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## OC DEVELOPMENT SERVICES REPORT

Item #1

**DATE:** March 9, 2016

**TO:** Orange County Planning Commission

**FROM:** OC Development Services/Planning

**SUBJECT:** Public Hearing for recommendation to the Board of Supervisors on adoption of a Zone Change, Area Plan, uncodified ordinance regarding approval procedures for initial Vesting Tentative Tract Map, and certification of the proposed Final Environmental Impact Report No. 615 for Planning Application PA100004 (Cielo Vista).

**APPLICANT:** North County BRS Project LLC

**PROPOSAL:** Development of the 84 acre site permitted by the following discretionary actions:

- Certification of proposed Final Environmental Impact Report No. 615 ("FEIR No. 615")
- Adoption of a General Plan Amendment from Open Space (5) to Suburban Residential (1B)<sup>1</sup>
- Adoption of a Zone Change from A1 General Agricultural and A1(O) General Agricultural with Oil Production Overlay to R1 Single Family Residential and a portion of the R1 Single Family Residence with the Oil Production Overlay R1(O).
- Adoption of an Area Plan to regulate the development of the property and limit development to a maximum 112 homes.
- Adoption of an uncodified ordinance providing for an alternative procedure for approval of the Cielo Vista's first Vesting Tentative Tract Map (VTTM).

**EXISTING ZONING:** A1 General Agricultural and A1(O) General Agricultural with Oil Production Overlay

**EXISTING GENERAL PLAN:** Suburban Residential (1B) & Open Space (5)

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<sup>1</sup> The proposed project analyzed in the Draft Environmental Impact Report contemplated the development of 112 residences on an 84 acre site. Development of 17 of the residences would have required a General Plan Amendment. Because the EIR identified an alternative that would reduce the number of proposed residences from 112 to 83 as the environmentally superior alternative, this Staff Report recommends that the Planning Commission recommend approval of the environmentally superior alternative instead of the proposed project. Approval of the environmentally superior alternative would not require a General Plan Amendment.

**LOCATION:** The project is located within an unincorporated area of Orange County, north of State Route (SR) 91 (91 Freeway), generally off of Yorba Linda Boulevard, and is within the Third (3<sup>rd</sup>) Supervisorial District. The project site is generally bounded by Casino Ridge Road to the north, San Antonio Road to the west, Via Del Agua and Yorba Linda Boulevard to the south, and privately owned land to the east. The property to the east of the project site is the site of the proposed Esperanza Hills development. The project site is within the City of Yorba Linda Sphere of Influence.

**APPLICANT:** North County BRS Project LLC, Project applicant.  
Virginia Richards Trust (approximately 11 acres) and the Travis Ranch Trusts (approximately 73 acres), property owners.

**STAFF CONTACT:** Brian Kurnow, Contract Planner  
Email: [Brian.Kurnow@ocpw.ocgov.com](mailto:Brian.Kurnow@ocpw.ocgov.com), Phone: (714) 667-8881

**RECOMMENDED ACTION:** OC Development Services recommends that the Planning Commission:

- a) Receive staff report and public testimony as appropriate; and  
Adopt Resolution 16-02 recommending that the Board of Supervisors adopt a Resolution to:
- b) Certify FEIR No. 615 and determine that Final EIR No. 615 constitutes adequate, complete and appropriate environmental documentation for the Project and the Modified Planning Area 1 Only Alternative consistent with CEQA, the State CEQA Guidelines, and the County's Local CEQA Procedures Manual, and adopt a Resolution certifying Final EIR No. 615 and adopting the findings, facts in support of findings, and the mitigation monitoring and reporting plan.
- c) Find that the Modified Planning Area 1 Only Alternative, or Alternative 5 of FEIR No. 615, is the environmentally superior alternative, and thus, the preferred alternative.  
Adopt Resolution 16-03 recommending that the Board of Supervisors adopt a Ordinances to:
- d) Approve Zone Change ZC 15-01 for rezoning a total of 41.3 acres of "A1" General Agricultural and "A1(O)" General Agricultural with Oil Production Overlay within the project area to "R1" Single Family Residential on 39.5 acres and "R1(O)" Single Family Residence with Oil Production Overlay on 1.8 acres;; and  
Adopt Resolution 16-04 recommending that the Board of Supervisors adopt a Ordinance to:
- e) Approve an uncodified ordinance providing for an alternative procedure for approval of Cielo Vista's first Vesting Tentative Tract Map (VTTM). The alternative procedure authorizes the Subdivision Committee to make a written recommendation regarding approval of the VTTM to the Board, who shall approve the VTTM if all of the conditions outlined in the uncodified

ordinance are satisfied. Recommend adoption of an Ordinance in substantially the form attached hereto as Attachment 11.

Adopt Resolution 16-05 recommending that the Board of Supervisors adopt a Resolution to:

- f) Approve Area Plan for Modified Planning Area 1 Only Alternative, or Alternative 5 of Final EIR No. 615, consisting of development of a maximum of 83 single-family residential units on 84 acres (with 42.7 acres of open space) in Planning Area 1 as identified in the Cielo Vista Area Plan subject to the attached Findings and Conditions of Approval.

## **BACKGROUND AND EXISTING CONDITIONS**

The subject property is an 84 acre site located within an unincorporated area of the County of Orange, and within the Sphere of Influence of the City of Yorba Linda. The subject property is comprised of four parcels, APNs 351-031-05, 351-031-17, 351-661-10, and 351-852-05 with two parcels owned by Virginia Richards Trust and two parcels owned by Travis Ranch Trusts. Regional access to the project site is provided via State Route (SR) 91 (91 Freeway) located approximately two miles southwest of the site. The nearest arterial to the project site is Yorba Linda Boulevard, which is located approximately 0.25 miles to the south of the site. From Yorba Linda Boulevard, the site is accessed by Via Del Agua. The Casino Ridge residential community is located to the north of the project site, and established residential neighborhoods are located to the south and west of the project site. An undeveloped parcel proposed for development as the Esperanza Hills project is located to the east of the project site. The project site and the adjacent currently undeveloped Esperanza Hills project (planning application PA120037) to the east are within an area commonly referred to in the Yorba Linda General Plan as the Murdock Properties. Figure 1 shows the Project location. The project site is located approximately ½ mile west of the Chino Hills State Park.

The majority of the project site is vacant of development, with the exception of several operational oil wells and one abandoned oil well, as well as various dirt access roads and trails that traverse the site. It has a history of livestock grazing use and oil production. Limited oil production activity continues on the Project site.

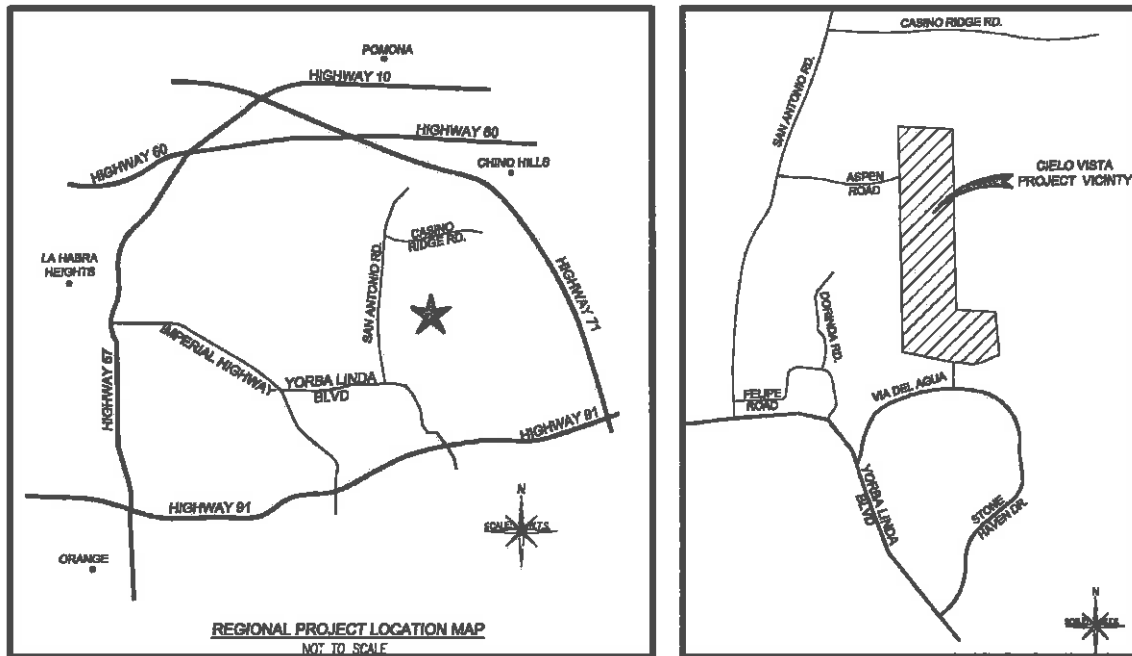
The topography of the project site is characterized by moderate to steeply sloping hillsides and four watersheds. The hillsides and watersheds support natural habitat, including, scrub and chaparral vegetation, as well as a various wildlife species and disturbed habitat areas with little to no vegetation within the area supporting on-site oil operations and associated facilities.

A Southern California Gas Company easement crosses the westerly edge of the project site. A Metropolitan Water District (MWD) easement is located at the southern boundary within the Project site, also within the open space area of the project site.

A branch of the Whittier Fault Zone traverses the project site in a northwest-southeast direction within the open space area of the central portion of the project site which is in the Alquist Priolo Zone. In addition, a potential ancient landslide exists along the primarily north-west facing slope located within the northerly portion of the project site. Additionally, the 2008 Freeway Complex Fire burned across the entire Cielo Vista site.

The applicant has received two preliminary grading permits for the project site to conduct exploratory borings to identify active fault traces on the site which could impact the project area. Also, the applicant has submitted a conceptual Water Quality Management Plan (WQMP) and the initial draft of the Vesting Tentative Tract Map (VTTM) for the Project.

**Figure 1 – Project Location**



#### **Existing General Plan Land Use Designations**

The project site is within the “1B” Suburban Residential and “5” Open Space land use designations of the Orange County General Plan as described below.

##### ***“1B” Suburban Residential” – Approximately 41.3 Acres***

The “1B” Suburban Residential designation allows for a wide range of housing types that range from estates on large lots to attached dwelling units such as townhomes, condominiums, and clustered arrangements. This designation allows for a density range of 0.5 to 18 dwelling units per acre.

##### ***“5” Open Space – Approximately 42.7 Acres***

Approximately 42.7 acres of the northern portion of the project site is designated “5” Open Space. The “5” Open Space designations allows for limited land uses that do not require a commitment of significant urban infrastructure. This designation also provides opportunities for low-intensity, high technology, industrial, research and development, office and educational uses and childcare facilities, so long as such development does not involve significant urban infrastructure.

#### **Existing Zoning Designation**

The project site is currently zoned “A1” General Agricultural and “A1” General Agricultural with Oil Production Overlay as depicted in the County of Orange Zoning Map. Details of the zoning designation are provided below.

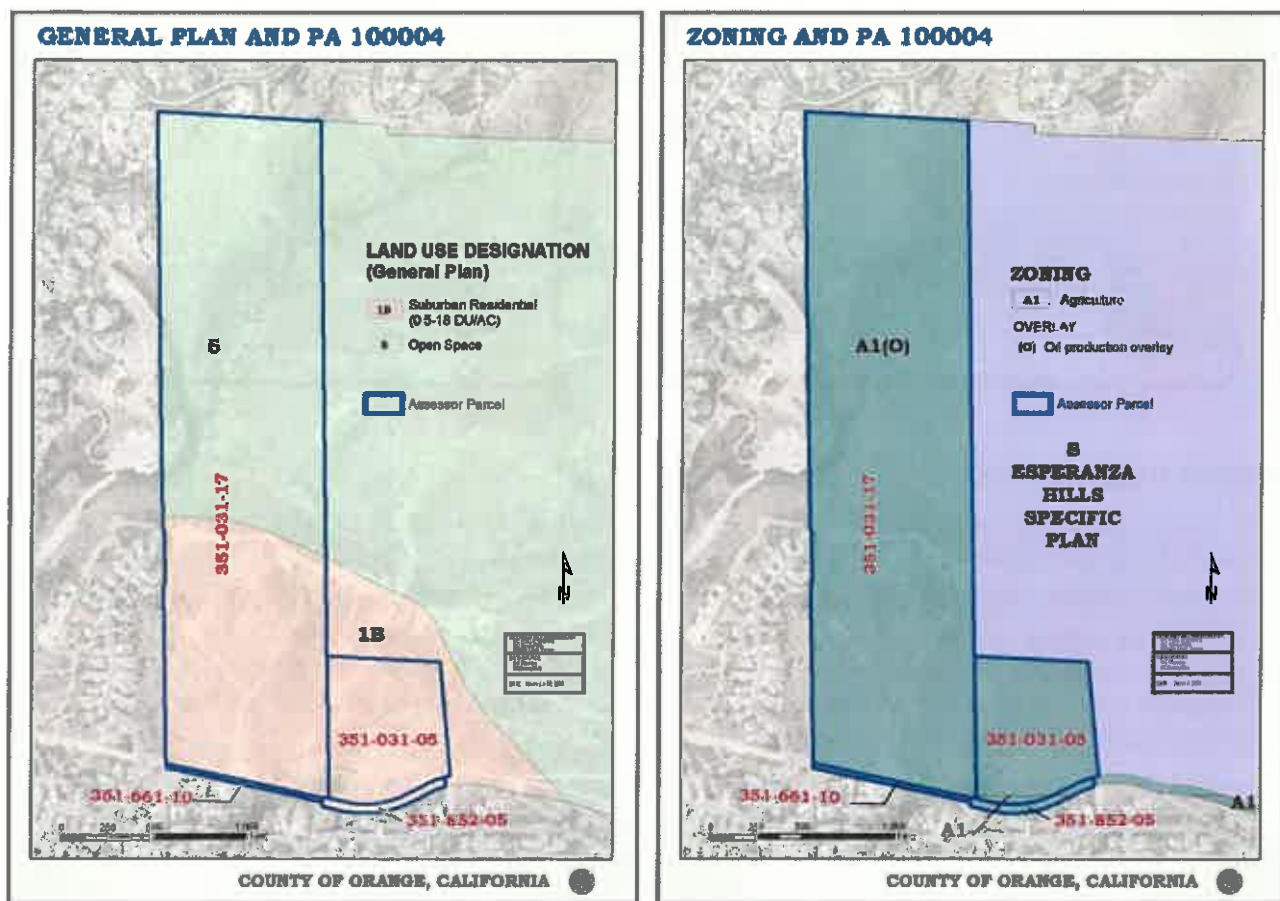
##### ***“A1” General Agricultural and “A1(O)” General Agricultural with Oil Production Overlay***

The “A1” District was established to provide for agriculture, outdoor recreational uses, and those low intensity uses which have a predominately open space character. This zoning district may also be used as an interim zone in those areas which the General Plan may designate for more intensive urban uses in



the future. The oil production overlay “(O)” allows oil drilling and production of oil, gas and other hydrocarbon substances which are permitted subject to the regulations of the Orange County Oil Code.

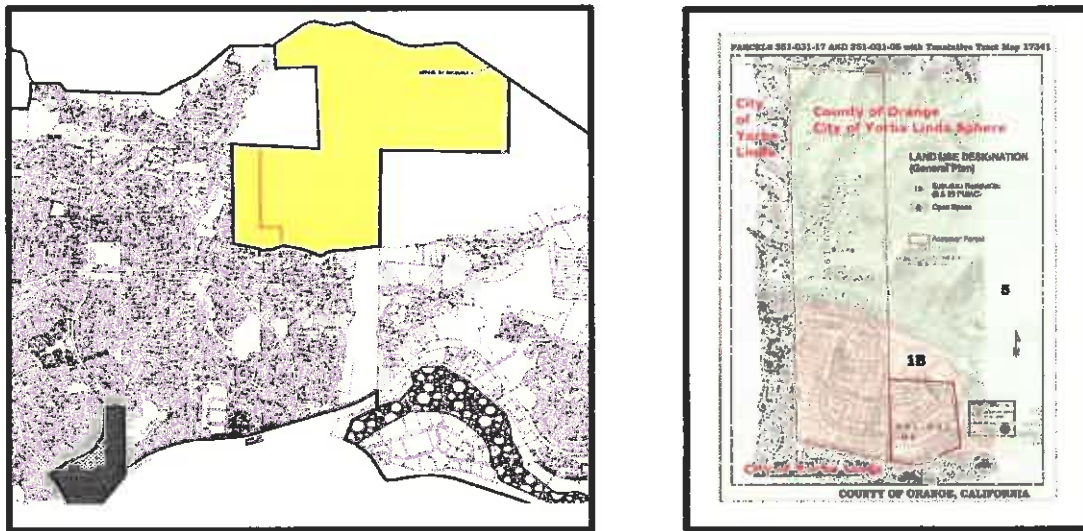
Figure 2 - Existing General Plan Land Use and Zoning Designations



### City of Yorba Linda Sphere of Influence

The project site is located within the City of Yorba Linda Sphere of Influence (SOI) as shown in Figure 3, below. The City of Yorba Linda Land Use Map identifies the Proposed Project to be within Area Plan C – Murdock Property. The Murdock property land use designation, inclusive of the project site, is Low Density Residential with a range of 0 - 1.0 dwelling units per acre. Per the City Zoning Maps, the project site is designated as UNC – Unincorporated Area. No specific development standards are identified with the Unincorporated zoning designation.

**Figure 3 – City of Yorba Linda, Sphere of Influence**



## PROJECT DESCRIPTION

The project as proposed by the applicant and as analyzed by FEIR No. 615 ("The Proposed Project") contemplated the development of up to 112 single-family homes and associated infrastructure within two Planning Areas. Planning Area 1 located on the southern portion of the site proposes 95 residences and Planning Area 2 located on the northern portion of the site and proposes 17 residences. The Proposed Project required approval of a General Plan Amendment from Open Space (5) to Suburban Residential (1B) for a portion of the project site, a Zone Change, and adoption of an Area Plan for a maximum of 112 single-family residential units.

In response to public comments submitted on the Draft EIR No. 615 ("Draft EIR"), the applicant prepared a modified alternative to the Proposed Project; the Modified Planning Area 1 Only Alternative or "Alternative 5" to include in the Final EIR No. 615. The Draft EIR was drafted with four alternatives (1) Alternative 1 - No Project, (2) Alternative 2 – Planning Area 1 Only, (3) Alternative 3 – Large Lot/Reduced Grading, (4) Alternative 4 – Contested Easement. Alternative 5 is a minor modification of an alternative originally analyzed in the Draft EIR, Alternative 2, and does not require recirculation of the Draft EIR under CEQA Guidelines Section 15088.5. Alternative 5 reduces the maximum number of single family homes to 83 homes and eliminates Planning Area 2. The Area Plan submitted by the Applicant has been modified in accordance with Alternative 5. See Figure 4 Site Plan.

Staff is recommending approval of the project in conformance with Alternative 5, The Modified Planning Area 1 Alternative, since it is the environmentally superior alternative and meets the goals identified in FEIR No. 615. CEQA allows for the approval of a project in accordance with a defined alternative to the proposed project as defined in the EIR if the alternative is environmentally superior and meets the project objectives. It has been determined by staff with concurrence from the applicant that Alternative 5 – the Modified Planning Area 1 Only alternative is the environmentally superior alternative and meets the projects objectives. As such, the area plan as proposed as part of this staff report is for the implementation of Alternative 5 which establishes a maximum of 83 single-family detached units in planning area 1 only.

This alternative requires a Zone Change from "A1" General Agricultural and "A1(O)" General Agricultural with Oil Production Overlay to "R1" Single Family Residential on 39.5 acres and "R1(O)" Single Family

Residence with Oil Production Overlay on 1.8 acres, and adoption of the Alternative 5 Area Plan for a single family residential community of a maximum of 83 single-family residential units to be located within Planning Area 1 on the on 84.0 acre property. Because residential development is proposed only on the southern portion of the project site, unlike the Proposed Project, Alternative 5 does not require a General Plan Amendment. ("Alternative 5 Project") The Area Plan is the implementing document for the Alternative 5 Project which establishes mass grading limits and a grading quantity of approximately 600,000 cubic yards for the project along with site specific regulations for the development of the property.

The Alternative 5 Project proposes to develop a maximum of 83 single-family residences and associated infrastructure within Planning Area 1 which is approximately 41.3 acres. The remainder of the project site (i.e., 42.7 acres) would be preserved as open space consistent with the current General Plan land use designations. Residential land use within the project site would occur at a gross density of less than 1.0 dwelling units per acre (83 units on 84 acres), which is consistent with the density requirements under the Orange County "1B" General Plan Land Use Designation and the Yorba Linda General Plan. Detached single-family homes would be built on the lots to meet building envelope requirements of both the City of Yorba Linda and County of Orange development standards, as discussed below. The approximately 42.7 acres of undeveloped open space includes fuel modification zones exclusive of private slopes, water quality basins and roadways.

Existing on-site oil wells and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR), OCFA, and County of Orange. A 1.8 acre parcel located in Planning Area 1 (also referred to as the "drilling pad") is proposed to be zoned "R-1(O)" and can be used for continued oil operations including consolidation of wells relocated from the rest of the project site and drilling of new wells below ground. The Alternative 5 Project does not propose or entitle the establishment of new oil wells and as such, would not involve drilling any new wells. The drilling pad would be made available to the current oil operators following the residential development construction activities to obtain their own entitlements for continued oil operations if permitting and site planning were pursued in the future by the oil operators. Thus, the oil drilling pad would not be developed for future oil operations unless a separate future application from the oil operators was submitted for discretionary approvals to relocate to this area of the project site.

The project's site access and internal street network (which would be privately owned and maintained) are accessed off of Via Del Agua as the only entry into the project site. The internal streets form a "spine" on the west side of the project area and provide access to four cul-de-sac type streets. The project access crosses two easements, the first runs east-west along the southern edge of the property held by the Metropolitan Water District of Southern California and the second is a non-exclusive easement running in a north-south direction.

The development plan (Figure 5) for the Alternative 5 Project considers a potential access corridor contemplated by the Esperanza Hills Specific Plan, the environmental impacts of which are analyzed in Final EIR No. 615 as an Alternative 5 "cumulative project" for CEQA purposes. The potential access configuration approved in the Esperanza Hills Specific Plan is described and depicted in the Esperanza Hills certified Final EIR as Alternative 3, Access Option 2B. This configuration would include an east-west access primary access corridor across the Cielo Vista site just north of Planning Area 1, and would continue west through City open space connecting with San Antonio Road approximately 1,850 feet south of Aspen way. The second access configuration approved in the Esperanza Hills Specific Plan is referred to as the "Modified Option 2" access configuration, or the "Aspen Way Drive Access

Configuration.” Under this configuration, the Esperanza Hills Project would traverse the Cielo Vista project site in a similar configuration and provide a primary connection to Aspen Way.

Under CEQA, lead agencies may adopt a project alternative instead of the Proposed Project. (See, e.g., Public Resources Code §§ 21002-21002.1, 21004, CEQA Guidelines § 15002.)

The CEQA section of this report describes the environmental analysis and impacts associated with the 112- unit Project as defined by FEIR No. 615 which includes two planning areas and was the subject of the application submitted by the Project applicant. However, since the 112-unit “Project” as defined in the FEIR is not what the applicant is seeking approval for or what staff is recommending, the focus of the remaining sections in this report is on the Alternative 5 Project as defined in the FEIR No. 615 which proposes development of only one planning area with up to a maximum of 83 detached single family residential units. The EIR conclusions below regarding the potential impacts of the Project are applicable to the Alternative 5 Project that is being recommended for approval.

**Figure 4 – Site Plan**

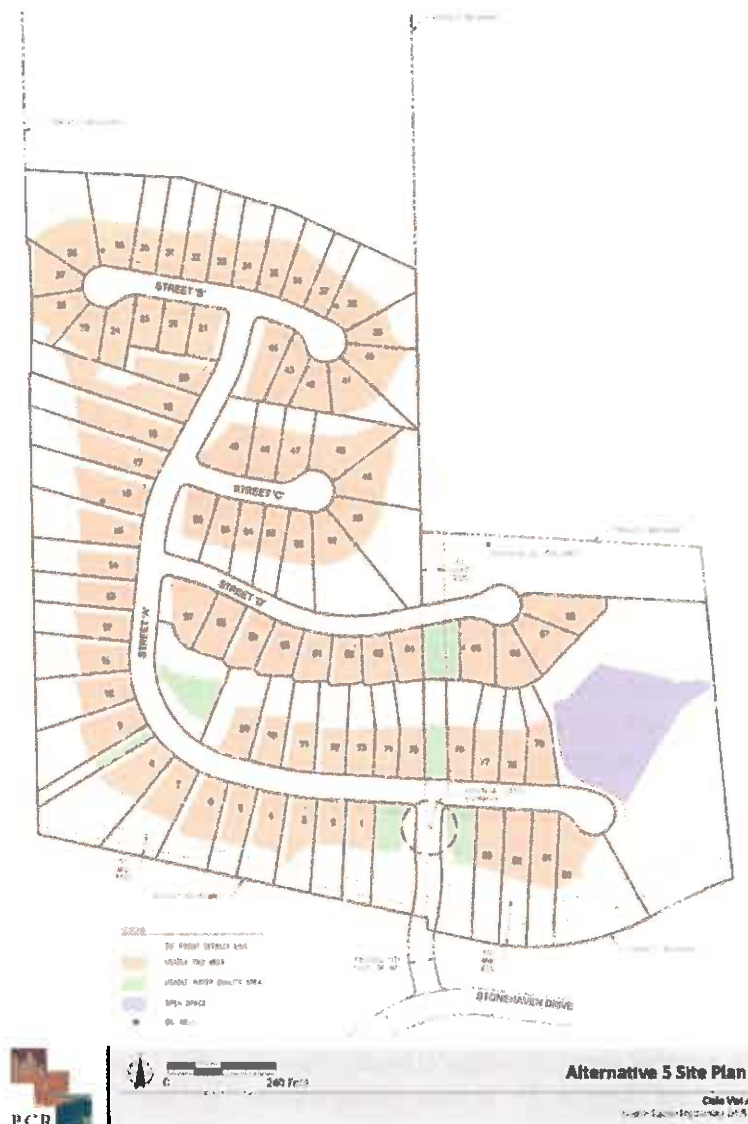
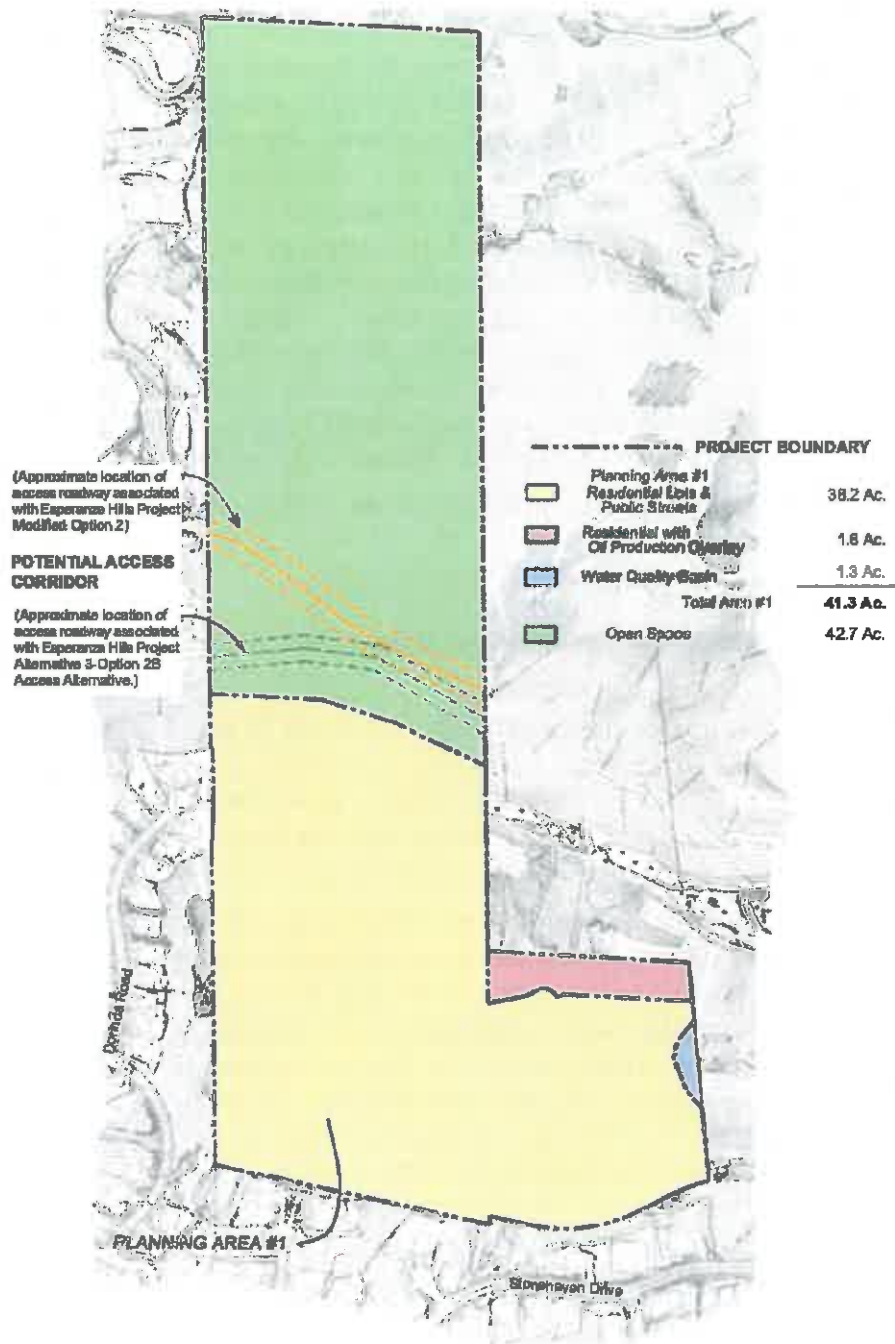


Figure 5 – Development Plan



### Alternative 5 Land Use Plan

Cielo Vista Project  
 Sources: Cielo Vista Area Plan, Sage Community Group, Inc., 2013; PCR Services Corporation, 2013.



## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) REVIEW**

The County determined that a Project Environmental Impact Report (“EIR”) would be required for this Project and issued a Notice of Preparation (“NOP”) on July 5, 2012 and held a scoping meeting on July 19, 2012. Comments received during the public review period of the NOP, from July 5, 2012 to August 6, 2012, and at the scoping meeting are contained in Draft EIR Appendix A. Draft EIR No. 615 was released for public review on November 7, 2013 and posted on the City and County web sites for public review for the 112 unit Proposed Project with two planning areas as defined in the EIR. Hard copies of the DEIR were also made available for public review at the City’s Community Development Department and at OC Development Services. FEIR No. 615, provided as Attachment 1 hereto containing responses to comments received during the public review period was prepared and made available on the County’s website on November 18, 2015. The Draft EIR had four alternatives (1) Alternative 1 - No Project, (2) Alternative 2 – Planning Area 1 Only, (3) Alternative 3 – Large Lot/Reduced Grading, (4) Alternative 4 – Contested Easement, the revisions to FEIR No. 615, includes one additional alternative, Alternative 5, the Modified Planning Area 1 Only, which is substantially similar to Alternative 2 of the Draft EIR, which does not disclose any new impacts resulting from the Project or a substantial increase in any previously-identified impacts, or identify any new feasible alternatives that are considerably different than the other alternatives previously analyzed,<sup>2</sup> or new feasible mitigation measures requiring recirculation of the document.

### **Overview of Project EIR Preparation Process**

The proposed FEIR No. 615 for this Project, provided as Attachment 1 is comprised of the following documents:

- Draft EIR – This document was circulated for public review for 75 days between November 7, 2013 and January 22, 2014 which included multiple extensions going beyond the statutory minimum. In summary, it includes the project description, environmental analysis, discussion of significant impacts, alternatives analyses, discussion regarding direct, indirect, and cumulative environmental impacts, and technical studies as part of the appendices.
- FEIR No. 615 – This document was made available on November 18, 2015 and includes topical responses to issues raised by multiple commenters, the comment letters received during the public review period, responses to comments, and revisions to Draft EIR No. 615. The revisions to Draft EIR No. 615 contain additional or revised information required to prepare a response to a specific comment, applicable updated information that was not available at the time of Draft EIR No. 615 publication, and minor additions and corrections to typographical errors to fully respond to the commenter’s concerns and to provide additional clarification regarding the mitigation requirements set forth in Draft EIR No. 615, which included modification of existing mitigation measures and the addition of new mitigation measures. The FEIR includes an errata section to Draft EIR No. 615, comment letters, responses to comments, and the mitigation monitoring and reporting program (MMRP).

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<sup>2</sup> *South County Citizens for Smart Growth v. County of Nevada* (2013) 221 Cal.App.4th 316, 330 [holding that for an alternative to be significant new information it must (1) be feasible, (2) be considerably different from other alternatives previously analyzed, (3) must clearly lessen the significant impacts of the project, and (4) the project proponents must decline to adopt it. Alternative 5 is not considerably different than either the Proposed Project or Alternative 2 (Planning Area 1 Only Alternative), and the project applicant has not declined to adopt it should the County approve the Alternative 5 Project.

The proposed FEIR finds that The Project has for each environmental impact category either, a) no impact, b) less than significant impact, or c) less than significant impact with mitigation. There are no significant unavoidable adverse impacts. The chart below details the environmental impact findings:

No Impact	Less than Significant Impact	Less than Significant Impact with Mitigation	Unavoidable Adverse Impact
Agricultural and Forestry Resources	Greenhouse Gas Emissions	Aesthetics	None
	Hydrology and Water Quality	Air Quality	
	Land Use and Planning	Biological Resources	
	Population and Housing	Cultural Resources	
	Mineral Resources	Geology and Soils	
		Hazards and Hazardous Materials	
		Noise	
		Public Services	
		Recreation	
		Transportation/Traffic	
		Utilities and Service Systems	

#### Overview of Comments from CEQA Evaluation

While a significant number of individual comments were received during the 75-day Draft EIR comment period, five issue or topic areas were identified consistently in a number of the public comments. Topical responses to these five areas are included in FEIR No. 615 (Attachment No. 1) and have been summarized in the table below.

TOPICAL COMMENT	SUMMARY OF RESPONSE
<b>TR-1: Cielo Vista and Esperanza Hills Projects: Piecemealing-Segmentation</b>	Commenters expressed concerns regarding cumulative impacts. The Esperanza Hills development is not a part of the Proposed Project and CEQA does not require that both developments be considered together in a single EIR. Both EIRs took into consideration the other project and the cumulative impact of that project together with reasonably foreseeable related projects.
<b>TR-2: Water Infrastructure</b>	Commenters expressed concerns regarding water infrastructure and availability. The Yorba Linda Water District (YLWD) will be the potable water purveyor for the Project. Adequacy of water supply was confirmed in the YLWD Urban Water Management Plan and adequate infrastructure will be constructed for residential and

TOPICAL COMMENT	SUMMARY OF RESPONSE
	<p>fire-fighting uses. The Proposed Project will comply with the Northeast Area Planning Study as prepared by the YLWD for water and sewer service, including helping to fund storage facilities to provide an adequate water supply to fight wildland fires. The Study includes increasing storage capacity and pumping capability as discussed in Draft EIR Section 4.15, Utilities and Service Systems.</p>
<p><b>TR-3: Emergency Evacuation</b></p>	<p>Commenters expressed concerns regarding fires, emergency access and evacuation. The Orange County Fire Authority has approved a Fire Master Plan and Conceptual Fuel Modification Plan, and a Fire Behavior Analysis Report, for the Proposed Project as discussed in Section 4.7, Hazards and Hazardous Materials, of Draft EIR No. 615. Additionally, Linscott, Law &amp; Greenspan, Engineers prepared a Fire Protection and Emergency Evacuation Plan (FPEP) for the Esperanza Hills project addressing the theoretical duration it would take to evacuate that development and the existing and proposed residential developments in the vicinity of that development, including the Proposed Project and 11 approved but unbuilt homes in Casino Ridge. The analysis includes an area fire history and discusses how the computer model used to prepare the FPEP which was based on data sources that included the 2008 Freeway Complex Fire.</p>
<p><b>TR-4: Geology/Soils: Seismic and Geologic Stability Hazards</b></p>	<p>Commenters expressed concerns regarding the Proposed Project's susceptibility to earthquakes and proximity of fault zones. The Proposed Project's potential impacts related to geology and soils, including with respect to fault rupture, seismic hazards, ground shaking, liquefaction, soil erosion or the loss of topsoil, expansive soils, and landform/landslides, were thoroughly analyzed in Section 4.5, Geology and Soils, of Draft EIR No. 615, as supplemented by analysis prepared by LGC Geotechnical discussed in Final EIR No. 615's responses to comments.</p>
<p><b>TR-5: Alternatives: Modified Planning Area 1 Only Alternative</b></p>	<p>Based on public comments received during the public review period for Draft EIR No. 615, pertaining to density under the Yorba Linda General Plan, and the County's June 2, 2015 approval of the adjacent Esperanza Hills Project, a new alternative, the Modified Planning Area 1 Only Alternative (Alternative 5) was developed. Alternative 5 does not include any development within Planning Area 2 of the project site and would only develop Planning Area 1 with 83 single-family residential lots. This is consistent with the City of Yorba Linda General Plan by having a gross maximum density of 1 unit per acre or less.</p>



## **CONSTENCY WITH EXISTING GENERAL PLAN AND ZONING DESIGNATIONS**

### **General Plan Consistency**

Unlike the Proposed Project, which would require a General Plan Amendment for the 17 residences in Planning Area 2, the Alternative 5 Project would not require approval of a General Plan Amendment by the Orange County Board of Supervisors because all proposed development in Planning Area 2 is removed, resulting in no changes being necessary to the project site's General Plan designations.

The General Plan land use designation of Suburban Residential (1B) allows for a building intensity range of 0.5 to 18 dwelling units per acre for the site. The Suburban Residential land use designation allows a wide range of housing types, from estates on large lots to attached dwelling units (townhomes, condominiums and clustered arrangements). The land uses proposed include detached single-family residential lots, open space consisting of natural open space, landscaped areas, fuel modification zones and improved and unimproved multi-use trails as well as infrastructure and other improvements. The land uses within the Alternative 5 Project development scenario is consistent with the General Plan land use designation of Suburban Residential.

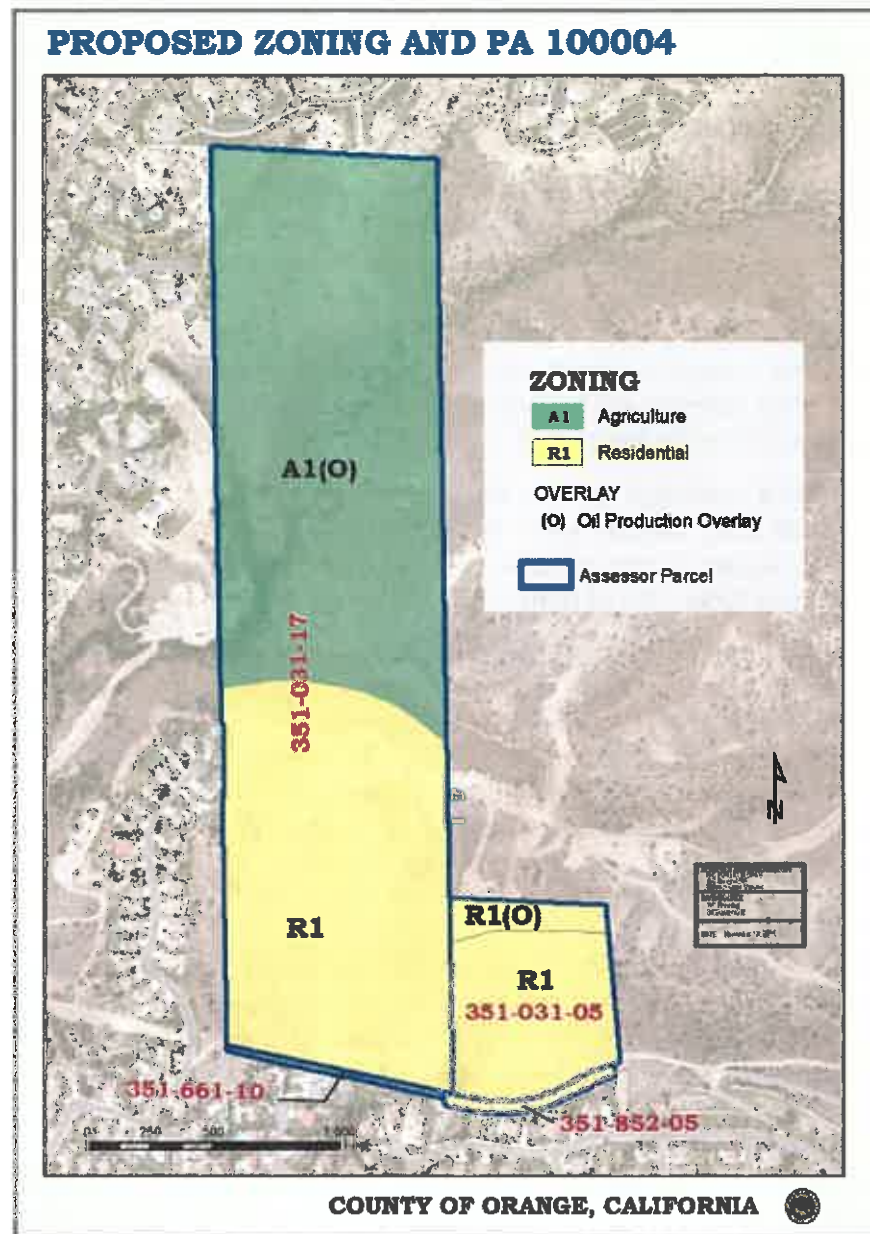
In addition to being consistent with the General Plan land use designations the updated project is also consistent with all other affected goals and policies of the General Plan Elements, as well as all other Elements of the Orange County General Plan. The DEIR provides further details as discussed in the consistency analysis Table 4.9-1 of Draft EIR No. 615 (pages 4.9-9 through 4.9-12).

The project site is within the City's Sphere of Influence and has been designated within Area Plan C – Murdock Property on the Land Use Map Update dated March 18, 2010. The Yorba Linda General Plan adopted in 1993 designates the property as Opportunity Area 5 Murdock Property. The City's vision for the 630-acre Murdock Property area, as stated in its General Plan, is for low density residential that averages one dwelling unit per acre over the entire area. The Alternative 5 Project is consistent with this vision in that overall building density averages 1.0 dwelling units per acre over the approximately 84-acre Project site, which is consistent with the City's General Plan goal of one dwelling unit per acre.

### **Zoning Consistency**

The project site is zoned A1 and A1(O), like the Proposed Project, the Alternative 5 Project would require a zone change in order to amend Planning Area 1's designation from "A1" General Agricultural and "A1(O)" (General Agricultural with Oil Production Overlay) to "R-1" (Single Family Residence District) and "R-1(O)" (Single Family Residence District with Oil Production Overlay). Figure 6 shows the existing and proposed zoning designations for the Alternative 5 Project.

Figure 6 –Alternative 5 Project Proposed Zoning



The Proposed Project, and Alternative 5, is consistent with City standards. The table below provides a comparison between key County and City standards regarding the General Plan and Zoning. As demonstrated in this table, the Alternative 5 Project development scenario will be consistent with these key standards as well.

**General Plan Comparison Table**

	Alternative 5 Project	The Proposed Project	Orange County	City of Yorba Linda
<b>Description</b>	<b>"1B" Suburban Residential</b>	<b>"1B" Suburban Residential</b>	<b>"1B" Suburban Residential</b>	<b>Low Density</b>
<b>Density</b>	1.0 du/ac with clustering	1.3 du/ac with clustering	0.5 – 18 du/acre	≤ 1 du/ac
<b>Clustering Criteria</b>	51%/42.68 acres of property dedicated as open space	43%/36 acres of property dedicated as open space	Density range for diverse housing types	Can exceed 1 du/ac to compensate for topographical constraints
<b>Buildout (range/maximum)</b>	83 du's	112 du's	20.5 – 738 du's	536 du's for Murdock/Travis Properties
<b>Density (existing development)</b>	N/A	N/A	N/A	1.04 – 1.96 du/ac approved <sup>1</sup>

**Zoning Comparison Table**

	Alternative 5 Project	Proposed Project	Orange County	City of Yorba Linda
<b>Designation</b>	R1 (Single Family Residence District); compliance with City R-U (Residential Urban Zone) standards <sup>2</sup>	R1 (Single Family Residence District); compliance with City R-U (Residential Urban Zone) standards <sup>2</sup>	R1 (Single Family Residence District)	UNC – Unincorporated Area
<b>Lot Size (minimum)</b>	7,277 square feet	7,500 square feet	7,200 square feet	None
<b>Building Height (maximum)</b>	35 feet or 2 stories, whichever is less	35 feet or 2 stories, whichever is less	35 feet	None
<b>Front Setback (minimum)</b>	20 feet	20 feet	20 feet	None
<b>Side Setback (minimum)</b>	10 feet	10 feet	5 feet	None
<b>Rear Setback (minimum)</b>	25 feet	25 feet	25 feet	None
<b>Average Lot Size</b>	15,000 square feet (approximate)	15,000 square feet (approximate)	N/A	N/A

1. Residential density of City of Yorba Linda subdivisions adjacent to Cielo Vista

2. The City's R-U (Urban Residential Zone) is most similar to the County's R1 (Single Family Residence District).

### **Local Park Code Consistency**

The purpose of the Quimby Act (Government Code Section 66477, *et seq.*) and the County of Orange Local Park Code (Section 7-9-500, *et seq.*) is to ensure the provision of adequate park and recreational facilities to serve the population stemming from new dwelling units.

Chapter 7 of the County General Plan states that the County's local park policy strives to provide 2.5 acres of local park land for every 1,000 County residents. Pursuant to state law, the Local Park Code establishes the formula by which the amount of parkland required for each proposed new dwelling unit in a development is calculated in order to achieve 2.5 acres of park land for each 1,000 population.

The Project applicant proposes to satisfy the City's more restrictive local park standard of 4 acres per 1,000 population through the payment of fees for improvements to an existing park or acquisition of land for a new park, or a combination of both to the benefit of the northeastern Yorba Linda community near the project site. The payment of fees is proposed because the portion of the project site preserved as open space has significant topographic relief which does not lend itself to the creation of an additional flat pad for a local park. The payment of local park fees will be based on the Alternative 5 Project would yield a population of 265 persons requiring 1.06 acres of local park area based on 4 acres per 1,000 population standard.

### **DISCUSSION AND ANALYSIS**

This section provides a discussion and analysis of the 83 unit Alternative 5 Project and references the 112 unit "Proposed Project" for comparison purposes.

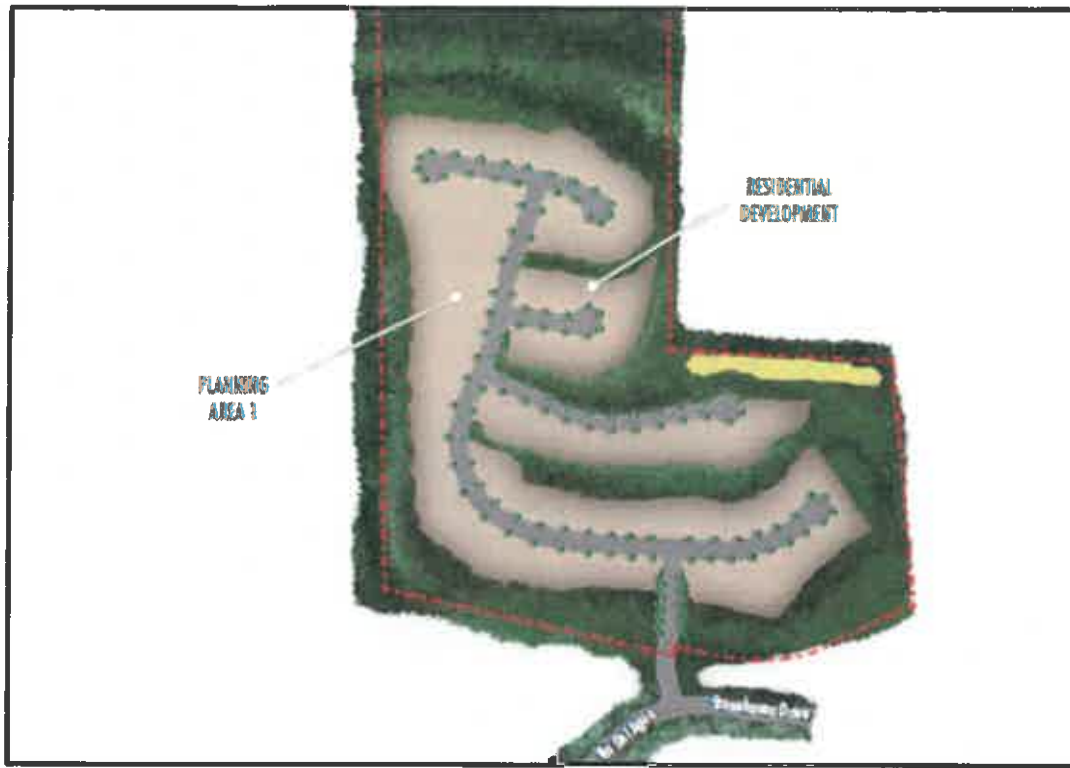
The Proposed Project as defined by FEIR No. 615 contemplated the development of up to 112 single-family homes and associated infrastructure within two Planning Areas. Planning Area 1 located on the southern portion of the site proposes 95 residences and Planning Area 2 located on the northern portion of the site and proposes the remaining 17 residences.

In response to public comments submitted on the Draft EIR, the applicant prepared a modified alternative in the EIR, the Modified Planning Area 1 Only Alternative or "Alternative 5" to include in FEIR No. 615. Alternative 5 is substantially similar to Alternative 2 in the Draft EIR. Alternative 5 reduces the maximum number of single family homes to 83 homes and eliminates Planning Area 2.

#### **Area Plan**

The Area Plan generally provides guidance for the development of a cohesive and uniformly designed residential community and for the preservation of significant open space within the project site. An area plan was prepared for the Proposed Project as defined in the EIR however; this Area Plan (Attachment 2) is not consistent with Alternative 5, The Modified planning Area 1 Alternative from FEIR No. 615. As such an Area Plan (Attachment 3) consistent with Alternative 5 ("Alternative 5 Project Area Plan"), generally depicted in Figure 7 below, has been prepared by the applicant.

**Figure 7 – Modified Planning Area 1 Only Alternative**



The purpose of the Alternative 5 Project Area Plan is to:

1. Establish design criteria for new residential land use proposed for development within the project site and to provide a sufficient level of detail to guide the County's review and approval of subsequent development applications including landscape plans, grading plans, and building plans.
2. Provide a plan responsive to the physical constraints found within and around the project site and to blend with the character of existing, surrounding adjacent residential neighborhoods.
3. Provide a mechanism to implement the policies of the Orange County General Plan relative to the project site and to augment the "R1" and "R1(O)" zoning for the project site by providing for design goals and planning objectives to ensure that Cielo Vista is development in a cohesive and uniform manner.
4. Provide a plan for new infrastructure, grading, community design criteria, green and sustainable goals for development, and procedures that ensure development of Cielo Vista is implemented in a uniform and cohesive manner.
5. Provide planning and design criteria to ensure that development of the project site is compatible with the existing adjacent residential land uses.
6. Provide for oil production facility abandonment and site remediation of Planning Area 1.
7. Through coordination with the Orange County Fire Authority, provide for a Fire Protection Plan for the project site, which also benefits the surrounding residential neighborhoods.

### Compatibility with Surrounding Land Uses

The Alternative 5 Project unlike the original proposed project is designed to be compatible with the adjacent land uses. The project site is bordered on the west and south by tracts built in the 1980's. Lots in these neighborhoods are a minimum of 7,500 square feet with larger lots on the peripheries and slopes, with predominantly two-story homes ranging from 2,700 square feet to over 4,000 square feet. As set forth in the Density Comparison Table below, the Alternative 5 Project would follow a similar pattern. However, the net density of the Alternative 5 Project is lower than the existing residential development in the surrounding area because approximately 42.7 acres of the site is preserved in open space.

The Alternative 5 Project includes approximately 84 acres at a gross density of approximately 1.01 dwelling units per acre the original proposed project has a gross density of approximately 1.33 dwelling units per acre. This compares favorably with the build-out of adjacent and nearby tracts which have an average gross density of 1.24 dwelling units per acre, as shown in the Density Comparison table below. Additionally, existing and future streets follow and would follow hillside contours to the maximum extent feasible resulting in the preservation of prevalent hillside features.

Based on the above, when evaluating the Proposed Project and the Alternative 5 Project as a whole, both would be considered generally compatible with the existing off-site land uses.

Density Comparison Table			
Tract	Number of Lots	Acres	Gross Density
9813 (San Antonio Road)	134	129.1	1.04
10517 (Dorinda and San Antonio)	29	21.4	1.36
10519 (Dorinda Road)	27	13.8	1.96
10455 (Via Del Agua)	53	38.5	1.38
13800 (Stonehaven/Blue Mtn.)	33	19.3	1.71
<b>TOTAL</b>	<b>276</b>	<b>222.1</b>	<b>1.24</b>

Source: County of Orange, Planning Department, 2013.

### Project Access

Access to Planning Area 1 under the Alternative 5 Project would be from Via Del Agua to the south of the project site. Alternative 5 Project's site access and internal street network (which would be privately owned and maintained) would be the same as the Proposed Project's Planning Area 1. As part of the approval of the two existing adjacent residential developments to the south of the project site, right-of-way was dedicated and accepted to allow for construction of a future street connecting the project site with Via Del Agua. The Alternative 5 Project proposes a network of local residential streets and sidewalks to provide access and vehicular circulation throughout the site. The proposed access crosses two easements, the first runs east-west along the southern edge of the property held by the Metropolitan Water District of Southern California and the second is a non-exclusive easement running

in a north-south direction. The proposed project access must comply with the conditions of the affected easements.

As discussed above, the land use plan for the Alternative 5 Project considers a potential access corridor contemplated by the Esperanza Hills project. This potential access corridor would run east to west across the Cielo Vista site just north of Planning Area 1 under one of two configurations. First, Alternative 3 - Access Option 2B, as described and depicted in the certified Esperanza Hills Final EIR, would cross the Cielo Vista site and continue west through City open space connecting with San Antonio Road approximately 1,850 feet south of Aspen way. The other potential access corridor configuration is referred to as Option 2 Modified and was included in the entitlements approved for the Esperanza Hills Specific Plan by the Orange County Board of Supervisors on June 2, 2015. Under Option 2 Modified, a potential access corridor from the Esperanza Hills site would connect to Aspen Way, which in turn connects into San Antonio Road.

### **Infrastructure**

Under either the Proposed Project or the Alternative 5 Project, estimated water demand, wastewater generation, and solid waste generation would be accommodated by existing and proposed infrastructure. Information in the Draft EIR is based on correspondence with the Yorba Linda Water District (YLWD) and the Northeast Area Planning Study prepared by the YLWD in March 2013, as well as information and findings obtained in Yorba Linda Water District Final 2010 Urban Water Management Plan and the site-specific Sewer Study prepared by Hunsaker & Associates Irvine, Inc.

Wastewater discharges generated by the Proposed Project or the Alternative 5 Project would be subject to local, state and federal regulations, as applicable, to minimize the potential for pollutants in the discharged water. Wastewater would flow through existing Yorba Linda Water District sewer lines into existing Orange County Sanitation District Sewer system which will ultimately be treated at regional treatment plant facilities in Fountain Valley and Huntington Beach to accommodate and treat the Proposed Project's wastewater.

Based on the water supply projections in the YLWD Final 2010 URMP and correspondence with the Water District, the Proposed Project's or the Alternative 5 Project's estimated water demand could be served by the YLWD. According to the Northeast Area Planning Study, additional water delivery infrastructure and storage is necessary to accommodate either the Proposed Project or the Alternative 5 Project. Water infrastructure improvements to serve the Proposed Project or the Alternative 5 Project will be constructed and financed according to agreements among YLWD and benefiting landowners.

### **Traffic**

A Traffic Study technical report was prepared by Urban Crossroads to evaluate the potential for the Proposed Project to result in traffic impacts. Implementation of the Proposed Project would incrementally add new traffic to the local roadway network. While most intersections in the Proposed Project vicinity operate at acceptable levels of service (LOS), the intersection of Via del Agua and Yorba Linda Boulevard, currently operates at a deficient level (LOS F). A traffic signal at this intersection, located in the City, is currently needed to bring the LOS to an acceptable level. A proposed mitigation measure will require the installation of a traffic signal at this intersection, in accordance with the Traffic Analysis reviewed by County Staff prepared by Urban Crossroads on August 3, 2012 the intersection will operate at an LOS A with the installed traffic signal. The Applicant would pay its fair share cost toward installation of a traffic signal, install the traffic signal, or pay the full cost of the signal installation, with the latter two alternatives subject to reimbursement.

The Proposed Project's, and the reduced density Alternative 5's, new trips would be far below the County's Congestion Management Program's (CMP) thresholds for potentially significant impacts to

CMP facilities. None of the roadways directly serving the Project Site are within the CMP system. The only CMP roadway in the vicinity of the project site is Imperial Highway, located north of Yorba Linda Boulevard. The closest CMP intersection (i.e., Imperial Highway at Orangethorpe Avenue) is located approximately 3.0 miles away from the Project Site.

#### **Public Safety/Evacuation**

Four fuel modification zones will be implemented along the open space/residential boundary to help suppress wildland fires in accordance with Orange County Fire Authority (OCFA) guidelines for the Proposed Project. A conceptual fuel modification zone plan has been reviewed and approved by OCFA. In addition, construction methods that reduce possible ember-related fires will be implemented. The Alternative 5 Project will implement the same fuel modification zones for the southern portion of the Proposed Project area since the Alternative 5 Project shares the same boundaries for the southern area of the Proposed Project.

During the Freeway Complex Fire, traffic was gridlocked in this area and after incident reports from OCFA and the City of Brea, which provided police services at the time of the Freeway Complex Fire noted various reasons for the gridlock, including but not limited to the lack of an emergency evacuation plan, lack of manpower resources to enforce an evacuation plan, timing of evacuation of residents, the velocity of the onset of the fire, closure of surrounding freeways and additional traffic difficulties caused by persons coming into the neighborhoods to see the fire.

A traffic control evacuation plan reviewed by County Staff and approved by Orange County Sheriff's Department (OCSd) and the City is designed to assist in traffic flow and relieve congestion for evacuees. Resident adherence to evacuation plans will provide the greatest measure of safety to ensure safe and orderly egress from the Project and the adjacent neighborhoods. The measures proposed in the Draft EIR have been provided in consultation with OCFA, OCSd, the City of Yorba Linda, and the Yorba Linda Water District (YLWD) to ensure compliance with all codes and requirements.

The project site will be fed by direct gravity fed fire hydrants to allow firefighting access to the fire, which was one of the problems encountered by OCFA during the Freeway Complex Fire. Water for firefighting will come directly from underground water reservoirs built to the specifications of the Yorba Linda Water District so that gravity fed water will be available for firefighting.

#### **Geotechnical**

Information in Draft EIR No. 615 is largely based on information and findings obtained in two separate Geotechnical technical reports reviewed by County Staff, prepared by LGC Geotechnical and Pacific Soils Engineering, and on supplemental analysis prepared by LGC Geotechnical and discussed in the Final EIR's responses to comments. The project site is located in the seismically active Southern California region. The Whittier Fault crosses the central portion of the site. Also, liquefaction and landslide hazards exist at the project site. Seismic and geologic issues and the associated potential for hazards are regulated in California through applicable State and local regulatory requirements, such as through the California Building Code (CBC) and local building requirements such as the County of Orange Building Regulations, the County of Orange Development Code, and County Grading Ordinance. The Proposed Project and the Alternative 5 Project are required to comply with all applicable regulatory requirements and implement site-specific design recommendations in a design-level geotechnical report prepared by a California-licensed professional engineering geologist and geotechnical engineer to minimize the potential for geologic hazards, including appropriate spacing of homes from the fault line and areas of soil and/or slope instability and/or remediation of soil and/or slope instability.



### **Vesting Tentative Tract Map**

For the initial tentative map(s), in the best interest of the public, an alternate procedure for approval to that established by the Orange County Subdivision Code, Orange County Codified Ordinances sections 7-9-251 is proposed, the ordinance is proposed as an uncodified ordinance provided as Attachment 11 to this staff report to establish the Subdivision Committee as the recommending authority and the Board of Supervisors as the approval authority for the initial tentative map(s).

For the initial tentative tract map, once an application for such tentative tract map has been deemed complete by the Planning Director within the time frames established by the Permit Streamlining Act (California Government Code §§65920-65964), unless those time frames are waived, the Subdivision Committee shall via adopted resolution, provide its recommended findings (including those outlined in Orange County Subdivision Code section 7-9-255 and 7-9-256), and its recommendation for approval, conditional approval, or disapproval of the map to the Board. This resolution shall be adopted within the time frame established by California Government Code §66452.1(c), unless otherwise waived.

If the Subdivision Committee recommends denial of the initial tentative map, the project developer may request that Board consideration be delayed until the issues are resolved. Following any developer requested delay, the Subdivision Committee shall within 30 days submit a resolution to the Board detailing whether the issues have been resolved and outlining its recommendations. The Board shall schedule a hearing on the map within 30 days after its next regular meeting (following receipt of the resolution) and must approve, conditionally approve, or disapprove the map within that 30-day period pursuant to California Government Code §66452.2(a), unless the time period is waived.

There shall be no further administrative appeals of the tentative map under this alternate procedure; the Board's decision shall be final. Orange County Subdivision Code sections 7-9-259 and 7-9-260 are inapplicable to the Board's decision to approve, conditionally approve, or disapprove the initial tentative tract map that establish residential lots in accordance with the findings of the geotechnical analysis. Initial tentative tract map approval or conditional approval may be made by the Board of Supervisors subject to the following findings or conditions in addition to those recommended by the Subdivision Committee:

1. That a Pre-annexation Agreement between the City of Yorba Linda and the developer has been completed;
2. Finding of consistency with Final Environmental Impact Report 615;
3. Finding of consistency with Final Environmental Impact Report 615 Mitigation Monitoring and Reporting Program;
4. Findings of consistency with this Area Plan, the Orange County Zoning Code, the Orange County Subdivisions Code, and applicable laws and regulations.

Board approval of the initial tentative tract map shall only be required for the initial tentative tract map. Modifications to the initial tentative tract map(s) shall be subject to the procedures specified in Orange County Subdivision Code section 7-9-257 for the modification of approved tentative maps. Such a modification request shall be heard by the Board in compliance with the procedures outlined above. Subsequent subdivision map actions shall be made by the Subdivision Committee in accordance with the procedures outlined by the Orange County Subdivision Code with a finding that such actions are consistent with previous Board actions.

## **POTENTIAL ANNEXATION TO THE CITY OF YORBA LINDA**

Although an application has not been submitted to the Orange County Local Area Formation Commission (LAFCO), the applicant has shown interest in establishing a pre-annexation agreement for the annexation of the project area into the City of Yorba Linda.

### **REFERRAL FOR COMMENT, PUBLIC OUTREACH AND PUBLIC NOTICE:**

Copies of the Planning Application were distributed for review and comment to County Divisions (the Building Official, Building/Grading Plan Check, Watersheds, Flood, and Traffic Engineering), Orange County Sheriff's Department, Orange County Fire Authority, the City of Yorba Linda, the Yorba Linda Water District, and other affected agencies. Collaboration efforts have been made with the various affected agencies to ensure proper implementation of the projects conditions of approval.

As part of the public outreach effort, the following has occurred:

1. Mailed notification to area residents, occupants and property owners within 2000 feet of the Project informing them of the status and availability of Draft EIR No. 615.
2. Extended the public review of Draft EIR No. 615 two times for an ultimate review period of 75 days from November 7, 2013 to January 22, 2014.
3. The draft Area Plan, DEIR, Response to Comments, and associated comments were made available on the County's website at this link:  
<http://ocplanning.net/planning/land/projects/cielo>
4. Conducted meetings with elected officials and staff at the City providing updates as to status and implementation issues.
5. Participated in the County-conducted Scoping Meeting on July 19, 2012.
6. Hosted meetings on site with County staff.
7. Hosted a public community meeting on December 16, 2013 at the Travis Ranch Activity Center so that the public can learn about the Proposed Project through interaction with the Proposed Project team and its technical consultants.
8. Conducted Planning Commission Cielo Vista and Esperanza Hills Joint Project Study Session on November 6, 2014
9. Conducted a Planning Commission Study Session for the Proposed Project on October 14, 2015.

A Notice of hearing for the Planning Commission hearing was mailed to all property owners of record within 2000 feet of the Project Site and all interested parties for the Proposed Project on February 26, 2016. Additionally, a notice was posted at the project site, the County Hall of Administration (10 Civic Center Drive, Santa Ana), and the Osborne building (300 N. Flower St., Santa Ana). A notice was also published in the Orange County Register in the February 28, 2016 edition. These actions constitute compliance with public hearing noticing requirements.

**CONCLUSION:**

Staff has reviewed the applicant's proposal for a General Plan Amendment, Zone Change and approval of an Area Plan. Staff and its technical consultants have also reviewed proposed FEIR No. 615. Staff is recommending that the Planning Commission adopt the attached resolutions recommending that the Board of Supervisors certify FEIR No. 615 for the Proposed Project, adopt Alternative 5 as the preferred alternative, adopt the Zone Change and the uncodified ordinance, and approve the Alternative 5 Project Area Plan.

Submitted by,



Laree Alonso, Administrative Manager  
OC Development Services

Reviewed by:



Colby Cataldi, Deputy Director, Manager  
OC Development Services

**ATTACHMENTS:**

1. Proposed Final EIR No. 615
2. Proposed CEQA Findings of Fact
3. Draft Project Area Plan
4. Draft Alternative 5 Project Area Plan
5. Draft Findings
6. Draft Conditions of Approval
7. Draft Resolution 16-02 Recommending that the Board of Supervisors certify Final EIR No. 615
8. Draft Resolution 16-03 Recommending that the Board of Supervisors Approve the Alternative 5 Project Area Plan
9. Draft Resolution 16-04 Recommending that the Board of Supervisors Adopt Zone Change ZC 15-01
10. Draft Resolution 16-05 Recommending that the Board of Supervisors Adopt the uncodified ordinance
11. Draft Ordinance for the adoption of the uncodified ordinance

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Planning Commission on this permit to the Board of Supervisors within fifteen (15) calendar days of the decision upon submittal of the required documents and filing fee of \$500 filed at the Development Processing Center at 300 North Flower Street, Santa Ana, CA 92703. 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, on in written correspondence delivered to OC Development Services.

**ATTACHMENT 1:**

**FINAL EIR NO. 615**

The EIR document is can be viewed at:

<http://ocplanning.net/planning/land/projects/cielo>

**ATTACHMENT 2:**

**CEQA FINDINGS**

**EXHIBIT (TBD) TO BOARD OF SUPERVISORS RESOLUTION NO. 16-XX**

**FINDINGS AND FACTS IN SUPPORT OF FINDINGS**  
**FOR THE CIELO VISTA PROJECT**  
**FINAL ENVIRONMENTAL IMPACT REPORT**

**ORANGE COUNTY, CALIFORNIA**  
**PROJECT NO. PA 100004**  
**STATE CLEARINGHOUSE NO. 2012071013**

**1. INTRODUCTION**

The California Environmental Quality Act, Public Resources Code Section 21081, and the CEQA Guidelines, 14 California Code of Regulations, Section 15091 (collectively, CEQA) require that a public agency consider the environmental impacts of a project before a project is approved and make specific findings. The CEQA Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
  - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
  - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The Orange County Board of Supervisors (Board or County), having received, reviewed and considered the Draft Environmental Impact Report (Draft EIR) and Final Environmental Impact Report (Final EIR) for the Cielo Vista Project, SCH No. 2012071013 (collectively, the EIR), as well as all the other information in the record of proceedings on this matter, hereby adopts, in its capacity as the CEQA Lead Agency, the following Findings and Facts in Support of the Findings (Findings).

These Findings set forth the environmental basis for the discretionary actions to be undertaken by the County for the development of the Cielo Vista Project (Project), as identified in the July 5, 2012 Notice of Preparation and Scoping Meeting and as specified and analyzed in the EIR.

CEQA Guidelines Section 15093 provides that a Statement of Overriding Considerations must be prepared if significant and unavoidable impacts remain after changes or alterations have been incorporated into the project. A Statement of Overriding Considerations provides the lead agency's determination of whether the benefits of the project outweigh its unavoidable significant environmental impacts. As discussed below and in the EIR, the Project, after incorporation of mitigation measures, will not result in any significant and unavoidable impacts. Therefore, a Statement of Overriding Considerations is not required.

The Project would, however, provide specific benefits, including the following, which the County has considered and acknowledged:

- Open Space – 36.3 acres of permanent open space would be preserved within the Project Site and would be offered for dedication to a public agency or an appropriate land conservation/trust organization. This aspect of the Project is reinforced by Project Design Features (PDF) 1-3 to 1-8, which would be included in the Project's Mitigation Monitoring and Reporting Program (MMRP) to ensure their implementation. The open space portion of the Project Site would be deed restricted for open space purposes with the potential for trail access, as envisioned by the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map, found within the City's General Plan.
- Clustered Development – The Project proposes the clustering of single-family residences in two planning areas – Planning Areas 1 and 2 – in order to maximize the potential for

open space and retain the primary east-west canyon within the central portion of the Project Site.

- Implementation of Northeast Area Planning Study – The Northeast Area Planning Study (NEAPS), which was conducted by the Yorba Linda Water District (YLWD) for the northeast portion of its service area, identified recommended improvements to meet the anticipated water service and infrastructure demands within the northeast area. Mitigation Measure 4.15-1 requires the Project Applicant to work with the YLWD to prepare an implementation level project site service plan by further defining the conceptual service system proposed in NEAPS. Mitigation Measure 4.15-1 also requires the Project Applicant to pay a fair-share cost to the YLWD for infrastructure improvements identified in NEAPS.
- Fuel Modification – The Project includes significant fuel modification and construction of residences in accordance with the California Building Code, thus reducing wildfire impacts on adjacent neighborhoods. Without the Project, natural vegetation, which is more susceptible to wildland fire hazards than land within modified zones, would persist to a greater extent. An excess of plant fuel may increase the severity of a wildfire and threaten native habitat and neighboring development. To alleviate such impacts, the Project incorporates project design features and mitigation measures such as fuel modification and management zones (PDF 7-12) that would help suppress wildland fires in accordance with Orange County Fire Authority.
- Removal of Non-Native Plants – Within the fuel modification zones, plant species identified in Attachment 7, *Undesirable Plant Species*, of the Orange County Fire Authority (OCFA) Vegetation Management Guideline would be completely removed from all zones of the fuel modification areas. PDFs 1-5 and 7-13 mandate that long-term maintenance of the fuel modification zones would include removal of any invasive non-native species that appear on the California Invasive Plant Council (Cal-ICP) list of invasive species to prevent these from becoming established.

#### **A. Document Format**

These Findings have been organized into the following sections:

- (1) Section 1 provides an introduction to these Findings.
- (2) Section 2 provides a summary of the Project, as submitted by Sage Community Group, Inc. (Applicant), an overview of the discretionary actions required for approval of the Project, and a statement of the objectives of the Project, as described in Section 2.0, *Project Description*, of the Draft EIR.
- (3) Section 3 provides a summary of the CEQA process for the Project, including public participation, and summarizes the documents and other evidence that comprise the Record of Proceedings for approval of the Project.



- (4) Section 4 sets forth findings regarding potentially significant or significant environmental impacts identified in the EIR which the County has determined are either not significant or can feasibility be mitigated to a less than significant level through the imposition of Project Design Features and/or mitigation measures. To ensure compliance and implementation, all of these measures will be included in the Mitigation Monitoring and Reporting Program (MMRP) for the Project and as adopted as conditions of the Project by the Lead Agency. Where potentially significant impacts can be reduced to less than significant levels through adherence to Project Design Features, and/or mitigation measures, these findings specify how those impacts were reduced to an acceptable level. After thorough analysis, the EIR concludes that the Project will not result in any significant or potentially significant impacts that cannot feasibly be reduced or mitigated to a less than significant level.
- (5) Section 5 sets forth findings regarding alternatives to the proposed Project that were analyzed in the EIR.
- (6) Section 6 discusses the ability of the Project to meet the Project Objectives.

**B. Custodian and Location of Records**

The documents and other materials which constitute the Record of Proceedings for the County's actions related to the Project are located at the County of Orange, Development Services (OC Development Services), 300 North Flower Street, First Floor, Santa Ana, California 92702. The County is the custodian of the Record of Proceedings for the Project.

**2. PROJECT SUMMARY**

**A. Project Location**

The Cielo Vista Project site (Project Site) is located in unincorporated Orange County and encompasses approximately 84 acres of land. The Project Site is located approximately two miles northwest of the 91 Freeway and approximately six miles east of the 57 Freeway, and is within the City of Yorba Linda Sphere of Influence (SOI). The Project Site would be accessed primarily from Yorba Linda Boulevard, with specific access provided by Via del Agua, a residential street located to the south of the Project Site, and additional access from Aspen Way, which extends easterly from San Antonio Road.

The Casino Ridge single-family residential community abuts the Project Site on the north, and established single-family residential neighborhoods abut the Project Site on the south and west. An undeveloped parcel commonly referred to as the Esperanza Hills property abuts the Project Site on the east.

**B. Project Description**

The Project analyzed in the EIR proposes to develop a maximum of 112 single-family dwellings and associated infrastructure within two Planning Areas. Planning Area 1 would include 95 residences within 41.3 gross acres. Planning Area 2 would include 17 residences within 6.4 gross acres. Thus, single-family dwellings and associated infrastructure would be developed on 47.7 acres. The residential land use within the Project Site would occur at a gross density of 1.3 dwelling units per acre. The minimum building site area of the residential lots would be 7,500 square feet and the average lot size would be approximately 14,800 square feet. Detached single family homes would be built on the lots to meet building envelope requirements of both the City of Yorba Linda (City) and County as determined appropriate through the Subdivision/Plan Check process. The Project would preserve 36.3 acres of the site as undeveloped open space, including fuel modification zones but exclusive of private slopes, water quality basins and roadways, and open space areas would be preserved in the northern portion of the Project Site. To ensure continued environmental stewardship of the permanent open space, the Applicant would offer the preserved open space areas for dedication to a public agency or an appropriate land conservation/trust organization. As an alternative, the open space could be owned and maintained by the Project's Homeowner's Association (HOA).

The majority of the Project Site is vacant, with the exception of several operational and abandoned oil wells and various dirt access roads and trails that traverse the site. The Project Site was subject to a mineral lease for oil production as part of the Esperanza Oil Field, and oil production facilities within the Project Site include five operational wells, one abandoned well, one idle well and tank batteries, unimproved oil field service roads, and unimproved drill pads. As explained in the EIR, contamination at the site due to oilfield production is minor.

The topography of the Project Site is characterized by moderate to steeply sloping hillsides, with elevations ranging from approximately 565 to 885 feet above mean sea level (AMSL). The hillsides support some natural habitat, including, scrub and chaparral vegetation, as well as a variety of wildlife species. However, the Project Site also includes numerous disturbed areas with little to no vegetation within the area supporting on-site oil operations and associated facilities.

Access to the Project Site would be provided at two points. Access to Planning Area 1 would be provided from Via Del Agua within an existing, unimproved right-of-way between the southerly boundary of Planning Area 1 and Via Del Agua. As part of the approval of an existing adjacent residential development to the south of the Project Site, right-of-way was dedicated to allow for construction of a future street connecting the Project Site with Via Del Agua. Access to Planning Area 2 would be provided from Aspen Way. Aspen Way, a local roadway, extends easterly from San Antonio Road with the paved improvements terminating approximately 400 feet from the westerly boundary of the Project Site. The existing dedicated right-of-way for Aspen Way would be improved as part of the project to provide access to Planning Area 2. The Project proposes a network of local residential streets to provide access to and vehicular circulation throughout the site.

### **C. Modified Planning Area 1 Only Alternative Project Description**

The Modified Planning Area 1 Only Alternative would not include development of Planning Area 2 and would only develop Planning Area 1 with 83 single-family residential lots and associated improvements. It would have a gross density of 1.0 dwelling units per acre and would occupy the same 41.3 acres of the Project Site associated with Planning Area 1, with the remaining 42.7 acres of the site preserved as permanent open space. Like the Project, access to Planning Area 1 under this alternative would be from Via del Agua to the south of the Project Site. Modified Planning Area 1 Only Alternative's site access and internal street network (which would be privately owned and maintained) would be the same as with Planning Area 1 under the proposed Project. The reduction in the number of lots in Planning Area 1 compared to the Project would occur because of wider residential lots. The overall extent of grading, landscaping, lighting, utilities, and other project design features associated with this alternative would be less than the grading, landscaping, lighting, utilities, and other project design features associated with the Project given that, unlike the Project, the Modified Planning Area 1 Only Alternative does not propose any development on Planning Area 2. As with the Project, existing on-site oil wells and facilities would be abandoned or re-abandoned in connection with this alternative. Also as with the Project, a 1.8-acre oil drilling pad would be developed for future development as a separate project should the oil operators choose to relocate to this area of the Project Site under this alternative. Thus, all oil-related activities associated with the Modified Planning Area 1 Only Alternative would be same as the Project.

Overall, compared to the Project, due to the elimination of Planning Area 2 and reduced density in Planning Area 1, the Modified Planning Area 1 Only Alternative would include 29 fewer units, would reduce the area of development by 6.4 acres, and would increase permanent open space by 6.4 acres. This alternative would provide for a gross density of 1.0 units to the acre, which is consistent with the density requirements under the Yorba Linda General Plan, compared to 1.3 units to the acre under the Project. This alternative would also be consistent with the existing General Plan for the County of Orange, which designates Planning Area 2 as Open Space, and would therefore not require a General Plan Amendment.

