ORANGE COUNTY PLANNING COMMISSION MEETING
June 7, 2006

IN RE: Item No. 2 - Public Hearing
REGIONAL LANDFILL OPTIONS FOR ORANGE COUNTY
STRATEGIC PLAN, FRANK R. BOWERMAN LANDFILL
IMPLEMENTAION EIR 604

Transcript of Proceedings, taken on behalf of P&D Consultants, at 10 Civic Center Plaza, Santa Ana, California, beginning at 1:30 p.m. and ending at 2:49 p.m. on Wednesday, June 7, 2006, before CARMEN HUNTER, Certified Shorthand Reporter No. 12048.

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1 APPEARANCES:

2

3 ORANGE COUNTY PLANNING COMMISSION:

4 DAVID ZENGER - Chairman, Fourth District

5 EARL WOODEN - Vice Chairman, First District

6 RICK GOACHER - Third District

7 SHIRLEY COMMONS LONG - Second District (Not present)

8 BARBARA MERRIMAN - Fifth District (Not present)

9 TIM NEELY - Executive Officer

10 ROGER FREEMAN - County Counsel

11

12 SPEAKERS:

13 CYMANTHA ATKINSON

14 SUZANNE MC CLANAHAN

15 TOM WRIGHT

16 MICHAEL BENNER

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1 Santa Ana, California, Wednesday, June 7, 2006
2 1:30 p.m. - 2:49 p.m.
3
4 CHAIRMAN ZENGER: Ladies and gentlemen, welcome
5 to the June 7th, 2006 meeting of the Orange County
6 Planning Commission. Please rise and join me in the
7 salute of the flag.
8 (Pledge of allegiance)
9 CHAIRMAN ZENGER: Very good. Thank you very
10 much.
11 For the record, let it be noted that all
12 commissioners are present with the exception of
13 Commissioner Long and Commissioner Merriman. The first
14 item of business is consideration of the minutes of the
15 meeting of May 3rd, 2006.
16 Are there any notes, comments, amendments that
17 anyone wants to make to the minutes?
18 COMMISSIONER GOACHER: No, sir.
19 CHAIRMAN ZENGER: I'm going to peruse real
20 quickly.
21 Commissioner Wooden, anything?
22 COMMISSIONER WOODEN: I have none.
23 CHAIRMAN ZENGER: On Page 4, there's a line:
24 "Ms. Maldonado stated, 'The State
25 Department of Conservation has provided

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the County with updated seismic hazard zone maps.'"

I believe the word "Conservation" should be capitalized.

COMMISSIONER WOODEN: This is May 3rd minutes?

CHAIRMAN ZENGER: Yes.

COMMISSIONER WOODEN: Yes. Okay.

CHAIRMAN ZENGER: I also had a question just for formality's sake here. On Page 5A, Tim, someone signed this for you, but they said "for Tim Neely." I don't know who signed this.

TIM NEELY: Pat did.

CHAIRMAN ZENGER: Oh, Okay.

TIM NEELY: I can re-sign it.

CHAIRMAN ZENGER: Well, it's -- I was kind of curious as to who actually took it upon themselves to do that. That's fine.

All right. I will at this point then entertain a motion to approve the minutes.

COMMISSIONER WOODEN: I so move.

CHAIRMAN ZENGER: Moved by Commissioner Wooden.

COMMISSIONER GOACHER: Second.

CHAIRMAN ZENGER: Seconded by Commissioner Goacher.

All those in favor say "aye."

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1 (Ayes)
2 CHAIRMAN ZENGER: Oppose? None. Motion
3 carries.
4 COMMISSIONER GOACHER: Mr. Chair?
5 CHAIRMAN ZENGER: Yes, Commissioner Goacher.
6 COMMISSIONER GOACHER: Point of clarification,
7 prior to going into your first item this afternoon. I'd
8 like to make sure that --
9 CHAIRMAN ZENGER: We have more minutes here.
10 COMMISSIONER GOACHER: Oh, I apologize.
11 CHAIRMAN ZENGER: Don't jump the gun on me,
12 Commissioner Goacher.
13 COMMISSIONER GOACHER: Sorry, sir.
14 CHAIRMAN ZENGER: That's all right.
15 Now we have the minutes of May 24th, 2006. Do
16 either of my fellow commissioners have any comments they
17 would like to make?
18 COMMISSIONER WOODEN: I have none.
19 CHAIRMAN ZENGER: Commissioner Goacher?
20 COMMISSIONER GOACHER: No, sir.
21 CHAIRMAN ZENGER: I had one comment which I
22 think must need to be corrected. This is on Page 5A. We
23 hear from Lee Lavi, the applicant, prior to my opening of
24 the public hearing, and I think that paragraph should be
25 below the opening of the public hearing rather than

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1 above. And that's the only comment I have to make on the
2 minutes.
3 So with that correction, I would entertain a
4 motion to approve.
5 COMMISSIONER GOACHER: So moved.
6 COMMISSIONER WOODEN: Second.
7 CHAIRMAN ZENGER: Moved by Goacher. Seconded by
8 Wooden.
9 All those in favor say "aye."
10 (Ayes)
11 CHAIRMAN ZENGER: Opposed?
12 Motion carries. Thank you very much.
13 CHAIRMAN ZENGER: Now, Commissioner Goacher, I
14 think you wanted to say something.
15 COMMISSIONER GOACHER: Yes, sir, point of --
16 point of order.
17 I believe that on today's agenda we have nothing
18 that requires supermajority vote.
19 Would that be correct?
20 ROGER FREEMAN: Yeah.
21 COMMISSIONER GOACHER: All right. Thank you.
22 CHAIRMAN ZENGER: Right. I -- well, that was
23 exactly the question I had as well with three of us here.
24 I'm glad Roger -- I was going to ask you, Roger, the
25 same -- the same issue about what constitutes a majority

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1 when three of us appear.

2 Very well. The first item of business today

3 is -- Item Number 2 on our agenda is a public hearing

4 with regard to the Regional Landfill Options for

5 Orange County Strategic Plan, the Frank R. Bowerman

6 Landfill Implementation Environmental Impact Report 604.

7 I believe we can forgo any RDR -- RDMD Reports

8 here and jump directly to the IWMD folks.

9 Cymantha, would you like to present -- as a

10 matter of fact, could you give us kind of a rundown of

11 who's who here of your --

12 CYMANTHA ATKINSON: I'd be happy to.

13 CHAIRMAN ZENGER: -- your army of consultants.

14 CYMANTHA ATKINSON: Yeah.

15 CHAIRMAN ZENGER: Thank you very much.

16 CYMANTHA ATKINSON: And thank you very much for

17 having us today. I'm Cymantha Atkinson. I'm the Frank

18 R. Bowerman project manager in charge of this project,

19 and I'm from the Integrated Waste Management Department.

20 With us today, we have a bevy of people. We

21 have our Director of IWMD, Jan Goss; Deputy Director,

22 Gary Brown in charge of the central region; our Office of

23 Public Affairs Manager, Susan McClanahan; our Public

24 Information Officer, Linda Hagthrop; John Arnau our CEQA

25 expert; and last but not least, Tom Wright, right here,

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1 our Senior Civil Engineer out of the landfill. So that's
2 the group that's from IWMP.
3 In addition to that, we have our consultant
4 team, P&D Consultants. We've got Michael Benner and
5 Jerry Flores, and a host of their traffic and noise and
6 air specialists as well as Christine Arbogast --
7 Christine, can you raise your hand -- and Mike Cullinane
8 from Bryan A. Stirrat.
9 So we are a team, and we have worked together
10 for the past 12 months on this project. And it's come a
11 long way, and we've got a lot to share with you today
12 that we're very proud of. So with that, I'll get
13 started.
14 Today we're here to talk about the Regional
15 Landfill Options for Orange County, RELOOC, Strategic
16 Plan, Frank R. Bowerman Landfill Implementation, the EIR
17 604.
18 Just to give you an overview of our presentation
19 today, we'll give you an overview of IWMD, who we are and
20 what we do, some background on RELOOC, the strategic plan
21 that we rely so heavily upon. We'll give you a project
22 description of EIR 604, discuss the environmental impacts
23 that are identified in that EIR and assessed, and leave
24 you with the recommended actions.
25 So to start the presentation today, the

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1 Integrated Waste Management Department, as you are aware,
2 is a county agency. We're governed by the Board of
3 Supervisors. We are an enterprise fund, which means
4 we're completely self-supporting. We're supported by the
5 gate fees collected on a per ton basis at the landfill.
6 We take no money from the general fund, and our mission
7 is to meet Orange County's solid waste disposal needs by
8 managing the three landfill system -- and we see it as a
9 system -- and for planning for the future of
10 Orange County's solid waste disposal.
11 This gives you an overview of the county as you
12 know it. And I'll put on my pointer. In north county,
13 we have the Olinda Alpha Landfill. It serves northern
14 county. In the central county area, we have the Frank R.
15 Bowerman Landfill that we'll be discussing today. And in
16 the south Orange County, we have the Prima Deshecha
17 Landfill.
18 Solid waste in Orange County. Annually,
19 Orange County generates about four million tons of refuse
20 a year. That's enough refuse to fill a major league
21 stadium once every five months. This demonstrates the
22 continued -- oh, by 2039, Orange County's population will
23 increase 25 percent, it's projected, and this shows the
24 continuing and growing need for disposal capacity.
25 Orange County's three landfill system must be

