



County of Orange

MEMO

November 6, 2001

TO: Orange County Board of Supervisors

FROM: Janice V. Goss, Director, Integrated Waste Management Department

SUBJECT: **Supplemental Report for Agenda Item Transmittal Item No. 56: 2001 Prima Deshecha General Development Plan**

I. Conditional Approval by the Planning Commission

On October 24, 2001, the planning commission held a hearing on the adequacy of proposed final EIR 575 for the 2001 Prima Deshecha General Development Plan (2001 GDP). The planning commission unanimously recommended that the board find the proposed final EIR complete and adequate, with one condition. That condition was that a Viewshed Protection Plan process be provided to the Rancho Mission Viejo (RMV) Company, in the same manner that it was being provided for views from the Talega development in San Clemente.

Therefore, the following proposed additional (fifth) condition of approval is offered for your consideration:

Following approval by the Orange County Board of Supervisors of the 2001 Prima Deshecha GDP, prior to any grading of landfill Zone 4, or at an appropriate time in the planning entitlement process for the RMV property to be developed to the north and east of the Prima Deshecha property – such time to be determined by the Director of Planning for the County of Orange – the Integrated Waste Management Department (IWMD) Director, will conduct a Zone 4 viewshed analysis for public viewpoints from the RMV property identified by the Director of Planning. Depending on the exposure of the landfill Zone 4 to the RMV development, a Viewshed Protection Plan (VPP) may be required. If required, the VPP will be prepared by the IWMD Director and may involve a landscaping plan, a landform or contour grading plan, and implementation schedule, mutually agreed to by the Director of Planning and the IWMD Director.

II. Issues Raised at the Hearing and in Draft EIR Comments by Rancho Mission Viejo

Mr. Jeff Brinton, an attorney representing RMV reiterated the comment that the Draft EIR should have addressed the future development that RMV hopes to construct to the north and east of the Prima Deshecha property. He made the argument that because certain assumptions concerning future development on RMV's property had been incorporated into a specific Orange County Projections (OCP)-2000 Transportation Analysis Zone, impacts on that development should have been addressed. He also stated that the Draft EIR traffic study was deficient in that it did not use OCP-2000 population assumptions.

Staff maintains that the Draft and proposed Final EIR prepared for the 2001 GDP adequately addresses impacts of the project. To provide further clarification regarding these issues, staff has prepared this supplemental report.

A. Orange County Projections (OCP) Forecasting

The Orange County Projections (OCP) is a forecasting tool. The purpose of OCP forecasting is to provide demographic information to be used for long-term infrastructure planning among local and regional governments and service providers. OCP is a long-term demographic forecast that contains total population, housing and employment numbers as well as a description of generally where the population is expected to grow within the County. It is updated regularly in concert with Regional Traffic Plan revisions of the Southern California Association of Governments.

The current forecast (adopted by the Board of Supervisors on September 19, 2000) is OCP-2000, which contains forecasts to the year 2025. It replaced OCP-96 Modified, which provided forecasts to the year 2020.

It is important to note that the OCP is merely a forecasting tool, and contains only generalized projections concerning growth.

The OCP forecasting model uses population growth assumptions for Transportation Analysis Zones. Projections are developed and divided among the ten Regional Statistical Areas (RSA) within Orange County, each of which covers a very large area. The OCP contains no specific information about developments or specific projects proposed within each RSA. Furthermore, the OCP forecasts make no assumptions with respect to the locations of footprints, configurations, features, densities, or types of such future development.

Nor can OCP forecasts be characterized as a commitment to development by landowners. A landowner may submit an application for, modify, or withdraw an estimate of possible development that is contained in any projection area. Additionally, a landowner may often plan independently and thus fail to notify the forecasting staff of any changes made in development schemes between forecasting updates. Likewise, adoption of the OCP forecasts by the County or any local government does not constitute an entitlement for any of the developments that form the basis for such forecasts. Any proposed developments must still go through the full approval process, and will require discretionary action by the local jurisdiction, CEQA documentation, and any permits by responsible agencies.