#### **D. Discretionary Actions**

The Project would require entitlements and approvals from the Board, as the CEQA Lead Agency, including:

- A General Plan Amendment changing the General Plan Land Use designation of Planning Area 2 from Open Space (5) to Suburban Residential (1B).
- A zone change amending the zoning designation for Planning Area 1 from General Agricultural with Oil Production Overlay (A1(O)) to Single-Family Residence (R1) and Single-Family Residence with Oil Production Overlay (R1(O)).
- A zone change amending the zoning designation for Planning Area 2 from A1(O) to R1.
- Area Plan approval.

The EIR would also provide environmental information to responsible agencies, trustee agencies, and other public agencies that may be required to grant approvals, permits, and/or coordinate with the County. These agencies include, but are not limited to:

<b>Agency</b>	<b>Discretionary Approval</b>
U.S. Army Corps of Engineers	Clean Water Act (CWA) Section 404 permit(s)
California Department of Fish and Wildlife	Section 1602 Streambed Alteration Agreement
Santa Ana Regional Water Quality Control Board	Section 401 Water Quality Certification National Pollutant Discharge Elimination System Permit General Construction Activity Storm Water Permit
U.S. Fish and Wildlife	Section 7 Consultation
Orange County Fire Authority	Fuel Modification and Fire Master Plan

Please refer to Section 2.0, *Project Description*, of the Draft EIR for a discussion of the approvals and permits that may be required for the Project.

### **E. Statement of Project Objectives**

Section 15124(b) of the CEQA Guidelines requires a statement of objectives sought by the proposed project to help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project. Section 15124(b) clearly provides that compatibility with the project objectives is one of the criteria used in selecting and evaluating a reasonable range of project alternatives. Therefore, clear project objectives simplify the selection process by providing a standard against which to measure project alternatives. The Project Objectives set forth in Section 2.0, *Project Description*, of the Draft EIR are based upon the history and unique features of the Project Site, the surrounding land uses and environment, and the needs of the community. The following Project Objectives were established for the Project:

1. Implement a land plan at a density compatible with adjacent single family residential neighborhoods and provide a balance of residential and open space land uses adequately served by public facilities, infrastructure, and utilities.

2. Provide for 36 acres of contiguous open space which can be offered for dedication to a public agency or to be maintained as private open space.
3. Ensure that the provision of contiguous open space accommodates jurisdictional planning for local parks to the extent appropriate for the topography, as well as trail connections.
4. Provide a single family residential project with a sufficient number of units allowing for necessary infrastructure and open space in separate but related planning areas so that the property cannot be further subdivided.
5. Create two planning areas that are responsive to the site's topography and that are consistent with adjacent single family neighborhoods.
6. Create an aesthetically pleasing and distinctive residential neighborhood identity through design concepts to be developed by an experienced merchant builder(s).
7. Implement a circulation system providing pedestrian connectivity within each Project neighborhood and the existing residential neighborhoods surrounding the project site.
8. Concentrate development of new residential uses within defined areas and provide buffering of open space areas from new development.
9. Implement a land plan that optimizes view potential for the community's residents.
10. Implement a development plan for a cohesive neighborhood environment through the following design goals.
  - a. Encouragement of walking by providing landscaped sidewalks creating an inviting street scene for pedestrians.
  - b. Create a project perimeter open space setting for the residents through dedicated or private open space.
11. Develop a project consistent with County and other agency planning and regulatory standards.

### **3. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION**

The Final EIR includes the Draft EIR, dated November 2013 and circulated for public review between November 7, 2013 and January 22, 2014 (75-day review period), all comments received during the public review period, and written responses to those comments and clarifications/changes to the EIR. As required by CEQA and the CEQA Guidelines, the County conducted an extensive environmental review of the Cielo Vista Project:

- A Notice of Preparation and Notice of Scoping Meeting (NOP) was distributed on July 5, 2012 to solicit comments from potential responsible, trustee, other public agencies, and members of the public. It was circulated from July 5, 2012 to August 6, 2012, a 30-day

review period. The NOP included specific information about the Project, including a description, the location, and an analysis of probable environmental effects.

- During the NOP review period, on Thursday, July, 19, 2012, a Scoping Meeting was held at the Travis Ranch Activity Center located at 5200 Via de la Escuela, Yorba Linda, CA 92887.
- The Draft EIR was prepared and made available to the public on November 7, 2013. The public review period was originally from November 7, 2013 to January 7, 2014 (60 days), but was extended to January 22, 2014 (75 days) by a Second Revised Notice of Availability (NOA). The NOA was published in accordance with CEQA Guidelines Section 15087, and was sent to interested persons, agencies, and organizations to inform them of the availability of the Draft EIR. Copies of the Draft EIR were also made available for review at the OC Development Services, City of Yorba Linda Planning Department, Yorba Linda Public Library, and East Anaheim Library, and was available for download from the County's website at <http://ocplanning.net/planning/land/projects/cielo>.
- A Final EIR, which includes the comments submitted by the public on the Draft EIR and responses to those comments (Responses to Comments), was prepared. The Final EIR contains: (1) comments on the Draft EIR, (2) Responses to Comments, (3) clarifications/revisions to the Draft EIR, and (4) appended documents. The Final EIR was released November 18, 2015. In compliance with CEQA Guidelines Section 15088(b), the County has met its obligation to provide written responses to comments to public agencies at least 10 days prior to certifying an EIR.
- A notice of the Orange County Planning Commission hearing for the Project was published in the Orange County Register February 28, 2016 edition; posted at the Project Site a minimum of 10 days in advance of this hearing; mailed to all property owners within 2,000 feet of the Project Site; mailed to all local agencies expected to provide essential facilities or services to the Project; and mailed to all interested persons, agencies, and organizations, including those persons, agencies and organizations that commented on the Draft EIR, consistent with the Orange County Code of Ordinances. A Notice of Availability was included with the Planning Commission hearing notice and indicated that the Final EIR was available at OC Development Services' website (<http://ocplanning.net/planning/land/projects/cielo>) and at OC Development Services' office located at 300 N. Flower Street, First Floor, Santa Ana CA 92702.
- Additionally, the item appeared on the agenda for this meeting, which was posted at the County Hall of Administration, the 300 N. Flower Street, First Floor Santa Ana, CA 92702 and on the County website.

For purposes of CEQA and these Findings, the Record of Proceedings for the Project consists of the following documents and other evidence, at a minimum:

- The County's General Plan, as amended, and all environmental documents relating thereto;

- The City of Yorba Linda General Plan, as amended, and all environmental documents relating thereto;
- All information submitted to the County by the Applicant and its representatives relating to the Project and/or the EIR, including all information submitted as part of the application for the proposed Project;
- NOP, NOA, and all other public notices issued by the County in conjunction with the proposed Project;
- The materials presented at the Scoping Meeting held during the 30-day NOP period;
- The Final EIR, including the Draft EIR and all appendices, the Responses to Comments, and all supporting materials referenced therein. All EIRs, documents, studies, or other materials incorporated by or referenced in the Draft EIR and Final EIR. The reports and technical memoranda included or referenced in the Final EIR;
- All written comments submitted by agencies, organizations, and members of the public during the 75-day public review comment period on the Draft EIR and included in the Responses to Comments contained in the Final EIR;
- All final County Staff Reports relating to the Draft EIR, Final EIR, and the Project;
- All other public reports, documents, studies, memoranda, maps or other planning documents relating to the Project, the Draft EIR, and the Final EIR and prepared by the County, consultants to the County, and/or responsible or trustee agencies that have been submitted to the County in connection with the County's consideration of this Project;
- The Mitigation Monitoring and Reporting Program (MMRP) prepared for the Project;
- Any and all resolutions or ordinances adopted by the County in connection with the Project, and all documents incorporated by or referenced therein;
- These Findings of Fact adopted by the County for the Project. Any documents expressly cited in these Findings of Fact; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

The documents and other material that constitute the Record of Proceedings on which these Findings of Fact are based are located at the County of Orange/Development Services (OC Development Services). The custodian for these documents is the OC Development Services, 300 North Flower Street, First Floor, Santa Ana, CA 92702. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 California Code of Regulations Section 15091(e).

**4. FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS (PROJECT AND MODIFIED PLANNING AREA 1 ONLY ALTERNATIVE)**

This Section 4 examines the potential impacts for both the Project and for the Modified Planning Area 1 Only Alternative. The following potentially significant environmental impacts were analyzed in the Draft EIR and Final EIR. As discussed below, Project Design Features (PDFs) and Mitigation Measures have been identified that eliminate or minimize the significance of potential environmental effects for both the Project and for the Modified Planning Area 1 Only Alternative.

Where, as a result of the environmental analysis contained in the EIR, and including all PDFs, compliance with existing laws, codes and statutes, and the identification of feasible mitigation measures (together referred herein as the “Mitigation Program”), the following potentially significant impacts have been found to be reduced to a level of less than significant, the County, in accordance with CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), has found that “[c]hanges or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment,” which is referred to herein as **Finding 1**. If the potential impact can be reduced to less than significant solely through adherence to and implementation of PDFs or, which are considered to be “incorporated into the project” and which mitigate or avoid the potentially significant effect, the County will make Finding 1, even though no mitigation measures are required.

Where the County has determined, pursuant to CEQA Section 21081(a)(2) and CEQA Guidelines Section 15091(a)(2) that “[t]hose changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency,” the County’s finding is referred to herein as **Finding 2**.

Where, as a result of the analysis contained in the EIR, the County has determined that either (1) even with the identification of PDFs, compliance with existing laws, codes and statutes, and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant, or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact of the Project, the County has found, in accordance with CEQA Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), that “[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report,” referred to herein as **Finding 3**.

Either **Finding 1**, **Finding 2**, or **Finding 3** will be made for each of Project’s potential impacts and for the Modified Planning Area 1 Only Alternative in this Section 4.

**A. Aesthetics**

**Potential Impact 1:** The Project would alter the views of and across the Project Site from public areas due to construction or operation of the Project, particularly the development of single-family residences on the Project Site. The public views of the



Project Site are primarily from public roadways in the surrounding area, although none of these roadways are designated as a scenic highway, corridor, or route. The Project, however, would not have a substantial adverse impact on views or scenic vistas or substantially degrade the existing visual character or quality of the Project Site and its surroundings because no significant scenic views from the surrounding areas would be substantially diminished or obstructed, and the Project would be visually consistent and compatible with the existing single-family residential uses to the north, west, and south of the Project Site.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of PDFs 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 1-7, 1-8, and 1-10 (set forth below). Therefore, no mitigation is required.

**Facts in Support of Finding:** The Project, whether through construction or operation, would not degrade the existing visual character of the Project Site and its surroundings. While grading and construction would occur, such activities would not block views of adjacent hillsides, would be short term, and would include seeding that would restore the barren hillside to a more natural appearance as viewed from adjacent areas.

The Project would develop single-family residences, which are consistent with the type of land uses located to the north, south, and west of the Project Site, and its operation would not degrade the area's visual character. Foremost, 36.3 areas of the Project Site will be preserved as open space and would include the primary east-west canyon within the central portion of the Project Site (PDF 1-1). As residences along Dorinda Road are currently located along the same hillside, the addition of new houses would essentially serve as an extension of Dorinda Road. Moreover, the Area Plan for the Project includes numerous development and site-design criteria (i.e., architectural massing, garage treatments, colors and materials) which would ensure consistency between the surrounding residential uses and the Project. The Project would also implement a landscape plan for landscaped areas or natural open space areas adjacent to existing residential development areas to serve as natural buffers between existing residential neighborhoods and planned development of new homes (PDF 1-5). The landscape plan would utilize a plant palette consisting of trees, groundcovers and shrubs that enhances the existing native plant communities found within the project site through the use of fire resistant species, native and appropriate non-native drought tolerant species. The planting plan for streets would avoid uniformed spacing of trees (PDF 1-6). Per PDF 1-7, landscape treatment of all areas would emphasize the planting of shade trees along streets to contrast with open space.

Moreover, pursuant to PDF 1-8, the Project would remove existing on-site oil wells and associated storage facilities and consolidate and screen them within a designated drilling pad area. This is considered to be a positive aesthetic feature of the Project. With implementation of the design criteria specified in the Project's Area Plan, including the Residential Design Guidelines, development of

the proposed single-family residences would serve as a logical extension of the adjacent single-family residential neighborhoods and, as such, would be visually compatible with the surrounding area.

The Project would likewise not have a significant impact on scenic views or vistas. There are no designated scenic highways that support views of the Project Site, and views of the Project Site are not otherwise called out as scenic or designated for protection by state or local agencies. To the extent there are public views of the Project Site, these public views, while frequented by local neighborhood residents and pedestrians for the most, do not occur from a designated or protected scenic highway, corridor or route which protects views and are not representative of a prominent scenic viewpoint utilized by a large number of people in the general public. Moreover, as discussed above, the Project Site is surrounded on the north, south, and west by existing single-family residential developments, and distant views of the Project Site would be consistent and compatible with these developments. The Project Site is also not characterized by any significant natural features and has been altered in some areas as a result of the ongoing oil extraction operations, which includes appurtenant structures. With respect to short-range views, while new homes would be introduced, the visually prominent hillside in the background of such views would, for the most part, be preserved as none of the proposed homes would extend above the distant ridgeline. While acknowledging the Project Site's undeveloped character, no views of important or unique scenic resources would be blocked or substantially diminished. Additionally, the Project's proposed landscaping would help offset the visual change due to the introduction of new residences from this vantage point.

**PDF 1-1** The Project would provide up to 112 detached, single-family residences up to two-stories in height within two clustered planning areas (Planning Areas 1 and 2) to maximize the potential for open space and retain the primary east-west canyon within the central portion of the site. (This PDF to be verified prior to issuance of a building permit by the Manager, OC Development Services.)

**PDF 1-2** A primary community entry would be established at the intersection of "A" Street and Via del Agua (see Figure 2-12, *Primary Entry at Via Del Agua*, in Section 2.0, *Project Description*, of this EIR). The entries to the project site would include a blend of hardscape and planting elements, in addition to low-level entry lighting. No entry gates would be installed. (This PDF to be verified prior to issuance of a building permit by the Manager, OC Development Services.)

**PDF 1-3** Non-reflective and/or anti-glare building materials would be used. The selected color palette for each architectural style should share

a “common sense” approach to the use of materials and colors indigenous to the region and compatibility with existing surrounding residential land use. (This PDF to be verified prior to issuance of a building permit by the Manager, OC Development Services.)

**PDF 1-4**      The Project would provide approximately 36 acres of undeveloped open space which can be offered for dedication to a public agency or an appropriate land conservation/trust organization. Or, the open space would be owned and maintained by the Project HOA. (This PDF to be verified prior to recordation of a subdivision map by the Manager, OC Development Services.)

**PDF 1-5**      As shown in the Conceptual Landscape Plan (Figure 2-11 and Table 2-2 of the Draft EIR), landscaped areas or natural open space areas would be located adjacent to existing residential development to serve as natural buffers between existing residential neighborhoods and proposed homes. The plant palette would include native and appropriate non-native drought tolerant trees, groundcovers and shrubs that would be compatible with the existing native plant communities found within the site. The landscape design would emphasize the planting of long-lived plant species that are native to the region or well adapted to the climatic and soil conditions of the area. In addition, any invasive non-native species that appears on the California Invasive Plant Council (Cal-IPC) list of invasive species would be excluded from the landscape plan plant palette. (This PDF to be verified prior to issuance of a building permit by the Manager, OC Development Services.)

**PDF 1-6**      As shown in the *Streetscapes Plan*, the planting plan for streets shall include shrubs, grasses, and stands of native and non-native trees. Uniformed spacing of trees shall be avoided. (This PDF to be verified prior to issuance of a grading permit by the Manager, OC Development Services.)

**PDF 1-7**      Landscape treatment of all areas shall emphasize the planting of shade trees along streets to contrast with open space. Street trees and trees planted near walkways or street curbs shall be selected and installed to prevent damage to sidewalks, curbs, gutters and other improvements. (This PDF to be verified in a landscape plan prior to issuance of a grading permit by the Manager, OC Development Services.)

**PDF 1-8** Plantings would be installed around the 1.8-acre parcel located in Planning Area 1 that may be designated for continued oil operations to screen most, if not all, of the oil-related facilities within this area. (This PDF to be verified prior to issuance of a grading permit for the oil-related facilities by the Manager, OC Development Services.)

**PDF 1-10** One or more HOAs may be established for the maintenance of private common area improvements within residential Planning Areas of the project site. Private improvements to be maintained by either the HOA or private property owners may include, but are not limited to:

- Parkway landscaping within the rights of ways of all local streets.
- Slopes within the boundary of a Planning Area, fuel modification zones, detention and water quality treatment basins and facilities.
- Community and neighborhood entries and signage, and common open space areas within residential Planning Areas.
- Community perimeter walls and fencing.
- Landscape areas of lots, common area wall surfaces, and slopes internal to the Project along residential local streets.
- Common area landscaping and lighting.

(This PDF to be verified prior to issuance of a certificate of use and occupancy by the Manager, OC Development Services.)

**Potential Impact 2:** The Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, or other locally recognized desirable aesthetic natural features within a city-designated scenic highway and no mitigation is required.

**Finding:** The County hereby makes Finding 1 and determines that there is *No Impact* and no mitigation is required.

**Facts in Support of Finding:** The State Scenic Highway Program and the Scenic Highways Plan for the County of Orange designate the 91 Freeway as scenic highway. However, due to the intervening topography and vegetation between

the Project Site the 91 Freeway, the site is not visible from the 91 Freeway. The site is also not visible from any other State or County designated scenic highway. The Project Site does not contain any historic buildings or rock outcroppings. While the Project Site does contain various trees throughout the site, none of the on-site trees are specifically protected under any tree protection ordinance or other regulatory policy/program for their aesthetic qualities.

**Potential Impact 3:** The Project would result in new lighting and could result in glare, consistent with the development of single-family residences. However, the Project would not create new sources of substantial light or glare which would adversely affect day or nighttime views in the area.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of PDFs 1-3 (set forth above) and 1-9 and Mitigation Measure 4.1-1 (set forth below).

**Facts in Support of Finding:** Project construction may require illumination of the Project Site. If such lighting is required, it would be limited to the immediate areas of construction activity and would be directed downward and not cast outward or into open space areas, in compliance with Section 7-9-55.8 of the Orange County Codified Ordinances. Moreover, construction would be temporary (short-term). Because construction lighting would be short-term and would be confined to the Project Site, lighting impacts would be less than significant.

As the Project Site does not currently include any light sources, Project implementation would result in an increase in ambient light within the Project Site. However, Project lighting would be typical of single-family residential uses, such as that generated by the residential uses to the north, south, and west of the Project Site. As the Project would serve as an extension to the adjacent residential uses to the south, north, and west of the Project Site, the lighting characteristics would be similar to and compatible with the existing lighting of the adjacent single-family residential neighborhoods. Moreover, given the distance of the proposed residences from existing residences, there would be, for the most part, no potential issues related to light spill. Regardless, all exterior lighting would be directed downward and “night sky friendly,” in compliance with Section 7-9-55.8 of the Orange County Codified Ordinances (PDF 1-9). Per Section 7-9-55.8, all lights would be designed and located so that direct light rays would be confined to the premises. Mitigation Measure 4.1-1 requires a demonstration of compliance with Section 7-9-55.8.

While the Project could result in transient sources of light (i.e., automobile lights), such light would be similar to that which occurs on the adjacent streets and the orientation of the existing residences and the topography of the adjacent area would preclude transient light issues from occurring.

The proposed residential uses would not result in significant impacts from glare because they would not incorporate highly reflective glass, or broad, flat surfaces with high glare qualities (PDF 1-3), the use of neon or glare-generating materials is not proposed, and Project-related vehicles would not generate glare that is atypical or inconsistent with vehicular glare that currently occurs within the adjacent single-family neighborhoods.

**PDF 1-9** All exterior lighting would be directed downward and “night sky friendly,” in compliance with the Codified Ordinances of the County of Orange Section 7-9-55.8 requirements for exterior lighting. All lights would be designed and located so that all direct light rays are confined to the property. No lighting would be cast directly outward into open space areas. Specimen trees may be up-lit into the canopy to avoid creating dark sides of the trees in instances where such lighting could be directed onto the tree canopy to avoid light spillage above and beyond the tree. (Mitigation Measure 4.1-1 would ensure compliance with the code requirements.)

**Mitigation Measure 4.1-1**

Prior to issuance of any building permit, the Project Applicant/Developer shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the project site consistent with Sec. 7-9-55.8, Site Development Standards, of the Orange County Zoning Code; and to the approval of the Manager, Permit Services (County of Orange). Prior to the final inspection, the Project Applicant/Developer shall provide a letter from the Electrical Engineer, licensed Landscape Architect, or licensed Professional Designer that a field test has been performed after dark and that the light rays are confined to the premises. The letter shall be submitted to the Manager, OC Inspection for review and approval.

**Potential Impact 4:** The Project, when combined with cumulative projects, would not result in substantial adverse effects related to aesthetics.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation is required.

**Facts in Support of Finding:** The only proposed development which could contribute to cumulative aesthetic impacts is the proposed Esperanza Hills project, which was approved by the County Board of Supervisors on June 2, 2015. With respect to scenic views, the Project and Esperanza Hills would not

substantially impact views because intervening topography would obscure views across the Project Site. Moreover, Esperanza Hills would, like the Project, have to comply with the County's Resources Element, which requires preservation of natural terrains and contours, if feasible. Also, development of the single-family residential uses proposed for the Project and Esperanza Hills would be consistent and compatible with the surrounding uses and the type of land use envisioned by the County of Orange and the City of Yorba Linda. Esperanza Hills would be required to follow similar applicable City and/or County design criteria and standards as the Project, which would include a landscape plan and other project design features to avoid or minimize aesthetic impacts. The Project and Esperanza Hills would represent an incremental expansion of residential uses on or currently undeveloped sites. As with the Project, the development of Esperanza Hills would include light sources that would be similar to those of the adjacent residential land uses. Like the Project, Esperanza Hills would be required to comply with Section 7-9-55.8 of the Orange County Codified Ordinances, which pertains to exterior lighting. Thus, although the Project and Esperanza Hills would result in an incremental increase in ambient nighttime light, compliance with applicable regulations would ensure such impacts are less than significant.

**Modified Planning Area 1 Only Alternative Finding:** With the implementation of PDFs 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 1-7, 1-8, 1-9 and 1-10 (as described above), as well as Mitigation Measure 4.1-1 (as described above), the Modified Planning Area 1 Only Alternative would result in lesser aesthetic impacts as the Project. The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*.

**Facts in Support of Finding:** The Modified Planning Area 1 Only Alternative would, like the Project, develop Planning Area 1 with residences and related infrastructure. However, Planning Area 1 would be developed with fewer residences (12) than are proposed by the Project. Moreover, under this alternative, Planning Area 2 would be retained as open space and, therefore, no visual quality/character or scenic view impacts would occur in the northern portion of the Project Site.

As there are no recognized scenic resources on the Project Site, this alternative would not result in any scenic resource impacts. With Planning Area 2 not being developed under this alternative and fewer residences being developed in Planning Area 1, less light and glare impacts would occur under this alternative compared to the Project.

When it approved the adjacent Esperanza Hills project on June 2, 2015, the County Board of Supervisors approved two access alternatives, both of which would be through the Project Site (collectively, the two access alternatives are referred to herein as the "Esperanza Hills Access Corridor"). There would be

limited impacts related to any such access corridor, however, because it would not be visible from areas south of the Project Site. It would only be seen from the residential properties and neighborhood streets west and north of the Project Site, and these view would be shielded by evergreen trees that are to be planted along the corridor. The less than significant impacts of the access corridor do not change the less than significant cumulative impact findings in the Draft EIR in regards to the aesthetic impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under this alternative, the Project's already less than significant combined cumulative aesthetic impacts would be proportionately less.

**B. Air Quality**

**Potential Impact 1:** The South Coast Air Quality Management District's (SCAQMD) Air Quality Management Plan (AQMP) provides controls sufficient to attain the national and state air quality standards based on the long-range growth projections for the region. The Project would not exceed the assumptions in, conflict with, or obstruct implementation of the AQMP.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with the implementation of Mitigation Measures 4.2-1 and 4.2-2 (set forth below).

**Facts in Support of Finding:** The Project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. The Project will require construction which, if unmitigated, could result in the emissions of daily fugitive dust that could exceed the localized standards. However, implementation of Mitigation Measures 4.2-1 and 4.2-2 would reduce this potentially significant impact to a less than significant level. As required by SCAQMD Rule 403, Mitigation Measures 4.2-1 and 4.2-2 address fugitive dust control through periodic watering of the construction site and reduced construction vehicle speeds, both of which effect a reduction in air-borne dust. The Project would also not result in any exceedence of the regional or localized significant thresholds with implementation of the prescribed mitigation measures.

The Project would also not exceed the assumptions contained in the AQMP or increments based on the year of buildout phase because it would be consistent with the land use plan that was used to generate the growth forecast used to create the AQMP. The 2012 AQMP based its assumptions on growth forecasts contained in the Southern California Association of Governments (SCAG) 2012 Regional Transportation Plan. The Project would constitute approximately 0.19 and 0.01 percent, respectively, of the anticipated population in the unincorporated County and the County of Orange by 2035 and would, therefore, be well within



the projected population growth. Thus, the Project would not increase population and housing figures over those that have been projected for the region, and would be consistent with the assumptions in the AQMP.

#### **Mitigation Measure 4.2-1**

Prior to the issuance of grading permits, the contractor shall provide evidence to the Manager, Permit Services that compliant with SCAQMD Rule 403 and during construction, that the following measures shall be implemented to reduce fugitive dust emissions:

- Apply water and/or nontoxic chemical soil stabilizers according to manufacturer's specification to all construction areas expected to be inactive for 10 or more days. Reapply as needed to minimize visible dust.
- Apply water three times daily or nontoxic chemical soil stabilizers according to manufacturer's specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enclose, cover, water three times daily, or apply approved chemical soil stabilizers to exposed piles of dirt, sand, soil, or other loose materials.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.

The determination of wind speed conditions in excess of 25 miles per hour shall be based on the following criteria:

(A) For facilities with an on-site anemometer:

(i) When the on-site anemometer registers at least two wind gusts in excess of 25 miles per hour within a consecutive 30-minute period. Wind speeds shall be deemed to be below 25 miles per hour if there is no recurring wind gust in excess of 25 miles per hour within a consecutive 30-minute period; or

(B) For facilities without an on-site anemometer:

(i) When wind speeds in excess of 25 miles per hour are forecast to occur in Yorba Linda for that day. This condition shall apply to the full calendar day for which the forecast is valid; or

(ii) When wind speeds in excess of 25 miles per hour are not forecast to occur, and fugitive dust emissions are visible for a distance of at least 100 feet from the origin of such emissions, and there is visible evidence of wind driven fugitive dust.

- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
- Sweep streets at the end of the day, or more frequently as needed to control track out.
- To prevent dirt and dust from unpaved construction roads from impacting the surrounding areas, install roadway dirt control measures at egress points from the Project Site (or areas of the Site actively grading). These may be wheel washers, rumble strips, manual sweeping, or other means effective at removing loose dirt from trucks and other equipment before leaving the site.
- Post and enforce traffic speed limits of 15 miles per hour or less on all unpaved roads.
- Plant ground cover in planned areas as quickly as possible after grading.
- All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized.

#### **Mitigation Measure 4.2-2**

Prior to the issuance of grading permits, the contractor shall provide evidence to the Manager, Permit Services that compliant

with SCAQMD Rule 403 traffic speeds on unpaved roads and Project Site areas shall be reduced to 15 miles per hour or less.

**Potential Impact 2:** The Project's emission could violate air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under applicable federal or state ambient air quality standards.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with the implementation of Mitigation Measures 4.2-1 and 4.2-2 (set forth above).

**Facts in Support of Finding:** The SCAQMD has developed regional and localized significance thresholds for regulated pollutants. The *SCAQMD's CEQA Air Quality Significance Thresholds (March 2009)* indicate that any projects in the South Coast Air Quality Basin with daily emissions that exceed any of the indicated thresholds should be considered as having an individually and cumulatively significant air quality impact. The CalEEMod model was used to estimate daily construction emissions from the Project.

Regional Construction Emissions: As discussed in the Table 1 below, construction of the Project, without mitigation, would not exceed the *regional* pollutant thresholds established by the SCAQMD. Nevertheless, although such impacts would be less than significant, mitigation measures have been prescribed to reduce PM<sub>2.5</sub> and PM<sub>10</sub> emissions to the maximum extent possible. Mitigation Measure 4.2-1 is estimated to reduce PM<sub>2.5</sub> and PM<sub>10</sub> fugitive dust emissions by approximately 61 percent, while implementation of Mitigation Measure 4.2-2 is estimated to reduce PM<sub>10</sub> and PM<sub>2.5</sub> fugitive dust haul road emissions by approximately 44 percent. The Project's overall construction emissions, after implementation of mitigation, are summarized in Table 1, below.

**Table 1**

**Emissions Summary of Overall Construction  
(Maximum Daily Emissions) (Without Mitigation)**

<b>Year</b>	<b>VOC</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>SO<sub>x</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
2014	13.83	56.32	52.07	0.10	9.28	5.59
2015	29.09	30.88	26.29	0.05	3.27	2.57
<b>Maximum Daily Emissions</b>	<b>29.09</b>	<b>56.32</b>	<b>52.07</b>	<b>0.10</b>	<b>9.28</b>	<b>5.59</b>
SCAQMD Regional Threshold	75	100	550	150	150	55
<b>Significant?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>

*Note: Please refer to Appendix A in the Cielo Vista Air Quality Impact Analysis (Appendix B of this EIR) for the CalEEMod™ output files and additional hand calculations for the estimated emissions.*

*Source: Cielo Vista Air Quality Impact Analysis, County of Orange, California, prepared by Urban Crossroads,*

*Inc., dated March 7, 2013.*

**Local Construction Emissions:** With respect to *localized* construction emissions impacts, the Project would not result in significant impacts with the implementation of mitigation. While the Project would result in a local exceedence of PM<sub>2.5</sub> without mitigation, Mitigation Measure 4.2-1 and 4.2-2 would reduce such emissions to below the threshold level. Table 2 below, which is supported by air quality modeling and by Appendix B to the EIR, summarizes the localized construction impacts. As shown therein, with implementation of Mitigation Measures 4.2-1 and 4.2-2, Project emissions during construction activity would not exceed the SCAQMD's localized significance threshold for any of the applicable pollutant emissions. Implementation of Mitigation Measure 4.2-1 is estimated to reduce PM<sub>10</sub> and PM<sub>2.5</sub> fugitive dust emissions by approximately 61 percent. Implementation of Mitigation Measure 4.2-2 is estimated to reduce PM<sub>10</sub> and PM<sub>2.5</sub> fugitive dust haul road emissions by approximately 44 percent.

**Table 2**

**Localized Significance Summary Construction (With Mitigation)**

<b>Year</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
2014	56.21	50.83	4.88	3.56
2015	30.10	22.98	2.54	2.54
<b>Maximum Daily Emissions</b>	<b>56.21</b>	<b>50.83</b>	<b>4.88</b>	<b>3.56</b>
SCAQMD Regional Threshold	196.33	1,128.00	11.00	5.33
<b>Significant?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>

*Note: Please refer to Appendix A in the Cielo Vista Air Quality Impact Analysis (Appendix B of this EIR) for the CalEEMod™ output files and additional hand calculations for the estimated emissions.*

*Source: Cielo Vista Air Quality Impact Analysis, County of Orange, California, prepared by Urban Crossroads, Inc., dated March 7, 2013.*

**Regional Operational Emissions:** When compared to existing conditions, which include operation of oil activities on the Project Site, the Project would result in a negligible net change in regional air emissions from future operations. The Project would be required to comply with SCAQMD Regulation XIII, which specifies requirements for modified facilities, including the use of best available, lowest-emitting control technology, and with all applicable SCAQMD Rules, including Rules 1146 (Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters), 1146.1 (Emissions of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters), 1148.1 (Oil and Gas Production Wells), and 1401 (New Source Review of Toxic Air Contaminants). The Project's residential uses would similarly not exceed the regional pollutant thresholds established by the SCAQMD.

Local Operational Emissions: The Project includes 112 single-family residential dwelling units, as well as a 1.8-acre parcel located in Planning Area 1 that can be designated for interim continued oil operations. According to SCAQMD Localized Significance Threshold (LST) methodology, LSTs would apply to the operational phase of a project if it includes stationary sources, or attracts mobile sources that may spend long periods queuing and idling at the site (e.g., warehouse or truck transfer facilities). The Project does not include such uses, and thus, due to the lack of stationary source emissions, no long-term localized significance threshold analysis is needed. In addition, with regards to the interim continued oil operations, such activities by the Project would comply with all applicable SCAQMD, state, and federal air quality rules listed in the analysis of regional impacts above since air permits cannot be issued otherwise. Compliance with these regulatory requirements would ensure that less than significant localized operational emissions impacts occur with Project implementation. As such, a less than significant impact would occur regarding localized operational emissions impacts.

Carbon Monoxide Hotspots: A comparison of the traffic volumes (for the four highest volume intersections) used in the 2003 AQMP and those in the project vicinity (Imperial Hwy-Yorba Linda Blvd; Lakeview Ave.-Yorba Linda Blvd.; Fairmont Blvd.-Yorba Linda Blvd; and Village Center Dr.-Yorba Linda Blvd.) are provided in the EIR. The Project's traffic volumes would be less than those included in the AQMP modeling analysis at the four highest volume intersections listed above. Consequently, at buildout of the Project, none of the intersections in the vicinity of the Project Site would have peak hourly traffic volumes exceeding those at the intersections modeled in the 2003 AQMP, nor would there be any reason unique to project area meteorology to conclude that these intersections would yield higher CO concentrations if modeled in detail. As a result, the basin has been designated as attainment for CO since 2007 and even very busy intersections do not result in exceedances of the CO standard. The Project would not result in or contribute to any CO violations, and a less than significant impact would occur in this regard.

**Potential Impact 3:** The Project could have a potentially significant impact if either construction or operation would expose sensitive receptors to substantial pollution concentrations.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with the implementation of Mitigation Measures 4.2-1 and 4.2-2 (set forth above).

**Facts in Support of Finding:** Potential sensitive receptors in the project vicinity include existing residences that may be located in close proximity to the Project Site. Based on an aerial review, the nearest sensitive receptors include existing

residential units located east of Aspen Way approximately 25 meters from the Project boundary.

As discussed in the LST analysis presented above, for analysis purposes, sensitive receptors were placed at a distance of 25 meters from the Project boundary, as a conservative measure. Results of the LST analysis indicate that the Project would not exceed the SCAQMD localized significance thresholds (after the implementation of Mitigation Measures Mitigation Measures 4.2-1 and 4.2-2) and a less than significant impact is expected during construction activity. Therefore, sensitive receptors would not be subject to a significant air quality impact during construction.

Also, due to the nature and scope of the Project as a single-family residential project, sensitive receptors would not be exposed to long-term substantial pollutant concentrations. Further, as discussed above, the Project would not result in a significant CO “hotspot” as a result of Project-related traffic during ongoing operations, thus a less than significant impact to sensitive receptors during operational activity is expected.

**Potential Impact 4:** The Project could potentially create objectionable odors, which would be significant impact. However, the Project does not contain land uses typically associated with emitting objectionable odors and would be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation is required.

**Facts in Support of Finding:** The Project does not include land uses typically associated with emitting objectionable odors, including agricultural uses, wastewater treatment, food processing or chemical plant operations. Nevertheless, potential odor sources include construction equipment exhaust, asphalt and architectural coatings. Standard construction requirements would minimize odor impacts resulting from construction activity. It should be noted that any construction odor emissions generated would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction activity and is thus considered a less than significant impact. It is expected that project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with applicable City of Yorba Linda and/or County of Orange solid waste regulations. The Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances.

**Potential Impact 5:** The Project, combined with cumulative development in the area, may result in cumulative air quality impacts. However, project-by-project analysis of air quality impacts and compliance with applicable regulatory requirements would ensure

that potentially significant cumulative impacts regarding air quality impacts are reduced to a less than significant level.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measures 4.2-1 and 4.2-2 (set forth above).

**Facts in Support of Finding:** Germane to this nonattainment status, the Project specific evaluation of emissions presented in the preceding analysis for both construction and operational activities demonstrates that the Project would not result in exceedances of any applicable thresholds which are designed to assist the region in attaining the applicable state and national ambient air quality standards. Because regional emissions address pollutants generated throughout the air basin, the regional analysis addresses cumulative impacts. With respect to construction air quality emissions and cumulative conditions, the SCAQMD has developed strategies to reduce criteria pollutant emissions outlined in the AQMP. The Project would comply with SCAQMD's Rule 403 (fugitive dust control) during construction, as well as measures in the AQMP. Thus, cumulative impacts during construction would be less than significant.

With respect to operations, daily emissions that exceed any of the indicated thresholds should be considered as having an individually and cumulatively significant air quality impact. The SCAQMD states that "projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant." As discussed above in Impact Statement 4.2-2, the Project would not exceed the regional pollutant thresholds established by the SCAQMD. Therefore, Project operation would result in a less than significant impact with respect to regional operation emissions. In addition, as discussed above in Impact Statement 4.2-1, Project operation would not conflict with or obstruct implementation of the air quality plan established for this region. A project is deemed inconsistent with air quality plans if it results in population and/or employment growth that exceeds growth estimates in the applicable air quality plan. Thus, compliance with the County's General Plan would typically result in compliance with the AQMP. The Project would not result in population and/or employment growth that would exceed growth estimates in the AQMP. In addition, the Project would comply with all rules and regulations as implemented by the SCAQMD.

**Modified Planning Area 1 Only Alternative Potential Impact:** With the implementation of Mitigation Measures 4.2-1 and 4.2-1 (set forth above), the Modified Planning Area 1 Only Alternative would result in lesser impacts to both short-term and long-term air quality as the Project. The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measures 4.2-1 and 4.2-2 (set forth above).

**Facts in Support of Finding:** This alternative would not include grading of Planning Area 2, as it would be eliminated, but it would include the same grading envelope as the Project. With the same grading envelope and street system proposed for Planning Area 1, the same maximum daily construction emissions would occur during the grading phase of Planning Area 1. However, with the elimination of Planning Area 2, the overall time for construction will be reduced, as will related air emissions.

With 29 fewer residences than the Project, the number of vehicular trips would decrease by approximately 26% compared to the Project. Because development of this alternative would include fewer dwelling units than the Project, it would result in lesser mobile source and operational emissions than the Project. Its emissions would not exceed SCAQMD thresholds.

With respect to construction-related emissions associated with the potential Esperanza Hills Access Corridor, the Esperanza Hills Final EIR indicated that construction-related emissions would be less than significant through compliance with applicable SCAQMD rules and regulations, along with implementation of the mitigation measures prescribed therein. The Esperanza Hills Final EIR concluded that operational emissions would not significantly impact nearby residential sensitive receptors. Accordingly, the re-distribution of traffic with the potential access corridor does not change the less than significant impact conclusions relative to air quality impacts on sensitive receptors in the local project vicinity, including those residential receptors closest to the Esperanza Hills potential access corridor.

With the elimination of Planning Area 2, the Project's already less than significant cumulative impacts would be proportionately less.

### **C. Biological Resources**

**Potential Impact 1:** Implementation of the Project could result in a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species, threatened or endangered in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Wildlife Service. Several sensitive wildlife species were observed on-site or have at least a moderate potential to occur within the project study area. Sensitive wildlife species which were observed on-site, but are not threatened or endangered, include yellow-breasted chat, yellow warbler, and red-diamond rattlesnake. Additional sensitive wildlife species with moderate potential to occur on-site but not observed during field surveys include coast patch-nosed snake, two-striped garter snake, coast horned lizard, orange-throated whiptail, western mastiff bat, white-tailed kite, long-eared owl, pallid bat, western yellow bat, northwestern San Diego pocket mouse, and San Diego desert woodrat. The Least Bell's Vireo, a sensitive wildlife species, was observed on-site in 2012, and the Project would impact habitat supporting the species. Compliance with applicable regulatory requirements and implementation of the prescribed mitigation



measure would reduce potentially significant impacts to a less than significant level. Moreover, due to the small amount of acreage that would be impacted by the Project in relation to the regional habitat available in the immediately adjacent open space, any loss of individuals or habitat, if it were to occur, as a result of the Project would not be expected to reduce regional population numbers.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measures 4.3-1 (set forth below).

**Facts in Support of Finding:** The EIR included an assessment of existing biological resources, which included literature review and field investigations. In addition to a general biological survey and vegetation mapping conducted in May 2012, numerous additional surveys were conducted by biologists between April and July 2012. The *Cielo Vista Biological Resources Assessment* addressed impacts to biological resources at the Project Site.

Coastal California Gnatcatcher: No coastal California gnatcatchers were observed on-site during focused surveys conducted in 2006 and 2012.

Southwestern Willow Flycatcher: No southwestern willow flycatchers were observed on-site during focused surveys conducted by PCR in 2006 and 2012.

Least Bell's Vireo: The least Bell's vireo was observed on-site in 2012 and the Project would impact its habitat. The least Bell's vireo critical habitat occupies 38,000 acres at 10 locations in six counties of Southern California. A total of 1.64 acres of permanent impacts would occur to least Bell's vireo territory. The Project would impact "Waters of the U.S." (see Page 4.3-36 of the Draft EIR), therefore, a Clean Water Act (CWA) Section 404 permit would be required from the U.S. Army Corps of Engineers (USACE) and Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) under the Federal Endangered Species Act would be required prior to approval of a Section 404 permit and prior to disturbance to least Bell's vireo occupied habitat. During the mandatory FESA Section 7 consultation by USACE with USFWS for any Clean Water Act 404 permit for this Project, USFWS would gather all relevant information concerning the Project and the potential Project-related impacts on the least Bell's vireo (i.e., the Project Applicant would submit a species specific Biological Assessment as part of the consultation process), prepare a Biological Opinion with respect to whether the Project is likely to jeopardize the continued existence of the species and within which USFWS would recommend mitigation/conservation measures where appropriate.

Also, Mitigation Measure 4.3-1 is proposed to reduce Project impacts to less than significant. Mitigation Measure 4.3-1 would replace or enhance least Bell's vireo habitat at a ratio of 2:1 or greater at a suitable location approved by USFWS. With the potential loss of 1.64 acres of least Bell's vireo habitat as a result of project implementation, this mitigation measure requires habitat replacement or

enhancement at up to twice the acreage lost in order to support the survival of this endangered species under the federal and state endangered species acts. Thus, while the Project could potentially impact the least Bell's vireo, consultation with the USFWS and Mitigation Measure 4.3-1 would reduce any potentially significant impacts to a less than significant level.

Golden Eagle: The golden eagle is a State Fully Protected species, but although the project study area supports foraging habitat for the golden eagle, there is not suitable nesting habitat on-site. Therefore, this species is not expected to nest on-site and the Project would not result in direct impacts to nest sites.

The Project would result in impacts to potential foraging habitat; however, the habitat is of moderate to low quality due to disturbances associated with human activities and fire (e.g., introduction of nonnative vegetation, ongoing oil/gas production activities, and passive recreation) onsite and immediately adjacent to the project study area. Additionally, there is constant human activity in the immediately surrounding vicinity resulting from the suburban development on three borders of the project study area. Farther to the north and northeast of the project study area, there is ample higher quality open space within Chino Hills State Park that provides more attractive foraging habitat, should golden eagles utilize this area for foraging. Thus, as addressed in the Draft EIR, while there may be impacts to foraging habitat, the Project would result in a less than significant impact to this species and no mitigation is required.

Sensitive Plant Species: No sensitive plant species were observed on-site during focused surveys, thus these species are not expected to occur on-site. Therefore, no impacts would occur to these sensitive plant species and no mitigation measures would be required.

### **Mitigation Measure 4.3-1**

Prior to impacts in least Bell's vireo occupied habitat (i.e., southern willow scrub and mule fat scrub), the Project Applicant/developer shall obtain regulatory permits by way of an authorization pursuant to FESA and CESA. On- and/or off-site replacement and/or enhancement of least Bell's vireo habitat shall be provided by the Project Applicant at a ratio no less than 2:1, in coordination with the regulatory permitting processes of the USFWS and CDFW. Off-site replacement may include, but is not limited to, the purchase of mitigation credits in an agency-approved off-site mitigation bank supporting least Bell's vireo. A Mitigation Plan approved by the USFWS and/or CDFW, as appropriate, shall be provided to the Manager, OC Development Services prior to issuance of a grading permit.

**Potential Impact 2:** The project study area supports several natural communities that are considered to be sensitive by the California Department of Fish and Wildlife Natural

Heritage Division. The Project would impact 4.60 acres of Blue elderberry woodland, 1.25 acres of southern willow scrub, 0.51 acre of blue elderberry woodland/laurel sumac chaparral, 2.57 acres of blue elderberry woodland/laurel sumac chaparral/mixed coastal sage scrub, and 5.63 acres of encelia scrub which are all considered sensitive natural communities by CDFW.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*.

**Facts in Support of Finding:** While the Project would result in the removal of natural communities, it should be noted that, as a result of a fire in 2008, most of the natural vegetation communities within the project study area continue to exhibit signs of the fire and subsequent encroachment by invasive species. Importantly, though some of the sensitive natural species have recovered, all of the sensitive natural communities found within the project study have a component of non-native invasive exotic species as well. These natural communities are considered to be of low to moderate quality (rather than high quality) due to their ability to still provide cover and resources for limited wildlife species. Therefore, impacts on sensitive natural communities are considered less than significant given their diminished functions and values as habitat and the relative abundance of these vegetation communities throughout the region, much of which is protected in government preserves, particularly Chino Hills State Park.

Table 3, provided below, summarizes the Project's impacts to natural communities.

**Table 3**  
**Impacts on Natural Communities**

<b>Natural Community</b>	<b>OCHCS<sup>a</sup> Code</b>	<b>On-Site Impacts (acres)</b>	<b>Off-Site Impacts (acres)</b>	<b>Total Impacts (acres)</b>	<b>Avoided (acres)</b>
Blue Elderberry Woodland	8.4	4.60		4.60	0.61
Laurel Sumac Chaparral	3.0	0.70		0.70	0.00
Chaparral Bushmallow Scrub	2.3.11	5.42		5.42	0.78
Mixed Coastal Sage Scrub	2.3.10	9.05		9.05	0.00
Mule Fat Scrub	7.3	0.60		0.60	0.00
Southern Willow Scrub	7.2	1.25		1.25	0.25
Blue Elderberry Woodland/Laurel Sumac Chaparral	8.4/3.0	0.51		0.51	1.77
Blue Elderberry Woodland/Laurel Sumac Chaparral/Mixed Coastal Sage Scrub	8.4/3.0/ 2.3.10	2.57		2.57	0.00
Encelia Scrub	2.5	5.63		5.63	2.49
Chaparral Bushmallow/Encelia Scrub	2.3.11/2.5	0.50		0.50	8.64
Ruderal	4.6	10.33		10.33	7.84
Ruderal/Sagebrush Scrub	4.6/2.3.6	1.48		1.48	0.00
Ruderal/Blue Elderberry Woodland	4.6/8.4	6.32	0.26	6.58	1.95
Ruderal/Mixed Coastal Sage Scrub	4.6/2.3.10	1.43		1.43	0.00
Ruderal/Encelia Scrub	4.6/2.5	3.79		3.79	1.38
Ruderal/Chaparral Bushmallow Scrub	4.6/2.3.11	0.40		0.40	0.00
Ruderal/Mule Fat Scrub	4.6/7.3	0.39		0.39	0.00
Disturbed	16.1	3.21	0.44	3.65	0.01
<b>Total</b>		<b>58.18</b>	<b>0.70</b>	<b>58.88</b>	<b>25.72</b>

<sup>a</sup> Orange County Habitat Classification System.

Source: PCR Services Corporation, 2013.

**Potential Impact 3:** The Project would result in impacts to 0.42 acre of United States Army Corps of Engineers (USACE)/Regional Water Quality Control Board (RWQCB) “waters of the U.S.”, 1.38 acres of California Fish and Wildlife (CDFW) jurisdictional streambed and associated riparian habitat, and 0.24 acre of USACE/RWQCB and CDFW jurisdictional wetland areas. Impacts to jurisdictional waters are considered potentially significant.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measure 4.3-2 (set forth below).

**Facts in Support of Finding:** Although the Project may result in impacts to “waters of the U.S.” and CDFW jurisdictional streambed and associated riparian habitat, Mitigation Measure 4.3-2 has been prescribed to minimize any such impacts to a less than significant level. The measure requires, at the discretion of the USACE/RWQCB or CDFW, that the Project Applicant provide either on-site and/or off-site replacement of “waters of the U.S.” and CDFW streambed and associated riparian habitat. With implementation of this mitigation measure, the loss of 0.66 acres of jurisdictional streambed and associated riparian habitat under federal law and 1.62 acres of jurisdictional streambed and associated riparian habitat under state law would be replaced off-site at up to twice the acreage lost as a result of Project grading and construction. Therefore, implementation of Mitigation Measure 4.3-2 would reduce the Project’s potentially significant impacts to jurisdictional features to a less than significant level.

#### **Mitigation Measure 4.3-2**

Prior to the issuance of a grading permit, the Project Applicant shall be required to obtain regulatory permits by way of a CWA Section 404 permit, a CWA Section 401 Water Quality Certification, and/or a California Fish and Game Code Section 1602 Streambed Alteration Agreement for impacts to jurisdictional features regulated by the USACE, RWQCB, and/or CDFW and provide documentation of same to the OC Development Services Manager. The following measures may be required by the Agencies, unless required otherwise by the Agencies:

1. On- and/or off-site replacement of USACE/RWQCB jurisdictional “waters of the U.S.” / “waters of the State” at a ratio no less than 2:1 for permanent impacts, and for temporary impacts, restore impact area to pre-project conditions (i.e., pre-project contours and revegetate). Off-site replacement may include the purchase of mitigation credits at an agency-approved off-site mitigation bank.
2. On- and/or off-site replacement of CDFW jurisdictional streambed and associated riparian habitat at a ratio no less

than 2:1 for permanent impacts, and for temporary impacts, restore impact area to pre-project conditions (i.e., pre-project contours and revegetate). Off-site replacement may include the purchase of mitigation credits at an agency-approved off-site mitigation bank.

**Potential Impact 4:** Implementation of the Project, which includes construction and operation of single-family residences, could potentially interfere with the regional movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measure 4.3-3 (set forth below).

**Facts in Support of Findings:** The habitat associated with the project study area provides live-in habitat for wildlife and may support some movement on a local scale; however, it does not function as a regional wildlife movement corridor since it does not connect two or more habitat patches due to the surrounding development. Therefore, this habitat does not function to facilitate regional wildlife movement due to the extensive urbanization that has occurred on north, south, and west sides of the project study area.

The project study area has the potential to support both raptor and songbird nests due to the presence of trees, shrubs, and ground cover. However, Implementation of Mitigation Measure 4.3-3, which requires the scheduling of vegetation removal outside of the nesting season and surveys for nesting birds if construction occurs during nesting season, would reduce these potentially significant impacts to a less than significant level.

### **Mitigation Measure 4.3-3**

Prior to issuance of a grading permit, the Project Applicant shall demonstrate to the satisfaction of the Manager, OC Development Services that the following requirements have been Included in the Project construction plan:

1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds.
2. Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) shall require that all suitable habitat be thoroughly surveyed for the presence of nesting

birds by a qualified biologist before commencement of clearing. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors), or as determined appropriate by the biological monitor, shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the biological monitor to minimize impacts.

3. A qualified biologist shall survey for active bird nests or mammal burrows in all Project site areas that could potentially be exposed to construction noise levels exceeding 60 dBA. Where active bird nests or mammal burrows are discovered, no construction activities shall occur that would result in noise levels exceeding 60 dBA at the active nest or burrow location. Construction restriction areas shall be staked or fenced under the supervision of the qualified biologist prior to the commencement of construction activities during the breeding season dates listed above.

**Potential Impact 5:** The Project, when combined with other cumulative projects, would not result in a cumulative biological resources impact.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measures 4.3-1, 4.3-2, and 4.3-3 (set forth above).

**Facts in Support of Finding:** 18 related projects have been identified within the cumulative impacts study area, 17 of which are proposed within currently developed suburban areas. The only related project that would result in development along the wildland/urban interface is Esperanza Hills.

There are no sensitive plant species in the cumulative impact study area. Therefore, the Project would make no contribution to cumulative impacts in this regard.

There are several special status species that are known to occur within the cumulative impact study area, but are not expected to occur on-site due to the lack of suitable habitat. Sensitive fish and wildlife species that may have some potential to occur due to the presence of suitable habitat on-site include coast range newt, coast patch-nosed snake, red-diamond rattlesnake, two-striped garter snake, coast horned lizard, orange-throated whiptail, western mastiff bat, San Diego black-tailed jackrabbit, white-tailed kite, long-eared owl, coastal California gnatcatcher, least Bell's vireo, southwestern willow flycatcher, yellow warbler, yellow-breasted chat, pallid bat, western yellow bat, northwestern San Diego pocket mouse, and San Diego desert woodrat. Implementation of the Project would impact habitat which may potentially be used by these species; however, if

these SSC species are present within the cumulative impacts study area, any loss of individuals from implementation of the Project in a cumulative impact context would not threaten regional populations due to the large areas of habitat in the surrounding area that would be available for these species to utilize (e.g., particularly within the preserved open space areas of Chino Hills State Park) where the preservation of native habitats and plant and wildlife populations is part of the mission of the park.

Impacts on yellow breasted chat and yellow warbler are considered less than significant due to the small amount of acreage that would be impacted by the cumulative projects in relation to the regional habitat available in the immediately adjacent open space as determined by examination of aerial photography. As a result, habitat loss would not contribute measurably to a cumulative impact. Within the context of the cumulative study area, impacts to habitat supporting these two species (i.e., 1.25 acres of southern willow scrub and 0.60 acre of mule fat scrub) would not be cumulatively considerable.

A total of 19.69 acres of blue elderberry woodland, southern willow scrub, blue elderberry woodland/laurel sumac chaparral, blue elderberry woodland/laurel sumac chaparral/mixed coastal sage scrub, and encelia scrub occurs on-site, of which 14.56 acres would be impacted by the Project. This loss is not considered cumulatively significant and does not warrant mitigation due to the wide spread distribution of these natural communities within the cumulative impacts study area.

Implementation of Mitigation Measure 4.3-2 at a minimum 2:1 ratio would replace more than the jurisdictional acreage present on-site proposed to be impacted by the Project.

Least Bell's Vireo: With implementation of Mitigation Measure 4.3-1 to replace habitat for the least Bell's vireo that is to be impacted by the Project at a minimum 2:1 ratio due to the isolated nature of the occupied habitat, which would increase the amount of suitable habitat for this species in the cumulative impacts study area over that which exists today, the Project's contribution to cumulative loss of least Bell's vireo in the project study area would not be cumulatively considerable in the context of baseline conditions due to the limited extent of habitat suitable to support these species on the Project Site and the availability of such habitats in the region.

**Modified Planning Area 1 Only Alternative Impact Finding:** With the implementation of Mitigation Measures 4.3-1, 4.3-2, and 4.3-3, the Modified Planning Area 1 Only Alternative would result in lesser impacts to both short-term and long-term biological resources as the Project. The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measures 4.3-1, 4.3-2, and 4.3-3 (set forth above).



**Facts in Support of Finding:** Under the Modified Planning Area 1 Alternative, Planning Area 2 would remain vacant and undeveloped, and no ground disturbing activities would occur in this area. Thus, vegetation communities existing within Planning Area 2 would remain.

As no sensitive plant species occur on Planning Area 1, no impacts to sensitive plant species would occur. Because Planning Area 2 would remain as open space, the impacts to sensitive natural communities would be lesser than the Project, with approximately 8.73 acres of sensitive natural communities avoided under this alternative.

The Project's direct impacts to jurisdictional features/wetlands in Planning Area 2 would be avoided, including approximately 0.27 acres of U.S. Army Corps of Engineers jurisdictional features and 0.98 acres of California Department of Fish and Wildlife jurisdictional features. With respect to the least Bell's vireo, this alternative would avoid the approximately 1 acre of impacts associated with Planning Area 2. Further, by not developing Planning Area 2, the extent of potential impacts on migratory species would be proportionately less under this alternative when compared to the Project.

The potential Esperanza Hills Access Corridor would not result in significant biological resource impacts. The Esperanza Hills Final EIR includes mitigation measures to reduce potentially significant impacts to least bell's vireo, sensitive natural communities and jurisdictional features to a less than significant level. These mitigation measures would be implemented by the Esperanza Hills Project to ensure potentially significant impacts to biological resources in the potential access corridor are reduced to a less than significant level.

Further, with the elimination of Planning Area 2, the Project's already less than significant combined cumulative biological resources impacts (after mitigation) would be proportionately less under this alternative.

#### **D. Cultural Resources**

**Potential Impact 1:** The Project would not cause a substantial adverse change in the significance of a historical resource because there are no historic resources located on the Project Site.

**Finding:** The County hereby makes Finding 1 and determines that there is *No Impact* and no mitigation is required.

**Facts in Support of Finding:** According to a cultural records search at the CHRIS-SCCIC (California Historical Resources Information System-South Central Coastal Information Center) at the California State University, Fullerton, no previously recorded historical resources were identified within the Project Site and no new historical resources within the Project Site were identified during the

pedestrian survey. The existing oil wells and derricks have been altered since their original construction and do not meet the criteria for a historic resource.

**Potential Impact 2:** There are no known archaeological resources identified within the Project Site. However, the Project could impact a previously undiscovered archaeological resource during construction.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measures 4.4-1, 4.4-2, 4.4-3, and 4.4-4 (set forth below).

**Facts in Support of Finding:** An archaeological records search determined that no previously recorded archaeological resources were identified within the Project Site and no archaeological resources within the Project Site were identified during the pedestrian survey. There are past prehistoric occupations in the vicinity of the Project Site, however, as evidenced by three surveys to the north and northwest of the Project Site yielded the identification of one prehistoric archaeological site and two isolated prehistoric artifacts while one additional prehistoric archaeological site has been recorded southeast of the Project Site. Given that the Project Site is not in close proximity to a stream or river, it is unlikely that it was previously inhabited or occupied by humans. Further, no resources are known to occur on the site or in immediate proximity to the site. The overall sensitivity and potential for discovery of surface archaeological resources is considered to be low.

It is possible that previously undiscovered buried archaeological resources exist within the ridge tops and canyon floors of the Project Site where younger Quaternary Alluvium is more likely to be present. As the Project would require excavation, it is conservatively concluded that it could result in potentially significant impacts to buried archaeological resources. As a result, Mitigation Measures 4.4-1 to 4.4-4 are prescribed to ensure that potentially significant impacts to previously unknown archaeological resources that are unexpectedly discovered during Project implementation are reduced to a less than significant level.

#### **Mitigation Measure 4.4-1**

Prior to the issuance of any grading permit, the Applicant shall provide written evidence to the Manager, OC Development Services, that the Applicant has retained a qualified archaeological monitor to conduct daily observations of construction excavations into younger Quaternary Alluvium during construction-related ground disturbing activities (i.e., grading and excavation) until the archaeological monitor determines further observations are not necessary based on soil conditions and presence/absence of archaeological resources. The observations shall target the flatter areas of the project site such as hilltops, ridge lines, and canyon

bottoms, which are more conducive to retaining archaeological resources since such areas were prime locations for pre-historic occupation as compared to areas of steeper topography.

**Mitigation Measure 4.4-2**

In the event that archaeological resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by the archaeologist. The Applicant shall coordinate with the archaeologist and the County to develop an appropriate treatment plan for the resources to reduce impacts to any significant resources to a less than significant level. Treatment measures to be considered first shall be avoidance or preservation in place. If preservation or avoidance of the resource is not appropriate, as determined by the archaeologist and the County, then the resource shall be removed from its location and appropriate data recovery conducted to adequately recover information from and about the archaeological resource. All archaeological resources recovered shall be documented on California Department of Parks and Recreation Site Forms to be filed with the South Central Coastal Information Center. The landowner, in consultation with the archaeologist and the County shall designate repositories in the event that archaeological material is recovered.

**Mitigation Measure 4.4-3**

The archaeological monitor shall prepare a final report at the conclusion of archaeological monitoring. The report shall be submitted by the Applicant to the County, the South Central Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures. The report shall include a description of resources unearthed, if any, treatment of the resources, and evaluation of the resources with respect to the California Register of Historical Resources.

**Mitigation Measure 4.4-4**

If archaeological resources are encountered during implementation of the Project when the archaeological monitor is not present, ground-disturbing activities shall temporarily be redirected from

the vicinity of the find by the construction contractor. The Applicant shall immediately notify a qualified archaeologist of the find. The archaeologist shall coordinate with the Applicant as to the immediate treatment of the find until a proper site visit and evaluation is made by the archaeologist. The Applicant shall then follow the procedures outlined in Mitigation Measure 4.4-2. The archaeologist shall also determine the need for full-time archaeological monitoring for any ground-disturbing activities in the area of the find thereafter and training of construction workers, as appropriate.

**Potential Impact 3:** While there are no known unique paleontological resources or site or geological features identified within the Project Site, the Project could impact a previously undiscovered unique resources during construction and excavation.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measures 4.4-5, 4.4-6, 4.4-7, and 4.4-8 (set forth below).

**Facts in Support of Finding:** A paleontological resources records search through the Natural History Museum of Los Angeles County (NHMLAC) revealed that no vertebrate fossil localities have been recorded within the Project Site and no paleontological resources were identified within the Project Site during a pedestrian survey. The record search results did indicate that several localities have been recorded nearby in the same sedimentary deposits and formations that underlie the Project Site, however. Since excavations associated with construction of the Project could reach depths of up to 60 feet below the ground surface, the Project has the potential to encounter buried paleontological resources. As a result, Mitigation Measures 4.4-5, 4.4-6, 4.4-7, and 4.4-8 were included to ensure that potentially significant impacts on previously unknown paleontological resources that are unexpectedly discovered during Project implementation are reduced to a less than significant level.

#### **Mitigation Measure 4.4-5**

Prior to issuance of any grading permit, the Applicant shall retain a qualified paleontologist certified by the County of Orange, Planning Services Department (County Property Permits) who shall attend a pre-grading/excavation meeting and develop a paleontological monitoring program for excavations into sediments associated with the fossiliferous older Quaternary Alluvium, Yorba and Sycamore Canyon Members of the Puente Formation, and Quaternary landslides deposits. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The qualified paleontologist shall supervise a paleontological monitor who shall be present at

such times as required by the paleontologist during construction excavations into the fossiliferous deposits mentioned above. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring shall be determined by the paleontologist and shall be based on the rate of excavation and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered.

**Mitigation Measure 4.4-6**

If a potential fossil is found, the paleontological monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the John D. Cooper Archaeological and Paleontological Curation Center at the California State University, Fullerton. Accompanying notes, maps, and photographs shall also be filed at the repository.

**Mitigation Measure 4.4-7**

The Paleontologist and/or paleontological monitor shall conduct sampling and screening of the underlying sediments at the project site for the presence or absence of microfossils. The monitor shall collect various samples (consisting of approximately 200 pounds of sediment) from the spoils piles, sidewalls, or bottoms of an exposed excavation pit across the project site and use wet- or dry-screening techniques off-site for the recovery of microfossils. If the sample yields an appropriate concentration of microfossils, a bulk sediment sample may be warranted.

**Mitigation Measure 4.4-8**

Prior to the release of the grading bond, the paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as

a description of the fossils collected and their significance. The report shall be submitted by the Applicant for approval by the Manager, OC Development Services. In addition, the report shall be submitted to the Natural History Museum of Los Angeles County, and other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.

**Potential Impact 4:** The Project includes construction, excavation, and grading that could disturb human remains.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measures 4.4-9 (set forth below).

**Facts in Support of Finding:** A SLF search for the Project Site from the NAHC failed to indicate the presence of Native American cultural resources in the SLF database within the Project Site. The cultural resources records search through the CHRIS-SCCIC revealed that no recorded human remains have been identified within the Project Site or a half-mile radius and no human remains were identified during the pedestrian survey. While it is possible that human remains were not identified during the pedestrian survey as a result of the historic land use, dirt roadway construction and operation, and dense vegetation that obstructed the ground surface during the survey, the overall sensitivity of the Project Site with respect to buried human remains appears to be low. However, in the unlikely event that previously unknown human remains are encountered during construction, Mitigation Measure 4.4-9 is prescribed to ensure that potentially significant impacts to these resources are reduced to a less than significant level.

#### **Mitigation Measure 4.4-9**

If human remains are encountered unexpectedly during implementation of the Project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the land owner, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The MLD shall complete their inspection

and make their recommendation within 48 hours of being granted access by the land owner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

Whenever the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.

**Potential Impact 5:** The Project would not result in a cumulative cultural resources impact.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*.

**Facts in Support of Finding:** The Project would result in no impacts to historic resources. Therefore, the Project does not have the potential to contribute to cumulative impacts regarding historic resources.

Although the Project—in conjunction with the effects of past projects, other current projects, and probable future projects (including the Esperanza Hills Project) — could result in the disturbance of archaeological and paleontological resources throughout the cumulative study area standard conditions of approval and mitigation measures required for each project would reduce the impacts to less than significant levels. Despite the site-specific nature of the resources, mitigation required for the identification and protection of unknown or undocumented resources would reduce the potential for significant cumulative impacts. On a cumulative level, data recovered from a site, combined with data

from other sites in the region, would allow for the examination and evaluation of the diversity of human activities in the region. As a result, the Project's contribution to cumulative cultural resources impacts would not be considerable and are, therefore, less than significant.

**Modified Planning Area 1 Only Alternative Impact Finding:** With implementation of Mitigation Measures 4.4-1 through 4.4-9, the Modified Planning Area 1 Only Alternative would result in impacts similar to both short-term and long-term cultural resources as the Project. The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measures 4.4-1 through 4.4-9 (set forth above).

**Facts in Support of Finding:** As there are no historic resources on the Project Site, this alternative, like the Project, would result in no impacts to historical resources. Although the Project would alter a greater quantity of land than this alternative, both would require archaeological and paleontological monitoring (per the prescribed mitigation measures) by qualified experts to ensure that potentially significant impacts on unknown resources are reduced to a less than significant level. Also, impacts on previously unknown human remains, under the Project and this alternative, would be treated in the same manner consistent with applicable regulatory requirements and the prescribed mitigation measure. Nevertheless, because development of Planning Areas 1 and 2 together would result in greater land disturbance and potential for impacts to unknown archaeological and paleontological resources, as well as human remains, this alternative would result in lesser impacts than the Project.

The development of the Esperanza Hills Access Corridor could result in impacts to previously unknown archaeological (including human remains) and paleontological resources. However, the Esperanza Hills Final EIR includes mitigation measures that would reduce potentially significant impacts to previously unknown archaeological and paleontological resources to a less than significant level.

Further, with the elimination of Planning Area 2 under this alternative, the Project's already less than significant combined cumulative cultural resources impacts (after mitigation) would be proportionately less.

## **E. Geology and Soils**

**Potential Impact 1:** The Project, which proposes the construction of residences in a seismically active region, could expose people or structures to fault rupture, strong seismic ground shaking, strong seismic-related ground failure, liquefaction, landslides and other ground failure hazards.



**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measure 4.5-1 (set forth below).

**Facts in Support of Finding:** The Project Site is located in a seismically active region.

Fault Rupture: The State of California Fault-Rupture Hazard Zone for the Whittier Fault traverses the Project Site. The Whittier Fault is considered to be active by the State of California. The State of California Fault-Rupture Hazard Zone (i.e., Alquist-Priolo Special Studies Zone) delineated for the Whittier Fault Zone within the project site is approximately 1,000 feet wide.

The Alquist-Priolo Earthquake Fault Zoning Act seeks to prevent the hazard of surface faulting to structure for human occupancy and, therefore, prohibits the construction of buildings for human occupancy within certain distances from active faults – 50 feet from a fault trace. The Alquist-Priolo Act further mandates that before a project can be permitted, a geologic report defining and delineating any hazard or surface fault rupture must be prepared. As discussed above, geologic and geotechnical studies were prepared and included in the Draft EIR, Appendix E, and supplementary reports included in the Final EIR. Mitigation Measure 4.5-1, however, requires further site-specific study to confirm the exact location of the Whittier Fault trace.

While some residential lots are proposed within the fault rupture hazard zone, potential residential structures would be located at a distance of greater than approximately 50 feet from the Whittier Fault trace, in compliance with applicable law. The Project will comply with the Alquist-Priolo Act and no residential structures will be located in violation of its requirements. Thus, compliance with Mitigation Measure 4.5-1 and applicable regulations – the Alquist-Priolo Act – would ensure that impacts are less than significant.

Seismic Ground Shaking: There is potential for significant ground shaking at the Project Site during a strong seismic event on the Whittier Fault and other active regional faults in the Southern California. However, though strong ground shaking could occur, Mitigation Measure 4.5-1 requires a design-level geotechnical report that would include final design recommendations and parameters for walls, foundations, foundation slabs, and surrounding related improvements including roadways, sidewalks, and utilities. These recommendations and parameters would be crafted specifically for the Project Site. Additionally, the County of Orange Requires that all new construction meet or exceed County ordinances and policies including those within the County of Orange Building Regulations, the County of Orange Development Code, County Grading Ordinance, and the latest standards of the 2010 CBC for construction in seismic hazard zones, which requires structural design that can accommodate maximum ground accelerations expected from known faults. With implementation of Mitigation Measure 4.5-1 and compliance with applicable

design standards and regulations, potentially significant seismic ground shaking impacts would be reduced to a less than significant level.

Ground Failure: According to the Geotechnical Evaluation, a small portion of the Project Site, near the southwest corner, within Blue Mud Canyon has been delineated as having potential for liquefaction. If any structures would be located in areas potentially susceptible to ground failure hazards, a potentially significant impact would occur. However, the Project would comply with the California Geological Survey (CGS) *Special Publications 117, Guidelines for Evaluating and Mitigating Seismic Hazards in California*, which provides guidance for evaluation and mitigation of earthquake-related hazards, including liquefaction. In addition, the Project would comply with current State and local building and safety codes, including other CGS requirements, the CBC, the County of Orange Building Regulations, and the County of Orange Development Code. Moreover, implementation of Mitigation Measure 4.5-1 would further ensure that potentially significant liquefaction and other related potential ground failure hazard impacts would be reduced to a less than significant level. As part of the design-level geotechnical report that would be prepared for the Project pursuant to Mitigation Measure 4.5-1, final design recommendations and parameters would be identified, as appropriate, which may include, but is not limited to, overexcavation and recompaction, ground modification, increase of overburden stresses through embankment construction, foundation design, and/or combinations of those techniques. As such, less than significant impacts regarding liquefaction and other ground failure hazards would occur with implementation of the prescribed mitigation measure and compliance with applicable regulatory requirements.

Landslide/Slope Stability: There is significant information indicating the presence of landslides and other gross slope instability conditions within the northern portion of the Project Site to the east of Planning Area 2. The Project is currently designed to avoid these areas, however. Moreover, the Project's grading activities would be conducted in compliance with applicable regulatory requirements pertaining to grading, including the County's Grading Ordinance. Mitigation Measure 4.5-1 would likewise minimize any potential impacts from landslides or slope stability by requiring a design-level geotechnical report which would confirm the stability of the existing and proposed slopes. If areas of development are proposed near or within suspected landslide areas, the design-level geotechnical report is to include a stability analysis consisting of down-hole logging of large-diameter borings in the areas of suspected landslides and other areas of potential slope stability issues to characterize the slopes and engineering analysis to determine what, if any, stabilization measures are necessary. The Project Site would be remediated pursuant to the County Grading Code and foundation and structures would be designed to meet Building Code requirements to ensure the safety of the physical site and structures for future residents. Coupled with Mitigation Measure 4.5-1, compliance with applicable regulatory requirements that pertain to landslides and slope stability would ensure that impacts would be less than significant.

**Mitigation Measure 4.5-1**

Prior to the issuance of precise grading permits, unless noted as otherwise below or otherwise agreed to by County's engineering geologist, the Project applicant/developer shall submit a final site specific, design-level geotechnical investigation prepared by a California-licensed professional engineering geologist to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee and the County's engineering geologist for review, approval and implementation pursuant to the final site specific, design-level geotechnical investigation as outlined below. The investigation shall comply with all applicable State and local code requirements, including the current building code in effect at the time of precise grading permit issuance, and shall provide the following:

- a) As set forth in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Location of Whittier Fault, Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated July 31, 2014, the primary trace of the Whittier Fault is well-defined as a narrow fault zone less than approximately 15 feet-wide along the east-west drainage in the central portion of the Cielo Vista site. The geotechnical investigation required by this mitigation measure shall evaluate the potential for additional fault traces south of this zone and determine if any additional fault traces are "active" (i.e., a fault that has ruptured the ground surface within the Holocene Age (approximately the last 11,000 years)) by subsurface investigations consisting of trenching activities. Based on the results of this geotechnical investigation, the Project's proposed residences shall be set back from the fault trace in accordance with State setback requirements. The investigation shall comply with the Alquist-Priolo Earthquake Fault Zone Act.
- b) Conduct additional fault trenching as necessary and as recommended in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated August 1, 2014, to confirm that the fault traces identified in the area of FT-1 and FT-4 are not active. Should this area not be determined to be active, a 75-foot setback zone would be

recommended for those lots along the south side of the active Whittier Fault as delineated per subsection (a), above, and, on the north side of the active Whittier Fault, a setback zone ranging from 50 feet on the west side of the site to approximately 120 feet on the east side of the site. In addition, a 10-foot overexcavation and recompaction below pad grade for the proposed structures in Lots 18 to 56 is recommended as well as post-tensioned foundations. If faults observed in FT-1 and FT-4 are determined to be active, precise grading permits for Lots 20-52, 66-70, 83-89, 96-98 and 109-112 shall not be issued unless additional studies are prepared and approved by the County's registered engineering geologist confirming that some or all of these lots are suitable for residential construction.

- c) Include a stability analysis consisting of down-hole logging of large-diameter borings in the areas of suspected landslides and other areas of potential slope stability issues to characterize the slopes and engineering analysis to determine what, if any, stabilization measures are necessary. For potential global and local slope failures, a factor of safety for slope stability of equal to or greater than 1.5 and 1.1 for static and seismic loading conditions, respectively, is the generally accepted minimum for new residential construction. Where existing and/or proposed slopes are found to have a factor of safety lower than these minimum requirements, the development shall either need to be setback from, or mitigation methods implemented to improve the stability of, the slopes to these minimum levels. Slopes with less than the minimum factor of safety must be sufficiently setback so that at the location of the proposed residential structures, at least the minimum required factor of safety is achieved. Potential methods of mitigation against slope stability issues related to potentially unstable existing and proposed slopes, including existing landslides, typically include partial or complete landslide removal, excavation and construction of earthen buttresses, and/or shear keys. Landslide removal requirements, as well as the locations, depths, widths, and lengths of the buttresses/shear keys, shall be determined via geotechnical investigation and analysis during the design phase of the Project and confirmed during site grading..
- d) Conduct representative sampling and laboratory testing of the onsite soils to identify the locations of on-site expansive or compressible soils. Where unsuitable soils are found,

site-specific design criteria (i.e., foundation design parameters) and remedial grading techniques (i.e., primarily removal, moisture conditions and recompaction of unsuitable soils) shall be identified in the design-level geotechnical report to remove and/or mitigate unsuitable soils that could create geotechnical stability hazards to the Project.

- e) Determine structural design requirements as prescribed by the most current version of the California Building Code, including applicable County amendments, to ensure that structures and infrastructure can withstand ground accelerations expected from known active faults.
- f) Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigations in the site-specific investigations. The County's registered engineering geologist shall review the site-specific investigations, provide any additional necessary measures to meet Building Code requirements, and incorporate all applicable recommendations from the investigation in the design plans and shall ensure that all plans for the Project meet current Building Code requirements.

**Potential Impact 2:** Approximately 48 acres of the Project Site would be subject to ground-disturbing activities during construction (e.g., removal of the existing vegetation, excavation and grading, foundation and infrastructure construction, the installation of utilities). These activities would expose soils for a limited time, allowing for possible erosion or the loss of topsoil.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of PDF 8-1 (set forth below).

**Facts in Support of Finding:** Although Project construction activities have the potential to result in the erosion of soils, this potential would be reduced by implementation of standard erosion control measures imposed during site preparation and grading activities. For instance, the Project would be subject to all existing regulations associated with the protection of water quality and construction activities would be carried out in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) General Construction Permit and the Project's Storm Water Pollution Prevention Plan (SWPPP). The SWPPP would incorporate Best Management Practices (BMPs) in accordance with County of Orange regulations to control erosion during construction. BMPs could include, but are not limited to, water bars, silt fences, staked straw bales, development of and adherence to the construction SWPPP,

avoidance of water bodies during construction, and development of and adherence to erosion and sediment control BMPs.

Also, the County of Orange requires that prior to the issuance of any grading or building permit, a project applicant must submit an Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Permit Services, to demonstrate compliance with the County's NPDES Implementation Program and state water quality regulations for grading and construction activities. The ESCP must identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments would be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion.

PDF 8-1, which requires implementation of a Water Quality Management Plan (WQMP) along with the SWPPP, would ensure that construction activities implement erosion control features and practices that conform to applicable regulatory requirements. Like the SWPPP, the WQMP requires the implementation of BMPs to ensure that potential development erosion and runoff remain less than significant. For instance, on-site soils would be stabilized with either established existing native vegetation, structures/paving materials, or landscaping, which would minimize the potential for substantial on-site erosion to occur. On hillsides, established native vegetation would be retained where practical, and native vegetation would be hydro-seeded on manufactured hillsides. Moreover, on-site hillsides would be regularly inspected for visible soil erosion, and bare areas would be revegetated and stabilized until a root system is firmly established.