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1 maintained as long as possible in order to preserve our
2 local control of the system, to meet our capacity needs
3 that are here locally, to be cost effective and, perhaps
4 most importantly, to minimize environmental impacts
5 associated with disposal of solid waste.
6 What is RELOOC? We're taking a minute to step
7 back and talk about RELOOC. RELOOC is the Regional
8 Landfill Options for Orange County. It's a strategic
9 plan that was developed to guide Orange County's solid
10 waste management.
11 We partnered with Orange County cities, the
12 landfill host cities -- Irvine was involved in that --
13 the community, elected officials, and other stakeholders.
14 And the result of that was a strategic plan that was
15 adopted in 2002 by the Board of Supervisors.
16 The process was a long and arduous one. We
17 established a community-based Steering Committee,
18 conducted over 170 meetings with community members and
19 stakeholders. During the process, we considered both
20 available in-county and out-of-county disposal options as
21 well as alternative disposal technologies.
22 We conducted demand and capacity and economic
23 analysis, and the result was the RELOOC 40-year Strategic
24 Plan. You'll hear me mention this several times today
25 because the FRB Project is the implementation of one of

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1 those first strategies. I'm getting ahead of myself.
2 Here's a summary of the RELOOC strategies. In
3 the short term, RELOOC recommended that we make the most
4 of what we have, that we maximize existing landfill
5 capacity, both at the Olinda Landfill and the Frank R.
6 Bowerman Landfill. They said to improve the refuse
7 compaction, make sure that we're getting in there as
8 tight as we can, and to use alternative daily covers,
9 materials other than soil, so we can make sure that we're
10 getting as much waste into the landfills as they can
11 hold.
12 It also recommended on a short-term basis that
13 we work with the local communities and that we
14 re-evaluate the plan annually just to make sure that the
15 recommendations continue to be the most appropriate given
16 the time and the situation for Orange County.
17 On a long-term venue, RELOOC recommended that we
18 needed to determine whether Prima Deshecha's Landfill
19 tonnage needed to be increased. It recommended that we
20 look at alternative disposal technologies, both in
21 combination or as an alternative to disposal capacity;
22 and it also talked about determining the feasibility of
23 using Round Canyon, which I'm not sure if you're aware
24 of, but Round Canyon is the canyon that's adjacent to the
25 Frank R. Bowerman Landfill.

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1 So here we are with my implementation project.
2 The FRB Implementation is one of RELOOC's short-term
3 strategies. It maximizes the existing capacity through
4 an expansion of the landfill at FRB.
5 Currently, Frank R. Bowerman Landfill is
6 scheduled to close in the year 2022. If that were to
7 happen, the County would lose 104 million cubic yards of
8 additional refuse capacity. EIR 604 evaluates the
9 environmental impacts of the proposed expansion of the
10 landfill.
11 Now, to get to the heart of the matter. FRB is
12 located in the unincorporated Orange County. I'll use my
13 pointer to show you. The 5 Freeway is down here. Sand
14 Canyon comes up pointing toward the north. You can see
15 Portola Road right here.
16 So the trucks come along Sand Canyon. They turn
17 left onto Portola, and then they come up the two-mile
18 dedicated access road that we call the Bee Canyon Access
19 Road. They enter here through the tipping -- the tipping
20 scales or the fee booths, and then this is the current
21 working area of the landfill.
22 We opened in 1990, and we provide landfill
23 capacity for central Orange County.
24 The existing landfill conditions today.
25 Currently, we cover about approximately 725 acres of

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1 which 341 are permitted for refuse disposal. We accept
2 only municipal solid waste and no public disposal is
3 allowed. You have to have a business license or a WDA, a
4 waste disposal agreement, in order to bring waste to
5 Frank R. Bowerman.
6 We are permitted to up to 8500 tons per day.
7 However, on 36 days a year, we can accept up to 10,625
8 tons. We call these high volume days. Those 36 days
9 give us some limited flexibility to accommodate holiday
10 debris, any emergency we have that are local, or any
11 construction demolition projects that come up.
12 FRB is scheduled to close in approximately 2022.
13 However -- and this is a big "however" -- in 2002 we had
14 a major natural landslide that happened at the site.
15 20 million cubic yards slid off the hill and it came down
16 into the bowl. And right now, since that -- the result
17 of the slide or the impact of the slide is forcing
18 closure of the landfill in 2014.
19 CHAIRMAN ZENGER: Cymantha, while you have that
20 image, can you back up.
21 CYMANTHA ATKINSON: Uh-huh, sure.
22 CHAIRMAN ZENGER: While you have that, can you
23 go over where the landslide is or --
24 CYMANTHA ATKINSON: The landslide is --
25 CHAIRMAN ZENGER: -- one more time.

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1 CYMANTHA ATKINSON: -- in this area, all the way
2 up to the top.
3 CHAIRMAN ZENGER: There you go.
4 CYMANTHA ATKINSON: However, landslide
5 remediation efforts that I'll be talking about in a few
6 minutes will be required up here as well as to the
7 westerly portion.
8 CHAIRMAN ZENGER: And some of that --
9 CYMANTHA ATKINSON: I mean the easterly portion.
10 I'm sorry.
11 CHAIRMAN ZENGER: And some of that will also be
12 off-site.
13 CYMANTHA ATKINSON: Yeah, and I have more
14 information for you on that.
15 CHAIRMAN ZENGER: All right.
16 CYMANTHA ATKINSON: Okay. So the proposed
17 project that we'll be discussing today is a phased
18 vertical and horizontal expansion. So we're going
19 horizontally out to the side and vertically up as well.
20 The horizontal expansion is within the existing
21 property boundary and it's an expansion of 193 additional
22 acres. But as Commissioner Zenger pointed out, there are
23 two areas that we go outside the property boundary on a
24 temporary basis on a minimal amount of area for a
25 specifically -- for landslide remediation projects.

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1 No refuse will ever go outside the property
2 boundary. And that's a statement worth repeating. No
3 refuse will ever go outside the property boundary.
4 The only times we go off-site are for slope
5 stability that's associated with landslide remediation.
6 Those areas will be remediated back to their nature -- or
7 natural condition once those efforts are done.
8 CHAIRMAN ZENGER: Excuse me for a moment.
9 Who -- on these adjacent properties, who owns
10 those properties?
11 CYMANTHA ATKINSON: We have an IOD. It's
12 Harbors, Beaches and Parks. Suzanne McClanahan is from
13 our Office of Public Affairs, and she's been negotiating
14 that.
15 There was an irrevocable offer of determination
16 that was accepted by the Board of Supervisors.
17 SUZANNE MC CLANAHAN: There was an IOD
18 dedication --
19 CHAIRMAN ZENGER: Could you come up to the
20 podium. I'm sorry I'm disrupting your presentation here,
21 but --
22 CYMANTHA ATKINSON: Oh, no. We encourage your
23 questions.
24 CHAIRMAN ZENGER: Yeah, we need to get -- for
25 anyone who wants to speak at the podim, we'd like to get

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1 your name for the court reporter to memorialize.
2 SUZANNE MC CLANAHAN: Good afternoon. Suzanne
3 McClanahan, Integrated Waste Management Department.
4 The surrounding property is really a dedication
5 from the Irvine Company for a variety of projects, and
6 parcels adjacent to that were dedicated to the county
7 because of our landslide dedication area has accommodated
8 provisions so that we can do remediation right next to
9 the landfill to accommodate our changes that would be
10 required for the landslide.
11 CHAIRMAN ZENGER: So this is -- so agreements
12 are in place then with the Irvine Company?
13 SUZANNE MC CLANAHAN: Well, it -- yes. It was
14 an in-place agreement with the Irvine Company. It's an
15 irrevocable offer of dedication of the property, and it
16 goes to the Whiting Wilderness Park.
17 Right? Limestone.
18 TIM NEELY: It did. And I think one of the
19 nuances of that was there was a modification of the offer
20 so that it was for infrastructure purposes so that it
21 would allow this actual remediation to take place because
22 it was complementary to the landfill operation.
23 CHAIRMAN ZENGER: All right. Thank you.
24 SUZANNE MC CLANAHAN: Thank you, sir.
25 CYMANTHA ATKINSON: So that's the horizontal

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1 expansion.

2 Our vertical expansion is an increase of

3 approximately 250 feet from the current permitted level

4 of 1100 feet to a proposed level of 1300 feet above

5 ^ ?mean sea level. The proposed project features an

6 annual average of 8500 tons per day. You'll notice

7 that's the same amount that we have as our current permit

8 limit.

9 This is an annual average, and we are proposing

10 a daily maximum of 11,500 tons per day. The 11,500 tons

11 per day is in order to give the facility operational

12 flexibility. That's not limited to 36 days a year;

13 however, it is contrained again by that annual average of

14 8500 tons per day.

15 The proposed project features a soil management

16 plan that preserves adjacent canyons. And what we mean

17 by that, rather than taking our stock piles off-site,

18 which would be operationally easier, and putting them in

19 Round Canyon, say, and disturbing that ecosystem, we

20 actually have an operational plan that puts the dirt

21 on-site, keeps it on-site, the stock pile, until we need

22 it again.

