

COUNTY OF SAN DIEGO
Proposition C

(This proposition will appear on the ballot in the following form.)

PROP C GREGORY CANYON LANDFILL AND RECYCLING
COLLECTION CENTER ORDINANCE. Shall the Greg-
ory Canyon Landfill and Recycling Center Initiative
Ordinance be adopted?

NORTH COUNTY RECYCLING AND SOLID WASTE DISPOSAL INITIATIVE

The People of San Diego County Do Hereby Ordain as Follows:

SECTION 1. INTENT.

It is the intent of this initiative measure:

A. To provide for the siting of a new recycling collection center and class III solid waste landfill to allow the residents and businesses in northern San Diego County to dispose of their solid waste in an environmentally sound and economically competitive manner.

B. To ensure that the recycling collection center and landfill are designed, constructed, and operated in a safe and efficient manner by requiring that they fully comply with all environmental laws and regulations. The Project will be monitored during its life on a regular basis by regulatory agencies including, but not limited to, the Integrated Waste Management Board, the San Diego County Air Pollution Control District and the Regional Water Quality Control Board.

C. To amend the General Plan, Zoning Ordinance and other ordinances and policies of the County of San Diego to allow the construction and operation of a recycling collection center and class III solid waste landfill on approximately 270 acres of land within the 1683 acre Gregory Canyon site located off State Route 76 approximately 3 1/2 miles east of the intersection of Interstate 15 and State Route 76 in San Diego County. The general location of the Gregory Canyon site is shown on Figure 1 attached to this measure.

D. To provide that at least 1313 acres of the Gregory Canyon site will be dedicated as permanent open space to create a substantial preservation area for sensitive habitat and species.

SECTION 2. FINDINGS AND PURPOSE.

A. The San Marcos landfill is the only remaining landfill serving northern San Diego County which includes the cities of Carlsbad, Encinitas, Del Mar, Solana Beach, Escondido, Oceanside, San Marcos and Vista, and the unincorporated areas of northern San Diego County including Pauma, Bonsall, Valley Center, and Fallbrook.

B. The 1986 San Diego County Regional Solid Waste Management Plan and studies performed by the County of San Diego have documented the critical need for new solid waste facilities to serve the growing north San Diego County population.

C. The County of San Diego has been unsuccessful in siting any landfills in northern San Diego County since the San Marcos landfill was approved in 1977. This has occurred as a result of local opposition and the County of San Diego not proceeding with acceptable sites which have been extensively studied.

D. The conditional use permit issued in 1992 by the City of San Marcos for expansion of the San Marcos landfill requires the County of San Diego to aggressively pursue alternative north county landfill sites, and will expire by or before the year 1999, unless the City of San Marcos agrees to extend the term of the permit.

E. Local opposition to landfill sites and disagreement between north county cities and the County of San Diego over the handling of the solid waste system has created a solid waste crisis involving disputes between the cities and the County of San Diego.

F. The Gregory Canyon site was selected as one of three preferred landfill sites by the County of San Diego based upon a 1987 study which evaluated 168 alternative sites in northern San Diego County covering a study area of 1150 square miles. Subsequently, one of these sites, Blue Canyon, was dropped by the County of San Diego and two new landfill sites have been added. The Gregory Canyon site is now one of four finalist sites.

G. In 1990 the County of San Diego prepared an environmental impact report evaluating the environmental impacts of operating a landfill at the Gregory Canyon site. This Environmental Impact Report concluded that a landfill could be operated at the Gregory Canyon site consistent with all federal and state regulations governing landfill operations.

H. All of the San Diego County landfills have been successfully operated by a private party for the County of San Diego since 1982.

I. The Gregory Canyon site is located in a sparsely populated area of San Diego County. Solid waste operations will occur on approximately 270 acres of the Gregory Canyon site. At least 1313 acres will be dedicated as permanent open space to provide an important habitat and sensitive species preserve.

J. The voters hereby find and determine that the project will be compatible with other uses in the area and the County's general plan for uses in the area upon implementation of the mitigation measures required by this measure.

K. The voters hereby reaffirm the policy of the County of San Diego that each sub-region of the County shall be responsible for providing sufficient solid waste facilities to handle the solid waste generated in each sub-region and solid waste shall not be shipped from one sub-region to any other sub-region except where an emergency exists.

SECTION 3. DESCRIPTION OF THE PROJECT.

The Project will include the following components:

A. General Description of the Project.

The recycling collection center and landfill will occupy approximately 270 acres of the Gregory Canyon site. The landfill footprint containing refuse will cover approximately 150 acres of the site. The main features of the Project include a lined landfill, construction of a new access road and bridge providing access to the site from Highway 76, a scale area, a recycling collection center, a facilities and operation area, a borrow and stockpile area, a leachate collection system, and storm-water retention facilities. The facilities and operation area will include a visitors' center, an office building, a maintenance office, a shop and yard, a fueling station/storage area, a water tank truck wash and wash-water treatment area, a water supply well, groundwater monitoring wells, a landfill gas collection and recovery system, and a leachate collection tank. The Applicant shall be entitled to adjust the size and location of solid waste operations and to alter the proposed facilities based on a detailed site plan to be submitted to the Integrated Waste Management Board for its review and approval as part of the solid waste facilities permit.

B. Dedicated Open Space.

The remaining 1413 acres of Gregory Canyon site shall be dedicated as permanent open space to the County of San Diego, the Pala Band of Mission Indians, another public agency, or a Resource Conservation Group for long-term preservation of sensitive habitat and species. The actual amount of acreage dedicated may be adjusted as necessary to accommodate construction and operation of the Project. The open space area shall not be less than 1313 acres as a result of any adjustment.

C. Access Road.

The Project includes construction of a new access route and bridge from Highway 76 to the Gregory Canyon site.

D. Relocation of San Diego Gas & Electric Power Lines.

The project includes relocation of San Diego Gas & Electric transmission lines that are located within the area for the proposed landfill and recycling collection center. All such relocation will occur in accordance with plans reviewed and approved by San Diego Gas & Electric.

E. Realignment of Highway 76.

The Project includes the widening and realignment of State Road 76 on either side of the new access road to improve sight distance and to facilitate truck movements. The realigned segment would provide approximately 1000 feet of sight distance in both directions for traffic leaving the landfill. The Applicant shall contribute on a fair share basis to the widening of State Route 76 west of the access road to applicable state standards. The fair share shall be based upon the state standard average daily trips. This realigned portion of Highway 76 will be restriped to provide for acceleration/deceleration lanes and an over-take lane for through traffic. Detailed plans for the realignment of Highway 76 will be submitted to CalTrans for review and approval prior to commencing any realignment work.

F. Bridge.

The Project will include a bridge over the San Luis Rey River to provide separate roadways for access to and from the landfill, and to and from the topsoil stockpile area. This will facilitate adequate internal circulation for the landfill operations.

G. Protection of San Diego Aqueduct.

The Project will include work required to protect any San Diego Aqueduct pipelines to the extent and in the manner required by the San Diego County Water Authority.

A map showing the Project elements is shown on Figure 2 attached to this measure. The Applicant shall be entitled to alter or change these elements based upon a detailed site plan to be submitted to the Integrated Waste Management Board for review and approval in conjunction with the solid waste facilities permit.

SECTION 4. PERMITS.

To ensure that the Project is designed, constructed and operated in a safe and efficient manner, the Project shall be required to secure all of the following permits and approvals to the extent required by state or federal law:

A. Environmental Review.

The Project shall complete any additional environmental review required by federal or state law to secure the remaining permits and approvals.

B. Consultation with Advisory Council on Historic Preservation.

The Applicant shall consult with the Advisory Council on Historic Preservation in accordance with §106 of the National Historic Preservation Act.

C. 404 Permit.

The Applicant shall secure a permit relating to §404 of the Clean Water Act from the Department of the Army Corps of Engineers.

D. U.S. Fish & Wildlife Service.

The Applicant shall conduct a §7 consultation with the Department of Interior, U.S. Fish & Wildlife Service in compliance with the Endangered Species Act and shall coordinate the §404 permit with the U.S. Fish & Wildlife Service as required by federal law.

E. California Department of Fish and Game.

The Applicant shall secure a §1601 Streambed Alteration Agreement with the California Department of Fish & Game and any other permits required by the California Department of Fish & Game.

F. State Water Resources Control Board.

The Applicant shall secure a National Pollutant Discharge Elimination System Permit from the State Water Resources Control Board.

G. Regional Water Quality Control Board.

The Applicant shall secure a Waste Discharge Permit from the Regional Water Quality Control Board.

H. California Integrated Waste Management Board.

The Applicant shall obtain a Solid Waste Facility Permit from the California Integrated Waste Management Board and from the local enforcement agency for the California Integrated Waste Management Board.

I. California Department of Transportation.

The Applicant shall secure an encroachment permit from the California Department of Transportation as necessary for improvements to Highway 76.

J. State Office of Historic Preservation.

The Applicant shall review cultural sites within the Gregory Canyon site with the State Office of Historic Preservation for eligibility for the National Register of Historic Places.

K. County of San Diego.

The Applicant shall secure a Water Course Alteration Permit, Bridge Permit, Grading Permit and Building Permit from the County of San Diego. The County of San Diego is hereby authorized and directed to include the Project in its Integrated Waste Management Plan as required by State law and to make any findings required for issuance of any necessary permits.

L. San Diego Air Pollution Control District.

The Applicant shall secure all permits required by the San Diego Air Pollution Control District to construct and operate the solid waste facilities authorized by this measure.

M. San Diego Local Agency Formation Commission.

The Applicant shall obtain approval from the San Diego Local Agency Formation Commission for any possible annexation into local water districts as required by the rules and regulations of the San Diego Local Agency Formation Commission.

N. Utilities Services.

The Project shall comply with the requirements of local utility suppliers in securing electric, telephone, water and fire protection services. Sewer service will be provided by chemical toilets used by workers at the landfill. The Applicant will be required to provide the sewage disposal service, removing effluent once per week by pumper truck from the chemical toilets for treatment and disposal away from the site.

O. Other Permits and Approvals.

The Applicant shall secure all other permits and approvals as required by federal or state law.

SECTION 5. MITIGATION MEASURES.

To ensure that the Project is constructed and operated in a manner which minimizes its environmental impacts, the following mitigation measures are hereby adopted as a condition of voter approval of the Project:

A. Days of Operation.

The solid waste facilities shall remain open for the receipt of refuse a minimum of eight (8) hours a day, six (6) days a week, excepting those holidays observed by county-owned landfills.

B. Hours of Operation.

Solid waste operation shall occur only between the hours of 7:00 AM and 6:00 PM, Monday through Friday, and 8:00 AM to 5:00 PM on Saturday unless different hours are established by the Integrated Waste Management Board. For the purposes of this mitigation measure "solid waste operations" shall include the receipt, handling, processing, and/or disposal of solid waste or recyclable materials; cover operations; site grading and/or excavation, including blasting and rock crushing; and heavy equipment operation. Other site activities such as the operation of gas and leachate collection and treatment systems, remedial activities required by a regulatory agency, maintenance within the maintenance yard, and activities conducted in a completely enclosed building shall not be limited to these hours of operation.

C. Litter and Illegal Dumping.

At least five (5) days each week, the Applicant shall inspect for, and clean up, all litter and illegal dumping which occurs on, or adjacent to, the landfill access road and that portion of Highway 76 between the intersection with Interstate 15 and the site. The clean up team shall consist of at least one truck with a minimum crew of two persons.

D. Hazardous Waste Exclusion Program.

The Applicant shall maintain trained, full-time personnel engaged exclusively and continuously in the inspection of incoming refuse loads for hazardous waste. These personnel shall be stationed at the working face of the landfill whenever the landfill is open to accept waste and shall inspect loads as they are tipped. Hazardous wastes encountered in this fashion shall be handled and disposed of in accordance with state regulations.

E. Liner and Leachate Collection System.

A liner and leachate collection system shall be installed and monitored as required by the Regional Water Quality Control Board.

F. Landfill Gas System.

The Project shall include a network of vertical extraction wells, lateral transmission pipes to a gas recovery facility, and perimeter gas monitoring probes. With this system, the landfill gas will be extracted from the landfill and combusted in an enclosed flare.

G. Water Quality.

The Project shall comply with all requirements of the Regional Water Quality Control Board to ensure protection of surface and underground water quality.

H. Earthquakes.

All structures located at the Gregory Canyon site shall be designed by a qualified engineer to withstand the maximum probable earthquake to avoid potential impacts associated with earthquakes and ground shaking.

I. Traffic Impacts.

In order to mitigate traffic impacts, the Applicant shall widen and realign State Route 76 on either side of the access road to improve sight distance and to facilitate truck movements. The realigned segment will provide approximately 1000 feet of sight distance in both directions for traffic leaving the landfill. The Applicant shall contribute on a fair share basis to the widening of State Route 76 west of the access road to applicable state standards. The fair share shall be based upon the state standard average daily trips. Striping will be provided for acceleration/deceleration lanes and an over-take lane for through traffic. These realignment plans may be modified as necessary to meet CalTrans requirements.

J. Air Quality.

Air quality impacts associated with the Project shall be mitigated by meeting all requirements imposed by the San Diego County Air Pollution Control District for the Authority to Construct and Authority to Operate permits.

K. Noise Abatement.

The Applicant shall prepare a Noise Abatement Plan to include:

1. Physical design provisions to ensure that ambient noise levels do not exceed 65 CNEL at the boundaries of the Gregory Canyon site;
2. Installation of landfill equipment and vehicles with noise suppressing equipment to assist in meeting the above restrictions;
3. Provisions for at least 24 hour in advance written notice of any blasting on-site to residents within a one-mile radius of the blast site.
4. Where ambient noise levels exceed 65 CNEL at the boundaries of the Gregory Canyon site, the Applicant shall retain a qualified noise expert to evaluate the problem and recommend mitigation measures. These mitigation measures shall be implemented by the Applicant.

L. Odor Control.

To control odors on-site, the Applicant shall submit an Odor Control Plan to the San Diego County Air Pollution Control District for review and approval.

M. Dust Control Plan.

To control dust from Project operations, the Applicant shall submit a Dust Control Plan to the San Diego County Air Pollution Control District for review and approval.

N. Biological Impacts.

All sensitive species and habitat impacted by the Project shall be mitigated in accordance with requirements imposed by the United States Fish & Wildlife Service as part of the \$7 consultation.

O. Visual Impacts.

In order to mitigate visual impacts associated with the Project, the Applicant shall employ extensive use of landscaping emphasizing native vegetation, and rounding/undulation of slopes on the refuse column and changes in slope angles. All landscaping shall be performed by a licensed landscape architect in the State of California. This licensed architect shall prepare a detailed landscape plan designed to minimize visual impact associated with the Project to the maximum feasible extent. The plan prepared by the licensed architect shall be implemented by the Applicant upon completion.

P. Cultural Impacts.

Impacts to Native American resources impacted by the Project shall be mitigated through the development of a Memorandum of Agreement between the Applicant and the appropriate regulatory agencies in accordance with §106 of the National Historic Preservation Act. To mitigate archaeological impacts caused by the Project, the Applicant shall retain a qualified archaeologist to investigate and recommend appropriate mitigation measures. These mitigation measures shall be implemented by the Applicant.

Q. Citizen Environmental Review Board.

A Citizen Environmental Review Board (the "Board") shall be established by agreement between the Applicant and the cities or other governmental entities agreeing to supply waste to the Project. The members of such Board shall be appointed by each such city or entity and shall be individual citizens who are not employees or officials of such city or entity. The Board shall have the authority to inspect and review all reports submitted by the Project to any other regulatory agency and to make recommendations to any such regulatory agency with respect to the operation of the Project, including any enforcement actions the Board may deem appropriate. The Board shall establish an environmental review team consisting of qualified personnel to monitor the operations of the landfill which team shall have reasonable access to the landfill during all hours of operation of the landfill.

R. Additional Mitigation Measures.

Mitigation measures included as part of any subsequent environmental review of the Project shall be included as additional mitigation measures for the Project. The Applicant shall submit a mitigation and monitoring program meeting state and federal law to the Integrated Waste Management Board for review and approval as part of the solid waste facilities permit.

SECTION 6. TIPPING FEE AND FINANCIAL GUARANTEES.

A. Tipping Fee.

It is the intention of the voters to ensure that the tipping fee charged by the Project to any public agency supplying waste to the project does not exceed the tipping fee currently charged at county-owned landfills as adjusted for inflation. This fee is currently \$43 per ton. For calendar year 1994, this tipping fee shall be \$43 per ton. Commencing January 1, 1994, and continuing on January 1 of each year thereafter, this tipping fee may be increased by the percentage change in the Consumer's Price Index, All Urban Consumer's for the Los Angeles - Anaheim - Riverside Area (1967 = 100) for December of the prior year to December of the year the price increase is to occur.

The tipping fee as set in this section shall be subject to changes or adjustments based upon tipping fees negotiated between the Applicant and various public agencies agreeing to provide solid waste to the Project.

B. Financial Guarantees.

The Applicant shall provide a closure and post-closure plan complying with federal and state law and shall provide bonds or other financial guarantees to ensure performance as required by federal and state law.

SECTION 7. IMPLEMENTATION.

A. Amendments to County General Plan.

Upon the effective date of this initiative, the land use element of the County General Plan and all sub-regional and community plans which apply to the Gregory Canyon site and any related maps shall be amended to designate the Gregory Canyon site Public/Semi-public lands with a Solid Waste Facility Designator. Notwithstanding the Public/Semi-public designation, the Gregory Canyon site shall remain private lands unless purchased or condemned by a public agency.

B. Amendments to County Zoning Ordinance.

Upon the effective date of this initiative, the County Zoning Ordinance shall be amended to create a new zoning classification designated Solid Waste Facility ("SWF"). This SWF zoning classification shall be applied only to the Gregory Canyon site and shall allow the Project without the need for any permits from the County of San Diego except the Water Course Alteration Permit, Bridge Permit, Grading Permit and Building Permit.

C. Amendments to Other County Ordinances and Policies.

All other County ordinances, rules and regulations which constitute legislative acts shall be amended as necessary to accommodate the Project as set forth in this initiative.

D. County Cooperation.

The County of San Diego shall cooperate with the Applicant wherever possible in issuing permits and approvals so that the Project can proceed in a timely fashion.

The County of San Diego is hereby authorized and directed to amend other elements of the General Plan, sub-regional plans, community plans, Zoning Ordinance, and other ordinances and policies affected by this initiative as soon as possible and in the manner and time required by State Law to ensure consistency between this initiative and other elements of the County's General Plan, sub-regional and community plans, Zoning Ordinance and other County ordinances and policies.

SECTION 8. DEFINITIONS.

For the purpose of this measure, the following words and phrases shall have the following meanings:

A. "Applicant" shall mean Servcon-San Marcos, Inc. or its assignee or authorized representatives.

B. "Gregory Canyon site" shall mean the approximately 1683 acres of land located off State Route 76 approximately 3 1/2 miles east of the intersection of Interstate 15 and State Route 76 occupying portions of Sections 4 and 5 of Township 10 South and Sections 32 and 33 of Township 9 South Range 2 West of the San Bernardino Principle Meridian.

C. "Integrated Waste Management Board" shall mean the State of California Integrated Waste Management Board.

D. "Project" shall mean the recycling collection center and landfill and associated structures and improvements as described in Section 3 of this initiative measure as subsequently modified by a detailed site plan submitted by Applicant to the Integrated Waste Management Board as part of the solid waste facilities permit.

E. "Recycling collection center" shall mean a facility for the buy-back of source separated materials but not the processing of mixed waste.

SECTION 9. PURCHASE BY PUBLIC AGENCY.

The Gregory Canyon site shall remain private land until purchased by a public agency or Joint Powers Authority for its fair market value. Nothing contained herein shall restrict the right of any public agency to exercise its eminent domain power as authorized by law to acquire the Gregory Canyon site.

SECTION 10. AMENDMENT OR REPEAL.

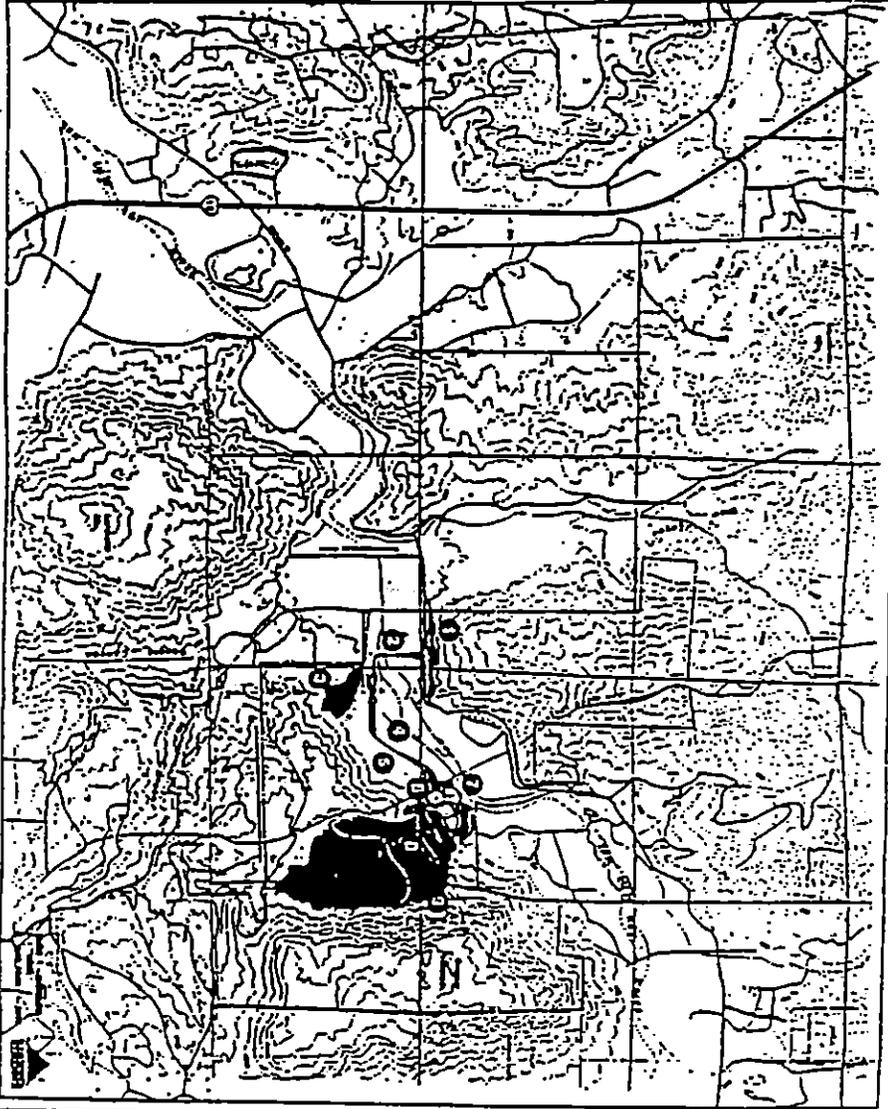
This measure may be amended or repealed only by a majority of the voters voting in an election thereon.

SECTION 11. INTERPRETATION AND SEVERABILITY.

This measure shall be interpreted so as to be consistent with all federal and state laws, rules and regulations. If any section, sub-section, sentence, clause, phrase, part or portion of this measure is held to be invalid or unconstitutional by a final judgment of court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this measure. The voters hereby declare that this measure, and each section, sub-section, sentence, clause, phrase, part or portion thereof would have adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, parts or portions are declared invalid or unconstitutional.

SECTION 12. CONSISTENCY WITH OTHER BALLOT MEASURES.

In the event that another ballot measure is placed on the same ballot as this measure purporting to deal with the same subject matter, and if both measures should pass, the voters expressly declare their intent that both measures shall be put into effect except to the extent that specific provisions of such measures are in direct conflict. In the event of such a direct conflict, the measure which obtained more votes will control as to the conflicting provisions only. The voters expressly declare this to be their intent, notwithstanding any language to the contrary in any other ballot measure.



PROJECT ELEMENTS

10.000	REMOVING IN ALIGNMENT
0.1	ACCESS ROAD BRIDGE
0.2	TYPICAL/GOVN STRUCTURE
0.3	LANDFILL ACCESS ROAD
0.4	STOCKPILE WALL ROAD
0.5	LANDFILL SALT PILE
0.6	RECLUTED AREA
0.7	MANAGED PILES BRITTS
0.8	LANDFILL
0.9	SEWER TREATMENT PLANT

FIGURE 2

SHISHIYU DIRTWORK LAYOUT

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COUNTY COUNSEL'S IMPARTIAL ANALYSIS

You are asked to vote on the Gregory Canyon Landfill and Recycling Collection Center Initiative. The declared intent of this measure is to permit the siting of a new recycling collection center and Class III solid waste landfill at Gregory Canyon ("Project") to allow residents and businesses of northern San Diego County to dispose of their solid waste in an environmentally sound and commercially competitive manner. Gregory Canyon is located off State Route 76 approximately three and one-half miles east of the intersection of Interstate 15 and State Route 76 in northern San Diego County.

This measure would amend the San Diego County General Plan and Zoning Ordinance to permit the development of the Project on approximately 270 acres at Gregory Canyon without the need for additional permits from the County except as specified in the initiative. The Project would be subject to any applicable State or federal permits and any environmental review needed to obtain those permits. The Project would remain private land unless purchased or condemned by a public agency.

The measure would provide that, if the Project is approved, at least 1313 acres of the Gregory Canyon site must be dedicated as permanent open space to create a preservation area for sensitive habitat and species. It would provide for the establishment of a Citizen Environmental Review Board to monitor the Project, sets forth tipping fee provisions and contains certain operating rules and other provisions as a condition of voter approval intended to mitigate the environmental impacts of the Project.

The Project, as described in the measure, would require the construction of a new access route and bridge, the relocation of gas and electric powerlines, the protection of any San Diego Aqueduct pipelines and the widening and realignment of State Route 76 with the Project Applicant contributing its fair share based upon average daily trips. The Applicant is defined to mean Servcon San Marcos, Inc., its designee or authorized representatives.

The measure contains findings concerning the need for a landfill in north San Diego County and reaffirming County policy that each subregion of the County provide for its own waste disposal. The measure may be amended or repealed only by vote of the people and contains various provisions relating to implementation and interpretation.

IMPARTIAL FISCAL IMPACT STATEMENT

The regional solid waste disposal system within San Diego County (except the City of San Diego solid waste disposal system) is administered by the County of San Diego. The governance of the assets, liabilities and obligations of the solid waste disposal system is being transferred to the Solid Waste Joint Powers Authority (Authority). This is an independent governmental agency which is composed of various cities within the region and the County of San Diego representing the unincorporated area. The system is administered like a business through a Solid Waste Enterprise fund which charges a system user fee to recover the cost of maintaining a financially solvent solid waste disposal system. These revenues (tipping fees) and expenditures (costs) are solely the responsibility of the solid waste disposal system and not the County of San Diego.

The revenues and expenses created by this initiative will be the responsibility of the Authority upon the transfer of all assets, liabilities and obligations to the Authority. Accordingly, this initiative does not have an effect on the revenues and expenditures of the County of San Diego. The effect of this initiative on the fees charged by the Authority for use of the solid waste disposal system are incalculable at this time due to the unknown variables which effect the charges such as solid waste tonnage, cost of permitting such a facility, construction cost and other systemwide costs.