

Minutes

Orange County Planning Commission Meeting – October 9, 2001

Time 2:30: P.M.

Item 3.: Public Hearing – Consider the Adequacy of Program Environmental Impact Report (EIR) No. 575 to address implementation of the 2001 Prima Deshecha General Development Plan; Applicant: County of Orange Integrated Waste Management Department (IWMD).

Executive Officer Mathews stated that IWMD has requested a continuance to October 24, 2001. He stated that there would be no staff presentation and no public testimony today.

Action.: 2:33 P.M.: The motion of Goacher, seconded by Nielsen, to continue the consider the adequacy of Program Environmental Impact Report (EIR) No. 575 to address implementation of the 2001 Prima Deshecha General Development Plan, to October 24, 2001 was carried by a 4-0 vote.

Absent: McBurney

Minutes

ORANGE COUNTY Planning Commission Meeting – October 24, 2001

Time 1:31 P.M.

Item 1.: Public Hearing – Consider the adequacy of Program Environmental Impact Report No. 575 to address implementation of the 2001 Prima Deshecha General Development Plan; Applicant: County of Orange Integrated Waste Management Department.

Executive Officer Mathews introduced the project.

Planner IV Richmond gave the staff presentation. He stated that this endeavor was before the Commission today to establish a General Development Plan for this very large County property. It takes into consideration all environmental impacts as well as the goals and plan of the two neighboring cities. The City of San Juan Capistrano and the City of San Clemente. Mr. Richmond pointed out on the aerial photo, which was shot in June of this year, the 1530 acre project site. He pointed out Ortega Highway, La Pata, the access to the roadway. He pointed out the San Diego gas easement and noted that the all the property west of was in the City of San Juan Capistrano. Mr. Richmond pointed out the landfill area where operations were currently taking place. He noted that IWMD has a conditional use permit with the City of San Juan Capistrano as well as a Memorandum of Understanding which says that there is a requirement for a host fee for imported trash as well as other considerations. Mr. Richmond pointed out on the exhibit to the south of the project site the boundary that separates San Juan Capistrano and San Clemente. He pointed out Forester Ranch Development and the Telega property. He pointed out the property belonging to Rancho Mission Viejo and noted that this property was unincorporated. Mr. Richmond stated that the project site began to take in trash in 1976 and in 1979 the Board of Supervisors approved the Development Plan for the property. He pointed out on the exhibit the 1979 Development Plan and noted that almost all of the canyons in the site are proposed for refuge disposal. He pointed out the areas of the 2001 GDP for disposal use, Zone 1 and Zone 4. He noted that all of the precipitation that falls on Zone 4 goes into a creek. He pointed out the main drainage location for the site and the location the drainage exits at. Mr. Richmond stated that 5 Zones are proposed. He stated that Zone 1 is where current operations are on-going. He pointed out the configuration the run-off would take and stated that this came about due to a previous landslide. He discussed the preservation of the stock pile on site. He stated that they have been working with Corps of Engineer and it was determined that this alternative had the least environmental impact and we are very confident that we will be able to get a 4d Permit from them very soon to develop that portion of the landfill. He stated that Zone 2 is a trail system. He stated that there are some city trails and pointed out the County trails. He stated that Zone 3 will be open space and Zone 4 is the refuge disposal footprint. He stated that Zone 5 is the La Pata corridor. He stated that this particular concept alignment was the product of a project study report which was put out by staff and PFRD in 1996. He noted that this is a program EIR and noted that the modifications

are not detailed but more general. Mr. Richmond stated that the unavoidable impacts are to topography, biological resources, and aesthetics mainly from Telega development.

Mr. Richmond stated that staff received comments from Brobeck, Phleger & Harrison representing Rancho Mission Viejo. He stated that their concern was that the Draft EIR did not address impacts to potential future development near the landfill property. And that the addition of future development for this property had been adopted in the Orange County Projections-2000 (OCP 2000) forecast. Mr. Richmond that this is true that no assumption of future development on RMV property was presented in the Draft EIR, no application for development entitlements has been submitted. He noted that it would be speculative to address potential impacts.

Mr. Richmond noted that he had passed out to the Commission Conditions of Approval to be recommended to the Board of Supervisors. He discussed these conditions. (See Attachment #1)

Mr. Richmond address the comments received from the Telega Associates. He stated that they were concerned because from Zone 4 landfill would be visible from a portion of the Telega development, and that this aesthetic impact and potential water quality, noise, and odor impacts were not addressed in the Draft EIR. He noted that the County and City of San Clemente have approved an MOU which establishes specific mitigation and design standards with respect to landfill development, and that the proposed 2001 GDP is consistent with this MOU.

Mr. Richmond stated that this project is quite urgent. It will be used by all of Orange County. It is also urgent because of the landslide area and we are running out of places to put the trash. He noted that if we go into the nesting season for endangered species that would also create problems. He stated that staff is recommending that the Commission recommend that the Board of Supervisors find proposed Final Program EIR 575 adequate environmental documentation for the Draft 2001 Prima Deshecha General Development Plan. He stated that there were a number of staff and consultant available to answer any questions the Commission might have.