**PDF 8-1**      The Project would implement a Water Quality Management Plan (WQMP) and a Storm Water Pollution Prevention Plan (SWPPP). The WQMP would include detailed sizing parameters for the basins and would provide guidelines for the proper maintenance of the water quality basins. The WQMP and SWPPP would identify the BMPs to be implemented by the Project that would reduce pollution levels in stormwater discharge in compliance with applicable water quality standards. These plans would be reviewed and approved by the Manager, OC Development Services prior to recordation of the subdivision map.

**Potential Impact 3:** According to the Geotechnical Feasibility Study and the Geotechnical Evaluation, a portion of the Project Site has been mapped as a thinly bedded shale with moderate soil expansion potential which, if unmitigated, could expose people or property to substantial risk associated with expansive soils.

**Findings:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of 4.5-1 (set forth above).

**Facts in Support of Findings:** As part of the implementation of Mitigation Measure 4.5-1, which requires a design-level geotechnical report, representative sampling and laboratory expansion testing of the onsite soils would be performed to identify the locations of on-site expansive soils. Where expansive soils are found, site-specific design criteria (i.e., foundation design parameters) and remedial grading techniques (i.e., primarily removal, moisture conditions and recompaction of unsuitable soils) would be identified and implemented per the design-level geotechnical report to minimize the potential for risks due to expansive soils. Therefore, the Project's potentially significant impacts with regards to expansive soil would be reduced to a less than significant level with implementation of the prescribed mitigation measure.

**Potential Impact 4:** The Project would not result in a cumulative geology and soils impact.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measure 4.5-1 (set forth above).

**Facts in Support of Finding:** The geographic scope for considering cumulative impacts related to geology and soils can be generally considered as the entire County of Orange. However, due to widely varying conditions on a site-by-site basis, the impacts related to geology and soils are generally site specific as there is typically minimal, if any, cumulative relationship between the development of a project and development within a larger cumulative area. Nevertheless, each project would be constructed in accordance with the California Building Code, which contains seismic design criteria, and relevant City and County ordinances and policies for construction in seismic hazard zones. In addition, projects would comply with project-specific geotechnical recommendations by certified geologists and geotechnical engineers. While there would be some level of seismic risk for all related projects, project-specific geotechnical evaluations and compliance with relevant seismic design criteria and regulations would ensure that such risks are reduced to the extent feasible, and as such cumulative impacts due to seismic risk are considered less than significant. For the Project, compliance with applicable regulations and implementation of Mitigation Measure 4.5-1, would ensure that seismic risks are reduced to the extent feasible, and therefore, the Project's contribution to seismic risk would be less than significant and not cumulatively considerable.

Additionally, implementation of site specific SWPPPs and BMPs, required of all development projects that would disturb at least one acre, would reduce soil erosion or loss of topsoil from the project sites. All planned projects in the

vicinity of the Project, including the Esperanza Hills Project, are subject to review under separate environmental documents that would require compliance to the local grading and building code requirements, which provide mitigation of erosion and seismic hazards to less than significant levels.

**Modified Planning Area 1 Only Alternative Impact Finding:** With implementation of Mitigation Measures 4.5-1 and PDF 8-1, the Modified Planning Area 1 Only Alternative would result in lesser impacts to short-term and long-term geology and soils resources as the Project. The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measures 4.5-1 and PDF 8-1 (set forth above).

**Facts in Support of Finding:** As Planning Area 2 would not be developed under this alternative, the amount of grading and raw earthwork would be reduced by approximately 100,000 cubic yards when compared to the Project. The number of residential units would be 29 fewer under this alternative compared to the Project, therefore reducing number of people potentially exposed to seismic or geologic hazards compared to the Project. Overall, due to the decreased number of people exposed to seismic and geologic hazards and the Modified Planning Area 1 Only Alternative's smaller development footprint, impacts would be less under this Alternative than under the Project. With regards to hazards pertaining to soil erosion, the potential for soil erosion, loss of topsoil and expansive soil impacts would all be less under this Alternative than the Project as this Alternative would not develop Planning Area 2.

The Esperanza Hills Access Corridor would cross the Whittier Fault zone. The corridor would be constructed in accordance with the applicable standards of the California Building Code (CBC), which contains seismic design criteria, and relevant applicable City of Yorba Linda and/or County ordinances and policies for construction in seismic hazard zones. In addition, the corridor construction project would comply with and implement the Esperanza Hills project-specific geotechnical recommendations and mitigation measures identified in its Final EIR. All relevant seismic design criteria and standards would be complied with.

With the elimination of Planning Area 2 and reduced density in Planning Area 1, the Project's already less than significant combined cumulative geology and soils impacts (after mitigation) would be proportionately less under the Modified Planning Area 1 Only Alternative.

#### **F. Greenhouse Gas Emissions**

**Potential Impact 1:** As a result of construction and operation, the Project will generate 2,283 metric tons of carbon dioxide equivalent per year (MTCO<sub>2</sub>e). Construction Greenhouse Gas (GHG) emissions are generated from vehicle engine exhaust from construction equipment, on-road hauling trucks, vendor trips, and worker commuting



trips. Operational GHGs are generated by energy usage at the single-family residences, vehicle trips by residents, and waste and water usage.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measure 4.7-4 and PDF 7-1 (set forth below).

**Facts in Support of Finding:** The Project would generate 2,283 MTCO<sub>2</sub>e per year, which is below the County's significance threshold of 3,000 MTCO<sub>2</sub>e per year. As the Project would not exceed the County's threshold, the Project would result in a less than significant impact with respect to GHG emissions. The emissions shown in Table 4 identify the Project's total GHG emissions per year, exclusive of potential future oil operations.

With respect to oil operations, the Project would include a 1.8-acre parcel located in Planning Area 1 that could be utilized for continued oil operations including consolidation of wells relocated from the rest of the Project Site and slant drilling of new wells below ground. The Project is not proposing new wells and, as such, would not drill new wells. As discussed in Section 4.7, *Hazards and Hazardous Materials*, prior to grading activities, existing on-site oil wells and facilities, and production facilities would be abandoned or re-abandoned, as necessary, in accordance with California Division of Oil, Gas and Geothermal Resources (DOGGR) standards (PDF 7-1). To ensure that all wells are properly abandoned, Mitigation Measure 4.7-4 requires a qualified environmental consultant to inspect the abandoned wells and perform a review of well decommission documentation. Mitigation Measure 4.7-4 and PDF 7-1 provide for the safe abandonment or re-abandonment of oil wells on the Project Site in compliance with DOGGR requirements and would effectively ensure that methane and other GHG emissions are not released from the abandoned wells such that significant impacts on the environment could occur.

Should oil wells be reconsolidated to the drilling pad, they would be installed per applicable DOGGR, OCFA and County of Orange requirements. Also, the Project would comply with applicable SCAQMD Rules such as: SCAQMD Regulation XIII, Rule 1146 (Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters); Rule 1146.1 (Emissions of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters), Rule 1148.1 (Oil and Gas Production Wells); and Rule 1401 (New Source Review of Toxic Air Contaminants). The number of potential wells would not be increased compared to existing conditions. Accordingly, with compliance to the above referenced SCAQMD rules and utilization of current best available, lowest-

emitting control technology as part of the new wells per SCAQMD Regulation XIII, the reconsolidated wells would be more energy efficient and lower-GHG emitting than those currently on the Project Site. Therefore, as GHG emissions from the reconsolidated wells would not be greater than under existing conditions and in consideration of the factors cited above, operational GHG impacts associated with the potential new oils wells would be less than significant.

**PDF 7-1** Prior to grading for development, existing on-site oil wells and facilities, and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR). All other containers associated with oil production shall also be disposed in accordance with applicable regulatory requirements.

#### **Mitigation Measure 4.7-4**

After decommissioning of the oil facilities on the project site, a qualified environmental consultant shall inspect the abandoned wells and perform a review of well decommission documentation. Also, DOGGR shall be contacted to perform a “Construction Site Review” of the abandoned wells on the subject site to determine whether the wells have been abandoned to current standards. The results of the reviews shall be provided to the RWQCB, OCFA, DOGGR, and OCHCA.

**Table 4**

**Total Project Greenhouse Gas Emissions (Annual) (Metric Tons Per Year)**

Emission Source	Emissions (metric tons per year) <sup>a,b,c</sup>			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	Total CO <sub>2</sub> E
Annual construction-related emissions amortized over 30 years	36	0.003	--	36
Area Source Emissions	75	--	--	75
Energy	463	0.01	0.01	466
Mobile Sources	1,595	0.06	--	1,596
Waste	27	1.57	--	60
Water Usage	43	0.22	0.01	50
<b>Total CO<sub>2</sub>E (All Sources)<sup>e</sup></b>				<b>2,283</b>
<b>SCAQMD Threshold MT CO<sub>2</sub>E/Yr (All Land Uses)</b>				<b>3,000.00</b>
<b>Significant?</b>				<b>NO</b>

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- <sup>a</sup> CalEEMod™ model output utilized to calculate GHG emissions. Numbers may not add up exactly due to rounding.
- <sup>b</sup> Totals obtained from CalEEMod™
- <sup>c</sup> The first three columns in the table represent CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O, all of which have different global warming factors, in order to normalize emissions for comparison purposes, GHG totals in the far right column are presented in terms of a CO<sub>2</sub>E or carbon dioxide equivalent value. As such, the total in the far right column for each row does not equal the total of the emissions in the first three columns.
- <sup>e</sup> Existing uses include five operating wells. These wells would be abandoned during project implementation and may be reconsolidated to the drilling pad which would result in no net increase in GHG emissions. Therefore, these emissions are not included as part of the emissions in the table.

Source: Cielo Vista Greenhouse Gas Analysis, County of Orange, California, prepared by Urban Crossroads, Inc., dated March 7, 2013.

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**Potential Impact 2:** The Project could generate GHG emissions that could conflict with an applicable plan, policy or regulation adopted for the purposes of reducing the emissions of GHGs.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** The Project would generate 2,283 MTCO<sub>2</sub>e per year. Assembly Bill 32 (AB 32) is the State of California's primary GHG emissions regulation, and the SCAQMD GHG significance threshold was designed to ensure compliance with AB 32 emissions reductions requirements in the South Coast Air Basin. As the Project would emit less than 3,000.00 MTCO<sub>2</sub>e per year (SCAQMD's threshold), the Project would not conflict with the state's ability to achieve the reduction targets defined in AB 32. Further, the Project would be developed in a manner consistent with Title 24 of the CBC which establishes energy efficiency requirements for new construction. Also, the Project would be consistent with the growth projections for the project area in the County's General Plan and larger area designated as the Murdock/Travis Property in the Land Use Element of the City of Yorba Linda.

**Potential Impact 3:** The Project would not result in cumulative GHG emissions.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** Project-level thresholds defined above are based on AB 32 goals and provide a useful means by which to compare one project to another and to evaluate whether a project is consistent with statewide goals. The SCAQMD Tier 3 screening threshold of 3,000 MTCO<sub>2</sub>e/yr for all land use types was designed to capture 90 percent of GHG emissions from land use projects. As

discussed above, the Project would result in less than significant impacts with regard to construction and operational GHG emissions. As shown in Table 4, the GHG emissions from the Project would not exceed the SCAQMD threshold of significance. As with the Project, it is expected that other related projects in the vicinity and throughout the State would be required to comply with energy efficiency requirements for new construction and other regulations intended to support compliance with AB 32. Furthermore, other air districts within the state have established that projects which are consistent with project-level GHG thresholds would not be “cumulatively considerable”. As the Project would result in less than significant impacts based on AB 32 derived thresholds, the Project would not have cumulatively considerable impacts.

**Modified Planning Area 1 Only Alternative Impact Finding:** The Modified Planning Area 1 Only Alternative would result in lesser impacts than both short-term and long-term GHG emissions associated with the Project. The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of PDF 7-1 and Mitigation Measure 4.7-4 (set forth above).

**Facts in Support of Finding:** The overall construction extent and schedule of the Modified Planning Area 1 Only Alternative would be shorter than that of the Project. Thus, GHGs generated during construction-related activities would be proportionately lower than the Project. Operationally, with 29 fewer residences than the Project, the number of vehicular trips and residences would decrease by approximately 26% compared to the Project. Accordingly, GHG emissions and associated global climate change impacts from mobile (vehicular) sources and residential uses (i.e., fossil fuels burned for heat, the use of certain products that contain GHG) would be proportionately reduced under this alternative. The Modified Planning Area 1 Only Alternative would not result in GHG emissions that would exceed applicable SCAQMD’s 3,000 MTCO<sub>2</sub>e per year.

Also like the Project, this alternative would be consistent with Title 24 requirements and consistent with the State’s overarching goals to reach 1990 GHG levels by 2020 per AB 32.

With respect to the Esperanza Hills Access Corridor, the overall amount of greenhouse gas emissions associated with development of the potential access corridor would be substantially similar to the other access options evaluated in the Esperanza Hills Final EIR, which was determined to exceed SCAQMD’s GHG threshold of significance. However, with implementation of the applicable mitigation measures, the potential access corridor in and of itself would result in less than significant GHG impacts given it would represent only a small portion of the overall extent of grading as part of the Esperanza Hills Project.

As both the Project and the Modified Planning Area 1 Only Alternative (with a smaller development footprint and fewer units) would be below the SCAQMD project-level and AB 32 significance thresholds, the Project’s already less than

significant combined cumulative GHG impacts (after mitigation) would be proportionately less under this alternative.

**G. Hazards and Hazardous Materials**

**Potential Impact 1:** The Project includes the development of residential uses and the on-site use of ordinary household or general commercial cleaners, solvents, painting supplies, pesticides for landscaping and pool maintenance, and other substances utilized for cleaning and maintenance of residential development. However, the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measure 4.7-1 (set forth below).

**Facts in Support of Finding:** While the Project's residential dwellings would use ordinary household items, such items are not considered acutely hazardous and would be in limited quantities. All potentially hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable federal, state, and local health and safety standards and regulations. Any associated risk transport, use, or disposal of hazardous materials would be adequately reduced to a less than significant level through compliance with these standards and regulations. Also, during construction of the Project, contaminated soils and a 55-gallon drum with unknown contents would be removed from the site. Such activities would be short-term in nature and would not involve the "routine" transport, use, or disposal of hazardous materials. A Soils Management Plan (SMP) has been prepared for the Project that outlines the protocol for the handling and/or disposal of impacted soils that could potentially be encountered during construction activities. The SMP is included as Mitigation Measure 4.7-1.

**Mitigation Measure 4.7-1**

Prior to the issuance of grading permits, the Project Applicant/developer shall submit the Soil Management Plan (SMP) prepared by a California-licensed professional geologist to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee for review, approval and implementation by the Project Proponent. The SMP shall include the protocol for the handling and/or disposal of impacted soils, as well as subsurface structures (i.e., underground storage tanks), that could potentially be encountered during construction activities. The SMP shall include protocols for: screening of soil exhibiting impacts, handling of volatile organic compounds (VOC) contaminated soils; stockpile management; vapor suppression and

dust control, surface water protection, soil stockpile sampling;  
sampling frequency; and exporting of contaminated soils.

**Potential Impact 2:** Implementation of the Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment due to the use of potentially hazardous materials such as vehicle fuels, oils, and transmission fluids, as well the disturbance of soils.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measures 4.7-1 (set forth above), 4.7-2, 4.7-3, 4.7-4, 4.7-5, and 4.7-6 and PDFs 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7 and 7-8 (set forth below).

**Facts in Support of Finding:** The type and amount of hazardous materials to be used in association with operation of the Project would be typical of those used in residential developments. Construction of the Project would involve the use of potentially hazardous materials such as vehicle fuels, oils, and transmission fluids. All such potentially hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations.

The Project Site includes past and current oil production operations, which have the potential to generate soils with petroleum hydrocarbons and heavy metals. However, according to the Phase II Subsurface Investigation Report conducted for the Project Site, all detected concentrations of heavy metals were within background levels and/or below regulatory guidelines. Similarly, there was no evidence of a significant release of petroleum hydrocarbons and/or heavy metals, as determined by the Phase II Subsurface Investigation Report.

While the Phase II Subsurface Investigation report concluded that the soils tested on the site do not contain chemicals of concern (COC) that exceed applicable health risk screening levels, there is nonetheless still the potential to encounter impacted soils during soil-disturbing/grading activities associated with construction. As such, a Soils Management Plan (SMP) that outlines the protocol for the handling and/or disposal of impacted soils that could potentially be encountered during construction activities was prepared. The SMP is included as Mitigation Measure 4.7-1. This mitigation measure ensures that soils impacted with Volatile Organic Compounds (VOCs) are handled and disposed of appropriately so that health of the Project's future residents is not endangered. The process for the handling and disposal of VOCs is provided in a VOC mitigation plan as required by Mitigation Measure 4.7-2. Per the SMP, should VOC contaminated soils be encountered, a VOC mitigation plan in accordance with South Coast Air Quality Management District (SCAQMD) Rule 1166 would be required. Rule 1166 sets requirements to control the emission of VOCs from

excavating, grading, handling and treating VOC-contaminated soil as a result of leakage from storage or transfer operations, accidental spillage, or other deposition.

In addition, per the SMP, a qualified environmental consultant would be responsible for preparing a separate site-specific health and safety plan (HASP) that would be implemented in conjunction with the SMP when handling soil with suspected or confirmed COC impacts. At a minimum, the HASP would identify the potential COCs and/or other hazards of concern and establish guidelines and/or procedures for controlling/minimizing exposures to potential COCs/hazards, including the appropriate level(s) of personal protective equipment (PPE). The requirements for a HASP are set forth in Mitigation Measure 4.7-3.

Prior to grading activities, existing on-site oil wells and facilities, and production facilities would be abandoned or re-abandoned, as necessary, in accordance with DOGGR standards (PDF 7-1). To ensure that all wells are properly abandoned, Mitigation Measure 4.7-4 requires a qualified environmental consultant to inspect the abandoned wells and perform a review of well decommission documentation. Implementation of PDF 7-1 and Mitigation Measures 4.7-1 to 4.7-4 would reduce potentially significant impacts regarding contaminated soils from past and current oil activities to a less than significant level.

An unlabeled 55-gallon drum, the contents of which are unknown, currently exists on the Project Site. The contents of the drum may potentially be hazardous materials or wastes. This concern is considered to be a potentially significant impact. Thus, Mitigation Measure 4.7-5 has been prescribed to ensure this potentially significant impact is reduced to a less than significant level. Per Mitigation Measure 4.7-5, if soil staining were to occur around and/or beneath the container and the contents of the drum are determined to be hazardous, soil sampling shall be performed to determine if impacts to the near surface have occurred. If so, soil shall be removed in accordance with the measures included in the Project's SMP to be implemented pursuant to Mitigation Measure 4.7-2.

The Project Site has elevated levels of methane, which may be associated with oil exploration activities on-site and at nearby properties. Mitigation Measure 4.7-6 has been prescribed to ensure this potentially significant impact is reduced to a less than significant level. Mitigation Measure 4.7-6 requires a qualified environmental consultant to prepare a combustible gas/methane assessment study for the Orange County Fire Authority for review and approval, prior to issuance of a grading permit. Based on the results of the study, methane mitigation measures would be implemented by the Project, as necessary to ensure methane gases do not pose significant hazards to people or the environment. Mitigation Measure 4.7-6 further provides for vapor barriers or sealed utility conduits to reduce the potential for fire danger during construction and also reduce the

potential for any health hazards which could otherwise occur should the future residents be subjected to inhaling methane gas.

There is a potential for unknown stained soil and/or underground structures located in Planning Area 1 from past or current oil production activities. However, implementation of Mitigation Measure 4.7-2, which requires a VOC mitigation plan should any such soils be encountered, would ensure this impact would be less than significant. In compliance with the SMP, during grading of Planning Area 1 in the vicinity of past or current oil production activities, the Project Contractor would stop work immediately if any subsurface structures or environmental conditions such as staining are observed. Immediately following such a work stoppage and prior to work starting again in the noted area, the Project Applicant would retain a qualified oil well remediation environmental consultant to inspect the area and determine if soil or other remediation measures are required.

As indicated in the Project Design Features section above, all new wells drilled in the 1.8-acre “oil drilling pad” parcel located in Planning Area 1 for potential continued oil operations would be drilled per applicable DOGGR, OCFA and County of Orange requirements (PDF 7-4). The oil drilling pad would be improved to accommodate future oil production facilities as a separate project should the oil operators choose to relocate to this area of the project site. The oil drilling pad would not be accessible to the public. Plantings, barriers, signage, and information would be provided where necessary to ensure public safety (PDF 7-5). Access to the oil drilling pad would be provided within existing oil field service roads and no new roadways would be constructed through open space areas (PDF 7-6). Future homeowners would be provided with notification as to the previous use of the site as an oilfield and the extent of continued oil production activities in the area (PDF 7-7). In accordance with applicable regulatory requirements, no new residences (habitable structures) would be developed within 150 feet of any surface operational oil well or 50 feet of an enclosed subsurface unit/well, or as otherwise approved by the Director, OC Development Services and no new residences (habitable structures) would be developed within ten feet of abandoned wells or as otherwise approved by the OCFA (PDF 7-2 and 7-3). In addition, per PDF 7-8, at the time oil operations on the 1.8-acre parcel cease, any wells would be abandoned and contaminated soils would be disposed of at an appropriate disposal facility or remediated pursuant to all applicable requirements, if necessary.

Overall, based on the above, with implementation of the applicable PDFs, the prescribed mitigation measures and compliance with applicable regulatory requirements, all potentially significant impacts regarding the Project’s potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be reduced to a less than significant level.



- PDF 7-1** Prior to grading for development, existing on-site oil wells and facilities, and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR). All other containers associated with oil production shall also be disposed in accordance with applicable regulatory requirements.
- PDF 7-2** No new residences (habitable structures) would be developed within 150 feet of any surface operational oil well; or within 50 feet of a subsurface pumping unit/well enclosed within a concrete vault, or as otherwise approved by the Director, OC Development Services. The buffer(s) would be clearly dimensioned on all applicable plans prior to issuance of building permits to the satisfaction of the Manager, OC Development Services.
- PDF 7-3** No new residences (habitable structures) would be developed within ten feet of abandoned wells. The 10-foot buffer would be clearly dimensioned on all applicable plans prior to issuance of permits to the satisfaction of the Manager, OC Development Services.
- PDF 7-4** All new wells drilled in the 1.8-acre “oil drilling pad” parcel located in Planning Area 1 for potential continued oil operations would be drilled per applicable DOGGR, OCFA and County of Orange requirements.
- PDF 7-5** The oil drilling pad would not be accessible to the public. Plantings, barriers, signage, and information would be provided where necessary to ensure public safety. (This PDF to be verified prior to issuance of permits for the oil operations by the Manager, OC Development Services.)
- PDF 7-6** Access to the oil drilling pad shall be provided within existing oil field service roads. No new roadways for servicing existing or proposed oil wells would be constructed through open space areas. (This PDF to be verified prior to issuance of permits for the oil operations by the Manager, OC Development Services.)
- PDF 7-7** The Applicant/developer would provide written notification to all future homeowners regarding the previous use of the site as an oilfield and the extent of continued oil production activities in the area. (This PDF to be verified prior to issuance of certificate of use and occupancy by the Manager, OC Development Services.)

**PDF 7-8** At the time oil operations on the 1.8-acre parcel cease, any wells would be abandoned and contaminated soils would be remediated pursuant to all applicable requirements, if necessary.

**Mitigation Measure 4.7-2**

During ground disturbing construction activities, should VOC contaminated soils be encountered as a result of the screening methods prescribed by the Soils Management Plan (refer to Mitigation Measure 4.7-1), ground disturbing construction activities shall be immediately halted. Ground disturbing activities shall not resume until a VOC mitigation plan in accordance with South Coast SCAQMD Rule 1166 has been reviewed and approved by the SCAQMD Executive Officer. The VOC mitigation plan shall set forth requirements to control the emission of VOCs from excavating, grading, handling and treating VOC-contaminated soil consistent with SCAQMD Rule 1166.

**Mitigation measure 4.7-3**

Prior to the issuance of grading permits, a qualified environmental consultant shall prepare and submit a site-specific health and safety plan (HASP) to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee for review and approval. The HASP shall be implemented in conjunction with the Soils Management Plan (refer to Mitigation Measure 4.7-1) when handling soil with suspected or confirmed chemical of concern (COC) impacts. At a minimum, the HASP shall identify the potential COCs and/or other hazards of concern and establish guidelines and/or procedures for controlling/ minimizing exposures to potential COCs/hazards, including the appropriate level(s) of personal protective equipment (PPE). The general contractor shall be responsible for non-COC-related health and safety concerns associated with the excavation (e.g., excavation stability, stockpile placement, heavy equipment operation).

**Mitigation Measure 4.7-4**

After decommissioning of the oil facilities on the project site, a qualified environmental consultant shall inspect the abandoned wells and perform a review of well decommission documentation. Also, DOGGR shall be contacted to perform a "Construction Site Review" of the abandoned wells on the subject site to determine whether the wells have been abandoned to current standards, as

well as verify that adequate distances of wells to proposed structures is proposed. If these are not adequate, the siting of proposed structures and/or proper measures to well features shall be conducted to the satisfaction of DOGGR.

**Mitigation Measure 4.7-5**

The Project Applicant shall retain a qualified environmental consultant to profile the unidentified substance in the unlabeled 55-gallon drum and facilitate its disposal in accordance with regulatory guidelines, including DOGGR, RWQCB, OCFA, OCHCA and/or any other agency with jurisdiction over such disposal measures. If soil staining occurs around and/or beneath the container and the contents of the drum are determined to be hazardous, soil sampling shall be performed to determine if impacts to the near surface soils have occurred. If so, soil shall be removed in accordance with the measures included in the Project's SMP to be implemented pursuant to Mitigation Measure 4.7-1.

**Mitigation Measure 4.7-6**

Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

**Potential Impact 3:** The Project Site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

**Finding:** The County hereby makes Finding 1 and determines that there is *No Impact* and no mitigation is required.

**Facts in Support of Finding:** Government Code Section 65962.5 requires the CalEPA to develop and update annually the Cortese List, which is a list of hazardous waste sites and other contaminated sites. The Project Site does not appear on any of the applicable hazardous materials databases, with the exception of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR) database, which indicates the presence of oil production facilities on the Project Site. However, the Project's potentially significant impacts associated with past and current oil production activities on the Project Site would be reduced to a less than significant level with implementation of the applicable PDFs, the prescribed mitigation measures and compliance with applicable regulatory requirements. As such, although the Project would be located on a site that could include hazardous materials as a result of past and current on-site oil production activities, implementation of the PDFs, the prescribed mitigation measures and compliance with applicable regulatory requirements would ensure that no significant hazard occur to the public or the environment.

**Potential Impact 4:** The Project would include internal roads and improvements to Aspen Way and Via del Agua at the Project access points. However, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** The Project Site is currently undeveloped with the exception of oil wells and associated facilities, as well as dirt access roads and trails which traverse the site. These existing dirt roads and trails are located on private property and are not designated or maintained for public use, nor are they part of any adopted emergency response plan or emergency evacuation plan. During construction, no lane closures would be necessary and all construction staging activities would be confined to the project site. As such, Project construction would not impair the ability of vehicles used by residents or emergency personnel to drive along local roadways.

The County has prepared a Hazards Mitigation Plan to provide guidance for the County's response to emergency situations such as natural disasters, technological incidents, and national security emergencies. All new development must follow the County's emergency response and evacuation guidelines and be compatible with emergency evacuation routes. The Project would include internal roads and improvements to Aspen Way and Via del Agua at the Project access points. All traffic improvements would be reviewed by the Orange County Fire Authority (OCFA), the Orange County Department of Public Works Road Division, and the City of Yorba Linda (as necessary) for approval of emergency access, which is a required process for all new development projects in the County. Additionally, the

Project has been designed in accordance with OCFA Guideline B-09, which limits the number of fire apparatus access roads to one if the development contains less than 150 units, as both portions of the Project (located off of Aspen Way and off of Via del Agua) would include a fire apparatus access road.

**Potential Impact 5:** The Project Site and vicinity are designated as a Very High Fire Hazard Severity Zone (VHFHSZ)/Special Fire Protection Area (SFPA) with a history of wildland fire occurrences. The regional natural vegetation in this area is highly prone to wildfires. Implementation of the Project could expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measures 4.7-7, 4.7-8, 4.7-9, 4.7-10, and 4.7-11 and PDFs 7-9, 7-10, 7-11, 7-12, 7-13, 7-14 (set forth below).

**Facts in Support of Finding:** Development of the Project would require compliance with development designs, applicable provisions, and safety requirements of Chapter 49, Fire Code, Requirements for Wildland-Urban Interface Fire Areas, of the 2010 California Fire Code and Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure, of the 2010 California Building Code, as applicable. The Project would be required to implement a fire protection plan that would comply with Orange County Fire Authority (OCFA) Guideline B-09, Fire Master Plans for Commercial and Residential Development. In addition, the Project would be required to implement construction methods and utilize fire-resistant materials as required by Section R327 of the California Residential (Building) Code, as applicable, and provide defensible space and fuel modification with vegetation having low burn characteristics pursuant to the requirements of OCFA Guideline C-05, Vegetation Management Technical Design Guideline, and OCFA Guideline C-06, Acceptable Plant Species for Homes Subject to Wildfires, to help suppress wildland fires.

In accordance with the applicable regulatory requirements, the Project would implement a fire protection plan that would comply with OCFA's standards for VHFHSZ/SFPA (see PDF 7-9). Fire protection measures as part of the Project would include, but are not limited to, fire-resistant construction for all structures adjoining natural open space areas including the use of fire-resistant building materials (see PDF 7-10), automatic sprinklers and smoke detectors (see PDF 7-11); fuel modification/management zones to help suppress wildland fires (described in detail below); and a landscape plan that utilizes a plant palette consisting of fire resistant plants, native and appropriate non-native drought tolerant species (see PDF 7-13). Further, in accordance with OCFA requirements, fire hydrants would be spaced at 600 feet or less and minimum fire access requirements would be met (28-foot minimum road width, 17-foot inside and 38-

foot outside turning radius) (see PDF 7-14). A *Fire Master Plan* was prepared for the Project and has been reviewed and approved by the OCFA.

Fuel modification would occur within four zones to help suppress wildland fires in accordance with OCFA guidelines (see PDF 7-12). Each zone would be designed specifically to help suppress a fire in different ways. The fuel modification zones have been reviewed and approved by OCFA. Moreover, as the existing natural landscape that is highly conducive to wildfire would be replaced with fire-resistant landscaping, the Project would reduce the likelihood of wildfire impacts on adjacent residential uses.

A Fire Behavior Report was prepared for the Project. It includes numerous recommendations which are intended to minimize wildland fire impacts at the site, which have been prescribed as mitigation measures. As discussed in the Fire Behavior Report, two areas within Planning Area 1 (including, but not limited to areas adjacent to lots 40, 41, 49, 50, 85, 86, and 87) would not be capable of providing a typical 170-foot fuel modification zone. Mitigation Measure 4.7-7 has been prescribed to ensure that these areas are to be protected in an equal but alternative method by increasing the irrigated zone(s) to 100 feet and by providing six-foot high block walls/radiant heat walls at the bottom of the fuel modification zone. Mitigation Measure 4.7-8 has been prescribed to protect lots 39-42, 49-52, 69, and 85-88 with NFPA 13-D Automatic Fire Sprinklers throughout the structures as well as within the attics and small spaces. In addition, per Mitigation Measure 4.7-8, lots 96-112 would be protected with NFPA 13-D Automatic Fire Sprinklers including attics and small spaces to mitigate for roadway access longer than 800-feet.

Based on correspondence with the OCFA, Mitigation Measures 4.7-9 and 4.7-10 have been prescribed to ensure that fuel modification easements for maintaining the fuel modification areas must list the OCFA as an authorized user and that for the safety of construction personnel, neighboring homes, and firefighting safety in the wildland areas, the Project Applicant must complete the necessary portions of the roadways in the area prior to building permit issuance.

All of the fuels within the project area would be removed and replaced with plants from the approved palette. Flanking fire of six to eight feet maximum is expected at the property line of the lots within the development or at the base of the fuel modification zones or block walls/radiant heat walls. By compliance with the applicable regulatory requirements cited above and implementation of the prescribed mitigation measures, in all areas, the minimum requirement of providing a 2:1 safety ratio (2 flame heights/lengths in distance from the fuel modification zone) for a “safety zone” needed for protecting the structures would be achieved and in most areas, the ratio would be 4:1 or greater.

Another important component of minimizing the risks associated with wildland fires is the availability of adequate fire flow. The minimum fire flow requirement

to the project site is 1,000 gallons per minute (gpm) at 20 pounds per square inch (PSI). Adequate water supply would be available to serve the Project Site, including minimum fire flow requirements. Nevertheless, to ensure that adequate fire flows are provided to the project site, per correspondence with the OCFA, Mitigation Measure 4.7-11 has been prescribed.

**PDF 7-9** Prior to issuance of a building permit, the Project would implement a fire protection plan that would comply with OCFA's standards for VHFHSZ/SFPA. (This PDF to be verified prior to issuance of building permits for habitable structures by the Manager, OC Development Services.)

**PDF 7-10** The Project would incorporate fire-resistant construction for all structures adjoining natural open space areas including the use of fire-resistant building materials. Such materials would be clearly shown on construction drawings and reviewed and approved by the Manager, OC Development Services prior to issuance of a building permit.

**PDF 7-11** All structures would be protected with smoke detectors and National Fire Protection Association (NFPA) 13-D Automatic Fire Sprinklers. Such features would be clearly shown on construction drawings and reviewed and approved by the Manager, OC Development Services prior to issuance of a building permit.

**PDF 7-12** The project shall include fuel modification/management zones to help suppress wildland fires in accordance with OCFA guidelines.

**PDF 7-13** The Project would incorporate a landscape plan that utilizes a plant palette consisting of fire resistant plants, native and appropriate non-native drought tolerant species in accordance with OCFA guidelines. In addition, long-term maintenance responsibilities would remove from all fuel modification zones any invasive non-native species that appear on the California Invasive Plant Council (Cal-IPC) list of invasive species to prevent these from becoming established. (This PDF to be verified prior to issuance of building permits by the Manager, OC Development Services.)

**PDF 7-14** Per OCFA requirements, fire hydrants would be spaced at 600 feet or less and minimum fire access requirements would be met or exceeded (28-foot minimum road width, 17-foot inside and 38-foot outside turning radius). (This PDF to be verified prior to recordation of a subdivision map by the Manager, OC Development Services.)

**Mitigation Measure 4.7-7**

Areas within Planning Area 1 (including, but not limited to areas located adjacent to lots 40, 41, 49, 50, 85, 86, and 87) not capable of providing a typical 170-foot fuel modification zone, shall increase the irrigated zone(s) to 100 feet and shall provide six-foot high block walls/radiant heat walls constructed of block/tempered glass over block at the bottom of the fuel modification zone. The block walls/radiant heat walls shall be placed where the fuels below the structure are not of continuous nature and not in alignment with the slope and Santa Ana winds and/or the predominant winds. The block walls/radiant heat walls shall be perpendicular to the wind, but parallel with the slope. In most cases, the block walls/radiant heat walls shall be located at the property line/base of the irrigated zone and down slope from the native vegetation. Increased irrigated zones and block walls/radiant heat walls design and location shall be subject to the review and approval of the OCFA, prior to issuance of certificates of use and occupancy.

**Mitigation Measure 4.7-8**

Structures with deficient fuel modification lots 39-42, 49-52, 69, 70, and 85-88 shall be protected with NFPA 13-D Automatic Fire Sprinklers including the attics and small spaces. Lots 96-112 shall be protected with NFPA 13-D Automatic Fire Sprinklers including attics and small spaces to mitigate for roadway access longer than 800-feet. Such features shall be indicated on construction drawings prior to issuance of a building permit.

**Mitigation Measure 4.7-9**

Fuel modification easements for maintaining the fuel modification areas must list the OCFA as an authorized user. These easements are recorded as part of the mapping process. Prior to recordation of the CC&R's, OCFA must approve language allowing OCFA access to HOA owned property for the purpose of inspecting the fuel modification, plant palette, and added improvements to ensure maintenance of the fire safe zones. In addition, CC&R's shall provide landscaping and maintenance guidelines to ensure that each residential lot is fire-safe and list allowable improvements such as patio structure, play equipment construction, and fencing materials. The CC&R's shall be recorded prior to issuance of certificate of use and occupancy.

**Mitigation Measure 4.7-10**

For the safety of construction personnel, neighboring homes, and firefighting safety in the wildland areas, the Project Applicant, under the supervision of the Fire Chief, and prior to issuance of building



permits shall have completed the Project roadways in accordance with applicable OCFA and/or County design standards in the area prior to building permit issuance.

**Mitigation Measure 4.7-11**

Prior to issuance of building permits, a service letter from the water agency serving the project area shall be submitted and approved by the OCFA water liaison describing the water supply system, pump system, and fire flow and lists the design features to ensure fire flow during a major wildfire incident.

**Potential Impact 6:** The Project would not result in cumulative hazards and hazardous materials impacts.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** Any related projects listed in a government hazardous materials database would require site-specific investigations and remediation (if necessary) to adequately address existing hazardous materials impacts to the satisfaction of the regulatory agencies with jurisdiction over the site, thereby precluding the potential for adverse physical effects related to hazardous materials health risks. Furthermore, all potentially site-specific impacts related to hazardous materials would be addressed through implementation of the Project's PDFs and the prescribed mitigation measures such that there would be no potential for the Project to substantially contribute to cumulative hazardous materials impacts.

With regards to cumulative impacts associated with adopted emergency response and evacuation plans, all related projects would be evaluated on a project-by-project basis to determine consistency with applicable plans. The Project would not conflict with any adopted emergency response and evacuation plans and as such, would not contribute impacts that are cumulatively considerable regarding impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan.

The Project Site and vicinity is located in an area highly prone to wildfires. Similar to the Project, any related project adjacent to an area susceptible to wildland fire hazards would be required to implement a fire protection plan consistent with the requirements of the OCFA. Mitigation of potential wildland fire hazards is regulated by federal, state, and local requirements, and would be addressed on an individual basis as is through implementation of this Project's

Conceptual Fuel Modification Plan and Fire Master Plan. With regards to the adjacent Esperanza Hills project, that project would be required to implement a fire protection plan similar to the Project. As the current Esperanza Hills site consists of vacant, undeveloped land with no fuel modification zones or measures in place, development of that site with a fire protection plan consistent with the requirements of the OCFA would provide additional fire protection for the Project Site and existing residential uses to the south of that site which are not currently in place. Similarly, there would be a beneficial cumulative impact with the Project and the adjacent Esperanza Hills project in reducing the potential for exposure to wildland fires on existing residential uses in the local project vicinity.

**Modified Planning Area 1 Only Alternative Impact Finding:** The Modified Planning Area 1 Only Alternative would result in similar short-term and long-term hazards and hazardous materials impacts as compared to the Project, except with respect to wildland fires where the Modified Planning Area 1 Only Alternative's impacts would be incrementally greater than the Project's impacts. The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of the PDFs and Mitigation Measures associated with the Project's hazards and hazardous materials impacts (set forth above).

**Facts in Support of Finding:** Any risk associated with ordinary household or general commercial cleaners, solvents, painting supplies, pesticides for landscaping and pool maintenance, etc. would be reduced to a less than significant level through compliance with applicable regulatory requirements for both the Project and the Modified Planning Area 1 Only Alternative. During construction activities, to the extent required for remediation, any contaminated soils or materials removed from the site would occur in a similar manner as under the Project. As such, similar less than significant impacts regarding the routine transport, use, or disposal of hazardous materials would occur for both this Alternative and the Project.

All oil-related activities would be same as the Project, and this alternative would be required to mitigate the potentially significant impacts associated with past and current oil operations, as well as other methane hazards, in the same manner as the Project.

Since Planning Area 2 would be preserved as open space, no fuel modification would be provided in the northern portion of the Project Site. Under both this alternative and the Project, there would be available capacity to accommodate the projected traffic volumes, in addition to emergency vehicles. Neither this alternative nor the Project would conflict with an adopted emergency response/evacuation plan. However, despite the proportionate decrease in traffic, due to the fact that this alternative would provide less protection from wildfires to the adjacent residential uses to the west of the site as compared to the Project, it is concluded that while the Modified Planning Area 1 Only Alternative's impacts

regarding emergency response/evacuation would be less than significant, they would be incrementally greater under this alternative than under the Project. A Fire Evacuation Analysis prepared for the Esperanza Hills project analyzed the theoretical duration that it would take to evacuate that project and the existing and proposed developments in the vicinity, including the Project. The report concluded that all residences could be evacuated safely in the event of a fire. With the reduction in the number of residences under the Modified Planning Area 1 Only Alternative, this alternative would also be able to be evacuated.

With respect to the Esperanza Hills Access Corridor, the construction of the potential access corridor would be subject to similar regulatory requirements and site-specific development standards and mitigation measures as prescribed in the Cielo Vista Draft EIR to ensure that potentially significant impacts regarding methane hazards and hazardous materials, including existing on-site contaminated soils, are reduced to a less than significant level.

If implemented, the access corridor would become part of the Esperanza Hills Community Evacuation Plan that can be incorporated into the Yorba Lina Community Evacuation Plan when it is drafted. Overall, the potential access corridor in and of itself would result in less than significant emergency response/evacuation impacts. The less than significant impacts of the access corridor do not change the less than significant cumulative impact findings in the Draft EIR in regards to the emergency response/evacuation impacts associated with related projects. Overall, the potential access corridor in and of itself would result in less than significant wildland fire impacts.

Finally, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under the Modified Planning Area 1 Only Alternative, the Project's already less than significant combined cumulative wildland fire impacts (after mitigation) would be proportionately less.

## **H. Hydrology and Water Quality**

**Potential Impact 1:** Construction activities would include the use of heavy equipment and construction-related chemicals, such as fuels, oils, grease, solvents and paints that would be stored in limited quantities on-site. In the absence of proper controls, these construction activities could result in accidental spills or disposal of potentially harmful materials used during construction that could wash into and pollute surface waters or groundwater. During operation of the Project, pollutants of concern that could be introduced to runoff or increased when compared to existing site conditions may include, but are not limited to, heavy metals, suspended solids, organic compounds, animal waste, pathogens, pesticides, oil and grease, fertilizers, pesticides, trash/debris and oxygen-demanding substances.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of PDF 8-1 (set forth below).

**Facts in Support of Finding:** The Project would be subject to existing regulations associated with the protection of water quality.

Construction: With respect to construction, applicable Waste Discharge Requirements (WDRs), the NPDES Construction General Permit for construction activities, and SWPPP (with associated Best Management Practices (BMPs)) are considered protective of water quality during construction and would, therefore, prevent a substantial violation of water quality standards and minimize the potential for contributing additional sources of polluted runoff during construction of the Project. These existing regulations, programs, and policies would ensure that the potential for discharge of polluted stormwater from construction sites to affect beneficial uses of receiving waters and water quality standards, where applicable, would not be substantial. Examples of BMPs emanating from the SWPPP are: containing and infiltrating surface water runoff across the construction site; preventing construction materials from being buried onsite; construction staff instruction on proper waste disposal; and maintenance, upkeep and disposal practices to prevent surface water contamination from petroleum products, fertilizers, paints and concrete; and stabilizing graded areas through compaction and hydroseeding.

During construction, the Project Site would be subject to ground-disturbing activities (e.g., removal of the existing vegetation, excavation and grading, foundation and infrastructure construction, the installation of utilities) which could result in erosion. Compliance with applicable regulations and the imposition of standard erosion controls during site preparation and grading would ensure this impact would be reduced to a less than significant level. Specifically, construction activities would be carried out in accordance with the requirements of the NPDES General Construction Permit issued by the RWQCB and in accordance with the Project's SWPPP (see PDF 8-1), which incorporates BMPs.

Operation: During operation of the Project, pollutants of concern that could be introduced to runoff or increased when compared to existing site conditions may include, but are not limited to, heavy metals, suspended solids, organic compounds, animal waste, pathogens, pesticides, oil and grease, fertilizers, pesticides, trash/debris and oxygen-demanding substances. A Conceptual Water Quality Management Plan (WQMP) has been prepared for the Project to identify appropriate stormwater BMPs and water quality management practices to be implemented during operation of the Project. Since the Project is defined as a Priority Project, the WQMP includes both source control and treatment control BMPs, as well as site design BMPs, and would implement Low Impact Development (LID) principles, where applicable and feasible. A Final WQMP, subject to approval by the County, would update the Project's Conceptual WQMP

based on the Project's final design and would include the design features and BMPs identified in the Conceptual WQMP (see PDF 8-1).

The Project would include an on-site stormwater infiltration basin in Planning Area 2 that would function to contain and treat stormwater pollutants prior to leaving the site. The infiltration basin on the North Site would retain and percolate all collected stormwater.

In Planning Area 1 (South Site), the Project would incorporate four designated basins (A, B, C and D) which include bioretention with underdrains for on-site water quality treatment (see BMP-BIO1). Since the main drive access for Planning Area 1 (off of Stonehaven Drive) lies downstream from the proposed bioretention facilities, the Project would implement a series of proprietary biotreatment systems for water quality treatment to treat all pollutants of concern within the site access to a medium to high level of effectiveness (see BMP-BIO7). Also, the Project would include a split flow/bifurcation structure in Planning Area 1 (BMP-HM1) to ensure that no significant downstream hydromodification impacts or "hydrologic condition of concern" occur during Project implementation.

In addition, as detailed in the WQMP, the BMPs employed under the Project would also include a host of measures to prevent pollutants from entering stormwater flows in the first place. These include the non-structural and structural source control BMPs.

Compliance with applicable regulatory requirements, as well as implementation of the PDFs and BMPs identified in the WQMP, would ensure that operation of the Project would not significantly affect the beneficial uses of the receiving waters or result in a violation of water quality standards, and would minimize the potential for contributing additional sources of polluted runoff. Thus, water quality impacts would be less than significant during Project operation.

**PDF 8-1**      The Project would implement a Water Quality Management Plan (WQMP) and a Storm Water Pollution Prevention Plan (SWPPP). The WQMP would include detailed sizing parameters for the basins and would provide guidelines for the proper maintenance of the water quality basins. The WQMP and SWPPP would identify the BMPs to be implemented by the Project that would reduce pollution levels in stormwater discharge in compliance with applicable water quality standards. These plans would be reviewed and approved by the Manager, OC Development Services prior to recordation of the subdivision map.

**Potential Impact 2:** The Project involves grading of the Project Site and construction of single-family residences which could alter the existing drainage or create or contribute to runoff water which would exceed capacity of existing or planned stormwater systems or provide substantial additional sources of polluted runoff.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of PDFs 8-2 and 8-3 (set forth below).

**Facts in Support of Finding:** Stormwater flows would pass through drainage facilities in Planning Areas 1 and 2, which would control flows on the project site and also allow downstream drainage courses to be consistent with existing conditions. As detailed in the Drainage Study for the Project, runoff from the developed areas of the Project Site would be collected in the Project's drainage system (inclusive of PDF 8-2) and routed through onsite water quality BMPs prior to draining to the existing discharge locations. As shown in Table 5 below, the post-development flows would not exceed the predevelopment condition at the downstream drainage facilities.

**Table 5**

**Developed Conditions: 25-Year and 100-Year Peak Flows**

	Stonehaven Outlet – 8' x 7' RCB (Planning Area 1)		Dorinda Road Outlet – 36" RCP (Planning Area 1)		West Outlet at Property Line – Creek F (Planning Area 2)	
	Q100 (cfs)	Q25 (cfs)	Q100 (cfs)	Q25 (cfs)	Q100 (cfs)	Q25 (cfs)
<b>Predevelopment</b>	1,195.5	890.4	52.3	39.4	3,406.1	2,546.2
<b>Postdevelopment (w/PDFs)</b>	1,195.5	890.4	36.1	30.1	3,406.1	2,546.2
<b>Change</b>	0	0	-16.2	-9.3	0	0
<b>Detention Basin (PDF 8-2)</b>	N/A	N/A	N/A	N/A	7.4	5.6

Source: Conceptual Drainage Study - Cielo Vista Tract 17341, prepared by Fuscoe Engineering Inc. October 2015.

In addition to the 100-year and 25-year storm analysis conducted in the Drainage Study, the WQMP provides a detailed evaluation of the 2-year (24-hour) storm event to determine if the Project would be susceptible to hydromodification impacts, which would be considered a “hydrologic condition of concern” per the Countywide Model WQMP TGD.

The WQMP model results indicate that flows tributary to the 8'x7' Stonehaven Reinforced Concrete Box (RCB) would be reduced by the proposed split-flow structure (BMP-HM1), thus allowing for only a 9% increase in a 2-year 24-hour

storm condition. Thus, by implementing BM-HM1, peak runoff conditions for 2-year 24-hour storm events at the 8'x7' Stonehaven RCB for Planning Area 1 would be no greater than 110 percent of predevelopment condition, which meets the County's requirements. Regarding the southwest outlet (36" Reinforced Concrete Pipe (RCP) at Dorinda Road), when implementing the bifurcation split-flow structure per BMP-HM1, the time of concentration (TC) would be reduced by 10% compared to predevelopment conditions and there would be no change (0%) to peak runoff conditions. Therefore, by implementing the Project's proposed drainage features, no significant hydromodification impacts or "hydrologic condition of concern" would occur to downstream facilities of Planning Area 1 based on applicable County standards.

With regards to Planning Area 2, the WQMP model results indicate that without the proposed infiltration basin (BMP-INF1), the 2-year Tc would decrease by 40.4%, the peak runoff would increase by 57%, and the volume increases by 174% (or 0.42 ac-ft) as compared to the existing conditions. However, with implementation of the proposed infiltration basin in Planning Area 2, the TC would still decrease by 40.4%, but the peak runoff would not change (0%). Also, the additional volume (0.42 acre-feet) would be captured within the infiltration basin. Routing the 2-year 24 hour storm event through the infiltration basin would reduce peak volumetric flow to comply with the hydromodification requirements and allowable discharge provisions. Therefore, by implementing an infiltration basin (BMP-INF1), no significant hydromodification impacts or "hydrologic condition of concern" would occur to downstream facilities of Planning Area 2 based on applicable County standards.

Based on the above, the proposed drainage facilities described in the Drainage Study and WQMP would provide for adequate flood control protection per the current County of Orange Hydrology Manual and the County of Orange Local Drainage Manual requirements.

Furthermore, with respect to erosion under operational conditions, PDFs and BMPs required under the SWPPP, WQMP, and ESCP, would be implemented to ensure that the Project does not significantly increase erosion from the site. In addition to these measures, on-site soils would be stabilized with either established existing native vegetation, structures/paving materials, or landscaping, which would minimize the potential for substantial on-site erosion to occur.

Given that the Project would be designed to maintain existing drainage patterns and post development runoff volume would not significantly exceed the pre-development condition, the post-project site would not result in significant hydrology impacts downstream such that flooding or erosion would occur on- or off-site. In addition, all habitable building floor elevations would be constructed

at a minimum of 1-foot (or greater) above the 100-year water surface elevation to ensure that no residential structure would be flooded within the project site (PDF 8-3). Furthermore, the Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage.

Overall, with implementation of the applicable PDFs compliance with applicable regulatory requirements, impacts regarding changes in drainage patterns and stormwater flows would be less than significant.

**PDF 8-2**      Debris Basin - The Project would include a debris basin at the most easterly cul-de-sac in Planning Area 1 for a drainage tributary (Creek A) of approximately 636 acres, which enters the project site at this location.)

**PDF 8-3**      All habitable building floor elevations would be constructed at a minimum of 1-foot (or greater) above the anticipated peak 100-year flood water surface elevation to ensure that no residential structure would be flooded within the project site. (This PDF to be verified prior to issuance of a building permit by the Manager, OC Planning.)

**Potential Impact 3:** The Project would be served by a municipal water supply and would develop single-family residential uses and create additional impervious surfaces, all of which could contribute to a depletion of groundwater supplies or interfere with groundwater recharge.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** Water for the Project would be provided by Yorba Linda Water District (YLWD). No new water wells are proposed as part of the Project. As a result, the Project would not involve the extraction of groundwater from underlying resources at the site.

The Project would develop the 112 residential units and associated hardscapes (e.g., roadways, sidewalks, etc.), which would result in an increase in impervious surface area on-site. Specifically, 28.5 acres of the approximate 84-acre site would be improved with impervious surfaces. Soils investigations have determined that under existing conditions, stormwater on the North Site percolates into the underlying soils, while stormwater on the South Site flows into area drainage channels because soil conditions on the South Site are not conducive to percolation. To reduce the potential for impervious surfaces to impact groundwater infiltration rates, Project-related stormwater generated on the North Site (i.e., the incremental increase in sheet flow when compared to pre-



project conditions) would flow to an infiltration basin which would allow stormwater to percolate into the underlying soil or evaporate into the atmosphere. Given the limited size of Planning Area 2 within the North Site, the corresponding limited extent of potential loss of groundwater recharge would not significantly impact groundwater supplies. With respect to the South Site, although the Project would increase the surface area of impervious surfaces on the South Site, because stormwater flows do not substantially infiltrate to underlying soils under existing conditions, the additional impervious surfaces on the South Site would not result in a substantial change in groundwater infiltration rates.

**Potential Impact 4:** The Project, when combined with the related projects, would not impact downstream hydrology or runoff water quality in the vicinity of the Project area.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** The Project would not have the potential to result in cumulative off-site downstream hydrology impacts. Also, the PDFs and BMPs prescribed in the Project WQMP would remove and/or prevent pollutants from substantially degrading the water quality of runoff from the Project Site, thereby, minimizing the potential for cumulative water quality impacts. The only related project which could contribute to a cumulative hydrology or water quality impact is Esperanza Hills, as the other related projects are not located within the watershed boundary that is upstream of the Project Site. However, similar to the Project, Esperanza Hills would be required to ensure that it does not increase flows or alter the drainage pattern such that substantial erosion or flooding would not occur on-site and/or off-site. As part of the site-specific hydrology analysis for Esperanza Hills, runoff quantities would also need to be within the capacity of the storm drain system serving that site and if not, appropriate infrastructure upgrades would need to be provided by that project. As Esperanza Hills would be required to comply with the same hydrology-related regulatory requirements as the Project, the cumulative impact of these projects on downstream drainage facilities, flooding and erosion would be less than significant.

**Modified Planning Area 1 Only Alternative Impact Finding:** The Modified Planning Area 1 Only Alternative would result in lesser short-term and long-term hydrology or water quality impacts than the Project. The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of the PDFs associated with the Project's hydrology or water quality impacts (set forth above).

**Facts in Support of Finding:** Under the Modified Planning Area 1 Only Alternative, the total amount of impervious surface area would be reduced when compared to the Project since Planning Area 2 would not be developed and fewer residences would be included in Planning Area 1 compared to the Project. With

29 fewer residences under this alternative, there would be less potential for subsequent pollutant discharge compared to the Project. Improvements and BMPs, similar to those described for the Project, would be required to address stormwater runoff or for water quality treatment for this alternative. Because this alternative would result in fewer residences, it would result in a corresponding lower potential for subsequent pollutant discharge and water quality impacts would be proportionately less.

Both this Alternative and the Project would be designed to maintain existing drainage patterns and pre-project flow rates at downstream facilities per applicable regulations. As such, similar impacts regarding drainage and runoff patterns would occur under this Alternative and the Project. Also, similar to the Project, this alternative would not result in a noticeable change in groundwater infiltration rates. Therefore, the Project and this Alternative would have similar less than significant impacts with respect to groundwater supplies or groundwater recharge.

With respect to the Esperanza Hills Access Corridor, that project would implement numerous PDFs and be subject to conditions of approval (COA), including a SWPPP, to ensure compliance with applicable water quality standards during construction. Standard erosion controls would be implemented to ensure impacts with respect to erosion are less than significant. The BMPs identified in the Final Esperanza Hills Water Quality Management Plan (WQMP) would remove and/or prevent pollutants from substantially degrading the water quality of runoff from the access corridor, thereby, minimizing the potential for operational water quality impacts. Overall, the potential access corridor would result in less than significant hydrology and water quality impacts. The less than significant impacts of the access corridor do not change the less than significant cumulative impact findings in the Draft EIR in regards to the hydrology and water quality impacts associated with related projects.

Finally, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under the Modified Planning Area 1 Only Alternative, the Project's already less than significant combined cumulative hydrology and water quality impacts would be proportionately less.

## **I. Land Use and Planning**

**Potential Impact 1:** With approval of the requested discretionary actions, the Project would be consistent with the applicable goals, objectives and policies within the County's General Plan and Zoning Code, and would not conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the Project or with the existing zoning for agricultural use, or a Williamson Act Contract.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** The General Plan designates approximately 41 acres of the Project Site as Suburban Residential (1B) and approximately 43 acres of the Project Site as Open Space (5). The proposed residential uses are permitted in the Suburban Residential (1B) designated area of the site and not permitted per the Open Space (5) land use designation. Thus, the Project Applicant is requesting approval of a General Plan Amendment (GPA) changing the General Plan land use designation for 6.4 acres designated as Open Space (5) to Suburban Residential (1B). While the Project applicant is requesting a General Plan amendment, as discussed above, a request for a discretionary action to amend the General Plan does not in fact establish that the Project would be in conflict with the General Plan such that a substantial adverse impact to the environment would occur. While a portion of the site's existing General Plan designation does not directly match the Project's proposed uses, if approved, the General Plan Amendment would result in the Project being fully consistent with the General Plan.

The General Plan allows residential uses in the Suburban Residential designation to be developed between 0.5 and 18 dwelling units per acre. Overall, the Project's residential land uses would occur at a gross density of 1.3 dwelling units per acre. Thus, the proposed density would be well below the maximum density allowed for the entire Project Site and consistent with the Suburban Residential (1B) land use designations.

The entire project site is zoned A1(O) – General Agriculture with Oil Production Overlay, per the Orange County Zoning Map, which does not permit single-family residential uses. The Project would require approval of a zone change for Planning Area 1 from A1(O) to R-1, Single-Family Residence District and R-1(O) and a zone change for Planning Area 2 from A1(O) to R-1, Single Family Residence District, (Oil Production) permitting development of single family detached residential dwellings on minimum 7,500 square foot lots and continued oil production on a portion of the property. The A1 designation is in part intended as an interim zone in those areas which the General Plan may designate for more intensive urban uses in the future. Accordingly, although the proposed low-density single-family residences would represent a more intensive urbanized use on certain portions of the site relative to existing zoning, the A1 designation allows for such a zone change. Also, as the Project Site is currently within a (O) permitted oil production area, the zone change in Planning Area 1 from A1(O) to R-1(O) would not result in a conflict with the current zoning designation.

The Project's proposed residences would be built in accordance with the standards identified Section 7-9-74.8 - Site Development Standards of the Codified Ordinances of the County of Orange.

The Yorba Linda Land Use Element designation for the Project Site is Low Density residential with a range of 0-1.0 dwelling unit per acre. The current Yorba Linda General Plan would allow up to a maximum 84 dwelling units on the Project Site, compared to a maximum of 738 dwelling units allowed under the County General Plan land use designation. The gross density of the Project would be 1.33 dwelling units per acre. While this density exceeds the City's density range, the use and character of this development would complement the existing residential community and be compatible with these existing neighborhoods to the west and south. The City's LUE envisions low-density residential uses, as does the lower end of the County's LUE designation by allowing for "large lot estates" to increasing suburban density. The City's LUE requires hillside area density to account for slope severity and stability, topographic conditions and natural resources protection, and to preserve open space areas and natural drainage areas. The Project would preserve the most visually and physically prominent canyons, generally retain the topographical character of the site, preserve an expansive area of natural vegetation and drainage courses within the open space, and the Project also would cluster houses away from landslide areas and seismic fault zones. Clustering also has the effect of lessening grading in the Project's hillside locale.

On the City Zoning Maps, the Project Site is designated as UNC – Unincorporated Area. As stated above, the proposed County zoning designation for the site is R-1, Single Family Residence District, permitting development of single family detached residential dwellings on minimum 7,500 square foot lots. The closest corresponding City designation to the R-1 District is the Residential urban (R-U) Zone. The RU zoning designation includes a minimum lot size of 7,500 square feet, as compared to 7,200 square foot lot size permitted by the R-1 zoning designation. However, site development standards for the R-1 District and R-U zone are the same or similar with respect to building height, setbacks, and parking. With a 7,500 square foot minimum lot size, the Project would be essentially consistent with the City's R-U zone with the residential units to be constructed being indistinguishable regardless of which jurisdiction's minimum square footage standard is applied.

The Project would not substantially conflict with the Hillside Development Zoning Code Regulations.

The operation of the future oil production facilities within the drilling island would not be incompatible with the proposed or adjacent residential uses because no new residences would be developed within 150 feet of any surface operational oil well or within 50 feet of a subsurface pumping unit/well enclosed within a concrete vault, or as otherwise approved by the Director, OC Development Services within the oil drilling pad (PDF 7-2). The oil drilling pad would not be accessible to the public and plantings, barriers, signage, and information would be provided where necessary to ensure public safety (PDF 7-5). Plantings would be provided around this area to screen most, if not all, of the oil-related facilities at this location (PDF 1-8). The consolidation of oil production-related uses within

the project site outside of available public views would improve compatibility with adjacent residential areas.

Additional land use approvals are requested as part of the Project, including Area Plan approval and building and encroachment permits. None of these approvals would conflict with an applicable land use plan (i.e. County or City General Plan), policy or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect.

Cielo Vista would be designed to be compatible with its adjacent neighborhoods. It is bordered on the west and south by tracts built in the 1980's. Lots in these neighborhoods are a minimum of 7,500 square feet with larger lots on the peripheries and slopes, with predominantly two-story homes ranging from 2,700 square feet to over 4,000 square feet. Cielo Vista would follow a similar pattern. The Cielo Vista project site consists of approximately 84 acres at a gross density of approximately 1.3 dwelling units per acre. This compares favorably with the build-out of adjacent and nearby tracts which have an average gross density of 1.24 dwelling units per acre.

The project is consistent with the affected goals and policies of the following General Plan Elements, as well as all other Elements of the Orange County General Plan as discussed in the consistency analysis tables of the Draft EIR.

### **Land Use Element**

*Policy 1 – Balanced Land Use:* To plan urban land uses with a balance of residential, industrial, commercial, and public land uses.

Consistent: The Project would introduce up to 112 single-family homes in an area designated for suburban residential land uses.

*Policy 2 – Phased Development:* To phase development consistent with the adequacy of public services and facilities within the capacity defined by the General Plan.

Consistent: As discussed in Draft EIR Section 4.12, *Public Services*, impacts regarding public services and facilities would be less than significant with implementation of the prescribed mitigation measures. Also, payment of development fees by the Project applicant and taxes by future Project residents would be utilized by affected government services and facilities to offset the incremental increase in service demands created by the Project.

*Policy 3 – Housing Densities:* To provide a variety of residential densities which permit a mix of housing opportunities affordable to the county's labor force?

Consistent: The Project would introduce up to 112 single-family homes in an area designated for suburban residential land uses, which would contribute to the ability of the County to meet demands for housing, particularly single-family homes.

*Policy 4 – Land Use/Transportation Integration:* To plan an integrated land use and transportation system that accommodates travel demand.

Consistent: As discussed in Draft EIR Section 4.14, *Traffic/Transportation*, the Project's proposed traffic improvements of the transportation system along with implementation of the prescribed mitigation measures would accommodate Project traffic.

*Policy 6 – New Development Compatibility:* To require new development to be compatible with adjacent areas.

Consistent: As discussed in Draft EIR Section 4.1, *Aesthetics*, the Project would be designed to complement and blend with the character of existing residential neighborhoods located adjacent to the project site within the City of Yorba Linda. Landscaped areas or natural open space areas would be provided adjacent to residential development areas to serve as natural buffers between existing residential neighborhoods and planned development of new homes. The Project would include 36.3 acres as permanent open space which would preserve a large portion of the site's natural, physical environment. Primary access to and from the project site is proposed through connections to existing improved local streets. In addition, the consolidation of oil production-related uses within the project site outside of available public views would further improve compatibility with adjacent residential areas.

*Policy 7 – Creative Design Concepts:* To encourage innovative concepts which contribute to the solution of land use problems?

Consistent: Consistent with this policy, the Project's land use plan would be responsive to the physical site development constraints found within and surrounding the Project Site. The retention of existing open space is a key Project element leading to the creation of the land use plan for the Project. The Project provides for the preservation of 36.3 acres as permanent open space. Precisely 47.7 acres of the project site are planned for development of residential land uses incorporating the following design elements:

- Homes designed with opportunities for home offices allowing people to work from home reducing driving time and vehicle emissions.

- Incorporation of native plant materials or drought tolerant plant materials into the landscaping of public spaces. Homeowners would be encouraged to utilize drought tolerant plant materials in private yard areas.
- Equipping residences with currently available technology for internet access allowing residents to shop and work on-line, helping to reduce vehicle trips to employment centers and shopping.
- Reducing energy demands for heating and cooling through the use of passive solar design and construction materials and techniques.
- Use of “night sky friendly” outdoor lighting within streets, private outdoor spaces, and public gathering spaces.
- A design responsive to the physical setting by preserving existing natural drainages within the project site.
- Reduce fire hazards through the implementation of a fuel modification plan as well as appropriate buffering of land uses with an OCFA approved plant palette.
- Implementation of a plant palette which includes canopy trees to achieve natural ventilation and cooling.

*Policy 8 – Enhancement of Environment:* To guide development so that the quality of the physical environment is enhanced.

Consistent: The purpose of this policy is to ensure that land use activities seek to enhance the physical environment, including the air, water, sound levels, landscape, and plant and animal life. This policy does not mean that environmental enhancement precludes development. It recognizes the need to improve both the manmade and natural environments. Where aspects of the natural environment are deemed to be truly important, this policy requires measures to be taken to preserve these aspects. Consistent with this policy, natural features would be preserved to the extent practical within the permanent open space land use areas of the project site which include a main westerly draining course and canyon bisecting the project site. The Project would include 36.3 acres of permanent open space which would serve to preserve a substantial portion of the natural, physical environment. In addition, the consolidation of oil production-related uses within the project site outside of available public views would further improve the aesthetic character of the area and enhance the compatibility with adjacent residential areas.

Also, run-off from the developed areas of the project site would be collected in a storm drainage system within local streets and routed through best management practices (BMPs) features to be constructed as part of the Project. The BMP features would serve to mitigate the increased flow anticipated from the increased impervious surface created with the development and would also decrease pollutants in the runoff. Prior to the issuance of a grading permit, a final Water Quality Management Plan (WQMP) would be developed for implementation by the Home Owners Association (HOA), the entity owning and maintaining the water quality and drainage BMP features. The WQMP would provide guidelines to the HOA for the proper maintenance of the BMPs and water quality basin. The WQMP also identifies a host of other structural and non-structural BMPs to be implemented by the Project that would reduce pollution levels in stormwater discharge in compliance with applicable water quality standards. Draft EIR Section 4.8, *Hydrology and Water Quality*, includes a detailed discussion of the drainage and water quality treatment features to be implemented by the Project. Additionally, a Conceptual WQMP has been prepared and is included as an appendix to the EIR.

### **Public Services and Facilities Element**

*Goal 1:* Provide a safe living environment ensuring adequate fire protection facilities and resources to prevent and minimize the loss of life and property from structural and wildland fire damages.

*Consistent:* As discussed within Draft EIR Section 4.7, *Hazards and Hazardous Materials*, with implementation of the prescribed mitigation measures and the project design features, the Project would minimize the potential for loss of life and property from structural and wildland fire damages. In addition, under existing conditions, no fuel modification exists on the project site, which exposes the existing single-family residential uses to the west and south of the site to substantial risks of wildland fires. Accordingly, with the Project's fuel modification features, the risk of wildland fires to the existing single-family residential uses to the west and south of the site would be substantially reduced when compared to existing conditions.

*Policy 1 – Phasing And Funding:* To implement public facilities in a manner that supports the implementation of the overall land use development policies and the needs of County residents and is consistent with the funding capabilities of the County. Proponents of planned communities or tentative tract or parcel maps in conventionally zoned communities shall provide ultimate, fair share infrastructure improvements for regional services as required by County and service provider plans in effect at the time of project implementation. Proponents shall also participate, on a fair share basis, in provision of community level facilities. The County and service providers shall strive to provide facilities and services necessary to complete the service system.



Consistent: Conditions of approval would be applied to the Project requiring payment of adopted development impact fees to address the Project's fair share cost for public services and facilities. As discussed in Draft EIR Section (4.12, *Public Services*), the Project would pay applicable development fees for its fair share cost pertaining to schools, police service, fire protection service, and libraries. In addition, as discussed in Section 4.15, *Utilities and Service Systems*, the Project would pay its fair share costs towards water supply improvements in the area that may be necessary to serve the project, as determined appropriate by the Yorba Linda Water District.

*Orange County Sheriff/Coroner*

*Goal 1:* Assure that adequate Sheriff patrol service is provided to ensure a safe living and working environment.

Consistent: As discussed in Draft EIR Section 4.12, *Public Services*), the incremental increase in population from the Project would not substantially impact police protection services, including the average number of daily calls the serving police officers respond to each year; particularly given the fact that the City of Yorba Linda recently signed a five-year agreement with the Orange County Sheriff's Department for police services, which is expected to decrease response times. Further, conditions of approval would be applied to the Project requiring payment of adopted development impact fees to address the Project's fair share cost for police protection services and facilities.

*Wastewater Systems*

*Policy 1:* To protect quality in both delivery systems and groundwater basins through effective wastewater system management.

Consistent: As discussed within Draft EIR Section 4.12, *Public Services*, the Project would provide connections to existing sewer lines maintained by the Yorba Linda Water District. All wastewater leaving the site in the sewer lines would be treated by the Orange County Sanitation District in compliance with applicable wastewater regulatory requirements which would effectively protect groundwater basins in the region.

*Policy 3:* To ensure the adequacy of wastewater system capacity and phasing in consultation with the service providing agency(ies) in order to serve existing and future developments as defined by the General Plan.

Consistent: As discussed within Draft EIR Section 4.12, *Public Services*, the Project's wastewater demand would be adequately served by existing facilities maintained by the Yorba Linda Water District and Orange

County Sanitation District. Sewer connections would be provided by the Project in consultation with the YLWD, with the Project responsible for payment of all applicable sewer connection fees, pursuant to YLWD requirements. Adequate sewage treatment capacity is available to accommodate the Project.

### **Safety Element**

*Goal 2:* Minimize the effects of natural safety hazards through implementation of appropriate regulations and standards which maximize protection of life and property.

Consistent: As discussed within Draft EIR Section 4.7, *Hazards and Hazardous Materials*), there is the potential for methane hazards to occur on the Project Site. However, Mitigation Measure 4.7-6 requires methane mitigation measures to be implemented during construction and/or operation of the Project, as necessary, to ensure that people and property are not exposed to significant methane hazards.

*Goal 3:* Raise the awareness of Orange County residents, workers, and visitors of the potential threat of public safety hazards.

Consistent: As discussed within Draft EIR Section 4.7, *Hazards and Hazardous Materials*, implementation of Mitigation Measures 4.7-1 to 4.7-6 would ensure that construction workers, residents and visitors are made aware of potential hazardous materials threats.

*Policy 5:* To continue to coordinate land use proposal reviews with the County Sheriff-Coroner Department to assure that Sheriff patrol services are adequately addressed.

Consistent: As discussed in Draft EIR Section 4.12, *Public Services*, impacts regarding police facilities and services would be less than significant. Further, pursuant to County policy, the Orange County Sheriff-Coroner Department would review the Project proposal prior to its approval to ensure that adequate Sheriff patrol services are adequately addressed.

### **Transportation Element**

*Policy 1.2:* Apply conditions to land use development projects to ensure that the direct and cumulative impacts of these projects are mitigated consistent with established level of service policies.

Consistent: As discussed within Draft EIR Section 4.14, *Traffic/Transportation*, mitigation measures are prescribed for the Project to reduce potentially significant traffic impacts of the Project to a less than

significant level to be consistent with adopted level of service policies.

*Policy 2.5:* Apply conditions to development projects to ensure implementation of the Circulation Plan as applicable.

Consistent: As discussed within Draft EIR Section 4.14, Traffic/Transportation, the Project would result in less than significant traffic impacts with implementation of the prescribed mitigation measures. Project implementation would not conflict with implementation of the County's Circulation Plan. Further, conditions of approval would be applied to the Project as determined appropriate and necessary by the County to ensure compliance with applicable County General Plan circulation policies.

*Policy 3.1:* Maintain acceptable levels of service on arterial highways pursuant to the Growth Management Element of the General Plan.

Consistent: As discussed within Draft EIR Section 4.14, Traffic/Transportation, the Project would result in less than significant traffic impacts with implementation of the prescribed mitigation measures. As discussed therein, the Project would contribute traffic to the deficient intersection of Via del Agua/Yorba Linda Boulevard. A traffic signal is required to mitigate project impacts at this intersection with the Project paying its fair share for the signal, installing the signal, or paying the full cost for installation, with the latter two alternatives subject to reimbursement (see Mitigation Measure 4.14-2). With installation of a traffic signal at this intersection, the level of service would be reduced from LOS "F" to LOS "A".

*Policy 3.2:* Ensure that all intersections within the unincorporated portion of Orange County maintain a peak hour level of service "D", according to the County Growth Management Plan Transportation Implementation Manual.

Consistent: As discussed within Draft EIR Section 4.14, Traffic/Transportation, with implementation of the prescribed mitigation measures, all key study area intersections serving the project site would operate at LOS "D" or better.

*Policy 3.3:* Evaluate all proposed land use phasing plans for major development projects to ensure maintenance of acceptable Levels of Service on arterial highway links and intersections.

Consistent: The traffic impact analysis included an analysis of cumulative development within the study area, including the adjacent Esperanza Hills project. As discussed within Draft EIR Section 4.14, *Traffic/Transportation*, with implementation of the prescribed mitigation measures, all nearby arterial highways and intersections serving the

project site would operate at acceptable levels of service.

*Policy 5.1:* Establish “traffic impact fees” for application to county development projects with measureable traffic impacts, as defined in the Growth Management Element of the General Plan. These fees may serve as local matching funds for Orange County Measure “M”, state and federal highway funding programs.

Consistent: The Project would pay all applicable traffic impact fees as defined in the Growth Management Element of the General Plan and required by the County of Orange.

*Policy 5.5:* Require as conditions of approval that the necessary improvements to arterial highway facilities, to which a project contributes measurable traffic, be constructed and completed within a specified time period or ADT/peak hour milestone to attain a Level of Service "D" at the intersections under the sole control of the County.

Consistent: As discussed within Draft EIR Section 4.14, *Traffic/Transportation*, Mitigation Measure 4.14-2 is prescribed for the Project to attain a Level of Service “D” or better at the intersection of Via del Agua/Yorba Linda Boulevard. Per the mitigation measure, the traffic signal to be constructed at this intersection would be installed prior to occupancy of the Project’s residential units with the Project paying its fair share for the signal, installing the signal, or paying the full cost for installation, with the latter two alternatives subject to reimbursement (see Mitigation Measure 4.14-2).

*Policy 5.7:* Require, as a condition of approval, that a development mitigation program, development agreement or developer fee program be adopted to ensure that development is paying its fair share of the costs associated with that development pursuant to Policy 5.1. (“Traffic Impact Fees”).

Consistent: Conditions of approval would be applied to the Project requiring payment of adopted Traffic Impact Fees associated with the Project’s fair share of costs for traffic improvements.

## **Growth Management Element**

*Goal 1:* Reduce traffic congestion.

Consistent: As discussed within Draft EIR Section 4.14, *Traffic/Transportation*, the Project would result in less than significant traffic impacts with implementation of the prescribed mitigation measures. As discussed therein, the Project would contribute traffic to the deficient intersection of Via del Agua/Yorba Linda Boulevard. A traffic signal is required to mitigate project impacts at this intersection with the Project paying its fair share for the signal, installing the signal, or paying the full

cost for installation, with the latter two alternatives subject to reimbursement (see Mitigation Measure 4.14-2). With installation of a traffic signal the intersection, the level of service would be reduced from LOS “F” to LOS “A”.

*Goal 2:* Ensure that adequate transportation facilities, public facilities, equipment, and services are provided for existing and future residents.

Consistent: The project would provide adequate roadways that would support the proposed single-family residential uses. Further, conditions of approval would be applied to the Project requiring payment of adopted Traffic Impact Fees associated with the Project’s fair share of costs for traffic improvements and services.

**Potential Impact 2:** The build-out of the Project in combination with cumulative development projects would result in less than significant cumulative land use impacts.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*.

**Facts in Support of Finding:** The Project would be considered generally compatible with the existing off-site land uses as it expands analogous large lot single-family uses to the east and north of existing neighborhoods. For cumulative projects, it is assumed that present and probable future projects would generally promote the adopted general plans of the respective jurisdictions, as well as zoning requirements. These present and probable future projects would be developed in compliance with CEQA review, mitigation requirements, and often design review. Therefore, it can be assumed that through these requirements, future development would be substantially compatible with existing land uses. For this reason, cumulative impacts on land use as a result of incompatibilities between existing and future development would be less than significant. Although other changes in land use plans and regulations may have occurred with past and present projects in the area and may be necessary for individual future projects, such changes have been, and would be required to demonstrate consistency with applicable City and/or County General Plan policies such that no significant adverse cumulative impact has occurred or would occur from such changes. Given that the Project would be consistent (or “potentially consistent”) with the land use policies of the applicable plans, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause a significant adverse cumulative land use impact based on a conflict with a plan or policy.

In the case of the Esperanza Hills Project, on June 2, 2015, the Orange County Board of Supervisors approved (1) a General Plan Land Use designation amendment from Open Space (5) to Suburban Residential (1B) to allow for 340 residential units on 468.9 acres, and (2) a Specific Plan replacing the existing A1 General Agriculture and A1(O) General Agriculture/Oil Production designations.

Approval of the General Plan amendment and Specific Plan resulted in project consistency with applicable land use plans. That project was approved for a density of 0.73 dwelling units per acre and as such, would be consistent with the density allowed for that site in the County's General Plan Land Use Element and the greater the Murdock/Travis Property in the Land Use Element of the City of Yorba Linda General Plan.

**Modified Planning Area 1 Only Alternative Impact Finding:** The Modified Planning Area 1 Only Alternative would result in lesser short-term and long-term land use and planning impacts than the Project. The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*.