23 The additional benefit of that is we get a

24 surcharge effect. The stock pile as it sits there

25 actually pushes down on the waste compacting it more, and

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1 then when we take the soil off and use it for operational
2 purposes, we can put more waste there.
3 And the final portion of the proposed project is
4 continued provisions that ensure plant and animal
5 habitats are planned for and protected. The Frank R.
6 Bowerman Landfill is directly in the middle a nature
7 reserve. It's kind of an oxymoron to have a landfill
8 surrounded by a reserve, but we are very cognizant of
9 that, and we work real closely -- we even have a project
10 biologist who's on staff at the site making sure that
11 we're in compliance with all the permit regulations.
12 This is a slide demonstrating our vertical
13 expansion, the proposed. We're currently operating at
14 950 -- an elevation of 950 feet. Our current permit
15 allows us to go to 1100 feet, and we're proposing to go
16 an additional 250, up to 1350 feet.
17 This shows our proposed horizontal expansion.
18 Light gray area or the white area is our current area,
19 permitted area. The horizontal expansion that we're
20 proposing actually is the dark gray shaded area.
21 So you can see we've got this area here, a
22 sliver right there and over here. Those are the areas
23 where we go off-site. So this is the additional 193
24 acres that we gain by doing a horizontal expansion.
25 Now, this is my favorite slide of all. It's our

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1 proposed phasing plan, and it shows you -- for somebody
2 who wasn't as familiar with landfill phasing, it really
3 gave me an education of what a true engineering process
4 it is to expand and to develop a landfill. What we'll do
5 is we'll be going through and showing you the different
6 phases.
7 The first three phases -- and Jerry fly in to
8 Number 1. Phase 1 happens up here in the northerly
9 segment of the project. It's proposed to start in 2007.
10 It's the first of three landslide remediation projects.
11 This one, Project 1, is called "Landslide Backcut
12 Excavation."
13 And these first three projects -- we've got one,
14 and then let's fly in two, which is right on top of it,
15 and then three, which comes down here. These projects
16 are the projects that focus on getting -- remediating the
17 landslide and getting all the waste or the -- excuse me,
18 that was a misspoke -- all the dirt out so we can
19 actually start to prepare for fill.
20 Project Area 4 is what we call Phase VIIIA, and
21 it's right here highlighted in yellow. There's a slight
22 area that goes off-site here. And Phase VIIIA would
23 be -- we'd start preparing it for fill in 2012, and it
24 would be ready to accept refuse in 2015.
25 Project Area 5 is to the easterly side, and we

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1 see an area where we go off-site there. Project Area 5
2 is Phase VIIIB, and it's -- we get into it in 2015, but
3 it's prepared to take waste in 2028.
4 Project Area 6. Here we go. It's down here.
5 Here's Project Area 6. It's the sister to Project
6 Area 5. It continues that off-site landfill remediation.
7 Project Area Number 6 is Phase VIIIC. We get into it
8 2016 and it accepts waste in 2032.
9 Project Area Number 7, which is Area Number IX.
10 Is it coming?
11 JERRY FLORES: It's on top.
12 CYMANTHA ATKINSON: Here we go. There we go.
13 Sorry.
14 The hatch marks on the top and the lighter -- or
15 not the lighter -- the darker yellow, the mustard color,
16 denote Project Area 7, which is Phase Number IX. It
17 comes -- we start in it in 2017 and it comes on-line in
18 2036.
19 Then we go to Phase X down here in Project Area
20 Number 8. It starts accepting waste in 2041.
21 And then finally our crowning jewel is Phase XI,
22 and it takes waste in 2051.
23 CHAIRMAN ZENGER: I've got a quick question for
24 you, Cymantha.
25 Phase 7, it looks to me like by the time you're

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1 done with three, four -- I'm sorry, four -- yeah, three,
2 four, five -- five, especially, you're kind of cutting
3 off your access to get to the back of the site. Or am I
4 missing something?
5 CYMANTHA ATKINSON: You know, I am deferring to
6 Tom Wright. He's our Senior Civil Engineer, and he knows
7 more about engineering and getting waste onto our site
8 than anybody else I know.
9 CHAIRMAN ZENGER: Oh, would you mind coming up.
10 I -- introduce yourself for the record, please.
11 TOM WRIGHT: Okay. I'm Tom Wright, Senior Civil
12 Engineer for central region.
13 As far as the -- this shows the excavation
14 areas, and the fill areas would be different than -- the
15 fill areas are kind of -- been developed as part of the
16 massive development plan.
17 What happens is as the landfill builds up,
18 there's access roads that are -- construction on top of
19 the landfill surface so that we always have access to the
20 portions of the site.
21 CHAIRMAN ZENGER: Okay. So this is the initial
22 part of --
23 TOM WRIGHT: That's correct.
24 CHAIRMAN ZENGER: -- digging out, preparing the
25 area --

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1 TOM WRIGHT: That's correct.
2 CHAIRMAN ZENGER: -- to receive the stuff.
3 TOM WRIGHT: And when you show the fill plan, it
4 gets very confusing because you start putting fill on top
5 of fill. We tried to do a slide like that, but it was
6 just -- it was more confusing.
7 CHAIRMAN ZENGER: It might be very
8 incomprehensible. Okay.
9 TOM WRIGHT: Yeah, so that's why.
10 CHAIRMAN ZENGER: All right. Thank you very
11 much.
12 TOM WRIGHT: Sure.
13 CYMANTHA ATKINSON: And with that, I'll turn our
14 presentation over to Michael Benner from P&D Consultants
15 who will be discussing the impacts of the Environmental
16 Impact Report.
17 CHAIRMAN ZENGER: All right. Thank you very
18 much.
19 MICHAEL BENNER: Well, thank you, Cymantha.
20 First of all, the Frank R. Bowerman Landfill
21 Implementation Program, EIR 604, really, the major
22 components of the project include the landslide
23 remediation itself, the horizontal and the vertical
24 expansion of the landfill and, really, the continued
25 operation of the landfill from 2022 to 2053.

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1 And the EIR really looked at 15, 16 different
2 environmental parameters, but we thought for this
3 afternoon we'd focus on five key issues resulting from
4 the analysis, the adverse effects that were identified,
5 whether they were significant or not, and the course
6 input from the response to comments in the community.
7 They include traffic, noise, biological resources, air
8 quality, and aesthetics.
9 For traffic, first thing, what I'd like to point
10 out, is the County worked diligently in coordinating with
11 the city of Irvine on the scope of the analysis and
12 worked closely with them also on the thresholds of
13 significance.
14 The first step in the traffic analysis, really,
15 was to distribute the truck traffic on the network, make
16 sure that the mix of traffic was consistent. And the
17 analysis really looked at an interim year, 2010, as well
18 as a long-term horizon year of 2030. The truck mix, the
19 distribution of the traffic in 2010 and 2030, assumed the
20 existing distribution of traffic that's on the network as
21 of today. Both volume to capacity ratios were considered
22 as well as the ICU programs.
23 For 2010 the EIR conluded that there was no
24 significant adverse effect on either the roadway segments
25 or at the signalized intersections.

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1 In 2030, the analysis showed a couple of
2 intersections that exceeded the level of service. I
3 might back up and mention that in 2030 all of the traffic
4 generated from the project itself, all of that project,
5 was considered new traffic as the new project would have
6 concluded in 2022.
7 And, of course, those two intersections include
8 Sand Canyon at Trabuco and Jeffrey Road at Walnut Avenue.
9 And at those two particular intersections, the
10 deterioration level of service was about 2 or 3 percent.
11 So with that, we did identify with --
12 coordinating with the County, a couple of mitigation
13 measures, T1 and T2, that are identified in the EIR that
14 include a continuation of traffic control measures
15 throughout 2030, as well as adding some right-hand turn
16 dedicated green signal time at the other intersection.
17 Now, with those two improvements at Sand Canyon
18 Avenue and Trabuco and Jeffrey Road at Walnut, that
19 brought down the level of service down to what we would
20 consider an acceptable level in terms of the ICU analysis
21 at those two intersections.
22 The next slide is for noise. Noise exposure, of
23 course, can be broken down into both mobile and
24 stationary noise sources. The analysis took a look at
25 the community noise measurements along the arterial

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1 segments that the truck routes currently operate.
2 The community noise measurements -- well,
3 they're not community noise measurements. The on-site
4 ambient noise measurements also were taken at the active
5 landfill's face as well as at the flare stations.
6 Essentially what was revealed by the analysis
7 and using the FHWA traffic noise prediction model is the
8 noise levels as a result of the proposed projects did not
9 result in a perceptible increase in noise exposure at the
10 11 receptors that were modeled.
11 In terms of the landfill related noise, because
12 the plan for residential land uses are quite a far
13 distance from the facility itself, not to mention the
14 attenuation from obstructed terrain, really, and I think
15 what we understood from Rob's report is essentially you
16 don't even hear landfill noise at most of the areas that
17 we measured in the community. So there's no significant
18 adverse effects from noise exposure.
19 The next slide is for biological resources. The
20 EIR presented a very important graphic in the document,
21 which is really the plant community exhibit, which showed
22 the upland and riparian and wetland resources on the
23 project, species inventories, wildlife movement adjacent
24 to the landfill.
25 As a result of the analysis and Environmental

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1 Impact Report, we concluded there was no significant
2 long-term adverse effects once we comply with the Federal
3 Clean Water Act and were consistent with the NCCP
4 Program.
5 However, in the short-term we did identify a
6 significant adverse effect that is an unavoidable adverse
7 impact, and that would be the temporal or the temporary
8 loss of wetland and riparian functions and values because
9 those get impacted in the first couple of years of the
10 implementation program and the mitigation would be in
11 place and the ecosystem sometime thereafter. So there
12 would be a temporal loss.
13 The next slide is related to air quality. As
14 you know, the Frank R. Bowerman Landfill is in the South
15 Coast Air Basin subject to the Federal Clean Air Act, and
16 we are in non-attainment area. And because of that,
17 oftentimes it's difficult for landfills or even other
18 projects, really, to comply with those particular
19 pollutants.
20 The non-attained pollutants include ozone carbon
21 monoxide and particulates. Now, the thresholds of
22 significance that were considered for this project are
23 promulgated by the South Coast Air Quality Management
24 District, and those thresholds of significance were
25 considered for this project.