In short, contrary to what RMV asserts, we do not believe it is appropriate to use OCP-2000 growth projections for the purpose of assessing the nature and scope of the project's potential impacts.

B. Impacts On Potential Future Development

RMV claims that the EIR failed to adequately assess the impacts of the landfill on developments that it hopes to get approved for land it owns next to the landfill. However, the property is currently designated as open space in the general plan and is zoned for general agricultural use and sand and gravel extraction. In addition, the County has no knowledge of any specific details concerning the location and nature of the future developments that RMV has indicated that it may propose for its property adjacent to the landfill.

Despite this, RMV asserts that the general projections for future growth contained in the OCP-2000 requires the County to evaluate the project's potential impacts on the development RMV hopes to eventually construct on its lands. We disagree.

Under CEQA, the specific impacts of a project on the affected environment are ordinarily assessed based on the environment as it exists at the time the NOP is published. The RMV property is currently being used for purposes consistent with both the current "open space" designation of the property found in the existing General Plan and the current zoning for agricultural uses and sand and gravel extraction. These uses were properly taken into account in assessing the impacts of, and preparing the EIR for, the 2001 GDP.

Although RMV indicates that it intends to pursue residential development on its lands, this proposal remains in its conceptual stages. In contrast, all of the future projects discussed in the Draft EIR were ones for which an application had been filed and some concrete details were known at the time the NOP was published, thus permitting some level of meaningful analysis.

Furthermore, as mentioned above, the OCP-2000 contains only very general population projections for very large divisions of the County called RSAs. There is no information in the OCP-2000 or elsewhere that indicates the specific location of the development that RMV hopes to construct on its property or any other details concerning this development. The inclusion of development projections for the RMV property in OCP-2000 therefore does not warrant an assessment of such development. It would be purely speculative to assume and assess any impacts of the 2001 GDP on such hoped-for development.

C. Traffic

Mr. Brinton stated that the Prima Deshecha traffic study failed to address OCP-2000 projections and failed to analyze any future development in the area surrounding the landfill site.

In reality, the traffic study considered both of these questions. First, an examination of future travel forecasts for Ortega Highway between the I-5 Freeway and La Pata reveals the OCP-2000 results in increases in the range of 15 to 40 percent in the future Average Daily Trips (ADT) on Ortega Highway with

the higher percentage being as one proceeds easterly toward La Pata where the existing traffic volume is substantially less. The net effect of OCP-2000 is to increase the background volumes on Ortega Highway while the project-generated traffic remains the same. This results in the project having even a smaller percentage impact when evaluated using OCP-2000 background data than it does with OCP-96. Therefore, it can be concluded that, from a project impact point of view, use of OCP-96 data constitutes a worst case compared to OCP-2000.

Secondly, OCP-96 does include some development in zones outside the landfill area. For example, OCP-96 has some 7,000 to 8,000 future residential units included in the zones outside Prima Deshecha whereas OCP-2000 has an estimated 20,000 units. Some newspapers have reported that RMV is considering about 14,000 units in this same area. The point being that presently the future development of this area is uncertain, but the Prima Deshecha traffic study which utilized the City of San Juan Capistrano's traffic model (which is based on OCP-96 land use data) does include provision for some future development in the area.

At the time the EIR was initially prepared, OCP-96 was the most current forecast of future growth. As such, it was proper to use projections contained in OCP-96 in assessing traffic impacts.

However, even if the projections contained in OCP-2000 were used, the results would be the same, i.e., the 2001 GDP will not have a significant impact on traffic.

1. Specific impacts of the project

The landfill operation is permitted to accept up to 4000 tons per day, and the project is not proposing to increase landfill use above this amount.