**Facts in Support of Finding:** Unlike the Project, the Modified Planning Area 1 Only Alternative would not require an amendment of the County's General Plan to change the land use designation in Planning Area 2 from Open Space to Suburban Residential land use because Planning Area 2 would be retained as open space. For the same reason, a zone change for Planning Area 2 from A1(O) to R-1, Single Family Residence District would not be necessary under this alternative. Without Planning Area 2, this alternative would include a total of 42.7 acres of open space, which would be 6.4 acres of additional open space compared to the Project.

The Modified Planning Area 1 Only Alternative would have a density of 1.0 dwelling units per acre, which is consistent with the City of Yorba Linda's density range for the Project Site (1 -1.0 dwelling units per acre). Similar to the Project, implementation of this alternative would be consistent with the City and County land use plans or policies, zoning, and land use designations of the site and with relevant land use goals and policies.

With respect to the Esperanza Hills Access Corridor, the Esperanza Hills Final EIR concludes that land use impacts for that project under any of its access options would be less than significant. The corridor would be implemented as part of the Esperanza Hills Specific Plan such that it would be in conformance with the County of Orange and City of Yorba Linda General Plan and zoning regulations. Therefore, the potential access corridor would result in less than significant land use impacts and would not change the less than significant cumulative impact findings in the Draft EIR.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under the Modified Planning Area 1 Only Alternative, the Project's already less than significant combined cumulative land use impacts would be proportionately less.

## **J. Noise**

**Potential Impact 1:** Implementation of the Project, which includes construction and operation of 112 single-family residences, could result in temporary increases in ambient

noise levels and expose people to temporary, intermittent, and moderate to high-level noise levels.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measures 4.10-1, 4.10-2, 4.10-3, 4.10-A, 4.10-B, 4.10-C, and 4.10-4 and PDF 10-1. (set forth below).

**Facts in Support of Finding:** The Project includes single-family residences, the construction and operation of which would generate noise.

Construction Noise Impacts; Noise levels generated by heavy construction equipment can range from approximately 70 dBA to noise levels in excess of 100 dBA when measured at 50 feet. However, these noise levels diminish with distance from the construction site at a rate of 6 dBA per doubling of distance. Project construction includes the following phases and durations: site preparation; grading activities; building construction; paving; and architecture coating. Table 7, below, summarizes the short-term construction noise levels at each stage of construction.

Existing sensitive receptors located in the vicinity of the Project Site include single-family residential homes located to the north, west and south adjacent to the project site, as well as schools and parks in the local project vicinity. The closest existing sensitive receptor structures in the vicinity of the Project Site are single-family residences located approximately 60 feet to the west and south of the Project Site. Grading activities associated with the Project would occur immediately adjacent to these residential properties. Based on the construction noise levels shown in Table 7, the nearest sensitive receptors could be exposed to temporary noise levels of up to approximately 87.1 dBA (Leq). The sensitive receptors would not be exposed to continuous close-range construction noise as the construction activities would occur throughout the Project Site and not be concentrated or confined in the area directly adjacent to these receptors.

**Table 7**

<b>Construction Noise Levels</b>					
<b>Equipment Type</b>	<b>Quantity</b>	<b>Usage Factor<sup>a</sup></b>	<b>Hours Of Operation<sup>b</sup></b>	<b>Reference Noise Level @ 50 Feet (Lmax dBA)</b>	<b>Cumulative Level @ 50 Feet (Leq dBA)</b>
<b>Site Preparation</b>					
Scrapers	1	40%	3.2	84.0	80.0
Graders	1	40%	3.2	85.0	81.0
<b>Cumulative Hourly Noise Levels 50 Feet (Leq dBA)</b>					<b>83.6</b>
<b>Grading</b>					
Scrapers	2	40%	3.2	84.0	83.0
Graders	1	40%	3.2	85.0	81.0
Rubber Tired Dozers	1	40%	3.2	79.0	75.0
Excavators	2	40%	3.2	81.0	80.0
Tractors/Loaders/Backhoes	2	40%	3.2	78.0	77.0
<b>Cumulative Hourly Noise Levels 50 Feet (Leq dBA)</b>					<b>87.1</b>
<b>Building</b>					
Tractors/Loaders/Backhoes	3	40%	3.2	78.0	78.8
Forklifts	3	20%	1.6	75.0	72.8
Cranes	1	16%	1.3	81.0	73.0
Generator Sets	1	50%	4.0	81.0	78.0
Welders	1	40%	3.2	74.0	70.0
<b>Cumulative Hourly Noise Levels 50 Feet (Leq dBA)</b>					<b>82.7</b>
<b>Paving</b>					
Pavers	2	50%	4.0	77.0	77.0
Paving Equipment	2	40%	3.2	76.0	75.0
Rollers	2	20%	1.6	80.0	76.0
<b>Cumulative Hourly Noise Levels 50 Feet (Leq dBA)</b>					<b>80.9</b>
<b>Architectural Coating</b>					
Air Compressors	1	40%	3.2	78.0	74.0
<b>Cumulative Hourly Noise Levels 50 Feet (Leq dBA)</b>					<b>74.0</b>

<sup>a</sup> Estimates the fraction of time each piece of equipment is operating at full power during a construction operation.

<sup>b</sup> Represents the actual hours of peak construction equipment activity out of a typical 8 hour workday.

Source: FHWA's Roadway Construction Noise Model, January 2006.



The extent of construction traffic noise impacts to noise sensitive receptors would be minimal and temporary, with traffic being primarily limited to that associated with initial construction mobilization, worker travel, and deliveries (as necessary). As Project grading activities would balance soils on-site, haul trips would be not be necessary for grading activities. It is noted that some contaminated soils may be removed from the site as a result of “aprons” of surficial petroleum hydrocarbon impacts surrounding well heads and the potential for “mud pits” on-site. However, the extent of such hauling from these removal activities would be limited (i.e., likely up to several truck trips per day, as necessary) and as such, would not create significant hauling-related mobile noise impacts.

Construction activities associated with the Project are expected to create temporary, intermittent, and moderate to high-level noise impacts surrounding the Project Site when activities occur near the project property line. Construction noise is temporary, intermittent and of short duration, and would not present any long-term impacts. While such noise does not strictly comply with the provisions of the Noise Ordinance of the Codified Ordinances of the County of Orange construction noise impacts are exempt and considered acceptable if carried out within the hours specified in the ordinance and would therefore be considered less than significant. Nonetheless, Mitigation Measures 4.10-1 through 4.10-3 have been prescribed to minimize construction noise at the nearby noise sensitive residential land uses.

**PDF 10-1** Noise attenuation measures, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources, shall be implemented where feasible.

**Mitigation Measure 4.10-1**

During all project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers’ standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site. All operations shall comply with the County of Orange Codified Ordinance Division 6 (Noise Control). The contractor shall produce evidence that the measures are in place prior to issuance of any grading permits and as approved by the County of Orange Manager, Planning Services.

**Mitigation Measure 4.10-2**

The construction contractor shall locate equipment staging in areas that would create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction. All operations shall

comply with the County of Orange Codified Ordinance Division 6 (Noise Control). Prior to issuance of any grading permits the County of Orange Manager, Planning Services shall approve the location of the staging area.

**Mitigation Measure 4.10-3**

The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. Haul routes shall be selected so that trips passing sensitive land uses or residential dwellings will be minimized. Further, haul routes shall be located to avoid concurrent use of haul routes from other related projects where sensitive receptors are located along such routes. Haul routes shall be approved by the Manager, OC Development Services prior to the issuance of any grading permits.

**Mitigation Measure 4.10-A**

Construction noise reduction methods such as shutting off idling equipment, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible. Unattended construction vehicles shall not idle for more than 5 minutes when located within 500 feet from residential properties.

**Mitigation Measure 4.10-B**

Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the job superintendent if necessary. In the event the County receives a complaint, appropriate corrective actions shall be implemented.

**Mitigation Measure 4.10-C**

Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses within 500 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period. This notification shall give a contact phone number for any questions or complaints. All complaints shall be responded to in a method deemed satisfactory by the County of Orange.

Off-Site Traffic Noise Impacts: Project implementation would result in additional traffic on adjacent roadways, thereby increasing vehicular generated noise in the vicinity of the existing and proposed land uses. As more fully described in the EIR, the Project would not increase off-site traffic noise that is considered to be significant. The Project would increase the off-site traffic noise levels from 0.0 to 3.5 dBA CNEL on the 32 off-site roadway segments. A significant noise impact would occur when the noise level exceeds 65 dBA CNEL and the Project generates a noise level increase of greater than 3.0 dBA. None of the monitored roadway segments would result in a noise increased that meets this threshold criteria with implementation of the Project.

On-Site Traffic Noise Impacts: It is expected that the primary source of noise impacts on the Project Site would be traffic noise from neighboring roads such as Aspen Way and Via Del Agua and, furthermore, the 2015 and 2035 projected noise levels do not exceed the exterior standard of 65 dBA CNEL. However, it is important to recognize that the Project Site is not located directly adjacent to these neighboring roads, and the proposed homes within the project site would benefit from the noise attenuation provided by the intervening residential homes that separate the Project from these roads. The Project would also experience some background traffic noise impacts from the Project's internal roads. However, due to the distance, topography and low traffic volume/speed, traffic noise from these roads would not make a significant contribution to the noise environment.

At a distance of 100 feet, the unmitigated exterior noise levels from the nearest streets (Aspen Way, Via Del Agua) are expected to range from 51.1 to 56.7 dBA CNEL. The County of Orange General Plan Policy 6.5 indicates that all outdoor living areas associated with new residential uses shall be attenuated to less than 65 dBA CNEL. The Project would be consistent with this policy. Also, there are no known noise generators impacting the Project that would result in outdoor noise levels exceeding 65 dBA CNEL. Therefore, no exterior noise mitigation is required.

Standard building construction would reduce the exterior noise levels by 12 dBA CNEL with the windows open. With exterior noise level of less than 56.7 dBA CNEL, standard building construction and a windows open condition would satisfy the County of Orange interior noise standard of 45 dBA CNEL.

Stationary Noise Sources: The primary sources of stationary noise that would occur within the Project Site and surrounding area include typical activities of residential-related activities (e.g., mechanical equipment, parking areas, conversations (normal to loud), and recreational areas). These activities do not generate excessive amounts of noise, typically occur during daytime hours, and would be shielded by vegetation and moderate to steep sloping hillsides and masked by background traffic noise. Therefore, impacts associated with these stationary noise sources would be less than significant.

A 1.8-acre parcel located in Planning Area 1 is proposed for interim continued oil operations including consolidation of wells relocated from the rest of the project site. Oil wells can generate noise levels of up to approximately 60 dB at 100 feet (without screening). However, no residences on lots adjacent to the drilling pad area would be permitted within 150 feet of any surface operational well or within 50 feet of a subsurface pumping unit/well enclosed within a concrete vault, or as otherwise approved by the Orange County Fire Authority. Without any screening and dependent on the type of wells utilized, Project residents could be exposed to noise levels that exceed 55 dBA Leq during daytime hours or 50 dBA Leq during the nighttime hours established for residential areas by the County for non-transportation noise sources. Thus, such impacts are considered to be potentially significant. Mitigation Measure 4.10-4 has been prescribed to ensure that noise from oil well operations would result in less than significant impacts to Project residents.

**Mitigation Measure 4.10-4**

The Project Applicant shall retain the services of a qualified acoustical engineer with expertise in design of sound isolations to ensure that operation of the on-site oil well facilities are within County's exterior noise limits at the property line of the nearest proposed residential lot. Noise measures may include, but are not limited to, screening of oil facilities, motor dampening, and/or nighttime shutdown so as to meet the County's noise requirements. Screening, if necessary, could include landscaping and/or sound wall. The acoustics analysis of the oil well facilities shall be reviewed and approved by the Manager, OC Development Services, or his designee prior to issuance of building permits for the oil well facilities.

**Potential Impact 2:** Project construction activities can result in varying degrees of ground vibration, which could expose people to groundborne vibration or noise levels.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. Constant or transient vibrations can weaken structures, crack facades, and disturb occupants. A review of the Project-related construction activities suggests the vibration impacts would be limited to the large bulldozers and loaded trucks that may cause perceptible vibration levels at close proximity. However, according to the Transportation and Construction-Induced Vibration Guidance Manual prepared for Caltrans, ground-borne vibration from construction activities and equipment such as such as D-8 and D-9 Caterpillars bulldozers, earthmovers and haul trucks at distances of 10 feet do not create

vibration amplitudes that causes structural damage to nearby structures. Since the Project is not expected to employ any transient construction vibrations associated with pile driving or rock blasting equipment and with the nearest receivers located over 50 feet from the nearest point of construction activities, impacts from groundborne vibration are anticipated to be less-than-significant during construction activities.

**Potential Impact 3:** The build-out of the Project in combination with cumulative development projects would result in less than significant cumulative noise impacts.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** The potential for noise impacts to occur are specific to the location of each related project as well as the cumulative traffic on the surrounding roadway network. While the majority of these projects are located at a substantial distance from the Project Site and are considered too far to contribute to cumulative noise impacts from construction activities, Esperanza Hills is located within 500 feet from the Project Site.

Cumulative Construction Noise/Vibration Impacts: Noise from on-site construction activities are localized and would normally affect the areas within 500 feet from the individual construction sites due to distance attenuation. While construction activities associated with Esperanza Hills could overlap with the Project, it is not anticipated that the Project would contribute to cumulatively considerable noise impacts from construction equipment to the sensitive receptors located to the west, south and north of the Project Site as no existing sensitive receptors are located within 1,000 feet of any areas where both the Project's and Esperanza Hills's construction activities (grading, building, etc.) could occur simultaneously. Further, noise associated with construction equipment would be reduced to the maximum extent reasonably and technically feasible through proposed mitigation measures for each individual project and compliance with the County's noise ordinances. Thus, cumulative construction equipment noise impacts would be less than significant.

However, potentially significant short-term cumulative impacts from construction traffic noise could occur at the noise sensitive receptors if trucks and delivery vehicles from the Project and the related project would use the same roadways that have adjacent sensitive uses. Per Mitigation Measure 4.14-1 (refer to Section 4.14, *Traffic/Transportation*, of this EIR), the Project, as well as the adjacent Esperanza Hills project, would be required to prepare a Construction Staging and Traffic Management Plan to be implemented during construction of the Project. The Plan would effectively manage the volume of cumulative construction traffic which would in turn serve to reduce potential construction-related traffic noise impacts. In addition, Mitigation Measure 4.10-3 requires that haul routes be

located to avoid concurrent use of haul routes from other related projects where the Project's haul routes occur on roadways with adjacent sensitive receptors. Construction traffic noise levels would be intermittent, temporary and would cease at the end of the construction phase, and would be expected to comply with time restrictions and other relevant provisions in the County's Noise Ordinance.

Cumulative Operational Noise/Vibration Impacts: The primary sources of stationary noise that would occur within the project site and surrounding area include typical activities of residential-related activities (e.g., mechanical equipment, parking areas, conversations (normal to loud), and recreational areas). These activities do not generate excessive amounts of noise, typically occur during daytime hours, and would be shielded in some areas by vegetation and moderate to steep sloping hillsides and masked by background traffic noise.

The Project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds perception level (i.e., auditory level increase) threshold. As the County does not have a defined threshold for determining cumulative noise impacts, for purposes of this analysis, the following criteria have been utilized to evaluate the combined effects of the cumulative noise increase.

*Combined Effects:* The cumulative with project noise level ("Horizon Year [2035] With Project" or the "Horizon Year (2035) Access Alternative via Aspen Way") causes the following:

An increase of the existing noise level by 5 dBA or more, where the existing level is less than 60 dBA CNEL;

An increase of the existing noise level by 3 dBA or more, where the existing level is 60 to 65 dBA CNEL; or

An increase of the existing noise level by 1.5 dBA or more, where the existing level is greater than 65 dBA CNEL.

Although there may be a significant noise increase due to the Project in combination with other related projects (combined effects), it must also be demonstrated that the Project has an incremental effect. In other words, a significant portion of the noise increase must be due to the Project. The following criteria have been utilized to evaluate the incremental effect of the cumulative noise increase.

*Incremental Effects:* The "Horizon Year (2035) With Project" or the "Horizon Year (2035) Access Alternative via Aspen Way" causes a 1 dBA increase in noise over the "Horizon Year (2035) Without Project" or the "Horizon Year (2035) Access Alternative via Aspen Way Without Project" noise level, respectively.

Per the EIR, the *Combined Effects and Incremental Effects* criteria established for cumulative noise impacts are not both exceeded along any of the area roadways studied. Thus, the Project would not result in long-term cumulative mobile noise impacts based on Project generated traffic or cumulative and incremental noise levels.

During operation of the Project, there would be no equipment, facilities, or activities that would result in perceptible ground-borne vibration to surrounding land use, thus creating no ground borne vibration impacts from the Project.

**Modified Planning Area 1 Only Alternative Impact Finding:** The Modified Planning Area 1 Only Alternative would result in similar short-term and long-term noise impacts as the Project. The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of the PDF and Mitigation Measures associated with the Project's noise impacts (set forth above).

**Facts in Support of Finding:** While the grading envelope of Planning Area 1 under the Modified Planning Area 1 Only Alternative and the Project would be the same, given that this alternative would not develop Planning Area 2 and would result in fewer homes on Planning Area 1, the Project's less than significant short-term noise impacts would be proportionately less under this alternative. Similarly, the elimination of Planning Area 2 and the reduction in density in Planning Area 1 mean that operational stationary source and mobile source noise impacts would be proportionately less under this alternative.

Construction-related noise level impacts associated with the potential access corridor would be within the maximum levels analyzed in the Cielo Vista Draft EIR given the more distant proximity of residential uses to the access corridor compared to those located nearest to Planning Area 1, along with an anticipated similar mix and maximum daily use of construction equipment. Since construction noise impacts associated with construction activities in Planning Area 1 would be less than significant, construction noise impacts associated with the access corridor would also be less than significant. The Esperanza Hills Final EIR concludes that mobile source noise levels associated with the construction of the Esperanza Hills Project as part of its various access options would not exceed acceptable noise standards on surrounding sensitive residential uses, including future Cielo Vista residences in Planning Area 1.

Under the Modified Planning Area 1 Only Alternative, no Cielo Vista traffic would be distributed to Aspen Way. All Cielo Vista traffic would be distributed to Via Del Aqua and Stonehaven Drive. Thus, the mobile source noise impacts along Via Del Aqua and Stonehaven Drive, as well as the surrounding local roadway network, would be within the scope of cumulative impacts evaluated for Esperanza Hills access Option 2 and 2B, which were concluded to be less than significant impact.

Overall, with implementation of the applicable mitigation measures, the potential access corridor would result in less than significant noise impacts. The less than significant impacts (after mitigation) of the access corridor do not change the less than significant (after mitigation) cumulative impact findings in the Draft EIR in regards to the noise impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under this alternative, the Project's already less than significant combined cumulative noise impacts (after mitigation) would be proportionately less under this alternative. Thus, the Modified Planning Area 1 Only Alternative's incremental contribution to a cumulative noise impact (including both Esperanza Hills access options) would not be cumulatively considerable.

**K. Population and Housing**

**Potential Impact 1:** The Project would develop new single-family residences, thus contributing to population growth.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** The Project includes the construction of 112 single-family detached residential dwellings that would generate a population of approximately 358 residents. The Land Use Element of the County's General Plan notes that the Suburban Residential land use designation allows a maximum density of 0.5 to 18 dwelling units (du) per acre and this land use category has populations that range from 1-47 persons per acre. There is a large variation in the number of persons per acre because the Suburban Residential designation includes a wide range of housing types, from estates on large lots to attached dwelling units (townhomes, condominiums, and clustered arrangements). As noted in the Land Use Element of the County's General Plan, the person per acre ranges are offered as an indicator of residential population density and do not restrict occupancy of units. As the project site includes approximately 41 acres of Suburban Residential designated land, the Project, if applying the highest characteristic number of persons per acre (47 per acre as identified in the General Plan) could support a maximum population of approximately 1,927 persons. As stated above, Project implementation would result in approximately 358 new residents. Therefore, the direct population generated by the Project would be within the maximum population anticipated for the site within the County's General Plan.

SCAG estimates a population of 189,300 persons within unincorporated portions of Orange County and 3,421,000 persons within the entire County of Orange by 2035. The Project would constitute approximately 0.19 percent and 0.01 percent,



respectively, of the anticipated population in the unincorporated County and the County of Orange by 2035 and would, therefore, be well within the projected population growth.<sup>1</sup> This population increase would be consistent with SCAG population estimates and growth anticipated by the County of Orange General Plan Housing Element. By adding new housing units to the general housing supply, the Project would support applicable housing policies of the County's Housing Element, SCAG's RTP/SCS, and housing allocation goals of the RHNA, and would help meet the housing demands of the growing population of the County by contributing to housing availability and opportunity in the project area.

**Potential Impact 2:** The build-out of the Project in combination with cumulative development projects would result in less than significant cumulative population and housing impacts.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** Implementation of the Project would result in a net increase in the County's residential population by approximately 358 residents and housing stock by up to 112 single-family detached residential dwellings. The Project, in combination with other development projects within the project vicinity would result in a cumulative increase in population. The only related project in the County jurisdiction is the Esperanza Hills Project, which was approved for up to 340 single-family residential dwelling units. Assuming a similar household size as the Project, the Esperanza Hills Project could potentially include up to approximately 1,088 persons. The Project and this related project would develop at densities that are consistent with the General Plan designations for the properties. In addition, this cumulative growth in the County's residential population falls within growth estimates for the County and region as projected by SCAG and would contribute to meeting the County's RHNA requirements. These units would contribute to meeting housing demands as identified in the RHNA when the units are built.

Although the Project Site is not within the City of Yorba Linda, it may be annexed in to the City at some point in the future. The 16 related projects in the City of Yorba Linda and County of Orange (including the Esperanza Hills Project) would result in an increase of 2,015 residential units with an associated increase of 6,448 people. Thus, the Project and the related projects would include up to 2,127 housing units. While this figure would exceed the City's RHNA allocation of 669 units if the Project were annexed into the City, the current allocation does not include areas within the City sphere of influence. These Units are included in the RHNA allocation for the unincorporated County, including the

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<sup>1</sup> In terms of population growth, the projected increase in population from 2008 to 2035 would be 68,100 people. The Project would represent 0.5 percent of the projected growth in that timeframe.

Yorba Linda sphere of influence area. Housing needs associated with annexation would be served by the housing proposed under the Project.

**Modified Planning Area 1 Only Alternative Impact Finding:** The Modified Planning Area 1 Only Alternative would result in impacts similar to as the Project's population and housing impacts. The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** The Modified Planning Area 1 Only Alternative would result in 29 fewer residences and approximately 93 fewer residents than the Project. The population growth associated with the Project and this alternative would be within the SCAG population estimates and growth anticipated by the County of Orange General Plan Housing Element. Housing provided under the Project and this Alternative would be made available to meet the Orange County area's Regional Housing Needs Assessment demand. Therefore, the Modified Planning Area 1 Only Alternative would result in less than significant population and housing impacts, with impacts being similar under this alternative and the Project.

The Esperanza Hills Access Corridor would not result in any additional impacts because development of the access corridor would not displace any existing housing and the access corridor in and of itself would not result in direct population growth.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under this alternative, the Project's already less than significant combined cumulative population and housing impacts would be proportionately less.

**L. Public Services**

**Potential Impact 1:** The Project would introduce 112 single-family residential dwellings that would generate a new residential population that could require the construction of new or physically altered government facilities, the construction of which could cause significant environmental impacts.

**Findings:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with the implementation of Mitigation Measures 4.12-1, 4.12-2, 4.12-2b, 4.12-3, 4.12-4, 4.12-5, 4.12-6, 4.12-7, 4.12-8, and 4.12-8(b).

**Facts in Support of Findings:** The Project would introduce 112 single-family detached residential dwellings that would generate a new residential population of approximately 358 persons.

**Fire Protection and Emergency Medical Services:** The closest Orange County Fire Authority fire stations to the Project Site that would provide fire protection and

emergency medical services are Station 32 and Station 10, with Station 32 the primary responder and Station 10 the backup responder. Station 32 and Station 10 are located approximately 0.3 miles and three miles from the project site, respectively. According to the OCFA, the response travel time to the Project Site is estimated at three minutes, which is well within the OCFA response time goal of seven minutes and 20 seconds. The servicing fire stations respond to approximately four calls per day on average, or approximately 1,460 calls annually.<sup>2</sup> The Project would be designed, constructed and maintained in accordance with the OCFA development and construction requirements to minimize the risks associated with fires. As such, the incremental increase in population from the Project would not be substantial enough to significantly impact fire and emergency services on a daily or annual basis. It is noted that the OCFA response travel time to this Project (3 minutes) from Station 32 is less than the allocated 5 minute travel time maximum.

No new fire protection facilities would be necessary as a result of Project implementation. Nonetheless, to offset any incremental need for funding of capital improvements to maintain adequate fire protection facilities and equipment, and/or personnel, the Project would be responsible for paying development impacts fees per the County of Orange, Code of Ordinances, Title 7 – Land Use and Building Regulations, Division 9 – Planning, Article 7 – Development Fees. To ensure that the Project pays its fair share funding of improvements regarding fire protection services, Mitigation Measure 4.12-1 has been prescribed for the Project requiring the Project Applicant to enter into a Secured Fire Protection Agreement with the OCFA.

As indicated above, the Project Site and vicinity is susceptible to wildland fire hazards and is designated as a VHFHSZ/SFPA with a history of known wildland fire occurrences. Importantly, because the existing site is not maintained as a fuel modification area and consists of uncontrolled wild land vegetation, existing single-family residences to the west and south of the Project site would gain increased protection from the spread of fire because the Project would introduce fire prevention measures. As such, the Project would reduce the threat of wildland fires to people and structures in the project vicinity and thus, lessen the potential demand for fire services needed in the event of a wildland fire. Incorporation of OCFA requirements (including those contained in the approved Fire Protection Plan and Fuel Modification Plan) and inclusion of the project design features, such as providing fire hydrants spaced at 600 feet or less and roadways designed to meet or exceed minimum fire access requirements (28-foot minimum road width, 17-foot inside and 38-foot outside turning radius) would ensure the Project access is designed to reduce and minimize emergency access interference time so that fire protection service is more effective. To further ensure that emergency response time to the project area is minimized to the extent feasible, Mitigation Measure 4.12-2 has been prescribed for the Project which

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<sup>2</sup> 365 days/year X 4 daily calls = 1,460

requires all new traffic signals on public access ways installed for the Project to include the installation of optical preemption devices.

With respect to hazards and hazardous materials, mitigation measures have been prescribed for the Project to ensure that potentially significant impacts to people and/or the environment from contaminated soils associated with past and current oil operations are reduced to a less than significant level. Because the Project would not result in significant health and safety hazards associated with the future oil operations, OCFA would accordingly not be subject to a significant number of emergency response calls to the Project Site in response to the proposed on-site oil operations.

Police Protection and Law Enforcement Services: the Project would be serviced by the OCSD out of the Yorba Linda Police Services Facility located at 20994 Yorba Linda Boulevard (located at Arroyo Park), which is approximately 0.25 miles from the project site. The Project would generate a population of approximately 358 residents. This incremental increase in population, compared to the City's population of approximately 67,000 people, would not create a need for expanding existing facilities or staff, construction of a new facility, or adversely impact types of services provided. With development of the site, patrol routes in the area would be slightly modified to include the site, however, the Department's current adequate response times would not be substantially changed such that response time objectives are compromised in any manner. Thus, impacts regarding police services would be less than significant. Nonetheless, to offset any incremental need for funding of capital improvements to maintain adequate police protection facilities and equipment, and/or personnel, the Project would be responsible for paying development impacts fees per the County of Orange, Code of Ordinances, Title 7 – Land Use and Building Regulations, Division 9 – Planning, Article 7 – Development Fees.

Schools - Operation: The Project Site is served by the Placentia-Yorba Linda Unified School District (PYLUSD), and is located within the attendance boundaries of Travis Ranch School and YLHS. The Project would introduce 112 single-family detached residential dwellings that would generate a population of approximately 358 residents. Based upon the PYLUSD student generation factors, the Project would generate approximately 26 elementary age students, 14 middle school students, and 20 high school students for a total of 60 school-aged children the Travis Ranch School has a total elementary student enrollment of 633 exceeding the total elementary student capacity of 545. The Travis Ranch School has a total middle school student enrollment of 790 and a total middle school student capacity of 860. The YLHS has a total student enrollment of 1,733 and a total student capacity of 1,850. The addition of the projected 14 middle school students and 20 high school students would not exceed the middle school student capacity for the Travis Ranch School or the student capacity for the YLHS.

However, the projected 26 elementary age students would further exceed the total elementary student capacity of the Travis Ranch. Pursuant to SB 50 (Section

65995 of the Government Code), payment of fees to the PYLUSD is considered full mitigation for Project impacts, including impacts related to the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. The payment of such fees by the Project Applicant is included in Mitigation Measure 4.12-3.

Schools – Short-Term Construction Impacts: Project-related construction traffic and activities including worker travel and the delivery of construction materials could potentially affect school traffic, pedestrian routes, and/or transportation safety in the project area, specifically near Travis Ranch School, located at 5200 Via de la Escuela, Yorba Linda, approximately 0.4 miles south of the project site. Thus, construction traffic could impact existing and proposed school traffic traveling along Yorba Linda Boulevard, Via Del Agua, San Antonio Road, and Aspen Way. It is conservatively concluded in this EIR that construction traffic would result in potentially significant safety impacts to school routes near the project site. Implementation of Mitigation Measures 4.12-4 to 4.12-7 and Mitigation Measure 4.14-1 would reduce potentially significant construction-related impacts regarding school pedestrian routes and traffic and safety access to a less than significant level. Mitigation Measure 4.14-1 requires the Project to prepare a Construction Staging and Traffic Management Plan to identify all traffic control measures, signs, and delineators to be implemented by the construction contractor through the duration of construction activities associated with the Project, subject to final approval by the County of Orange Public Works Department. Mitigation Measures 4.12-4, 4.12-5, 4.12-6, and 4.12-7 establish safety requirements to ensure that student safety associated with driving or walking to school, as well as other pedestrian and vehicular movements, are not adversely affected by construction traffic.

Libraries: Due to the incremental population increase of the Project, the impact on library services is anticipated to be minimal and would not affect the County's or City of Yorba Linda's ability to provide library services. The OCPL has adopted a service ratio of 0.2 square feet of library facility floor area per capita (e.g., 10,000 square feet per 50,000 residents) and 1.3 book volumes per capita. The Project would generate a need for 71.6 additional square feet of library space<sup>3</sup> and approximately 465 additional book volumes. Due to the proximity of the project site to OCPL and nearby City library facilities, the effect of any one library would be nominal and distributed over the local vicinity. As such, the Project would not be expected to affect the OCPL or adjacent City library's ability to provide library service. Nonetheless, to ensure that the Project's pay its fair share of costs associated with library services, Mitigation Measure 4.12-8 has been prescribed.

Other Public Services: The Project residents and visitors would utilize and, to some extent, impact the maintenance of public facilities, including roads, as well

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<sup>3</sup> 0.2 square feet of library space X 358 persons = 71.6 additional square feet of library space.

as other public services, such as street sweeping. The Project would result in a nominal increase to the populations serviced by the City of Yorba Linda and/or County of Orange in the type or frequency of uses of area governmental services and roadways. As such, development of the Project would not significantly increase the use of government services beyond current levels. Further, payment of development fees by the Project applicant and taxes by future Project residents would be utilized by affected government services to offset the incremental increase in service demands created by the Project. Construction activities would result in a temporary increased use of the surrounding roads. However, the Project's haul trips would not be significant and would not require maintenance of roadway facilities beyond normal requirements or result in significant damage to such facilities.

**Mitigation Measure 4.12-1**

Prior to issuance of a grading permit, the Project Applicant shall enter into a Secured Fire Protection Agreement with the OCFA. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to that required to serve the Project, to the satisfaction of OCFA.

**Mitigation Measure 4.12-2**

All new traffic signals on public access ways shall include the installation of optical preemption devices to the satisfaction of the OCFA and the County of Orange Manager, Subdivision and Grading Services.

**Mitigation Measure 4-12-2b**

Prior to issuance of a grading permit, the Project Applicant shall enter into a secured Law Enforcement Services Agreement with the Orange County Sheriff's Department. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the Project Site.

**Mitigation Measure 4.12-3**

Prior to issuance of building permits and pursuant to Section 65995 of the CGC, the Project Applicant shall pay the required SB 50 (Section 65995 of the CGC) mitigation fees to the PYLUSD as full mitigation for potential Project impacts to schools.

**Mitigation Measure 4.12-4**

During construction, the Project's Construction Staging and Traffic Management Plan (see Mitigation Measure 4.14-1) shall include a provision for on-going communication shall be maintained with school administration at the Travis Ranch School, Fairmont Elementary School and YLHS, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to the school may be impacted in order to ensure school traffic and pedestrian safety.

**Mitigation Measure 4.12-5**

In order to ensure school traffic and pedestrian safety, during construction, construction vehicles shall not haul past the Travis Ranch School, Fairmont Elementary School and YLHS, except when school is not in session. If that is infeasible, construction vehicles shall not haul during school arrival or dismissal times.

**Mitigation Measure 4.12-6**

During construction, crossing guards shall be provided by the Project Applicant in consultation with the Travis Ranch School, Fairmont Elementary School and YLHS, as appropriate, when safety of students may be compromised by construction-related activities at impacted school crossings in order to ensure school pedestrian safety.

**Mitigation Measure 4.12-7**

During construction, temporary traffic control, signage, and/or flaggers shall be present on Via Del Agua and Aspen Way to direct vehicular traffic and pedestrians around the construction site in order to ensure school traffic and pedestrian safety.

**Mitigation Measure 4.12-8**

Prior to the issuance of building permits, the Project Applicant/developer shall comply with the development fee program for OCPL as provided in Sections 7-9-700 through 7-9-713 of the Codified Ordinances of the County of Orange and/or the development fee program for the City of Yorba Library system, to be determined in consultation with City of Yorba Linda and County of Orange Planning Staff.

**Mitigation Measure 4.12-8(b)**

Prior to issuance of a building permit, the Project Applicant shall enter into a capital facilities and equipment agreement with the

Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.

**Potential Impact 2:** The build-out of the Project in combination with cumulative development projects would result in less than significant cumulative public service impacts.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** 16 of the related projects are relevant for this resource area and would result in an increase of 2,015 residential units with an associated increase of 6,448 people. The non-residential square footage would result in an indirect increase of 71 residents, for a total increase of 6,519 residents. The related projects in conjunction with the Project would generate a total residential population of approximately 6,877 residents (direct and indirect residents).

Fire Protection and Emergency Medical Services: The Project and related projects would increase the population and introduce structures that would create increased demand for fire protection services in the County. This cumulative demand for fire protection and emergency medical services would require additional personnel and resources at OCFA to provide adequate service levels and to maintain existing response times.

The Cielo Vista Applicant, all present projects, and reasonably foreseeable future projects (including the Esperanza Hills Project), would be required to pay applicable taxes and fees established for public improvements and facilities associated with the OCFA. Tax-base and fee expansion from development of the Project as well as past, present, and reasonably foreseeable future projects would generate funding for fire protection service to provide needed increases in staffing, fire stations, and equipment, as necessary, and to keep response times within acceptable limits (i.e. first engine on the scene within seven minutes and 20 seconds from the receipt of the call). While new development projects could place burdens on fire protection and emergency medical services potentially resulting in significant impacts to service providers, compliance with the CFC and OCFA standard conditions, implementation of fire protection plans, where required, payment of fees and annual property taxes on a project-by-project basis would avoid potentially significant cumulative adverse impacts on fire protection and emergency medical services by providing the necessary equipment and staff to allow for maintenance of service response times. Thus, the Project would not substantially contribute to cumulatively considerable impacts regarding fire protection services and facilities and as such, impacts would be less than significant.



Police Protection and Law Enforcement Services: The Project and other related projects would increase the population and introduce structures that would generate an increased demand for police protection and law enforcement services. This cumulative demand for police services would require additional personnel and resources at OCSD to provide adequate service levels and to maintain existing response times. For police protection and law enforcement services, the OCSD is part of a mutual aid arrangement with various cities in Orange and Los Angeles Counties under the California Law Enforcement Mutual Aid System. Under this agreement, all law enforcement agencies in the State assist adjacent or neighboring agencies upon request.

While new development projects would could place burdens on police services potentially resulting in significant impacts to the OCSD, individual related projects would be subject to review by the police departments to determine ways to reduce the potential for crime incidence and demand for police protection and law enforcement services. Further, payment of fees and annual property taxes on a project-by-project basis would minimize the potential for impacts to police protection services. Overall, compliance with the OCSD standard conditions, implementation of site specific security features, where available, and payment of fees and taxes on a project-by-project basis would avoid potentially significant cumulative adverse impacts on police protection services by providing the necessary equipment and staff to allow for maintenance of service response times.

The Cielo Vista Applicant, all present projects, and reasonably foreseeable future projects (including the Esperanza Hills Project), would be required to pay applicable taxes and fees established for public improvements and facilities associated with the OCSD. Tax-base and fee expansion from development of the Project as well as past, present, and reasonably foreseeable future projects would generate funding for police protection services to provide needed increases in staffing, police stations, and equipment, as necessary, and to keep response times within acceptable limits.

Schools: The Project, in conjunction with other related projects could impact school facilities and services. According to Section 65996 of the California Government Code, development fees authorized by SB 50 are deemed to be “full and complete school facilities mitigation.” The Cielo Vista Applicant, the sponsors of all past projects since the passage of SB 50, all present projects, and reasonably foreseeable future projects (including the Esperanza Hills Project) would be required to pay school impact fees established to offset potential impacts on school facilities. Payment of these fees is considered to be full and complete mitigation of school impacts.

Libraries: The geographic area in which cumulative effects to libraries could occur is considered to be the County in its entirety. The Project, in combination with other related projects would increase the demand for library services. The increased demand for library services would be distributed over the region, resulting in a nominal increase in demand to any one library facility.

Additionally, the Cielo Vista Applicant, all present projects, and reasonably foreseeable future projects (including the Esperanza Hills Project), would be required to pay applicable development fees on a project-specific basis, as provided in Sections 7-9-700 through 7-9-713 of the Codified Ordinances of the County of Orange and/or the development fee program for the City of Yorba Library system. Payment of fees on a project-by-project basis would avoid potentially significant cumulative adverse impacts on library services by providing the necessary library materials, facilities and staff to allow for maintenance of acceptable library service ratios.

Other Public Services: The geographic area in which cumulative effects to other public services, such as roadway maintenance and street sweeping, could occur is considered to be the County in its entirety. The Project, in combination with other related projects, including the Esperanza Hills Project, would increase the demand for other public services. Any cumulative impacts resulting from increased need for other public services would be offset by development fees on a project-specific basis, as provided in Sections 7-9-700 through 7-9-713 of the Codified Ordinances of the County of Orange, as well as annual property taxes. Payment of fees and annual taxes on a project-by-project basis would avoid potentially significant cumulative adverse impacts on other public services by providing the necessary equipment and staff to allow for maintenance of applicable acceptable service standards.

**Modified Planning Area 1 Only Alternative Impact Finding:** The Modified Planning Area 1 Only Alternative would result in lesser impacts than the Project's public services impacts. The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of the Mitigation Measures associated with the Project's public services impacts (set forth above).

**Facts in Support of Finding:** The Modified Planning Area 1 Only Alternative would result in 29 fewer residences and approximately 93 fewer residents than the Project. Accordingly, the demand for public services generated at the project site would be decreased by approximately 26% when compared with the Project due to the decrease of population, including the Project's impact on police, fire, schools, and libraries. However, all regulatory requirements, required development fees, and additional mitigation measures identified for the Project would still be applicable under this Alternative in order to reduce impacts to a less than significant level. Overall, due to the decreased demand for public services to serve the lower number of residences, this alternative would result in a reduction of the Project's already less than significant public services impacts.

With respect to the Esperanza Hills Access Corridor, development of the access corridor in and of itself would not increase the demand for public services. With the same number of dwelling units being developed under the Esperanza Hills Project with or without the corridor, the demand for public services would remain the same. It is acknowledged that per the Esperanza Hills Final EIR, the potential access corridor would provide a benefit to police and fire personnel with easier

access compared to the Esperanza Hills Option 1, and potentially reduced response time.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under the Modified Planning Area 1 Only Alternative, the Project's already less than significant (after mitigation) combined cumulative public services impacts would be proportionately less.

**M. Recreation**

**Potential Impact 1:** Implementation of the Project would increase the number of residents in the area and incrementally increase the use of existing parks and other recreational facilities in the Project's vicinity.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measure 4.13-1 and 4.13-2 (set forth below).

**Facts in Support of Finding:** Project implementation would result in up to 112 single-family detached residential dwellings and approximately 358 residents, which would incrementally increase demand for park and recreational facilities in the project vicinity. In particular, the closest park facility to the Project Site and most likely to be used by future Project residents is San Antonio Park. Since the Project would contribute new residents that would utilize park neighborhood and community facilities within the City of Yorba Linda, which as a City is approximately 167 acres deficient in meeting its recommended standard of a total of four acres per 1,000 residents for mini, neighborhood, and community parks, and more specifically, San Antonio Park is in need of improvements should funds become available, impacts on local and community parks facilities are considered to be a potentially significant impact.

With regards to regional park facilities, the County's Recreation Element of the General Plan (as amended in December 2012), does not have a regional park facility standard. The 367-acre Featherly Regional Park and the 106-acre Yorba Regional Park are located within two miles of the site within the City of Yorba Linda. However, there are at least six (6) other regional parks located within a 30-minute drive of the Project Site. Thus, in total, there are at least 2,825 acres of regional parks located within a 30-minute drive of the Project Site. Per the City of Yorba Linda, regional parks have a maximum service area of 30 minute driving time. Because of the proximity of the Project Site to existing regional park recreational resources, sufficient regional park and recreation opportunities are available for the additional 358 Project residents. Moreover, as the number of proposed units is not only consistent with the County's land use designation but well below the allowable number of potential units, OC Parks has accounted for the incremental increase in park visitors to its regional facilities from development of the site with the Project, as well as the Esperanza Hills Project. Thus, impacts to regional park facilities are considered to be less than significant.

Assuming the population increase of 358 at a 0.0040 acre City requirement per person (i.e., 4 acres per 1,000 population); the Project would require the provision of 1.43 acres of parkland. The Project is not proposing new park or recreational facilities because the portion of the project site preserved as open space has significant topographic relief which does not lend itself to the creation of an additional flat pad for a local park without substantial alteration. Thus, to mitigate the Project's potentially significant impact to City of Yorba park facilities, Mitigation Measure 4.13-1 has been prescribed.

Overall, it appears the Project would not conflict with any of the contemplated trails through and near the Project Site as illustrated on the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. It is noted that all trails shown traversing through or near the Project area are not final alignments, but are rather conceptual alignments. Nonetheless, Mitigation Measure 4.13-2 has been prescribed to ensure that all contemplated trails could be constructed through the Project Site.

**Mitigation Measure 4.13-1**

Prior to issuance of certificates of occupancy, the Project Applicant shall pay local park fees pursuant to the determining formula contained in the County Local Park Code, and meeting the City standards for the provision of local parks. The fees shall be paid to the OC Parks. Such fees shall be utilized for improvements to an existing park or acquisition of land for a new park, or a combination of both to the benefit of the northeastern Yorba Linda community near the Project Site.

**Mitigation Measure 4.13-2**

Prior to issuance of grading permits, the Project Applicant shall coordinate with the City of Yorba Linda Parks and Recreation Department and OC Parks in order to identify potential planned trail alignments through the Project Site, as identified in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Once the trail alignments are defined by the City and/or County, the alignments shall be dedicated by the Project Applicant, to the City or the County either in fee or by an access and maintenance easement.

**Potential Impact 2:** The build-out of the Project in combination with cumulative development projects would result in less than significant cumulative recreation impacts.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** The cumulative projects, as well as the growth associated with the projections in the County of Orange General Plan and City of Yorba Linda General Plan, would result in increased demand for recreational facilities. However, deterioration of recreational facilities and resources within the local project vicinity and region as a result of local and regional population growth would be repaired and replaced with funding from the Cielo Vista Applicant, all present projects, and reasonably foreseeable future projects. Funding would occur in the form of an increased tax base, in-lieu fees for parks or dedication of parkland pursuant to County of Orange General Plan and applicable sections of the Codified Ordinances of the County of Orange, and the City of Yorba Linda General Plan and Parks and Recreation Master Plan.

Furthermore, the growth in population and related recreational needs has been accounted for in the County of Orange General Plan and City of Yorba Linda Parks and Recreation Master Plan. Also, there are at least 2,825 acres of regional parks located within a 30-minute drive of the Project Site and the related projects. Per the City of Yorba Linda, regional parks have a maximum service area of 30 minute driving time. Because of the proximity of the project site and the related projects to existing regional park recreational resources, sufficient regional park and recreation opportunities are available for residents generated by the Project and the related projects.

Within the immediate Project vicinity, Esperanza Hills was approved for development of approximately 12.18 acres of active and passive parks which can be accessed by pedestrian, bicycle, or equestrian access from existing or proposed trails. The Project would provide approximately 36.3 acres of open space allowing for planned recreational trails through the site and would pay applicable fees per Mitigation Measure 4.13-1 for parkland acquisition to meet the increased need for local parks resulting from the implementation of the Project. Thus, both the Project and Esperanza Hills would comply with applicable local park requirements through development of new facilities, payment of fees, and/or dedication of land for new park facilities.

**Modified Planning Area 1 Only Alternative Impact Finding:** The Modified Planning Area 1 Only Alternative would result in impacts lesser than the Project's recreation impacts. The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of the Mitigation Measures associated with the Project's recreation impacts (set forth above).

**Facts in Support of Finding:** The Modified Planning Area 1 Only Alternative and the Project would both accommodate future trail alignments through and adjacent to the Project Site. This alternative would result in 29 fewer residences and approximately 93 fewer residents than the Project (approximately 358 residents for the Project). The decrease in population under this alternative would proportionately decrease the demand for parks and recreational facilities compared to the Project. This alternative would create a demand for 1.06 acres of parkland, as compared to 1.43 acres of parkland under the Project. Due to the

decreased demand for parks and recreational facilities, this alternative would result in a reduction of the Project's already less than significant recreation impacts.

The potential Esperanza Hills Access Corridor would not, in and of itself, increase the demand for recreational services or facilities. With the same number of dwelling units being developed under the Esperanza Hills Project with or without the corridor, the demand for recreation services and facilities would remain the same. Therefore, the less than significant impacts of the access corridor do not change the less than significant (after mitigation) cumulative impact findings in the Draft EIR in regards to the recreation impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under the Modified Planning Area 1 Only Alternative, the Project's already less than significant (after mitigation) combined cumulative recreation impacts would be proportionately less.

#### **N. Transportation and Traffic**

**Potential Impact 1:** The Project would generate a total of approximately 1,072 trip-ends per day on a typical weekday and would contribute traffic to the roadway network during construction and operational activities which could result in potentially significant traffic impacts.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measure 4.14-1 and 4.14-2.

**Facts in Support of Finding:** Potentially significant construction and operation traffic impacts would be reduced to a less than significant level with implementation of the prescribed mitigation measures.

Construction: It is estimated that during Project construction, up to approximately 40 construction workers would be arriving on site per day, generating approximately 80 worker trips per day (40 inbound and 40 outbound). A conservative assumption is made that each employee would drive to and from the site alone each day. Consistent with the typical construction work day, most employees would arrive to the site between approximately 6:30 and 7:00 A.M. for daily meetings and planning purposes, which is prior to the peak period (7:00 A.M. to 9:00 A.M.). Similarly, most workers would be expected to leave the site at approximately 3:30 P.M., which is prior to the P.M. peak traffic hour (4:00 P.M. to 6:00 P.M.). Regardless of the timing during the P.M. hour, the construction employee trips would be short-term and in consideration of the number of potential trips (less than 40), would not substantially affect the performance of the circulation system during peak traffic periods.

The Project grading plan proposes that grading quantities would balance and that no import or export of soil would be required, with the exception of the potential removal and export of contaminated soil from the on-site oil operations. As such, haul truck trips associated with export/import of soils would be limited, if any at all. Furthermore, although heavy equipment will be used at the Project Site, most of the equipment would be delivered and removed from the site via large flatbed trucks. It is anticipated that delivery of heavy equipment would not occur on a daily basis, but rather periodically throughout the construction phase based on need. As such, traffic impacts related to the delivery of heavy equipment and materials would be less than significant.

Construction traffic may impact existing and proposed school traffic traveling along Yorba Linda Boulevard, Via Del Agua, San Antonio Road, and Aspen Way. However, potentially significant construction related traffic impacts regarding school routes and access would be reduced to a less than significant level with implementation of prescribed mitigation measures (Mitigation Measures 4.12-4 to 4.12-7). To ensure that construction-related traffic does not adversely impact pedestrian safety, including school and non-school routes, Mitigation Measure 4.14-1 has been prescribed for the Project.

Operation – Existing Plus Project Conditions: As shown in Table 8, below, the Project is projected to generate a total of approximately 1,072 trip-ends per day on a typical weekday. The Project is anticipated to generate a total of approximately 84 weekday A.M. peak hour trips and 113 weekday P.M. peak hour trips.

**Table 8**  
**Project Trip Generation Summary**

Project Land Use	Quantity <sup>a</sup>	A.M. Peak Hour			P.M. Peak			Daily
		In	Out	Total	In	Out	Total	
Single Family Residential (PA 1)	95 DU	18	53	71	61	35	96	909
Single Family Residential (PA 2)	17 DU	3	10	13	11	6	17	163
<b>Total</b>		<b>21</b>	<b>63</b>	<b>84</b>	<b>72</b>	<b>41</b>	<b>113</b>	<b>1,072</b>

<sup>a</sup> DU = Dwelling Units

– Source: Cielo Vista Traffic Impact Analysis, prepared by Urban Crossroads, Inc., dated February 22, 2013.

For purposes of traffic/intersection analysis, Level of Service (LOS) “D” is the limit of acceptable operations in the County of Orange and City of Yorba Linda. Intersections that operate at an LOS below LOS “D” (i.e., LOS “E” or LOS “F”) are deemed to be operating at insufficient levels. The following criteria have been utilized to identify significant Project-related traffic impacts:

- If an intersection is projected to operate at an acceptable level of service (i.e., LOS “D” or better) without the project and the addition of project traffic is expected to cause the intersection to operate at an unacceptable level of service (i.e., LOS “E” or “F”), the impact is considered significant.
- If an intersection is projected to operate at an unacceptable level of service (i.e., LOS “E” or LOS “F”) without the project, and the addition of project traffic is expected to cause the ICU value to increase by a value of 0.01 or greater.

As shown in Table 9, all of the study area intersections are anticipated to operate at acceptable LOS during the peak hours with the exception of the Via del Agua at Yorba Linda Boulevard. The addition of Project traffic is anticipated to result in longer delays and unacceptable peak hour operations at the intersection. No additional study area intersections are anticipated to operate at unacceptable LOS with the addition of Project traffic. To address this potentially significant traffic impact, Mitigation Measure 4.14-2 has been prescribed. This mitigation measure requires the installation of a traffic signal at the intersection of Via del Agua and Yorba Linda Boulevard. The traffic signal would be located within the City of Yorba Linda. As such, the Project Applicant and/or the Lead Agency (County of Orange) would work collaboratively with the City of Yorba Linda, as appropriate, to ensure the traffic signal is installed prior to issuance of occupancy permits for the Project. the installation of the traffic signal at Via del Agua / Yorba Linda Boulevard would result in the LOS being improved from LOS “F” to LOS “A” during both peak hour periods. Thus, with implementation of the prescribed mitigation measure, the potentially significant traffic impact at the intersection of Via del Agua and Yorba Linda Boulevard would be reduced to a less than significant level.

Opening Year (2015) Without and With Project Conditions: This scenario includes existing (2012) traffic volumes, an ambient growth factor of 3.03 percent, traffic from pending and approved but not yet constructed known development projects in the area and the addition of Project traffic. All of the study area intersections are anticipated to operate at acceptable LOS during the peak hours without Project traffic conditions, with the exception of the intersection of Via del Agua at Yorba Linda Boulevard (LOS “F” during the A.M. and P.M. peak hours). As shown on Table 10, the addition of Project traffic is anticipated to worsen the delay at the intersection of Via del Agua at Yorba Linda Boulevard in a significant manner. No additional study area intersections are anticipated to operate at unacceptable LOS with the addition of Project traffic. To address this potentially significant traffic impact, Mitigation Measure 4.14-2 has been prescribed above. This mitigation measure requires the installation of a traffic signal at the intersection of Via del Agua and Yorba Linda Boulevard. The installation of the traffic signal at Via del Agua / Yorba Linda Boulevard would result in the LOS being improved from LOS “F” to LOS “B”. Thus, with



implementation of the prescribed mitigation measure, the potentially significant traffic impact at the intersection of Via del Agua and Yorba Linda Boulevard would be reduced to a less than significant level.

**Table 9**

**Existing Plus Project Peak Hour Intersection Level of Service**

#	Intersection	Traffic Control <sup>b</sup>	Intersection Approach Lanes <sup>a</sup>										A.M. Peak Hour		P.M. Peak Hour			
			Northbound			Southbound			Eastbound			Westbound			ICU or (Delay) <sup>c</sup>	LOS	ICU or (Delay) <sup>c</sup>	LOS
1	Imperial Hwy. / Yorba Linda Bl.	TS	1	3	0	2	3	0	1	3	0	1	2	2>	0.65	B	0.73	C
2	Lakeview Av. / Yorba Linda Bl.	TS	1	2	1>	1	2	0	1	3	0	1	3	0	0.56	A	0.58	A
3	Kellogg Dr. / Yorba Linda Bl.	TS	1	0	1>	0	0	0	0	3	0	2	3	0	0.43	A	0.60	A
4	Fairmont Bl. / Yorba Linda Bl.	TS	2	2	0	1	1	2>	1	3	1>	1	3	0	0.58	A	0.47	A
5	Village Center Dr. / Yorba Linda Bl.	TS	1	2	d	2	2	0	1	2	d	1	2	1	0.46	A	0.53	A
6	Paseo del las Palomas / Yorba Linda Bl.	TS	1	0	1	0	0	0	0	2	d	1	2	0	0.43	A	0.54	A
7	San Antonio Rd. / Aspen Wy.	AWS	0	1	d	0	1	0	0	0	0	1	0	d	(8.2)	A	(8.2)	A
8	San Antonio Rd. / Yorba Linda Bl.	TS	0	1	0	1	1	0	1	2	d	0	2	d	0.48	A	0.46	A
9	Yorba Ranch Rd. / Yorba Linda Bl.	TS	1	1	1	1	1	0	1	2	d	1	2	d	0.44	A	0.48	A
10	Street "A" / Via del Agua	CSS	0	0	0	0	1	0	0	1	0	0	1	0	(9.0)	A	(8.6)	A
11	Via del Agua / Yorba Linda Bl.	CSS	0	0	0	0	1	0	1	2	0	0	2	d	(>50.0)	F	(>50.0)	F

<sup>a</sup> When a right turn is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes (minimum 20-feet).

L = Left; T = Through; R = Right; > = Right-turn Overlap Phasing; d = De facto Right Turn Lane; 1 = Improvement

<sup>b</sup> CSS = Cross-Street Stop; AWS = All-Way Stop; TS = Traffic Signal

<sup>c</sup> ICU reported as a volume-to-capacity ratio (for signalized intersections) and HCM delay reported in seconds (for unsignalized intersections).

Level of service calculated using the following analysis software: Traffix, Version 8.0 R1 (2008). Per the 2000 Highway Capacity Manual, overall average intersection delay and level of service are shown for intersections with a traffic signal or all way stop control. For intersections with cross street stop control, the delay and level of service for the worst individual movement (or movements sharing a single lane) are shown.

**BOLD** = Unsatisfactory LOS

— Source: Cielo Vista Traffic Impact Analysis, prepared by Urban Crossroads, Inc., dated February 22, 2013.

**Table 10**

**Opening Year (2015) With Project Peak Hour Intersection Level of Service**

#	Intersection	Traffic Control <sup>b</sup>	Intersection Approach Lanes <sup>a</sup>												A.M. Peak Hour		P.M. Peak Hour	
			Northbound			Southbound			Eastbound			Westbound			ICU or (Delay) <sup>c</sup>	LOS	ICU or (Delay) <sup>c</sup>	LOS
1	Imperial Hwy. / Yorba Linda Bl.	TS	1	3	0	2	3	0	1	3	0	1	2	2>	0.69	B	0.79	C
2	Lakeview Av. / Yorba Linda Bl.	TS	1	2	1>	1	2	0	1	3	0	1	3	0	0.60	A	0.63	B
3	Kellogg Dr. / Yorba Linda Bl.	TS	1	0	1>	0	0	0	0	3	0	2	3	0	0.48	A	0.69	B
4	Fairmont Bl. / Yorba Linda Bl.	TS	2	2	0	1	1	2>	1	3	1>	1	3	0	0.63	B	0.55	A
5	Village Center Dr. / Yorba Linda Bl.	TS	1	2	d	2	2	0	1	2	d	1	2	1	0.51	A	0.59	A
6	Paseo del las Palomas / Yorba Linda Bl.	TS	1	0	1	0	0	0	0	2	d	1	2	0	0.48	A	0.62	B
7	San Antonio Rd. / Aspen Wy.	AWS	0	1	d	0	1	0	0	0	0	1	0	d	(8.2)	A	(8.2)	A
8	San Antonio Rd. / Yorba Linda Bl.	TS	0	1	0	1	1	0	1	2	d	0	2	d	0.54	A	0.52	A
9	Yorba Ranch Rd. / Yorba Linda Bl.	TS	1	1	1	1	1	0	1	2	d	1	2	d	0.49	A	0.55	A
10	Street "A" / Via del Agua	<u>CSS</u>	0	0	0	0	<u>1</u>	0	0	1	0	0	1	0	(10.2)	B	(9.2)	A
11	Via del Agua / Yorba Linda Bl.	CSS	0	0	0	0	1	0	1	2	0	0	2	d	(>50.0)	F	(>50.0)	F

<sup>a</sup> When a right turn is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes (minimum 20-feet).

L = Left; T = Through; R = Right; > = Right-turn Overlap Phasing; d = Defacto Right Turn Lane; 1 = Improvement

<sup>b</sup> CSS = Cross-Street Stop; AWS = All-Way Stop; TS = Traffic Signal

<sup>c</sup> ICU reported as a volume-to-capacity ratio (for signalized intersections) and HCM delay reported in seconds (for unsignalized intersections).

Level of service calculated using the following analysis software: Traffix, Version 8.0 R1 (2008). Per the 2000 Highway Capacity Manual, overall average intersection delay and level of service are shown for intersections with a traffic signal or all way stop control. For intersections with cross street stop control, the delay and level of service for the worst individual movement (or movements sharing a single lane) are shown.

Horizon Year (2035) Without and With Project Conditions: The traffic forecasts for this analysis reflect the area-wide growth anticipated between existing conditions and Horizon Year (2035) conditions. The addition of Project traffic is not anticipated to worsen the LOS at any of the study area intersections. It should be noted that the traffic signal at the intersection of Via del Agua at Yorba Linda Boulevard has been assumed to be in place for Horizon Year (2035) with Project traffic conditions as it was identified as a Project related mitigation measure under Opening Year (2015) with Project traffic conditions. Since the intersection of Via del Agua and Yorba Linda Boulevard would operate at a LOS “B” under future with Project conditions, traffic impacts under the Horizon Year (2035) would be less than significant.

Alternative Access for Esperanza Hills: The County Board of Supervisors approved two access alternatives for the adjacent Esperanza Hills related project – (1) Option 2 Modified and (2) Option 2B. Option 2 Modified would access Esperanza Hills via Aspen Way, while Option 2B would take primary access directly from San Antonio Road.

- *Opening Year (2015) Intersection Operations Analysis:* The addition of Project traffic is anticipated to worsen the delay at the intersection of Via del Agua at Yorba Linda Boulevard during the P.M. peak hour. No additional study area intersections are anticipated to operate at unacceptable LOS with the addition of Project Traffic. To address this potentially significant traffic impact, Mitigation Measure 4.14-2 has been prescribed. This mitigation measure requires the installation of a traffic signal at the intersection of Via del Agua and Yorba Linda Boulevard.
- *Horizon Year (2035) Intersection Operations Analysis:* The addition of Project traffic is not anticipated to worsen the LOS at any study area intersections. It should be noted that the traffic signal at the intersection of Via del Agua at Yorba Linda Boulevard has been assumed to be in place for Horizon Year (2035) with Project traffic conditions. The traffic signal at the intersection of Via del Agua at Yorba Linda Boulevard is the primary reason for the improved traffic conditions at this intersection under the 2035 With Project conditions.

#### **Mitigation Measure 4.14-1**

Prior to the start of construction, the Project Applicant, in coordination with the County of Orange, shall devise a Construction Staging and Traffic Management Plan to be implemented during construction of the Project. The Construction Staging and Traffic Management Plan shall identify all traffic control measures, signs, and delineators to be implemented by the

construction contractor through the duration of construction activities associated with the Project. The Plan shall also consider construction traffic and associated construction traffic noise from nearby simultaneous construction activities and pedestrian safety related to school routes. The Construction Staging and Traffic Management Plan shall be subject to final approval by the County of Orange Public Works Department.

**Mitigation Measure 4.14-2**

A traffic signal shall be installed prior to issuance of the first occupancy permit, or as otherwise determined appropriate through consultation with the City of Yorba Linda, for the Project at the intersection of Via del Agua and Yorba Linda Boulevard. The Project Applicant shall pay the City of Yorba Linda its fair share cost toward installation of a traffic signal, install the traffic signal, or pay the full cost of the signal installation, with the latter two alternatives subject to reimbursement, as agreed to by the Project Applicant and the City of Yorba Linda.

**Potential Impact 2:** The Project would add additional traffic to existing roadways, but implementation of the Project would not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** None of the roadways directly serving the Project Site are within the Congestion Management Program (CMP) system. The only CMP roadway in the vicinity of the Project Site is Imperial Highway, located north of Yorba Linda Boulevard. The closest CMP intersection (i.e., Imperial Highway at Orangethorpe Avenue) is located approximately 3.0 miles away from the project site. The criteria for which a project is subject to the regulations as set forth in the CMP are determined by the trip generation potential for the project. The applicable trip generation thresholds are 2,400 daily trips. Based on the trip generation cited above for the Project, the Project's traffic would not exceed the CMP thresholds. Therefore, impacts to CMP facilities would be less than significant.

**Potential Impact 3:** The Project would include the development of new roads and design features which could substantially increase hazards.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of PDFs 14-1, 14-2, and 14-3 (set forth below).

**Facts in Support of Finding:** The surrounding area includes single-family residential uses similar to the Project. There are no existing hazardous design features such as sharp curves or dangerous intersections on-site or in the surrounding area. Site access and circulation would be reviewed by the Orange County Public Works Road Division to ensure that all local streets proposed by the Project the minimum street design and size standards of the City of Yorba Linda and the County of Orange (see PDF 14-1).

The County of Orange Highway Design Manual (Standard Plan No. 1117) requires the assessment of stopping sight distance. As defined by the Caltrans HDM, sight distance is the continuous length of highway ahead visible to the driver. Only the minimum stopping sight distance has been evaluated at Street “A” on Via del Agua as it is a private driveway. It is anticipated that a vehicle waiting to exit Street “A” on Via del Agua can see an approaching vehicle at a height of 4 ¼ feet from beyond the minimum distance of 280 feet in either direction. Since the green line (representing the approaching vehicle) clears the vertical alignment of the roadway to the east and west of Street “A”, it is therefore visible to the waiting vehicle at the project driveway (Street “A”). Thus, adequate visibility would be available at this location.

Overall, the Project would be consistent with the County’s Standard Plan No. 1117 requirements for stopping sight distance (PDF 14-3). Further, PDF 14-2 requires the Project’s landscape plans to take into consideration service lines, traffic safety sight line requirements, and structures on adjacent properties to avoid conflicts as trees and shrubs mature.

In addition, it is noted that similar to existing conditions, it can be expected that a maximum of seven (7) round-trip truck trips per week and a minimum of two (2) round-trip truck trips per week would occur associated with the oil operations. These truck trips would occur during off-peak traffic hours. The majority of these trips would be by a pick-up truck for inspection purposes and the occasional small tanker truck to pick up the stored oil. Such traffic would utilize existing service roads and/or streets developed as part of the Project. Such traffic currently traverses through the surrounding neighborhood and would continue to do so during operation of the Project. No new or substantially increased traffic hazards would occur as a result of the continued oil operations and associated traffic.

**PDF 14-1** All local streets proposed by the Project would meet the minimum street design and size standards of the City of Yorba Linda and the County of Orange.

**PDF 14-2** Landscape plans would take into consideration service lines, traffic safety sight line requirements, and structures on adjacent properties to avoid conflicts as trees and shrubs mature.

**PDF 14-3** The stopping sight distance at Via del Agua and the proposed Street A would meet or exceed the County's Standard Plan No. 1117 requirements for stopping sight distance.

**Potential Impact 4:** Implementation of the Project would not result in inadequate emergency access.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** According to Guideline B-09 of the Orange County Fire Authority's Fire Master Plans for Commercial & Residential Development (January 1, 2011), the number of fire apparatus access roads required for a residential development is limited to one (1) if the development contains less than 150 residential units. The portion of the Project taking access from Via del Agua (via Street "A") is anticipated to consist of approximately 95 single family residential dwelling units, which is well below the 150 unit threshold. Similarly, the portion of the Project taking access from Aspen Way is anticipated to consist of approximately 17 single-family detached residential dwelling units, which is also below the 150 unit threshold. The two planning areas would be separated by open space and have their own circulation system and separate access. As such, the Project would be designed in accordance with Guideline B-09 as both portions of the Project (located off of Aspen Way and off of Via del Agua) would include a fire apparatus access road.

The Project's access drives and internal private drives would be designed to meet the County and OCFA standards. All site access and circulation would be reviewed by the Orange County Department of Public Works Road Division and the OCFA to ensure that the Project provides adequate emergency access.

The City of Yorba Linda, in conjunction with the Orange County Sheriff's Department, Orange County Fire Authority, the City of Brea, and the City of Placentia, has also established a Community Emergency Response Team (CERT) program to educate people about disaster preparedness. The City of Yorba Linda, in conjunction with the Orange County Sheriff's Department, Orange County Fire Authority, the City of Brea, and the City of Placentia, has also established a Community Emergency Response Team (CERT) program to educate people about disaster preparedness.

Overall, not only would emergency evacuation be conducted per the newly implemented evacuation plan, but under existing conditions, no fuel modification

exists on the Project Site, which exposes the existing single-family residential uses to the west and south of the site to substantial risks of wildland fires. Accordingly, with the Project's fuel modification features, the risk of wildland fires to the existing single-family residential uses to the west and south of the site would be substantially reduced when compared to existing conditions.

**Potential Impact 5:** The Project consists of a residential development but could have an impact if it conflicts with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decreases the performance of safety of such facilities.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** The Project consists of a residential development and does not propose to alter any existing bus turnouts or established alternative transportation programs within the County. Although OCTA Routes 20 and 26 serve the project area, no bus routes are currently located or proposed adjacent the Project Site. Changes to public transportation, including the addition of bus routes, location(s) of bus stops, modifications to schedules, etc., would be implemented by OCTA based on future demands for such service. Also, no bike facilities are currently located or proposed adjacent the Project Site.

The Project would also not alter existing trails near the site associated with the City of Yorba Linda planned system of riding/hiking trails and bikeways.

**Potential Impact 6:** The Project combined with the related projects would result in less than significant cumulative traffic-related impacts.

**Findings:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measures 4.14-1 and 4.14-2 (set forth above).

**Facts in Support of Finding:** The traffic analysis presented above considers ambient traffic growth and traffic growth attributable to the identified related projects, including Esperanza Hills, anticipated to occur under both Opening Year (2015) and Horizon Year (2035) scenarios. Therefore, the cumulative impact analysis is incorporated into that analysis.

As discussed therein, traffic impacts during operation of the Project would be less than significant with implementation of the prescribed mitigation measure (refer to Mitigation Measure 4.14-2). With regards to construction related traffic and pedestrian safety, per Mitigation Measure 4.14-1, the Project would be required to prepare a Construction Staging and Traffic Management Plan to be implemented during construction of the Project. The Construction Staging and Traffic



Management Plan would be required to consider related project construction traffic, particularly the Esperanza Hills Project.

With regard to hazardous design features and conflicts with alternative transportation facilities and programs, it is anticipated that future related projects, including Esperanza Hills, similar to the Project, would be subject to appropriate City and/or County review to ensure that no hazardous design features proposed by a project and no conflicts occur with alternative transportation facilities and programs. The Project does not have any design features that would be interconnected with Esperanza Hills such that a hazardous design-related traffic impact could occur.

With regard to emergency access, the Project would result in a less than significant impact as described above, particularly as it meets the County's minimum number of required emergency access roads. All related projects, including Esperanza Hills, would be responsible for providing the minimum number of required emergency access roads built to appropriate roadway standards, as required by the jurisdiction in which the project is located.

**Modified Planning Area 1 Only Alternative Impact Finding:** The Modified Planning Area 1 Only Alternative would result in lesser impacts than the Project's traffic and transportation impacts. The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of the PDFs and Mitigation Measures associated with the Project's traffic and transportation impacts (set forth above).

**Facts in Support of Finding:** With 29 fewer residences than the Project, the number of daily vehicular trips associated with the Modified Planning Area 1 Only Alternative would be 794 representing a decrease of approximately 278 trips or approximately 26% fewer trips compared to the Project (the Project results in approximately 1,072 daily trips). Nevertheless, this alternative, like the Project, would implement mitigation that would fund improvements (i.e., traffic signal) to the Via Del Agua and Yorba Linda Boulevard intersection such that the service level is made acceptable to LOS A. Overall, this alternative would result in a proportionate decrease of the Project's already less than significant traffic impacts on the local and regional traffic network.

Neither this alternative nor the Project would significantly impact CMP facilities because the number of daily trips would be well below the threshold of 2,400 trips to require further CMP analysis. With the circulation network being the same in Planning Area 1 for the Project and the Modified Planning Area 1 Only Alternative, neither this alternative nor the Project would result in substantial hazards associated with design features, or conflict with plans, policies, or regulations related to alternative transportation. Also, like the Project, this alternative would provide adequate emergency access consistent with County and OCFA standards. As with the Project, there would be available capacity to

accommodate the projected traffic volumes, in addition to emergency vehicles, under this alternative. Thus, emergency access impacts under this alternative would be less than significant and similar to those under the Project.

With respect to the potential Esperanza Hills Access Corridor, the Cielo Vista Project would be required to prepare and implement a Construction Staging and Traffic Management Plan that would be required to consider related project construction traffic. Therefore, any construction-related traffic impacts associated with the potential access corridor would be adequately addressed in the Construction Staging and Traffic Management Plan.

As discussed in the Esperanza Hills Final EIR, a significant traffic impact would occur at the intersection of Yorba Linda Boulevard and Via Del Agua. However, the mitigation prescribed therein includes installation of a new traffic signal at the impacted intersection. The Cielo Vista Draft EIR prescribes this same mitigation measure for traffic impacts at this intersection. The Esperanza Hills and Cielo Vista Projects would each pay their fair share costs of the traffic signal installation.

Under the Modified Planning Area 1 Only Alternative, no Cielo Vista traffic would be distributed to Aspen Way or Stonehaven Drive. All Cielo Vista traffic would be distributed to Via Del Agua. Thus, the traffic impacts along Via Del Agua and Stonehaven Drive, as well as the surrounding local roadway network, would be within the scope of cumulative impacts evaluated for Option 1, which were concluded to be less than significant impact after implementation of the prescribed mitigation measures. Overall, with implementation of the applicable mitigation measures, the potential access corridor would result in less than significant traffic impacts.

With regard to hazardous design features and conflicts with alternative transportation facilities and programs, the Esperanza Hills Project including the potential Esperanza Hills Access Corridor, similar to the Project, would be subject to appropriate City and/or County review to ensure that no hazardous design features proposed by that Project and no conflicts occur with alternative transportation facilities and programs. The Cielo Vista Project does not have any design features that would be interconnected with the potential access corridor such that a hazardous design-related traffic impact could occur.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under the Modified Planning Area 1 Only Alternative, the Project's already less than significant combined cumulative traffic impacts (after mitigation) would be proportionately less.

Also, as discussed under subsection (g) Hazards and Hazardous Materials, above, Option 2B and Modified Option 2 would be superior to Options 1 and 2 of the Esperanza Hills Project with respect to community evacuation in the event of a

fire. If implemented, the access corridor would become part of the Esperanza Hills Community Evacuation Plan that can be incorporated into the Yorba Lina Community Evacuation Plan when it is drafted. Thus, the potential access corridor in and of itself would result in less than significant emergency access impacts.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under the Modified Planning Area 1 Only Alternative, the Project's already less than significant combined cumulative emergency access impacts would be proportionately less.

**O. Utilities and Service Systems**

**Potential Impact 1:** The Project would generate wastewater that, if the amount exceeds treatment requirements, could result in a significant impact.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** Under the Orange County National Pollutant Discharge Elimination System (NPDES) permit system, all existing and future municipal and industrial discharges to surface waters are subject to applicable local, state and/or federal regulations. New development pursuant to implementation of the Project must comply with all provisions of the NPDES program and other applicable waste discharge requirements, as enforced by the Santa Ana Regional Water Quality Control Board (SARWQCB) and the California State Water Resources Control Board. Therefore, implementation of the Project would not result in an exceedance of wastewater treatment requirements.

The Yorba Linda Water District (YLWD) operates the sewer collection system within the project area. Build-out of the Project would not result in the discharge of wastewater to any surface water. Instead, operational discharges would be sent to the sewer system, which would ultimately be treated at the Orange County Sanitation District (OCSD) wastewater treatment plants in Fountain Valley and Huntington Beach. As the Project consists of a residential development, discharge of hazardous materials into the sewer system is not anticipated. The wastewater plants are required to comply with associated Waste Discharge Requirements (WDRs) and any updates or new permits issued. WDRs set the levels of pollutants allowable in water discharged from a facility. Compliance with applicable WDRs would ensure that implementation of the Project would not exceed the applicable wastewater treatment requirements of the SARWQCB with respect to discharges to the sewer system. As such, impacts would be less-than-significant in this regard.

**Potential Impact 2:** The Project would generate wastewater that, if demand could not be met by the YLWD and the OCSD wastewater system, could result in a significant impact.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** The Sewer Study prepared for the Project was conducted to determine if existing infrastructure facilities could serve the Project. The residences in Planning Area 2 would be served by existing sewer lines that begin at the easterly limit of Aspen Way, which then proceed south through existing sewer mains to the OCSD trunk sewer in La Palma Avenue. The dwelling units in Planning Area 1 would be served by the existing sewer system in Via Del Agua, which then proceeds south through existing sewer mains to the OCSD trunk sewer in La Palma Avenue.

Per the Sewer Study, the anticipated amount of wastewater generated by the Project would be 250 GPD per dwelling unit (DU) (an average flow of 28,000 GPD) with a flow 0.453 cubic feet per second. The Sewer Study concluded that the existing system has the capacity to handle the additional wastewater generated by the Project without requiring any changes to the existing system. The YLWD further noted Project implementation would not present a significant increase in wastewater service demand. Given that the system is currently operating at a little over half capacity, the additional wastewater generated by the Project would be accommodated by the existing sewer system.

Wastewater generated by the Project would ultimately be treated at the OCSD wastewater treatment plants in Fountain Valley and Huntington Beach. The OCSD treatment facilities have the capacity to treat 372 MGD.<sup>4</sup> In 2008/09, the OCSD treatment facilities treated 207 MGD, approximately 55 percent of the treatment systems capacity. Therefore, adequate capacity exists to treat wastewater generated by the Project at these facilities.

**Potential Impact 3:** Implementation of the Project would not require the construction of new wastewater treatment facilities or expansion of existing off-site facilities, but could require new off-site water infrastructure facilities. Implementation of the prescribed mitigation measures would reduce the Project's potentially significant impacts regarding the availability of supporting water infrastructure to a less than significant level. Further, the Project would have sufficient water supplies available to serve the Project from existing entitlements and resources.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of Mitigation Measure 4.15-1 and PDFs 15-1, 15-2, 15-3, and 15-4 (set forth below).

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<sup>4</sup> Oakcrest Terrace Initial Study, prepared by Impact Sciences (for the City of Yorba Linda), March 2012.

**Facts in Support of Finding:** Connections would be provided by the Project to the existing sewer system. Further, as discussed therein, the Project's wastewater demand would be met by the existing YLWD and OCSD wastewater system and treatment facilities. Points of connection for water utilities exist in Alpine Way and Via Del Agua. On-site water facilities planned for the Project include a system of 8-inch diameter plans within local streets connecting to existing 8-inch diameter mains located within Stonehaven Way and Aspen Way. The Project would be responsible for ensuring all necessary connections are provided to the existing water system prior to occupancy of the proposed residential uses. The connections would be provided by the Project in consultation with the YLWD, with the Project responsible for payment of all applicable water connection fees, pursuant to YLWD requirements.

The YLWD currently has two sources of supply: water imported from the Metropolitan Water District of Southern California (MWD) through the Municipal Water District of Orange County (MWDOC) and groundwater from the Lower Santa Ana Basin. Metropolitan's 2010 RUWMP finds that the MWD is able to meet full service demands of its member agencies with existing supplies from 2015 through 2035 during normal years, single dry year, and multiple dry years. Based upon MWDOC projections, the YLWD would be capable of meeting the water demands of its customers in normal, single dry, and multiple dry years between 2015 and 2035. Based on correspondence with the YLWD, the projected average and maximum water daily demand for the Project is 0.1198 MG and 0.1773 MG, respectively. The Project's estimated water demand was accounted for in the YLWD Final 2010 UWMP. According to the YLWD, the Project's estimated water demand can be served by the YLWD's supplies available during normal, single dry year, and multiple dry years. The YLWD further noted Project implementation would not present a significant increase in service demand. In addition, it is acknowledged that the Project would implement numerous water conservations, which include, but may not be limited to PDFs 15-1 to 15-4.