Commissioner McBurney asked if there was a way of capturing the gas and turning that into electricity as they do at the Brea facility.

Mr. Richmond stated that it is on-going now. There is presently a couple of internal combustible engines that is creating electricity.

Commissioner Long asked if the two drainage areas Mr. Richmond spoke of go into the ocean and if so does it cause any harm to the water.

Mr. Richmond responded that they are highly regulated by the Regional Water Control Board. He stated that he wasn't sure about Segunda but we are not modifying that nor are we proposing to modify that. He stated that it was just going to stay natural there. He stated that the Prima Deshecha Conuaita is closely monitored and the Regional Water

Control Board is very aggressive to ensure that everything is OK with the quality of water and the drainage system we have in place.

1:52 P.M.: The Chairman opened the public hearing.

Adrian Peters, representing Telega Associates, stated that they reviewed the Draft EIR and offered comments in March. He stated that their main concern was with aesthetics and what this project would look like from our property. He pointed out on the exhibit where the Telega property line is. He noted that they were please with the change to Zone 3 for natural habitat. He discussed the massive size of Zone 4. He stated that they understood the County's objects and understand that this is a regional facility and very important to all the cities. Mr. Peters stated that they thought that with some proposed subdivision we still have in what we call Village 3, we would have detached single-family homes within a 1000 feet of the landfill operation. He said it is just now the Aesthetics, it's the noise, odor and things like that. He stated that they requested that cross section and modeling be produced, and they did some on their own, and we are thankful that County staff sat down and talked with the City regarding a View Shed Plan and we support that. He stated that he requested the View Shed Plan be in place sooner rather than later and they expect to have a subdivision plan approved and grading completed by the end of 2002. He noted that by 2003 County staff stated that the View Shed Plan would be in effect so that we could disclose conditions to perspective buyers. He expressed appreciation to staff on the alignment of La Pata.

Jeff Brinton, representing Rancho Mission Viejo today. As the previous speaker mentioned, the existing landfill certainly is an important regional facility and provides an important public service. Nevertheless, we do have some serious concerns about the proposed project which are changes to the existing plan. At the heart of our concern is our belief that the EIR does not fully disclose the impacts of the proposed changes, and therefore does not adequately mitigate for those impacts. Our comments and concerns were addressed in a letter to the Department, dated March 22, 2001. I'll not repeat the detail of, of those comments, but perhaps review the highlights and supplement a bit about those concerns. One of our major concerns at the outset is that the responses to the comments by the Department, we feel, was totally unsatisfactory. In summary, the Department's response is: Number one, there are no real changes to the previously approved general development plan, or GDP, that would cause new impacts, and two, there is no available information regarding future development on Rancho Mission Viejo properties adjoining the property that would allow for an evaluation of the impacts of the landfill changes on that property. Both of these contentions are wrong. Let me just, a, mention a couple of things to be specific. I will site two examples. First, traffic impacts on Ortega Highway. Not only will traffic to and from the landfill be maintained at previously approved levels, but in addition, traffic from the recreation component of the GDP will be added to the landfill traffic. In other words, after an initial phase of the landfill is completed, the proposal is to have a golf course or regional park. That traffic will be added to the landfill traffic, which even though it doesn't increase, the combined effect is to in, have a net increase in previously approved levels. While the EIR contains a traffic analysis, that analysis fails to utilize OCP-2000, which is the County's official

adopted demographic projections of growth, and by failing to incorporate OCP2000, the EIR understates the project impacts, and in particular the cumulative impacts that result from the project in combination with other development in the area. Use of OCP-2000, would therefore, increase the level of impacts that are projected by the EIR. He stated that number two, impacts on Rancho Mission Viejo's lands bordering the site to the northeast and east have not been adequately evaluated. Contrary to the Department's contention, there is enough information about the potential development on these lands to study basic land use compatibility issues. Certainly there's enough information about the landfill itself in order to project what types of impacts may be if, in fact the adjoining lands were to be developed for residential uses, which, as I'll show, is certainly the case. Data contained in OCP-2000, which has been allocated to specific traffic analysis zones in surrounding areas evidences that there will be approximately, or at least projections are to be approximately 4,000 single family dwelling units, which are to be immediately east of the landfill in Traffic Analysis Zone number 2767. The EIR ignores the County's own projections in this regard. The failure to acknowledge potential development of lands to the east for residential and other uses results in the failure to analyze impacts of the landfill on these lands and the potential need for a buffer between landfill operations and development in order to mitigate potential impacts. There appears to be a double standard at work here. Private development projects are required to provide buffers within their own project sites. In contrast, the Department's plan does not accommodate the need for adequate buffers on the landfill site itself. The department's map showing changes, that's up before you there, the map that shows changes between the approved GDP and the proposed GDP, shows that portions of the landfill operation up in that upper and to the right side of the map, shows that the changes which now are going to be the blue line, be closer to the Rancho Mission Viejo boundary than was previously the case, and if you also look, it appears that the volume of trash that will go into that area will be closer and greater than previously was the case. Therefore, at least suggesting the potential for impacts which have not been discussed in the EIR. It appears that the boundary or the edge of the landfill, what we call the active landfill area, is about 100 feet from the property line. We note that even the smallest zone of impact that was discussed in very general terms in the EIR in order to mitigate for landfill gas and so forth, is more than the area of the project site that would be available for a buffer, given the current configuration.

