ITEM #2

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

DATE: April 9, 2002

TO: Orange County Planning Commission

FROM: Planning & Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA01-0101 for Coastal Development Permit

PROPOSAL: The project includes infrastructure improvements including a new 24" – 42"sewer line, a sludge force main and reclaimed water line along the west side of Aliso Creek. The project area is generally within a 50 feet wide easement area approximately 3.5 miles long and is located almost entirely within the County's Aliso-Wood Canyons Wilderness Park. The main purpose of the project is to replace existing and aging sewer lines on the east side of Aliso Creek. Also included in this proposal is a new access road and a County bike path and a hiking/riding trail. The project is known as "The Aliso Creek Emergency Sewer Project" or ACES.

LOCATION: In the southern portion of the Aliso and Wood Canyons Wilderness Park, westerly of Aliso Creek, starting near Aliso Creek Road to the north and ending at the South Orange County Wastewater Authority Coastal Treatment Plant to the south. Fifth Supervisorial District

APPLICANT: County of Orange, project area property owner
South Orange County Wastewater Authority and the Moulton Niguel Water District, project proponent/applicant

STAFF CONTACT: William V. Melton, Project Manager
Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: Current Planning Services Division recommends Planning Commission approval of PA01-0101 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

In 1999, the Moulton Niguel Water District (MNWD) purchased 1.96 mgd (million gallons per day) of capacity in the Aliso Water Management Agency (AWMA) Coastal Treatment Plant (CTP), now known as the South Orange County Wastewater Authority (SOCWA) Coastal Treatment Plant (CTP). This treatment plant capacity was purchased for two reasons:

- To fulfill the ultimate treatment plant capacity needs of MNWD within the Aliso Creek Watershed, as dictated by the District's recently updated Plan of Works.

- To provide an emergency overflow for the Alicia Parkway Pumping Station located in the lower portion of the Laguna Niguel Regional Park at Alicia Parkway.

Currently the emergency overflow for the Alicia Parkway Pumping Station is a thirty-year-old 18-inch pipeline on the east side of Aliso Creek. This existing pipeline has been washed out by Aliso Creek several times, and its replacement as an emergency overflow is one of the principal reasons for construction of the proposed project known as the Aliso Creek Emergency Sewer Project (ACES).

The ACES project is located on the western side of Aliso Creek. The project begins at the north near the intersection of Aliso Creek Road and the Alicia Parkway and continuing south approximately 3.5 miles down to the CTP. A portion of the project near the start is located within the cities of Aliso Viejo and Laguna Niguel. That portion of the project within unincorporated Orange County is located within the Aliso and Wood Canyons Wilderness Park. The applicant is required to obtain a Public Properties Permit in and a lease agreement with the County in association with this Coastal Development Permit prior to any construction within the park. The applicant must also obtain any necessary approvals for that portion of the proposal that is located within the cities. The ACES Project consists of the following six project components. A more detailed discussion of the components is found later in this report and in the applicants Letter of Explanation (Exhibit 1).

1. Aliso Creek Emergency Sewer (ACES)
2. Coastal Treatment Plant Sludge Force Main
3. Reclaimed Water Pipeline
4. SOCWA Access Road to the CTP
5. Bike Lane/Bike Path
6. Hiking and Riding Trail

The proposal within the County is in the Aliso Viejo Planned Community. The project site is in Planning Area 62.1 and has a land use designation of "Agricultural/Greenbelt". Site development standards are subject to the A1 "General Agricultural" District regulations of the Orange County Zoning Code. This area is the Aliso and Wood Canyons Wilderness Park

The proposal is also within the Coastal Zone. The site is part of the "Aliso Viejo Segment of the Aliso Creek Planning Unit Local Coastal Program" (LCP). The LCP covers the Aliso and Wood Canyons Wilderness Park and the entire length of Aliso Creek from the Laguna Beach City limits to the south, to Aliso Creek Road to the north. The LCP received final County/State certification on September 11, 1986. This proposal constitutes a "major public works project" and as such, the County's action on this proposal is appealable to the California Coastal Commission.