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1 Considering the pollutant loading as a result of
2 the construction and operation of the landfill, which
3 would include realty, repairing the landslide itself, as
4 well as any new sales generated as a result of the
5 additional landfill horizontal expansion, the analysis
6 showed that for the operation and the construction of the
7 landfill that there would be a significant adverse effect
8 for three pollutants, and those include nitrous oxides,
9 organic compounds and particulates.
10 Now, because of that -- and some of these
11 measures would have taken place anyway, but there are
12 minimization techniques and measures that are in the
13 document that try to control, particularly, dust at the
14 facility; and that includes measures such as water trucks
15 covering the trash, as well as covering the trash from
16 the trucks, and reducing vehicle speeds on unpaved roads.
17 But even with that, we would still end up with an
18 unavoidable adverse effect for those three pollutants.
19 I might add that the FRB Landfill is situated
20 within its own service area. Consequently, if the
21 landfill was not open, trucks would have to take the
22 trash someplace else and, consequently, the vehicle miles
23 traveled in the region would likely increase.
24 CHAIRMAN ZENGER: Excuse me for a moment.
25 As far as fugitive dust is concerned, would it

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1 make a difference if you used an alternative cover
2 material instead of just earth or -- because I was
3 reading in the EIR, there's discussion of alternative
4 methods of covering the daily lay-down.
5 Would that have a positive affect on cutting
6 down particulate matter or fugitive dust?
7 MICHAEL BENNER: I'd ask Tom. What is that
8 alternative?
9 TOM WRIGHT: Again, Tom Wright.
10 Yes, it does cut back because the less soil you
11 use, the less dust. And so we do use an alternative
12 daily cover as we discuss in the EIR.
13 One is tarps. We try to maxmize these tarps
14 because it saves air space, and it's less movement we
15 have to do. And also we get green waste. It's called
16 process green material that the Waste Board allows us to
17 use as a daily cover, an alternative daily cover for a
18 short period of time.
19 CHAIRMAN ZENGER: The tarp is like a geotextile
20 material.
21 TOM WRIGHT: It's a heavy canvas-type, and it's
22 very heavy. We're able to keep it for seven days, up to
23 seven days.
24 CHAIRMAN ZENGER: All right. Okay.
25 TOM WRIGHT: And we have to go take it off.

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1 CHAIRMAN ZENGER: Thank you very much. Pardon
2 me for interrupting.
3 MICHAEL BENNER: The next issue that was looked
4 at in the EIR, as well as others, but the next one in the
5 presentation is aesthetic.
6 The Environmental Impact Report did look at
7 about seven different areas within the community in terms
8 of view shed effects from the vertical expansion of the
9 facility. There were four simulations conducted in the
10 Environmental Impact Report. Three of the locations,
11 based upon the findings in the EIR, revealed a
12 significant adverse effect. The fourth view shed did
13 not.
14 I might want to point out that the threshold for
15 determining significance for aesthetics was whether or
16 not the vertical expansion really penetrated the line of
17 site to the Loma State Santiago, specifically Loma Ridge.
18 And in many cases the view sims indicate a portion of the
19 Loma Ridge would be obscured, but not necessarily the
20 entire skyline.
21 I want to add also that one of the mitigation
22 measures that are in the document -- that is in the
23 document, excuse me, is the material, the vegetation, the
24 seed, et cetera, that is put back on the landfill face
25 and, well, the entire landfill, essentially. And that's

1 a coastal state scrub mix.

2 And what that coastal state scrub mix does is it

3 does mimic the vegetation within the community -- the

4 natural community to the north on the Loma State Santiago

5 and some of the areas within the NCCP Reserve. And it

6 does go through a dormancy period; it goes through a

7 growth period. So the vegetation, the different colors,

8 essentially, will blend in to some extent with the

9 terrain around there because of that.

10 The next couple of slides -- View Simulation

11 Number 3, the top slide, is the same identical figure

12 that's in the draft Environmental Impact Report and does

13 show what we consider to be a worse case view from that

14 particular location, which is Irvine Boulevard not too

15 far adjacent to the great park.

16 This does not include consideration for any

17 settlement that might occur and also is a very kind of

18 close in view, where the second slide below was prepared

19 in part as a result of comments from the city of Irvine

20 where we wanted to present the most realistic view

21 possible.

22 So in this view, perhaps a little bit more

23 realistic, it's more of a panoramic shot in case you move

24 your head, you know, to the right or to the left a little

25 bit. It also depicts some settlement. It's my

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1 understanding that after a few years, the landfill can
2 settle as much as 50 feet. And so the curvilinear
3 alignment of Loma Ridge in some places will become more
4 visible as the landfill settles.
5 The same sort of treatment was made from the
6 Jeffrey Open Space Trail looking to the north again to
7 the Loma State Santiago. And again, you can see a more
8 panoramic shot on the bottom.
9 Again, this particular -- we used this earlier?
10 This is, of course, what was in the EIR. And
11 it's kind of difficult to see, but I think you can see a
12 little bit more of the ridgeline on Loma State Santiago
13 after some of the settlement occurs.
14 Jerry, you want to back up to the previous one.
15 You can see the ridgeline here and the ridgeline
16 here. And then after settlement versus the worse case
17 here before settlement, there is a slight difference.
18 And with that, I can turn it back to Cymantha.
19 CYMANTHA ATKINSON: So to summarize -- and I
20 promise we're getting to the end of the presentation.
21 To summarize, the proposed FRB Implementation
22 benefits are, number one, it provides for the 2002
23 landslide remediation, which is key if we intend to
24 landfill at FRB past the year 2014. The project
25 maximizes the existing landfill capacity based on our

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1 current projections and technology. It preserves
2 Orange County's local landfill system, and it maintains
3 our control over that system. This in turn will help us
4 to maintain consistent and reliable landfill system
5 disposal rates for Orange County residents, and it
6 minimizes environmental impacts associated with waste
7 disposal.
8 The next steps from here. Today we're before
9 your planning commission to consider the adequacy of the
10 proposed final EIR. Following this, we'll be going to
11 the County Board of Supervisors for their consideration
12 of the certification of the proposed EIR.
13 Simultaneously, we're working with the city of
14 Irvine. We've been fortunate to have a strong working
15 relationship with the city. We started working with them
16 past -- in the past July during the scoping process and
17 it followed up with a series of meetings this spring
18 working towards developing an agreement that will guide
19 our relationship with Irvine. And then finally, we'll be
20 obtaining the regulatory and biological landfill
21 operating permits that guide the project.
22 So with that, we have the staff recommendations,
23 which are to receive the staff report and presentation to
24 conduct the public hearing and to recommend the Board of
25 Supervisors find the EIR adequate.

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1 And I thank you for your time. Again, we have
2 myself to answer any questions and a bevy of people as
3 well.
4 CHAIRMAN ZENGER: All right. Very well. Thank
5 you very much.
6 At this time I will ask my colleagues on the
7 Commission if they have any questions of any members of
8 the staff that are here.
9 COMMISSIONER GOACHER: Not at this time, sir.
10 CHAIRMAN ZENGER: Commissioner Wooden?
11 COMMISSIONER WOODEN: Not at this time.
12 CHAIRMAN ZENGER: Nothing?
13 Very well. Then what I'm going to do is open
14 the public hearing. If we have any members of the public
15 here, please step forward, give your name and address for
16 the record, and share your comments with us. I don't
17 know that we have anyone here or not.
18 Did -- we haven't received any sign-in sheets?
19 TIM NEELY: No.
20 CHAIRMAN ZENGER: Is there anyone here who would
21 like to address the Commission on this subject?
22 All right. Seeing no outpouring of public
23 enthusiasm, I'll close the public hearing and return this
24 for additional questions or comments from the Commission.
25 Commissioner Goacher.

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1 COMMISSIONER GOACHER: Just out of curiosity,
2 what was the notification on this hearing?
3 CYMANTHA ATKINSON: There was a public notice
4 that was posted, and we also sent out public notice to
5 the entire distribution list.
6 We developed a mailing list back in the scoping
7 process that was -- consisted of the responsible
8 agencies, any interested parties. We went to the city of
9 Irvine and got mailing lists from them. We took the
10 RELOOC Strategic Plan mailing list.
11 The mailing list has over 200 people on it. And
12 we did that. We've also kept it on our website, and it's
13 on our recorded information. We've had a pretty
14 concerted public outreach program yet we have not
15 generated a whole lot of interest to date.
16 COMMISSIONER GOACHER: You're kidding.
17 CYMANTHA ATKINSON: I think it's fascinating.
18 COMMISSIONER GOACHER: Did the responses to
19 comments go out to the commentors prior to this hearing?
20 CYMANTHA ATKINSON: Yeah.
21 COMMISSIONER GOACHER: Okay.
22 CYMANTHA ATKINSON: As I understand it, the
23 technical process is that you have to distribute the
24 response to comments ten days before certification.
25 What we chose to do --

1 COMMISSIONER GOACHER: To an agency.
2 CYMANTHA ATKINSON: Right.
3 COMMISSIONER GOACHER: Yes.
4 CYMANTHA ATKINSON: What we chose to do is that
5 anybody who gave us a comment, we sent the full packet of
6 comments as well as the responses to comments to
7 everybody who commented two weeks before this planning
8 commission hearing.
9 COMMISSIONER GOACHER: Thank you.
10 I just have a general point that I would like
11 to --
12 May I, Mr. Chairman?
13 CHAIRMAN ZENGER: Please.
14 COMMISSIONER GOACHER: A general point
15 pertaining to mitigation monitoring.
16 CYMANTHA ATKINSON: Okay.
17 COMMISSIONER GOACHER: It's a difficult
18 situation when a public agency is the applicant and is
19 charged with monitoring its own actions. It's very, very
20 difficult to do. It's much easier when government is
21 overseeing private. One doesn't like to tell one's own
22 bad stories or air any dirty laundry or whatever.
23 How do you anticipate monitoring these
24 conditions where it's the duty of the public agency to
25 monitor them?

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1 CYMANTHA ATKINSON: You know, I have two answers
2 for that. The first answer is the people --
3 COMMISSIONER GOACHER: Yes and no?
4 CYMANTHA ATKINSON: No. Good and better.
5 COMMISSIONER GOACHER: Okay.
6 CYMANTHA ATKINSON: First of all, the people
7 that work at IWMD, never have I seen people more
8 committed to their discipline. Their engineers take it
9 so seriously. Our project biologist acts as if the
10 territory is his. And I could go through the list of my
11 faith in the process. That isn't enough of an answer.
12 The better answer, and probably the one that
13 will last longer, is the fact that not only are we
14 monitored, but there are a host of regulatory and
15 operating permits that are put in place that require a
16 landfill to operate in a stringent manner.
17 CHAIRMAN ZENGER: Right. Excuse me. I'm going
18 to jump in here for a moment. And Tim, I'm going to drag
19 you into this.
20 TIM NEELY: I figured as much.
21 CHAIRMAN ZENGER: Yes. You knew it was coming
22 because I had the same -- I have the same concerns.
23 A lot of the verification points in the
24 mitigation reporting program entail oversight of other
25 regulatory agencies and resource agencies over -- with

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1 regard to agreements that are not yet in place.. and not
2 only -- not only for the resource agencies, but also the
3 settlement with the city of Irvine.
4 From your perspective, is that -- as its
5 presented, is that adequate, sufficient guarantee as far
6 as specific verification? And I'm not casting aspersions
7 on anyone's qualifications, but I'm wondering about that,
8 Tim.
9 TIM NEELY: The mitigation monitoring report in
10 your package shows in many cases the responsible party,
11 as you pointed out, is Integrated Waste itself. They
12 have primary responsibility.
13 I would say that, and just looking through it,
14 that there are -- many of these, even where they've
15 declared themselves to be the primary responsible party,
16 that there is already in place, you know, some parallel
17 mechanism. For example, in the biological resources,
18 everything that takes place on the biological resources
19 is going to be subject to this major amendment that is
20 being discussed as mitigation for this program.
21 And everything that takes place within the
22 nature reserve of Orange County, which encompasses this
23 site, Integrated Waste is responsible for filing annual
24 reports with the Nature Reserve of Orange County along
25 with the resource agencies. So there is more outside

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1 oversight than I think just shows up in your mitigation
2 monitoring package.
3 As Cymantha was pointing out, everything that
4 deals with, really, potentially serious environmental
5 effects of a landfill operation already come into the
6 purview of local enforcement agency, which is the
7 oversight body that reviews the operations, the permit
8 renewals and everything that the landfill does. They
9 look at issues like water quality, leachate control. Air
10 quality is looked at by AQMD. So there really are a host
11 of agencies who look at this.
12 The only things that I could see at a glance in
13 here that are not perhaps part of a definitive existing
14 permit process that all of this is going to dovetail
15 into, would be things like aesthetic impacts.
16 I would expect that at some point along the way,
17 those will become part of some kind of agreement with the
18 host city, which in this case is the city of Irvine
19 because it's something that's of interest to them. So I
20 think there's a lot of self-protecting mechanisms that
21 are either already in place or that will become apparent
22 as this process moves forward to its subsequent stages.
23 CHAIRMAN ZENGER: Right. I guess my concern,
24 though, was not -- because I recognize we have the Water
25 Quality Management Board, and we have the AQMD and all

1 these other agencies, and yet in some cases, we're
2 relying -- the implementing action is going to be the
3 modifications of existing agreements that are not yet in
4 place.
5 And it may very well be that without those
6 agreements there's no project.
7 CYMANTHA ATKINSON: Biological permits we cannot
8 put in place until we have an EIR that's certified.
9 While it's being -- while they're being -- the terms of
10 those are being negotiated, there's no -- until there's
11 an EIR certified, the process is that there's
12 certification and then the biological permits can be
13 actually granted after that point.
14 CHAIRMAN ZENGER: Well, what -- for instance, in
15 the case of the traffic issues and, I guess, the
16 aesthetic issues too, you're going to be relying on a
17 revised or a new settlement agreement with the city of
18 Irvine.
19 And with -- you know, failing that -- and what
20 I'm trying to do is I'm trying to give myself a level of
21 confidence here that -- that there are -- there's sort of
22 a, call it, a stop-gap measure here someplace with
23 these -- with regard to the verification of these events
24 so that we're not simply saying, "Well, we're going to
25 work out something in the future," and then somehow later

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1 on, something doesn't get worked out but things proceed
2 any way.
3 And I guess, what I'm getting at, is without the
4 agreements with the regulatory agencies and with the city
5 of Irvine, that there isn't going to be a project.
6 CYMANTHA ATKINSON: With regard to the city of
7 Irvine, we've been meeting with them for the past two
8 months. And we've maintained and worked with them to
9 discuss that the EIR addresses the identified impacts and
10 that we -- where we cannot mitigate, we've issued or were
11 proposing a statement of overriding consideration.
12 In addition to that, Irvine has brought up
13 additional interests and concerns. And those additional
14 interests and concerns, although not identified as
15 significant adverse impacts by the EIR, those additional
16 interests and concerns can be and will be addressed via
17 this future agreement.
18 CHAIRMAN ZENGER: All right. Thank you.
19 Commission Goacher? I think you had the floor.
20 COMMISSIONER GOACHER: I think that's probably
21 been beat up enough for now.
22 And I would like to also state that I found
23 myself challenged by this particular document. It seems
24 to be extremely complex, and I'm seldom kind of at a loss
25 on EIRs on how to comment and respond. I think it's

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1 extremely complete in this case.
2 And I also appreciate that as a funded --
3 self-funded operation, you're limited in how much
4 mitigation you can really afford to do on any particular
5 project. And much like surface mining, which I'm very
6 familiar, this one is very similar in that respect that
7 there's only so much that can be afforded to be done and
8 still provide the service.
9 Just a wrap-up comment is I think it's extremely
10 complete, well documented, the technical appendices
11 appear to bind the document very well. I wish some of
12 the illustrations were a little easier to project as
13 we've discussed already, but I think it's very well done.
14 That's my comment.
15 CYMANTHA ATKINSON: Thank you.
16 CHAIRMAN ZENGER: Well, a glowing report from
17 Commissioner Goacher.
18 Commissioner Wooden, what do you have to add to
19 the --
20 COMMISSIONER WOODEN: Well, first of all, let me
21 just concur with everything Commissioner Goacher has
22 said. I find it very adequate.
23 I was on the Commission when we approved this
24 site, and I remember it being the most modern type of
25 landfill with the way you covered the earth prior to the

1 landfill -- where you protected the land underneath the
2 landfill.
3 And I just wondered, back in the seventies and
4 the eighties, I remember hearing a lot of comments on
5 alternative uses for landfills. And there was talk about
6 some type of studies for burning our waste. And I just
7 wondered, how are they coming now?
8 In different planning conferences and what have
9 you, this comes up. And it seems to me there was
10 discussion about parts of the world where they still burn
11 their waste and, of course, they generate electricity
12 with the burning or something -- some other type of
13 energy.
14 And I just wondered if there's anything -- new
15 information on that, that we're not just going to build
16 on our mountains and then put everything out in the
17 desert.
18 CYMANTHA ATKINSON: Alternative technology is a
19 fascinating area, and as you so aptly put, it's
20 constantly evolving. Perhaps that's probably one of the
21 strongest reasons why in RELOOC we have a strategic plan
22 update annually for the fact that only on -- you have to
23 check in on it at least annually to make sure that you're
24 current with it.
25 What RELOOC looked at when it was done back in

1 2002, it went through an exhaustive study of all the
2 alternative technologies that were available. But given
3 the size of the operation -- our size of operation, the
4 fact that we take five thousand or -- yeah, five million
5 tons per year, nothing at that time, given the
6 environmental constraints of the air basin that we're in,
7 nothing could handle the amount.
8 Now, annually since then, we've done updates.
9 And it's interesting. Our engineers get things across
10 their desks almost monthly. In fact, they were at a
11 conference last month where they were up in L.A. looking
12 at different alternative technology methods.
13 To date, nothing competes with the environmental
14 benefits of land filling and the cost effectiveness of
15 land filling here in Orange County. However, that's to
16 date. And one of the long-term strategies in RELOOC is
17 to continue to consider alternative technologies as -- in
18 combination with land filling or in -- as an alternate to
19 land filling.
20 We have to remember, though, the project here
21 was just trying to make the most of -- with what we have.
22 And if we can ever make even more of it, maximize its
23 potential even more by using alternative technology, that
24 definitely will be something that will be considered.
25 COMMISSIONER WOODEN: Okay. Thank you.

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1 CHAIRMAN ZENGER: Anything else, Commissioner
2 Wooden?
3 COMMISSIONER WOODEN: That's all I have.
4 COMMISSIONER ZENGER: Thank you, very much.
5 COMMISSIONER GOACHER: Mr. Chairman?
6 CHAIRMAN ZENGER: Yes.
7 COMMISSIONER GOACHER: May I one more time?
8 CHAIRMAN ZENGER: Commissioner Goacher.
9 COMMISSIONER GOACHER: Thank you, sir.
10 I'm wondering is there a monitoring report
11 that's available for the public to see that all
12 conditions are being watched at all times? Is there any
13 kind of a document that -- if it's not this document, is
14 there another document that's available to the public to
15 see what activities --
16 CYMANTHA ATKINSON: Per CEQA or per our
17 department?
18 COMMISSIONER GOACHER: Let's go per CEQA.
19 CYMANTHA ATKINSON: Per CEQA. I'm not familiar
20 with that.
21 Roger, do you know if there's a monitoring
22 report that's available on an ongoing basis to make sure
23 that we're doing our job?
24 ROGER FREEMAN: Well, you could prepare one and
25 make it generally available. I think that's what

1 Commission Goacher is talking about.
2 Could you prepare one? Sure, you could.
3 CYMANTHA ATKINSON: Sure.
4 ROGER FREEMAN: And if you wanted to do that,
5 that would be one indication that you are --
6 CYMANTHA ATKINSON: Yeah.
7 ROGER FREEMAN: -- doing what you said you would
8 be doing.
9 CYMANTHA ATKINSON: We absolutely could do that.
10 COMMISSIONER GOACHER: Thank you, Mr. Chair.
11 CHAIRMAN ZENGER: Thank you very much.
12 I have a few questions here. And Tom may want
13 to pop back up to the podium off and on depending on how
14 we go with this.
15 Issue number one had to do with -- I'm going to
16 ask about had to do with the alternatives. And I noticed
17 that basically the alternatives not -- that actually
18 involved doing something, the non -- no project
19 alternative --
20 CYMANTHA ATKINSON: Right.
21 CHAIRMAN ZENGER: -- basically, they involved
22 moving different amounts of waste to different landfills
23 for different periods of time. That struck me as sort of
24 the general outlook.
25 Was there any consideration to an option that

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1 would actually take this stuff out of the county
2 altogether to some -- you know, some other site?
3 CYMANTHA ATKINSON: No, not in this project
4 there wasn't.
5 RELOOC, the feasibility setting, the strategic
6 plan that were developed --
7 CHAIRMAN ZENGER: Right.
8 CYMANTHA ATKINSON: -- they looked at in-county
9 disposal, out-of-county disposal and alternative
10 technology.
11 CHAIRMAN ZENGER: All right.
12 CYMANTHA ATKINSON: They recommended, however,
13 that based on all the information they compiled, which
14 was volumes and volumes, that in one of the short-term
15 strategies was to maximize Bowerman.
16 So when we came to our project alternatives, we
17 simply looked at project alternatives that would make the
18 most of the landfill -- the existing landfill we had,
19 knowing that landfill capacity is an extremely valuable
20 asset to have and a resource that Orange County needs.
21 CHAIRMAN ZENGER: Right. And it's going to
22 become more valuable, I expect.
23 Tom, I had a question. Can you come up to the
24 podium for a moment, please.
25 One of the -- I think one of the concerns with

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1 the visual aspect of -- I'm going to call it the burial
2 mound, for lack of a better term. And this came up with
3 the Olinda Alpha site --
4 Alpha Olinda?
5 TOM WRIGHT: Olinda Alpha.
6 CHAIRMAN ZENGER: Olinda Alpha.
7 -- as well, had to do kind of with the unnatural
8 appearance of the mound.
9 And I'm wondering, you now, from a civil
10 engineering standpoint, I guess you want to have
11 something that is as simple as possible and sheds water
12 as effectively as possible without trying to make --
13 create a more complicated contour or maybe even a more --
14 TOM WRIGHT: We actually have a -- we -- in
15 consideration of that possibility, we brought a board
16 here. It wasn't a slide, but we can show you what the --
17 CYMANTHA ATKINSON: I hope you don't mind me
18 coming up.
19 CHAIRMAN ZENGER: No, please.
20 TOM WRIGHT: This shows -- this board shows the
21 final --
22 CHAIRMAN ZENGER: Right.
23 TOM WRIGHT: -- contour of the landfill. It's
24 looking at a plan view looking down from the top, so --
25 CHAIRMAN ZENGER: Right.

1 TOM WRIGHT: -- the deck, and then you can see
2 how the condylar is undulated --
3 CHAIRMAN ZENGER: Right.
4 TOM WRIGHT: -- kind of in conformance with it.
5 So what happens is that --
6 CHAIRMAN ZENGER: Well, I guess what I was
7 getting at was you look at the contour, I think it's
8 probably about 1300 feet --
9 TOM WRIGHT: Uh-huh.
10 CHAIRMAN ZENGER: -- for the red contour.
11 TOM WRIGHT: You're talking about the deck area?
12 CHAIRMAN ZENGER: 1325 I think.
13 TOM WRIGHT: Yeah.
14 CHAIRMAN ZENGER: Right. From there up there's
15 almost -- the thing is quite flat. It looks like there's
16 another hundred feet maybe -- or not even 100 feet, 50
17 feet whatever to the top. And that gives -- that gives
18 the shape kind of its, sort of, eroded pyramid look.
19 TOM WRIGHT: Right.
20 CHAIRMAN ZENGER: And I guess my question is:
21 Is that designed that way for a technical reason? I'm
22 sure it is. And what is that technical reason and is --
23 are there options to that that might give this thing
24 maybe somewhat less of an artificial look?
25 TOM WRIGHT: There are options. We looked at

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1 those options as far as volume, and it knocked the
2 capacity down, say, for -- down to 20, 40 or something
3 like that. It knocked ten to 12 years off the capacity.
4 So with that standpoint -- from -- looking at it
5 from that standpoint, that was a pretty -- that's a major
6 loss in capacity. So when weighing that against the
7 visual --
8 CHAIRMAN ZENGER: Well, now, Tom, is that -- was
9 that simply by lowering the height or by doing other
10 things to the shape or the pile?
11 TOM WRIGHT: No. I wouldn't bring -- be as
12 prepared some alternative. It was modulating the top
13 because we're constrained to the 1350 elevation. So if
14 we keep the 1350 as a maximum elevation, in order to
15 bring -- to give a more undulating deck, you have to
16 bring down the rest of the --
17 CHAIRMAN ZENGER: Right.
18 TOM WRIGHT: -- the deck area to something
19 lower.
20 CHAIRMAN ZENGER: Why is that constrained to
21 1350, by the way? I don't remember reading that
22 anywhere.
23 TOM WRIGHT: The RELOOC, I believe was -- that
24 was determined during RELOOC.
25 CHAIRMAN ZENGER: That was maximum altitude?

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1 TOM WRIGHT: Yeah, the maximum elevation. So
2 that was a RELOOC constraint --
3 CHAIRMAN ZENGER: Uh-huh.
4 TOM WRIGHT: -- that was put on us.
5 CHAIRMAN ZENGER: All right.
6 TOM WRIGHT: That's what I think. Is that
7 correct? That's correct.
8 CHAIRMAN ZENGER: All right. Thank you.
9 TOM WRIGHT: Sure.
10 CYMANTHA ATKINSON: Good question, though,
11 because we asked the same thing. And it was eight to ten
12 years we would have lost by creating the two berms and
13 making a undulating --
14 CHAIRMAN ZENGER: Kind of a saddle?
15 CYMANTHA ATKINSON: We tried it.
16 CHAIRMAN ZENGER: Okay. All right. That has
17 pretty much all -- that's touched on all the issues that
18 I wanted to raise. Thank you.
19 CYMANTHA ATKINSON: Thank you.
20 CHAIRMAN ZENGER: All right. I'll ask my
21 colleagues one more time. Anything else that you'd like
22 to raise?
23 COMMISSIONER GOACHER: No, sir.
24 CHAIRMAN ZENGER: I'd also at this point, I'd
25 like to compliment the creators of the document. This is

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1 really quite superior to other EIRs that we've received
2 lately, I think, in my opinion.
3 COMMISSIONER GOACHER: Mr. Chairman, Roger did
4 nudge me and said that's because of county counsel.
5 CHAIRMAN ZENGER: Roger, I didn't even know you
6 read these things.
7 ROGER FREEMAN: Not only do I read them, I read
8 them about four times.
9 CHAIRMAN ZENGER: Oh, well, congratulations.
10 One of these days, we'll have to get together for
11 drinks --
12 ROGER FREEMAN: Yeah.
13 CHAIRMAN ZENGER: -- and share notes on our EIR
14 perspectives. Thank you very much. Okay.
15 At this point in time, then, the required or
16 requested action of the Commission is to approve to the
17 Board of Supervisors the environmental documents are
18 adequate, that the significant impacts have been
19 addressed, that the statement of overriding
20 considerations is in place and addresses those issues,
21 and that the statement of findings and facts adequately
22 describes the project.
23 I think I've touched on everything.
24 ROGER FREEMAN: You did.
25 COMMISSIONER GOACHER: Mr. Chairman, how would

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1 we procedurally attach some form of a condition to this
2 document if it was desired?
3 CHAIRMAN ZENGER: I would think we would
4 probably add a "whereas" to the resolution, would we not,
5 Roger?
6 ROGER FREEMAN: To do what? To cover which?
7 COMMISSIONER WOODEN: Mitigation --
8 CHAIRMAN ZENGER: I think what he's addressing
9 is the idea of creating a public record -- a public
10 document.
11 ROGER FREEMAN: Yes, it would be an additional
12 item to be added to the resolution, if I can find it here
13 to see where an appropriate place might be. And what you
14 could do is just suggest that requirement be added to the
15 resolution and then we can interlineate it.
16 CHAIRMAN ZENGER: Is it satisfactory to create
17 the -- call it the pith of the idea and then have it
18 introduced after the fact, or should we actually --
19 ROGER FREEMAN: What your approval would do
20 would be include that as a condition of approval and
21 including that language to that effect in the resolution.
22 Because what you got is a draft resolution. You approve
23 the resolution subject to inclusion of language relating
24 to a --
25 CHAIRMAN ZENGER: All right, then. I think --