Mr. Brinton summarize, proposed changes to the existing GDP will increase traffic impacts and move landfill activities and associated impacts closer to RMV's boundaries. There is already enough information such that the Department should have taken the potential future development on RMV's lands into account in their EIR analysis. Furthermore, we would advise the Commission that more specific development plans, and the rezoning request, are, in fact, for these areas to the north and east are scheduled to be filed with the County Planning Department within a matter of days. This will constitute new information of substantial important that should be considered in looking at the certification of the EIR. In conclusion, we respectfully request that the EIR not be recommended for certification until after its shortcomings have been remedied, and a new document has been recirculated for public review and comment. In its present form, it cannot be forwarded to the Board of Supervisors. As always, we welcome the

opportunity to further discuss these issues with the Department staff and would hope that we would have an opportunity to do this prior to the next public hearing on this matter. I thank you for your attention, and am available to answer any questions that you might have. Let me just pass out a map which will contain some of the allocation of dwelling unit projections with TAZs that I mentioned.

Commissioner McBurney: Have you done any kind of a traffic study on Ortega Highway as to your buildout, as to what you feel is going to be adequate for that road?

Mr. Brinton: They're, we're in the process of doing that, and finalizing that information.

Commissioner McBurney asked if there isn't a number do you have an idea what the number might be?

Mr. Brinton responded No, but I will you, it will utilize the OCP-2000 numbers as the most recent information.

McBurney: OK. Thank you.

2:05 P.M.: No one else wishing to be heard, the Chairman closed the public hearing.

Joe Foust, a principal of Austin Foust Associates and we prepared the traffic study for the proposed project. He address comments made by Mr. Brinton from RMV. He stated that the 4000 ton is not being changed it is an existing authorization but the site being used for recreational purposes or what ever certainly could be considered something of a change. He noted that here in Orange County we have a Congestion Management Program. It exempts from any rigorous traffic studies, exempt from anything that generates 2400 trips a day. He stated that he was only bringing this to the attention of the Commission because with the trash trucks and the recreation daily trips the project is exempt by 50 percent. He stated that OCP 2000 prepared a few years ago was based on the City of San Juan Capistrano traffic model. He noted that the City of San Juan Capistrano was updating their OCP but information was not available yet. He noted that traffic OCP was based on 8000 homes, the new OCP based on 20,000 and RMV is proposing 14000. He noted that they used the best information that was available. Mr. Foust stated that the project has little effect on the traffic but private vehicles may increase due to the number of homes.

Mr. Richmond address the buffer issue raised. He stated that there was not much room for a buffer because the area usage was maximized to the fullest. He discussed CEQA. He stated that staff did not receive any information from RMV as to what they are going to develop, what kind of buffer they wanted or even if a buffer was needed. Mr. Richmond stated that 792 acres are proposed for the landfill and there are 1000 acres and nothing to gage a buffer against.

Keton Kritzer stated that he prepared the EIR. He stated that without knowing what exactly was being developed and where that development would be located on the RMV

property we could not gauge the impact if any or the need for a buffer. He stated that there is variety of topography out there. He noted that the landfill is zoned A1 and that is what this EIR is based on. He discussed gases and odors.

Commissioner Nielsen asked what would be the advantage of doing a view shed study on the boundaries to the RMV properties.

Mr. Kritzer responded stated that they tried to look at the criteria but they didn't know what was proposed to being built, the size or height of the structures.

Commissioner Nielsen stated that he understood that there would be potential development in Zone 2. He suggested that a view shed study be done in this area. He stated that it was only a matter of a few days until they filed their application.

Mr. Richmond responded that they won't be in that area for 15-20 years. He stated that buffers would be addressed before we go in.

Action.: 4:20 P.M.: The motion of Nielsen, seconded by McBurney, to approved Program Environmental Impact Report No. 575 to address implementation of the 2001 Prima Deshecha General Development Plan; Applicant: County of Orange Integrated Waste Management Department with one condition on handout item 3 where it say identified by the City Manager of San Clemente **view sheds to be studied add and the Mission Viejo Company and include a view shed on the north end when the information is available to do that, not sure what exact language would be but something to the effect when their ready and enough information to do a recess study up there then do that also** Was carried by a 3-0 vote.

Bob highlighted wording was exactly what Nielsen said. You need to put in the correct language for the condition. The Commissioner's do this all the time. When you have finished with your correction to the minutes please return them to me by email. Thanks.

Ayes:

Noes:

Absent: