



PLANNING COMMISSION AGENDA REPORT

VI. 2

MEETING DATE: NOVEMBER 24, 2008

SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION – ORANGE COUNTY FLOOD CONTROL DISTRICT PERFORMING HABITAT RESTORATION WITHIN TALBERT NATURE RESERVE

DATE: NOVEMBER 13, 2008

**FOR FURTHER INFORMATION
CONTACT:**

**MINOO ASHABI, AIA, SENIOR PLANNER
(714) 754-5610**

DESCRIPTION

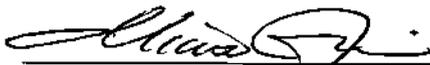
The Orange County Flood Control District (OCFCD) is proposing to conduct habitat restoration in the Talbert Nature Reserve as a mitigation requirement for the San Diego Creek Flood Control Capacity Restoration Emergency Project. Government Code Section 65402 requires that the Planning Commission adopt a resolution finding that the proposed public works project is consistent with the City of Costa Mesa 2000 General Plan.

APPLICANT

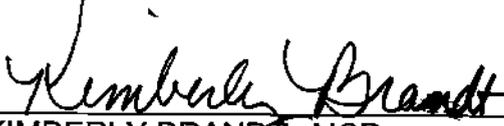
Nadeem Majaj, Assistant Chief Engineer, County of Orange.

RECOMMENDATION

Adopt attached resolution finding that the proposed habitat restoration project in the Talbert Nature Preserve is in conformance with the City of Costa Mesa 2000 general plan.



MINOO ASHABI, AIA
Senior Planner



KIMBERLY BRANDT, AICP
Asst. Development Svs. Director

ANALYSIS

Government Code Section 65402 requires that the County receive a General Plan conformity finding from the City prior to start of any public works project. In 2003-2004, OCFCD performed emergency vegetation and sediment removal within San Diego Creek downstream of the 405 freeway to restore flood conveyance capacity. One of the mitigation measures negotiated with the regulatory agencies is to perform habitat restoration in Talbert Nature Reserve. OCFCD is proposing to enhance approximately 20 acres of the native habitat within the Reserve that include minor grading, non-native vegetation removal, temporary irrigation, native habitat planting, hydro-seeding and a five-year maintenance monitoring.

The project is expected to start in 2009 for approximately two periods of 90 days followed by a 270-day maintenance period and five years of maintenance and monitoring.

The Open Space and Recreation Element of the General Plan identifies County regional parks and the proposed activities are consistent with the General Plan.

- Attachment:
1. Planning Commission Resolution
 2. Letter from OCFCD
 3. Aerial Location Map

Distribution:

- Deputy City Manager- Dev. Svs. Director
- Public Services Director
- City Engineer
- Assistant City Attorney
- Fire Protection Analyst
- Staff (4)
- File (2)

File: 112408OCFCD	Date: 111308	Time: 2:30 p.m.
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RESOLUTION NO. PC-08-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE PROPOSED HABITAT RESTORATION PROJECT IN TALBERT NATURE RESERVE BY ORANGE COUNTY FLOOD CONTROL DISTRICT IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2000 GENERAL PLAN

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, City of Costa Mesa General Plan was adopted on January, 22, 2002;

WHEREAS, California Government Code Section 65402, provides in part that a local agency shall not acquire, use, or dispose of any real property until the use of the property has been reported in conformity with the applicable general plan;

WHEREAS, the proposed project is located within Talbert Regional Park located at the southwesterly boundaries of the City of Costa Mesa;

WHEREAS, the Orange County Flood Control District, is proposing to perform habitat restoration at Talbert Nature Reserve;

WHEREAS, the proposed habitat restoration is conforming with the Costa Mesa 2000 General Plan and intended uses in the Talbert Regional Park;

BE IT RESOLVED that the Planning Commission hereby find that the Orange County Flood Control District's proposed habitat restoration project at Talbert Regional Park is in conformance with the City of Costa Mesa 2000 General Plan.

PASSED AND ADOPTED this 24th day of November, 2008.

Donn Hall, Chair, Costa Mesa
Planning Commission



Bryan Speegle, Director
300 N. Flower Street
Santa Ana, CA
P.O. Box 4048
Santa Ana, CA 92702-4048
Telephone: (714) 834-2300
Fax: (714) 834-5188

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES

October 29, 2008

OCT 30 2008

Ms. Claire Flynn, AICP
Principal Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628

Subject: Request for General Plan Conformity – Talbert Nature Preserve Habitat
Restoration for the San Diego Creek Flood Control Capacity Restoration
Emergency Project

Dear Ms. Flynn:

The Orange County Flood Control District (OCFCD) proposes to conduct habitat
restoration in the Talbert Nature Preserve as a mitigation requirement for the San Diego
Creek Flood Control Capacity Restoration Emergency Project. We respectfully request
the City provide a finding as to the project’s conformity with the City’s General Plan.

The State of California Government Code, Section 65402, stipulates that a local agency
such as OCFCD shall not construct public works in any city until the location, purpose
and extent of such works have been submitted to the planning agency having
jurisdiction and the conformity to the City’s adopted General Plan is reported.

The following provides background of the proposed project.

Background

From December 2003 to March 2004 the OCFCD performed emergency vegetation and
sediment removal within San Diego Creek downstream of the I-405 Freeway to restore
flood conveyance capacity. OCFCD performed a follow-up project in the winter of 2006-
2007 to complete the removals not accomplished during the emergency project. One of
the mitigation measures negotiated with the regulatory agencies is to perform habitat
restoration in Talbert Nature Preserve.

Proposed Improvements

OCFCD proposes to enhance approximately 20 acres of native habitat within Talbert Nature Preserve. The restoration activities include, minor grading, non-native vegetation removal, temporary irrigation, native habitat planting, hydro-seeding and 5-year maintenance monitoring.

Funding

Funding will be provided by the OCFCD Funds.

Schedule

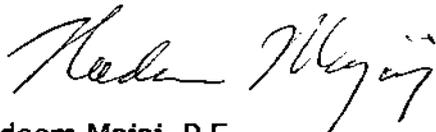
Habitat restoration is expected to take place in 2009. The restoration project will take approximately 90 working days to install followed by a 90-day plant establishment period, a 270-day maintenance period and 5 years of maintenance monitoring and reporting.

CEQA

Negative Declaration IP 05 369 was prepared by the County and approved by the Orange County Board of Supervisors on December 20, 2005 as part of a follow up project to the emergency project. The follow up project completed the sediment and vegetation removal that was not completed during the emergency project. Subsequently the Notice of Determination (NOD) was filed with the Orange County Clerk-Recorder. A copy of the NOD is attached.

Please provide a finding as to conformity with the City of Costa Mesa's General Plan. When approved please forward two original copies of the City's Planning Commission's action to this office. Should you have questions please contact Denise Weaver at 714-834-3824 or Vincent Gin at 714- 834-5732.