Those land areas of Aliso Viejo and Laguna Niguel adjacent to Aliso Creek are also in the Coastal Zone and were part of the LCP prior to incorporation. The LCP did not automatically become certified for the cities when incorporation occurred. The City of Laguna Niguel does have a certified LCP for the Aliso Viejo Segment of the Aliso Creek Planning Unit within their city limits. It does not appear to staff that the City of Aliso Viejo has a certified LCP for their portion of the Aliso Viejo Segment of the Aliso Creek Planning Unit. The applicant may be required to obtain a Coastal Development approval directly from the Coastal Commission for that portion of the project within the City Aliso Viejo.

SURROUNDING LAND USE:

Area surrounding the easement area within the County jurisdiction of the project site is open space, all part of the Aliso and Wood Canyons Wilderness Park See Exhibit 2 for aerial site photos of Aliso Creek from Aliso Creek Road to the treatment plant.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to 11 County Divisions, the cities of Aliso Viejo, Laguna Niguel and Laguna Beach, Army Corps of Engineers, State Department of Fish and Game and the U.S. Fish and Wildlife Service. As of the writing of this staff report, no comments raising new issues with the Planning Application of project have been received from other County divisions that were not addressed in the Negative Declaration.

CEQA COMPLIANCE:

A Mitigated Negative Declaration (Exhibit 4) has been prepared by Aliso Water Management Agency (now South Orange County Wastewater Authority) for this proposal. The Mitigated Negative Declaration was adopted by the Board of Directors and became final on May 22, 2001. Mitigation Measures will be implemented at the various stages of project development and are the responsibility of SOCWA. Prior to project approval, this ND must be found adequate to satisfy the requirements of CEQA by the Planning Commission for this Coastal Development Permit. The Mitigated Negative Declaration has been reviewed by Environment Planning Services staff and found to be adequate for the proposal. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

As mentioned in the Background section of this report, there are six components to the complete project. Following is a discussion of each of the six components.

- *ALISO CREEK EMERGENCY SEWER (ACES)*

The ACES pipeline will serve two purposes. First, it is being built as a replacement for the 18-inch MNWD raw wastewater pipeline that was constructed in the 1960's to convey wastewater to the then South Laguna Sanitary District Plant. Today this plant is known as the SOCWA Coastal Treatment Plant (CTP). Prior to construction of the AWMA regional facilities in the late 1980's, MNWD owned capacity in this plant and used it on a daily basis. With the construction of the AWMA Regional Treatment Plant (RTP), the EPA required that MNWD sell its ownership as a condition to EPA'S partial funding of the RIP. However, EPA recognized that the 18-inch line could be, and should be, used as an emergency overflow line for the Alicia Parkway Pumping Station (APPS), which was also constructed as a part of the AWMA regional facilities in 1983. The 18-inch line has served this

purpose several times during both planned and emergency outages of at the APPS. However, the 18-inch line has experienced several washouts through the years as Aliso Creek has shifted its boundaries throughout the years.

The second purpose of the ACES pipeline is to convey up to 1.96 mgd of wastewater flow to the CTP. MNWD (with approval of the State Water Resources Control Board) purchased this 1.96 mgd of capacity in the CTP in 1999. MNWD purchased this treatment capacity from the City of Laguna Beach and the South Coast Water District. The capacity existed and no new construction was necessary. Thus, the two purposes of the ACES pipeline will be: 1) replacement of the existing overflow for the Alicia Parkway Pumping Station, and 2) to make use of MNWD's recently acquired capacity in the CTP.

The ACES will start at a new diversion structure to be constructed just upstream of the Aliso Creek Road over-crossing of Aliso Creek (in the City of Laguna Niguel), on the west side of the Creek, adjacent to the existing bike path. No new creek crossing will be required to connect the APPS to the ACES, as an existing pipeline that already crosses under Aliso Creek will be utilized. From the diversion structure, the ACES will cross under the Aliso Creek Road bridge abutment and generally follow the existing paved bike path to the existing CTP access road. It will then follow the CTP access road for about 800 feet, passing between the Mormon Church and the Park Museum, before it will be constructed under the slope below the Aliso Viejo Community Association (AVCA) Aliso Canyon Community Park.

