998), the County's jails are currently full or are operating well over their rated capacities. As of June, 1998 the Orange County jail system is operating at over 141 percent of its rated capacity. Despite recent declines in the overall crime rate, Orange County's rapid urban development has been accompanied by an increase in both adult and juvenile crime. Further, the rate of arrests for violent crimes has been steadily rising. As reported in the September 1998 Institutional Overcrowding Report, from 1990 to 1996 there was approximately a 23 percent increase in the rate of arrests for adult violent crime. Nearly 70 percent of the inmates housed in the Orange County jail system are in custody for felony crimes contrasted with 30 percent in 1968. The County of Orange has insufficient maximum-security beds to house the current and contemplated jail population. FEIR 564 amply documents both the significance and the severity of the jail-overcrowding problem.

Furthermore, the County's bankruptcy and bankruptcy recovery restrictions significantly impede the ability of the County to acquire another site. Furthermore, as numerous studies in the County have shown in the past, and FEIR 564 and the Recirculated Sections of FEIR 564 amply document, so-called "remote" sites possess either obstacles to acquisition, or environmental

features far more sensitive than those which are located on the Musick Jail site. Finally, the alternatives which would cause a reduction in violent crime are societal and legal in nature and are outside of the scope of the Board of Supervisors to control.

For these reasons, as well as all the reasons set forth in this resolution, FEIR 564, the recirculated portions of FEIR 564, and the responses to comments on both documents, the Board of Supervisors hereby finds that the significant effects enumerated above, to the extent they will occur in connection with this project, are otherwise acceptable.

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