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1 ROGER FREEMAN: -- mitigation.
2 CHAIRMAN ZENGER: Okay. Very well, then.
3 I think what we want to do then, depending on
4 who makes this motion then, would be to include -- in
5 fact, I think I may leave that to you, Commissioner
6 Goacher, if you're so inclined as to craft a motion with
7 that idea of a condition in the resolution.
8 COMMISSIONER GOACHER: Mr. Wooden?
9 COMMISSIONER WOODEN: Yes.
10 COMMISSIONER GOACHER: You were here for the
11 original landfill, would you like to --
12 COMMISSIONER WOODEN: Well, I'd be glad to --
13 COMMISSIONER GOACHER: -- take the lead in this.
14 COMMISSIONER WOODEN: -- but I was going to ask
15 you to since you're the senior --
16 COMMISSIONER GOACHER: All right. Thank you.
17 COMMISSIONER WOODEN: -- district. Although, it
18 is -- covers the county, but --
19 COMMISSIONER GOACHER: In this case --
20 COMMISSIONER WOODEN: -- thank you very much.
21 You go ahead.
22 COMMISSIONER GOACHER: In this case, especially
23 due to the quality of the document as I see it, I would
24 enjoy making the motion and do make the motion for
25 approval of Resolution Number 06, dash,

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1 yet-to-be-numbered resolution of the Planning Commission
2 of Orange County, California on this matter. It would be
3 recommending the Board of Supervisors certify the EIR and
4 all the documents associated with it with the additional
5 insertion into the resolution under the Planning
6 Commission's "whereases" the requirement of a public
7 monitoring report -- or a monitoring report available to
8 the public at times the landfill was opened.
9 CHAIRMAN ZENGER: Very well.
10 COMMISSIONER WOODEN: I would second the motion.
11 CHAIRMAN ZENGER: That motion has been made and
12 seconded. Any discussion, last minute discussions?
13 I guess I would feel sort of remiss if I didn't
14 point out something that's been weighing slightly on my
15 mind without putting any cover over it at the end of the
16 day.
17 It strikes me as kind of ironic in a way that in
18 the 21st century we're still burying our garbage in the
19 ground and covering it up, and yet that's what we do and
20 that's what we have. And as the county continues to
21 grow, the land just becomes more valuable for that very
22 purpose.
23 And I don't offer that as an opinion or as an
24 editorial comment, simply as an observation for anyone
25 who may care to reflect on it with me.

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1 All right. We have a motion made and seconded.
2 All those in favor please say "aye."
3 (Ayes)
4 CHAIRMAN ZENGER: Opposed? None. The motion
5 carries.
6 Thank you very much and onward and upward to the
7 Board. And onward and upward with the expansion; and
8 outward I guess I should have said.
9 And thank you all for coming today.
10 (Pause in the proceedings.)
11 CHAIRMAN ZENGER: All right. Upcoming --
12 reports from RDMD, upcoming agenda items.
13 Tim, a quick recap.
14 TIM NEELY: Yes, Mr. Chairman. We do have
15 scheduled for June 21st, the next meeting is the
16 continued consideration of the housing opportunities
17 manual. That's the only item currently on the agenda.
18 As we mentioned at the last meeting, we were
19 going to meet with the housing element resources team.
20 Those meetings have been ongoing. I think we're getting
21 pretty close to closure on the details of the manual.
22 The one continuing issue that you're likely to
23 hear more of when this comes back to you is, again, the
24 concept of the process of how this is a buy-right
25 mechanism, and there are still some issues there to be

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ironed out. We're working on it. So that's set for the 21st.

July the 12th, we currently have no items, but there are certainly some things that we can add to the agenda if nothing else comes up. But we also -- I think I recall, Chairman Zenger, that's when you were planning on being on vacation. And with what I've now heard, you know, the status of Commissioner Merriman, perhaps that might be an opportunity to look towards cancelling the meeting if we don't really have anything that needs to --

CHAIRMAN ZENGER: I think we can address that on the 21st. I'm leaving that day. Although my flight got pushed back a little bit, I'll still be gone.

TIM NEELY: Beyond the 12th of July, just to give you a longer range forefast, we're targeting the area plan -- Planning Area 1, the Rancho Mission Viejo, to come to the Commission on the meeting of July 26th.

Before that happens, since this is the first development area to take place within the range plan, even though it's going to be very similar to the formula that was developed for Tolega -- excuse me, not Tolega, Ladera, we thought we would provide an early distribution of materials so that you have a longer lead time to take a look at it and digest some of that and see if you have any concerns that come up.

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1 CHAIRMAN ZENGER: Tim, how early do you think
2 that might be available?
3 TIM NEELY: We have it in hand right now because
4 it's undergoing internal review, so we can get a
5 distribution out to you pretty quickly.
6 CHAIRMAN ZENGER: I would like to be able to get
7 that if I could. Well, as soon as you feel like it's
8 been vetted properly, I'd like to get it personally. I
9 don't know about the other commission members.
10 I'll be returning from vacation on the 25th, so
11 I plan on attending the meeting, but if I can --
12 TIM NEELY: You need some advance time --
13 CHAIRMAN ZENGER: -- get something -- yeah, if I
14 can get something under my belt before I leave, that will
15 be helpful for me.
16 TIM NEELY: Okay. And I believe that RMD is
17 also going to be offering individual briefings or tours
18 to the Commissioners in advance of the actual hearing
19 date. So anyway, that's kind of the long-range summer
20 schedule.
21 Also, the NCCP is moving inexorably forward. It
22 wouldn't be heard until after the summer, but will be out
23 for public review throughout much of the summer. So you
24 may be hearing about that.
25 And again, we can do an advance distribution of

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1 that, get the EIR to you while it's out for public
2 review. So you've got, hopefully, plenty of lead time to
3 start absorbing these two different sets of documents
4 before the hearings come up.
5 COMMISSIONER GOACHER: Mr. Chairman?
6 CHAIRMAN ZENGER: Yes, Commissioner Goacher
7 COMMISSIONER GOACHER: Thank you.
8 Tim, I was talking to Holly -- Holly Beale about
9 Barbara Merriman. And in the course of it, I'd asked her
10 if she'd heard when Rancho Mission Viejo might be coming
11 before us again. And her response was, "Well, I don't
12 think it goes before the planning commission again. I
13 think it was built so that Phase 1 doesn't," and she was
14 going to call you on that matter.
15 Did she contact you and if so where was she
16 thinking this thing goes for process?
17 TIM NEELY: We did talk. I'm not sure I can
18 testify as to what she was thinking.
19 COMMISSIONER GOACHER: Thank you, sir. That's
20 probably good enough.
21 TIM NEELY: But you know, I thought that the
22 confusion was that she thought perhaps some of it was
23 going to be going back to the Board and, in fact, it's
24 not.
25 The one point of clarification is that Planning

1 Area 1 is distinct in some ways because, as you might
2 recall, when the overall plan -- general plan amendment
3 for zoning was approved, there were was a couple of
4 issues that needed to be done systemwide like the runoff
5 management plan. And those were going to be done before
6 any area plan were approved other than Planning Area 1.
7 Planning Area 1 was excluded intentionally
8 because it's immediately adjacent to existing
9 intrastructure and development on the edge of San Juan
10 Capistrano. It didn't have the same resource or water
11 quality design issues that the larger system had because
12 it was getting more into the natural area and needed to
13 have comprehensive studies to tie it all together.
14 So Planning Area 1, as I was saying earlier, is
15 more like an extension of Ladera than the complete
16 jumping off at a point into the remainder of the
17 development and other planning areas.
18 So --
19 COMMISSIONER GOACHER: Thank you, Tim. I
20 appreciate that.
21 TIM NEELY: I think that was the distinction
22 that perhaps needed to be made.
23 COMMISSIONER GOACHER: Thank you.
24 CHAIRMAN ZENGER: Excuse us for the interruption
25 here.

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1 (Pause in the proceedings.)
2 CHAIRMAN ZENGER: All right. Very well.
3 Tim, keep going.
4 TIM NEELY: So that I think explains some of the
5 confusion about when and where items are going to be
6 coming forward.
7 There will also be -- frankly, the schedule for
8 the Ranch plan will be soon in proximity to the Planning
9 Commission Hearing on the 26th of July for the area plan.
10 They will also be submitting or asking to be heard on the
11 subdivision for the first track maps that will stem from
12 the area plan.
13 So it's an overlapping schedule with multiple
14 things being submitted. But the area plan will be --
15 control whatever comes from the subdivision map that
16 would go to the subdivision committee and not to the
17 planning commission.
18 COMMISSIONER GOACHER: May I belabor this. Just
19 one more question.
20 CHAIRMAN ZENGER: Belabor it all you wish.
21 COMMISSIONER GOACHER: Thank you.
22 Is Supervisor Wilson going to allow you to make
23 the presentation on this, or as I've heard before, this
24 is his swan song and wants to be sure it gets through.
25 Will he be coming down to do it?

1 TIM NEELY: I haven't heard that.
2 COMMISSIONER GOACHER: I think you're qualified,
3 personally, but --
4 TIM NEELY: Thank you.
5 COMMISSIONER GOACHER: Thank you. It's for the
6 record.
7 CHAIRMAN ZENGER: Wow. A lot of love in the
8 room today.
9 Very good. Thank you, Commissioner Goacher, for
10 that --
11 COMMISSIONER GOACHER: Double-edged sword.
12 CHAIRMAN ZENGER: Yeah, back-handed compliment.
13 Tim, what do we have from the Board?
14 TIM NEELY: Nothing to report on any recent
15 actions.
16 CHAIRMAN ZENGER: All right. Anything out of
17 RDMD?
18 TIM NEELY: Nothing.
19 CHAIRMAN ZENGER: All right. Meetings and
20 conferences of interest to the Commission.
21 Earl, can you enlighten us on the conference?
22 COMMISSIONER WOODEN: Nothing more than what I
23 did at the last meeting.
24 CHAIRMAN ZENGER: All right. Very well. Thank
25 you.