Southerly from the junction of the newly constructed CTP access road (the "new" access road) and the existing access road (the "old" access road), the ACES will be located on the westerly side of the access road, which is moved even further westerly in certain areas. Directional drilling will be utilized in several areas, including beneath the Wood Canyon drainage course and the bluff near the CTP. To avoid a new crossing of Aliso Creek adjacent to the CTP, MNWD has entered into an agreement with the City of Laguna Beach to utilize excess capacity owned by the City in the North Coast Interceptor. This is an existing interceptor that was constructed with a subsurface creek crossing in the early 1980's as part of the AWMA regional facilities. The interconnection of the ACES to the North Coast Interceptor will be on the west side of Aliso Creek.

Because peak flows at the APPS (up to 11 mgd) exceed the available treatment capacity at the CTP, it is planned to store a portion of any emergency overflow from the APPS in the ACES. For this reason, the middle segment of the ACES is 42-inches in diameter, in contrast to 24-inches in diameter for the upper and lower portions of the ACES. This capability will be in sharp contrast to the existing 18-inch emergency overflow, which can only convey a maximum flow rate of 5 mgd The total length of the ACES is approximately 19,300 feet.

Another pertinent feature of the ACES project is an odor control scrubbing system, which will be located at the upper end of the Project at the MNWD Aliso Creek Road Reclaimed Water Pump Station. The system will utilize a blower to draw an air stream from a sewer manhole adjacent to the Reclaimed Water Pumping Station. This air stream will then be scrubbed with sodium hypochlorite and sodium hydroxide solutions within a closed reactor.

➢ *CTP SLUDGE FORCE MAIN*

Residual solids (i.e. sludge) produced at the CTP are pumped to the SOCWA Regional Treatment Plant (RTP) in Laguna Niguel for subsequent treatment, dewatering, and transportation to ultimate disposal. Since the early 1980's, two four-inch pipelines, located on the east side of Aliso Creek have been used for this purpose. Over the years, these pipelines have experienced internal corrosion and the buildup of corrosive byproducts, which have significantly increased maintenance. Recently, in July and August of 2001, it was necessary to take these two lines out of service for back flushing and cleaning, and it was necessary to truck the sludge up the canyon to the RTP for several weeks. This action may be necessary again, possibly for extended time periods, until the ACES project is completed.

To reduce pumping and maintenance costs, and to reduce the possibility of rupturing the existing 4-inch lines due to high pressure, the decision was made to replace these lines as part of the ACES project with a single six-inch force main which will be located on the west side of Aliso Creek. Two portions of the six-inch force main have already been completed: approximately 4,000 feet in the "new" CTP access road through AVCA's Aliso Canyon Community Park, and approximately 2,500 feet from Alicia Parkway through the Laguna Niguel Regional Park to the SOCWA RTP. These recently completed portions of the 6-inch sludge force main cannot be utilized until the additional portions are completed as a part of the ACES Project.

The three portions of the sludge force main that remain to be completed are: 1) approximately 750 feet on the CTP site, 2) approximately 13,800 feet from the CTP to the AVCA Community Park and 3) approximately 800 feet from the new AWMA access road to Alicia Parkway. The new sludge force main will be approximately 4-feet deep. Air-vacuum release valves will be located at intervals along the alignment.

The creek crossing for the 6-inch force main exiting the CTP will be beneath and attached to the CTP access bridge. The creek crossing at the upper end of the project near Alicia Parkway will be similar to the lower crossing, utilizing the existing bridge on the CTP access road.

➢ *RECLAIMED WATER PIPELINE*

In anticipation of utilizing the capacity that the MNWD has in the existing water reclamation facilities at the CTP, a 20-inch reclaimed water pipeline will be installed as the third component of the ACES project. It will extend from the CTP to the southerly end of the AVCA Aliso Canyon Community Park, which is the junction of the "new" and "old" CTP access roads. The total length of the reclaimed water pipeline will be approximately 14,000 feet, and it will be equipped with air-vacuum release valves at intervals along the alignment.