The YLWD "received and filed" the Northeast Area Planning Study in March 2013 for the northeast portion of their service area.<sup>5</sup> This northeast area includes the Project Site and the Esperanza Hills property located to the east; the last remaining, large, undeveloped areas of the YLWD. The purpose of the Northeast Area Planning Study is to evaluate the capacity of existing distribution system facilities and size new infrastructure required to provide water under anticipated operational conditions for future demands.

As concluded in the Planning Study, due to topography, the proposed Esperanza Hills and Cielo Vista Projects would need to be divided into two pressure zones, with hydraulic grade lines at 1,200 feet above mean sea level (amsl) and 1,390 feet amsl. Based on updated storage criteria, these developments would require

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<sup>5</sup> *Northeast Area Planning Study, prepared by Carollo Engineers, March 2013.*

approximately 1.3 MG of storage. Clearly, the Cielo Vista Project would result in far less demand and required water storage than the Esperanza Hills Project. Each zone would need 0.18 MG of dedicated fire flow storage (0.36 MG), unless greater fire flow requirements are established by the Orange County Fire Authority. The Planning Study also identifies a need to upgrade existing District infrastructure facilities to support the Projects that include: two new pump stations, one for each zone; a pressure reducing station (if upper tank is sized to meet some demands in lower zone; in tract development pipelines; increase in firm capacity of Fairmont Pump Station (approximately 1.75 miles west of the project site); and potential additional offsite improvements including additional well capacity and pipeline upgrades, to be determined by District Staff. The upgrades referenced above would provide the necessary upgrades to meet OCFA's minimum fire flow requirements of 1,000 gpm at 20 pounds per square inch (PSI).

While the Planning Study indicates that the proposed Esperanza Hills and Cielo Vista Projects would need to be divided into two pressure zones, with hydraulic grade lines at 1,200 feet amsl and 1,390 feet amsl, it does not indicate specific locations of the required storage water facilities and supporting infrastructure. To ensure that such improvements would adequately deliver water and the necessary fire flow to the Project Site, Mitigation Measure 4.15-1 has been prescribed for the Project.

This study covers the project area as well as other properties both in the City and in the City's sphere of influence. The Study proposes a preliminary alternative for addressing water supply needs for the Project, a system that is dependent on simultaneous development of the adjacent property. However, because final planning, buildout, and timing of either property cannot be accurately ascertained at this time, the Project Applicant would work with the YLWD, as required by Mitigation Measure 4.15-1, to further define the study alternative, another alternative that can serve both projects, or a separate system for the Project using a combination of new and/or existing water connections, storage tanks, and a method for conveyance as needed to ensure an adequate supply for the area's future residents and for fire safety purposes.

**PDF 15-1** Builder-installed indoor appliances, including dishwashers, showers and toilets, would be low-water use.

**PDF 15-2** Drought-tolerant, native landscaping would be used in public common areas to reduce water consumption. The plant palette for the Project would ultimately be determined based on OCFA requirements for use of fire-resistant plants in high fire-prone areas, but in consideration of applicable City of Yorba Linda and County of Orange landscaping requirements.

- PDF 15-3** Community landscape areas would be designed on a “hydrozone” basis to group plants according to their water and sun requirements. The plant palette for the Project would ultimately be determined based on OCFA requirements for use of fire-resistant plants in high fire-prone areas, but in consideration of applicable City of Yorba Linda and County of Orange landscaping requirements.
- PDF 15-4** Irrigation for both public and private landscape areas would be designed to be water-efficient and comply with Section 7-9-133.5, Landscape Water Use Standards, of the Orange County Code of Ordinances. All irrigation systems would have automatic controllers designed to properly water plant materials given the site’s soil conditions, and irrigation systems for all public landscapes would have automatic rain shut-off devices. Drip irrigation would be encouraged. Spray systems would have low volume, measured as gallons per minute (GPM), matched-precipitation heads. Prior to approval of the tentative map, the Project Applicant would obtain approval from the Manager, Permit Services of a preliminary landscape plan including the above listed conservation features and compliance with the County’s County of Orange Landscape Code (Ord. No. 09-010).

**Mitigation Measure 4.15-1**

To address the Project’s need for water storage, the Project Applicant shall pay a fair-share cost to the YLWD for infrastructure improvements identified in the Northeast Area Planning Study that are required to support the Cielo Vista Project. The payment shall reflect a proportional fair-share of the costs attributable to the Cielo Vista Project toward improvements YLWD has proposed that include construction of facilities which directly benefit and are needed for capacity and conveyance at the project site as determined by District Staff. No grading permits shall be issued for the Project until these improvements are implemented by YLWD and are operational to the satisfaction of the OCFA, unless otherwise determined acceptable by the YLWD and OCFA.

**Potential Impact 4:** Implementation of the Project could require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** the Project would include new on-site stormwater drainage facilities that would be constructed in accordance with applicable regulatory requirements. Further, no new off-site storm drain facilities would be required as part of the Project. Environmental impacts associated with development of the Project, including on-site drainage facilities have been evaluated throughout this document. As concluded in this document, all potentially significant impacts associated with development of the Project, including on-site stormwater drainage facilities, would be less than significant after implementation of the prescribed mitigation measures.

**Potential Impact 5:** The Project, if not served by a landfill with sufficient capacity, could result in a significant impact.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** YLDS would collect and manage solid waste collection for the Project. Waste collected at the project site would ultimately be disposed of at the Olinda-Alpha Landfill, which has a permitted capacity to receive up to 8,000 tons per day and currently receives 5,500 tons of solid waste per day. The Olinda Alpha Landfill has an estimated remaining capacity of 27.3 million cubic yards and is anticipated to close in 2021. Once the Olinda Alpha Landfill reaches capacity and is closed, solid waste collected in the City of Yorba Linda and the project site would be diverted to the Frank R. Bowerman Landfill, located in Irvine, and the Prima Deshecha landfill, located in San Juan Capistrano. The anticipated close dates for these two landfills are 2053 and 2067, respectively.

Based on an estimate that approximately 105 to 110 pounds of refuse is collected on a weekly basis per household, the Project with 112 dwellings would generate approximately 12,320 pounds of waste per week or approximately 1,760 pounds per day. As the Olinda Alpha Landfill is permitted to receive up to 8,000 tons per day and currently receives 5,500 tons of solid waste per day, the Project's waste (less than 2 tons per day) could be accommodated by the Olinda Alpha Landfill.

**Potential Impact 6:** The Project would have a significant impact if it did not comply with federal, state, and local statutes and regulations related to solid waste.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** As discussed above, total solid waste generated by the Project would result in an increase of approximately 12,320 pounds of waste



per week or approximately 1,760 pounds per day. The City of Yorba Linda and County of Orange are obligated to meet state mandates for solid waste reduction by participating in local and regional programs to encourage per capita reduction of solid waste. Reductions would be achieved through recycling and composting of solid waste, reduction of the amount of solid waste produced, and public education. The Project would comply with mandates regarding solid waste management, and would participate in the County's and/or City of Yorba Linda's recycling program, which provide designated recycle cans for recycling on a weekly basis. No federal statutes apply to the Project Site.

**Potential Impact 7:** The Project combined with the related projects would not result in substantial adverse effects related to utilities and service systems in the Project area.

**Finding:** The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant*. Therefore, no mitigation measures are required.

**Facts in Support of Finding:** Regarding water supply, currently, the total water demand for retail customers served by YLWD is approximately 20,100 acre-feet annually consisting of 11,800 acre-feet of imported water and 8,300 acre-feet of groundwater. The YLWD within their projected future water demands in their 2010 UWMP and have found that the District would have sufficient water supply through 2035. Per the 2010 UWMP, YLWD has approximately 23,800 customer connections to its water distribution system. YLWD is expected to add 2,500 more connections by 2035. The YLWD is projecting a population growth of 13% accompanied by an increasing water demand trend of 38% in the next 25 years. As part of the projections, the YLWD factored in the water demand associated with vacant and/or underutilized lands based on current land use designations, which would include the applicable related projects, including this Project and the Esperanza Hills Project, as well as the other cumulative projects. Thus, for purposes of this EIR, the cumulative water demand of the Project and the Esperanza Hills Project are assumed to be accounted for in the UWMP. Therefore, the water demand associated with the Project and related projects would be within the YLWD's anticipated projections for the number of new connections (2,500), anticipated population growth (13%), and increased water demand (38%). Based on these considerations, the Project would not substantially contribute to a cumulatively considerable impact regarding water supply.

With regards to water infrastructure, the Northeast Planning Area Study conducted by the YLWD identifies the water infrastructure, including that necessary to meet OCFA fire flow requirements, for both the Project Site and adjacent Esperanza Hills property. The prescribed mitigation measure (Mitigation Measure 4.15-1) for the Project would also mitigate the Project's contribution to cumulative water infrastructure impacts. Further, regarding water supply

infrastructure, related projects would be required to ensure that sufficient delivery, pump station, and water pressure requirements are met on a project-by-project basis.

Regarding wastewater services, the OCSD treatment facilities are currently operating at a little over half existing capacity. The OCSD treatment facilities have the capacity to treat 372 mgd. As such, capacity at these facilities would be available to treat wastewater generated by related projects, including the Esperanza Hills Project. Further, regarding wastewater infrastructure, related projects would be required on a project-by-project basis to include any necessary improvements or upgrades to the existing sewer system.

Regarding stormwater drainage facilities, future growth and development associated with the Project and the related projects would be required to comply with stormwater LID regulatory requirements that mandate the on-site retention of stormwater and the extent of runoff over existing conditions. Regardless, the stormwater drainage improvements included in the project area are site-specific in nature and would not contribute to a cumulative effect.

As the Olinda Alpha Landfill is permitted to receive up to 8,000 tons per day and currently receives 5,500 tons of solid waste per day, it can accommodate up to approximately 2,500 additional tons per day (or 5,000,000 pound per day). Clearly, solid waste generated by the Project (less than 1 ton per day) and the 18 related projects would be far below the remaining available daily capacity at the Olinda Alpha Landfill. Once the Olinda Alpha Landfill reaches capacity and is closed, solid waste would be diverted to the Frank R. Bowerman Landfill and the Prima Deshecha Landfill with anticipated close dates of 2053 and 2067, respectively.

**Modified Planning Area 1 Only Alternative Impact Finding:** The Modified Planning Area 1 Only Alternative would result in impacts lesser than the Project's utilities and service systems impacts. The County hereby makes Finding 1, determining that this potentially significant impact is *Less Than Significant* with implementation of the PDFs and Mitigation Measures associated with the Project's hazards and hazardous materials impacts (set forth above).

**Facts in Support of Finding:** As the Modified Planning Area 1 Only Alternative would result in 29 fewer residences and approximately 93 fewer residents, it would result in less demand for water; and decreased wastewater and solid waste generation by approximately 26%. All regulatory requirements, required development fees, and additional mitigation measures identified for the Project would still be applicable under this alternative in order to reduce impacts to a less than significant level. Overall, due to the decreased demand for water, wastewater and solid waste public utilities and services systems, these services and utilities

related impacts would be proportionately less under this alternative when compared to the Project's already less than significant impacts.

In addition, without Planning Area 2, the extent of new stormwater facilities would be reduced under this alternative when compared to the Project. As such, the extent of the Project's less than significant impacts associated with stormwater facilities would be proportionately lower under the Modified Planning Area 1 Only Alternative.

The potential Esperanza Hills Access Corridor would not increase demand on public utilities and service systems, as the same number of dwelling units would be developed on the Esperanza Hills site with or without the corridor. The potential access corridor would not interfere with the ability of utility lines to provide service to the Cielo Vista or Esperanza Hills Projects. The less than significant impacts of the access corridor do not change the less than significant (after mitigation) cumulative impact findings in the Draft EIR in regards to the utilities and service systems impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under the Modified Planning Area 1 Only Alternative, the Project's already less than significant (after mitigation) combined cumulative utilities and service systems impacts would be proportionately less.

## **5. FINDINGS REGARDING ALTERNATIVES**

CEQA Guidelines Section 15126.6 requires an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.

The Project Objectives for the Cielo Vista Project were provided in Chapter 2.0, *Project Description*, of the Draft EIR, and were as follows:

- Objective 1: Implement a land plan at a density compatible with adjacent single family residential neighborhoods and provide a balance of residential and open space land uses adequately served by public facilities, infrastructure, and utilities.
- Objective 2: Provide for 36 acres of contiguous open space which can be offered for dedication to a public agency or to be maintained as private open space.
- Objective 3: Ensure that the provision of contiguous open space accommodates jurisdictional planning for local parks to the extent appropriate for the topography, as well as trail connections.

- Objective 4: Provide a single family residential project with a sufficient number of units allowing for necessary infrastructure and open space in separate but related planning areas so that the property cannot be further subdivided.
- Objective 5: Create two planning areas that are responsive to the site's topography and that are consistent with adjacent single family neighborhoods.
- Objective 6: Create an aesthetically pleasing and distinctive residential neighborhood identity through design concepts to be developed by an experienced merchant builder(s).
- Objective 7: Implement a circulation system providing pedestrian connectivity within each Project neighborhood and the existing residential neighborhoods surrounding the project site.
- Objective 8: Concentrate development of new residential uses within defined areas and provide buffering of open space areas from new development.
- Objective 9: Implement a land plan that optimizes view potential for the community's residents.
- Objective 10: Implement a development plan for a cohesive neighborhood environment through the following design goals.
- a. Encouragement of walking by providing landscaped sidewalks creating an inviting street scene for pedestrians.
  - b. Create a project perimeter open space setting for the residents through dedicated or private open space.
- Objective 11: Develop a project consistent with County and other agency planning and regulatory standards.

**A. Alternatives Considered and Rejected During the Scoping/Project Planning Process**

The following is a discussion of the land use alternatives considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in the Draft EIR. Among the factors that can be used to eliminate alternatives from detailed consideration in an EIR are "failure to meet most of the basic Project objectives, infeasibility, or inability to avoid significant environmental impacts" (CEQA Guidelines §15126.6[c]). Alternatives were eliminated during the scoping/planning process either because they were determined to be infeasible or because it could be determined that they would not avoid or eliminate the significant environmental impact when compared to the proposed Project.

Alternative Location. CEQA does not require that analysis of alternative sites always be included in an EIR. However, if all the surrounding circumstances make it reasonable to consider an alternative site then this alternative should be considered and analyzed in the EIR. In

making the decision to include or exclude analysis of an alternative site, the “*key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR*” [CEQA Guidelines §15126.6(f)(2)].

Among the factors that may be considered when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, jurisdictional boundaries, and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site [CEQA guidelines, Section 15126.6 (f) (1)].

The Project is based on the Cielo Vista Area Plan, which was developed specifically for the site’s geographic location. Selection of another parcel in the general vicinity of the project site would likely result in similar or greater impacts than the Project, such as the potential effects to traffic and circulation, biological resources, noise, aesthetics, air quality and climate change, and availability of utility infrastructure. Because it is likely that another site would not substantially reduce significant environmental effects, this alternative was rejected from further consideration. In addition, the Project proponent does not own any other properties in the nearby local vicinity.

*Alternative Land Use.* Development of an alternative land use, such as high density residential, commercial, or industrial use, would be incompatible with existing single-family uses to the north, west and south of the site and would not meet the objectives of the Project to provide single-family housing on the site. Therefore, this alternative was rejected from further consideration.

## **B. Alternatives Selected for Analysis**

The CEQA Guidelines requires that an EIR "describe a range of reasonable alternatives to the Project, or to the location of the Project, which could feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives" (CEQA Guidelines §15126.6[a]). Four alternatives were evaluated. Of the various alternatives available for evaluation, the process of selecting project alternatives to be analyzed in the EIR considered the potential for significant effects associated with the Project, a review of the Project Objectives established for the Project and consideration of the land use plans applicable to the project site. The analysis included in the EIR concluded that the Project would not result in any significant environmental impacts with implementation of the prescribed mitigation measures. Nonetheless, based on the factors referenced above, the alternatives that were selected for analysis include:

- No Project/No Development Alternative
- Planning Area 1 Only Alternative
- Large Lot/Reduced Grading Alternative
- Contested Easement Alternative

The County's findings and facts in support of findings with respect to each of the alternatives considered are provided below. Consistent with the guidance set forth in CEQA Guidelines Section 15126.6, the Findings address whether the alternative would feasibly attain most of the basic objectives of the Project; whether it would avoid or substantially lessen any of the significant effects of the Project; and whether the alternative is feasible, as defined by the CEQA Guidelines Section 15364, as being "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors".

**(1) *No Project/No Development Alternative***

Description: Under the No Project/No Development Alternative, no improvements to the project site would occur, and the site would remain in its vacant, undeveloped state. The site's oil facilities and operations would continue in their current condition.

Environmental Effects: A full discussion of the No Project/No Development Alternative's environmental impacts, as compared to the Project, is set forth in Chapter 5 of the Final EIR, which is hereby incorporated by reference. Because no development would occur under the No Project/No Development Alternative, there would be no potential for environmental impacts.

Ability to Achieve Project Objectives: The ability of the No Project/No Development Alternative to meet the stated objectives of the Project is summarized Table 5-2 in Chapter 5 of the EIR. As this Alternative would not include any new development on the site, the Alternative would fail to achieve all of the Project's Objectives.

Feasibility: Although in the short-term this alternative is feasible as that term is defined in Public Resources Code Section 21061.1 (i.e., "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors"), over the long-term it would be expected that the owner of the property would seek some economic use of this property and that the site would be developed in some form. Therefore, since private property would not remain in an unused state, over the long term, this alternative is not feasible, as the potential for no development to ever occur on the site, including passive development such as agricultural activities, would appear to be highly remote.

Finding: While this Alternative's impacts would be less than the Project's, it would not achieve any of the Project Objectives. In light of these considerations, the County finds that the Modified Planning Area 1 Only Alternative is preferred over this Alternative.

**(2) *Planning Area 1 Only Alternative***

Description: The Planning Area 1 Only Alternative excludes development of Planning Area 2, which consists of 17 lots at the extension of Aspen Way, and provides for development of Planning Area 1 at a density allowed by the County General Plan. Thus, development of the Project would be limited to that included within Planning Area 1. Under this Alternative, the grading envelope of Planning Area 1 would be the same as the Project. The street system would be the same as the Project. Similar to the Project, existing on-site oil wells and facilities would be abandoned or re-abandoned. Also, a 1.8-acres oil drilling pad would be developed for future

oil production related development as a separate project should the oil operators choose to relocate to this area of the project site under this Alternative similar to the Project. Thus, all oil-related activities would be same as the Project. However, rather than the current gross density of 1.3 dwelling units per acre, this Alternative would provide for a gross density of two (2) units to the acre. The County General Plan allows for a density of up to 18 dwelling units per acre in the area designated for Suburban Residential (1B) uses, including Planning Area 1. Based on this lot configuration, this Alternative would include approximately 165 dwelling units within Planning Area 1, as compared to 95 dwelling units in Planning Area 1 under the Project. The Planning Area 1 Only Alternative takes into consideration the existing General Plan for the County of Orange, which designates Planning Area 2 as Open Space. With elimination of Planning Area 2, this Alternative would create 6.4 acres of additional open space as compared to the Project. In comparison, this Alternative would create a total of 42.7 acres, while the Project would include 36.3 acres of open space. Since Planning Area 2 would be preserved in open space, no fuel modification would be provided in the northern portion of the project site. Thus, the Planning Area 1 Only Alternative would not provide protection from wildfires to the adjacent residential uses to the west of Planning Area 2.

Environmental Effects: A full discussion of the Planning Area 1 Only Alternative's environmental impacts, as compared to the Project, is set forth in Chapter 5 of the Final EIR, which is hereby incorporated by reference. This Alternative would result in significant and unavoidable *Greenhouse Gases* and *Land Use and Planning* impacts.

- *Aesthetics:* This Alternative would result in a similar street system and grading envelope within Planning Area 1 as the Project. However, there would be approximately double the amount of residential lots under this Alternative when compared to the Project. As such, the higher density of Planning Area 1 under this Alternative would be less consistent with the density of the adjacent residential neighborhoods. Planning Area 2 would not be developed under this Alternative and as such, no visual quality/character or scenic view impacts would occur in the northern portion of the Project Site. In light of these considerations, which include a greater visual impact in Planning Area 1 and no visual impact in Planning Area 2 under this Alternative, the net visual impact under this Alternative is concluded to be similar to that of the Project.
- *Air Quality:* Because the same grading envelope would occur within Planning Area 1 under this Alternative and the Project, maximum daily regional and localized construction emissions would be similar under this Alternative and the Project as proposed (Area 1 and Area 2). While this Alternative would not include development of Planning Area 2, it would include 53 more residences than the Project. As such, the overall construction schedule of this Alternative would be generally similar to that of the Project. Based on these considerations, construction-related air quality impacts under this Alternative would be similar to the project (i.e., less than significant). With 53 more residences than the Project, the number of vehicular trips would increase by approximately 47% compared to the Project. Mobile (vehicular) source emissions comprise the majority of a development project's criteria air pollutant emissions inventory and overall operational emissions. Because development of this Alternative would include a greater number of dwelling units than the Project, the Project's less than

significant operation-related air quality emissions and impacts would be proportionately greater under this Alternative.

- *Biological Resources:* Under this Alternative, Planning Area 2 would remain vacant and undeveloped, and no ground disturbing activities would occur in this area. Vegetation communities existing within Planning Area 2 would remain. Under this Alternative, impacts to sensitive natural communities would include the following: blue elderberry woodland (0.89 acres); blue elderberry woodland/laurel sumac chaparral/mixed coastal sage scrub (2.57 acres); encelia scrub (2.31 acres); and southern willow scrub (0.05 acres). Overall, a total of approximately 5.83 acres of sensitive natural communities would be impacted under this Alternative. In comparison, the Project would impact a total of approximately 14.56 acres of sensitive natural communities. Thus, approximately 8.73 acres of sensitive natural communities would be avoided under this Alternative. This Alternative would avoid the Project's direct impacts to sensitive species and jurisdictional features/wetlands within Planning Area 2.
- *Cultural Resources:* As there are no historic resources on the project site, the Planning Area 1 Only Alternative and the Project would not result in impacts on historical resources. Although the Project would alter a greater quantity of land than this Alternative, both would require archaeological and paleontological monitoring (per the prescribed mitigation measures) by qualified experts to ensure that potentially significant impacts on unknown resources are reduced to a less than significant level. Also, impacts on previously unknown human remains, under the Project and this Alternative, would be treated in the same manner consistent with applicable regulatory requirements and the prescribed mitigation measure. Nevertheless, development of Planning Areas 1 and 2 together would result in greater land disturbance and potential for impacts to unknown archaeological and paleontological resources, as well as human remains. Therefore, impacts to archaeological and paleontological resources, as well as human remains, would be less under this Alternative when compared to the Project.
- *Geology and Soils:* The number of residential units would be greater under this Alternative compared to the Project. Therefore, the number of people potentially exposed to seismic or geologic hazards would be higher under this Alternative compared to the Project. All regulatory requirements and additional mitigation measures identified for the Project would still be applicable under this Alternative in order to reduce impacts to a less than significant level. Overall, due to the increased number of people exposed to seismic and geologic hazards, impacts would be greater under this Alternative than under the Project.
- *Greenhouse Gases:* the overall construction schedule of this Alternative would be generally similar to that of the Project. Thus, GHGs generated during construction-related activities would be generally similar to the Project. With 53 more residences than the Project, the number of vehicular trips and residences would increase by approximately 47% compared to the Project. Accordingly, GHG emissions and associated global climate change impacts from mobile (vehicular) sources and residential uses (i.e., fossil fuels burned for heat, the use of certain products that contain GHG)



under this Alternative would be proportionately increased under this Alternative. The Project would result in 2,283 tons of Total CO<sub>2</sub>E per year (only 36 tons of the total are related to construction emissions – see Table 4.6-4 in section 4.6, *Greenhouse Gas Emissions*). With 53 more residences, total annual CO<sub>2</sub>e would exceed the County's 3,000 MTCO<sub>2</sub>e per year threshold for determining a significant impact by approximately 300 tons per year. As such, GHG impacts would be significant and unavoidable. While this Alternative would be consistent with Title 24 requirements, it would exceed the County's 3,000 MTCO<sub>2</sub>e per year threshold for determining a significant impact. Thus, this Alternative would be inconsistent the State's overarching goals to reach 1990 GHG levels by 2020 per AB 32.

- *Hazards and Hazardous Materials*: This Alternative and the Project both include development of residential uses that would not involve the routine transport, use, or disposal of significant amounts of hazardous materials. During construction activities, to the extent required for remediation, any contaminated soils or materials removed from the site would occur in a similar manner as under the Project. Similar to the project, existing on-site oil wells and facilities would be abandoned or re-abandoned. Also, a 1.8-acre oil drilling pad would be developed for future development as a separate project should the oil operators choose to relocate to this area of the project site under this Alternative similar to the project. Thus, all oil-related activities would be same as the Project. Both this Alternative and the Project would be required to mitigate the potentially significant impacts associated with past and current oil operations on the project site, as well as methane hazards. Under both this Alternative and the Project, there would be available capacity to accommodate the projected traffic volumes, in addition to emergency vehicles. Neither this Alternative nor the Project would conflict with an adopted emergency response/evacuation plan. However, given the increase in traffic and increased potential for wildland fire hazards under this Alternative, it is concluded that impacts regarding emergency response/evacuation would be greater under this Alternative than under the Project.
- *Hydrology and Water Quality*: Because this Alternative would result in more residences and a corresponding higher potential for subsequent pollutant discharge due to the greater number of units, water quality impacts would be proportionately greater under this Alternative. In addition, consistent with applicable regulatory requirements, construction of either this Alternative or the Project would not increase stormwater flow rates or result in substantial erosion. The overall difference in impervious area between this Alternative and the Project would be minimal.
- *Land Use and Planning*: Due to the increased density within Planning Area 1, land use impacts would be greater under this Alternative when compared to the Project. As the higher density of this Alternative would result in significant and unavoidable environmental impacts (e.g., GHG emissions), land use impacts are concluded to be significant and unavoidable.
- *Noise*: Since the grading envelope within Planning Area 1 under this Alternative and the Project would be similar, it can be expected that the maximum daily noise levels during

grading activities under this Alternative would be similar to the Project. An incremental increase in mobile source noise would occur but is not anticipated to be perceptible to surrounding areas. Therefore, with compensating and offsetting comparable impacts, the net effect impact of both this Alternative and the Project is essentially the same. Vibration impacts would be similar under this Alternative and the Project.

- *Population and Housing:* This Alternative would result in 53 more residences and approximately 169 more residents than the Project (approximately 358 residents for the Project). The population growth associated with the Project and this Alternative would be within the SCAG population estimates and growth anticipated by the County of Orange General Plan Housing Element.
- *Public Services:* This Alternative would result in 53 more residences and approximately 169 more residents than the Project (Approximately 358 residents for the Project). Accordingly, the demand for public services generated at the project site would be increased by approximately 47% when compared with the Project due to the increase of population, including the Project's impact on police, fire, schools, and libraries. However, all regulatory requirements, required development fees, and additional mitigation measures identified for the Project would still be applicable under this Alternative in order to reduce impacts to a less than significant level.
- *Recreation:* The increase in population under this Alternative would proportionately increase the demand for parks and recreational facilities compared to the Project. This Alternative would create a demand for 2.11 acres of parkland, as compared to 1.43 acres of parkland under the Project. All regulatory requirements, required development fees, and additional mitigation measures identified for the Project would still be applicable under this Alternative in order to reduce impacts to a less than significant level.
- *Transportation/Traffic:* This Alternative would result in a proportionate increase in vehicular trips compared to the Project as it would result in result in 53 more residences and approximately 169 more residents than the Project. With 53 more residences than the Project, the number of daily vehicular trips would be 1,579 representing an increase of approximately 507 trips or approximately 47% more trips compared to the Project (the Project results in approximately 1,072 daily trips). However, this Alternative, like the Project would implement mitigation that would fund improvements (i.e., traffic signal) to the Via Del Agua and Yorba Linda Boulevard intersection such that the service level is made acceptable to LOS A. Based on the incremental increase in number of additional trips during the peak hours generated under this Alternative, the LOS for other study area intersections is anticipated to be similar to those under the Project.
- *Utilities and Service Systems:* Overall, due to the increased demand for water, wastewater and solid waste public utilities and services systems, these services and utilities related impacts would be greater under this Alternative when compared to the Project. However, without Planning Area 2, the extent of new stormwater facilities would be reduced under this Alternative when compared to the Project. As such, the extent of the Project's less

than significant impacts associated with stormwater facilities would be proportionately lower under this Alternative.

Ability to Achieve Project Objectives: The following provides a description of the Planning Area 1 Only Alternative's ability to meet the Project Objectives.

- Objective 1 – This Alternative, similar to the Project, would provide a balance of residential and open space land uses adequately served by public facilities, infrastructure, and utilities. Overall, this Alternative would partially meet this objective.
- Objective 2 – As this Alternative would not include development of Planning Area 2, an additional 6.4 acres of open space could be dedicated to a public agency or maintained as private open space when compared to the Project. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 3 – Neither this Alternative nor the Project would conflict with jurisdictional planning efforts for local parks and trails. Thus, this Alternative would fully meet this objective similarly to the Project.
- Objective 4 – While this Alternative would include more open space than the Project, both the Project and this Alternative could dedicate the open space area(s) for permanent open space to a public agency or an appropriate land conservation/trust organization to ensure the property is not further subdivided. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 5 – As the density within Planning Area 1 would be higher than the Project, this Alternative would be less visually compatible and consistent from a land use perspective with the lower density adjacent single-family residential neighborhoods compared to the Project. As such, this Alternative would partially meet this objective.
- Objective 6 – As the density within Planning Area 1 would be higher than the Project, this Alternative would be less visually consistent with the character of the lower density adjacent single-family residential neighborhoods. Accordingly, it could be perceived as less aesthetically compatible when viewed in context with surrounding land uses. As such, this Alternative would partially meet this objective.
- Objective 7 – Both this Alternative and the Project would implement a circulation system providing pedestrian connectivity within each neighborhood and the existing residential neighborhoods surrounding the Project Site. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 8 – Both this Alternative and the Project would concentrate development of new residential uses within a defined area and provide buffering of natural open space areas from new development. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 9 – Similar views would be available for this Alternative and the Project within Planning Area 1. Thus, this Alternative would fully meet this objective similar to the Project.

- Objective 10 – Both this Alternative and the Project would have similar landscaped sidewalks, and a similar perimeter open space setting that would provide for a cohesive neighborhood environment. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 11 – Both this Alternative and the Project would be consistent with County and other agency planning and regulatory standards, with the exception that the net density under this Alternative would be four (4) units to the acre, exceeding the density anticipated for the site in the City of Yorba Linda's General Plan. As such, this Alternative would partially meet this objective.

Feasibility: This Alternative is determined to be feasible because it is capable of being developed.

Finding: While some of this Alternative's impacts would be incrementally less than the Project's, it would also result in two impacts – *Greenhouse Gases* and *Land Use and Planning* – which would be significant and unavoidable. Additionally, this Alternative would only partially meet Project Objectives 1, 5, 6, and 11. In light of these considerations, the County finds that the Modified Planning Area 1 Alternative is preferred over this Alternative.

### **(3)     *Large Lot/Reduced Grading Alternative***

Description: The Large Lot/Reduced Grading Alternative would be developed with minimum 1-acre lots, with less mass grading compared to the Project, separately graded building pads, and open space easements over the privately held properties. The Large Lot/Reduced Grading Alternative would develop 65 residential dwelling units, comprised of 1-acre "Estate Lots," with 12,000 square foot minimum building pads. Because most of the open space would be privately owned, this Alternative proposes 13.5 acres of permanent open space, which is 22.8 acres less permanent open space than the Project. Similar to the Project, existing on-site oil wells and facilities would be abandoned or re-abandoned. Also, a 1.8-acres oil drilling pad would be developed for future oil production related development as a separate project should the oil operators choose to relocate to this area of the project site under this Alternative similar to the Project. Thus, all oil-related activities would be same as the Project.

Environmental Effects: A full discussion of the Large Lot/Reduce Grading Alternative's environmental impacts, as compared to the Project, is set forth in Chapter 5 of the Final EIR, which is hereby incorporated by reference.

- *Aesthetics:* Essentially, this Alternative would be spread over a greater area as compared to the Project. While individual lots could include "large" areas of undeveloped space, the residential owners would also have the right to make improvements in such areas within their property boundaries (i.e., equestrian facilities, play equipment, storage facilities, etc.) which could alter the appearance of many of the large lots. As such, visually, the development would appear to be more expansive when compared to the clustering associated with the Project with less open space available for public use. The Project would have a higher intensity level of light in Planning Area 1 compared to this Alternative, as more residences would be located in this area under the Project. However, in the northern portion of the site, the Project would have 36 acres of open

space with no lighting impacts. Thus, the net light and glare impact under this Alternative is concluded to be similar to that of the Project.

- *Air Quality*: Although this Alternative would result in less overall grading when compared to the Project, it can be expected that the maximum daily regional and localized construction emissions would be similar under this Alternative and the Project since the maximum number of pieces of construction equipment utilized on a daily basis would be similar. In addition, although there would be fewer residences and less grading, the overall construction schedule for this Alternative would be generally similar to the Project. As such, the length of exposure of construction emissions on the public, including sensitive receptors, would be similar under this Alternative when compared to the Project. Because development of this Alternative would include fewer residences than the Project, the Project's less than significant operation-related air quality emissions and impacts would be proportionately less under this Alternative.
- *Biological Resources*: Impacts on biological resources, including sensitive species, riparian habitat/natural communities, and wetlands, associated with the Large Lot/Reduced Grading Alternative would be greater than the Project since the total extent of the grading required to create residential lots and supporting infrastructure (i.e., street system) would be greater under this Alternative than the Project. The larger lots under this Alternative could include fencing, horse stables, and other amenities that could interfere with contiguous wildlife movement and on-site biological resources to a greater extent than the Project, which would preserve more permanent open space than this Alternative.
- *Cultural Resources*: As there are no historic resources on the project site, the Large Lot/Reduced Grading Alternative and the Project would not result in any historical resources impacts. Although the Project would grade a greater quantity of land than this Alternative, both would require archaeological and paleontological monitoring (per the prescribed mitigation measures) by qualified experts to ensure that potentially significant impacts to unknown resources are reduced to a less than significant level. Also, impacts on previously unknown human remains, under the Project and this Alternative, would be treated in a similar manner in accordance with applicable regulatory requirements and the prescribed mitigation measures. Nevertheless, the reduced grading under this Alternative would allow for a proportionate decrease in the potential for impacts to unknown archaeological and paleontological resources, as well as human remains, compared to the Project.
- *Geology and Soils*: The number of people potentially exposed to seismic or geologic hazards would be less under this Alternative compared to the Project. Similar to the Project, this Alternative would be required to set back residences a minimum of 50 feet from the Whittier Fault trace (per Alquist-Priolo Earthquake Fault Zoning Act) or as otherwise determined appropriate in accordance with applicable regulatory requirements. While this Alternative could include lots within known potential landslide areas, it would be required to implement Mitigation Measure 4.5-1 to mitigate potentially significant landslide impacts to a less than significant level. All regulatory requirements and

additional mitigation requirements identified for the Project would still be applicable under this Alternative in order to reduce impacts to a less than significant level. Overall, due to the decreased number of people exposed to seismic and geologic hazards, impacts would be less under this Alternative than under the Project.

- *Greenhouse Gases:* Because the amount of grading and raw earthwork would be reduced under this Alternative when compared to the Project, construction-related GHG emissions would be less under this Alternative compared to the project. With 47 fewer residences than the Project, the number of vehicular trips and residences would decrease by approximately 42% compared to the Project. Accordingly, GHG emissions from mobile (vehicular) sources and residential uses (i.e., fossil fuels burned for heat, the use of certain products that contain GHG) under this Alternative would be proportionately decreased.
- *Hazards and Hazardous Materials:* This Alternative and the Project both include development of residential uses that would not involve the routine transport, use, or disposal of significant amounts of hazardous materials. During construction activities, to the extent required for remediation, any contaminated soils or materials removed from the site would occur in a similar manner as under the Project. Similar to the project, existing on-site oil wells and facilities would be abandoned or re-abandoned. Also, a 1.8-acre oil drilling pad would be developed for future development as a separate project should the oil operators choose to relocate to this area of the project site under this Alternative similar to the project. Thus, all oil-related activities would be same as the Project. Both this Alternative and the Project would be required to mitigate the potentially significant impacts associated with past and current oil operations on the project site, as well as methane hazards. The extent of fuel modification providing protection to adjacent residential properties to the south and west of the project site would occur to a lesser degree than under the Project. As such, the fuel modification zones from the proposed structures may not extend all the way to the property lines of some adjacent structures, leaving (unmodified) natural vegetation between some adjacent properties and the new residential lots. This (unmodified) natural vegetation would be more susceptible to wildland fire hazards than if it were within a fuel modification zone. For this reason, this Alternative would result in a greater impact associated with wildland fire hazards compared the Project.
- *Hydrology and Water Quality:* Under the Large Lot/Reduced Grading Alternative, the number of residential units and amount of impervious surfaces would be reduced compared to the Project, which would result in less runoff and subsequent pollutant discharge as compared to the Project. Although this Alternative would result in a decrease in the amount of impervious surface compared to the Project, there would not be a noticeable change in groundwater infiltration rates as runoff water would be similarly contained within on-site detention/infiltration basins.
- *Land Use and Planning:* While this Alternative and the Project would require discretionary land use approvals in order to develop residential land uses, this Alternative would result in less open space on the site as envisioned by the County of Orange and

City of Yorba Linda General Plans compared to the Project. As a result, this Alternative would result in a greater land use and planning impacts than under the Project.

- *Noise:* Although this Alternative would result in less overall grading and fewer residences when compared to the Project, it can be expected that the maximum construction noise levels would be similar under this Alternative and the Project since the maximum number of pieces of construction equipment utilized on a daily basis would be similar. The decrease in dwelling units under this Alternative would result in a negligible decrease in mobile source noise, which is not anticipated to be a perceptible difference to surrounding areas when compared to the Project.
- *Population and Housing:* The population growth associated with the Project (approximately 358 residents) and this Alternative (approximately 208 residents) would be within the SCAG population estimates and growth anticipated by the County of Orange General Plan Housing Element. Housing provided under the Project and this Alternative would be made available to meet the Orange County area's Regional Housing Needs Assessment demand. Therefore, the impact of this Alternative and the Project would result in less than significant population and housing impacts with such impacts being similar.
- *Public Services:* This Alternative would result in 47 fewer residences and approximately 150 fewer residents than the Project. Accordingly, the demand for public services generated at the project site would be decreased by approximately 42% when compared to the Project due to the decrease in population, including the Project's impact on police, fire, schools, and libraries. All regulatory requirements, required development fees, and additional mitigation measures identified for the Project would still be applicable under this Alternative in order to reduce impacts to a less than significant level. Overall, due to the decreased demand for public services, impacts would be less under this Alternative than under the Project.
- *Recreation:* This Alternative and the Project would accommodate future trail alignments both through and adjacent to the project site. However, City of Yorba Linda Trail No. 35a, which would traverse through the central portion of the site in an east-west direction, would need to be located slightly to the south of its currently anticipated route by the City without any adverse effect on the overall trails plan. This Alternative would result in approximately 150 fewer residents than the Project. The reduction in population under this Alternative would proportionately decrease the demand for parks and recreational facilities compared to the Project.
- *Transportation/Traffic:* With 47 fewer residences than the Project, the number of daily vehicular trips would be 622 representing a decrease of 450 trips or approximately 42% fewer trips compared to the Project (the Project results in approximately 1,072 daily trips). During the A.M. and P.M. peak hours, the Project would result in 84 and 113 trips, respectively. Under this Alternative, trips during the A.M. and P.M. hours would be 49 and 66, respectively. As such, this Alternative would result in a proportionate decrease in traffic impacts to the local and regional traffic network compared to the

Project. However, this Alternative, like the Project would implement mitigation that would fund improvements (i.e., traffic signal) to the Via Del Agua and Yorba Linda Boulevard intersection such that the service level is made acceptable to LOS A. As with the Project, there would be available capacity to accommodate the projected traffic volumes, in addition to emergency vehicles, under this Alternative. Thus, emergency access impacts under this Alternative would be less than significant and similar to those under the Project.

- *Utilities and Service Systems:* This Alternative would result in a reduced demand for water; and reduced wastewater and solid waste generation by approximately 42%. Overall, due to the decreased demand for water, wastewater and solid waste public utilities and services systems, these services and utilities related impacts would be less under this Alternative when compared to the Project. The extent of new on-site stormwater facilities would be generally similar under this Alternative when compared to the Project.

Ability to Achieve Project Objectives: The following provides a description of the Large Lot/Reduced Grading Alternative's ability to meet the Project Objectives.

- Objective 1 – The density of this Alternative would be less than the Project. Although the density would also be less than the densities of the adjacent single-family residential neighborhoods, this Alternative would be compatible with surrounding land uses. However, with only of 13.5 acres of public open space compared to 36 acres of open space proposed by the Project, there would be far less of a balance between residential and public open space when compared to the Project. Also, similar to the Project, this Alternative would be adequately served by public facilities, infrastructure, and utilities. Overall, this Alternative would partially meet this objective.
- Objective 2 – This Alternative would provide only of 13.5 acres of public open space compared to 36 acres of public open space proposed by the Project. However, property owners could deed restrict portions of individual lots to be maintained as open space. But, this open space would remain private and would not be accessible to the public. Thus, this Alternative would fail to meet this objective.
- Objective 3 – Neither this Alternative nor the Project would conflict with jurisdictional planning efforts for local parks and trails. This Alternative and the Project would both accommodate planned City of Yorba Linda trails through the project site with only a minor realignment of Trail 35a; however, the integrity of the planned trail systems would be maintained. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 4 – Both this Alternative and the Project would require infrastructure improvements to support the proposed residential uses. While this Alternative would include less open space than the Project, both the Project and this Alternative could achieve comparable numbers for undeveloped acreage. However, private open space can be used for things like equestrian facilities, etc. and would not be accessible to the public.



If that occurs, it could be difficult to achieve this goal, depending on the number of property owners that want to use their private open space and/or not fully deed-restrict the undeveloped portions of their lots. For this reason, this Alternative would partially meet this objective.

- Objective 5 – Both this Alternative and the Project would be responsive to the site's topography, however, this Alternative would result in less earthwork than the Project. This Alternative, like the Project, would include two planning areas. Although the density would be less than the densities of the adjacent single-family residential neighborhoods, this Alternative would be compatible with surrounding land uses. As such, this Alternative would fully meet this objective.
- Objective 6 – Both this Alternative and the Project would be constructed by an experienced merchant builder(s) in a manner to meet or exceed both County and City of Yorba Linda design standards, resulting in a well-designed neighborhood. Although the density would be less than the densities of the adjacent single-family residential neighborhoods, this Alternative would be compatible with surrounding land uses. As such, this Alternative would fully meet this objective.
- Objective 7 – Both this Alternative and the Project would implement a circulation system providing pedestrian connectivity within each neighborhood and the existing residential neighborhoods surrounding the project site. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 8 – This Alternative would include large lots spread over the vast majority of the site and as such, would not concentrate development of new residential uses within a defined area and provide buffering of natural open space areas from new development. Thus, this Alternative would fail to meet this objective.
- Objective 9 – Both this Alternative and the Project would implement a land plan that optimizes view potential for the community's residents. Both this Alternative and the Project would have adequate separation between the lots and include a site plan that would optimize view potential for the community's residents.
- Objective 10 – Both this Alternative and the Project would have similar landscaped sidewalks, and a similar perimeter open space setting that would provide for a cohesive neighborhood environment. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 11 – Both this Alternative and the Project would be consistent with County and other agency (e.g., the City of Yorba Linda) planning and regulatory standards. As such, this Alternative would fully meet this objective similar to the Project.

Feasibility: This Alternative is considered feasible as it appears to be capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Finding: The impacts associated with this Alternative would be similar, greater, or lesser than the Project, but would all remain less than significant. However, as this Alternative would not provide substantial open space and would not concentrate development within defined areas, it would fail to meet Project Objectives 2 and 8, and would only partially meet Project Objectives 1 and 4. In light of these considerations, the County finds that the Modified Planning Area 1 Alternative is preferred over this Alternative.

**(4) Contested Easement Alternative**

Description: The Contested Easement Alternative includes a road, to be constructed by the Esperanza Hills developer at a future date, along a 50-foot wide strip of land that traverses in a north-south direction through Planning Area 1, which due to physical constraints would limit the use of the easement to Esperanza Hills's emergency ingress and egress. Under this alternative, the grading envelope of Planning Area 1 and 2 would be the same as the Project. The street system would be the same as the Project. Similar to the Project, existing on-site oil wells and facilities would be abandoned or re-abandoned. Also, a 1.8-acres oil drilling pad would be developed for future oil production related development as a separate project should the oil operators choose to relocate to this area of the Project Site under this Alternative similar to the Project. Thus, all oil-related activities would be same as the Project.

Planning Area 2 would be the same as the Project. Regarding Planning Area 1, this alternative and the Project would both have 95 lots and a minimum lot size of 7,500 square feet. Thus, the total number of residences and minimum lot size would be same under this the Contested Easement Alternative and the Project. Thus, the primary differences between this the Contested Easement Alternative and the Project would be the addition of the access easement (future road) in Planning Area 1 and a slight change to the lot configurations in Planning Area 1.

At the time the Draft EIR was prepared, no court of law had rendered a decision on the existence of the claimed easement. On September 2, 2014 the Superior Court of California for the County of Orange issued its tentative decision in *Yorba Linda Estates, LLC vs. Virginia Richards as Trustee of the Virginia Richards Revocable Intervivos Trust dated May 1, 1986*. That decision determined that a non-exclusive 50-foot wide easement existed in favor of the plaintiff. Under CEQA, lead agencies may adopt a Project alternative instead of the proposed Project. (See, e.g., Public Resources Code §§ 21002-21002.1, 21004, CEQA Guidelines § 15002.)

On June 2, 2015, the County Board of Supervisors approved two access options for the Esperanza Hills project, neither of which provided for access along the contested easement.

Environmental Effects: A full discussion of the Contested Easement Alternative's environmental impacts, as compared to the Project, is set forth in Chapter 5 of the Final EIR, which is hereby incorporated by reference.

- *Aesthetics:* This Alternative would have the same grading compared to the Project, a similar street system and grading envelope within Planning Areas 1 and 2, and would be the same amount of residential lots as the Project. As such, this Alternative would be similarly consistent with the density of the adjacent residential neighborhoods when

compared to the Project. With the same densities in Planning Areas 1 and 2 under this Alternative, light and glare impacts would be less than significant and similar to those of the Project.

- *Air Quality*: The same grading envelope would occur under this Alternative and the Project. As such, maximum daily regional and localized construction emissions would be similar under this Alternative and the Project since the maximum number of pieces of construction equipment utilized on a daily basis would be similar. Based on these considerations, construction-related air quality impacts under this Alternative would be similar to the Project. With the same number of residences and corresponding vehicular trips as the Project, operational emissions and air quality impacts would be less than significant and similar to the Project.
- *Biological Resources*: Under this Alternative, the same footprint of the Project would be impacted, and all regulatory requirements and mitigation measures identified for the Project would still be applicable under this Alternative in order to reduce impacts to a less than significant level. As such, this Alternative would result in the similar less than significant impacts (after mitigation) on biological resources as the Project.
- *Cultural Resources*: As there are no historic resources on the project site, this Alternative and the Project would result in no impacts to historical resources when compared to the Project. The Project would alter the same quantity of land under this Alternative, and both would require archaeological and paleontological monitoring (per the prescribed mitigation measures) by qualified experts to ensure that potentially significant impacts on unknown resources are reduced to a less than significant level. Also, impacts on previously unknown human remains, under the Project and this Alternative, would be treated in the same manner consistent with applicable regulatory requirements and the prescribed mitigation measure.
- *Geology and Soils*: The number of residential units would be the same under this Alternative and the Project. Therefore, the number of people potentially exposed to seismic or geologic hazards would be the same under this Alternative compared to the Project. Similar to the Project, this Alternative would be required to set back residences a minimum of 50 feet from the Whittier Fault trace (per Alquist-Priolo Earthquake Fault Zoning Act) or as otherwise determined appropriate in accordance with applicable regulatory requirements. Overall, due to the same number of people exposed to seismic and geologic hazards, impacts would be the same under this Alternative as under the Project.
- *Global Climate Change*: The overall extent of construction activities and the schedule of this Alternative would be generally similar to that of the Project. Thus, GHGs generated during construction-related activities would be generally similar to the Project. With the same number of residences as the Project, the number of vehicular trips and residences would be the same as the Project. Accordingly, GHG emissions and associated global climate change impacts from mobile (vehicular) sources and residential uses (i.e., fossil

fuels burned for heat, the use of certain products that contain GHG) under this Alternative would be the same under this Alternative (i.e., less than significant).

- *Hazards and Hazardous Materials:* This Alternative and the Project both include development of residential uses that would not involve the routine transport, use, or disposal of significant amounts of hazardous materials. Similar to the Project, existing on-site oil wells and facilities would be abandoned or re-abandoned. Also, a 1.8-acres oil drilling pad would be developed for future development as a separate project should the oil operators choose to relocate to this area of the project site under this Alternative similar to the Project. Thus, all oil-related activities would be same as the Project. Neither this Alternative nor the Project would conflict with an adopted emergency response/evacuation plan. This Alternative and the project would implement same fuel modification and fire-prevention features. Thus, this Alternative would result in the same less than significant impacts (after mitigation) associated with wildland fire hazards as the Project.
- *Hydrology and Water Quality:* Under this Alternative, there would be the same number of residences as the Project which would result in the same potential for subsequent pollutant discharge as the Project, have the same water quality impacts, and maintain existing drainage patterns and pre-project flow rates. While this Alternative would result slightly more impervious surface compared to the Project due to the potential roadway in the easement area, because stormwater flows do not substantially infiltrate to underlying soils under existing conditions, the additional impervious surfaces in Planning Area 1 would not result in a substantial change in groundwater infiltration rates. Thus, similar to the Project, this Alternative would not result in a noticeable change in groundwater infiltration rates.
- *Land Use and Planning:* Similar to the Project, implementation of this Alternative would generally be consistent with the applicable land use plans or policies, zoning, and land use designations of the site and with relevant land use goals and policies. Due to the same density under this Alternative and the Project, this Alternative would be similarly complementary to the housing density of the adjacent single-family neighborhoods when compared to the Project. Overall, land use impacts would be the same under this Alternative when compared to the Project.
- *Noise:* Given that the grading envelope and maximum number of pieces of construction equipment utilized on a daily basis under this Alternative and the Project would be similar, it can be expected that the maximum daily noise levels during grading activities under this Alternative would be similar to the Project. As such, the extent of the Project's less than significant short-term noise impacts would be the same as under this Alternative. This Alternative includes the same number of dwelling units in a nearly similar configuration as the project. Therefore, the Project and this Alternative would have similar, less than significant impacts with respect to operational noise.

- *Population and Housing:* This Alternative would result in the same number of residences and residents as the Project. As such, the same less than significant population and housing impacts would occur under the Project and this Alternative.
- *Public Services:* This Alternative would result in the same number of residences and residents as the Project. Accordingly, the demand for public services generated at the project site would be the same as the Project's impact on police, fire, schools, and libraries. All regulatory requirements, required development fees, and additional mitigation measures identified for the Project would still be applicable under this Alternative in order to reduce impacts to a less than significant level. Overall, impacts would be the same under this Alternative and the Project.
- *Recreation:* This Alternative and the Project would both accommodate future trail alignments through and adjacent to the Project Site. This Alternative would result in the same number of residences and residents as the Project. As such, the population under this Alternative would have the same demand for parks and recreational facilities compared to the Project. All regulatory requirements, required development fees, and additional mitigation measures identified for the Project would still be applicable under this Alternative in order to reduce impacts to a less than significant level. Thus, recreational impacts would be less than significant (after mitigation) and similar to the Project.
- *Transportation/Traffic:* With the same number of residences, this Alternative would result in the same number of vehicular trips as the Project. As such, this Alternative would result in the same traffic impacts on the local and regional traffic network compared to the Project. This Alternative, like the Project would implement mitigation that would fund improvements (i.e., traffic signal) to the Via Del Agua and Yorba Linda Boulevard intersection such that the service level is made acceptable to LOS A. Thus, similar less than significant (after mitigation) traffic impacts would occur under this Alternative and the Project. With the addition of the easement under this Alternative, an additional future roadway could traverse through the site in a north-south direction, which would only be utilized for emergency access. With traffic limited to only emergency vehicles, no significant new design hazards would occur as a result of the additional roadway. Thus, impacts regarding traffic hazards would be less than significant and similar to the Project. Like the Project, this Alternative would provide adequate emergency access consistent with County and OCFA standards. As with the Project, there would be available capacity to accommodate the projected traffic volumes, in addition to emergency vehicles, under this Alternative.

Ability to Achieve Project Objectives: The following provides a description of the Contested Easement Alternative's ability to meet the Project Objectives.

- Objective 1 – As the density under this alternative is the same as the Project, this Alternative would have the similar visual compatibility and consistency from a land use perspective with the lower density adjacent single-family residential neighborhoods compared to the Project. This Alternative, similar to the Project, would provide a balance

of residential and open space land uses adequately served by public facilities, infrastructure, and utilities. This Alternative would meet this objective similar to the Project.

- Objective 2 – By providing 36 acres of space similar to the Project, this Alternative would fully meet this objective similar to the Project.
- Objective 3 – Neither this Alternative nor the Project would conflict with jurisdictional planning efforts for local parks and trails. This Alternative and the Project would both accommodate planned City of Yorba Linda trails through the project site. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 4 – Both this Alternative and the Project would require infrastructure improvements to support the proposed residential uses. Both the Project and this Alternative could dedicate the open space area(s) for permanent open space to a public agency or an appropriate land conservation/trust organization to ensure the property is not further subdivided. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 5 – Both this Alternative and the Project would be responsive to the site's topography in a similar manner as the extent of grading would be similar. Regardless, as the density within Planning Area 1 would be the same as the Project, this Alternative would be similarly compatible from a land use perspective with the adjacent single-family residential neighborhoods compared to the Project. As such, this Alternative would fully meet this objective similar to the Project.
- Objective 6 – Both this Alternative and the Project would be constructed by an experienced merchant builder(s) in a manner to meet or exceed both County and City of Yorba Linda design standards, resulting in a well-designed neighborhood. This Alternative would be visually consistent with the character of the lower density adjacent single-family residential neighborhoods to a similar extent as the Project. As such, this Alternative would meet this objective similar to the Project.
- Objective 7 – Both this Alternative and the Project would implement a circulation system providing pedestrian connectivity within each neighborhood and the existing residential neighborhoods surrounding the project site. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 8 – Both this Alternative and the Project would concentrate development of new residential uses within a defined area and provide buffering of natural open space areas from new development. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 9 – Both this Alternative and the Project would implement a land plan that optimizes view potential for the community's residents. Similar views would be

available for this Alternative and the Project. Thus, this Alternative would fully meet this objective similar to the Project.

- Objective 10 – Both this Alternative and the Project would have similar landscaped sidewalks, and a similar perimeter open space setting that would provide for a cohesive neighborhood environment. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 11 – Both this Alternative and the Project would be consistent with County and other agency (e.g., the City of Yorba Linda) planning and regulatory standards. As such, this Alternative would fully meet this objective similar to the Project.

Feasibility: This Alternative is considered feasible as it appears to be capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Finding: The Contested Easement Alternative and the Project are substantially similar, with the primary difference being the addition of an access easement (future road) in Planning Area 1 and a slight change to the lot configurations in Planning Area 1. As a result, the environmental impacts associated with the Contested Easement Alternative are similar to those of the Project. Likewise, this Alternative would either fully meet or meet all of the Project's Objectives.

#### ***(5) Modified Planning Area 1 Only Alternative***

The Modified Planning Area 1 Only Alternative has been found to be the environmentally superior alternative by the Orange County Department of Public Works and has been recommended for approval by the Orange County Board of Supervisors.

Description: The Modified Planning Area 1 Only Alternative would develop Planning Area 1 with 83 single-family residential lots and associated improvements. This Alternative would have a gross density of 1.0 dwelling units per acre and would occupy the same 41.3 acres of the project site associated with Planning Area 1, with 42.7 acres of the site preserved as permanent open space. Like the Project, access to Planning Area 1 under this Alternative would be from Via del Agua to the south of the project site. The Modified Planning Area 1 Only Alternative's site access and internal street network (which would be privately owned and maintained) would be the same as with Planning Area 1 under the proposed Project. The reduction in the number of lots in Planning Area 1 compared to the Project would occur because of wider residential lots. The overall extent of grading, landscaping, lighting, utilities, and other project design features associated with this Alternative would be less than the grading, landscaping, lighting, utilities, and other project design features associated with the Project given that, unlike the Project, the Modified Planning Area 1 Only Alternative does not propose any development on Planning Area 2. As with the Project, existing on-site oil wells and facilities would be abandoned or re-abandoned in connection with the Modified Planning Area 1 Only Alternative. Also as with the Project, a 1.8-acre oil drilling pad would be developed for future development as a separate project should the oil operators choose to relocate to this area of the project site under this Alternative. Thus, all oil-related activities associated with the Modified Planning Area 1 Only Alternative would be same as the Project.

Environmental Effects: A full discussion of the Modified Planning Area 1 Only Alternative's environmental impacts, as compared to the Project, is set forth in Chapter 3 of the Final EIR, which is hereby incorporated by reference. The environmental effects of the Modified Planning Area 1 Only Alternative are also provided in each separate finding discussed in Section 4 of these Findings, and is also hereby incorporated by reference.

Ability to Achieve the Project Objectives: The following provides a description of the Modified Planning Area 1 Only Alternative's ability to meet the Project Objectives.

- Objective 1 – Although Planning Area 1 would have a slightly reduced density (1.0 du/acre) compared to the Project (1.3 du/acre) and Planning Area 2 would not be developed, this Alternative would be visually compatible with surrounding land uses and consistent from a land use perspective similar to the Project. This Alternative, similar to the Project, would provide a balance of residential and open space land uses adequately served by public facilities, infrastructure, and utilities. Overall, this Alternative would fully meet this objective similar to the Project.
- Objective 2 – As this Alternative would not include development of Planning Area 2, an additional 6.4 acres of open space could be dedicated to a public agency or maintained as private open space when compared to the Project. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 3 – Neither this Alternative nor the Project would conflict with jurisdictional planning efforts for local parks and trails. This Alternative and the Project would both accommodate planned City of Yorba Linda trails through the project site. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 4 – Both this Alternative and the Project would require infrastructure improvements to support the proposed residential uses. While this Alternative would include more open space than the Project, both the Project and this Alternative could dedicate the open space area(s) for permanent open space to a public agency or an appropriate land conservation/trust organization to ensure the property is not further subdivided. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 5 – Both this Alternative and the Project would be responsive to the site's topography in a similar manner as the extent of grading in Planning Area 1 would not be substantially different. This Alternative would include only one planning area, as compared to two planning areas proposed by the Project. Regardless, despite Planning Area 1 having a slightly reduced density (1.0 du/acre) compared to the Project (1.3 du/acre) and Planning Area 2 not being developed, this Alternative would be visually compatible with surrounding land uses and consistent from a land use perspective similar to the Project. This Alternative would fully meet this objective similar to the Project.
- Objective 6 – Both this Alternative and the Project would be constructed by an experienced merchant builder(s) in a manner to meet or exceed both County and City of Yorba Linda design standards, resulting in a well-designed neighborhood. While Planning Area 1 would be developed at a slightly reduced density under this Alternative



compared to the Project, this Alternative would be visually compatible and consistent with the adjacent single-family residential neighborhoods similar to the Project. Thus, this Alternative would fully meet this objective similar to the Project.

- Objective 7 – Both this Alternative and the Project would implement a circulation system providing pedestrian connectivity within each neighborhood and the existing residential neighborhoods surrounding the project site. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 8 – Both this Alternative and the Project would concentrate development of new residential uses within a defined area and provide buffering of natural open space areas from new development. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 9 – Both this Alternative and the Project would implement a land plan that optimizes view potential for its community residents. The site circulation plan for this Alternative in Planning Area 1 would be the same as the Project, with Planning Area 1 under this Alternative being developed at a reduced density. Similar views would be available for this Alternative and the Project within Planning Area 1. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 10 – Both this Alternative and the Project would have similar landscaped sidewalks, and a similar perimeter open space setting that would provide for a cohesive neighborhood environment. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective 11 – Both this Alternative and the Project would be consistent with County and other agency planning and regulatory standards. Thus, this Alternative would fully meet this objective similar to the Project.

Feasibility: This Alternative is considered feasible as it appears to be capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Finding: The Modified Planning Area 1 Only Alternative would result in the elimination of Planning Area 2 and the development of fewer single-family residential dwelling units than the Project. As a result, the environmental impacts associated with the Modified Planning Area 1 Only Alternative are lesser, similar, and greater than those of the Project. This Alternative would fully meet all of the Project's Objectives. The County finds that this Alternative is the preferred alternative.

**ATTACHMENT 3:**  
**PROJECT AREA PLAN**



# PROJECT AREA PLAN

October 2015



CIELO  
VISTA

## PROJECT AREA PLAN

October 2015

*Submitted by:*

**North County BRS Project, LLC (NCBRS)**

3 Corporate Plaza Suite 102

Newport Beach CA 92660

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# Section 1: Introduction and Project Overview

## Section 1. Introduction and Project Overview

The Cielo Vista Area Plan (Area Plan) is a plan for development of a residential neighborhood on approximately 83.96 acres located within unincorporated Orange County. North County BRS Project, LLC, (NCBRS) the Project Applicant (Applicant) controls the approximately 83.96 acre site (Project Site) comprising the Area Plan. The Area Plan is a guide for the development of a cohesive and uniformly designed residential neighborhood and the preservation of significant open space within the Project Site.

### 1.1 Project Location

The Project Site is located approximately 1.7 miles northwest of the 91 Freeway and approximately 6 miles east of the 57 Freeway in unincorporated Orange County. Primary access to the Project Site is provided from Yorba Linda Boulevard, located to the south, and San Antonio Road located approximately 1,200 feet west of the Project Site boundary. The regional context and local setting of the Project Site are illustrated on Exhibit 1-1, “Regional Location Map,” and Exhibit 1-2, “Vicinity Map.”

Existing single family residences within the City of Yorba Linda are located adjacent to the Project Site on the west, north, and south. Approximately 469 acres of vacant land within unincorporated Orange County located adjacent to the Project Site on the east comprises the proposed Esperanza Hills Specific Plan area approved by Orange County in June 2015.

### 1.2 Project Summary

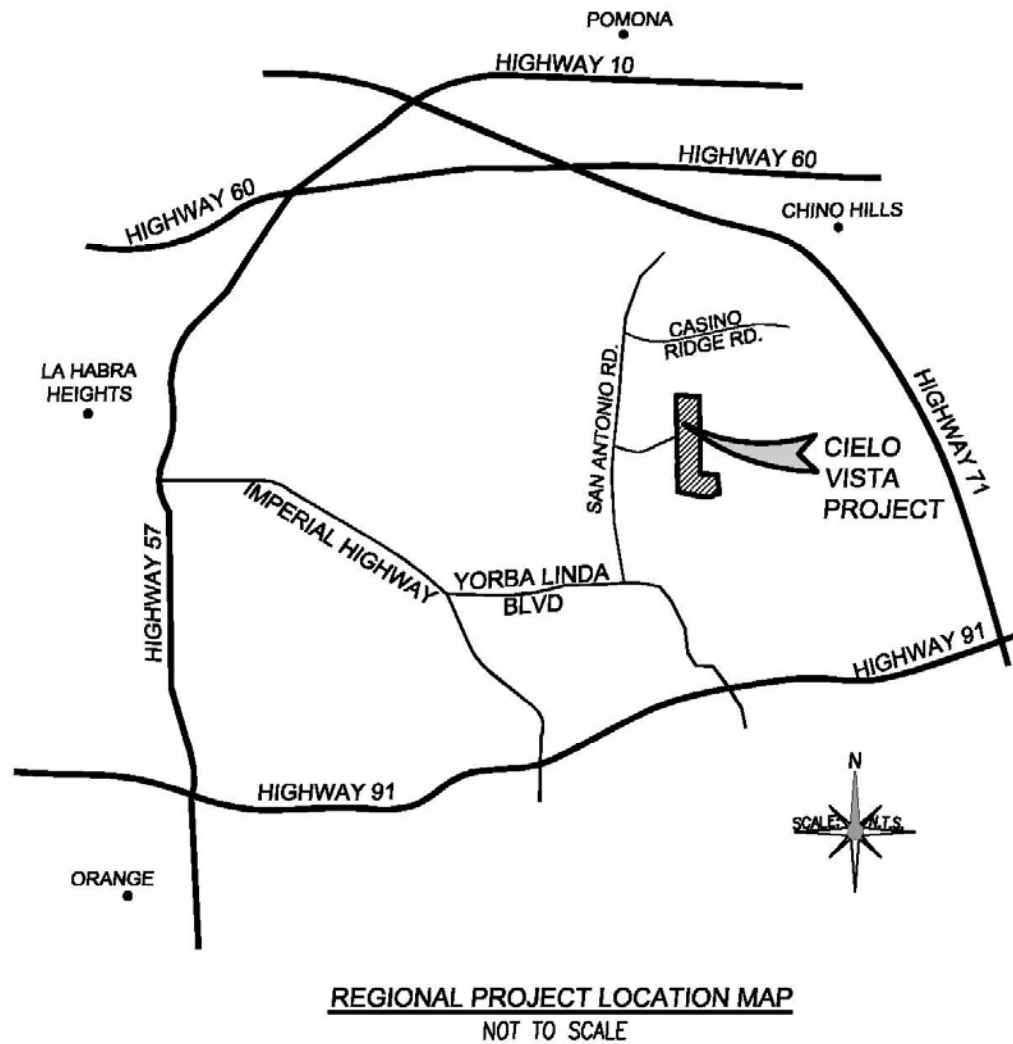
The Area Plan provides design and development criteria to guide development of the Project Site. Up to 112 single family detached residential dwellings are proposed on approximately 47.64 acres (57%) of the Project Site. Approximately 36.32 acres (43%) of the Project Site are planned as permanent open space. The Cielo Vista land use plan is illustrated on Exhibit 1-3, “Illustrative land Use Plan,” and further described in Table 1-1, “Area Plan Summary.”

Table 1-1 Area Plan Summary

Land Use	Gross Acres	Residential Dwelling Units
Residential <ul style="list-style-type: none"><li>Planning Area 1</li><li>Planning Area 2</li></ul>	41.28 <u>6.36</u> 47.64 (57%)	95 <u>17</u> 112
Total	47.64 (57%)	112
Open Space	36.32 (43%)	
Total	83.96	112

## Section 1: Introduction and Project Overview

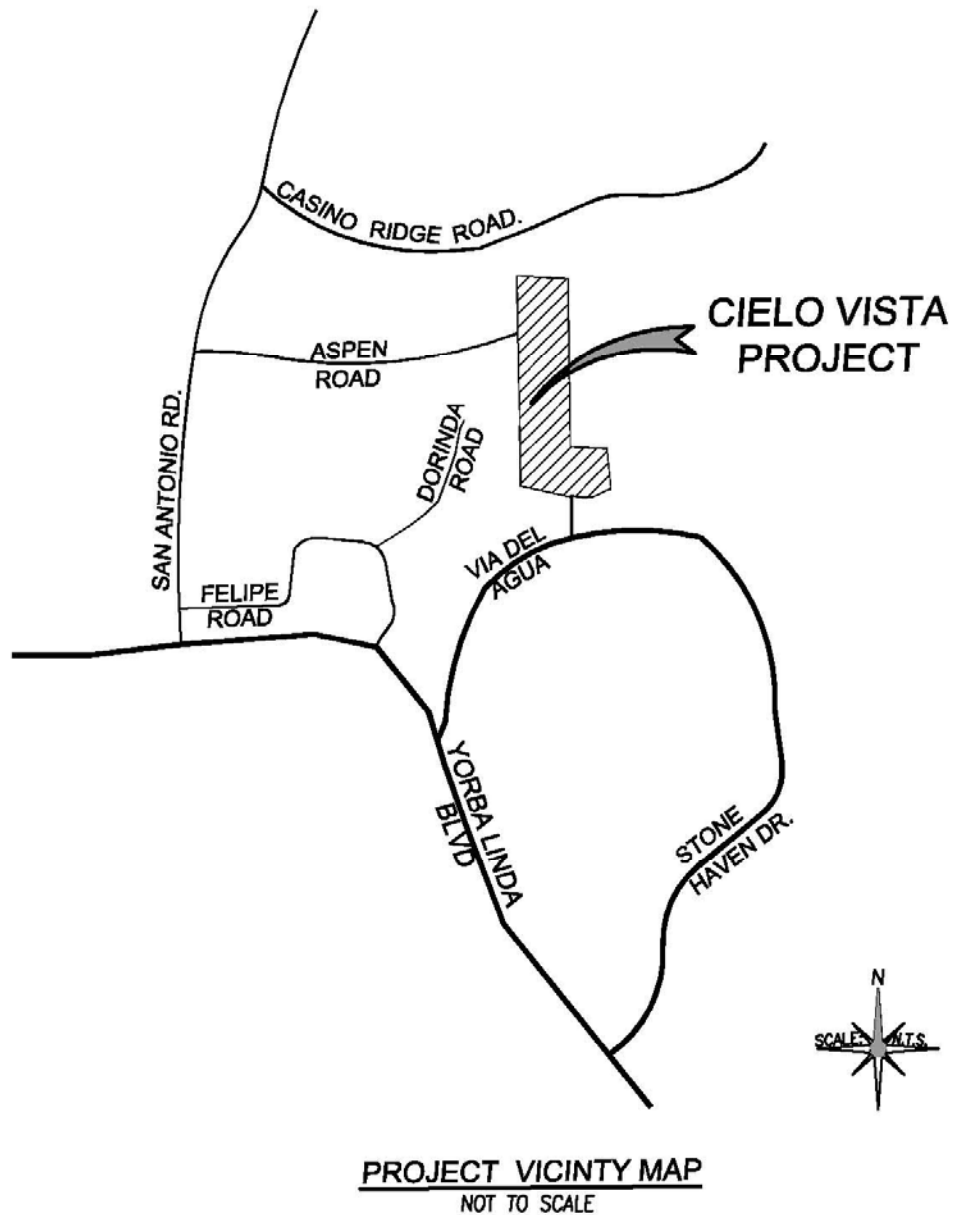
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**Exhibit 1-1 Regional Location Map**

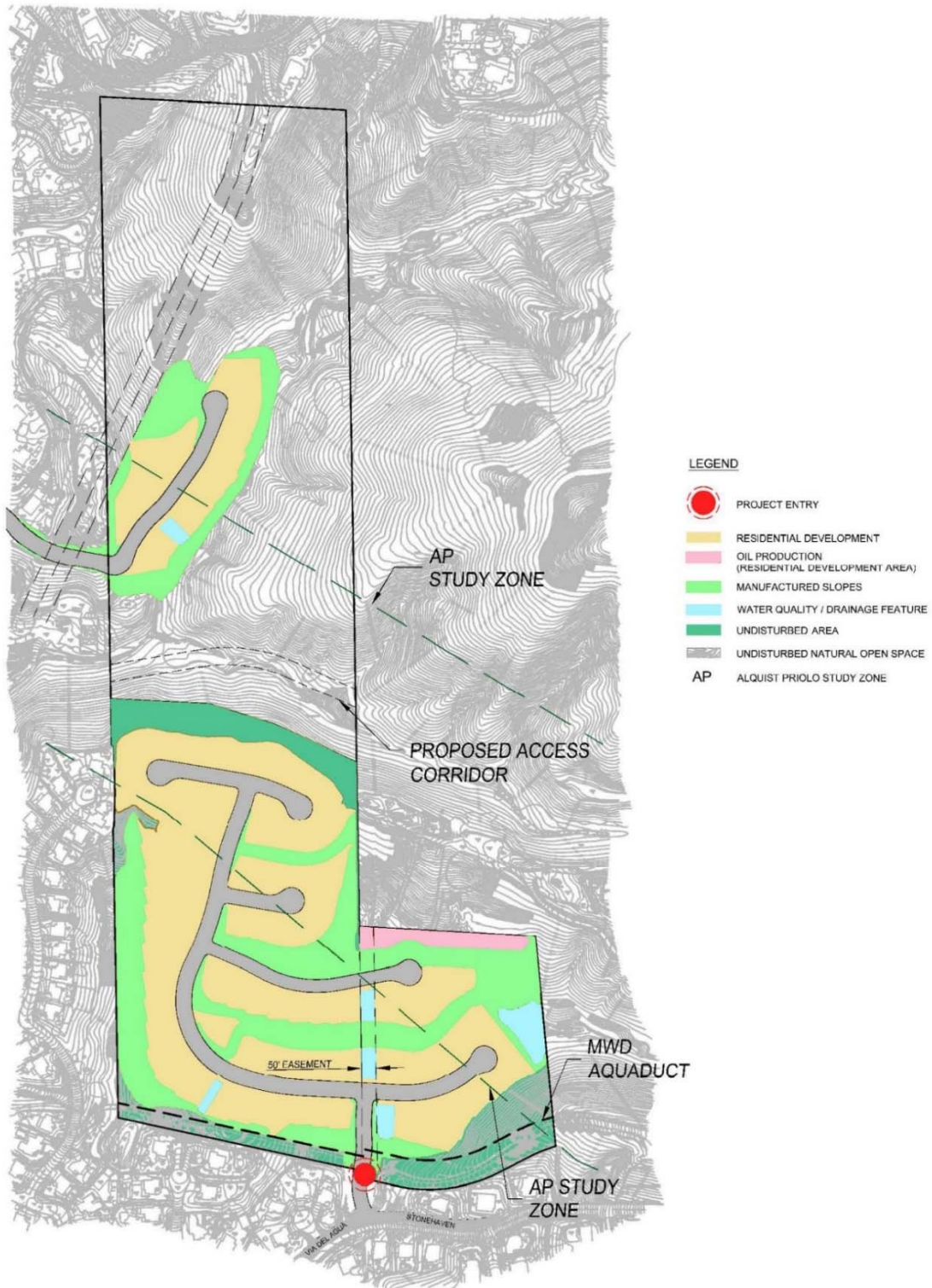
## Section 1: Introduction and Project Overview

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**Exhibit 1-2 Vicinity Map**

## Section 1: Introduction and Project Overview



**Exhibit 1-3 Illustrative Land Use Plan**

## Section 1: Introduction and Project Overview

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### 1.2.1 Residential Land Use

Residential land use, at a gross density of 1.33 dwelling units per acre, is proposed within two Planning Areas comprising approximately 47.64 acres of the Project Site. Up to 112 single family detached residential dwellings units are proposed for construction on lots with a minimum area of 7,200 square feet and an average lot size of approximately 14,811 square feet.

### 1.2.2 Open Space Land Use

Open space areas are reserved in the uppermost elevations of the Project Site. Open space areas include preserved sensitive biological resource areas, natural drainage courses, and canyons. A proposed access corridor is shown on Exhibit 1-3, "Illustrative Land Use Plan." This access corridor was analyzed as Alternative 3, Option 2B in "Environmental Impact Report No. 616 (Esperanza Hills)," which was certified by the Orange County Board of Supervisors on March 10, 2015. Approximately 36.32 acres of open space are planned for permanent preservation as part of the Area Plan.

### 1.2.3 Access and Circulation

Access to the Project Site is provided from existing dedicated public rights of way in the City of Yorba Linda. Access to Planning Area 1 is provided from a new local street connecting to existing Via del Agua Avenue, a public local street. Access to Planning Area 2 is provided from an extension of existing Aspen Way, a public local street, into the Project Site. The Area Plan includes a network of local residential streets to provide vehicular access throughout the Project Site. The Cielo Vista master plan of circulation (Exhibit 4-1"Master Circulation Plan) includes a fifty foot wide emergency vehicle access easement provided within the Project Site connecting to a shared boundary with the proposed Esperanza Hills Specific Plan area.

### 1.2.4 Pedestrian Walkways, Bicycle Access, and Trails

The Area Plan includes a walkway system within local residential streets providing pedestrian connectivity within the Project Site and to surrounding residential neighborhoods. On-street bicycle circulation is available within all Project Streets which provide connectivity between the Project Site and surrounding residential neighborhoods where Project local streets connect with the existing adjacent public streets. The City of Yorba Linda General Plan designates an area within the northwesterly portion of the Project Site for the potential extension of the San Antonio Park Equestrian Trail. The City does not have an adopted trail plan or a proposed connection location for the trail to the Project Site, however, since the Project Site is located within the City's Sphere of Influence, the Area Plan is designed to accommodate the future construction by the City of Yorba Linda of this General Plan designated equestrian trail in accordance with an adopted trail plan.



## Section 1: Introduction and Project Overview

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### 1.2.5 Oil Field Operations

The Project Site has historically been used for oil production and contains five operational wells, one abandoned well, and related facilities. Prior to development occurring within any Planning Area, existing oil wells and facilities, and production facilities located within that portion of the Planning Area will be abandoned, or re-abandoned as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (CalDOGGR) the state agency governing the operation of oil production facilities, the Regional Water Quality Board (RWQCB), Orange County Fire Authority (OCFA), Orange County Health Care Agency (OCHA), and the Orange County Oil Code. Soil contaminated by historical oilfield production activities will be removed from the site or remediated on-site to meet the cleanup standards of CalDOGGR, OCFA, and OCHA which are the agencies with jurisdiction over the cleanup. Future homeowners will be provided with notification as to the previous use of the site as an oilfield and the extent of continued oil production activities in the area. The Area Plan provides a site in Planning Area 1 where oil operations can continue as illustrated in Exhibit 1-3, "Illustrative Land Use Plan" and Exhibit 1-6, "Zone Change Areas."