However, the project does propose regional park use of the site. Thus, the only additional traffic proposed in the 2001 GDP would be traffic generated by such use. The estimate for traffic from regional park use is 1200 trips per day. This quantity of trips is less than 1% of the forecasted trips on Ortega and is less than 3% of the trips contributing to the Ortega Highway/I-5 on-ramp intersection, which for this project (more than two miles away from this intersection) is considered less than significant by the City of San Juan Capistrano.

2. Cumulative impacts of the project

Twelve hundred trips are about one-half of the 2400-trip Congestion Management Plan threshold established by OCTA. Projects that generate trips below this threshold are exempt from even having to prepare a traffic impact analysis. Therefore, it may be concluded that the trips generated from this project are not cumulatively considerable and therefore do not result in a significant cumulative impact. The same principle would apply even if OCP-2000 were used as the background traffic scenario.

Likewise, the cumulative impacts of a project are assessed taking into account other "probable" future projects in the area. Probable future projects include those projects that for which an application has been filed or approval has been granted at the time the NOP is published.

The approval of OCP-2000 therefore does *not* represent significant new information, i.e., new information showing a new, significant impact or new information showing a substantial increase in the severity of an impact. Accordingly, recirculation of the EIR is not required.

D. Air Quality (Odors)

RMV states that portions of the EIR assert that odors from the landfill can be detected up to one mile from the landfill. They claim that the EIR does not adequately analyze those impacts on adjoining property.

As noted, RMV's property adjoining the landfill is currently designated as open space in the Orange County General Plan and is zoned for agricultural uses and sand and gravel extraction. No entitlements have been granted for the development that RMV hopes to construct, which is still in its conceptual stages.

The Draft EIR states (p. 4.9-29) that odor detectability over longer distances occurs when winds are light and low level inversions trap odors in a very shallow layer of air, and that these conditions typically occur at night. The Draft EIR also states (p. 4.9-3) that for the Prima Deshecha property, nocturnal winds occur from the northeast to the southwest. This would mean that the maximum odor potential is at the homes southwest of existing operations.

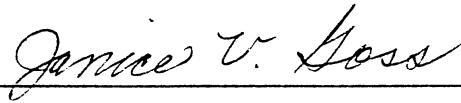
Even if development were to occur near the landfill, the impact of odor on those developments is likely to be insignificant and/or de minimis. The Draft EIR includes a discussion of "worst case" odor impacts, making reference to odor detectability of landfill gas odor up to one mile from the source. The combination of favorable daytime meteorology, a substantial nocturnal buffer zone for future operations, and the effectiveness of mandatory LFG collection/disposal systems will combine to create a less-than-significant odor impact for future Prima landfill activities. The nocturnal buffer will increase as operations move toward the east. Also, the Draft EIR specifically indicates that the limit of "offensive" odor from fresh refuse is estimated to be 500 feet from the source, and it is anticipated that these odors would be diluted when mixed with clean air.

The Prima Deshecha landfill has a permitted landfill gas collection system and disposal facility and has no record of an odor violations. Isolated odor complaints have been received from neighboring homeowners. Those complaints were investigated by South Coast Air Quality Management District (SCAQMD.) It was the opinion of SCAQMD staff that the landfill was not the source of the odors that

were the subject of the complaints. SCAQMD has never cited the landfill for odor violations. This fact reinforces the Draft EIR statement (p. 4.9-29) that with the installation of a comprehensive landfill gas collection and disposal system, odor complaints are minimal, and that modern odor control technology thus appears capable of maintaining a very limited landfill gas odor footprint around a well-operated landfill. There is not likely, therefore, to be significant impacts from odors on adjoining property whether that property is ultimately developed or remains under its current zoning.

Further, whether any additional controls or other mitigation measures may be needed to facilitate or support future development of adjacent lands currently designated as and being used for open space is more properly addressed if and when such development might be considered for approval.

This supplemental report is respectfully submitted so that your Board has the most recent information following the hearing at the Planning Commission, two weeks ago.



Janice V. Goss