This reclaimed water pipeline was envisioned when the existing CTP access bridge was reconstructed in the early 1990s. Therefore, all that will be necessary is to connect the new pipeline to the existing pipeline in the bridge. No new creek crossing of Aliso Creek will be required. In accordance with a request from the County of Orange PFRD, four fire hydrants will be located on this reclaimed water line at roughly equal intervals.

➢ *CTP ACCESS ROAD*

The existing CTP access road will be realigned and reconstructed, in selected locations, from the southerly end of the AVCA Park, where the new CTP access road ends. This realignment (moving the road further away from the creek) is necessary to provide maximum protection for the ACES project facilities and to provide the maximum degree of assurance that raw wastewater spills will not occur in the future. The new portions of the access road will be 20-feet wide, all-weather asphalt, with a length of approximately 13,900 feet. As described in the following section, an 8 to 10-foot wide bike lane/bike path will be constructed immediately adjacent to the access road, but striping will be used to separate the road and the bike lane/bike path. In two areas, there will be joint use of the access road, with striping being used to separate the two. In these two areas, the access road will be 22-feet wide, with 10-feet used for the bike lane. Appropriate signage will be used to prevent the bike lane/bike path from being used when vehicles are approaching.

In the upper portion of the ACES project, in the existing access road between Alicia Parkway and the new CTP access road, the existing access road will be rebuilt, as necessary, after the pipelines have been installed. The length of this portion of the access road is approximately 1,000 feet.

➢ *BIKE LANE/BIKE PATH*

The Aliso Creek Bikeway is a County and OCTA master-planned mountains-to-sea bikeway. One of only six such routes, the bikeway is proposed to begin at the intersection of El Toro, Santiago Canyon and Live Oak Canyon Roads and extend south to Aliso Beach, an existing County facility. This bikeway already connects the cities of Mission Viejo, Lake Forest, Laguna Hills, Laguna Niguel as well as several foothill communities making it one of the County's most popular recreational amenities. Approximately 12 miles of this 16-mile route have been developed. The undeveloped section is from the Aliso and Wood Canyons Wilderness Park main entrance (south of Aliso Creek Road and west of Alicia Parkway) to Aliso Beach.

The bike lane/bike path will be constructed from the general area of the Park Museum to the vicinity of the CTP. From the Museum to the junction of the "old" and "new" CTP access roads, where the bike lane/bike path is in the slope below the AVCA Park, it will consist of an 8-foot paved path with 2-feet of decomposed granite (DG) on each side. From the junction of the "old" and "new" CTP access roads southerly, it will consist of an 8-to- 10-foot paved bike lane that is an integral part of the CTP Access Road, although it will be separated from the access road by striping. This southerly portion will have a length of approximately 17,200 feet from its upper end to the lower end near the CTP.

The width of the bike lane is reduced to as narrow as 8-feet in some locations to accommodate the topography of the route. This reduction significantly reduces excavations into bluffs or the filling of wetland areas. Figure 6, attached shows the proposed width of the new bike path along its route. The bike path and the hiking and riding trail will terminate across Aliso Creek from the CTP. The trail system will terminate in a turn-around facility that will include the following features:

- Kiosk
- Drinking fountain
- Picnic benches
- Horse watering trough
- Bike rack

SOCWA and the County are presently entering into a Joint Use Agreement for use and maintenance of the access road and the bike lane/path. In this Agreement, SOCWA has agreed to maintain and restripe the bike path, as necessary, in conjunction with maintenance of the access road. The bike trail will be accepted by the County concurrently with recordation of the Notice of Completion of the ACES project.

➢ *HIKING AND RIDING TRAIL*

The 10-foot wide decomposed granite hiking and riding trail will be constructed along the same general alignment as the bike path/bike lane. The alignment will not be identical however, as the hiking and riding trail will be located closer to the creek, in basically the same location as the CTP access road. The location of the hiking and riding trail along the existing roadway was selected to minimize the additional taking of natural habitat with the park. The asphalt in the portions of the existing access road to be abandoned will be removed to accommodate the new hiking and riding trail. The length of the proposed hiking and riding trail is approximately 17,200 feet long.

Similar to the bike lane, the width of the hiking and riding trail is reduced in certain locations to avoid significant modifications of the topography (with related impacts on habitat). The width of the hiking and riding trail will vary from 2-feet to 10-feet, with the majority of the trail being 10-feet in width. Figure 6 shows the proposed width of the new hiking and riding trail along its route. Maintenance of the hiking and riding trail will be the responsibility of the County. The hiking and riding trail will be accepted by the County concurrently with recordation of the Notice of Completion of the ACES project.

County Facilities

As part of the Aliso Creek Emergency Sewer (ACES) project, SOCWA proposes to substantially extend both the regional bikeway and regional riding and hiking trail on behalf of the County by incorporating these commuter and recreational facilities into the subject sewer relocation project.

The linkages will further two important County recreation program tasks. The project will extend the regional bikeway from its present terminus at Gate No. I of Aliso/Wood Canyon Wilderness Park to the south part of the park, a distance of 2.5 miles. The bikeway will be constructed as part of the work to relocate the existing SOCWA asphalt service road. The service road, originally planned to 20-feet in width, will be widened from 20-feet to 30-feet to accommodate the 10-foot bikeway. The 10-feet bikeway will be striped and signed distinct from the SOCWA service road. By affording future bikeway users their own route, park visitors will be less likely to encroach into the adjacent SOCWA service road.

The project will also build a significant length of the Aliso Creek Regional Riding and Hiking Trail. The future trail will be aligned over the existing SOCWA service road. The asphalt of the old roadway will be removed exposing the underlying aggregate rock base. To create the necessary trail surface the project will then apply a layer of decomposed granite covering the rock base. The trail will extend from the park's entrance to the south part of the park. When the project is completed, the only undeveloped length of the bikeway will be adjacent to the Aliso Creek Golf Course. Following is a more detailed description of these two facilities that are being constructed as part of the ACES project for use by the County.

Following is a discussion of several other aspects of the project that are directly related to the proposed to ACES:

Coordination with Army Corps of Engineers Aliso Creek Stabilization Project

The basic premise of the Aliso Creek Emergency Sewer Project is the relocation of existing facilities (sewer, sludge force mains, SOCWA Access Road) away from meandering path of Aliso Creek. The need for the project is immediate as portions of the facilities have recently failed or are in danger of failing in the near future due to erosion within the watershed. New facilities in the proposed project are located away from the Creek where the existing topography allows. The United States Army Corps of Engineers is developing an Aliso Creek Watershed Stabilization project that is expected to be constructed sometime during the next decade. It is anticipated that the Aliso Creek Emergency Sewer Project in tandem with the Corps stabilization project will provide long term protection for the identified facilities within the Aliso Creek watershed.

The possibility exists that the Corps stabilization project will be delayed due to unforeseen circumstances. SOCWA will provide a contingency plan in the event that the new facilities are threatened by future creek erosion. The concepts for this contingency plan are embodied in the "Aliso Creek Stream Instability Countermeasures" (Rivertech, Inc.; March, 1999) report. This report identified a series of stream barbs and riprap revetment as a means of protecting the Effluent Transmission Main (ETM). These proposed improvements are not needed if the Corps stabilization project is implemented. However, some portions of the Rivertech plan could be implemented in an emergency situation in the absence of the Corps stabilization project.

There are three existing pipelines on the east side of Aliso Creek that are owned either by SOCWA or the Moulton Niguel Water District. These pipelines are located in existing easements, and are not a part of the ACES Project, although two will not be needed after the ACES Project is completed.

The existing pipelines on the east side of Aliso Creek

The two 4-inch sludge force mains from the CTP to the RTP are proposed to be abandoned in place. Although there are actually two pipelines, they are considered as one since they serve the same purpose and are only about two feet apart. The new 6-inch sludge force main that will be constructed as part of the ACES Project will perform the function of these two pipelines. The two 4-inch force mains will be plugged with concrete at the starting point in the CTP. SOCWA will remain responsible for the pipelines should future storm activity cause an exposure of the piping with the resultant need for removal and mitigation.