### 1.3 General Plan and Zoning

The Orange County General Plan designates approximately 41.28 acres of the Project Site as Suburban Residential, which permits development of residential land uses at a density of 0.5-18 dwelling units per acre, and approximately 42.68 acres of the Project Site as Open Space(5). The Orange County General Plan defines the Open Space (5) land use as follows:

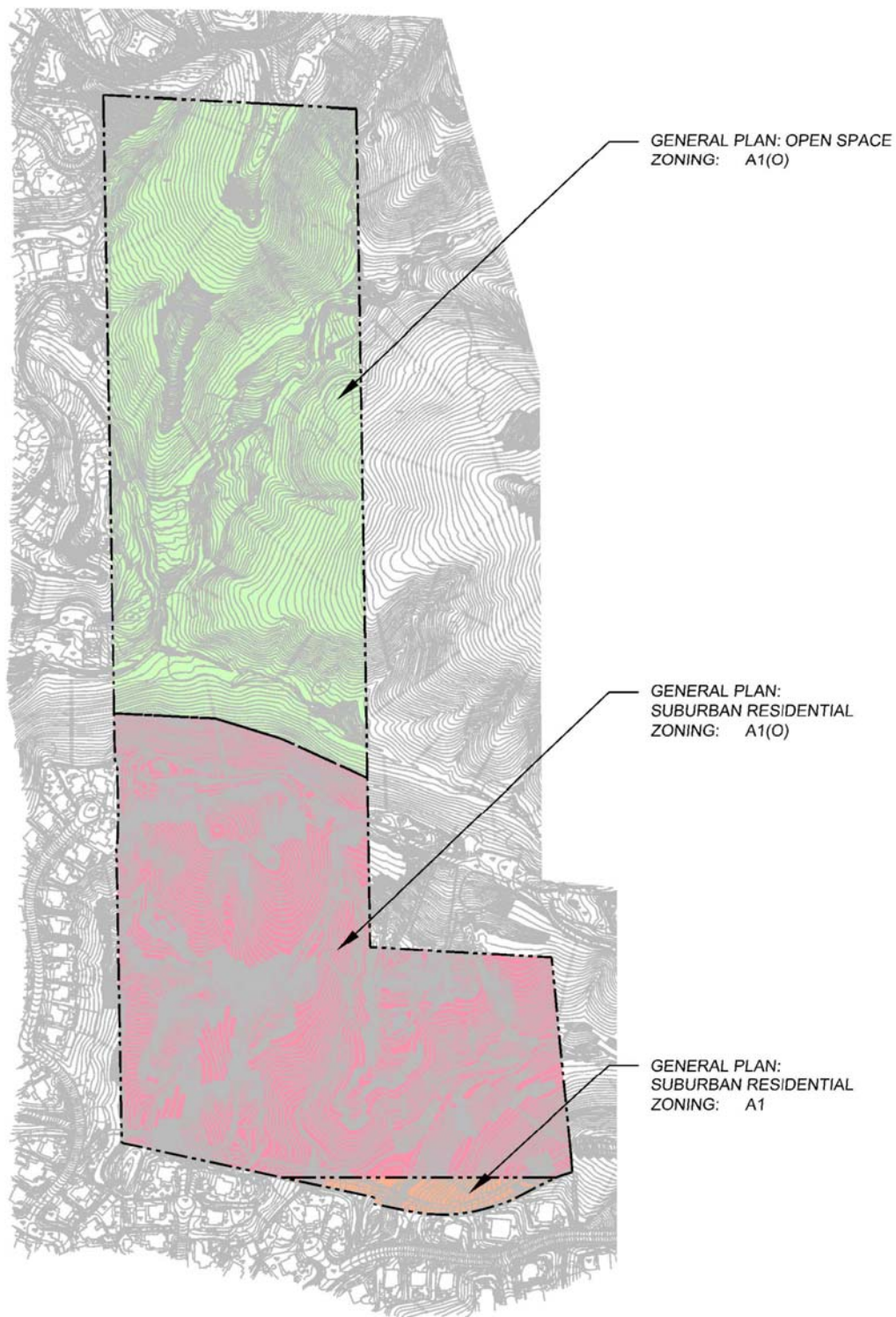
"The Open Space (5) category indicates the current and near-term use of the land, most of which is zoned agricultural. The open space land use designation is not necessarily an indication of a long-term commitment to specific uses except where one of the three overlay categories applies." The Project Site is zoned A1-General Agriculture and A1 (O) – General Agriculture with Oil Production Overlay per the Orange County Zoning Map. The existing General Plan land use designations and zoning for the Project Site are illustrated on Exhibit 1-4, "Existing General Plan Land Use and Zoning."

The Project Site is within the City of Yorba Linda Sphere of Influence. The design of the Cielo Vista Area plan assures that annexation of the Project Site would be possible if the City proposes annexation in the future. The City of Yorba Linda General Plan Land Use Map identifies the Project Site to be within Area Plan C- Murdock Property which is designated as Low Density Residential permitting a density of 0-1.0 dwelling unit per acre for residential development. The Project includes an application for approval of a General Plan Amendment for approximately 6.36 acres comprising Planning Area 2 of the Area Plan to change the General Plan land use designation for this portion of the Project Site from Open Space(5) to Suburban Residential. The General Plan Amendment area is illustrated in Exhibit 1-5, "General Plan Amendment Area."



## Section 1: Introduction and Project Overview

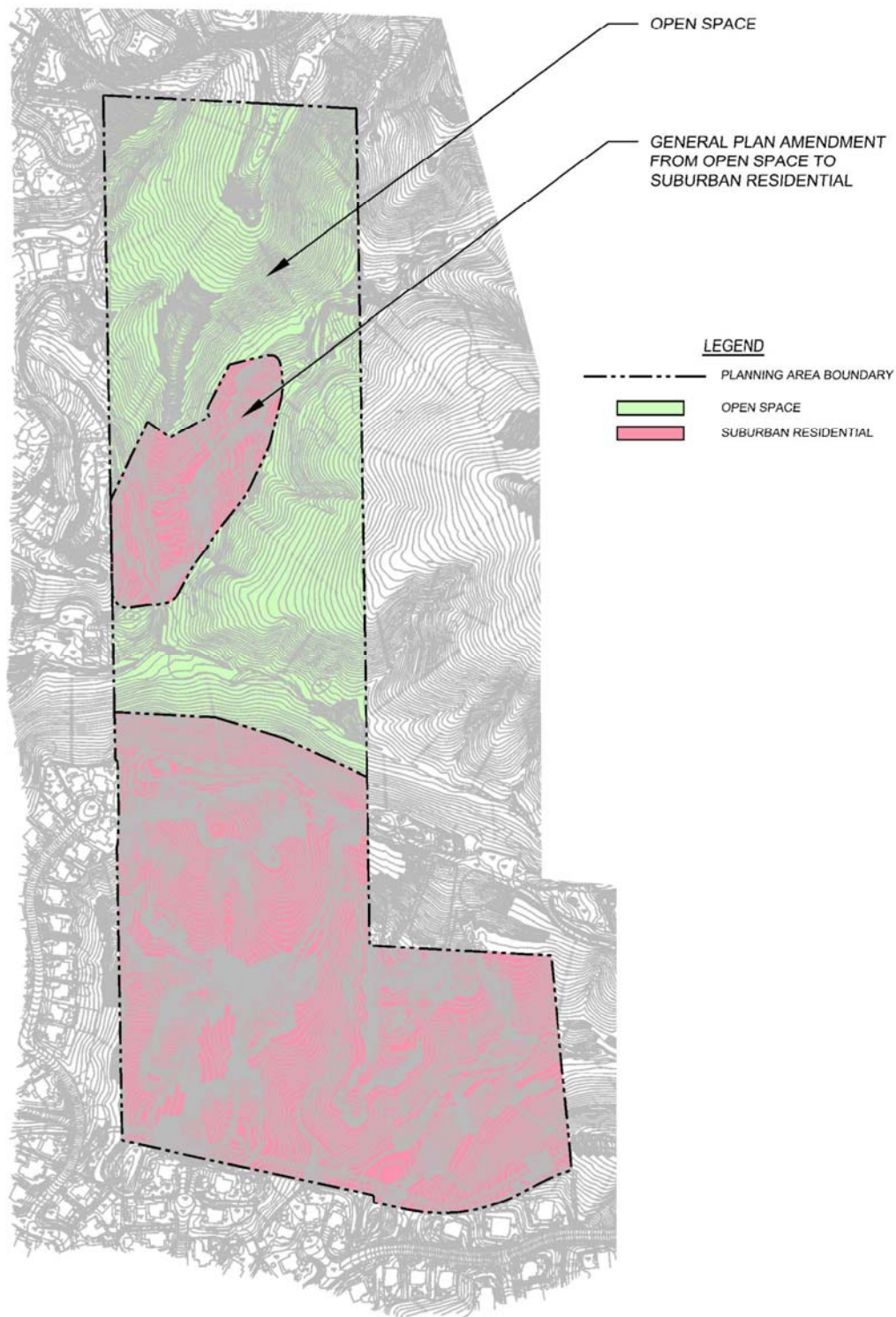
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**Exhibit 1-4 Existing General Plan Land Use and Zoning**

## Section 1: Introduction and Project Overview

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**Exhibit 1-5 General Plan Amendment Area**

## Section 1: Introduction and Project Overview

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The Project includes an application for approval of a zone change for Planning Area 1 from A1(O) to R-1 and R-1(O) for a portion of the Planning Area, a zone change from A1 to R1 for the remaining portion of the Planning Area, and a zone change for Planning Area 2 from A1(O) to R-1, to permit development of single family detached residential dwellings on minimum 7,200 square foot lots. The areas subject to the zone change application are illustrated on Exhibit 1-6, "Zone Change Areas."

Following County approval of the zone change, residential development within Planning Areas 1 and 2 will be subject to all R-1 and R-1(O) development regulations pursuant to Section 7-9- 74, "Single Family Residence," District Regulations and Section 7-9-117, "Oil Production," of the County of Orange County Zoning Code.

### 1.4 Area Plan Vision

The vision for development of Cielo Vista is guided by the following planning principles.

#### 1.4.1 Neighborhoods that Blend with the Natural and Built Environment

The Cielo Vista land use plan responds to the physical and natural characteristics found within and around the Project Site. The Area Plan provides for the preservation of approximately 36.32 acres of the Project Site as permanent open space to ensure the continued environmental stewardship of this valuable resource. Approximately 47.64 acres of the Project Site are planned for development.

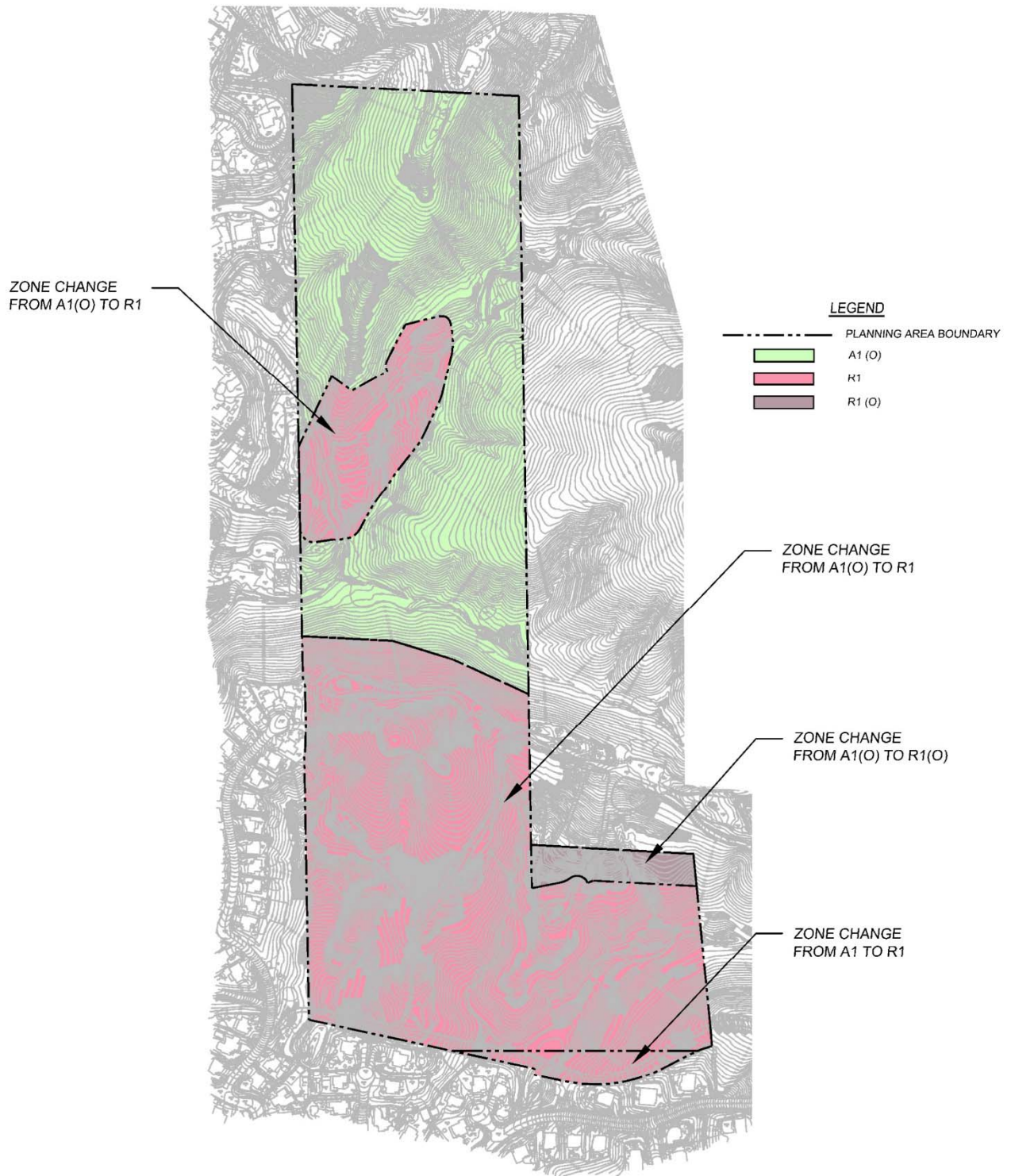
The Area Plan is designed to complement and blend with the character of existing residential neighborhoods located adjacent to the Project Site within the City of Yorba Linda. Landscaped areas or natural open space areas are provided adjacent to residential development areas to serve as natural buffers between existing residential neighborhoods and planned development of new homes. Primary access to and from the Area Plan is provided through connections to existing improved local streets.

#### 1.4.2 Well Designed Neighborhoods

The Area Plan is designed within an open space setting and provides for the development of executive style homes with large square footage, multiple bedrooms and bathrooms, and areas for entertaining on large lots with views of open space. Residential development within the two Planning Areas will contain up to 112 residential dwelling units on lots with an average lot size of approximately 14,811 square feet. Residential development of Cielo Vista is designed to address the lifestyle and buying preferences of the "move up" economic segment of the marketplace.



## Section 1: Introduction and Project Overview



**Exhibit 1-6 Zone Change Areas**

# Section 1: Introduction and Project Overview

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## 1.5 Area Plan Purpose

The purpose of the Cielo Vista Area Plan is to:

- 1) Establish design criteria as described in Section 6, "Design Guidelines" for new residential land use proposed for development within the Project Site and to provide a sufficient level of detail to guide the County review and approval of subsequent development applications including landscape plans, grading plans, and building plans.
- 2) Provide a plan responsive to the physical constraints found within and around the Project Site and to blend with the character of existing, surrounding adjacent residential neighborhoods.
- 3) Provide a mechanism as described in Section 9, "Implementation and Administration," to implement the policies of the Orange County General Plan relative to the Project Site and the R-1 and R1(O) zoning development regulations of the County of Orange Zoning Code for the Project Site.
- 4) Provide for design goals and planning objectives to ensure that Cielo Vista is developed as a cohesive and uniform planned residential neighborhood.
- 5) Provide a plan for new infrastructure, grading, design criteria, green and sustainable goals for development, and procedures ensuring that development of Cielo Vista is implemented in a uniform and cohesive manner.
- 6) Provide planning and design criteria as described in Section 6, "Design Guidelines," to ensure that development of the Project Site is compatible with the existing adjacent residential land uses.
- 7) Provide for oil production facility abandonment and site remediation of Planning Areas.
- 8) Through coordination with Orange County Fire Authority, provide for a Fire Protection Plan for the Project Site which also benefits the surrounding residential neighborhoods.

## 1.6 Area Plan Objectives

Planning and design objectives for Cielo Vista are described on the following pages. The following objectives are established to provide a foundation for the design of a residential neighborhood which responds to the natural setting as well as to the existing surrounding built environment.

# Section 1: Introduction and Project Overview

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## *Objective 1:*

Design a land plan providing for a balance of residential and open space land uses adequately served by public facilities, infrastructure, and utilities through the following measures.

- Create an aesthetically pleasing and distinctive residential neighborhood identity through the establishment of well designed entries, streetscapes, walls, and entry monuments.
- Provide for a circulation system providing pedestrian and bicycle connectivity from each planned residential neighborhood to portions of the open space area and the existing residential neighborhoods surrounding the Area Plan through a network of streets with on-street bicycle access within the rights of way and sidewalks separated from the street by landscaped parkways. Pedestrian and bicycle connectivity to adjacent surrounding residential neighborhoods is provided via the connection of a proposed local street in Planning Area 1 to existing Via Del Agua and the connection of a proposed local street in Planning Area 2 to existing Aspen Way.
- Maintain the natural setting afforded the Project Site through preservation of open space within the boundaries of the Area Plan.
- Provide for adequate storm water collection facilities to contain on-site and off-site flows affecting the property.
- Provide facilities for water quality treatment and ground water replenishment.
- Concentrate development of new residential uses within a defined area and provide for buffering of natural open space areas from new development.
- Design a land plan optimizing view potential and providing public accessibility to view areas.
- Participate in payment of appropriate Development Impact Fees to accommodate the public service needs generated by the Project.
- Provide for a Fire Protection Plan which protects the Project Site and increases protection to surrounding residential neighborhoods from the threat of wild land fires.

## *Objective 2:*

Implement a development plan for a cohesive neighborhood environment through the following design goals.

- Creation of a strong sense of arrival into the Project through enhanced Project entries.
- Provision of landscaped pedestrian walkways creating an inviting street scene for pedestrians.
- Creation of an open space setting for the residents through conservation of open space.

# Section 1: Introduction and Project Overview

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## *Objective 3:*

Incorporate the following green and sustainable design features into the land use plan.

- Homes designed with opportunities for home offices allowing people to work from home reducing driving time and vehicle emissions.
- Use of native plant materials or drought tolerant plant materials in the landscaping of public spaces and encouragement for homeowners to utilize drought tolerant plant materials in private yard areas.
- Residences equipped with currently available technology for internet access allowing residents to shop and work on-line, helping to reduce vehicle trips to employment centers and shopping.
- Use of passive solar design and energy efficient construction materials and techniques in home design to help reduce energy demand.
- Use of “night sky friendly” outdoor lighting within streets.
- Preservation of permanent open space areas within the Project Site to include natural features and appropriate land use buffers to reduce fire hazards.
- Use of a plant palette which includes canopy trees to achieve natural ventilation and cooling.
- Use of water conserving landscape planning techniques and irrigation systems in public landscape areas.

## 1.7 Public Benefits

Construction of infrastructure and public facilities necessary to serve the residential component of Cielo Vista will be paid for by the development and may include the creation of public financing districts such as Assessment Districts. The creation of Assessment Districts allows for the sale of bonds for purposes of funding public improvements paid for by the property owners within the Area Plan.

The development of Cielo Vista includes the permanent preservation of approximately 36.32 acres of open space. The continued environmental stewardship of the permanent open space within the Area Plan is provided for either as a responsibility of the Project's homeowner association or through the dedication of open space areas to an appropriate public or quasi-public State agency, or through a land conservation/trust organization. Funding for the permanent stewardship of the open space may be accomplished through an Assessment District.

Maintenance of landscaping within Cielo Vista will be provided for through special financing districts and/or homeowner associations created for the Project. Development of Cielo Vista is subject to the payment of established County Impact Fees for public services such as fire and sheriff and through the payment of County and/or City of Yorba Linda development fees for library services. The developer of Cielo Vista will pay the

# Section 1: Introduction and Project Overview

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appropriate school fees as required by the State of California and the established County in-lieu fee for park facilities.

## 1.8 Governing Documents

Development of Cielo Vista is governed by the following:

- The Orange County General Plan, as amended, establishing policies for land use, circulation, recreation and resources, noise, public safety, and housing within the Cielo Vista Area Plan.
- The Cielo Vista Area Plan which includes a land use plan, infrastructure plan, design guidelines, a green and sustainable program, and implementation procedures.
- The County of Orange Zoning Code establishing the regulations governing development of residential uses within the Area Plan.
- The Orange County Subdivision Code regulating the subdivision of land within Cielo Vista.
- Covenants, Conditions, and Restrictions (CC&Rs) established by the developer of Cielo Vista as a means of ensuring and enforcing quality design during development and the continued maintenance of common areas.

## 1.9 Area Plan Components

The Area Plan is organized into the following sections in addition to Section 1, “Introduction and Overview.”

### SECTION 2 - SITE CONDITIONS

The physical setting for Cielo Vista is described in this section outlining the existing physical conditions found within and surrounding the Project Site.

### SECTION 3 - LAND USE PLAN

The Land Use Section describes residential Planning Areas and the open space preservation area planned for Cielo Vista.

### SECTION 4 - INFRASTRUCTURE PLAN

This section describes circulation improvements, planned backbone water, sewer, and storm drain systems, and public utilities serving Cielo Vista.

### SECTION 5 - GRADING PLAN

The grading plan describes the grading concept for Cielo Vista, including preliminary earthwork quantities for cut and fill, contours and grades, and grading for remedial work.



# Section 1: Introduction and Project Overview

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## SECTION 6 - DESIGN GUIDELINES.

The Design Guidelines define architectural and landscape design elements to ensure that Cielo Vista is developed as a welcoming neighborhood of design quality and character with definitive architecture and attractive landscaping.

## SECTION 7 - GREEN AND SUSTAINABLE PROGRAM

This section identifies green and sustainable goals for Cielo Vista.

## SECTION 8 - GENERAL PLAN CONSISTENCY

The relationship of the Area Plan to the applicable policies of the Orange County General Plan and the City of Yorba Linda General Plan is discussed in Section 8.

## SECTION 9 - IMPLEMENTATION

The policies and procedures for the administration of the Area Plan, procedures for the review and approval by the County of specific development proposals within the Area Plan, Project financing, and Project maintenance responsibilities within the development are described in this section.

## Section 1: Introduction and Project Overview

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### Section 2. Site Conditions

#### 2.1 Project Setting

The Project Site is located within unincorporated Orange County and within the City of Yorba Linda Sphere of Influence (SOI) within an established urban setting. The Casino Ridge residential community abuts the Project Site on the north, and established residential neighborhoods abut the Project Site on the south and west. The approximately 469 acre Esperanza Hills Specific Plan area, proposed for residential development, abuts the Project Site on the east. A Metropolitan Water District (MWD) Easement extends along the southern boundary within the Project Site. The physical setting of the Project Site is illustrated on Exhibit 2-1, “Project Setting.”

#### 2.2 Existing Access

Regional access to the Project Site is provided from the 91 Freeway, located approximately 1.7 miles southwest and southeast of the Project Site, and from the 57 Freeway, located approximately 6 miles west of the Project Site. Yorba Linda Boulevard, a major arterial roadway, connects the 91 Freeway and the 57 Freeway through the City of Yorba Linda and is proximate to the Project Site. Existing access to the Project Site is provided from Aspen Way which terminates at the westerly boundary of the Project Site. Aspen Way extends approximately 1200 feet west of the Project Site connecting to San Antonio Road, which intersects with Yorba Linda Boulevard. The southerly access is from Via del Agua, a residential street, located to the south of the Project Site which connects with Yorba Linda Boulevard. As part of the approval of existing adjacent residential development, right of way was irrevocably offered for dedication to allow for construction of a future street connecting the Project Site with Via del Agua.

#### 2.3 Existing Land Use

The majority of the Project Site is vacant but subject to a mineral lease for oil production as part of the Esperanza Oil Field. The Esperanza lease is now held by Santa Ana Canyon Development. Oil production facilities within the Project Site now include five operational wells, one abandoned well, a tank, unimproved oil field service roads, and unimproved drill pad sites scattered throughout the Project Site. A Southern California Gas Company Easement of approximately 100 feet in width crosses the northwesterly edge of the Project Site. A Metropolitan Water District (MWD) Easement extends along the southern boundary within the Project Site. Existing land use is illustrated on Exhibit 2-2, “Existing Site Conditions.”

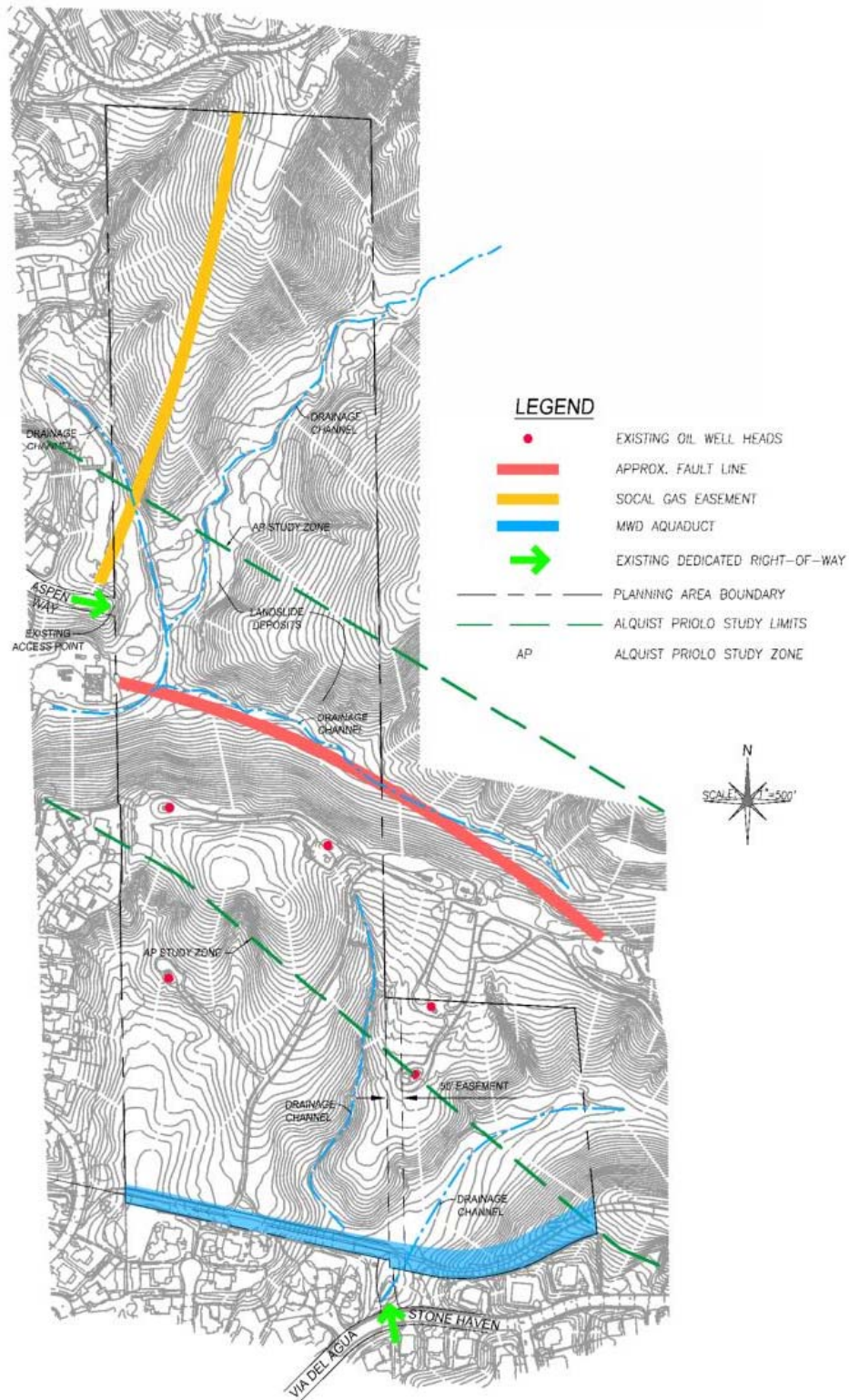
## Section 2: Site Conditions



**Exhibit 2-1 Project Setting**



## Section 2: Site Conditions



**Exhibit 2-2 Existing Site Conditions**

## Section 2: Site Conditions

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### 2.4 Topography and Geology

The topography of the Project Site is characterized by steep sloping hillsides vegetated by scrub and chaparral. Elevations range from approximately 565 feet above mean sea level (MSL) in the southern portions of the Project Site to approximately 885 feet above MSL at the highest point in the northern portions of the Project Site. The site is characterized by two major drainages. A north-south trending drainage extends from the northerly edge of the Project Site and joins a major east-west drainage that extends into adjoining land to the east. Side slopes within the east-west drainage vary from 1.5:1 to 2:1 (horizontal/vertical). A minor drainage runs parallel to the major east-west drainage near the southerly edge of the Project Site. Preliminary geotechnical studies prepared for the Area Plan indicate that a branch of the Whittier Fault Zone traverses the Project Site within the major east-west drainage. The residential planning areas of Cielo Vista avoid disturbance of the major east-west drainage.

The Environmental Impact Report (EIR) prepared for the Project evaluates seismic and geologic conditions found within the Project Site and identifies appropriate mitigation measures including the use of any setbacks that may be required in accordance with the Alquist Priolo Act. The EIR geotechnical studies included preliminary trenching near the fault zone and concluded that the residential areas of Cielo Vista avoid disturbance of the fault. However the Project EIR includes a mitigation measure requiring additional fault trenching to be conducted prior to issuance of precise grading permits in order to confirm that the areas of preliminary fault trenching are not active. If the results of additional trenching conclude that any of the fault trenching locations are active faults, precise grading permits for residential development in the subject areas will not be issued unless additional studies are prepared and approved by the County confirming that some or all of the areas are suitable for residential construction. Preliminary geotechnical studies also identify a potential ancient landslide along the primarily northwest facing slope located within the northerly portion of the Project Site. This geologic feature lies within the Project's Open Space land use area and is completely avoided by development. Existing topographic conditions and the Whittier Fault Zone are illustrated on Exhibit 2-2, "Existing Site Conditions."

### 2.5 Biological Features

The EIR prepared for the Project evaluated the plant communities, habitats, and wildlife found within the Project Site. A summary of the findings and conclusions of the EIR studies is provided below. The Project EIR identifies appropriate measures to mitigate and monitor any potential impacts to biological resources as part of the Project.

## Section 2: Site Conditions

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Site biological resources were also evaluated as part of the Project EIR. The biological survey identified the following Natural Communities, based on the Orange County Habitat Classification System, as occurring within the Project Site and as illustrated on Exhibit 2-3, "Natural Communities."

- Encelia Scrub
- Mixed Sage Scrub
- Laurel Sumac Chaparral
- Ruderal
- Ruderal/Sagebrush Scrub
- Ruderal/ Blue Elderberry Woodland
- Ruderal /Mixed Sage Scrub
- Ruderal /Encelia Scrub
- Ruderal/ Chaparral Bushmallow Scrub
- Ruderal/Mule Fat Scrub
- Blue Elderberry Woodland
- Chaparral Bushmallow Scrub
- Chaparral Bushmallow Scrub/Encelia Scrub
- Disturbed Plant Communities
- Southern Willow Scrub
- Mule Fat Scrub
- Blue Elderberry Woodland/Laurel Sumac Chaparral/Mixed Sage Scrub
- Blue Elderberry Woodland/Laurel Sumac Chaparral

Of the Natural Communities found within the Project Site five are listed as Sensitive Natural Communities in the Project EIR due to their decline in the region and/or their ability to support sensitive species. The Natural Communities listed as sensitive include the Blue Elderberry Woodland, Southern Willow Scrub, Blue Elderberry Woodland/Laurel Sumac Chaparral, Blue Elderberry Woodland/Laurel Sumac Chaparral/Mixed Sage Scrub and Encelia Scrub. The locations of these Sensitive Natural Communities are illustrated on Exhibit 2-4,"Sensitive Natural Communities." The Project EIR evaluates the impact of the proposed development on the Sensitive Natural Communities and recognizes that a portion of the approximately 36.3 acres proposed as permanent open space as part of the Project, would support sensitive habitat communities,

## Section 2: Site Conditions

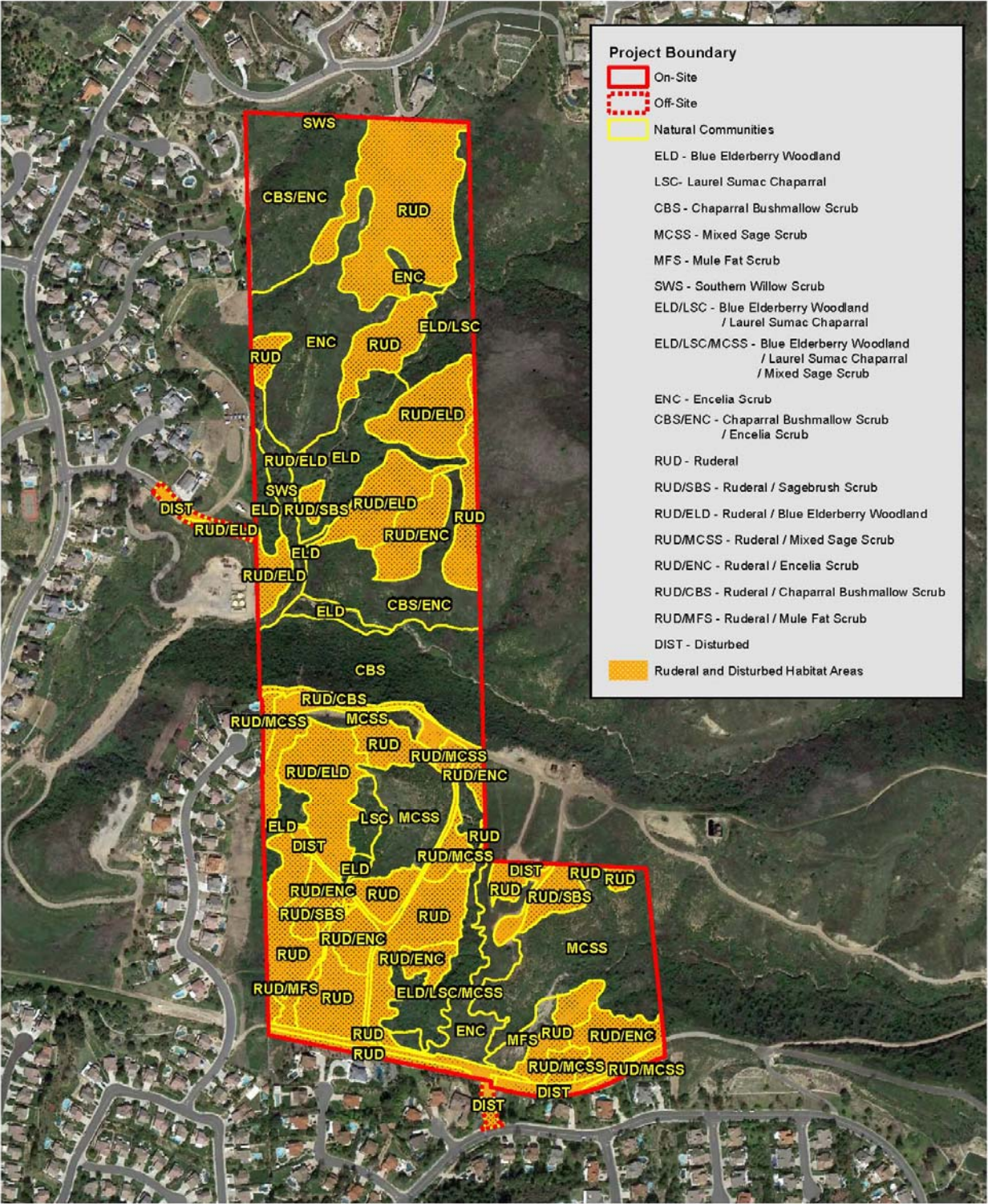
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Approximately 47 southern California black walnut trees were observed within the Project Site, approximately 20 of which occur within three stands located throughout the Project Site as illustrated In Exhibit 2-5, "Southern California Black Walnut Tree Locations." The Project EIR prepared for the Cielo Vista Area Plan describes the southern California black walnut tree as a sensitive plant species, however the species does not constitute a "monotypic woodland structure" as seen elsewhere in the surrounding region where entire hillsides are covered with canopies of the trees. For this reason, the southern California black walnut trees within the Project Site are not considered a species of high sensitivity.

The Project EIR evaluated the potential impact to the southern California black walnut trees within the Project Site as a result of the development of Cielo Vista. The Project EIR concluded that the Project would impact the southern California black walnut trees. However, because the trees are not considered a species of high sensitivity the impacts to the trees would not constitute a significant impact requiring mitigation.

Wildlife surveys performed as part of the Project EIR identified habitat suitable with the Project Site for sensitive and/or endangered species including the least Bell's vireo, the coastal California gnatcatcher, and the southwestern willow flycatcher. As part of the EIR biological surveys conducted for the Project, no coastal California gnatcatchers or southwestern willow flycatchers were observed, however the least Bell's vireo was observed, and habitat supporting this species would be impacted by the Project. The EIR identifies a mitigation measure requiring the Project Applicant to obtain all Federal and State regulatory permits prior to development in impacted areas and to provide on and/or off site replacement and/or enhancement of least Bell's vireo habitat at a ratio of no less than 2:1.

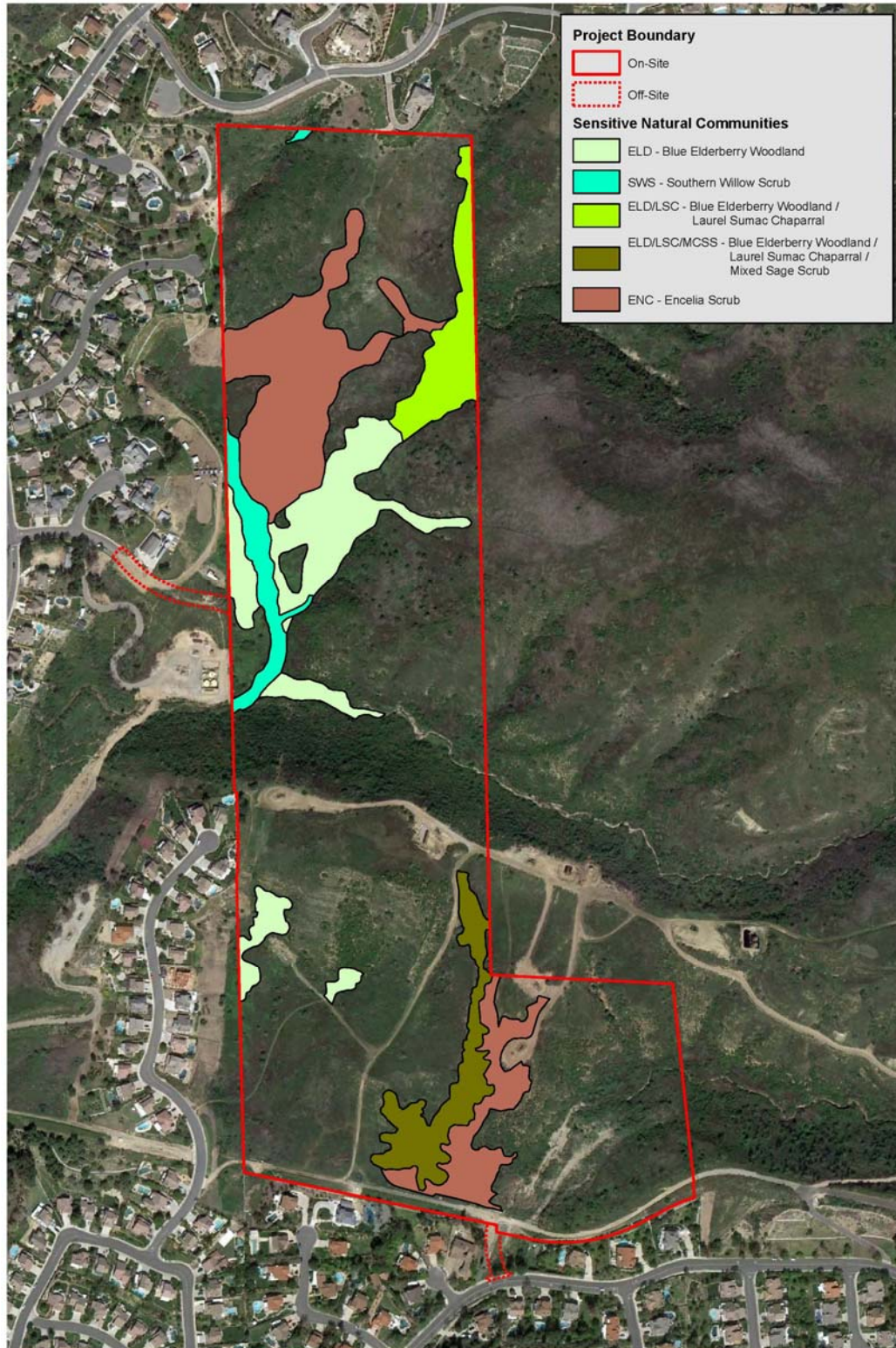




## Exhibit 2-3 Natural Communities



## Section 2: Site Conditions



**Exhibit 2-4 Sensitive Natural Communities**



## Section 2: Site Conditions



**Exhibit 2-5 Southern California Black Walnut Trees Locations**

## Section 2: Site Conditions

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### 2.6 Cultural Resources

As part of the Project EIR, a cultural and paleontological resources records search was performed for the Project Site. The records' search indicate no cultural resources or paleontological resources have been recorded within the Project Site. A cultural and paleontological resources site survey was conducted over accessible areas of the Project Site. No cultural or paleontological resources were observed during the survey. Though the records search and site survey conducted indicate a low potential for cultural and paleontological resources to be located within the Project Site, the Project EIR includes an evaluation of the potential for cultural and paleontological resources to occur within the Project Site and recommendations for mitigating any potential impacts to cultural and paleontological resources during development of the Project including monitoring of Project construction. In the event cultural or paleontological resources are discovered during Project development, reasonable and proper steps to preserve such resources would be implemented.

### 2.7 Resource Conservation

The Area Plan responds to natural and man-made features found within and around the Project Site. The careful consideration of the existing environment within and surrounding Cielo Vista has led to the following Area Plan design components:

- Natural topographical features forming drainages and slopes are retained within permanent open space areas of the Project Site.
- Natural habitat of the Least Bell's Vireo on-site and off-site, impacted by development will be replaced and/or enhanced at a minimum ratio of 2:1 in coordination with permitting processes of the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife.
- Portions of the approximately 36.3 acres proposed as permanent open space will support Sensitive Habitat Communities.
- Approximately 43% of the Area Plan is designated as permanent open space.
- Residential development is located outside of the minimum setback from potential landslide areas and seismic fault zones.

## Section 3: Land Use Plan

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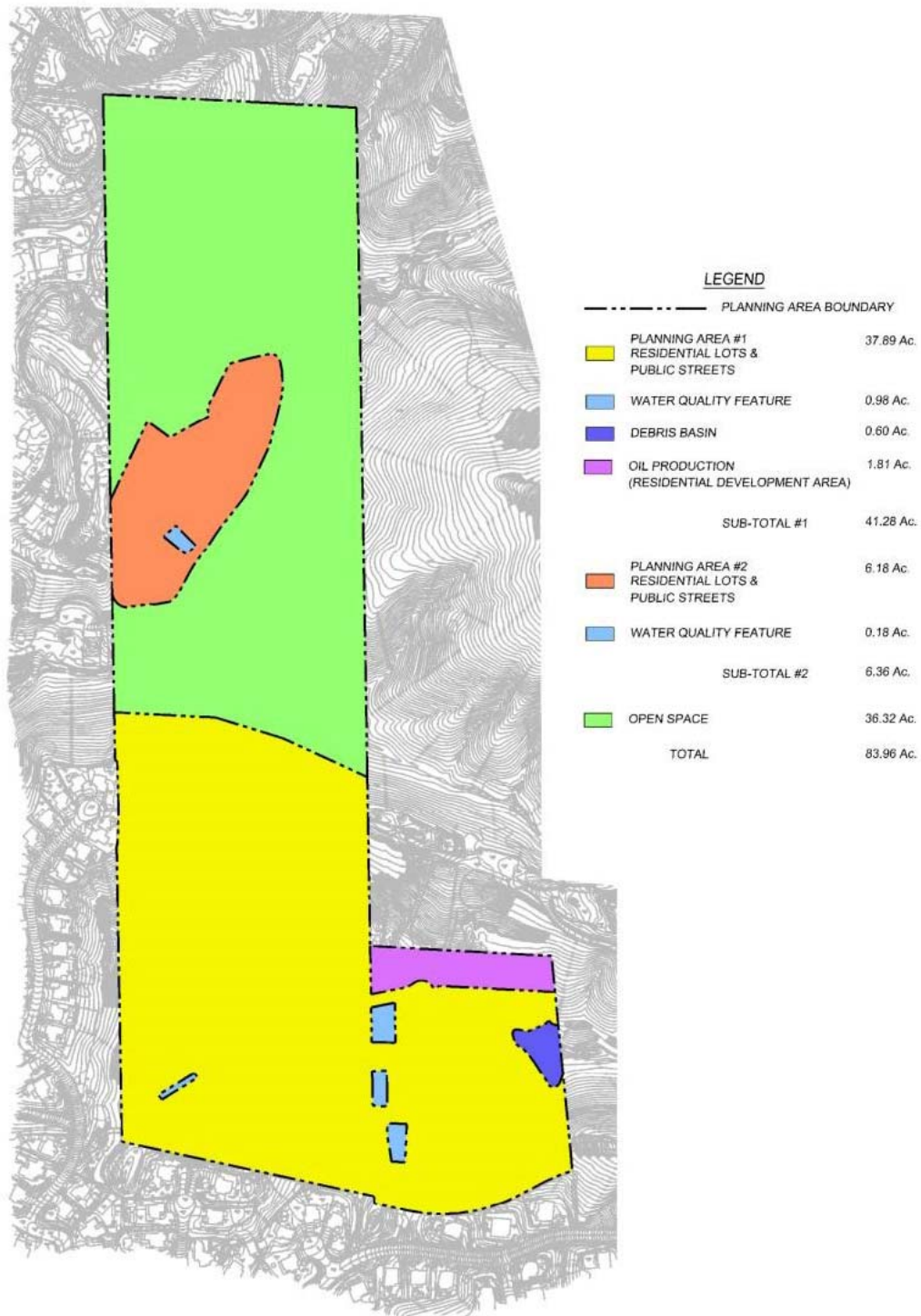
### Section 3. Land Use Plan

#### 3.1 Overview

The land use plan for Cielo Vista is a design for a residential neighborhood within an open space setting, emphasizing compatibility with surrounding land uses and providing a circulation system consistent with those of the surrounding neighborhoods. Landscaped streets and entries provide the unifying design elements for Cielo Vista. Pedestrian and bicycle connectivity is provided through linkages and connections to provide access among all residential areas, open space, and to adjacent residential neighborhoods. Approximately 43% of the Project Site is preserved as natural open space. The land use plan included as Exhibit 3-1, “Land Use Plan” illustrates the development plan for Cielo Vista. The “Land Use Plan Summary,” Table 3-1, describes the components of the land use plan and a summary of proposed development.



## Section 3: Land Use Plan



**Exhibit 3-1 Land Use Plan**

## Section 3: Land Use Plan

Table 3-1 Land Use Summary

Land Use	Acres (approximate)	Dwelling Units
<b>Residential</b>		
<b>Planning Area 1</b>		
Net Residential Area	32.64	95
Streets	5.25	
Water Quality Basins	1.58	
Oil Production Area	1.81	
Subtotal PA-1	41.28	
<b>Planning Area 2</b>		
Net Residential Area	5.20	17
Streets	.98	
Water Quality Basins	0.18	
Subtotal PA-2	6.36	
Total Residential	47.64 (57%)	112
<b>Open Space</b>	36.32 (43%)	
<b>Total</b>	<b>83.96</b>	<b>112</b>

### 3.2 Residential Land Use

Residential uses comprise approximately 47.64 acres of Cielo Vista. Residential uses are designated within two Planning Areas of Cielo Vista for development of single family detached residential dwellings with minimum lot sizes of 7,200 square feet and an average lot size of approximately 14,811 square feet. The Area Plan proposes that up to 112 residential dwelling units be developed as described in Table 3-1, "Land Use Summary." Residences are planned as single family front loaded homes placing an emphasis on architectural elements oriented toward the street and incorporating a mix of garage configurations and designs such as recessed garages, mid or deep recessed garages, split garages, and/or tandem garages in order to minimize the view of garages from the street and to provide a varied street scene. Residential development within Cielo Vista will comply with all R-1 and R-1(O) development regulations pursuant to Section 7-9-74, "Single Family Residence," District Regulations and Section 7-9-117, "Oil Production," of the Orange County Zoning Code.

### 3.3 Oil and Gas Production Facilities

Prior to grading for any development within a residential Planning Area of the Area Plan, all operational and non-operational wells within the boundaries of the Planning Area, along with other oil facilities will be removed and abandoned or re-abandoned pursuant to the requirements of CalDOGGR, RWQCB, OCFA, OCHA, and Orange County Zoning Code Sections 7-8-1 et seq. (The Orange County Oil Code). Soil contaminated by the historical oilfield production activities will be removed from the site or remediated on-site to meet the cleanup

## Section 3: Land Use Plan

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standards of CalDOGGR, the RWQCB, OCFA, and OCHA the agencies with jurisdiction over the cleanup. No habitable structure will be permitted within ten feet of any abandoned well. Future homeowners will be provided with notification as to the previous use of the site as an oilfield and the extent of continued oil production activities in any other portions of the Area Plan.

An approximately 1.81 acre parcel located in Planning Area 1 is proposed to be zoned R-1(O) and can be used as an oil pad for continued oil operations including consolidation of wells relocated from the rest of the Project Site and slant drilling of new wells below ground. This area would be available to the current oil operators for continued oil operations. Any future wells would be drilled from the oil pad pursuant to the requirements of DOGGR and the Orange County Oil Code. Plantings and walls will be provided around surface oil operational equipment to screen these facilities to the extent feasible. Access to continued oil production sites will be provided by existing public streets connecting with existing oil field service roads.

No habitable structure will be permitted within 150 feet of any operational surface well or within 50 feet of a subsurface pumping unit/well enclosed within a concrete vault, pursuant to approval by the Orange County Fire Authority of a Request for Alternative Materials and Methods Design

At the time that oil operations on the oil pad parcel cease, wells will be abandoned and any contaminated soils will be remediated pursuant to the requirements of CalDOGGR, the Regional Water Quality Control Board, and all other agencies with jurisdiction over the cleanup, and the site may be used for residential development.

### 3.4 Open Space

Approximately 36.32 acres of Cielo Vista, are preserved as permanent natural open space within the hillsides and canyons of the Project Site. Open space contains sloping hillsides vegetated by scrub and chaparral. Elevations range from approximately 585 feet above MSL in the southern portions of the Project Site to approximately 885 feet above MSL at the highest point in the northern portions of the Project Site. The main westerly draining canyon bisecting the Project Site is preserved within the permanent open space area. Portions of the open space area will support sensitive habitat communities. The Area Plan accommodates the future extension by the City of Yorba Linda of the General Plan designated San Antonio Park Equestrian Trail through the permanent open space area. The open space areas of Cielo Vista also include some fuel modification zones for fire protection.

#### 3.4.1 Fuel Modification

A fire protection plan is proposed for Cielo Vista consisting of three fuel modification zones and a special maintenance area. Each zone and the special maintenance area are designed specifically to help suppress a fire



## Section 3: Land Use Plan

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in different ways. Detailed information on the Cielo Vista fire protection plan is included in Section 6, “Design Guidelines,” of the Area Plan.

## Section 3: Land Use Plan

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## Section 4: Infrastructure and Public Services

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### Section 4. Infrastructure and Public Services

Development of Cielo Vista includes construction of new roadways, water mains, wastewater mains, and drainage facilities. All are designed to connect to existing facilities located adjacent to the Project Site that have sufficient capacity to serve Cielo Vista. Utilities will be provided to the Project by existing utility service providers. Public services will be provided to the Project by existing agencies as described in this section.

#### 4.1 Circulation

##### 4.1.1 Overview

Regional access to the Project Site is provided by Yorba Linda Boulevard, a major east-west arterial, which connects SR 91 and SR 57. Via del Agua Drive, a local collector street, intersects Yorba Linda Boulevard and connects to the Project Site on the south. San Antonio Road, a local arterial, intersects Yorba Linda Boulevard and connects to the Project Site on the west via Aspen Way.

Access to Cielo Vista is provided at two points. Access to Planning Area 1 is provided from Via Del Agua within an irrevocable dedication to the City of Yorba Linda of street right of way which exists between the southerly boundary of Planning Area 1 and Via Del Agua. This right of way will be improved as a local roadway providing access to Planning Area 1.

Aspen road, a local street, extends easterly from San Antonio road terminating at the westerly boundary of the Project Site. An existing dedicated right of way within Aspen Way will be improved as part of the Project to provide access to Planning Area 2.

The street system within Cielo Vista consists of local residential streets with sidewalks on both sides of the street. Internal streets to be constructed as part of the Project will vary in width from 56 feet to 44 feet of right of way with sidewalks separated from the street by landscaped parkways. Parkway will be planted with shade trees, shrubs, and groundcover. Sidewalks within the Project Site will provide internal pedestrian connectivity as well as connectivity to the surrounding residential neighborhoods. On-street bicycle access and connectivity are provided within the right of way of the local street system. The Project includes provision of a 50 foot wide emergency vehicle access easement within Planning Area 1 connecting to the boundary of the adjacent Esperanza Hills Specific Plan area. Access to continued oil production sites will be provided by existing public streets connecting with existing oil field service roads in open space areas and by new local Project streets connecting to the oil production site located within the residential development area. The circulation plan for Cielo Vista is illustrated on Exhibit 4-1, "Master Circulation Plan."

## Section 4: Infrastructure and Public Services

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### 4.1.2 Local Streets

New local streets planned as part of the development of Cielo Vista are illustrated on Exhibit 4-1, “Master Circulation Plan,” and on the street sections, Exhibits 4-2 and 4-3, “Local Street Sections.” New local streets planned for the project will be private and improved to County public street standards.

#### 4.1.2.1 Streets “A” and “B”

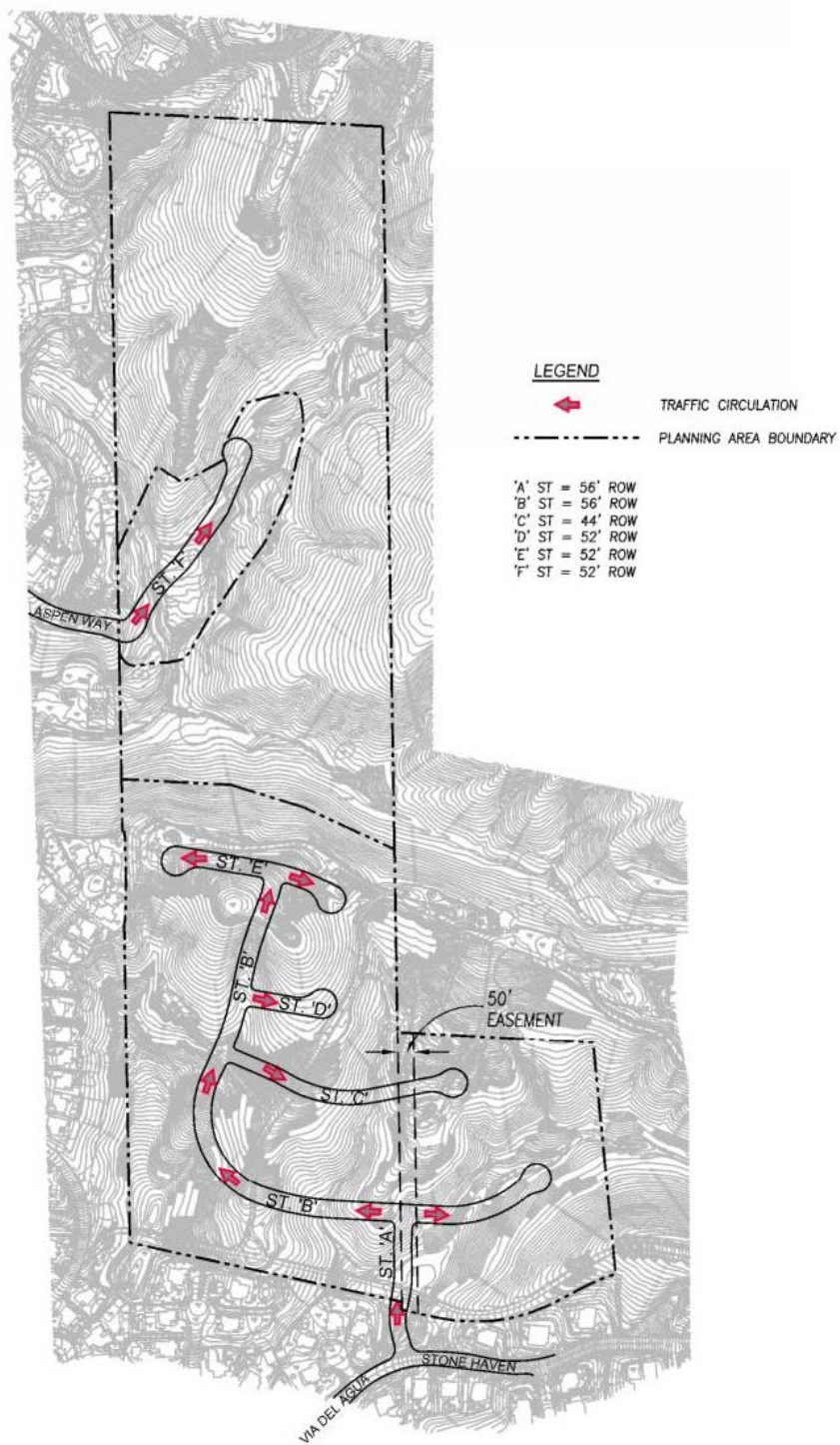
Street “A” serves as the access street to Planning Area 1 of Cielo Vista and will extend approximately 150 feet north from a connection at Via del Agua to the southerly boundary of the Area Plan. Within the Project Site, Street “A” extends north to intersect with Street “B.” Street “B” forms the backbone local street for Planning Area 1 extending east to west and north to south. Streets “A” and “B” each have a total right of way of 56 feet and include a 40 foot wide travel area and a 4 foot sidewalk separated from the street by a 4 foot wide landscaped parkway between the curb and sidewalk on both sides of the street. Street “B” provides for parking on both sides of the street. The design for Streets “A” and “B” within Cielo Vista is illustrated on Exhibit 4-2, “Local Street Sections.”

#### 4.1.2.2 Streets “C, D, E, and F”

Two types of local residential streets connect with Street “B” to serve residential lots within Planning Area 1. Street “C” has a 44 foot wide right of way which includes 30 feet of travel area and a 4 foot wide sidewalk separated from the street by a 4 foot wide landscaped parkway between the curb and sidewalk on both sides of the street. On-street parking is provided on one side of Street “C.” The design for Street “C” is illustrated on Exhibit 4-2, “Local Street Sections.”

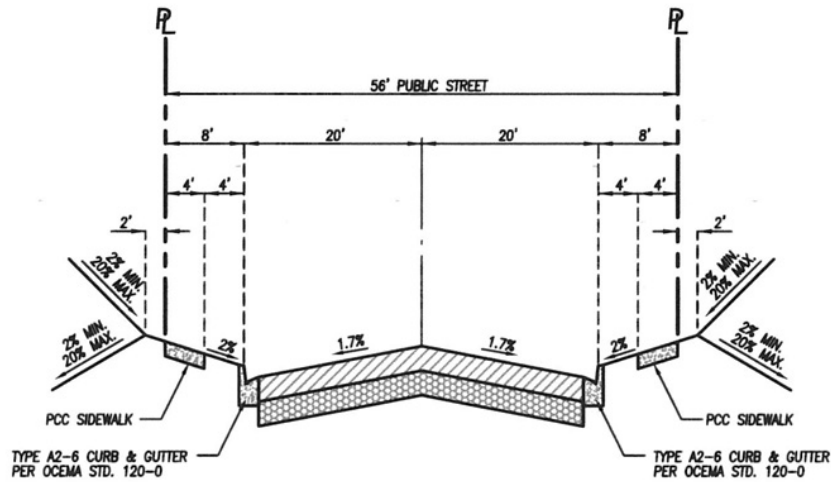
Streets “D” and “E” each have a total right of way of 52 feet which includes 36 feet of travel area and a 4 foot wide sidewalk separated from the street by a 4 foot wide landscaped parkway between the curb and sidewalk on both sides of the street. On street parking is provided on both sides of Streets “D” and “E”. The design for Streets “D” and “E” within Cielo Vista is illustrated on Exhibit 4-3, “Local Street Sections.”

Aspen Way serves as the access roadway to Planning Area 2 of Cielo Vista connecting to Street “F”, which has a total right of way of 52 feet which includes 36 feet of travel area and a 4 foot wide sidewalk separated from the street by a 4 foot wide landscaped parkway between the curb and sidewalk on both sides of the street. On street parking is provided on both sides of Street “F”. The design for Street “F” within Cielo Vista is illustrated on Exhibit 4-3, “Local Street Sections.”



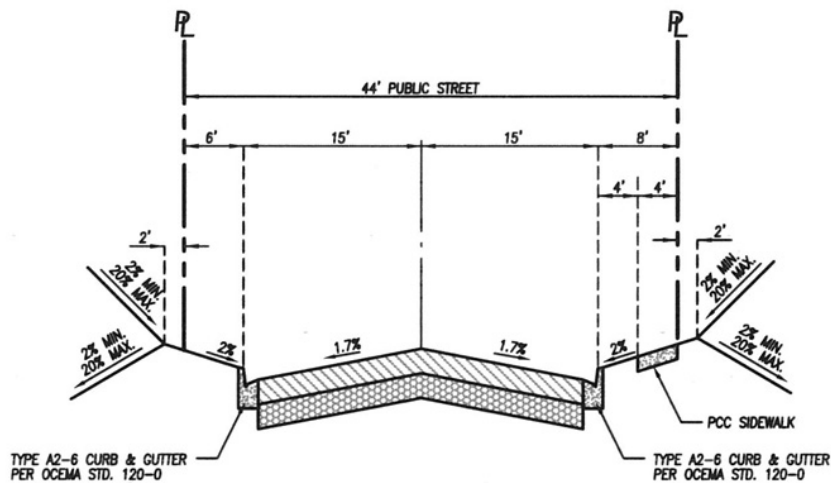
**Exhibit 4-1 Master Circulation Plan**

## Section 4: Infrastructure and Public Services



**Streets 'A' & B - 56' Public Street**

LOCAL (500-1200 ADT) PER OCEMA STD. 1107  
NOT TO SCALE

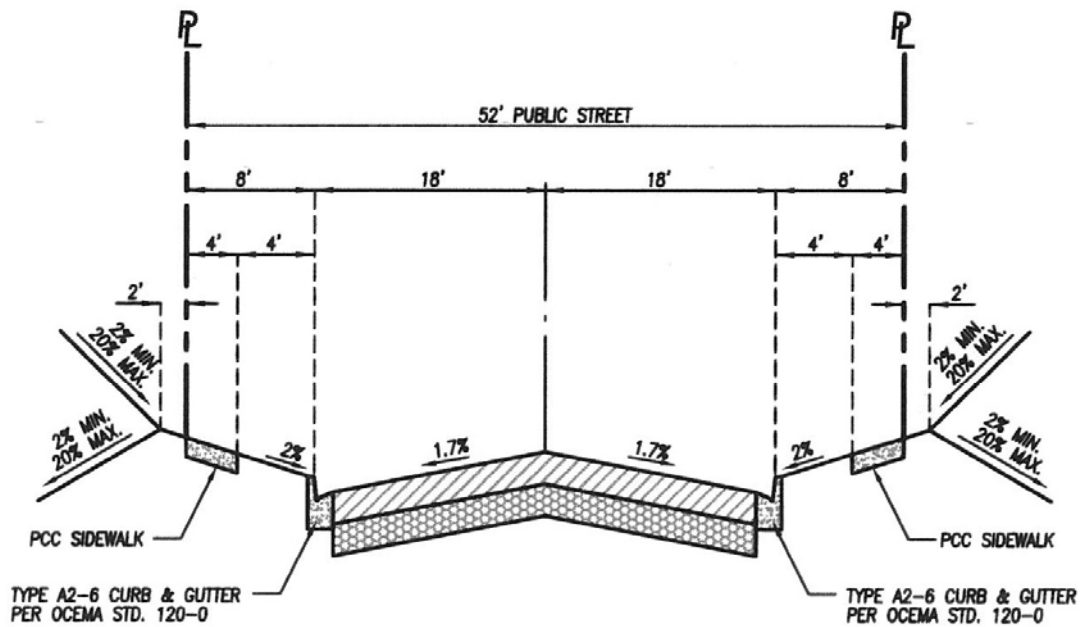


**Street 'C' - 44' Public Street**

LOCAL-B (200-500 ADT) PER OCEMA STD. 1107  
NOT TO SCALE

### Exhibit 4-2 Local Street Sections

## Section 4: Infrastructure and Public Services



### Streets 'D', 'E' & 'F' - 52' Public Street

LOCAL (<500 ADT) PER OCEMA STD. 1107  
NOT TO SCALE

### Exhibit 4-3 Local Street Sections

## Section 4: Infrastructure and Public Services

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### 4.1.3 Pedestrian and Bicycle Circulation

Walkways within the local streets of Cielo Vista form a comprehensive pedestrian circulation system throughout each residential planning area. The local street system provides for on-street bicycle circulation. The proposed pedestrian and bicycle circulation system provided within the local streets of Cielo Vista provides connectivity between residential planning areas and open space within the Area Plan, as well as connectivity to existing off-site sidewalks and streets in adjacent residential neighborhoods linking Cielo Vista to the surrounding community.

### 4.2 Water and Sewer

Water and Sewer service is provided by the Yorba Linda Water District (YLWD). Facilities adjacent to the Project Site include:

- Existing 8 inch diameter sewer mains located in Stonehaven Drive and Aspen Way,
- Existing 8 inch diameter water mains located in Stonehaven Drive and Aspen Way.

#### 4.2.1 Water Facilities Plan

YLWD has completed the "Northeast Area Planning Study" which identifies master plan upgrades and new improvements for this portion of its service area. Some of the proposed upgrades and improvements would support the Cielo Vista development. Those improvements may include the future addition of a water tank on or somewhere in the vicinity of the Project Site, expanded water lines, pumping facilities, and upgrades to booster stations. These will be constructed and financed according to agreements among YLWD and benefitting landowners.

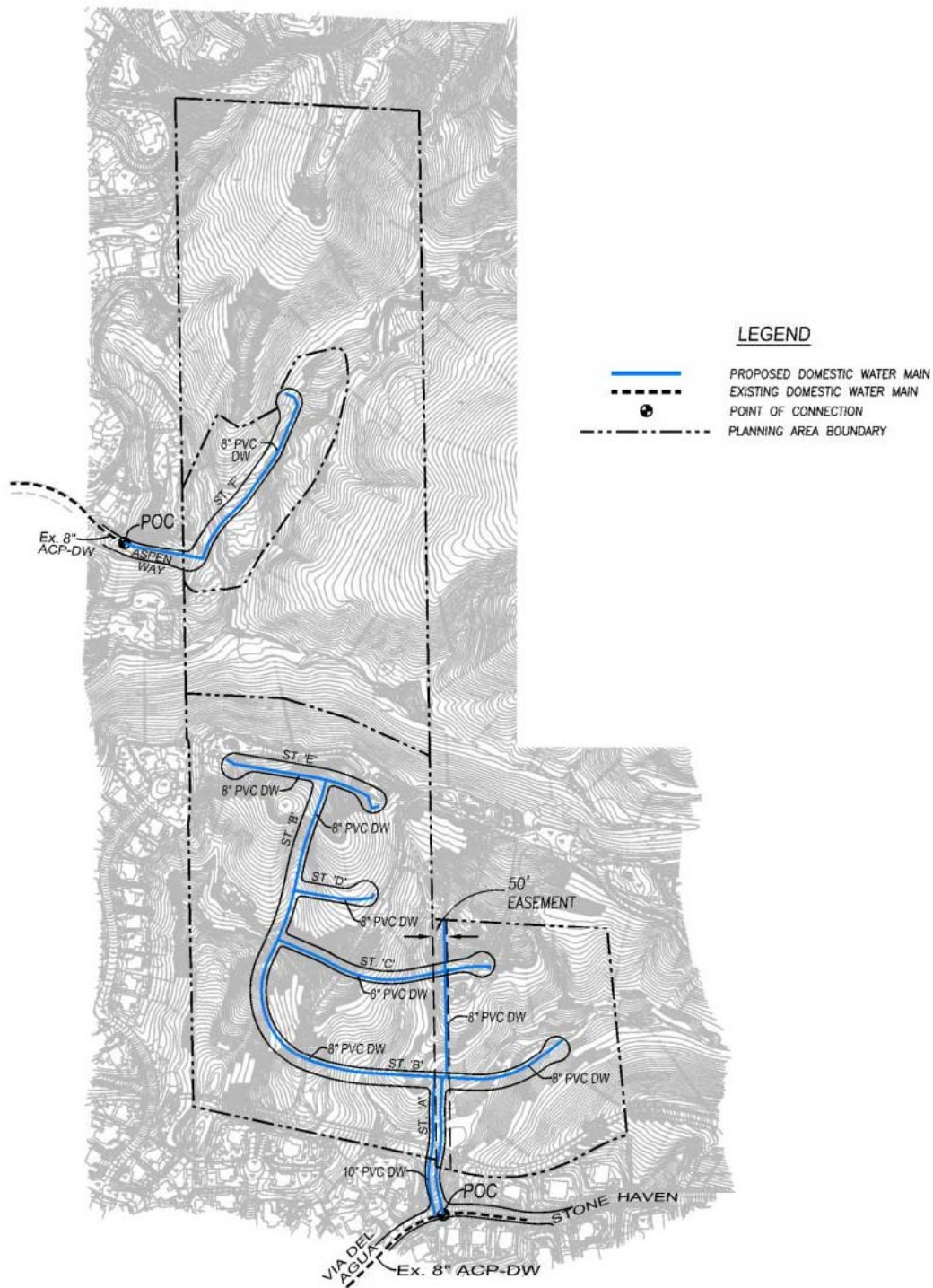
On-site water facilities planned for Cielo Vista include a system of 8 inch diameter mains within local streets connecting to existing 8 inch diameter mains located within Aspen Way and Via del Agua. On-site water service facilities for Cielo Vista are illustrated on Exhibit 4-4, "Water Facilities Plan."

#### 4.2.2 Sewer Plan

Sanitary sewer service to the Project Site is provided by YLWD. On-site wastewater flows from the Project will be collected by an on-site system of 6 inch and 8 inch diameter lines designed to the standards of the YLWD and located within the streets of Cielo Vista. On-site sewer mains within Planning Area 1 will connect to existing sewer mains located in Stonehaven Drive providing sewer service for this portion of Cielo Vista. On-site sewer mains within Street "F," serving Planning Area 2, will extend to Aspen Way where an on-site sewer pump will pump wastewater to the existing sewer manhole at the intersection of Aspen Way and Willow Tree Lane. The Sewer Master Plan for Cielo Vista is illustrated on Exhibit 4-5, "Sewer Master Plan."

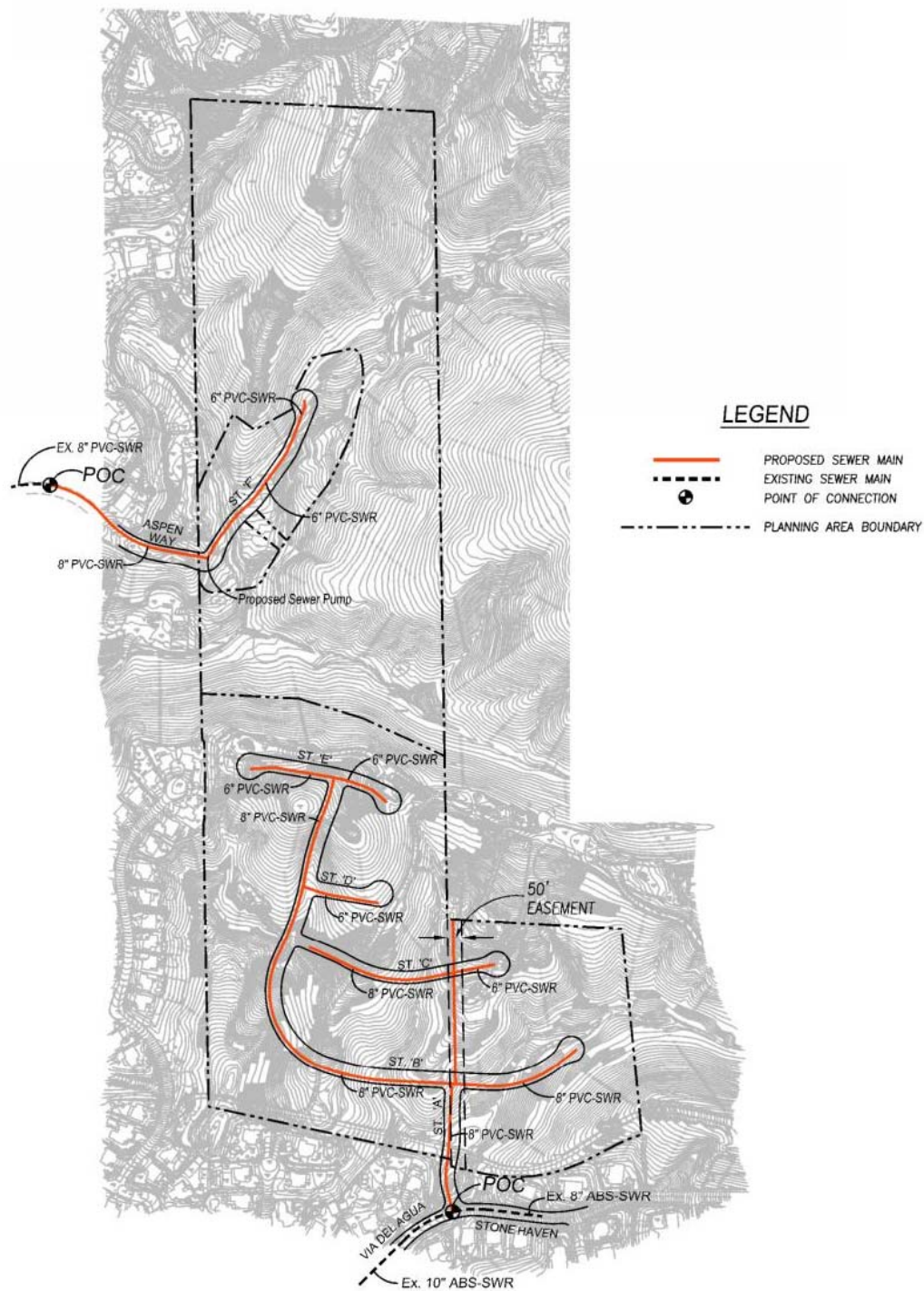


## Section 4: Infrastructure and Public Services



**Exhibit 4-4 Water Facilities Plan**

## Section 4: Infrastructure and Public Services



**Exhibit 4-5 Sewer Master Plan**

## Section 4: Infrastructure and Public Services

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### 4.3 Drainage and Water Quality Management Plan

As part of development of Cielo Vista, existing natural drainage patterns will be maintained to the extent feasible so that flows to the downstream facilities will remain close to conditions that exist prior to development. The existing natural drainages include an east-west canyon that separates Planning Areas 1 and 2. Approximately 630 acres located outside the boundaries of the Project Site are tributary to this channel. A smaller north-south tributary draining approximately 40 acres intersects this canyon, and both flow into an existing drainage stub located in the residential area near the southwest boundary of the Project Site. The bed of the north-south channel is planned for minor realignment to the east and will follow the base of a slope planned as part of the development of residential lots. Substantial portions of these natural drainage channels located within the Project Site are protected from development and will be maintained as open space.

Runoff from the developed areas of the Project Site will be collected in a storm drainage system within local streets and routed through several water quality features and a debris basin to be constructed as part of the project. The Project storm drainage system will connect to existing City of Yorba Linda storm drain facilities following approval by the City's Public Works Division. The water quality features and debris basin will serve to mitigate the increased flow anticipated from the increased impervious surface created with the development and will also decrease pollutants in the runoff. A Conceptual Water Quality Management Plan (WQMP) prepared as part of the Project identifies structural and non-structural best management practices (BMPs) that would reduce pollution levels in storm water discharge in compliance with applicable water quality standards. The WQMP includes provisions for implementation of the WQMP during project construction and for long term maintenance of the structural and non-structural BMPs by the Home Owners Association (HOA) for Cielo Vista, the entity owning and maintaining the water quality basins. The WQMP includes detailed sizing parameters for the basins and provides guidelines to the HOA for the proper maintenance of the water quality basins. The drainage plan for Cielo Vista is illustrated on Exhibit 4-6, "Drainage and Water Quality Management Plan."