1 Any previous Commission or Commissioner
2 requests? Any unfulfilled desires or dreams?
3 COMMISSIONER GOACHER: Yes, sir.
4 CHAIRMAN ZENGER: I mean with regard to
5 Commission business.
6 COMMISSIONER GOACHER: Oh, yeah, even that, if I
7 may.
8 CHAIRMAN ZENGER: Please do.
9 COMMISSIONER GOACHER: I'd like to address our
10 executive officer, Mr. Neely.
11 TIM NEELY: Yes.
12 COMMISSIONER GOACHER: Without it becoming some
13 form of an embarrassment, is there a way for you to check
14 with Shirley to see what her intentions might be for
15 attending future meetings.
16 She's, as the Chair has pointed out, missed more
17 than half of the meetings this year. And I don't know if
18 there's -- if she's got a problem that we should all know
19 about or whatever.
20 But if you could place that nudging call.
21 TIM NEELY: Sure. I think in this particular
22 instance she had -- she notified us of another
23 commitment. She had a meeting in Sacramento, but it's a
24 point well-taken, and I'll be glad to --
25 CHAIRMAN ZENGER: Yeah, I was going to raise the

1 same subject. And I don't know if there's health reasons
2 or anything else, but she missed three meetings in a row
3 and well over half the meetings this year and we really
4 need to have a full complement, I think.
5 COMMISSIONER WOODEN: When was that injury where
6 she slipped at Pebble Beach?
7 COMMISSIONER GOACHER: Two years ago.
8 CHAIRMAN ZENGER: No, that was like 18 months
9 ago.
10 TIM NEELY: I'll check.
11 CHAIRMAN ZENGER: All right. Moving inexorably
12 downward.
13 Litigation, Roger.
14 ROGER FREEMAN: Nothing new.
15 CHAIRMAN ZENGER: Well, let me ask you about --
16 I've heard rumblings from the Dana Point Harbor that
17 there's some legal action going on there, even above what
18 we've already talked about.
19 ROGER FREEMAN: As we had mentioned, they did
20 file a lawsuit challenging the adequacy of the EIR, the
21 shipyard people did, and it's in the litigation process
22 now where --
23 CHAIRMAN ZENGER: Okay.
24 ROGER FREEMAN: -- there are settlement
25 discussions going on. In the meantime, briefing

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1 schedules, I think, have been tentatively set. And if
2 things go according to plan, there probably will be a
3 hearing in September.
4 CHAIRMAN ZENGER: Okay.
5 COMMISSIONER GOACHER: As I read the suit, it
6 looked like basically a shot across the bow and nothing
7 more.
8 ROGER FREEMAN: That's a good way to
9 characterize it.
10 CHAIRMAN ZENGER: Rick, you have a wonderful way
11 of not mixing metaphors since we're dealing with the
12 harbor.
13 TIM NEELY: Mr. Chairman.
14 CHAIRMAN ZENGER: Yes, Mr. Neely.
15 TIM NEELY: May I ask some indulgence and go
16 backwards a couple of steps here.
17 CHAIRMAN ZENGER: Very well.
18 TIM NEELY: Couple of things just came to mind.
19 One under RDMD items.
20 I mentioned at the last meeting I thought it was
21 going to be county counsel's responsibility, but now it
22 seems like it's more my responsibility. But somehow,
23 some way, one of the two of us are going to make sure
24 that you are put in touch with whatever mechanism needs
25 to be done for the ethics training that's going to be

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1 required of all boards and commissioners. So I'll make a
2 note to myself to find out who's supposed to be dealing
3 with this.
4 As I understand it, it's going to be, perhaps,
5 something -- could be an on-line kind of a self-training,
6 but I'm not totally sure. But just to keep that in mind
7 that it is something that we're going to follow through
8 on and I'll get more information on it and get back to
9 you.
10 The other is an item that is informal, but since
11 we have just a few minutes, I thought I'd share it with
12 you because it may come forward as yet another code
13 amendment that we are potentially going to be launching.
14 But there has been a code enforcement issue
15 taking place in the third district as it turns out.
16 That's immaterial, but over -- a whole series of
17 complaints that have been filed within the neighborhood
18 about ^ overheight fences in the front ^ ?setback.
19 And the issue there was probably precipitated by
20 retaliatory complaints being filed by neighbors about
21 fences that have been around for 20 years, but once
22 somebody got turned in, then everybody got turned in.
23 And what it revealed is the mechanism for straightening
24 that out under the current zoning code.
25 It's kind of onerous considering what we charge

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1 for time and materials for processing applications and
2 how that comes in under the guise of being a development
3 standards modification, which is one step below a
4 variance. And in fact, the zoning code is currently set
5 up to handle more large-scale design standard
6 modifications for major projects, and that's what, you
7 know, you've done over the years with some of the
8 planning communities.
9 But on something like this, we're looking to see
10 if there's a way that we can institute more of a
11 ^ ??diminimous permit that is strictly at my level that
12 could facilitate getting positive compliance with the
13 zoning code without having to go through more steps than
14 necessary.
15 And so county counsel is looking into it to see
16 if there can be models from other jurisdictions about how
17 we can deal with this in a more expeditious manner. And
18 so that's something that we're looking to report back to
19 Supervisor Campbell and the community that is involved in
20 this. And once we have something to report on that, I'm
21 sure we'll be getting back to the Commission with it.
22 CHAIRMAN ZENGER: In what sense would that
23 involve obtaining a permit? I mean, I presume we're
24 talking about the -- I'm guessing the code says something
25 like a 36-inch limit fence within 25-foot ^ ?setback or

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1 something like that.

2 TIM NEELY: Yes.

3 And part of it is aesthetics; part of it is

4 safety. And what we're going to try to do is separate

5 the safety from the aesthetics part.

6 And in fact, if there is really a safety site

7 distance issue, then that would have to go through a more

8 elaborate process. If it's really just an aesthetics

9 issue as it relates to the neighborhood, we're going to

10 try and simplify that.

11 CHAIRMAN ZENGER: But the idea here is that

12 there's some kind of a document or something that's going

13 to be presented to someone that shows that they're in

14 compliance with something whereas they weren't before?

15 TIM NEELY: Right.

16 What they need to show is that it has really

17 kind of gone through this review that I just mentioned.

18 We would determine -- if it really is ^ ? diminimous,

19 it's not a site distance problem, and if it's preexisting

20 use, then maybe that can be handled by a streamlined

21 administrative permitting process.

22 Otherwise, it may have to go through the

23 planning commission or the zoning administrator. You may

24 have to have notices sent out to surrounding property

25 owners. It may need a public hearing.

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1 So depending on how it's handled, we thought
2 that there might be some merit in finding a way to
3 simplify. Because, in effect, what we're tying to do is
4 gain positive compliance with code violations.
5 CHAIRMAN ZENGER: Right.
6 TIM NEELY: And if you saw the neighborhoods
7 that this applied to, it's really kind of -- my position
8 is that it's an issue that came up more as an aesthetic
9 style from the fifties when the zoning code was first
10 written and about the idea of having, you know, low
11 profile fences in the front yard, kind of the picket
12 fence model for housing development.
13 And as I mentioned to the community, you know,
14 there are a lot of current architectural styles where you
15 might want to have an interior -- enclosed interior front
16 courtyard wall, or some parents may want to have more
17 security in the front, as long as it's not a site
18 distance problem and that that may be more consistent
19 with contemporary standards.
20 I don't think it's something that needs to go
21 through, you know, a full series of public hearings.
22 It's -- anyway, I don't have the answer yet.
23 CHAIRMAN ZENGER: Okay.
24 TIM NEELY: I just want to alert you to the fact
25 that we are talking about something, and if it moves

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1 forward, it may come back to you in the form of some type
2 of a code amendment.
3 CHAIRMAN ZENGER: All right. Very well. Thank
4 you.
5 COMMISSIONER WOODEN: I'm sure -- I'm sure --
6 Mr. Chairman.
7 I'm sure, Mr. Neely, you're contacting different
8 cities that -- and different jurisdictions that have
9 dealt with this.
10 TIM NEELY: Yes. And so we'll have some
11 feedback on that as well.
12 CHAIRMAN ZENGER: All right. I had another
13 question that I forgot to ask earlier, so I'll ask it
14 now. This has to do with Lavi brothers.
15 Have we heard anything from them as far as their
16 area plan is concerned?
17 TIM NEELY: They have been contacting us. I
18 just replied to an e-mail to them yesterday.
19 So far there's not been an appeal filed. They
20 had asked the questions -- in fact, I'd be glad to
21 forward the Commission a copy of what I send to Mr. Lavi,
22 and I'll do that when I get back to the office so you can
23 see verbatim.
24 But in essence, I laid out some options for him
25 to consider, but it's going to be their decisions on how

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1 to proceed.

2 CHAIRMAN ZENGER: Right. All right. Very well.

3 Thank you very much.

4 Any other requests for information from the

5 Department, Commissioner Goacher or Wooden?

6 COMMISSIONER WOODEN: No, I have none.

7 COMMISSIONER GOACHER: No.

8 CHAIRMAN ZENGER: All right. At this time I

9 will invite public comment on items off the agenda.

10 Seeing that there's no members of the public here, I will

11 then without objection from the -- my fellow

12 Commissioners adjourn the meeting.

13 Hearing no objection. The meeting is adjourned.

14 (The proceedings concluded at 2:49 p.m.)

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: JUN 23 2006

CARMEN HUNTER
CSR NO. 12048