The Moulton Niguel 18-inch sewer was constructed in the 1960's from Alicia Parkway to the Coastal Treatment Plant. This pipeline currently acts as an emergency overflow for the SOCWA Alicia Parkway Pumping Station, a function which will be performed by the new ACES. At the present time, the 18-inch sewer is being used to convey dry-weather urban runoff from the County and City of Laguna Niguel's J03P02 storm drain. The dry weather runoff is captured by the City at the storm drain terminus and conveyed by the 18-inch line to the Coastal Treatment Plant for treatment. It is envisioned that this pipeline will probably convey water from other storm drains in the future, as solutions to control the impacts of dry weather urban runoff are implemented. MNWD will remain responsible for this pipeline should future storm activity cause an exposure of the piping with the resultant need for removal and mitigation. The pipeline that will remain is SOCWA's ETM that conveys secondary effluent from upstream plants to the SOCWA Ocean Outfall at the mouth of Aliso Creek. This pipeline varies between 36 and 39 inches in diameter.

Public Facilities and Resources Department (PFRD)

PFRD through Harbors, Beaches and Parks is the property owner for this proposal. SOCWA will be granted an easement through County property for the ACES project. For the use of County property, the County will gain new hiking trails and bikeways. The County and SOCWA have been working on the easement details of this proposal for some time now. Numerous conditions have been agreed to by SOCWA for use of the County easement. Because these conditions are subject to amendments and revisions, PFRD recommended that only two conditions of approval be applied to the Coastal Development Permit in lieu of the numerous conditions that are part of easement agreement. PFRD's recommended conditions are as follows:

- *Prior to the commencing construction, or prior to the issuance of a grading permit, whichever comes first, the project developer shall obtain a Public Property Permit from the County of Orange.*

- *Prior to the commencing construction, or prior to the issuance of a Public Property Permit, or prior to the issuance of a grading permit, whichever comes first, the project developer shall enter into a joint use agreement with the County of Orange for construction and maintenance of the project. The project developer is subject to any additional conditions that said joint use agreement may impose.*

SUMMARY:

Currently, the South Orange County Wastewater Agency (previously known as the Aliso Wastewater Management Agency) and the Moulton Niguel Water District have sewer lines on the east side of Aliso Creek in a County easement area within the Aliso and Woods Canyons Wilderness Park. These sewer lines are old and in need of constant maintenance and repair. These sewer lines are subject to rupture and pollution of Aliso Creek. To address this potential problem, SOCWA and the MNWD propose to install new sewer lines on the west side of Aliso Creek in a project called the ACES Project, Aliso Creek Emergency Sewer Project. In addition to new sewer lines new access roads, bikeways and hiking trails will be constructed. A Negative Declaration has been prepared and finalized by SOCWA for the proposal.

The project site is within the Aliso Viejo Segment of the Aliso Creek Planning Unit Local Coastal Program and subject to the approval of a Coastal Development Permit. Portions of the total project are also within the cities of Aliso Viejo and Laguna Niguel. SOCWA will be required to obtain any necessary permits from the cities or the Coastal Commission for sections of the project outside County jurisdiction. Staff supports the SOCWA request for approval of a Coastal Development Permit and makes a recommendation as follows.

RECOMMENDED ACTION:

Planning and Development Services Department/Current Planning Services Division recommends the Planning Commission:

a. Receive staff presentation and public testimony as appropriate; and,

b. Approve PA01-0101 for Coastal Development Permit subject to the attached findings and conditions of approval.

Respectfully submitted

(signed)

George Britton, Manager
Current Planning Services

WVM
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APPENDICES:

A. Recommended Findings

B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation

2. Aerial Project Site Photos

3. Project Site Plans

4. Negative Declaration by the Aliso Water Management Agency

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of $760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.

In addition, this project is within the Coastal Zone and is an "appealable development" as defined in Zoning Code Section 7-9-118.6(i)(1)(c). Approval of an appealable development may be appealed directly to the California Coastal Commission (telephone number 562-560-5071), in compliance with their regulations, without exhausting the County's appeal procedures.