### 4.4 Dry Utilities

#### 4.4.1 Telephone

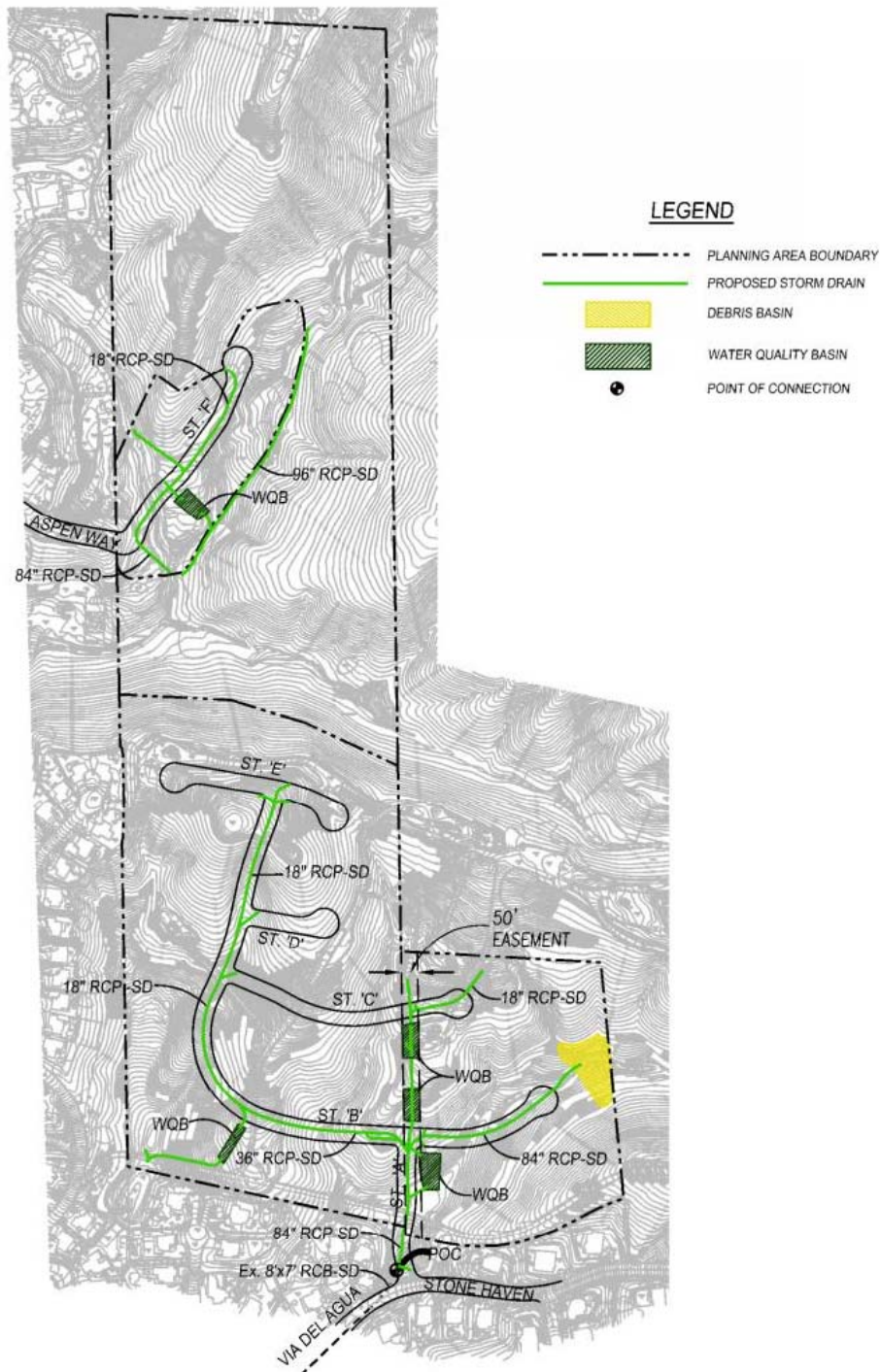
AT&T is the telephone service provider for the Project Site. Telephone service for the Project Site will be provided by AT&T with all on-site facilities constructed as part of the Project placed underground.

#### 4.4.2 Natural Gas

Southern California Gas Company is the provider of natural gas to the Project Site. On-site gas facilities constructed as part of the Project will be placed underground.



## Section 4: Infrastructure and Public Services



**Exhibit 4-6 Drainage and Water Quality Management Plan**

## Section 4: Infrastructure and Public Services

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### 4.4.3 Electricity

Southern California Edison (SCE) provides electricity to the Project Site from existing facilities in the vicinity of the Project Site. New facilities constructed as part of the Project will be located underground.

### 4.4.4 Cable and Internet

Time Warner is the cable service provider for the Project Site. Cable service for the Cielo Vista development will be provided by Time Warner with all on-site facilities constructed as part of the Project placed underground.

### 4.5 Schools

The Placentia-Yorba Linda Unified School District (District) is the school district serving the grade K-12 school needs of the future residents of Cielo Vista. Based on existing school boundaries, the school facilities which could serve Cielo Vista include the Travis Ranch School for grades K-8 and Yorba Linda High School for grades 9-12. The developer of Cielo Vista will pay school mitigation fees as required by State of California.

### 4.6 Solid Waste

Yorba Linda Disposal provides solid waste services for the City of Yorba Linda. This service can be extended to Cielo Vista.

### 4.7 Public Safety

Police protection is provided by the Orange County Sheriff Department.

### 4.8 Fire

Fire protection is provided by the Orange County Fire Authority.

### 4.9 Library

The nearest County public library to the Project Site is the Villa Park Branch located approximately 6.3 miles to the southwest. The nearest City of Yorba Linda public library is located 3.2 miles to the west of the Project Site. Due to its proximity to the Project Site residents of Cielo Vista will likely use the City of Yorba Linda facility for library services. As part of project approval and prior to issuance of building permits for the Project, the Applicant will enter into a capital facilities and equipment agreement with the Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the pro-rata fair share funding of capital improvements and equipment to serve the Project.

## Section 4: Infrastructure and Public Services

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### Section 5. Grading Plan

#### 5.1 Existing Conditions

The Project Site is irregularly shaped and consists of approximately 83.96 acres. The lowest elevation, along the southern boundary is approximately 565 feet above MSL. The Project Site rises from the southerly boundary to about 780 feet MSL, at which point elevations begin to drop into a westerly trending drainage with a bottom of about 640 feet MSL. From this point, the elevation again rises to about 885 feet MSL at the far northerly edge of the Project Site.

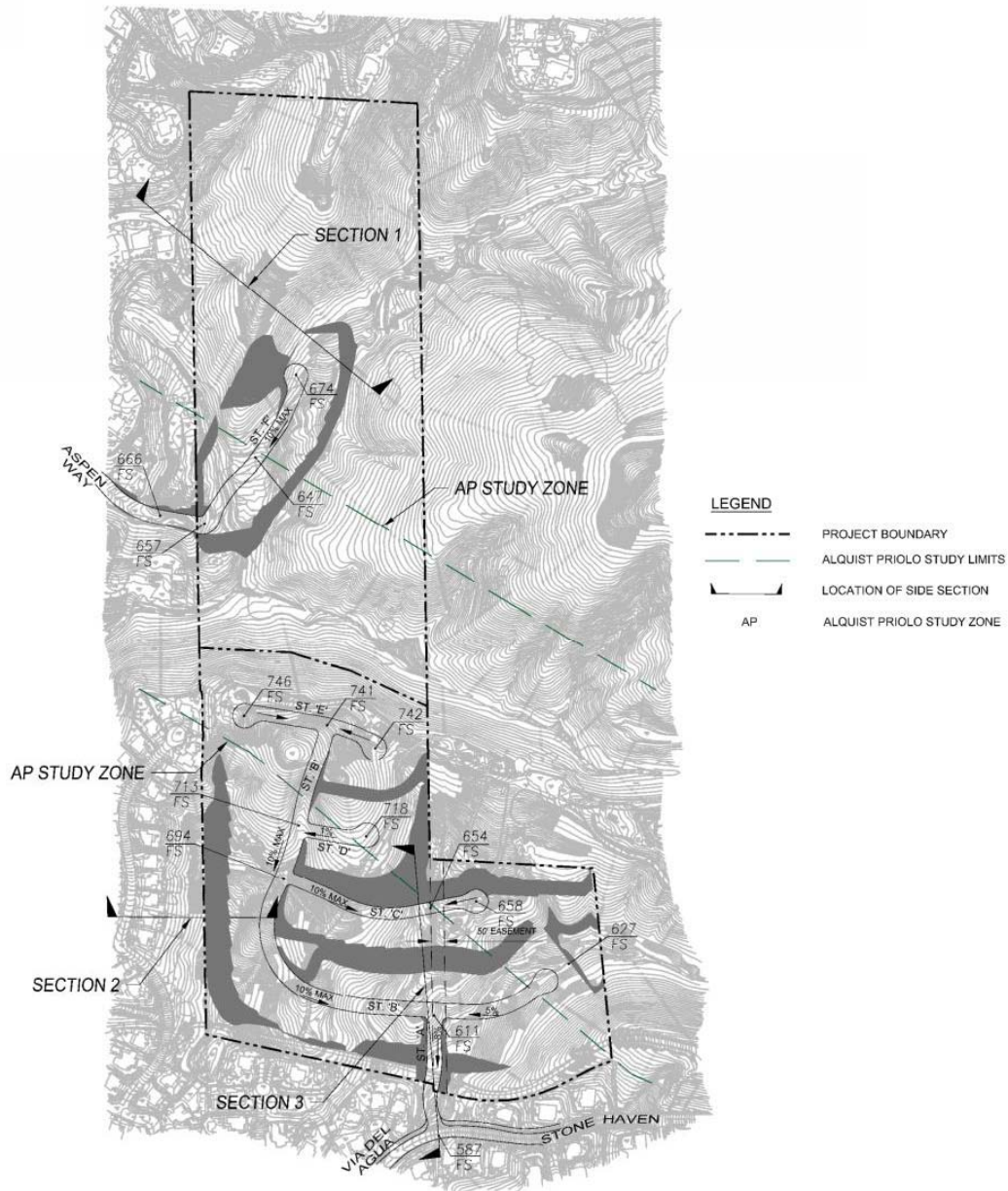
#### 5.2 Grading Concept

Approximately 57% of the Project Site will be developed for residential land use and will be graded. The balance of the Project Site (43%) is proposed for permanent open space, and some grading for fuel modification purposes may be required. The Project grading plan provides for grading quantities to balance so that no import or export of soil, except for export of contaminated soils, will be required. The grading plan for Cielo Vista will fully comply with County grading standards.

Planning Area 1 is located on the southern portion of the property. Grading in this Planning Area will create five local streets, generally parallel to the natural site contours, at elevations of 615, 690, 720 and 750 feet. These streets serve residential lots with differences in elevation taken up by landscaped slopes. Planning Area 2 is located on the westerly edge of the property. Grading in this Planning Area will create a single cul-de-sac street located between the property line and a southerly trending drainage. The grading concept for Cielo Vista is illustrated in Exhibit 5-1, “Conceptual Grading Plan”.

It is estimated that approximately 660,000 cubic yards of grading will be required for the Project. Cuts will generally vary from 0 feet to 60 feet across the Project Site. Fills will generally vary from one foot to 45 feet. Cut and fill areas are illustrated on Exhibit 5-2, “Grading Cut and Fill.”

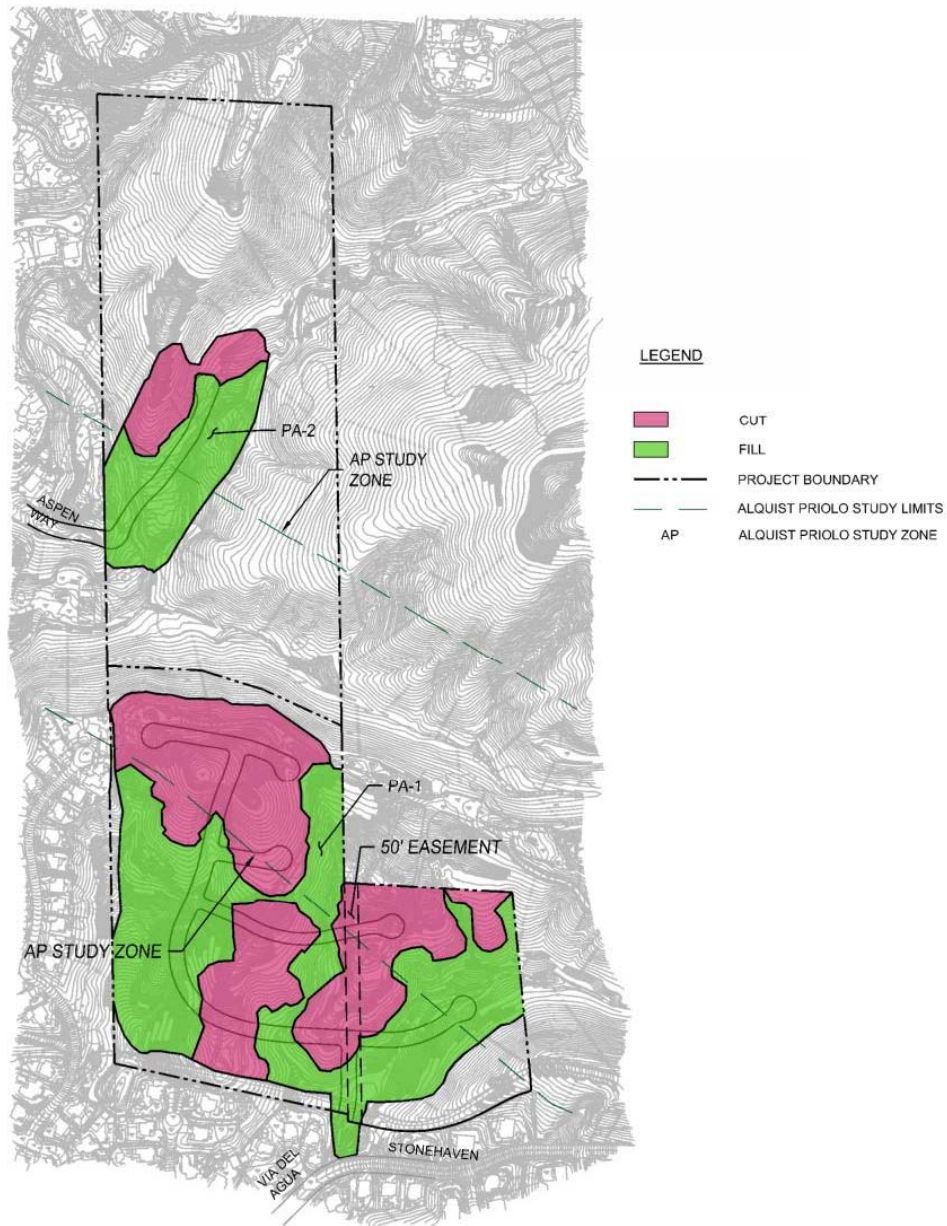
## Section 5: Grading Plan



**Exhibit 5-1 Conceptual Grading Plan**



## Section 5: Grading Plan



**Exhibit 5-2 Grading Cut and Fill**

## Section 5: Grading Plan

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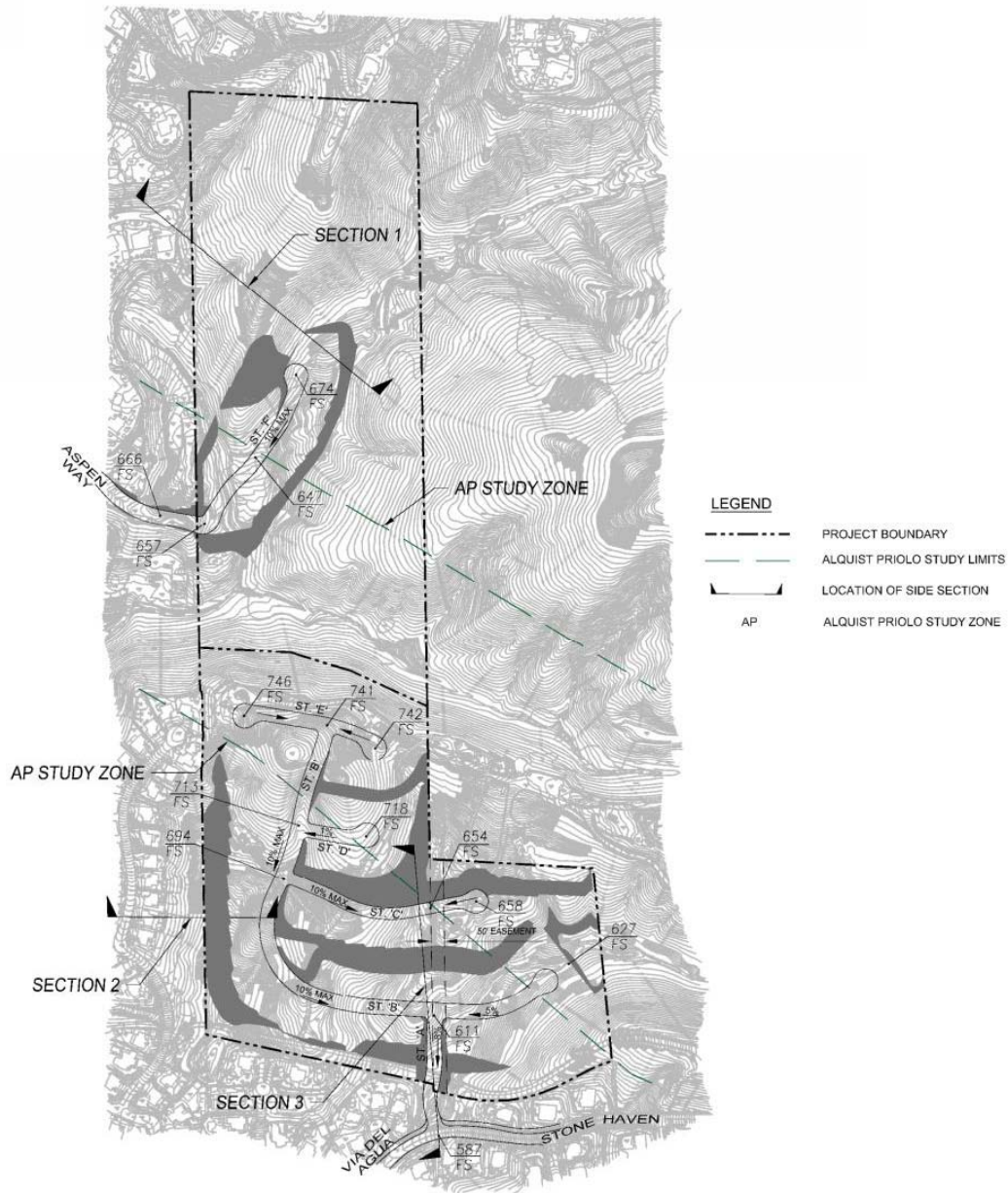
### 5.3 Remedial Action Plan

The Project Site contains five operational oil wells, one abandoned oil well, and related facilities. All wells will be abandoned and relocated to a separate drilling island. The abandoned well sites will be remediated to standards acceptable to Cal DOGGR, the RWQCB, OCFA, and OCHA the agencies with regulatory jurisdiction over the cleanup process. Remedial grading may extend beyond the limits of each Planning Area. All remedial grading will balance on-site with potentially some deep burial of contaminated soils; no export of remediated soils is proposed.

### 5.4 Interface with Adjacent Land Use

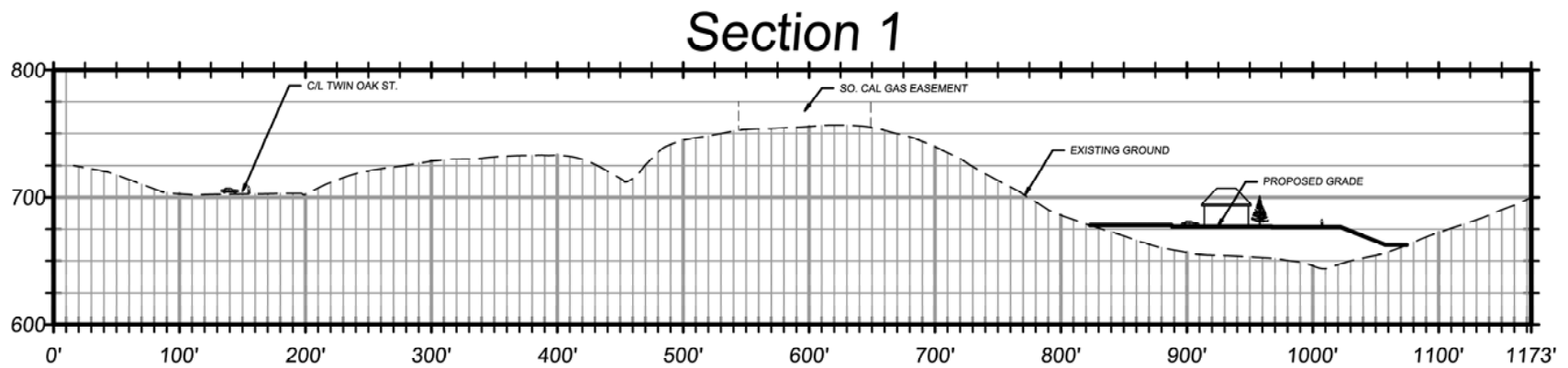
The grading concept for Cielo Vista addresses the potential for view impacts to adjacent residential land uses with a plan designed to minimize and soften, or in some cases, eliminate views of the Project to adjacent properties. Exhibit 5-3, “Grading Cross Sections Key Map,” and the grading cross-sections included as Exhibits 5-4 through 5-6, “Concept Grading Sections,” illustrate the relationship of graded and built residential lots within Cielo Vista in three key locations which have the greatest potential view impact to existing adjacent residential areas.

## Section 5: Grading Plan



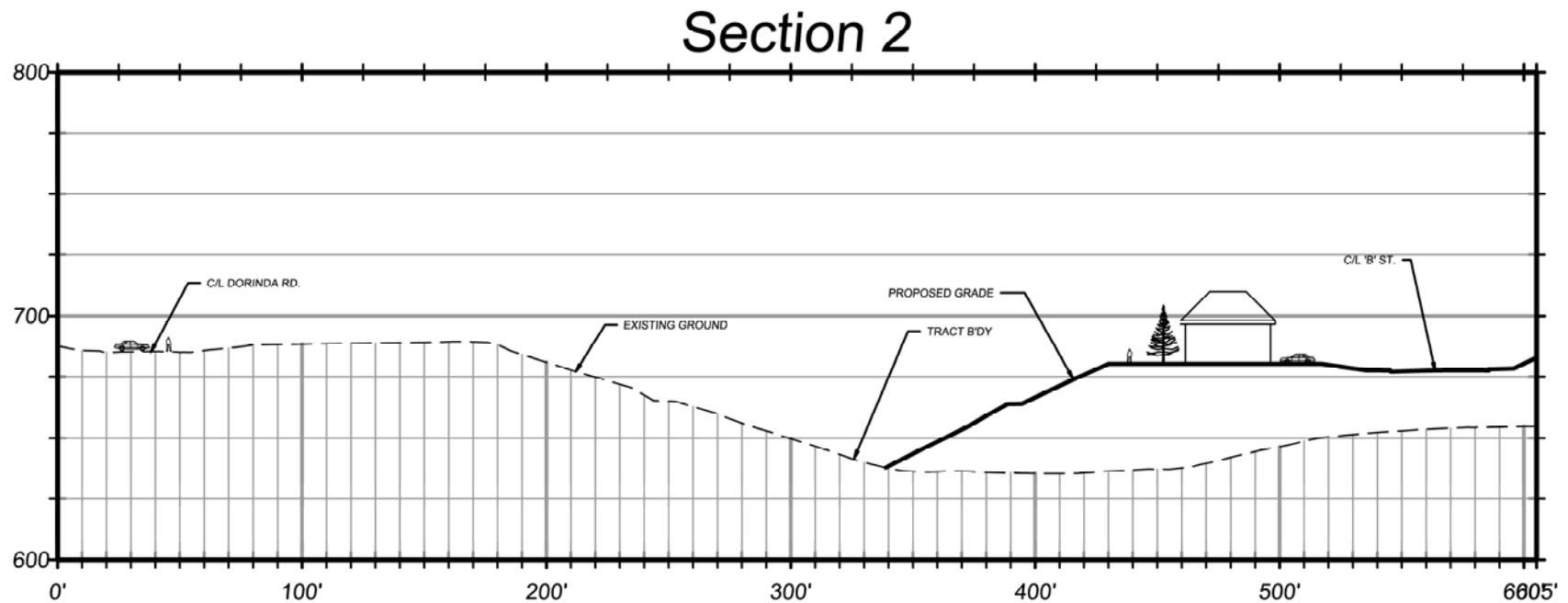
**Exhibit 5-3 Grading Cross Sections Key Map**

## Section 5: Grading Plan

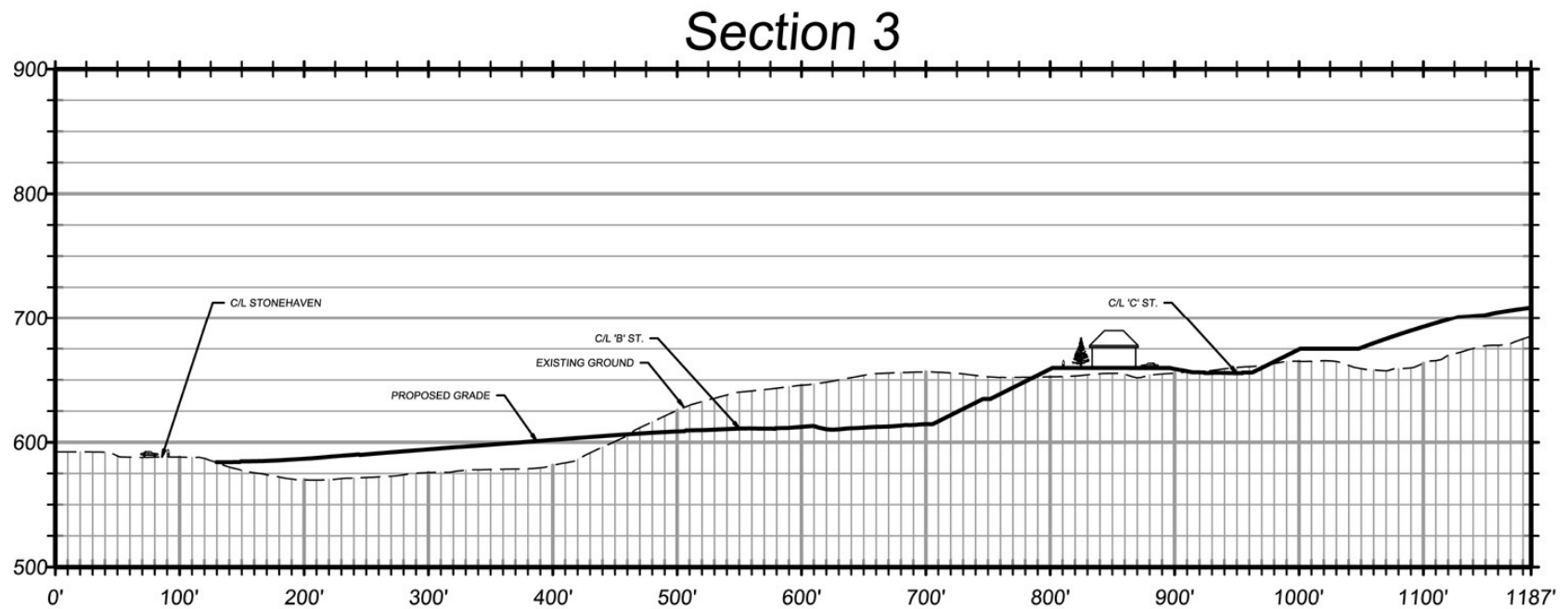


**Exhibit 5-4 Concept Grading Cross Section – 1**

## Section 5: Grading Plan



**Exhibit 5-5 Grading Concept Cross Section – 2**



**Exhibit 5-6 Grading Concept Cross Section – 3**

## Section 6: Design Guidelines

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### Section 6. Design Guidelines

#### 6.1 Overview

The design guidelines contained herein address landscaping and residential design criteria for Cielo Vista.

#### 6.2 Landscape Guidelines

The landscape design for Cielo Vista establishes a strong relationship between the built environment and the natural open space areas to be preserved as part of the Area Plan. Landscaping within Cielo Vista will utilize a plant palette that respects and enhances the existing native plant communities found within the Project Site through the use of fire resistant plants, native, and appropriate non-native drought tolerant species as described in Table 6-1, “Cielo Vista Plant Palette.” The final landscape and irrigation plan for the Project will comply with the Orange County 2010 Irrigation and Landscape Ordinance (Water Efficient Landscape Ordinance).



## Section 6: Design Guidelines

Table 6-1 Cielo Vista Plant Palette

	Common Name
<b>Trees</b>	
Agonis Flexuosa	Peppermint Tree
Arbutus 'Marina'	Arbutus
Callistemon viminalis	Weeping bottlebrush
Geijera parviflora	Australian Willow
Lagerstroemia indica (mildew resistant hybrids)	Crape Myrtle
Loshostemon confertus	Brisbane Box
Melaleuca spp.	Melaleuca
Quercus ilex	Holly Oak
Rhus Landea	African Sumac

	Common Name
<b>Groundcovers</b>	
Acacia redolens 'Desert Carpet'	Desert Carpet
Aptenia c. 'Red Apple'	Aptenia
Carissa macrocarpa	Natal Plum
Coprosma x kirkii	Coprosma
Bougainvillea spp.	Bougainvillea
Lantana spp.	Lantana
Myoporum parvifolium	Myoporum

	Common Name
<b>Shrubs</b>	
Agapanthus spp.	Lily-of-the-Nile
Agave spp.	Agave
Aloe spp.	Aloe
Alyogyne huegelii	Blue Hibiscus
Coreopsis verticillata	Coreopsis
Cotoneaster spp.	Cotoneaster
Dodonaea viscosa	Hop Bush
Echium candicans	Pride of Madeira
Eleagnus x ebbingei	Silverberry
Euryops p. 'Viridis'	Euryops
Hemerocallis hybrid	Evergreen daylily
Heteromeles arbutifolia	Toyon
Kniphofia spp.	Red-Hot Poker
Leptospermum spp.	Tea Tree
Leucophyllum frutescens	Texas Ranger
Myrtus communis 'Compacta'	Myrtle
Pyracantha spp.	Firethorn
Phormium spp.	Flax
Rhamnus californica	Coffeeberry
Rhus Ovata	Sugar Bush
Salvia spp.	Sage
Senna spp.	Cassia
Teucrium spp.	Germander
Rosmarinus o. 'Huntington Carpet'	Dwarf Rosemary



## Section 6: Design Guidelines

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### 6.2.1 General Guidelines

The following general criteria apply to all landscape and irrigation design for Cielo Vista.

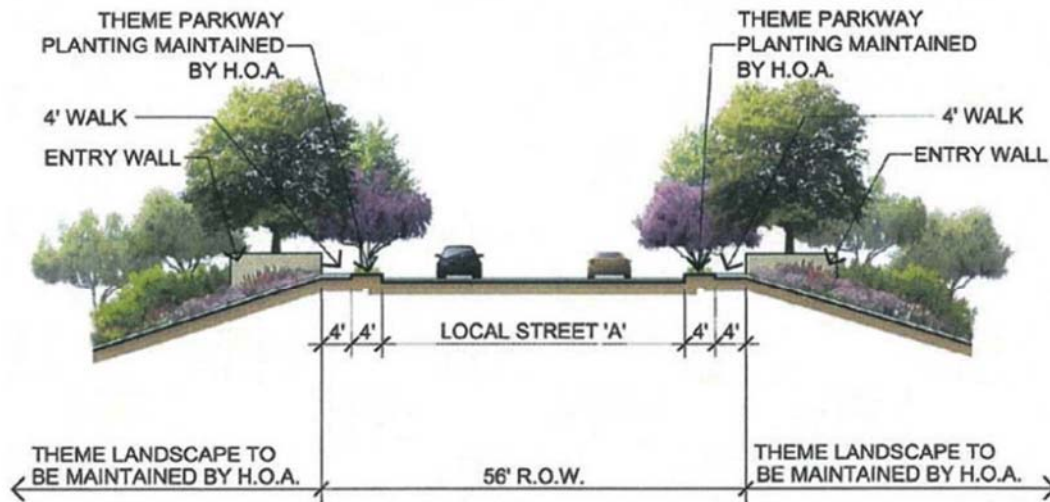
- a. Landscape design shall emphasize the planting of long-lived plant species that are native to the region or well adapted to the climatic and soil conditions of the area.
- b. The landscape design should reinforce the distinct character of various features within the natural and man-made environments.
- c. Landscape treatment of all areas shall emphasize the planting of shade trees along streets to contrast with open space.
- d. The use of native and drought tolerant plant materials shall be utilized where appropriate.
- e. All public areas and rights of ways shall have water conserving automatic irrigation systems. Fixed and pop up spray heads shall be compatible with reclaimed water systems.
- f. Landscape plans for all development shall take into consideration service lines, traffic safety sight line requirements, and structures on adjacent properties to avoid conflicts as trees and shrubs mature.
- g. Street trees and trees planted near walkways or street curbs shall be selected and installed to prevent damage to sidewalks, curbs, gutters and other improvements.
- h. Irrigation for both public and private landscape areas shall be designed to be water-efficient. All irrigation systems shall have automatic controllers designed to properly water plant materials given the site's soil conditions. Irrigation systems for all public landscapes shall have automatic rain shut-off devices. Drip irrigation is encouraged. Spray systems shall have low volume, measured as gallons per minute (gpm), matched-precipitation heads.

### 6.2.2 Entries

The entries to Cielo Vista establish the design theme for the Project through a blend of hardscape and planting elements that form the first impression to visitors and residents entering the development. Entry lighting shall avoid intensely bright lighting of monuments. Entry monuments should be lit to provide a soft wash of light across the monument signage. Specimen trees should be up-lit with several fixtures into the canopy to avoid creating dark sides of the trees.

A primary entry is established at the intersection of "A" Street and Via del Agua. The treatment of this entry provides a relaxed but strong sense of arrival to the residential neighborhood. The landscape concept for the primary entry to Cielo Vista is illustrated on Exhibit 6-1, "Primary Entry at Via del Agua."

## Section 6: Design Guidelines



**Exhibit 6-1 Primary Entry at Via del Agua**

## Section 6: Design Guidelines

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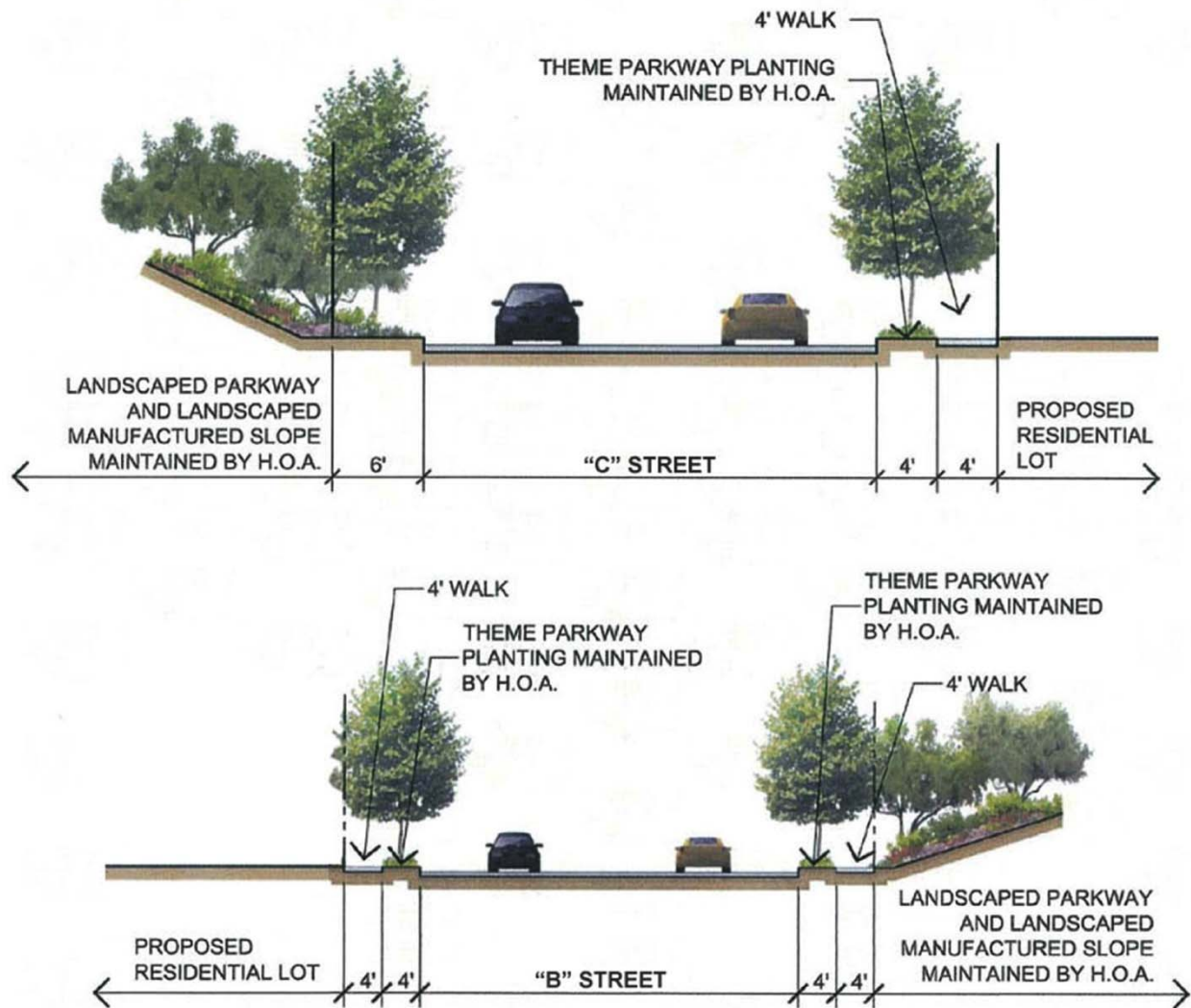
### 6.2.3 Streetscapes

The streetscapes of Cielo Vista provide a clear delineation between pedestrian and vehicular travel areas. Shrubs, low groundcovers, and ornamental grasses are used to the greatest extent possible to reduce maintenance and conserve resources. The planting plan for streets includes meandering drifts of shrubs, grasses, and groves of native and non-native trees. Uniformed spacing of trees is avoided in order to create an interesting and inviting pedestrian experience while also offering visual interest to motorists encouraging them to slow driving speeds and observe their surroundings. The following design criteria apply to streetscape design for Cielo Vista:

- Landscape treatments of each street shall be consistent throughout the length of the street in the neighborhood.
- Landscape treatments shall generally utilize street trees planted at intervals of 50 feet on center unless otherwise specified. Street trees shall be placed a minimum of eight feet from street light standards.
- Street tree planting as described below shall generally utilize one or two primary species for each street with a limited number of additional species to be used as accent planting.
- Low spreading groundcover or turf in the parkway strips adjacent to walkways should be planted and shall be consistent along the entire length of the street.
- Sidewalks shall be separated from the street by a landscaped parkway.

The streetscape plan for local streets within Cielo Vista is illustrated on Exhibit 6-2, “Streetscapes Plan.”

## Section 6: Design Guidelines



**Exhibit 6-2 Streetscapes Plan**

## Section 6: Design Guidelines

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### 6.2.4 Fire Protection Plan

Several areas of Cielo Vista require fuel modification. Fuel modification consists of 3 zones and a special maintenance area. Each zone is designed specifically to help suppress a fire in different ways as described below. The Fire Master Plan and Fuel Modification Plan prepared for the Project have been reviewed and initially approved by Orange County Fire Authority.

- Fuel modification Zone A is characterized by a 10 - 95 foot wide setback zone for non-combustible construction from all combustible development. This zone can be located either inside or outside of the protected development area but it must be kept clear of any combustible construction to provide a defensible space for fire suppression. A permanent irrigation system is required to maintain healthy vegetation with a high moisture content. Plants in this zone are required to be highly fire resistant and selected from the approved plant list as described in Table 6-1, "Plant Palette."
- Fuel modification Zone B is characterized by a 5 foot to 186 foot wide area located adjacent to Zone A and consisting of irrigated landscaping. All requirements of Zone A apply to Zone B with the additional requirement that surface fuels cannot exceed a maximum height of 18 inches and removal of dead and excessively "leggy" growth is required at all times. Plants in this zone are required to be selected from the approved plant list as described in Table 6-1, "Plant Palette."
- Fuel modification zone C is characterized by a 21 foot to 100 foot wide area located adjacent to Zone B to be non-irrigated and kept thinned and clear of shrubs.
- Special Maintenance Area Wet and Dry Zone is characterized by an area to be maintained in a manner similar to Zone C. In this zone irrigation would be utilized as necessary to keep plant material in a healthy condition.

The fuel modification plan for Cielo Vista is illustrated on Exhibit 6-3, "Fuel Modification Zones." The treatment within each fuel modification zone is illustrated on Exhibit 6-4, "Fuel Modification Cross Section Details."

### 6.2.5 View Corridors

Views from residential lots should be maintained by planting trees at the lower half of the adjacent slope. Views should be framed by planting trees at property lines.

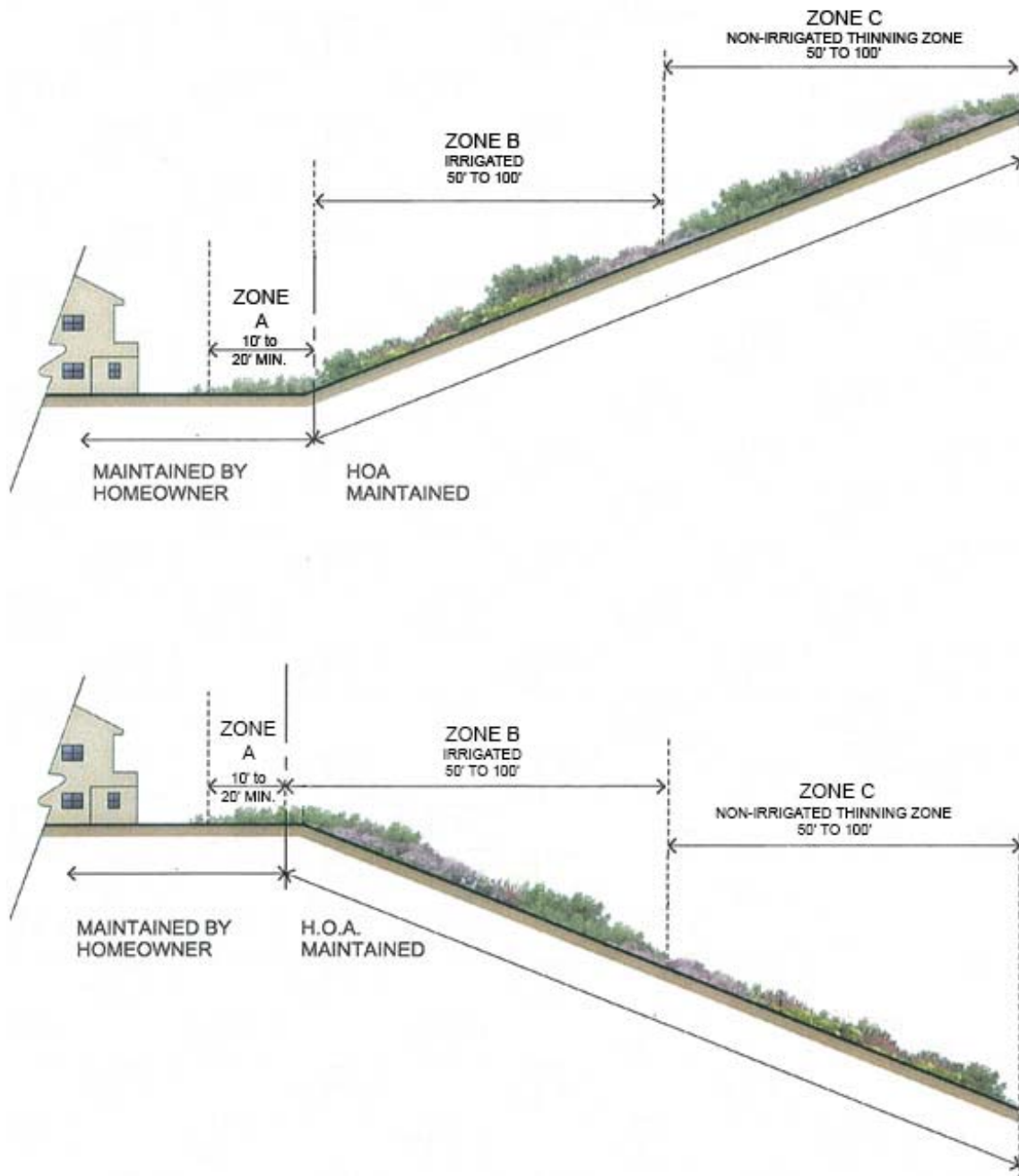


## Section 6: Design Guidelines



**Exhibit 6-3 Fuel Modification Zones**

## Section 6: Design Guidelines



**Exhibit 6-4 Fuel Modification Cross Section Details**

## Section 6: Design Guidelines

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### 6.2.6 Lighting

Lighting of streets and select landscaped areas should be considered for safety and security. Utilization of “night sky friendly” light fixtures on local streets shall be required. Maintaining the character of traditional materials will create a pedestrian scale for the neighborhood. Lighting fixtures within Cielo Vista shall be consistent in style, color, and materials in order to maintain uniformity throughout the Project.

### 6.3 Residential Design Guidelines

Residential uses are designated within two Planning Areas within Cielo Vista and are planned for development of single family detached homes with minimum lot areas of 7,200 square feet. Homes will be designed as conventional single family front loaded residences placing an emphasis on architectural elements oriented toward the street and incorporating a mix of garage configurations and designs to provide a varied street scene. The purpose of the following residential design guidelines is to establish design criteria for the development of this housing type within Cielo Vista.

#### 6.3.1 Design Fundamentals

Implementation of the following fundamental elements of quality design are encouraged within Cielo Vista:

- Architecture forward residential design.
- Varied garage placement.
- Variety of compatible architectural styles.
- Use of variable setbacks.
- Enhanced side elevations at primary corners or from highly visible public streets.
- Varied floor plans and elevations.
- Varying plotting techniques.
- Compatible and authentic color treatments on homes.

#### 6.3.2 Garage Treatments

The home and front yard, rather than the garage, should be the primary emphasis of the front elevation. The number of homes with a front facing garage located forward of the porch or front of the building elevation plane should be minimized. Garage visibility should be minimized through the use of techniques such as varying garage door patterns and the use of deep recessed door techniques, varying colors, splitting a double car garage door into two single doors, or using alternative garage configurations, such as corner garages, turn in garages, full or



## Section 6: Design Guidelines

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mid recessed garages, and/or tandem garages. Garage doors should match the style of the house. To further reduce the impact of garage doors on the street scene, garage doors should be architecturally treated with decorative relief cuts, panels, small decorative windows and similar treatments.

The following additional guidelines apply to garage treatments:

### 6.3.2.1 Garage Wall-Plane

A garage wall relief of 12 to 18 inches should be constructed for front loaded, garage forward, and street facing garages when the garage door is at the minimum allowed setback line. With other garage configurations a range of 6" to 12" is recommended.

### 6.3.2.2 Porte-Cochère

Use of a porte-cochère on a garage located toward the rear of the lot should be considered in order to create an additional screened parking space and outdoor private space for occasional use.

### 6.3.2.3 Three-Car Garage Treatment

When a plan has a three-car garage, the third car bay shall be offset 3 feet.

## 6.3.3 Building Setback Fundamentals

To provide more interesting neighborhood street scenes, variable front-yard setbacks are required, and variable side yard setbacks are encouraged through the use of the following techniques:

- Varied setbacks along streets.
- Reverse plotting along streets.
- Enhanced corner side yard setbacks.
- Variable lot widths.
- Special corner lot criteria.

## 6.3.4 Architectural Mass

### 6.3.4.1 Corner and Side On Home Elevations

Wrap around architecture shall be provided on all sides of homes facing the street. Neighborhood quality will be exemplified by adding a home plan designed specifically as an end of the block home or by enhancing a corner home with additional architectural details as found on the front elevation.

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### 6.3.4.2 Roof Forms

Rows of homes seen from a distance are perceived by their contrast against the skyline or background where the dominant impact is the shape of the building and roof line. Rear elevations and roof planes viewed from streets should be articulated to minimize the visual impact of repetitious flat planes and similar building silhouettes. Varied rear elevation forms should be provided.

### 6.3.4.3 Rear Elevations

Rear elevations visible from streets shall be articulated through the use of one or more of the following:

- Offset wall planes
- Roof plan breaks
- Color blocking
- Shutters and pot shelves on a second story
- Accent materials consistent with the home's architectural style

### 6.3.4.4 Streetscape Massing and Plotting

Implementation of the following design techniques should be considered to create an interesting and varied streetscape:

- Special architectural treatments such as feature entry location and feature window detail should be provided at street corners and other important focal points.
- Front doors and living room windows should be oriented toward the street.
- Design of buildings should create varied setbacks or offsets.
- The architectural style chosen for each home or building should be compatible with its massing in order to avoid making the style seem applied or superficial.
- Embellished elevations such as upgraded materials and details are encouraged at areas of the building that face a public street. This applies to the front, side, and rear elevations.

### 6.3.5 Colors and Materials

The colors and materials used at Cielo Vista should reflect a general contextual theme of harmony and neighborhood character. The selected color palette for each architectural style should share a “common sense” approach to the use of materials and colors indigenous to the region and be compatible with existing surrounding

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residential land use. New interpretations of classic combinations of materials and colors are encouraged as they relate to a general feeling of neighborhood unity.

Use of a variety of natural looking materials and colors should provide the diversity required for visual interest while unifying the homes within their settings and creating a timeless appeal. The selected architectural color palette should avoid monotony and provide a variety of color schemes while still maintaining a common theme or unifying concept.

- Each color scheme shall incorporate a minimum of three colors, for example, one body color, one trim color, and one accent color.
- Each neighborhood shall have a minimum of three different roofing colors consistent with the architectural style of the home. Light roof colors should be selected over dark roof colors wherever possible for energy efficiency.
- Individual color schemes must be appropriate to the architectural styles with a harmonious selection of accent materials, roof profiles and colors.
- No adjacent home shall have the same color scheme. Color palettes that reflect traditional architectural themes are the basis for successful modern interpretations. Current color trends integrated within a historically-referenced framework create dynamic, yet timeless color combinations.

### 6.3.6 Architectural Features

The following minimum criteria apply to residential architectural features:

- Windows and opening shall be trimmed or otherwise treated. Windows must be grouped or located near strong architectural elements and be proportional to the building massing of the structure.
- Balconies should be designed in scale and proportion with the architecture of the building. Covered or trellised balconies are preferred. Scuppers or internal drains are required on all balconies for drainage.
- Chimneys shall be compatible in design, material, and color with the building. Chimney caps shall be compatible with the architecture of the residence.
- Vents for gas appliances, water heaters, and heating units shall be painted to match the roof color. Such elements shall be located to minimize visual impact on the building elevation viewed from the street.
- If awnings are provided, they must be designed as an integral part of the architecture. Unacceptable awning materials include metal louvers and untreated fabric.

## Section 6: Design Guidelines

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- Mechanical equipment shall not be mounted on or attached to any sloping roof. Mechanical equipment, when mounted on flat roofs, must be completely screened by parapet walls at least as tall as the equipment being screened. Ground mounted air conditioning units must be screened by walls at least 6 inches higher than the unit and located away from pedestrian pathways and public areas.
- Natural gas meters shall be screened. Screen walls shall be integral to the building architecture.
- Exposed gutters and downspouts shall be colored to either match or complement the wall to which they are mounted.

### 6.4 Walls and Fences

Walls and fences used to separate individual lots shall be designed according to the following criteria:

- Walls and fences shall be finished on both sides, with particular attention paid to the public side. Design of private fences shall be consistent in terms of material, color, and detail.
- Fencing and walls may be made of plaster, stucco, concrete, masonry finish, tubular steel, tempered glass, wood-like materials, weather treated wood, or similar quality material. Finish colors must be approved by the County and be consistent with the architectural character of the neighborhood.
- Walls and fences connecting two separate units, visible from public streets, shall be recessed behind the front building façade and screened with plants.
- Side yard gates may be wood or tubular steel.
- The use of bare or raw wood is prohibited.

#### 6.4.1 View Fencing

View fences are intended to allow views of scenic vistas and open space from private residences while also providing security.

- View fences may include decorative tubular steel, clear glass, Plexiglas, treated wood, or similar quality materials. View fencing shall utilize a common design for each area.
- View fences shall be designed to provide security for rear yard pools, or be easily modified for security purposes in the event pools are added after initial construction. Such additions must be compatible with the fence design for the development area or overall Project boundary fences as applicable.
- View fences may include a solid or “open base” of approximately three feet in height with view fencing above the solid portion.

### Section 7. Green and Sustainable Program

This section describes the measures and design criteria for green and sustainable development to be implemented as part of the Cielo Vista Area Plan. The Cielo Vista Green and Sustainable Program provides for development criteria on the following topics:

- Water Quality Treatment
- Energy Conservation and Water Conservation
- Directing Development Toward Existing Communities and Reduction in Vehicle Miles
- Fire and Life Safety
- Open Space Preservation
- Oil Operations Compatibility and Clean Up

#### 7.1 Water Quality Treatment

The Project will incorporate BMPs for erosion control, sediment control, storm water and non-storm water management, and waste management/pollution control. Implementation of these BMPs will ensure that the Project's site hydrology, runoff, and water quality comply with all required permits, County policies, and the Project's Conceptual Water Quality Management Plan (WQMP), submitted by the Applicant as part of the Project's subdivision map for approval by the County, and Storm Water Pollution Prevention Plan (SWPPP) to be submitted for County approval prior to construction.

The first stage of water quality protection will occur through on-site water quality treatment measures to be implemented within the residential planning areas to treat runoff directly at the source prior to its discharge into the public storm drain system. These water quality treatment measures include the use of hydrologic source controls which include on-lot filtration/infiltration, impervious area dispersion, porous pavements in non-vehicular areas, amended soils, and landscaping materials with storm water filtering capabilities. The specific design details and locations of these on-site measures will be identified as part of the final design of WQMP facilities submitted for County approval.

The second stage of water quality protection will be provided by several water quality features including water quality basins and bio-filtration planter boxes, and a debris basin constructed as part of the Project, to treat Project flows within residential planning areas and attenuate peak flow discharge prior to flows entering the storm drain system. The water quality features will serve to mitigate the increased flow anticipated from the increased impervious surface created with the development and will decrease pollutants in the runoff. The

## Section 7: Green and Sustainable Program

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WQMP includes detailed sizing parameters for the basins and provides guidelines to the Homeowner Association (HOA), the responsible entity, for the proper maintenance of the water quality basins.

### 7.2 Energy, Air, and Water

The following measures will be implemented as part of the development of Cielo Vista to address air quality and conservation of energy and water resources within the Project.

- Builder-installed indoor appliances, including dishwashers, showers and toilets, will be low-water use in compliance with the adopted California Building Code.
- Street lights will include shielding devices for “night sky” purposes. Light fixtures will be designed for “night sky” applications and adjusted to direct or reflect light downward.
- Drought-tolerant, native landscaping will be used in public common areas to reduce water consumption.
- Smart Controller irrigation systems will be installed in all public and common area landscaping.
- Neighborhood landscape areas will be designed on a “hydro zone” basis to group plants according to their water and sun requirements.
- The developer and/or homeowners association for Cielo Vista will be required to provide educational information on recycling to all homeowners as part of the initial purchase of homes and again thereafter on an annual basis.
- During Project construction the developer of Cielo Vista will be required to use clean-burning diesel fuel, bio-diesel fuel, and/or other alternative fuels for heavy construction equipment to reduce construction emissions.

### 7.3 Directing Development Toward Existing Communities and Reduction in Vehicle Miles Traveled

The Cielo Vista Area Plan is a plan for a new residential neighborhood within an urban area that directs development towards existing communities already served by infrastructure, thereby helping to reduce vehicular emissions by providing homes closer to employment and shopping within an established urban area. These locational advantages can reduce overall vehicle miles traveled and reduce environmental impacts compared to locations in outlying areas. The following are characteristics of the Project.

- Cielo Vista will be served by the extension of existing public infrastructure and roadways located at the boundary of the Project Site eliminating the need for construction of additional arterial roadways or regional infrastructure. The Project will pay its fair share of cost for a water reservoir and other water master plan improvements planned for construction by YLWD to serve regional needs.

## Section 7: Green and Sustainable Program

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- The Project includes construction of a network of walkways within Project local streets which will provide pedestrian connectivity among the residential neighborhoods and open space areas of Cielo Vista and to existing adjacent residential neighborhoods.
- The local streets to be constructed as part of the Project provide for on-street bicycle circulation providing connectivity among the residential neighborhoods and open space areas of Cielo Vista, and to existing streets within adjacent residential neighborhoods.
- High speed communication technology, including wireless technology, available at the time of development construction, will be available to all homes to provide opportunities for telecommuting, on-line shopping, and other advanced communications activities.

### 7.4 Fire and Life Safety

The Cielo Vista Area Plan incorporates comprehensive and environmentally sensitive fire protection measures that benefit existing adjacent residential communities as well as new development proposed with the Project. Fire and life safety will be ensured through implementation of the following measures:

- The Project will be designed to provide fire-resistant construction for all structures adjoining natural open space, including the use of fire-resistant building materials and sprinklers.
- Development of the Project will provide additional fire protection to existing residential areas located along Via del Agua Drive, Stone Haven, and San Antonio Drive which have historically been exposed to fire hazards in the adjacent open space areas.
- Three fuel management zones and a special maintenance area planned for the Project will provide fire protection for development within Cielo Vista from the potential of fire hazard within the open space areas surrounding proposed development areas.

### 7.5 Open Space

Preservation of approximately 43% of the Project site as natural open space is planned as part of the design for Cielo Vista. The following specific measures will be implemented to enhance the open space preserve within the Project.

- The Project will protect and preserve the Project's open space through a permanent conservation easement which establishes and maintains the open space in perpetuity. The maintenance of the open space easement shall be the responsibility of either the Project's HOA, an appropriate public or quasi-public State agency, or a land conservation/trust organization. Funding for the permanent stewardship of the open space may be accomplished through an Assessment District.

## Section 7: Green and Sustainable Program

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- Sensitive natural plant communities and sensitive habitat found within the Project site will be either preserved in place or replaced at levels required by federal and state permitting agencies.

### 7.6 Oil and Gas Production

Implementation of the Cielo Vista Area Plan provides for the abandonment and relocation of existing oil production facilities.

- Relocated oil production operations can occur within a drilling pad not accessible to the public. Plantings, barriers, signage, and information will be provided where necessary to ensure public safety. No habitable structure on lots adjacent to the drilling pad area shall be permitted within 150 feet of any operational surface well or within 50 feet of a subsurface pumping unit/well enclosed within a concrete vault, pursuant to approval by the Orange County Fire Authority of a Request for Alternative Materials and Methods Design. Plantings and walls will be provided around surface oil operational equipment to screen these facilities to the extent feasible
- Access to continued oil production sites will be provided within existing oil field service roads. No new roadways will be constructed through open space areas.
- A Remedial Action Plan will be approved by the Regional Water Quality Control Board, Orange County Fire Authority, and the Orange County Health Care Agency.
- No habitable structures are permitted within ten feet of abandoned wells.
- Well abandonment will include decommissioning and abandonment of oil wells in accordance with CalDOGGR standards.
- Mitigation measures recommended as part of the Cielo Vista EIR will become requirements for development of the Project to protect habitable structures from potential exposure to methane.



## Section 8: General Plan Consistency

### Section 8. General Plan Consistency

The Cielo Vista Area Plan must be consistent with applicable goals and policies established in the Orange County General Plan (General Plan). This section describes the relationship of the Cielo Vista Area Plan to the applicable goals and policies of the General Plan, and as amended by the Cielo Vista General Plan Amendment (GPA).

#### 8.1 Orange County General Plan

The following goals and policies of the Orange County General Plan are applicable to the Cielo Vista Area Plan.

Goals, Objectives and Policies	Area Plan Consistency
<b>Land Use Element</b>	
<b>General Plan's Major Land Use Element Policies</b>	
<b>Policy 1 Balanced Land Use.</b> To plan urban land uses with a balance of residential, industrial, commercial, and public land uses.	<b>Consistency.</b> The Project would introduce up to 112 single-family homes in an area designated for suburban residential land uses.
<b>Policy 2 Phased Development.</b> To phase development consistent with the adequacy of public services and facilities within the capacity defined by the General Plan.	<b>Consistency.</b> The Project Applicant will pay development fees and future Project residents will pay taxes which would be utilized by affected government services and facilities to offset the incremental increase in service demands created by the Project.
<b>Policy 3 Housing Densities.</b> To provide a variety of residential densities which permit a mix of housing opportunities affordable to the County's labor force.	<b>Consistency.</b> The Project would introduce up to 112 single-family homes in an area designated for suburban residential land uses, which would contribute to the ability of the County to meet demands for housing, particularly single-family homes.  The Regional Housing Needs Assessment (RHNA) most recently adopted and approved by the SCAG Regional Council on July 12, 2007, includes an assessment of regional housing needs for very low income, low income, moderate income, and above moderate income groups for the planning period from January 2006 through June 2014. According to the RHNA, the housing needs for unincorporated County of Orange includes a total of 7,978 dwelling units, of which 1,777 would be very low income, 1,445 low income, 1,597 moderate income, and 3,159 above moderate income housing. The Project may contribute to meeting this need at either the moderate or above moderate income levels identified as between 81-120% of area median income and above 120% of area median income, respectively. A total of 4,756 of the 7,978 units are allocated to these categories. Because Project housing price points are yet to be defined, the income subcategory for the Project's residences is yet to be determined.
<b>Policy 4 Land Use/Transportation Integration.</b> To plan an integrated land use and transportation system that accommodates travel demand.	<b>Consistency.</b> The Project's proposed traffic improvements of the transportation system along with implementation of the prescribed mitigation measures identified in the Project EIR would accommodate Project traffic.

## Section 8: General Plan Consistency

Goals, Objectives and Policies	Area Plan Consistency
<p><b>Policy 6 New Development Compatibility.</b> To require new development to be compatible with adjacent areas.</p>	<p><b>Consistency.</b> The Project would be designed to complement and blend with the character of existing residential neighborhoods located adjacent to the Project Site within the City of Yorba Linda. Landscaped areas or natural open space areas would be provided adjacent to residential development areas to serve as natural buffers between existing residential neighborhoods and planned development of new homes. The Project would include 36.32 acres as permanent open space which would preserve a large portion of the site's natural, physical environment. Primary access to and from the Project Site is proposed through connections to existing improved local streets. In addition, the consolidation of oil production-related uses within the Project Site outside of available public views would further improve compatibility with adjacent residential areas.</p>
<p><b>Policy 7 Creative Design Concepts.</b> To encourage innovative concepts which contribute to the solution of land use problems.</p>	<p><b>Consistency.</b> The Cielo Vista land use plan responds to the physical site development constraints found within and surrounding the Project Site. The retention of existing open space is a key Project element leading to the creation of the land use plan for the Project. The Project provides for the preservation of 36.32 acres as permanent open space. Precisely 47.64 acres of the Project Site are planned for development of residential land uses incorporating the following design elements:</p> <ul style="list-style-type: none"> <li>▪ Homes designed with opportunities for home offices allowing people to work from home reducing driving time and vehicle emissions.</li> <li>▪ Incorporation of native plant materials or drought tolerant plant materials into the landscaping of public spaces. Homeowners would be encouraged to utilize drought tolerant plant materials in private yard areas.</li> <li>▪ Equipping residences with currently available technology for internet access allowing residents to shop and work on-line, helping to reduce vehicle trips to employment centers and shopping.</li> <li>▪ Reducing energy demands for heating and cooling through the use of passive solar design and construction materials and techniques.</li> <li>▪ Use of "night sky friendly" outdoor lighting within streets, private outdoor spaces, and public gathering spaces.</li> <li>▪ Providing a design responsive to the physical setting by preserving existing natural drainages within the Project Site.</li> <li>▪ Reducing fire hazards through the implementation of a fuel modification plan as well as appropriate buffering of land uses with an OCFA approved plant palette.</li> <li>▪ Implementation of a plant palette which includes canopy trees to achieve natural ventilation and cooling.</li> </ul>

## Section 8: General Plan Consistency

Goals, Objectives and Policies	Area Plan Consistency
<p><b>Policy 8 Enhancement of Environment.</b> To guide development so that the quality of the physical environment is enhanced.</p>	<p><b>Consistency.</b> The purpose of this policy is to ensure that land use activities seek to enhance the physical environment, including the air, water, sound levels, landscape, and plant and animal life. This policy does not mean that environmental enhancement precludes development. It recognizes the need to improve both the manmade and natural environments. Where aspects of the natural environment are deemed to be truly important, this policy requires that measures be taken to preserve these aspects. Consistent with this policy with respect to air quality, the Project EIR prescribes mitigation measures to be implemented to provide that the Project would not exceed applicable SCAQMD daily emission thresholds during construction and operation and as such would not violate any air quality standard or contribute to an existing or projected air quality violation.</p> <p>Consistent with this policy, natural features would be preserved to the extent practical within the permanent open space land use areas of the Project Site which include a main westerly draining course and canyon bisecting the Project Site. The Project includes 36.32 acres of permanent open space which would serve to preserve a substantial portion of the natural, physical environment. In addition, the consolidation of oil production-related uses within the Project Site outside of available public views would further improve the aesthetic character of the area and enhance the compatibility with adjacent residential areas.</p> <p>Run-off from the developed areas of the Project Site would be collected in a storm drainage system within local streets and routed through Best Management Practices (BMPs) features to be constructed as part of the Project. The BMP features would serve to mitigate the increased flow anticipated from the increased impervious surface created with the development and would also decrease pollutants in the runoff. Prior to the issuance of a grading permit, a final WQMP would be developed for implementation by the HOA, the entity owning and maintaining the water quality and drainage BMP features. The WQMP would provide guidelines to the HOA for the proper maintenance of the BMPs and water quality basins. The WQMP also identifies a host of other structural and non-structural BMPs to be implemented by the Project that would reduce pollution levels in storm water discharge in compliance with applicable water quality standards. The Project EIR includes a detailed discussion of the drainage and water quality treatment features to be implemented by the Project and the Conceptual WQMP prepared as part of the Project.</p>
<p><b>Goal 11</b> Ensure urban /storm water runoff and water quality protection principles are properly considered in the land use decision making process.</p> <p><b>Policy 11.1</b> Limit disturbance of natural water bodies and drainage systems; conserve natural area; protect slopes and channels; and minimize impacts from storm water and urban runoff on the biological integrity of natural drainage systems and water bodies.</p>	<p><b>Consistency.</b> Within Planning Area 2, limited disturbance of a creek is proposed through a minor realignment to follow the base of a slope which is part of residential development. Other drainage patterns would be maintained within Planning Area 2. Within Planning Area 1, storm water flows would be discharged into an existing concrete box located in Stone Haven Drive. Within the open space area, the natural on site drainage would not be altered and would maintain existing flow patterns.</p>

## Section 8: General Plan Consistency

Goals, Objectives and Policies	Area Plan Consistency
<p><b>Policy 11.2</b> Minimize changes in hydrology and pollutant loading; require incorporation of controls, including structural and non-structural BMP's, to mitigate the projected increases in pollutant loads and flows; ensure that post-development runoff rates and velocities from a site have no significant adverse impact on downstream erosion and stream habitat; minimize the quantity of storm water directed to impermeable surfaces and the MS4s (storm drain system); and maximize the percentage of permeable surfaces to allow more percolation of storm water into the ground.</p>	<p><b>Consistency.</b> After development, the Project Site would retain substantial permeable areas on individual lots, with the exception of street and driveway surfaces. Street flows and drainage in Planning Area 2 would be collected in a single detention basin where the water would percolate into the soil or evaporate. Within Planning Area 1, storm water flows would be discharged into an existing concrete box located in Stonehaven Drive.</p>
<p><b>Policy 11.5</b> Provide for appropriate permanent measures to reduce storm water pollutant loads in storm water from the development site.</p>	<p><b>Consistency.</b> Storm water flow control during project operation would be defined by a WQMP which provides for the capture of storm water flows(s) on the Project Site and other feature (filters, detention, etc.) in order to reduce pollutant loads, including suspended solids, organic compounds, pesticides, and the like.</p>
<p><b>Policy 13 Urban and Storm Runoff Regulations.</b> The following policies establish a framework for the reduction of water pollution. The policies described updated objectives for responding to current water pollution regulations referenced on page VI-56 of the Resources Element.</p> <p><b>Supplemental consideration for the Santa Ana Regional Permit.</b> Establish a Condition of Approval to ensure that permanent water quality treatment BMPs are adequately constructed, operated and maintained throughout the life of the project.</p>	<p><b>Consistency.</b> Consistent with the policy, the Project would incorporate BMPs for erosion control, sediment control, storm water and non- storm water management, and waste management/pollution control. Implementation of these BMPs would ensure that the Project's site hydrology, runoff, and water quality comply with all required permits, County policies, and the Project's WQMP and SWPP. The BMPs would include various structural, non-structural, treatment control, hydro modification and bio treatment BMPs. The Project would include water quality basins to provide treatment of Project flows within residential planning areas and attenuate peak flow discharge prior to flows entering the storm drain system. The water quality basins would serve to mitigate the increased flow anticipated from the increased impervious surface created with the development and would decrease pollutants in the runoff. The Final WQMP would include detailed sizing parameters for the basins and provide guidelines to the HOA, the responsible entity, for the proper maintenance of the water quality basins.</p>
<b>Resources Element</b>	
<b>Natural Resources</b>	
<p><b>Goal 1</b> Protect wildlife and vegetation resources and promote development that preserves these resources.</p> <p><b>Policy 1 Wildlife and Vegetation.</b> To identify and preserve the significant wildlife and vegetation habitats of the County.</p>	<p><b>Consistency.</b> As part of the Project, 36.32 acres of open space would be preserved that would support wildlife and vegetation resources. Further, the Project EIR identified mitigation measures for Project implementation which include the re-vegetation and/or enhancement of sensitive habitat.</p>
<p><b>Policy 5 Landforms.</b> To protect the unique variety of significant landforms in Orange county through environmental review procedures and community and corridor planning activities.</p>	<p><b>Consistency.</b> The Project would include grading to accommodate the proposed building pads for future residences, local streets and supporting infrastructure improvements. Cuts would vary from generally 0-60 feet across the Project Site. Fills would generally vary from one foot to 45 feet. The Project grading plan proposes that grading quantities would balance on-site and that no import or export of soil would be required with the exception of contaminated soil from the on-site oil operation as necessary. While the Project's proposed grading activities would alter the topography in some areas of the site which consists of rolling hillsides, grading</p>

## Section 8: General Plan Consistency

Goals, Objectives and Policies	Area Plan Consistency
	techniques will be employed to maintain to maintain the integrity of the most prominent topographic features of the site to maintain the hillside character, including the preservation of 36.32 acres of permanent open space within the Project Site.
<b>Cultural-Historic Resources</b>	
<p><b>Goal 2</b> To encourage through a resource management effort the preservation of the County's cultural and historic heritage.</p> <p><b>Objective 2.2</b> Take all reasonable and proper steps to achieve the preservation of archaeological and paleontological remains, or their recovery and analysis to preserve cultural, scientific, and educational values.</p> <p><b>Objective 2.3</b> Take all reasonable and proper steps to achieve the preservation and use of significant historic resources including properties of historic, historic architectural, historic archaeological, and/or historic preservation value.</p> <p><b>Objective 2.4</b> Provide assistance to County agencies in evaluating the cultural environmental impact of proposed projects and reviewing EIRs.</p> <p><b>Cultural Resources Policies</b> The following policies addressing archaeological, paleontological, and historical resources shall be implemented at appropriate stages of planning, coordinated with the processing of a Project application as follows;</p> <ul style="list-style-type: none"> <li>▪ Identification of resources shall be completed at the earliest state of project planning and review such as general plan amendment or zone change.</li> <li>▪ Evaluation of resources shall be completed at intermediate stages of project planning and review such as site plan review, as subdivision map approval or at an earlier stage of project review.</li> <li>▪ Final preservation actions shall be completed at final stages of project planning and review such as grading, demolition, or at an earlier stage of project review.</li> </ul> <p><b>Archaeological Resources Policies</b></p> <ul style="list-style-type: none"> <li>▪ To identify archaeological resources through literature and records research and surface surveys.</li> <li>▪ To evaluate archaeological resources through subsurface testing to determine significance and extent.</li> <li>▪ To observe and collect archaeological resources during the grading of a project.</li> <li>▪ To preserve archaeological resources by: <ul style="list-style-type: none"> <li>○ Maintaining them in an undisturbed condition; or</li> </ul> </li> </ul>	<p><b>Consistency.</b> A cultural resources analysis was conducted for the Project, which consisted of records searches and field reconnaissance. The analysis concluded that no known historic, archaeological, or paleontological resources occur on the Project Site. The potential for unknown archaeological resources to occur on the Project Site is low, however the potential for unknown paleontological resources to occur on the Project Site is higher. The Project EIR identifies mitigation measures for implementation as part of Project construction which would ensure consistency with the cultural resources policies by facilitating the recovery and analysis of important cultural and paleontological resources that may occur on the Project Site. Should historic archaeological resources be discovered during Project development, reasonable and proper steps to preserve such resources, as identified in the Project EIR, would be implemented. A Cultural Resources Study was prepared for the Project by qualified archaeologists as part of the Project EIR submitted to the County for review.</p>

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<ul style="list-style-type: none"> <li>○ Excavating and salvaging materials and information in a scientific manner.</li> </ul> <p><b>Paleontological Resources Policies</b></p> <ul style="list-style-type: none"> <li>▪ To identify paleontological resources through literature and records research and surface surveys.</li> <li>▪ To monitor and salvage paleontological resources during the grading of a project.</li> <li>▪ To preserve paleontological resources by maintaining them in an undisturbed condition.</li> <li>▪ To develop, utilize, and promote effective technical conservation and restoration strategies.</li> </ul>	
<b>Water Resources</b>	
<p><b>Policy 5 Water Quality.</b> To protect water quality through management and enforcement efforts.</p>	<p><b>Consistency.</b> A Conceptual WQMP has been prepared for the Project. The Final WQMP would be reviewed and approved by the County as part of the Project's Final Subdivision Map prior to issuance of a grading permit for the Project. The Final WQMP would implement BMPs to comply with applicable existing regulations for eliminating or minimizing pollutants in storm water runoff during construction and operation of the Project. The Final WQMP and BMPs would constitute management and enforcement efforts consistent with Policy 5.</p>
<b>Energy Resources</b>	
<p><b>Policy 3 Energy Conservation.</b> To encourage and actively support the utilization of energy conservation measures in all new and existing structures in the County.</p>	<p><b>Consistency.</b> The Project would include the following energy conserving features:</p> <ul style="list-style-type: none"> <li>▪ Builder-installed indoor appliances, including dish- washers, showers and toilets, would be low-water use.</li> <li>▪ Drought-tolerant, native landscaping would be used in public common areas to reduce water consumption.</li> <li>▪ Smart Controller irrigation systems would be installed in all public and common area landscaping. Community landscape areas would be designed on a "hydro zone" basis to group plants according to their water and sun requirements.</li> <li>▪ Implementation of a plant palette which includes canopy trees to achieve natural ventilation and cooling.</li> </ul>
<p><b>Policy 7 Solar Access.</b> To support and encourage voluntary efforts to provide solar access opportunities in new developments.</p>	<p><b>Consistency.</b> The Project has been designed to accommodate solar access. As such, residential roofs which would receive an adequate amount of sunlight to support the use of solar panels could be designed to accommodate the installation of photovoltaic panels or other current solar power technology.</p>
<b>Transportation Element</b>	
<p><b>Policy 1.2</b> Apply conditions to land use development projects to ensure that the direct and cumulative impacts of these projects are mitigated consistent with established level of service policies.</p>	<p><b>Consistency.</b> The Project EIR prescribes mitigation measures for the Project to reduce potentially significant traffic impacts of the Project to a less than significant level to be consistent with adopted level of service policies.</p>



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<b>Objective 2.1</b> Plan, develop and implement a circulation system in the unincorporated areas, which is consistent with the Master Plan of Arterial Highways and circulation plans of adjacent jurisdictions.	<b>Consistency.</b> The Project would include local streets within the Project Site that would not conflict with the Master Plan of Arterial Highways and circulation plans of adjacent jurisdictions.
<b>Policy 2.4</b> Apply conditions to development projects to ensure compliance with OCTA's transit goals and policies.	<b>Consistency.</b> The Project EIR determined that the Project would result in less than significant impacts to alternative transportation facilities. Any transit program requirements related to bus or rail would be provided by OCTA upon the agency's review of the tentative tract map.
<b>Policy 2.5</b> Apply conditions to development projects to ensure implementation of the Circulation Plan as applicable.	<b>Consistency.</b> The Project EIR prescribes mitigation measures that would reduce Project traffic impacts to a less than significant level when implemented. Project implementation would not conflict with implementation the County's Circulation Plan. Appropriate conditions of approval will be applied to the Project by the County to ensure compliance with applicable County General Plan circulation policies.
<b>Policy 3.1</b> Maintain acceptable levels of service on arterial highways pursuant to the Growth Management Element of the General Plan.	<b>Consistency.</b> The Project EIR prescribes mitigation measures that would reduce Project impacts to a less than significant level when implemented. The Project will either install or pay the full cost of installation (subject to reimbursement) of a traffic signal or pay its fair share cost for installation of a traffic signal at intersection of Via del Agua/Yorba Linda Boulevard. Installation of the traffic signal will improve the level of service at this intersection from LOS "F" to LOS "A."
<b>Policy 3.2</b> Ensure that all intersections within the unincorporated portion of Orange County maintain a peak hour level of service "D", according to the County Growth Management Plan Transportation Implementation Manual.	<b>Consistency.</b> The Project EIR prescribes mitigation measures to ensure that key intersections serving the Project Site would operate at a LOS "D" or better.
<b>Policy 3.3</b> Evaluate all proposed land use phasing plans for major development projects to ensure maintenance of acceptable Levels of Service on arterial highway links and intersections.	<b>Consistency.</b> The Project EIR evaluated the cumulative impacts of all proposed development projects in the area of the Project Site and prescribed mitigation measures that would ensure that all nearby arterial highways and intersections serving the Project Site would operate at acceptable levels of service.
<b>Policy 5.1</b> Establish "traffic impact fees" for application to County development projects with measureable traffic impacts, as defined in the Growth Management Element of the General Plan. These fees may serve as local matching funds for Orange County Measure "M" state and federal highway funding programs.	<b>Consistency.</b> The Project would pay all applicable traffic impact fees as defined in the Growth Management Element of the General Plan as required by the County of Orange.
<b>Policy 5.2</b> Use uniform analytical methods, in conformance with the Growth Management Plan, Measure M, and the Congestion Management Plan (CMP) to aid in transportation planning and impact evaluation and support the development and utilization of sub-area models to address detailed transportation issues.	<b>Consistency.</b> The Project EIR includes a traffic analysis utilizing methodologies and computer modeling approved by the County of Orange and staff of the City of Yorba Linda Planning Department. The traffic study is consistent with traffic modeling that occurs within the local and regional project vicinity to aid in transportation planning.