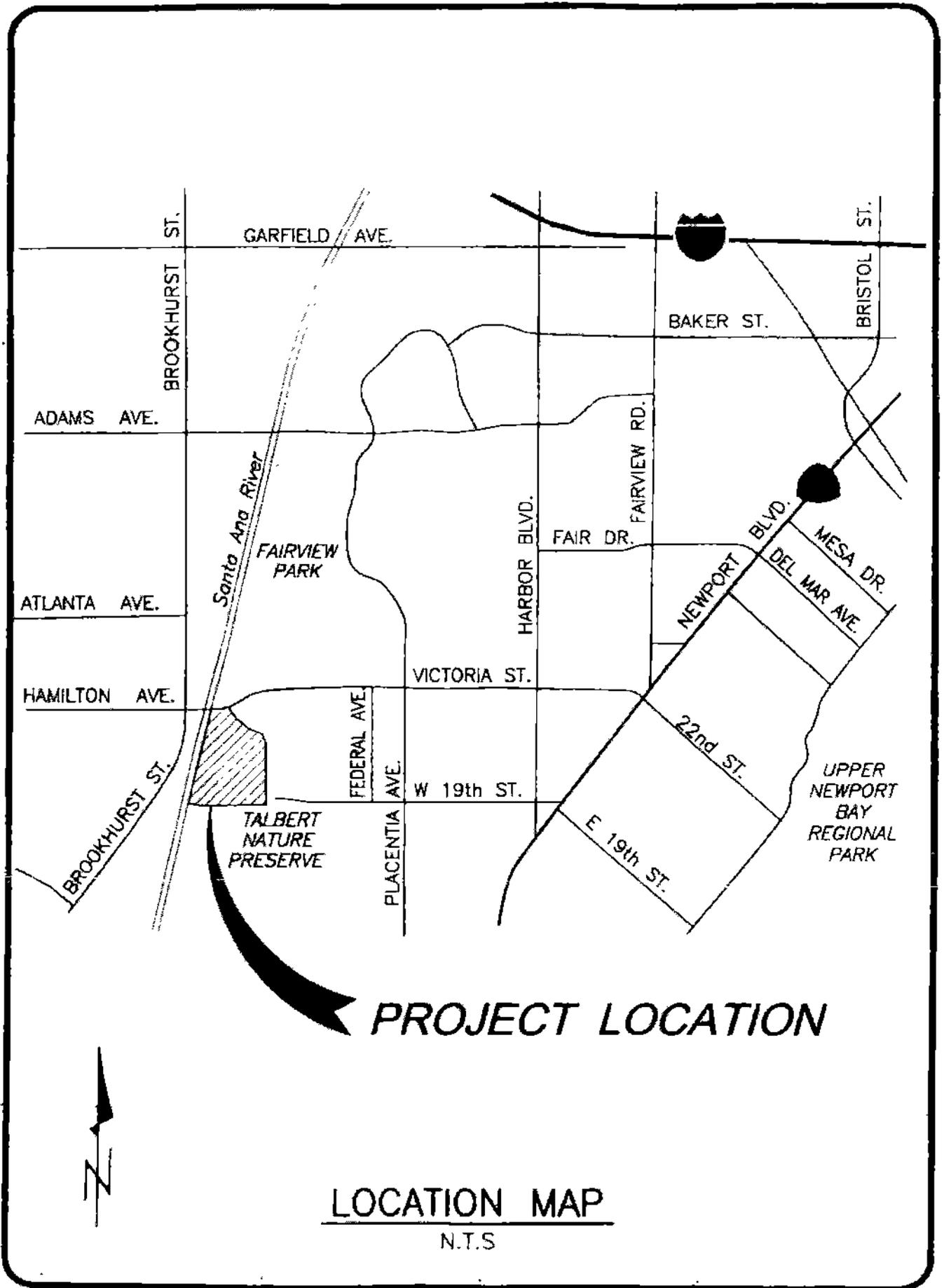
Sincerely,



Nadeem Majaj, P.E.
Assistant Chief Engineer

Attachments: Location Map
NOD (IP 05-369)

cc: Vincent Gin Denise Weaver



PROJECT LOCATION



LOCATION MAP

N.T.S



County of Orange NOTICE OF DETERMINATION

Filing Fees are Exempt Per Gov. Code 6103

TO: County Clerk, County of Orange
FROM: Resources and Development Management Department
SUBJECT: Filing of Notice of Determination in Compliance with Section 21108 and 21152 of the Public Resources Code

FILED
 DEC 20 2005
 By: [Signature] TOWNSHIP CLERK-RECORDER DEPUTY

Project Title: San Diego Creek Interim Maintenance of Basins No. 1, 2, and 3.	Type of Document: Negative Declaration No. IP 05-369
State Clearinghouse Number: 2005101074	Previously certified or adopted? If yes, provide document number and certification date: No
Contact Persons: Project Manager – Chris Kubasek CEQA Project Manager – Ron Tippets	Telephone: (714) 834-3471 (714) 834-5394
Applicant: RDMD/Public Works Division	Address: 300 North Flower Street, Santa Ana, CA 92703
Project Location: The project site is located within San Diego Creek, initiating at Jamboree Road and extending north to I-405 in the Cities of Newport Beach and Irvine, Orange County, California.	
Project Description: Improvements that include: removing the remaining sediment within the channel area, reestablishing the basin capacity on the east side of Basins 2 and 3, and routine vegetation management of areas disturbed within the emergency project footprint.	

Notice is hereby given that the **County of Orange** as lead agency, **Resources and Development Management Department**, has made the following determination on the above-described project:

- The project was approved by the Board of Supervisors on 12/20/05.
- The project will not have a significant effect on the environment.
 - An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 - A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- Mitigation Measures **were** incorporated into the project through conditions of approval and project design.
- For this project a Statement of Overriding consideration was **Not Adopted**.
- Findings **were not** made pursuant to CEQA Guidelines 15091 (Statement of Facts and Findings).
- A copy of the **Mitigated Negative Declaration** and the record of the project approval is on file and may be examined at:

**Resources and Development Management Department,
 Environmental Planning Services Division,
 300 N. Flower, Room 321
 Santa Ana, California 92702-4048
 (714) 834-6105**

POSTED
 DEC 20 2005
 By: [Signature] TOWNSHIP CLERK-RECORDER DEPUTY

Signature: Nadeem Mujib
 Title: Manager, Flood Control Division

Date: 12/20/05

Fish & Game Fee Finding: Subject to Fee EF27682

Recorded in Official Records, Orange County
 Tom Daly, Clerk-Recorder

1250.00
 200585001598 01:48pm 12/20/05
 90 125 203
 1250.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00

Talbert Nature Reserve General Plan Conformity Request

