

November 17, 2015

**Via E-Mail and FedEx**

Yorba Linda City Council  
4845 Casa Loma Avenue  
P.O. Box 87014  
Yorba Linda, CA 92885

Re: Pre-Annexation Agreement for Esperanza Hills Project

Dear Mayor Hernandez and Honorable Councilmembers:

On behalf of Hills For Everyone and Protect Our Homes and Hills I am writing to express strong objections to the pre-annexation agreement proposed for approval at tonight's City Council meeting. The staff report and resolution for the agreement focus on the future annexation and on the City's CEQA responsibilities, but the key effect of the agreement would be allowing a developer to build a road on land that the City has set aside as open space and parkland. As detailed below, this road is plainly incompatible with prior plans for the site. The City should stand by its previous decision to protect this land.

**I. The Pre-Annexation Agreement is Inconsistent with the City Planning Documents.**

The pre-annexation agreement allows the developer of the Esperanza Hills project in unincorporated Orange County to build a road across two City-owned parcels: Assessor's Parcel Number 351-742-20 (formerly 351-742-15, known as Lot H) and 351-742-17 (known as Lot A). They were created on Vesting Tract Map 9813 in 1985 as part of the Dominguez Hills subdivision and subsequently quitclaimed to the City by the developer of that subdivision, as the staff report for the agreement explains. As explained below, the use of these parcels is governed by a development plan that is not in the record before you, but almost certainly designated them for open space and parkland. The General Plan similarly designates at least part of the road's route as Open Space. The proposed road is not consistent with any of these designations.

**A. The Agreement’s Road Proposal is Inconsistent with the Yorba Linda Zoning Code.**

The pre-annexation agreement allows the construction of a road on City property, by directing the issuance of a license, encroachment permit, or similar instrument. It is a “cardinal principle” of municipal law that “local government entities cannot issue land-use permits that are inconsistent with controlling land-use legislation, as embodied in zoning ordinances and general plans” *Land Waste Mgmt. v. Contra Costa Cnty. Bd. of Supervisors* (1990) 222 Cal.App.3d 950, 957, 959. The determination that a permit is consistent with the applicable zoning must be supported by substantial evidence in the record before the local agency. *See, e.g., Breakzone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205, 1244. Approval of the agreement would violate these principles: there is no evidence to support the determination that the road is consistent with the site’s zoning, and the available evidence shows that the road would in fact be inconsistent.

**1. Without the Dominguez Hills Development Plan, There is No Evidence to Support a Finding that the road is Consistent with Zoning.**

As explained in the staff report, both of the parcels underlying the proposed road are zoned “PD,” for Planned Development. Under this designation, allowed uses are “[t]hose uses designated on the development plan for the particular PD zone as approved by the City Council.” Yorba Linda Municipal Code § 18.16.110(A). The staff report, however, includes no discussion of that development plan or whether the proposed road is consistent with the use designations in that plan. Instead it simply makes the absurd statement that the “PD-12 zoning does not prohibit a road” on this site. This is a plain misstatement of the law: under the Yorba Linda zoning rules, only listed uses are allowed. Yorba Linda Municipal Code § 18.08.070 (“Uses not specified in the master list or within the tables for each zone are prohibited.”) If a use is not explicitly allowed in a zone, then it is prohibited. There is no need for a zone to “prohibit” a certain use.

Moreover, the PD zoning itself does not prohibit *any* specific uses. A use is allowed or prohibited if the development plan allows or prohibits it. Referring, as the staff report does, solely to the zoning designation is completely meaningless. The only way to determine whether the proposed road is consistent with zoning is to compare it to the applicable development plan pursuant to Municipal Code section 18.16.110(A). Here, the relevant development plan is associated with the adjacent Dominguez Hills subdivision. As the ultimate decision maker, the City Council simply must see that document with which the road is supposed to be consistent. Without such a comparison,

or even any discussion of that development plan, there is no way to make the required finding. Any determination of zoning consistency will lack substantial evidence and will therefore be invalid.

All indications in City records are that the parcels were intended to be open space under that missing development plan. The Tract Map states on sheet 5 that these parcels are to be used as open space and as a park site. See Attachment 7 to Staff Report. It does not show any road on these parcels.

The PD designation is intended “[t]o provide for the classification and development of parcels of land as coordinated, comprehensive projects . . . .” Yorba Linda Municipal Code § 18.16.100(A). The Tract Map is the best evidence before the City of the comprehensive planning for the Dominguez Hills development. It does not include a road, and the proposed road has nothing to do with Dominguez Hills. The road therefore is not a part of that “coordinated, comprehensive project.” A road that serves a separate development is necessarily inconsistent with the PD zoning, regardless of the parcels’ designation under the relevant, missing development plan.

In the absence of evidence regarding the Dominguez Hills development plan, the City cannot approve the Pre-Annexation Agreement: there is no way for the City to make a supported finding of consistency unless and until it provides the public and decision makers with information about what uses are actually allowed on these parcels.

## **2. The Missing Development Plan Almost Certainly Zoned the Property for Open Space.**

If the City has somehow lost the Dominguez Hills development plan, it must look to contemporaneous evidence of the restrictions that plan applied here. In correspondence with the Dominguez Hills developer concerning these parcels, the City plainly stated that “the only use approved for this site without a public hearing would be as natural, unaltered open space.” See Attachment 1. Similarly, the City previously explained that all undeveloped lots in the subdivision, including the parcels at issue here, “should be regarded as OS (Open Space) lots only.” See Attachment 2. And in a later staff report concerning potential sites for an equestrian facility, City staff noted that “Lot A is designated as parkland.” Attachment 3 at p. 5.

According to this evidence, the parcels could be treated as if the Dominguez Hills development plan designated them as Open Space. This would bar approval of the Pre-

Annexation Agreement: Municipal Code section 18.16.430 excludes roadways from its list of allowed uses in open space zones.

**B. The Proposed Road is Inconsistent With the City's General Plan.**

Regardless of the confusion generated by the City's failure to provide the development plan containing the site's zoning, the City's General Plan is clear. It designates Lot H as Open Space.<sup>1</sup> "The general plan functions as a constitution for all future developments, and land use decisions must be consistent with the general plan and its elements." *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782. The pre-annexation letter fails this test, as the construction of a road is plainly inconsistent with that designation. The General Plan provides for the following uses in Open Space lands: "active and passive recreation areas, passive open space, conservation and public safety land uses." General Plan, p. LU-48. A road serving a residential development does not fall into any of these categories. The staff report's assertion that some of the allowed uses "require roadway access" is specious. A road that is a part of or ancillary to an open space might, per this statement, be consistent with the Open Space designation. But this road would have nothing to do with the open space, except to cut it in half.

The proposed road would clearly frustrate the achievement of the plan's fundamental, mandatory, and clear policies. For example, Recreation and Resources Policy 1.3 calls for "the retention of permanent open space through dedication as a part of the development site plan and subdivision/review process." If open space set aside through these processes were vulnerable to a later developer's road plans, then it can hardly be called "permanent."

Moreover, the Council lacks sufficient facts to make a valid consistency determination. There is currently no real project before the Council. The only description in the staff report of the proposed road is a pair of conceptual sketches. See Attachment 5 to Staff Report. They include no reliable description of the road, its uses, the proposed

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<sup>1</sup> The City's prior statements, discussed above, and the entire history of the site demonstrate that Lot A's residential designation on the General Plan's land use map is a clerical error. The General Plan, adopted after the Dominguez Hills development plan, should not be read to be inconsistent with that plan's designation of the land as open space or parkland.

materials, its alignment, or its landscaping—all factors essential to determining whether the road is consistent with the parcels’ designations. The City Council’s decision must be based on the road that would actually be built, not on the simple idea of a road and a couple of cartoons. Without an actual project proposed and described in the record, there can be no substantial evidence to support a Council finding that the proposed road is consistent with the General Plan.

At the October 29 Planning Commission hearing concerning an early approval of the proposed road, City staff presented a map of the City purporting to show that many open space areas also include roads. Staff, however, have not identified a single instance of what they propose here: a road added to an open space 30 years after the land was set aside, with no connection to the use of the open space or to the development that set it aside. In previous cases, the road was a part of the original approval, and the City accepted or designated the open space with the understanding that the road burdened the land. Here, the City decided long ago that this land was to be undeveloped. If the City wants to revise the decision, it must follow the procedures required by law.

## **II. The Municipal Park Abandonment Law of 1939 Bars the Pre Annexation Agreement as Presented.**

The Municipal Park Abandonment Law of 1939, Government Code sections 38501 et seq., sets out the procedural requirements for the abandonment of parkland. It applies to “any land within the city limits has been dedicated for park purposes by the recording of a plat or map in the office of the county recorder.” Gov’t Code § 38501(a). Parcel A was dedicated to the city as parkland on Tract Map 9813. The proposed road requires the abandonment of the underlying land’s use as a park. The pre-annexation agreement, which allows that road, cannot be approved without following the required abandonment procedures. The present resolution does not do so and therefore is invalid as a means of approving the road.

## **III. The Road Proposal Must be Approved by the Electorate.**

As shown in this letter, the proposed road is inconsistent with the site’s zoning and General Plan designations. It therefore cannot be approved through this pre-annexation agreement or by any other means other than rezoning and General Plan amendment. Any such action would approve the private development of City-owned land: it would allow a private developer to build, own, and maintain a road for the sole benefit of a private neighborhood. As such, the actions required to approve the road would be “Major Amendments” under Measure B, the Yorba Linda Right-to-Vote Amendment, which

requires that any such action go to a vote of the electorate. Yorba Linda Municipal Code § § 18.01.030 (A)(6), 18.01.040 (A).

In the event that the City Council disregards this requirement and approves the agreement without a vote of the people, Hills For Everyone and Protect Our Homes and Hills will need to consider all options for vindicating the electorate's rights, including the referendum process and litigation. Either approach is likely to defeat this ill-conceived project. We therefore urge you to make that potentially contentious process unnecessary by rejecting the pre-annexation agreement.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Gabriel M.B. Ross

Attachments:

Attachment 1: Letter from City of Yorba Linda to G. Jones, 5/19/89

Attachment 2: Letter from City of Yorba Linda to K. Meddock, 9/26/86

Attachment 3: City of Yorba Linda Park & Recreation Report, 3/18/08

cc: Todd Litfin, Yorba Linda City Attorney  
David Brantley, Yorba Linda Planning Director  
Marcia Brown, Yorba Linda City Clerk  
Mark Pulone, Yorba Linda City Manager  
Kevin Canning, Orange County Public Works  
Todd Spitzer, Orange County Supervisor, 3rd District

# Attachment 1



# CITY OF YORBA LINDA

P.O. BOX 487

CALIFORNIA 92686

May 19, 1989

Mr. Greg Jones  
G & M Management Services, Inc.  
P.O. Box 2128  
La Habra, California 90632-2128

Subject: Dominguez Hills Planned Community, Tract 9813 ✓

Dear Mr. Jones:

This is in response to your letter, dated May 10, 1989, regarding your inquiry as to the potential uses for lots identified as Assessor Parcel Numbers: 351-742-15, 351-742-17, 351-743-01. The three lots you referenced represent approximately 24 acres of land within the Dominguez Hills Planned Community referenced as "Open Space" on Tract Map 9813.

Open Space within the Dominguez Hills Planned Community is regulated by Section 9-1.B of the "Dominguez Ranch Planned Community District Regulations" (see copy attached). Per the Planned Community Regulations, the Open Space is to be natural open space, and is stipulated to be guaranteed in perpetuity by dedication of development rights 4 feet above finished grade over the designated open space areas. The only exception to this prohibition of alteration of the natural terrain would be "recreation parks" subject to the granting of a Conditional Use Permit.

In direct response to your question, the only use approved for this site without a public hearing would be as natural, unaltered open space. The only other use permitted with current zoning would be as a recreation park which requires a Conditional Use Permit. A Conditional Use Permit is a process which does require a public hearing. No other uses are permitted with current zoning; any other uses would require a zone change amendment to the Planned Community which also requires a public hearing.

I hope this letter serves to clarify the situation for you. If you should have any further questions, please do not hesitate to contact me at our City Hall Office.

Sincerely,

Bruce Cook  
Senior Planner

attachment

# Attachment 2



## CITY OF YORBA LINDA

P. O. BOX 487

CALIFORNIA 92686

(714) 961-7130

COMMUNITY DEVELOPMENT

Tr  
9813

September 26, 1986

Warmington Homes  
3090 Pullman Street  
Costa Mesa, California 92626

Attention: Mr. Kenneth R. Meddock  
Project Manager

Subject: Tract 9813

Dear Ken:

In response to your letter of September 23, 1986 regarding the disposition of the various lettered lots within Tract 9813, please be advised of the following.

Tract 9813 contains 134 residential lots in addition to the referenced lettered lots and is the final phase of development within the Dominguez Ranch Planned Community originally proposed by the Broadmoor Company, but subsequently acquired by your company.

Certain of the lettered lots which you propose to maintain under the Warmington Homes ownership are outlined on the Dominguez Ranch Planned Community Development Plan as OS (Open Space) lots and their development rights were transferred to other portions of the Planned Community.

The net result of this is, after the completion of Tract 9813, there are no more lots within the Planned Community that retain any development rights and therefore all remaining lots should be regarded as OS (Open Space) lots only.

I hope this clarifies the matter.

Sincerely,

Phillip S. Paxton  
Community Development Director

cc: City Engineer

# Attachment 3

# CITY OF YORBA LINDA

## PARKS AND RECREATION DEPARTMENT REPORT

**DATE OF COUNCIL MEETING: MARCH 18, 2008**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM: TAMARA S. LETOURNEAU, CITY MANAGER**

**BY: SUSAN LETO, DIRECTOR OF PARKS AND RECREATION**

**SUBJECT: EQUESTRIAN FACILITY UPDATE**

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### **RECOMMENDATION**

It is recommended that the City Council review the site options and provide direction to staff on how it would like to proceed with developing an equestrian facility.

### **BACKGROUND**

At the March 4, 2008 City Council Meeting, staff requested authorization to solicit Request for Proposals to conduct a feasibility study for the construction and management of an equestrian facility, and approve the expenditure budget adjustment of \$100,000 from the General Fund Reserve for this study. The report suggested nine components to be included in the study in order to identify the impact to:

- Land use relative engineering constraints, grading, traffic, noise, site access
- Biological resources especially to ornamental and native habitat
- Air and Water Quality

After a lengthy discussion, the City Council moved to continue the item until the March 18, 2008 City Council meeting so that:

- The questions posed at the March 4, 2008 meeting could be answered
- Staff could locate and utilize the information from the County's needs assessment for a 7-acre stable or 125 horse stable
- Staff could solicit feedback from professionals regarding the construction and operation of an equestrian facility
- Staff could suggest potential sites to construct an equestrian facility.

The following is a response to the inquiries made at the March 4, 2008 City Council Meeting.

How many horses are in Yorba Linda?

Staff could not find any agency certified to quantify the number of horses in Orange County. However, in 1989, the Parks and Recreation Department commissioned members of the Yorba Linda Country Riders to determine the horse population especially in the Residential Agricultural, Residential Low Density and Residential Estate zones. The 1989 Equine Census revealed that 1,379 horses, ponies, mules or miniature horses lived within the City limits. The Yorba Linda Country Riders also indicated that this number was conservative as some residents were hesitant to share the number of horses living on their property.

How many residents own horses?

Again, this information is not readily available. However, the Yorba Linda Country Riders reported to staff that when the two private, non-city owned stables closed in Yorba Linda, Espy's Ranch or also referred to as the El Cajon Stables (160 horses) and Triple B (50 horses), horse owners found other residents to assist them in boarding their horses, or they sought a stable outside the city limits. In order to find out how many Yorba Linda residents are boarding their horses outside Yorba Linda, a citywide survey would need to be done. It is suggested that the survey identify the number of horses living in areas zoned for Residential Agricultural (RA), Residential Low Density (RLD) and Residential Estate (RE); how many of these residents plan on boarding their horses on residential property or if they are interested in boarding their horse at a public facility; how many residents not living in RA, RLD or RE zones own a horse that is at a stable outside Yorba Linda city limits; and lastly, ask residents that if a facility were to be built in Yorba Linda, would they consider boarding their horse at the proposed stables.

What are the comments from Professionals regarding an Equestrian Facility?

Staff spoke with the landscape architect who assisted LSA with the **2006 Feasibility Report for Orange County Stables** proposed at Villa Park Dam (4.7 acres) and Irvine Regional Park (6.7 acres). The economic analysis outlined in this Orange County Feasibility Report indicated that an equestrian facility with a mix of 100 or more stalls and pipe stalls would be needed to cover day-to-day operating expenses.

More specifically, the report *"found no analysis feasible to cover any potential debt service, lease payments or profits. The remedies suggested included subsidy for capital improvements, cost of environmental engineering, foregoing lease payments or accepting significantly reduced lease payments in order to make the equestrian facility economically attractive as a profitable operation. The economic analysis found that concessionaires may not be attracted to the project if they had to bear the cost of project entitlement, cost of site preparation such as grading, extension of utilities, site access improvements, and water quality best management practices. In addition, the*

*Feasibility Report for Orange County* indicated that if the concessionaire was obligated only to finance and build the facility, their ability to pay rent and generate a profit is marginal.”

#### Why would the City want to build such a facility?

The **1993 General Plan** did not propose an equestrian facility as a recreation facility; however, the City Council could determine at this time the need for an equestrian facility to alleviate the real or perceived shortage of equine boarding facilities. In addition, the General Plan does outline the need for trails and in April of 2005, the City Council approved the General Plan Update to the Riding, Hiking and Trails Component. The current equestrian amenities available to our equestrian community is one arena at San Antonio Park, one arena at Arroyo Park, and the Phillip S. Paxton Center which includes a show arena, a turn-out which is similar to a small arena used to allow horses to stretch their legs or to run around, and a round pen.

#### Number of Yorba Linda Residents Boarding Horses outside Yorba Linda?

Staff called eight equestrian facilities to find out the number of Yorba Linda residents boarding horses at their facility. The facilities called were Nellie Gail Ranch, Huntington Central Park Equestrian Center, Grace Farms Boarding (Norco), Peacock Hill Equestrian Center, Ortega Equestrian Center, Orange County Fairgrounds, Sycamore Trails Stables and Rancho Del Rio in Anaheim. Rancho Del Rio in Anaheim was the only facility that had some Yorba Linda residents. In addition, two sites had a waiting list: Huntington Central Park Equestrian Center and Sycamore Trails Stables.

#### What amenities could fit in a 4.7 or 6.3-acre site?

The conceptual plans for the Villa Park Dam (4.7 acres) and Irvine Regional Park (6.3 acres) included a mid-size arena, small arena, turn-out arena, small round pen, boarding stalls ranging from 96-102, storage/feed barn, an administration office, and parking ranging from 14-60 standard stalls and 8-9 trailer stalls. The estimated cost, listed in the 2006 Feasibility Report for Orange County, to build a facility given the parameters of their project, ranged from \$1.9M to \$2.1M.

#### Why did staff recommend a 10-acre facility?

Since a site had not been selected in Yorba Linda, staff utilized the **2006 Orange County Feasibility Study**, personal site visits and information provided by the Yorba Linda Country Riders to make some assumptions of what a potential amenities an equestrian facility in Yorba Linda might include. Therefore, staff suggested 125 pipe or box stalls in order to strive to meet operating and potential capital project costs, two arenas to accommodate both English and Western riding styles, a turn out, small arena, feed storage, manure storage as required by code, parking lot, and a small picnic area.

Staff's suggested ten acres in order to create a less dense facility.

Staff used the terminology "state of the art" equestrian facility to describe the quality of the design, landscaping, construction materials, and amenities that the City of Yorba Linda strives for in its current parks and facilities. The number of amenities selected would be derived from public input sessions, what could fit in the number of available acres, how much funding available and the impact engineering constraints may have on the facility layout.

## **DISCUSSION**

Development of this facility requires staff to follow Council Policy PR-2-The Seven Step Park Planning Process. Step 1 stipulates that the City acquires the property or takes dedication of property under the Quimby Act. Step 2 requires the development of a tentative plan or master plan. For this particular project, an appropriation of \$20,000 and \$25,000 per suggested site is the cost estimate to design a master plan. The fee is affected by the number of acres, number of amenities, and engineering challenges.

Since an equestrian facility was not included in any Environmental Impact Report for any private or city-owned property, it appears that this project does not meet the requirements for categorical exemption under CEQA (California Environment Quality Act). Therefore, an Initial Study must be completed in order to determine the level of environmental review required. Prior to the commencement of the Initial Study, a master plan of the facility must be completed and submitted.

Depending on the results of the Initial Study with respect to the severity of potential environment impacts, either a Negative Declaration/Mitigated Negative Declaration, or an EIR (Environmental Impact Report) shall be completed. The cost for the Initial Study is estimated at \$50,000-\$100,000. This funding would be in addition to consultant fees needed to develop a master plan. In the event that an EIR is required, the cost could increase to \$150,000. CEQA is instrumental in ensuring that the environment impacts of development projects are assessed by City officials and the general public. This project would require review by the Planning Commission. In addition, it is recommended that the traffic circulation plan be reviewed by the Traffic Commission.

At the March 4, 2008 meeting, City Council also directed staff to suggest city-owned and other potential sites that could be considered for an equestrian facility. Below are staff findings:

### **City-owned Property**

Tank Farm or Option Site. This site is located about 3/10 of a mile east of Valley View Avenue/Lakeview Avenue intersection. It is adjacent to Vista Del Verde Park and is

approximately 6.8 acres. It is also located north of and adjacent to the proposed Friends Christian High School Site, and approximately 800 feet east of Lakeview Elementary School. This site is also adjacent to homes on the eastside in which the residents could oppose the project. This site has access to the trails in the Vista Del Verde Community, as well as the trail on Lakeview that leads users to the trail on Bastanchury. Vista Del Verde Park is predominantly reserved for soccer games/practices and is a lighted facility. This residential area is zoned as Residential Development.

San Antonio Site. This undeveloped land is approximately 3/10 of a mile north of Yorba Linda Boulevard and is on the east side of the street immediately north of the MWD easement and south of Aspen Way. Lot A is designated as parkland and is 6.5 acres. The open space size is 16 acres for a total of 22.5 acres. This area is close to trails that access an arena at San Antonio Park and Arroyo Park. The **2005 Trails Study** recommends a future connection to Chino Hills State Park from Aspen Way and Casino Ridge, which would be close to this site. The property is adjacent to residents who may object to this project as they had done in 1998. A natural wash is located on this property which could be a challenge in meeting the water quality standards. The Metropolitan Water District (MWD) water lines may present some challenges in the design and placement of any facilities. It appears that any improvements in this area would also require circulation improvements.

Hidden Hills Site. This site is north of Eastside Community Park in the undeveloped canyon. Lot 6 of Tract Map 12821 indicates there is 42 acres available; however, the current usable acreage is significantly less and is estimated at 2.2 acres south of the storm drainage outlet, and 2.6 acres north of the outlet. The property presents challenges because the storm drainage outlet bisects the property, the three MWD manhole lids/covers protrude above the surface and the MWD access road must be made accessible to MWD. A study would determine the accessibility to utilities, and the improvements needed so the manhole covers/lids so they don't protrude above the surface level. Major grading and excavation may be required in order to access the equestrian facility depending on where this facility is located. Access to this site is from Hidden Hills Road about 160 feet north of the stop sign at Mission Hills Lane. This site is close to city trails and the **2005 Trails Study** recommends access to the Chino Hills State Park. Vehicles towing horse trailers would travel approximately one mile uphill from the Esperanza/Eastside Circle intersection to access this facility. This area is zoned for Residential Estate.

#### Other Sites:

Locations or property not owned by the City include the Yorba Linda Reservoir/Lakebed Property. Staff has learned via the 1993 City of Yorba Linda General Plan and preliminary input from Orange County that the basin of the Yorba Linda Reservoir/Lakebed property would not be considered a dry lakebed in the near future.

According to Appendix One of the General Plan, it indicates that this 82-acre site will remain under the General Plan as Open Space. Alternative uses other than the responsibility for flood control, safety and fire safety measures, included improved equestrian trails to meet the City's standard. In March 2008, the Orange County Flood Control District (OCFCD) provided staff with a map indicating the ownership of the Yorba Linda Lakebed/Reservoir. Based upon an aerial map, it appears that maybe up to 6 acres that is above the actual lakebed basin may have some potential; however, staff would need to meet with OCFCD to confirm whether or not they would support this facility on their property. Egress and ingress to this site could propose some challenges.

The City of Brea informed staff that the proposed equestrian facility at the Peppertree Hills Development or what is being referred to as the Tonner Canyon site is not being considered because State regulatory agencies indicated such a development would have a negative impact on the wildlife corridor.

Another option available to the City Council is to direct staff to identify private property owners seeking to develop their property and determine if they have interest in a partnership to construct an equestrian facility.

### **FISCAL IMPACT**

The fiscal impact to mail a survey to 23,587 households is \$3,300. In addition, if the City Council prefers to have a pre-paid return reply, the cost would be an additional \$500. The total cost would be \$3,800. The amount of funding needed to hire a consultant to design the conceptual or master plan of a specified site is estimated between \$20,000 and \$25,000 per site. Staff recommends that \$22,500 be budgeted should staff be directed to develop a master plan of a specified site.

The funding impact to conduct environmental studies could range from \$50,000 to \$100,000, depending on the scope of the project and what CEQA will require for other environmental studies. If it is determined that an EIR is required, then the estimated cost for this is \$150,000.

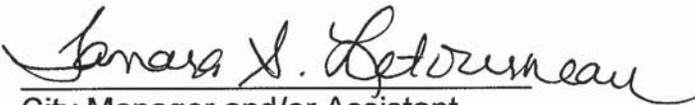
### **ALTERNATIVES**

It is recommended that the City Council review the site options and provide direction to staff on how it would like to proceed with developing an equestrian facility. The other alternatives available to City Council are to:

1. Direct staff to seek public input for each site selected by City Council. This option would not include the development of any master plan. It is an avenue to ascertain whether or not the public would support an equestrian facility as the selected site(s) because expenses are incurred.

2. Direct staff to conduct a survey to identify the number of horses living in Yorba Linda; how many residents would like to board their horses on their property or consider boarding their horse at the proposed equestrian facility. This would require an additional appropriation of \$3,800.
3. Direct staff to hire a consultant who would develop a master plan of a site selected by City Council. This master plan would be submitted as part of the Initial Study required by CEQA. This alternative would also require an additional appropriation of \$22,500 for the master plan, and funding of up to \$100,000 for the Initial Study, provided that an EIR is not required.
4. Receive and file this report, and direct staff to include this project as part of the General Plan Update.

Reviewed By:

  
City Manager and/or Assistant  
City Manager Review and Approval

  
Finance Director

Attachments:

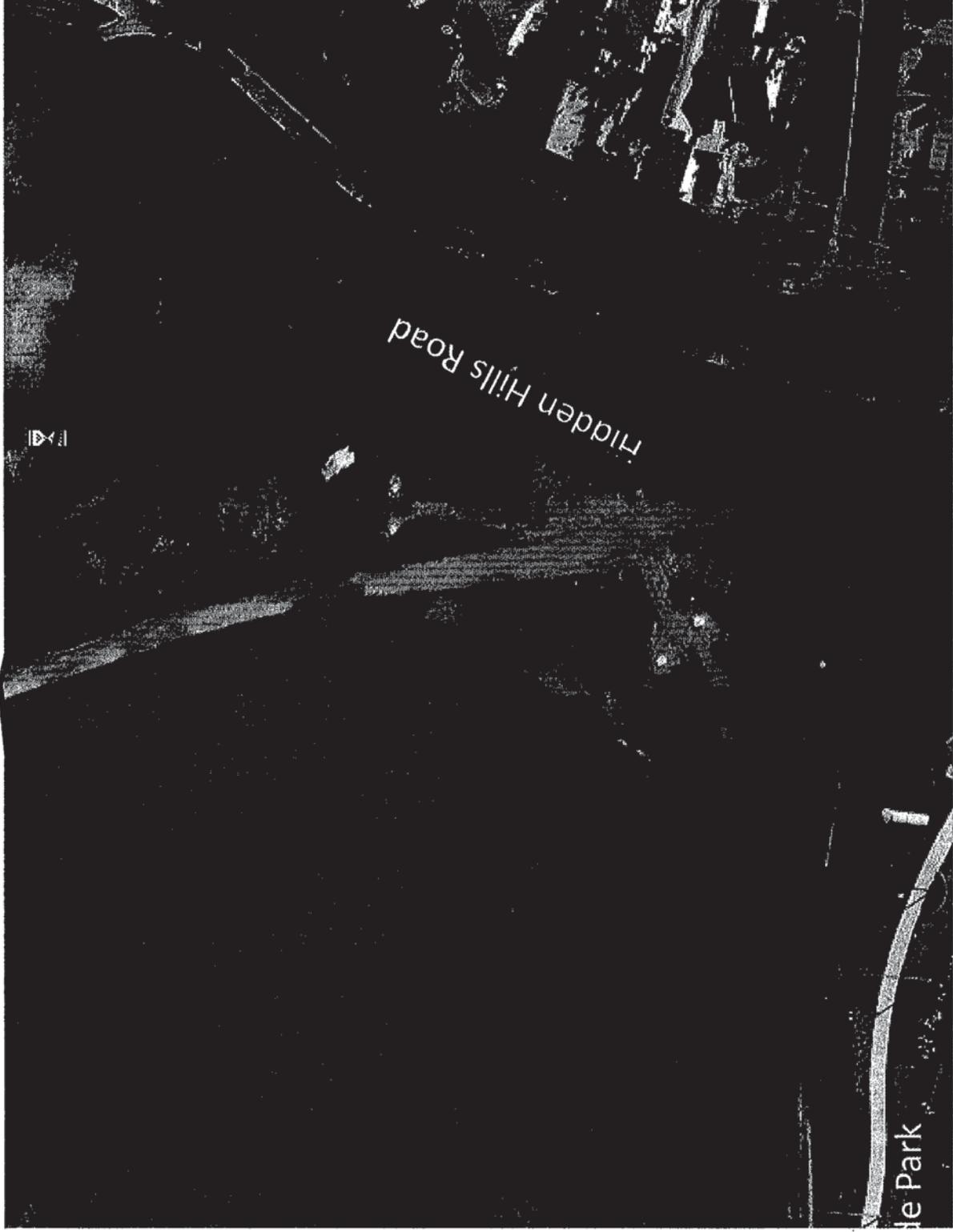
Attachment 1: Tank Farm/Option Site  
Attachment 2: San Antonio area  
Attachment 3: Hidden Hills  
Attachment 4: Yorba Linda Lakebed/Reservoir





© 2008 Europa Technologies  
Image © 2008 DigitalGlobe

33° 53' 47.90" N 117° 45' 47.12" W elev 667 ft Streaming 100%



**Attachment 3**  
**Hidden Hills (North of Eastside Community Park)**



Pointer: 33°52'20.58" N 117°48'43.94" W elev 300 ft

Streaming 100%

Eye alt 3875 ft

© 2008 Europa Technologies  
Imagery © 2008 DigitalGlobe

Google

Lakebed property