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<b>Policy 5.5</b> Require as conditions of approval that the necessary improvements to arterial highway facilities, to which a project contributes measurable traffic, be constructed and completed within a specified time period or ADT/peak hour milestone to attain a Level of Service "D" at the intersections under the sole control of the County.	<b>Consistency.</b> A traffic signal will be installed at the intersection of Via del Agua/Yorba Linda Boulevard to attain a Level of Service "D" or better at this intersection prior to occupancy of Project residential units. Per the mitigation measure identified in the Project EIR, the Project will either pay its fair share for the installation of the traffic signal or will install or pay the full cost of installation of the traffic signal with the latter two alternatives subject to reimbursement.
<b>Policy 5.7</b> Requires a condition of approval, that a development mitigation program, development agreement or developer fee program be adopted to ensure that development is paying its fair share of the costs associated with that development pursuant to Policy 5.1 ("Traffic Impact Fees").	<b>Consistency.</b> Conditions of approval would be applied to the Project requiring payment of adopted Traffic Impact Fees associated with the Project's fair share of costs for traffic improvements.
<b>Objective 6.7</b> Require developers of more than 100 dwelling units, or 25,000 square feet of non-residential uses to : a) demonstrate consistency between the local transportation facilities, service, and programs, and the regional transportation plan; and b) submit as part of their development proposal (nonresidential), a Transportation System Management/Transportation Demand Management (TSM/TDM) plan which includes strategies, implementation programs and an annual monitoring mechanism to ensure a reduction of single occupancy automobile travel associated with development	<b>Consistency.</b> With 112 total residential units distributed in two planning areas, the Project would not create an economy of scale to provide its own Transportation Demand Management Plan. However, the Project would cooperate with the County to participate in any such plan developed or expanded in the east Yorba Linda area, with program participation addressed by the project's homeowners association.
<b>Growth Management Element</b>	
<b>Goal 1 Reduce Traffic Congestion</b>	<b>Consistency.</b> A traffic signal will be installed at the intersection of Via del Agua/Yorba Linda Boulevard to attain a Level of Service "D" or better at this intersection prior to occupancy of Project residential units. Per the mitigation measure identified in the Project EIR, the Project will either pay its fair share for the installation of the traffic signal or will install or pay the full cost of installation of the traffic signal with the latter two alternatives subject to reimbursement
<b>Goal 2</b> Ensure that adequate transportation facilities, public facilities, equipment, and services are provided for existing and future residents.	<b>Consistency.</b> The Project would provide adequate roadways that would support the proposed single family residential uses. Further conditions of approval would be applied to the Project requiring payment of adopted Traffic Impact Fees associated with the Project's fair share of costs for traffic improvements and services.
<b>Objective 2</b> The circulation system shall be implemented in a manner which achieves the established Traffic Level of Service Policy.	<b>Consistency.</b> With implementation of prescribed Project EIR mitigation measures, all nearby arterial highways and intersections serving the Project Site would operate at acceptable levels of service.
<b>Policy 3</b> It is the policy of the County that within three years of issuance of the first use and occupancy permit for a development project of five years of the issuance of a finished grading permit or building permit for said development project, whichever occurs first, that the necessary improvements to arterial highway facilities, to which the project contributes measureable traffic, are constructed and completed to attain Level of Service (LOS) "D" at intersections under the sole control of the County. LOS"C" shall also be maintained on Santiago Canyon Road links until such time as	<b>Consistency.</b> The Project EIR prescribes a mitigation measure for the Project to attain a Level of Service "D" or better at the intersection of Via del Agua/Yorba Linda Boulevard and requires a traffic signal to be constructed at this intersection. The traffic signal to be constructed would be installed prior to occupancy of the Project's residential units. The traffic signal would be located within the City of Yorba Linda. As such, the Project Applicant and/or the County of Orange will work collaboratively with the City of Yorba Linda, as appropriate, to ensure the traffic signal is installed.



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the uninterrupted segments of the roadway (i.e., no major intersections) are reduced to less than three miles. The "county of Orange Growth Management Element, Transportation Implementation Manual (TIM)" which was adopted by the Board of Supervisors in June 1989 and, as may subsequently be amended, establishes procedures and local parameters for the implementation of this policy. Amendments to the manual shall be approved by the Board of Supervisors only after a public hearing.	
<b>Policy 4</b> Comprehensive traffic improvement programs shall be established to ensure that all new development provides necessary transportation facilities and intersection improvements as a condition of development approval. Participation in such programs shall be on a pro-rata basis and shall be required of all development projects except where an increased level of participation exceeding these requirements is established through negotiated legal mechanisms, such as a public facilities development agreement.	<b>Consistency.</b> With implementation of prescribed Project EIR mitigation measures, all nearby arterial highways and intersections serving the Project Site would operate at acceptable levels of service. The Project EIR prescribes a mitigation measure for the Project to attain a Level of Service "D" or better at the intersection of Via del Agua/Yorba Linda Boulevard and requires a traffic signal to be constructed at this intersection. The traffic signal to be constructed would be installed prior to occupancy of the Project's residential units. The traffic signal would be located within the City of Yorba Linda. As such, the Project Applicant and/or the County of Orange will work collaboratively with the City of Yorba Linda, as appropriate, to ensure the traffic signal is installed.
<b>Public Services and Facilities Element</b>	
<b>Policy 1 Phasing and Funding.</b> To implement public facilities in a manner that supports the implementation of the overall land use development policies and the needs of County residents and is consistent with the funding capabilities of the County. Proponents of planned communities or tentative tract or parcel maps in conventionally zoned communities shall provide ultimate, fair share infrastructure improvements for regional services as required by County and service provider plans in effect at the time of project implementation. Proponents shall also participate, on a fair share basis, in provision of community level facilities. The County and service providers shall strive to provide facilities and services necessary to complete the service system.	<b>Consistency.</b> Conditions of approval would be applied to the Project requiring payment of adopted development impact fees to address the Project's fair share cost for public services and facilities. The Project would pay applicable development fees for its fair share cost pertaining to schools, police service, fire protection services, libraries and hospitals. In addition, the Project would pay its fair share costs towards water supply improvements in the area that may be necessary to serve the Project, as determined appropriate by the Yorba Linda Water District.
<b>Water System</b>	
<b>Policy 1</b> To ensure the adequacy of water system capacity and phasing, in consultation with the service providing agency(ies), in order to serve existing and future development as defined by the General Plan.	<b>Consistency.</b> The Project would be required to implement the mitigation measures prescribed by the Project EIR which would ensure the adequacy of water availability and infrastructure to meet the demands of the Project. Water connections would be provided by the Project in consultation with the Yorba Linda Water District, with the Project responsible for payment of all applicable water connection fees, pursuant to Yorba Linda Water District requirements.

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<b>Wastewater Systems</b>	
<b>Policy 1</b> To protect quality in both delivery systems and groundwater basins through effective wastewater system management.	<b>Consistency.</b> The Project would provide connections to existing sewer lines maintained by the Yorba Linda Water District. All wastewater leaving the site in the sewer lines would be treated by the Orange County Sanitation District in compliance with applicable wastewater regulatory requirements which would effectively protect groundwater basins in the region
<b>Policy 3</b> To ensure the adequacy of wastewater system capacity and phasing in consultation with the service providing agency(ies) in order to serve existing and future developments as defined by the General Plan.	<b>Consistency.</b> The Project's wastewater demand would be adequately served by existing facilities maintained by the Yorba Linda Water District and Orange County Sanitation District. Sewer connections would be provided by the Project in consultation with the Yorba Linda Water District, with the Project responsible for payment of all applicable sewer connection fees. Adequate sewage treatment capacity is available to accommodate the Project.
<b>Local Special Services Districts</b>	
<b>Policy 2 Land Use Review.</b> Through the project review process, land use proposals shall be required to incorporate appropriate construction and landscape designs and materials to minimize the costs for public slope, median, and roadside maintenance.	<b>Consistency.</b> The following features of the Project would ensure the Project is consistent with this policy. <ul style="list-style-type: none"> <li>▪ Drought-tolerant, native landscaping would be used in public common areas to reduce water consumption.</li> <li>▪ Smart Controller irrigation systems would be installed in all public and common area landscaping. Community landscape areas would be designed on a "hydro zone" basis to group plants according to their water and sun requirements.</li> <li>▪ The street medians and parkways would be planted with shrubs, low groundcovers, and ornamental grasses to the greatest extent feasible to reduce maintenance and conserve resources.</li> </ul>
<b>Orange County Fire Authority</b>	
<b>Goal 1</b> Provide a safe living environment ensuring adequate fire protection facilities and resources to prevent and minimize the loss of life and property from structural and wild land fire damages.	<b>Consistency.</b> The Project will implement mitigation measures prescribed by the Project EIR and incorporates a design to minimize the potential for loss of life and property from structural and wild land fire damage. In the Project Site's existing undeveloped condition, no fuel modification exists on the Project Site, which exposes the existing adjacent single-family residential uses located to the west and south of the Project Site to substantial risks of wild land fires. With the implementation of the Project's fuel modification features, the risk of wild land fires to the existing single family residential uses adjacent to the Project Site would be substantially reduced.
<b>Goal 2</b> To provide an adequate level of paramedic service for emergency medical aid in order to minimize trauma of injury of illness to patients.	<b>Consistency.</b> The incremental increase of population generated by the Project would not affect the ability of medical providers to provide adequate levels of paramedic service. Due to the proximity of the Project Site to numerous existing medical facilities and resources including hospitals, medical centers, medical clinics and offices, the effect of the Project on such facilities would be negligible. Any increased demand in medical services would be distributed over the region, resulting in a nominal increase in demand to any one hospital or medical facility and would not be sufficient to require expansion of existing hospitals or require the

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	construction of new hospital facilities. The Project would implement all applicable safety and fire features per the Orange County Fire Authority requirements, thus minimizing the demand for paramedic services. Further, conditions of approval would be applied to the Project requiring payment of adopted development impact fees to address the Project's fair share cost of medical services and facilities.
<b>Objective 1</b> To achieve desired level of fire protection and paramedic service through coordinated land use and facility planning.	<b>Consistency.</b> Compliance with the applicable regulatory requirements and implementation of the Project features including the approved Fuel Modification and Fire Master Plans, and prescribed EIR mitigation measures would ensure that the Project would not significantly affect fire level of protection services currently provided. Further, conditions of approval would be applied to the Project requiring payment of adopted development impact fees to address the Project's fair share cost for fire and paramedic protection services and facilities.
<b>Policy 3 Site Design Criteria.</b> Require all land use proposals to implement adequate site design so as to maximize fire protection and prevention in order to minimize potential damages. The site design criteria shall be established to reflect the levels of protection needed for projects in various fire hazard areas. Such criteria shall include consideration as to: structure type and density, emergency fire flow and fire hydrant distribution, street pattern and emergency fire access, fuel modification programs, automatic fire sprinkler systems, and other requirements as determined by the Fire Chief. In accordance with the Insurance Services Office (ISO) suggested standards, ultimate fire protection rating shall be maintained by General Plan land use categories as follows: 1) ISO 3 for all urban development including Residential (1C and 1B), Commercial (2A and 2B), Employment (3.0) and Public Facilities (4.0) which are within 5 miles from a fire station and less than 1000 feet from a hydrant; and (2) ISO 4 for Rural Residential (1A) which are within 5 miles from a fire station and less than 100 feet from a hydrant. For areas greater than 5 miles or 1000 feet, the ISO suggested standard is 9.	<b>Consistency.</b> The following features of the Project would ensure the Project is consistent with this policy. <ul style="list-style-type: none"> <li>▪ The Project would be designed to provide fire-resistant construction for all structures adjoining natural open space, including utilizing fire-resistant building materials and sprinklers.</li> <li>▪ Development of the Project would provide additional fire protection to existing residential areas located along Via del Agua Drive, Stone Haven, and San Antonio Drive which have historically been exposed to fire hazards in the adjacent open space areas.</li> <li>▪ Three fuel management zones and a special maintenance are planned for the Project would provide fire protection for development within Cielo Vista from the potential of fire hazard within the open space areas surrounding proposed development areas.</li> <li>▪ A fire Master Plan has been approved by the Orange County Fire Authority for the Project, which provides appropriate fire safety protective measures as required.</li> </ul>
<b>Orange County Sheriff/ Coroner</b>	
<b>Goal 1:</b> Assure that adequate Sheriff patrol service is provided to ensure a safe living and working environment.	<b>Consistency.</b> The incremental increase in population from the Project would not substantially impact Sheriff protection services, including the average number of daily calls the serving officers respond to each year, particularly given the fact that the City of Yorba Linda recently signed a five year agreement with the Orange County Sheriff's Department for police services, which is expected to decrease response times. Further conditions of approval would be applied to the Project requiring payment of adopted development impact fees to address the Project's fair share cost for police protection services and facilities.

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<b>Objective 1.1:</b> To maintain adequate levels of Sheriff patrol services through coordinated land use and facility planning efforts.	<b>Consistency.</b> See response to Goal 1 above.
<b>Policy 1 Land Use Review.</b> To continue to coordinate land use proposal reviews with the County Sheriff-Coroner Department to assure that Sheriff patrol service shall be adequately addressed.	<b>Consistency.</b> Pursuant to County policy, the Orange County Sheriff-Coroner Department would review all major land use proposals prior to project approvals to ensure that adequate Sheriff service is available and/or can be extended to the Project.
<b>Schools</b>	
<b>Goal 1</b> Encourage the funding and development of adequate school facilities to meet Orange County's existing and future demand.	<b>Consistency.</b> The Project Applicant will pay the required Senate Bill 50 mitigation fees pursuant to Government Code Section 65995 to the Placentia Yorba Linda Unified School District to fully mitigate the Project's impacts to school facilities.
<b>Objective 1.1</b> To achieve the desired level of school facilities through coordinated land use and facility planning.	<b>Consistent.</b> The Project will pay applicable school impact fees per Senate Bill 50, which would be utilized to fund school service and facilities that serve the project area.
<b>Policy 1</b> To coordinate land use proposal reviews with appropriate school districts to assure that facility needs shall be adequately addressed, including the notification and participation of school district planners in initial County studies of all major developments.	<b>Consistency.</b> The Project will pay applicable school impact fees per Senate Bill 50, which would be utilized to fund school services and facilities that serve the project area. Pursuant to County policy, the Placentia Yorba Linda Unified School District would review the Project prior to its approval to ensure that school services are adequately addressed.
<b>Policy 3</b> To continue to require compliance with AB 2926	<b>Consistency.</b> The Project will pay applicable school impact fees per Senate Bill 50, which would not conflict with development impact fees implemented by AB 2926, which allows school districts to collect impact fees from developers of new residential space.
<b>Orange County Public Library</b>	
<b>Goal 1</b> Assure that an adequate level of library service is provided within the service area of the Orange County Public Library	<b>Consistency.</b> The incremental population increase resulting from the Project would minimally impact library services and would not affect the ability of local libraries to provide library services. Further the Project will pay development impact fees to offset the incremental increase in demand for library services and facilities created by the Project.
<b>Objective 1.1</b> To achieve desired level of public library service through coordinated land use and facility planning.	<b>Consistency.</b> Prior to issuance of building permits for the Project, the Applicant will enter into a capital facilities and equipment agreement with the Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the pro-rata fair share funding of capital improvements and equipment, to serve the Project.
<b>Safety Element</b>	
<b>Goal 2</b> Minimize the effects of natural safety hazards through implementation of appropriate regulations and standards which maximize protection of life and property.	<b>Consistency.</b> As indicated in the Project EIR, there is the potential for methane hazards to occur on the Project Site however implementation by the Project, as necessary, of methane mitigation measures prescribed by the Project EIR during construction and/or operation of the Project would ensure that people and property are not exposed to significant methane hazards.

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<b>Objective 2.1</b> To create and maintain plans and programs which mitigate the effects of public hazards.	<b>Consistency.</b> As indicated in the Project EIR, there is the potential for significant hazardous materials impacts primarily related to past and current oil activities within the Project Site. Implementation by the Project of mitigation measures prescribed in the Project EIR would ensure that potentially significant hazardous materials impacts are reduced to a less than significant level. In addition the site design for the Project incorporates a fuel modification plan to address the potential wildfire hazard.
<b>Goal 3</b> Raise the awareness of Orange County residents, workers, and visitors of the potential threat of public safety hazards.	<b>Consistency.</b> The Project EIR prescribes mitigation measures for implementation by the Project that would ensure that construction workers, residents, and visitors are made aware of potential hazardous materials threats.
<b>Policy 3 Mineral Resources.</b> To ensure the efficient use of all mineral lands consistent with sound resource management practices.	<b>Consistency.</b> Project implementation would permit continued oil production operations in a designated area of the Project Site in accordance with the standards of CalDOGGR, the state agency governing the operation of oil production facilities.
<b>Policy 4 Mineral Extraction.</b> To ensure opportunities for the extraction of minerals in the County and to protect the environment during and after these minerals are being extracted.	<b>Consistency.</b> Provisions are included as part of the Project for existing oil operations to continue production. An approximately 1.81 acre parcel located in Planning Area 1 is proposed to be zoned R-1(O) and can be used for continued oil operations including consolidation of wells relocated from the rest of the Project Site and drilling of new wells. Oil operations within the Residential land use portions of the Project Site would be abandoned or re-abandoned prior to development, as necessary, on accordance with CalDOGGR standards. Soil testing does not indicate that there are soils on the property that have been significantly contaminated, however should contaminated soils be discovered, the Project EIR prescribes a mitigation measure to ensure the soils would be remediated to meet the cleanup standards of CalDOGGR, the Regional Water Quality Control Board, and all other agencies with jurisdiction over the cleanup. Future homeowners would be provided with notification as to the previous use of the site as an oilfield and the extent of the continued oil production activities in the area.
<b>Policy 5</b> To continue to coordinate land use proposal reviews with the County Sheriff-Coroner Department to assure that Sheriff patrol services are adequately addressed.	<b>Consistency.</b> Pursuant to County policy, the Orange County Sheriff-Coroner Department would review the Project proposal prior to its approval to ensure that that adequate Sheriff patrol services are adequately addressed.
<b>Recreation Element</b>	
<b>Goal 1</b> Provide adequate local park sites to meet the recreation needs of existing and future residents and preserve natural resources within unincorporated Orange County.	<b>Consistency.</b> The Project's residents would create additional recreational demands on existing parks and recreation facilities. The Project is not proposing new park or recreational facilities however, per prescribed mitigation measures identified in the Project EIR, the Project Applicant would pay established in-lieu park fees to mitigate impacts to local and neighborhood park facilities that serve the Project.
<b>Policy 2.32</b> To acquire park lands by requiring residential developers to provide a minimum of 2.5 net acres of usable local park land (i.e. park land that is relatively level, served by utilities, for multipurpose playfields, court sports, etc) for each prospective 1,000 residents. In no case shall the credit given	<b>Consistency.</b> Refer to consistency statement above for Goal 1.

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for park land and improvements exceed the total requirements under the Local Park code. No credit banking shall be permitted when a developer provides full requirement in acreage and also provides improvement.	
<b>Policy 2.4</b> To acquire local park lands in unincorporated areas to provide active recreation facilities to meet the needs of present and future residents through dedications, or irrevocable offers of dedication, in fee title from residential developers.	<b>Consistency.</b> Refer to consistency statement above for Goal 1.
<b>Noise Element</b>	
<b>Policy 4.1</b> To enforce the County's Noise Ordinance to prohibit or mitigate harmful and unnecessary noise within the County.	<b>Consistency.</b> The Project would comply with the County's Noise Ordinance during both construction and operation of the Project. Operational noise impacts associated with the Project would be mitigated with implementation of the Project EIR prescribed mitigation measures relating to oil facility operations. While construction noise may temporarily exceed levels permitted by the County of Orange Noise Ordinance, such noise is treated as being in compliance if it occurs during the designated construction hours prescribed by the Noise Ordinance. As the Project's construction activities would occur during the designated construction hours, the Project would comply with the Noise Ordinance.
<b>Goal 5</b> To fully integrate noise considerations in land use planning to prevent new noise/land use conflicts.	<b>Consistency.</b> The Project's proposed single-family land uses are consistent with the County's land uses envisioned for the Project Site per the County's Land Use Element (as amended). The Project's single family uses would be a similar land use as those existing within the adjacent single-family neighborhoods located to the north, south and west of the Project Site. Noise sources and levels within the Project Site would be similar to those in the adjacent neighborhoods.
<b>Policy 5.1</b> To utilize the criteria of acceptable noise levels for various types of land uses as depicted in Table VIII-2(in the County of Orange General Plan Noise Element) in the review of development proposals.	<b>Consistency.</b> The Project would implement prescribed mitigation measures relating to oil operations as identified in the Project EIR which would result in less than significant long-term operational noise impacts. The Project's proposed residential uses would be within the acceptable noise levels as depicted in Table VIII-2 of the County's General Plan.
<b>Policy 5.4</b> To stress the importance of building and design techniques in future site planning for noise reduction.	<b>Consistency.</b> Conditions of approval would be applied to the Project requiring all residential units developed within the Project Site to be constructed in accordance with the County adopted noise standards for interior noise levels, assuming standard structural noise reduction(s).
<b>Goal 6</b> To identify and employ mitigation measures in order to reduce the impact of noise levels and attain the standards established by the Noise Element, for both interior areas and outdoor living areas for noise sensitive land uses.	<b>Consistency.</b> The Project would comply with the County of Orange Noise Ordinance. Additionally, the Project will implement mitigation measures prescribed by the Project EIR to minimize construction noise to the extent feasible at the nearby noise sensitive residential land uses. During project operation, Project residents and surrounding noise sensitive receptors would not be exposed to interior or exterior noise levels that would exceed the standards established by the Noise Element with implementation of the prescribed mitigation measures relating to oil facility operations.



## Section 8: General Plan Consistency

Goals, Objectives and Policies	Area Plan Consistency
<b>Policy 6.2</b> Continue enforcement of Chapter 35 of the Uniform Building Code, currently adopted edition, and the California Noise Insulation Standards (Title 25 California Administrative Code).	<b>Consistency.</b> All new residential units developed as part of the Project would be constructed in accordance with the applicable provisions of Chapter 35 of the Uniform Building Code and the California Noise Insulation Standards (Title 25 California Administrative Code).
<b>Policy 6.3</b> To require that all new residential units have an interior noise level in living areas that is not greater than 45 decibels CNEL with it being understood that standard construction practices reduce the noise level by 12 decibels CNEL with the windows open and 20 decibels CNEL with the windows closed. Higher attenuation than listed above may be claimed if adequate field monitoring or acoustical studies are provided to and approved by the County.	<b>Consistency.</b> Conditions of approval would be applied to the Project requiring all residential units developed within the Project Site to be constructed in accordance with the County adopted noise standards for interior noise levels.
<b>Policy 6.4</b> To require that all new residential units have an interior noise level in habitable rooms that does not exceed acceptable levels as caused by aircraft flyovers or as caused by individual passing railroad trains.	<b>Consistency.</b> Conditions of approval would be applied to the Project requiring all residential units developed within the Project Site to be constructed in accordance with the County adopted noise standards for interior noise levels. Further, the Project Site and future residential development would not be subject to excessive noise from aircraft flyovers and/or railroad noise.
<b>Policy 6.5</b> All outdoor living areas associated with new residential uses shall be attenuated to less than 65 decibels CNEL.	<b>Consistency.</b> Mitigation measures prescribed for the Project by the Project EIR ensure that noise from oil well operations results in less than significant impact to Project residents. Otherwise there are no known noise generators impacting the Project that would result in outdoor noise levels exceeding 65 CNEL. Conditions of approval would be applied to the Project requiring all residential uses within the Project Site to be constructed in accordance with the County adopted noise standards.
<b>Policy 6.7</b> To apply noise standards as defined in the Noise Element for noise-sensitive land uses.	<b>Consistency.</b> Conditions of approval would be applied to the Project requiring all residential units developed within the Project Site to be constructed in accordance with the County adopted noise standards for interior noise levels.
<b>Housing Element</b>	
<b>Strategy 5a</b> Encourage the use of energy conservation features in residential construction, remodeling and existing homes.  <i>Action: Continue to require new construction and remodeling projects to meet energy conservation requirements.</i>	<b>Consistency.</b> Residential development as part of the Project would conform to Title 24 energy requirements. Other energy conserving features incorporated as part of the Project include: <ul style="list-style-type: none"> <li>▪ Builder-installed indoor appliances, including dishwashers, showers and toilets, would be low-water use.</li> <li>▪ Drought-tolerant, native landscaping would be used in public common areas to reduce water consumption.</li> <li>▪ Smart Controller irrigation systems would be installed in all public and common area landscaping. Community landscape areas would be designed on a "hydro zone" basis to group plants according to their water and sun requirements.</li> </ul>

## Section 8: General Plan Consistency

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## Section 9: Implementation and Administration

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### Section 9. Implementation and Administration

#### 9.1 Purpose and Intent

This section establishes the procedures for implementation of the Area Plan.

#### 9.2 Interpretation

Unless otherwise provided herein, any ambiguity concerning the content or application of the Cielo Vista Area Plan shall be resolved by the Director of Planning (Director) or the Director's designee, in a manner consistent with the goals, policies, purpose, and intent established in this Area Plan.

#### 9.3 Severability

If any portion of this Area Plan is declared to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions thereof. The legislative body hereby declares that they would have enacted this Area Plan, and each portion thereof, irrespective of the fact that any one or more portions be declared invalid or ineffective.

#### 9.4 Applicability

The Cielo Vista Area Plan is a comprehensive plan for the development of the Project Site. The design and development criteria contained within the Cielo Vista Area Plan apply to all development proposed within the Project Site. The land use plan of the Area Plan establishes the boundaries of residential planning areas and open space areas and establishes the type, pattern, and intensity of land use within each land use area. The Area Plan includes a plan for infrastructure and public improvements to serve the development, landscape and architectural design criteria, and green and sustainable goals applicable to all development within the Project Site.

#### 9.5 Subdivision Maps

All development Projects within Cielo Vista are subject to approval of subdivision maps pursuant to the requirements of the Orange County Subdivision Code. Following approval of tentative subdivision maps, final maps approved by the County and recorded with the County become the legal documentation defining lots within the Area Plan. Vesting Tentative Tract Map No. 17341 (Tentative Map) submitted by the applicant for approval by the County implements this Area Plan requirement. Approval by the County of the Tentative Map consistent with the Area Plan, will establish, among other things, development phasing and the methods of financing of construction, operation, and maintenance of public facilities, infrastructure improvements, and

## Section 9: Implementation and Administration

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services for Cielo Vista. The approved Tentative Map will also establish the plan for the compliance of the Project with County requirements for dedication of park land or payment of in-lieu fees.

The Cielo Vista Area Plan contains undisturbed, or natural, open space and disturbed, enhanced and graded, open space. Prior to recordation of a final map to allow development of building sites, delineated open space areas, both undisturbed and disturbed, will be placed within an open space easement for permanent preservation of the open space areas. The maintenance of the open space easement shall be the responsibility of either the Project's Homeowner Association (HOA), an appropriate public or quasi-public State agency, or a land conservation/trust organization. Funding for the permanent stewardship of the open space may be accomplished through an Assessment District.

Open space easements will be of a type to permit fuel modification. Except for necessary connections to off-site infrastructure and public service facilities, such as, but not limited to, fire roads, utility lines, grading for purposes of stabilizing slopes, water storage, flood control, and privately owned water quality/urban runoff facilities, any other development in open space areas will be of an open space or habitat restoration nature, compliant with any easement(s) recorded on the property.

### 9.6 Adjustments to a Planning Area Boundary and Residential Units

Minor adjustments to the boundary of a residential Planning Area and transfer of residential dwelling units from one Planning Area to another may be approved by the Director as part of the review of an application for grading permits or a final map provided the adjustment does not result in an increase of acreage for any residential Planning Area of more than ten percent (10%), an increase of more than 10% in the number of residential dwelling units allocated to any residential Planning Area, and provided the maximum number of dwelling units established for the Area Plan is not exceeded.

### 9.7 Modifications to Area Plan

The following constitute modifications to the Area Plan, which may be approved by the Director.

- a. Change in utility or public service provider.
- b. Change in roadway alignment of any roadway as illustrated on the "Master Circulation Plan" of the Area Plan when the change results in a centerline shift of 150 feet or less.
- c. Residential dwelling unit transfers or adjustment of a Planning Area boundary consistent with the provisions of Section 9.6 of the Area Plan.

## Section 9: Implementation and Administration

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- d. Other modifications which are deemed minor by the Director, which are in keeping with the purpose and intent of the approved Area Plan, and which are in conformance with the General Plan and the approved General Plan Amendment for Planning Area 2 of the Cielo Vista Area Plan.

### 9.8 Area Plan Amendments

Any change to the Cielo Vista Area Plan which has not been deemed by the Director to be a “modification” pursuant to Section 9.7 “Modifications to Area Plan,” shall constitute an Area Plan Amendment. Area Plan amendments shall be reviewed and approved pursuant to the procedures established in Orange County Zoning Code Section 7-9-150, “Discretionary Permits and Procedures.” In the event the proposed amendment requires supplemental environmental analysis pursuant to CEQA, the entity requesting the Area Plan Amendment is responsible for any and all costs associated with preparing the necessary CEQA documentation.

### 9.9 Appeals

Appeals from any determination of the Director may be made pursuant to the provisions of Orange County Zoning Code Section 7-9-150.4 “Appeals.”

### 9.10 Compliance with Mitigation Measures

Development within the Project Site shall comply with all applicable mitigation measures as described in the Cielo Vista EIR No. 615 approved by the County for the Area Plan.

### 9.11 Project Financing

The financing of construction, operation, and maintenance of public improvements and facilities (the “facilities”), open space, and public services for Cielo Vista may include a combination of financing mechanisms. Final determination as to the facilities to be constructed and maintenance responsibilities, whether publicly or privately maintained, will be included as part of recordation of a final map. The following financing options can be considered for implementation:

#### 9.11.1 Facilities and Services

- a. Private capital investment for the construction of facilities.
- b. Traditional Assessment Districts pursuant to the 1911 or 1913 enabling legislation, Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district, to provide funding for the construction of a variety of public facilities and the provision of public services.

## Section 9: Implementation and Administration

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### 9.11.2 Operation and Maintenance

- a. By individual private property owner.
- b. By Homeowners Association (HOA).
- c. By Landscape and Lighting Maintenance District (LLMD).
- d. By traditional Assessment District, Community Facilities District (CFD), or other special district.

County approval is a prerequisite for the establishment and implementation of any and all special district-financing mechanisms.

### 9.12 Project Phasing

The phased development of the Project Site will commence in a manner designed to address the following objectives:

- a. Orderly build-out of the community based upon market and economic conditions.
- b. Implementation of financing mechanisms without creating a financial or administrative burden on the County.
- c. Provision that adequate infrastructure and public facilities are constructed concurrent with development of each phase.
- d. Protection of public health, safety and welfare.

Phasing of development will be determined by the developer and the County. Appropriate levels of infrastructure, community facilities, and fuel modification will be installed and public services will be available to serve each phase of development as it occurs pursuant to the conditions of approval for the Tentative Map.

### 9.13 Maintenance

Public and private improvements constructed as part of development of the Area Plan will be maintained through a combination of public and private entities as described below.

#### 9.13.1 Public Maintenance

The following public facilities are planned for public maintenance by either the County, a special district, or by the appropriate utility service provider.

- a. All travel areas of Project local residential streets within the boundaries of the Area Plan.
- b. Sidewalks within the public right of way.
- c. Public traffic signals and traffic control signs.
- d. Public right of way improvements constructed as part of the Project and located outside the boundaries of the Area Plan.

## Section 9: Implementation and Administration

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- e. All privately constructed public water facilities, sewer facilities, and drainage facilities within the boundaries of the Area Plan.
- f. Street lighting within public rights of way of local residential streets.

### 9.13.2 Homeowner Association /Private Property Owner Maintenance

One or more Homeowner Associations (HOAs) may be established for the maintenance of private common area improvements within residential Planning Areas of the Area Plan. Private improvements to be maintained by either the HOA or private property owners include, but are not limited to:

- a. Parkway landscaping within the rights of ways of all local streets.
- b. Graded slopes and ungraded slopes within the boundary of a Planning Area, fuel modification zones, detention and water quality treatment basins and facilities.
- c. Community and neighborhood entries and signage, and common open space areas within residential Planning Areas.
- d. Community perimeter walls and fencing.
- e. Landscape areas of lots, common area wall surfaces, and slopes internal to the development Project along residential local streets.
- f. Common area landscaping and lighting.

### 9.13.3 Permanent Open Space Maintenance

- a. The permanent open space within the Area Plan shall be placed in a permanent conservation easement and maintained either by a public/quasi-public agency, a land conservation/trust organization, or the Homeowner Association.

### 9.14 Public Services

The development of Cielo Vista will pay County adopted impact fees to fund the operation and maintenance of sheriff, coroner, fire and library services for the Project. The Project will pay City of Yorba Linda adopted traffic and drainage impacts fees. The Project will participate in the development fee program of the Orange County Library and/or the City of Yorba Linda Library system as determined by the County and the City.

## Section 9: Implementation and Administration

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**ATTACHMENT 4:**  
**ALTERNATIVE 5 PROJECT AREA PLAN**



**PROJECT ALTERNATIVE 5  
AREA PLAN**

October 2015





CIELO  
VISTA

PROJECT ALTERNATIVE 5  
AREA PLAN

October 2015

*Submitted by:*

**North County BRS Project, LLC (NCBRS)**

3 Corporate Plaza Suite 102

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949-644-5916

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# Section 1: Introduction and Project Overview

## Section 1. Introduction and Project Overview

The Cielo Vista Area Plan (Area Plan) is a plan for development of a residential neighborhood on approximately 83.96 acres located within unincorporated Orange County. North County BRS Project, LLC, (NCBRS) the Project Applicant (Applicant) controls the approximately 83.96 acre site (Project Site) comprising the Area Plan. The Area Plan is a guide for the development of a cohesive and uniformly designed residential neighborhood and the preservation of significant open space within the Project Site.

### 1.1 Project Location

The Project Site is located approximately 1.7 miles northwest of the 91 Freeway and approximately 6 miles east of the 57 Freeway in unincorporated Orange County. Primary access to the Project Site is provided from Yorba Linda Boulevard, located to the south, and San Antonio Road located approximately 1,200 feet west of the Project Site boundary. The regional context and local setting of the Project Site are illustrated on Exhibit 1-1, “Regional Location Map,” and Exhibit 1-2, “Vicinity Map.”

Existing single family residences within the City of Yorba Linda are located adjacent to the Project Site on the west, north, and south. Approximately 469 acres of vacant land within unincorporated Orange County located adjacent to the Project Site on the east comprises the Esperanza Hills Specific Plan area approved by Orange County in June 2015.

### 1.2 Project Summary

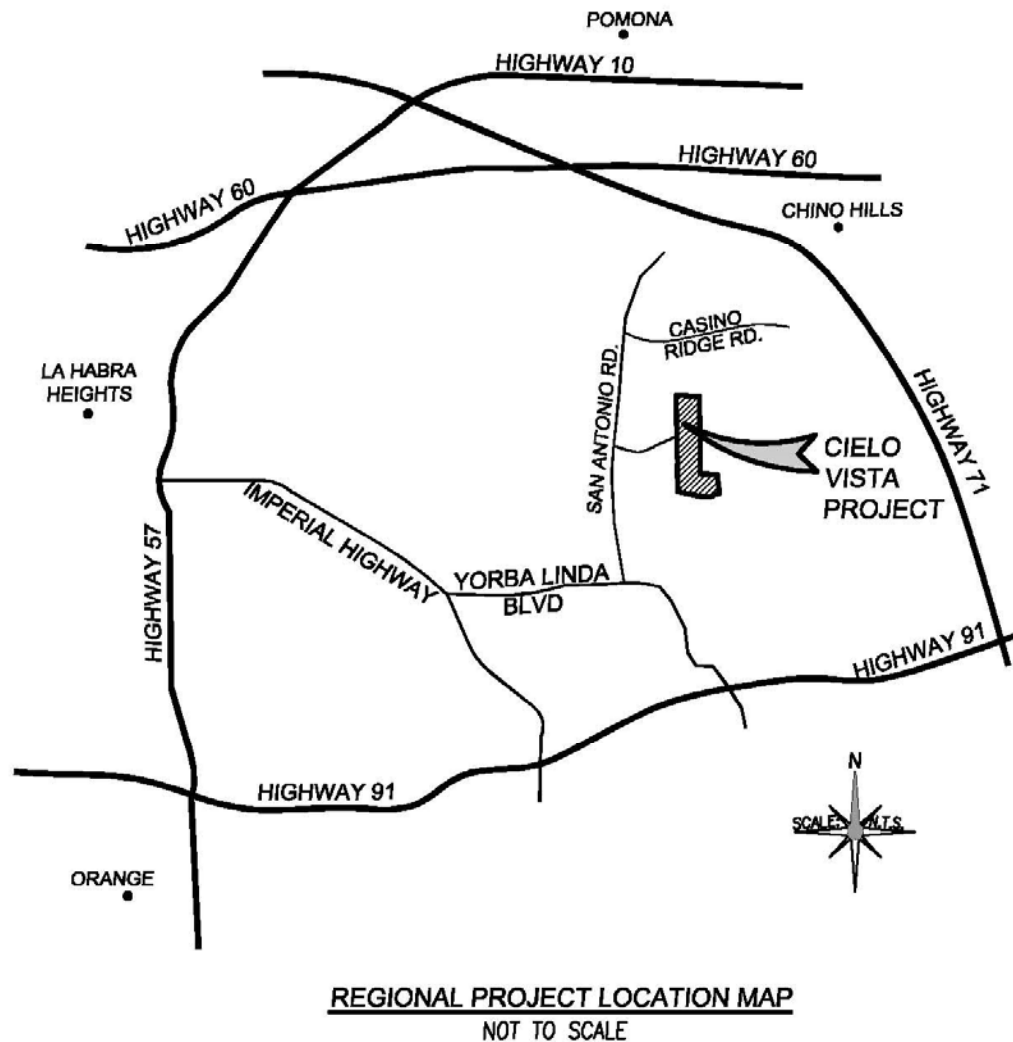
The Area Plan provides design and development criteria to guide development of the Project Site. Up to 83 single family detached residential dwellings are proposed on approximately 41.28 acres (49%) of the Project Site. Approximately 42.68 acres (51%) of the Project Site are reserved as permanent open space. The Cielo Vista land use plan is illustrated on Exhibit 1-3, “Illustrative land Use Plan,” and further described in Table 1-1, “Area Plan Summary.”

Table 1-1 – Area Plan Summary

Land Use	Gross Acres	Residential Dwelling Units
Residential	41.28 (49%)	83
Open Space	42.68 (51%)	
Total	83.96	83



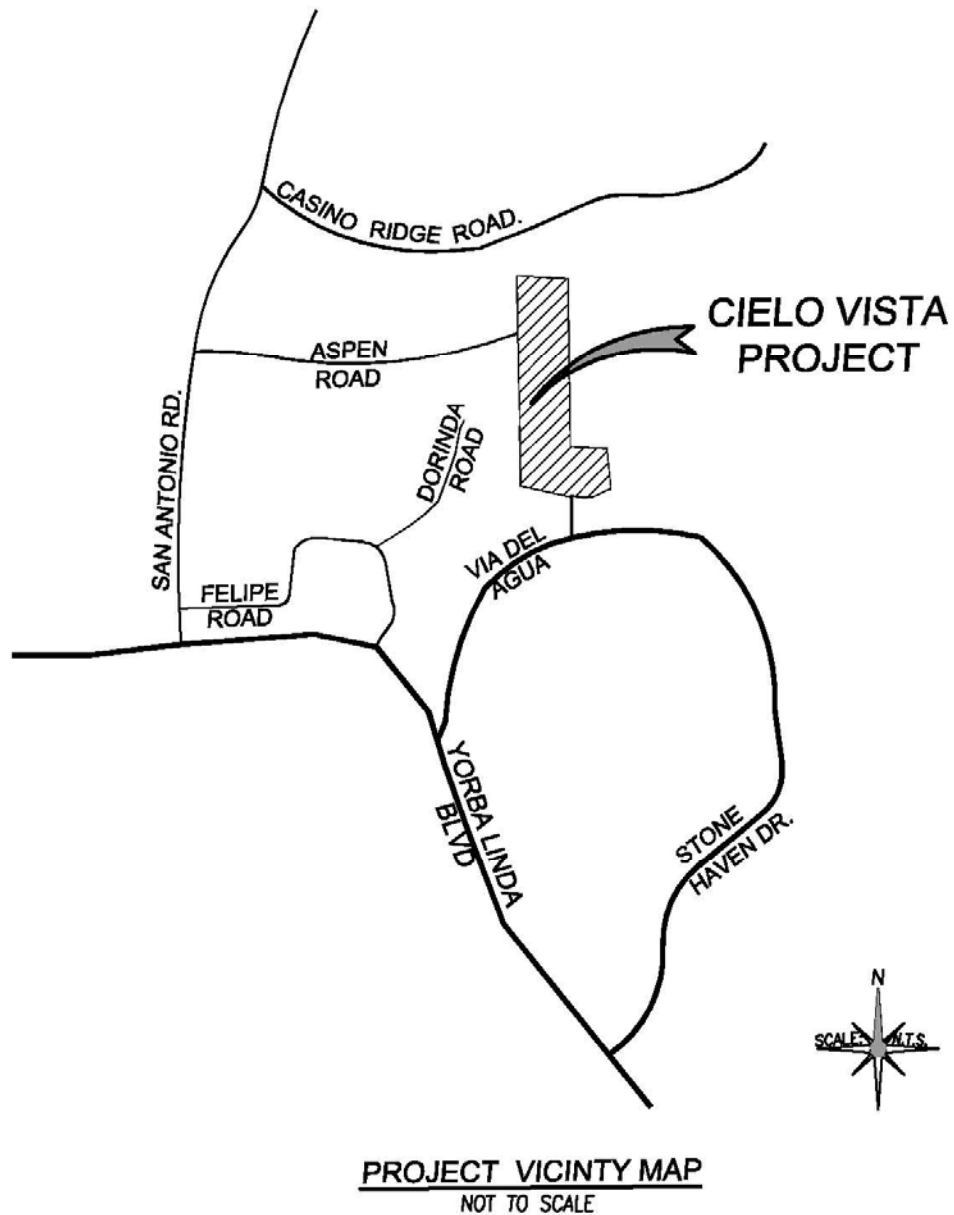
## Section 1: Introduction and Project Overview



**Exhibit 1-1 Regional Location Map**

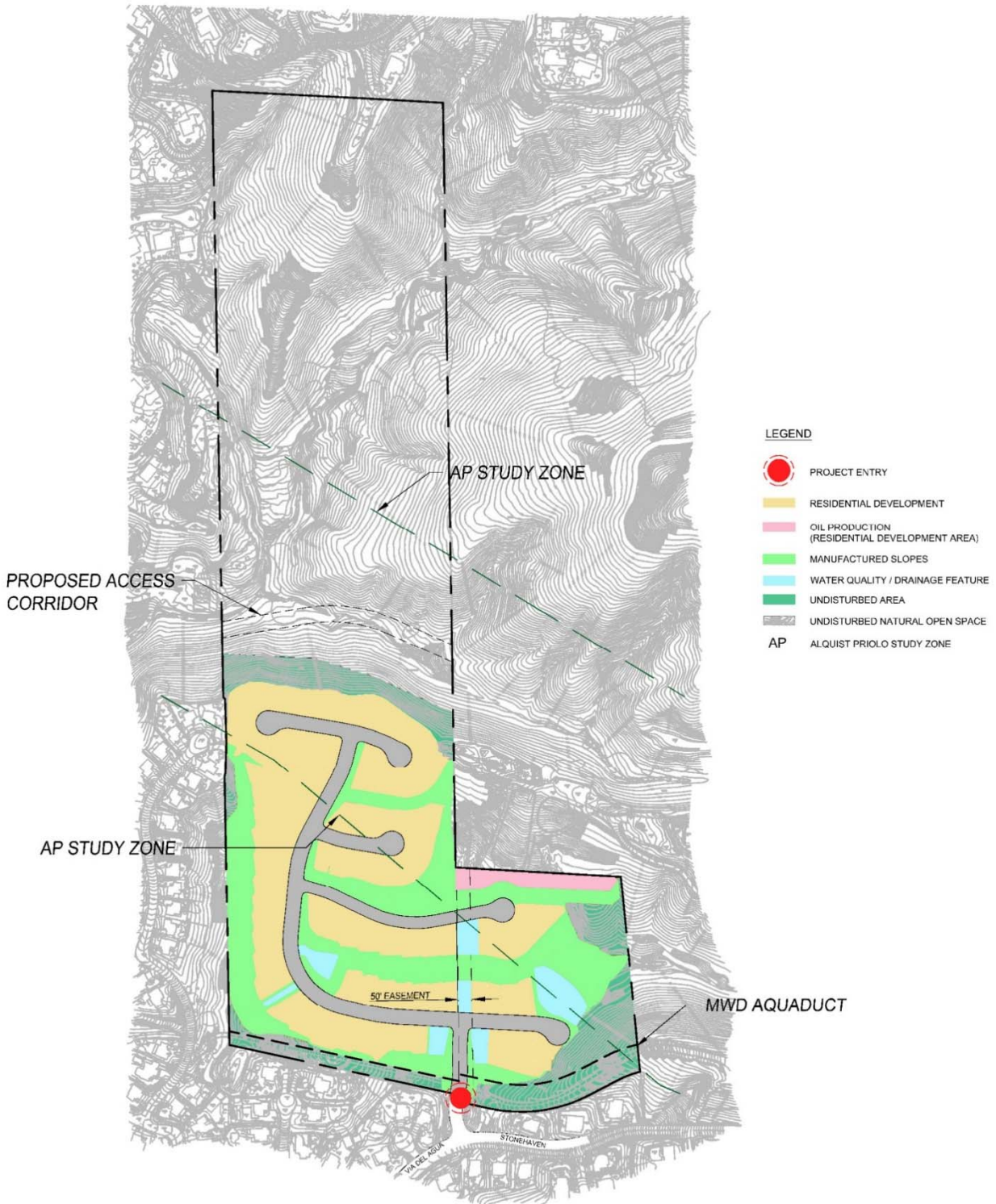
## Section 1: Introduction and Project Overview

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**Exhibit 1-2 Vicinity Map**

## Section 1: Introduction and Project Overview



**Exhibit 1-3 Illustrative Land Use Plan**

## Section 1: Introduction and Project Overview

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### 1.2.1 Residential Land Use

Residential land use, at a gross density of 1.0 dwelling units per acre, is proposed within the Project Site. Up to 83 single family detached residential dwellings units are proposed for construction on lots with a minimum area of 7,200 square feet.

### 1.2.2 Open Space Land Use

Open space areas are reserved in the uppermost elevations of the Project Site. Open space areas include preserved sensitive biological resource areas, natural drainage courses, and canyons. A proposed access corridor is shown on Exhibit 1-3, "Illustrative Land Use Plan." This access corridor was analyzed as Option 2 and as Alternative 3, Option 2B in "Environmental Impact Report No. 616 (Esperanza Hills)," which was certified by the Orange County Board of Supervisors on March 10, 2015. Approximately 42.68 acres of open space are planned for permanent preservation as part of the Area Plan.

### 1.2.3 Access and Circulation

Access to the Project Site is provided from existing dedicated public rights of way in the City of Yorba Linda. As part of the Project a new local street is planned to connect to existing Via del Agua a public local street to provide access to the residential development area. The Area Plan includes a network of local residential streets to provide vehicular access throughout the residential development area of the Project Site. The Cielo Vista master plan of circulation (Exhibit 4-1, Master Circulation Plan) includes a fifty foot wide emergency vehicle access easement provided within the Project Site connecting to a shared boundary with the Esperanza Hills Specific Plan area.

### 1.2.4 Pedestrian Walkways, Bicycle Access, and Trails

The Area Plan includes a walkway system within local residential streets providing pedestrian connectivity within the Project Site and to surrounding residential neighborhoods. On-street bicycle circulation is available within all Project local streets offering connectivity between the Project Site and surrounding residential neighborhoods where Project local streets connect with the existing adjacent public streets. The City of Yorba Linda General Plan designates an area within the northwesterly portion of the Project Site for the potential extension of the San Antonio Park Equestrian Trail. The City does not have an adopted trail plan or a proposed connection location for the trail to the Project Site, however, since the Project Site is located within the City's Sphere of Influence, the Area Plan is designed to accommodate the future construction by the City of Yorba Linda of this General Plan designated equestrian trail in accordance with an adopted trail plan.

## Section 1: Introduction and Project Overview

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### 1.2.5 Oil Field Operations

The Project Site has historically been used for oil production and contains five operational wells, one abandoned well, and related facilities. Prior to commencement of residential development, existing oil wells and facilities as well as production facilities located within that portion of the residential development area will be abandoned, or re-abandoned as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (CalDOGGR), the state agency governing the operation of oil production facilities, the Regional Water Quality Board (RWQCB), Orange County Fire Authority (OCFA), Orange County Health Care Agency (OCHA), and the Orange County Oil Code. Soil contaminated by historical oilfield production activities will be removed from the site or remediated on-site to meet the cleanup standards of CalDOGGR, OCFA, and OCHA which are the agencies with jurisdiction over the cleanup. Future homeowners will be provided with notification as to the previous use of the site as an oilfield and the extent of continued oil production activities in the area. The Area Plan provides a site within the residential development area where oil operations can continue as illustrated on Exhibit 1-3, "Illustrative Land Use Plan" and Exhibit 1-5, "Zone Change Areas."

### 1.3 General Plan and Zoning

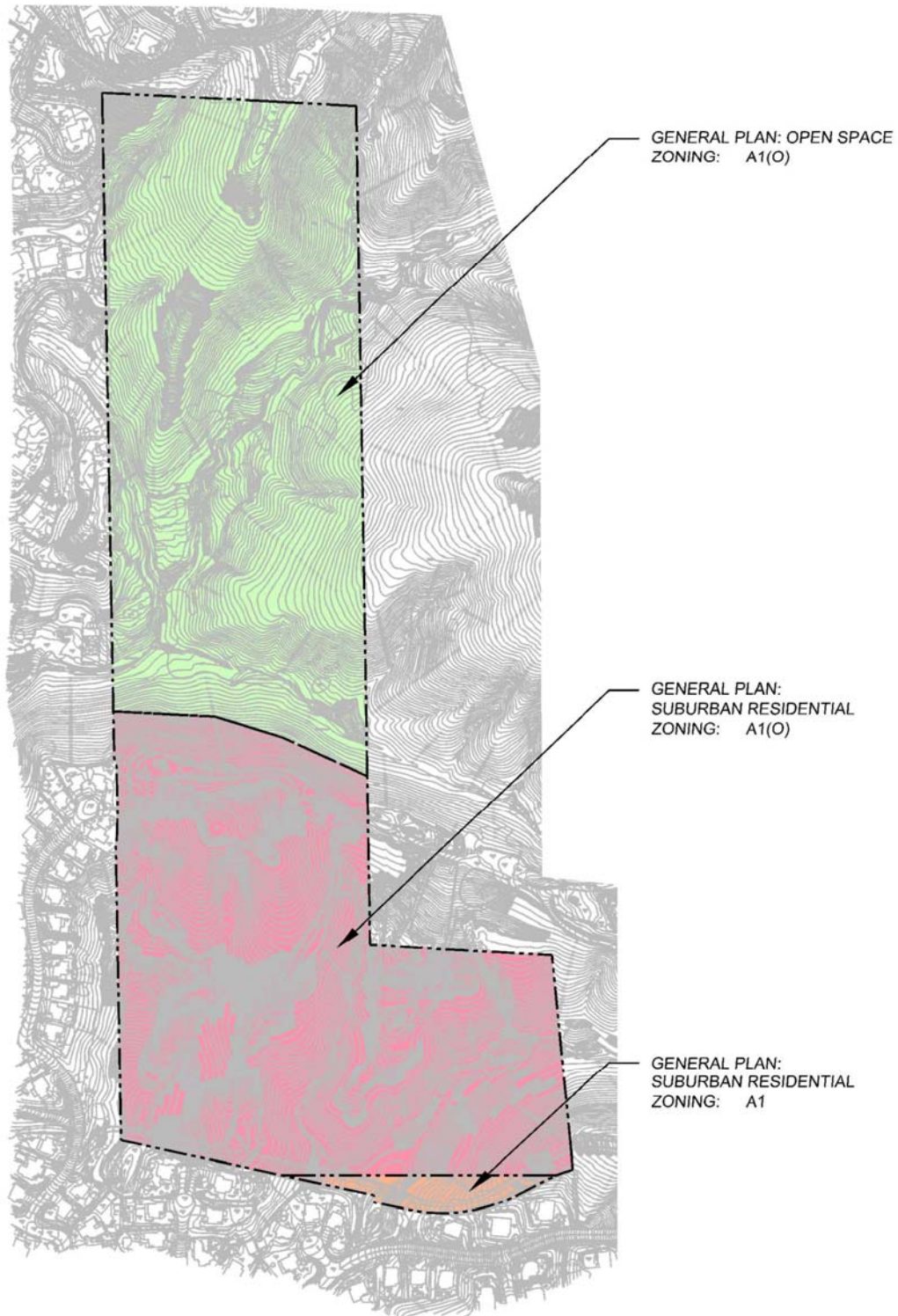
The Orange County General Plan designates approximately 41.28 acres of the Project Site as Suburban Residential, which permits development of residential land uses at a density of 0.5-18 dwelling units per acre, and approximately 42.68 acres of the Project Site as Open Space(5). The Project Site is zoned A1-General Agriculture and A1(O) – General Agriculture with Oil Production Overlay per the Orange County Zoning Map. The existing General Plan land use designations and zoning for the Project Site are illustrated on Exhibit 1-4, "Existing General Plan Land Use and Zoning."

The Project Site is within the City of Yorba Linda Sphere of Influence. The design of the Cielo Vista Area plan assures that annexation of the Project Site would be possible if the City proposes annexation in the future. The City of Yorba Linda General Plan Land Use Map identifies the Project Site to be within Area Plan C-Murdock Property which is designated as Low Density Residential permitting a density of 0-1.0 dwelling unit per acre for residential development.



## Section 1: Introduction and Project Overview

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**Exhibit 1-4 Existing General Plan Land Use and Zoning**

## Section 1: Introduction and Project Overview

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The Project includes an application for approval of a zone change for the approximately 41.28 acres proposed for residential development from A1(O) to R-1 and R-1(O) for a portion of the residential development area and a zone change from A1 to R1 for the remaining portion of the residential development area to permit development of single family detached residential dwellings on lots with a minimum area of 7,200 square feet. The areas subject to the zone change application are illustrated on Exhibit 1-5, "Zone Change Area."

Following County approval of the zone change, residential development within the Project Site will be subject to all R-1 and R-1(O) development regulations pursuant to Section 7-9-74, "Single Family Residence," District Regulations and Section 7-9-117, "Oil Production," of the County of Orange County Zoning Code.

### 1.4 Area Plan Vision

The vision for development of Cielo Vista is guided by the following planning principles.

#### 1.4.1 Neighborhoods that Blend with the Natural and Built Environment

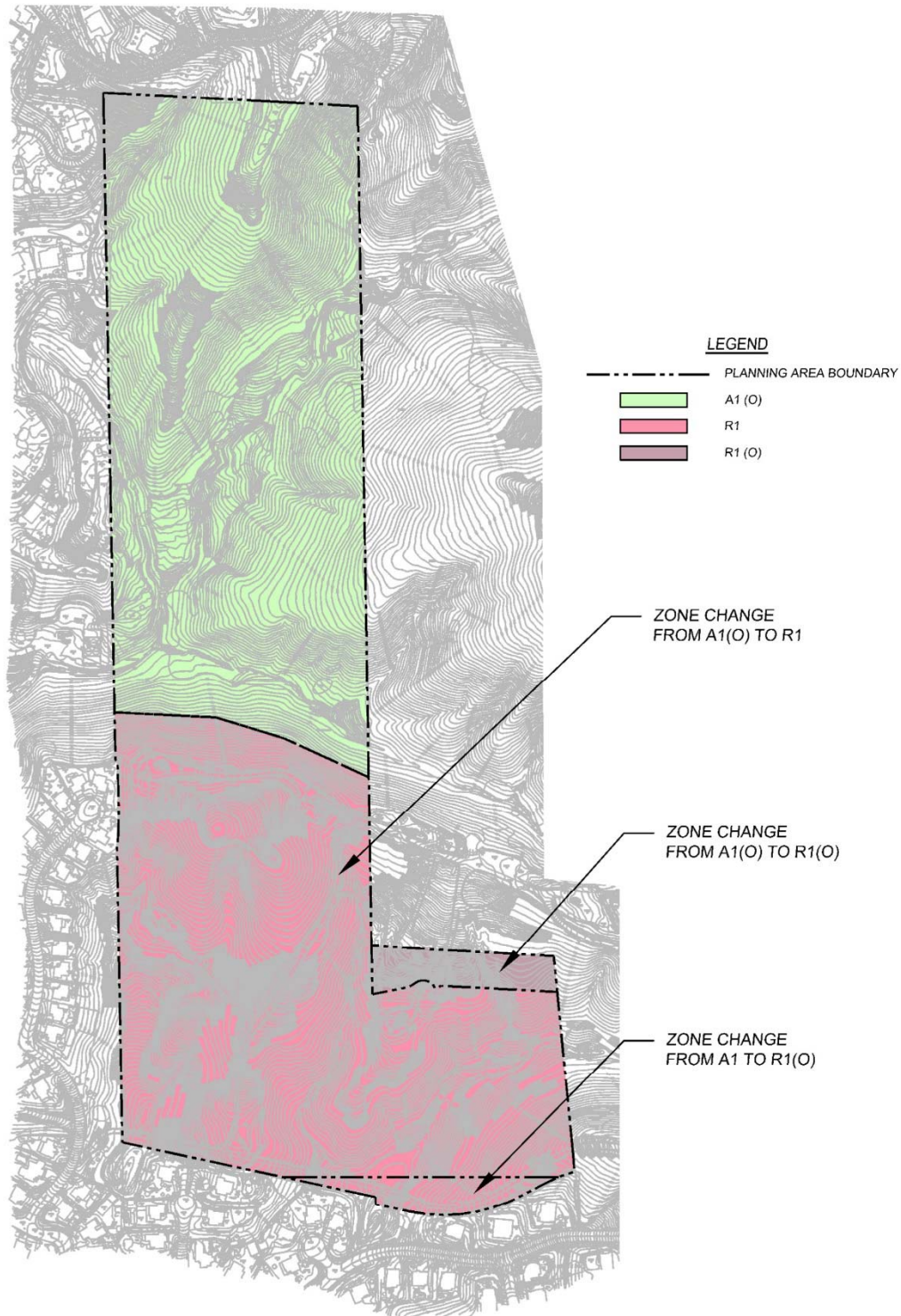
The Cielo Vista land use plan responds to the physical and natural characteristics found within and around the Project Site. The Area Plan provides for the preservation of approximately 42.68 acres of the Project Site as permanent open space to ensure the continued environmental stewardship of this valuable resource. Approximately 41.28 acres of the Project Site are planned for residential development.

The Area Plan is designed to complement and blend with the character of existing residential neighborhoods located adjacent to the Project Site within the City of Yorba Linda. Landscaped areas or undisturbed slopes are provided adjacent to residential development areas to serve as natural buffers between existing residential neighborhoods and planned development of new homes. Primary access to and from the Project Site is provided through connections to existing improved local streets.

#### 1.4.2 Well Designed Neighborhoods

The Area Plan is designed within an open space setting and provides for the development of executive style homes with large square footage, multiple bedrooms and bathrooms, and areas for entertaining on large lots with views of open space. Residential development within the Project Site will be comprised of up to 83 residential dwelling units on lots designed to address the lifestyle and buying preferences of the "move up" economic segment of the marketplace.

## Section 1: Introduction and Project Overview



**Exhibit 1-5 Zone Change Area**



# Section 1: Introduction and Project Overview

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## 1.5 Area Plan Purpose

The purpose of the Cielo Vista Area Plan is to:

- 1) Establish design criteria as described in Section 6, "Design Guidelines" for new residential land use proposed for development within the Project Site and to provide a sufficient level of detail to guide the County review and approval of subsequent development applications including landscape plans, grading plans, and building plans.
- 2) Provide a plan responsive to the physical constraints found within and around the Project Site and to blend with the character of existing, surrounding adjacent residential neighborhoods.
- 3) Provide a mechanism as described in Section 9, "Implementation and Administration," to implement the policies of the Orange County General Plan relative to the Project Site and the R-1 and R1(O) zoning development regulations of the County of Orange Zoning Code for the Project Site.
- 4) Provide for design goals and planning objectives to ensure that Cielo Vista is developed as a cohesive and uniform planned residential neighborhood.
- 5) Provide a plan for new infrastructure, grading, design criteria, green and sustainable goals for development, and procedures ensuring that development of Cielo Vista is implemented in a uniform and cohesive manner.
- 6) Provide planning and design criteria as described in Section 6, "Design Guidelines," to ensure that development of the Project Site is compatible with the existing adjacent residential land uses.
- 7) Provide for oil production facility abandonment and site remediation within the Project Site.
- 8) Through coordination with Orange County Fire Authority, provide for a Fire Protection Plan for the Project Site which also benefits the surrounding residential neighborhoods.

## 1.6 Area Plan Objectives

Planning and design objectives for Cielo Vista are described on the following pages. The following objectives are established to provide a foundation for the design of a residential neighborhood which responds to the natural setting as well as to the existing surrounding built environment.

# Section 1: Introduction and Project Overview

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## *Objective 1:*

Design a land use plan providing for a balance of residential and open space land uses adequately served by public facilities, infrastructure, and utilities through the following measures.

- Create an aesthetically pleasing and distinctive residential neighborhood identity through the establishment of a definitive entry and entry monument, streetscapes, and walls.
- Provide for a circulation system providing pedestrian and bicycle connectivity from the planned residential development area to existing residential neighborhoods surrounding the Project Site through a network of streets with on-street bicycle access within the rights of way and sidewalks separated from the street by landscaped parkways. Pedestrian and bicycle connectivity to adjacent surrounding residential neighborhoods is provided via the connection of a proposed local street to existing Via Del Agua.
- Maintain the natural setting afforded the Project Site through preservation of open space within the boundaries of the Project Site.
- Provide for adequate storm water collection facilities to contain on-site and off-site flows affecting the property.
- Provide facilities for water quality treatment and ground water replenishment.
- Concentrate development of new residential uses within a defined area and provide for buffering of natural open space areas from new development.
- Design a land plan optimizing view potential and providing public accessibility to view areas.
- Participate in payment of appropriate Development Impact Fees to accommodate the public service needs generated by the Project.
- Provide for a Fire Protection Plan which protects the Project Site and increases protection to surrounding residential neighborhoods from the threat of wild land fires.

## *Objective 2:*

Implement a development plan for a cohesive neighborhood environment through the following design goals.

- Creation of a strong sense of arrival into the Project through an enhanced Project Entry.
- Provision of landscaped pedestrian walkways creating an inviting street scene for pedestrians.
- Creation of an open space setting for the residents through conservation of open space.

# Section 1: Introduction and Project Overview

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## *Objective 3:*

Incorporate the following green and sustainable design features into the land use plan.

- Homes designed with opportunities for home offices allowing people to work from home reducing driving time and vehicle emissions.
- Use of native plant materials or drought tolerant plant materials in the landscaping of public spaces and encouragement that homeowners utilize drought tolerant plant materials in private yard areas.
- Residences equipped with currently available technology for internet access allowing residents to shop and work on-line, helping to reduce vehicle trips to employment centers and shopping.
- Use of passive solar design and energy efficient construction materials and techniques in home design to help reduce energy demand.
- Use of “night sky friendly” outdoor lighting within streets.
- Preservation of permanent open space areas within the Project Site to include natural features and appropriate land use buffers to reduce fire hazards.
- Use of a plant palette which includes canopy trees to achieve natural ventilation and cooling.
- Use of water conserving landscape planning techniques and irrigation systems in public landscape areas.

## 1.7 Public Benefits

Construction of infrastructure and public facilities necessary to serve the residential development area of Cielo Vista will be paid for by the development and may include the creation of public financing districts such as Assessment Districts. The creation of Assessment Districts allows for the sale of bonds for purposes of funding public improvements paid for by the property owners within the Project Site.

The development of Cielo Vista includes the permanent preservation of approximately 42.68 acres of open space. The continued environmental stewardship of the permanent open space within the Project Site is provided for either as a responsibility of the Project's homeowner association, through the dedication of open space areas to an appropriate public or quasi-public State agency, or through a land conservation/trust organization. Funding for the permanent stewardship of the open space may be accomplished through an Assessment District.

Maintenance of landscaping within Cielo Vista will be provided for through special financing districts and/or homeowner associations created for the Project. Development of Cielo Vista is subject to the payment of established County Impact Fees for public services such as fire and sheriff and through the payment of County and/or City of Yorba Linda development fees for library services. The developer of Cielo Vista will pay the

# Section 1: Introduction and Project Overview

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appropriate school fees as required by the State of California and the established County in-lieu fee for park facilities.

## 1.8 Governing Documents

Development of Cielo Vista is governed by the following:

- The Orange County General Plan, which establishes policies for land use, circulation, recreation and resources, noise, public safety, and housing within the Cielo Vista Area Plan.
- The Cielo Vista Area Plan which includes a land use plan, infrastructure plan, design guidelines, a green and sustainable program, and implementation procedures.
- The County of Orange Zoning Code establishing the regulations governing development of residential uses within the Area Plan.
- The Orange County Subdivision Code regulating the subdivision of land within Cielo Vista.
- Covenants, Conditions, and Restrictions (CC&Rs) established by the developer of Cielo Vista as a means of ensuring and enforcing quality design during development and the continued maintenance of common areas.

## 1.9 Area Plan Components

The Area Plan is organized into the following sections in addition to Section 1, “Introduction and Overview.”

### SECTION 2 - SITE CONDITIONS

The physical setting for Cielo Vista is described in this section outlining the existing physical conditions found within and surrounding the Project Site.

### SECTION 3 - LAND USE PLAN

The Land Use Section describes the residential development area and the open space preservation area planned for Cielo Vista.

### SECTION 4 - INFRASTRUCTURE PLAN

This section describes circulation improvements, planned backbone water, sewer, and storm drain systems, and public utilities serving Cielo Vista.

### SECTION 5 - GRADING PLAN

The grading plan describes the grading concept for Cielo Vista, including cut and fill, contours and grades, and grading for remedial work.

# Section 1: Introduction and Project Overview

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## SECTION 6 - DESIGN GUIDELINES.

The Design Guidelines define architectural and landscape design elements to ensure that Cielo Vista is developed as a welcoming neighborhood of design quality and character with definitive architecture and attractive landscaping.

## SECTION 7 - GREEN AND SUSTAINABLE PROGRAM

This section identifies green and sustainable goals for Cielo Vista.

## SECTION 8 - GENERAL PLAN CONSISTENCY

The relationship of the Area Plan to the applicable policies of the Orange County General Plan and the City of Yorba Linda General Plan is discussed in Section 8.

## SECTION 9 - IMPLEMENTATION

The policies and procedures for the administration of the Area Plan, procedures for the review and approval by the County of specific development proposals within the Project Site, Project financing, and Project maintenance responsibilities within the development are described in this section.

## Section 2: Site Conditions

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### Section 2. Site Conditions

#### 2.1 Project Setting

The Project Site is located within unincorporated Orange County and within the City of Yorba Linda Sphere of Influence (SOI) within an established urban setting. The Casino Ridge residential community abuts the Project Site on the north, and established residential neighborhoods abut the Project Site on the south and west. The approximately 469 acre Esperanza Hills Specific Plan area, proposed for residential development, abuts the Project Site on the east. A Metropolitan Water District (MWD) Easement extends along the southern boundary within the Project Site. The physical setting of the Project Site is illustrated on Exhibit 2-1, “Project Setting.”

#### 2.2 Existing Access

Regional access to the Project Site is provided from the 91 Freeway, located approximately 1.7 miles southwest and southeast of the Project Site, and from the 57 Freeway, located approximately 6 miles west of the Project Site. Yorba Linda Boulevard, a major arterial roadway, connects the 91 Freeway and the 57 Freeway through the City of Yorba Linda and is proximate to the Project Site. Existing access to the Project Site is provided from Aspen Way which terminates at the westerly boundary of the Project Site. Aspen Way extends approximately 1200 feet west of the Project Site connecting to San Antonio Road, which intersects with Yorba Linda Boulevard. The southerly access is from Via del Agua, a residential street, located to the south of the Project Site which connects with Yorba Linda Boulevard. As part of the approval of existing adjacent residential development, right of way was irrevocably offered for dedication to allow for construction of a future street connecting the Project Site with Via del Agua.

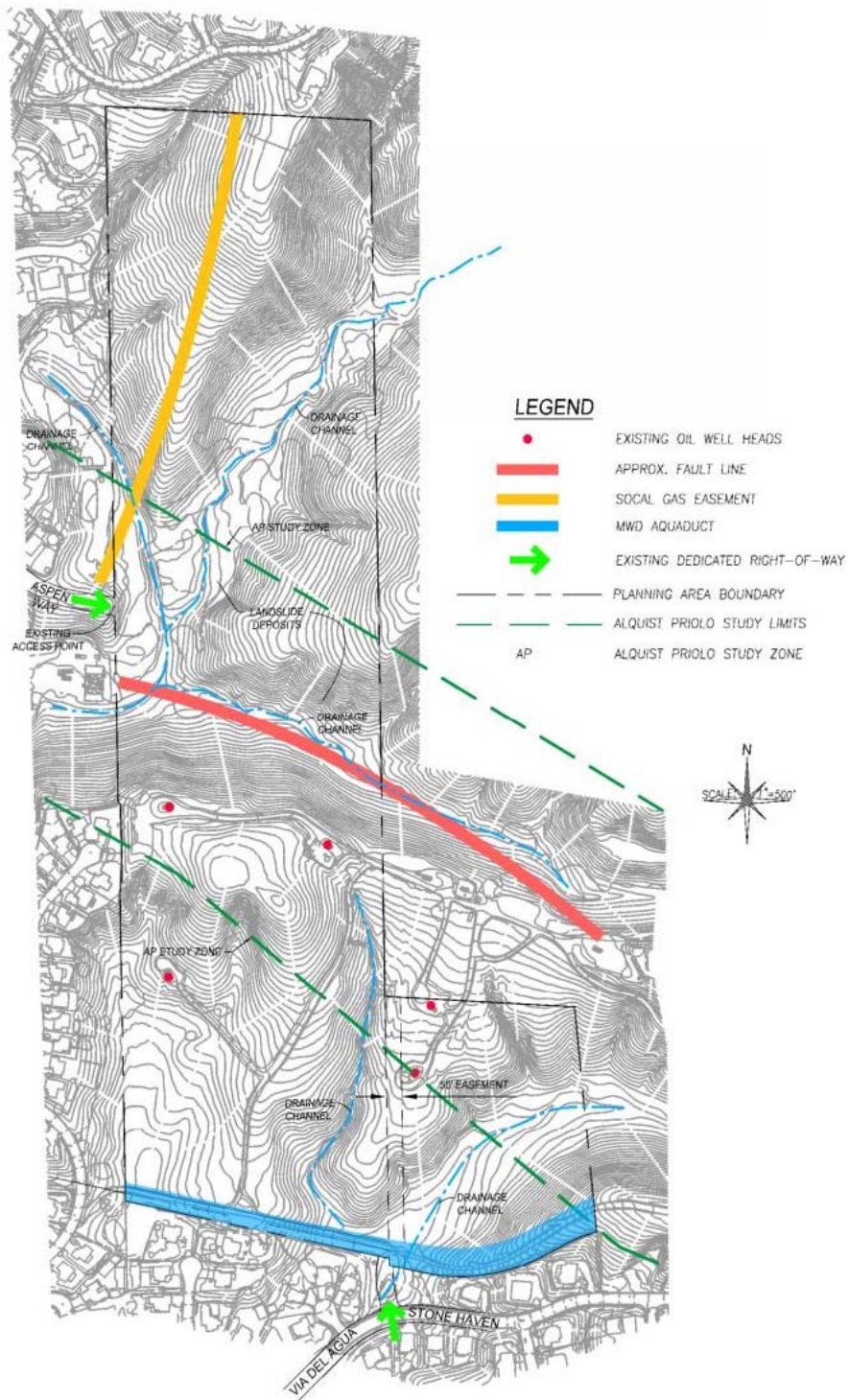
#### 2.3 Existing Land Use

The majority of the Project Site is vacant but subject to a mineral lease for oil production as part of the Esperanza Oil Field. The Esperanza lease is now held by Santa Ana Canyon Development. Oil production facilities within the Project Site now include five operational wells, one abandoned well, a tank, unimproved oil field service roads, and unimproved drill pad sites scattered throughout the Project Site. A Southern California Gas Company Easement of approximately 100 feet in width crosses the northwesterly edge of the Project Site. A Metropolitan Water District (MWD) Easement extends along the southern boundary within the Project Site. Existing land use is illustrated on Exhibit 2-2, “Existing Site Conditions.”





## Section 2: Site Conditions



**Exhibit 2-2 Existing Site Conditions**



## Section 2: Site Conditions

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### 2.4 Topography and Geology

The topography of the Project Site is characterized by steep sloping hillsides vegetated by scrub and chaparral. Elevations range from approximately 565 feet above mean sea level (MSL) in the southern portions of the Project Site to approximately 885 feet above MSL at the highest point in the northern portions of the Project Site. The site is characterized by two major drainages. A north-south trending drainage extends from the northerly edge of the Project Site and joins a major east-west drainage that extends into adjoining land to the east. Side slopes within the east-west drainage vary from 1.5:1 to 2:1 (horizontal/vertical). A minor drainage runs parallel to the major east-west drainage near the southerly edge of the Project Site. Preliminary geotechnical studies prepared for the Area Plan indicate that a branch of the Whittier Fault Zone traverses the Project Site within the major east-west drainage. The residential planning areas of Cielo Vista avoid disturbance of the major east-west drainage.

The Environmental Impact Report (EIR) prepared for the Project evaluates seismic and geologic conditions found within the Project Site and identifies appropriate mitigation measures including the use of any setbacks that may be required in accordance with the Alquist Priolo Act. The EIR geotechnical studies included preliminary trenching near the fault zone and concluded that the residential areas of Cielo Vista avoid disturbance of the fault. However the Project EIR includes a mitigation measure requiring additional fault trenching to be conducted prior to issuance of precise grading permits in order to confirm that the areas of preliminary fault trenching are not active. If the results of additional trenching conclude that any of the fault trenching locations are active faults, precise grading permits for residential development in the subject areas will not be issued unless additional studies are prepared and approved by the County confirming that some or all of the areas are suitable for residential construction. Preliminary geotechnical studies also identify a potential ancient landslide along the primarily northwest facing slope located within the northerly portion of the Project Site. This geologic feature lies within the Project's Open Space land use area and is completely avoided by development. Existing topographic conditions and the Whittier Fault Zone are illustrated on Exhibit 2-2, "Existing Site Conditions."

### 2.5 Biological Features

The EIR prepared for the Project evaluated the plant communities, habitats, and wildlife found within the Project Site. A summary of the findings and conclusions of the EIR studies is provided below. The Project EIR identifies appropriate measures to mitigate and monitor any potential impacts to biological resources as part of the Project.

## Section 2: Site Conditions

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Site biological resources were also evaluated as part of the Project EIR. The biological survey identified the following Natural Communities, based on the Orange County Habitat Classification System, as occurring within the Project Site and as illustrated on Exhibit 2-3, "Natural Communities."

- Encelia Scrub
- Mixed Sage Scrub
- Laurel Sumac Chaparral
- Ruderal
- Ruderal/Sagebrush Scrub
- Ruderal/ Blue Elderberry Woodland
- Ruderal /Mixed Sage Scrub
- Ruderal /Encelia Scrub
- Ruderal/ Chaparral Bushmallow Scrub
- Ruderal/Mule Fat Scrub
- Blue Elderberry Woodland
- Chaparral Bushmallow Scrub
- Chaparral Bushmallow Scrub/Encelia Scrub
- Disturbed Plant Communities
- Southern Willow Scrub
- Mule Fat Scrub
- Blue Elderberry Woodland/Laurel Sumac Chaparral/Mixed Sage Scrub
- Blue Elderberry Woodland/Laurel Sumac Chaparral

Of the Natural Communities found within the Project Site five are listed as Sensitive Natural Communities in the Project EIR due to their decline in the region and/or their ability to support sensitive species. The Natural Communities listed as sensitive include the Blue Elderberry Woodland, Southern Willow Scrub, Blue Elderberry Woodland/Laurel Sumac Chaparral, Blue Elderberry Woodland/Laurel Sumac Chaparral/Mixed Sage Scrub and Encelia Scrub. The locations of these Sensitive Natural Communities are illustrated on Exhibit 2-4,"Sensitive Natural Communities." The Project EIR evaluates the impact of the proposed development on the Sensitive Natural Communities and recognizes that a portion of the approximately 42.68 acres proposed as permanent open space as part of the Project, would support sensitive habitat communities,

## Section 2: Site Conditions

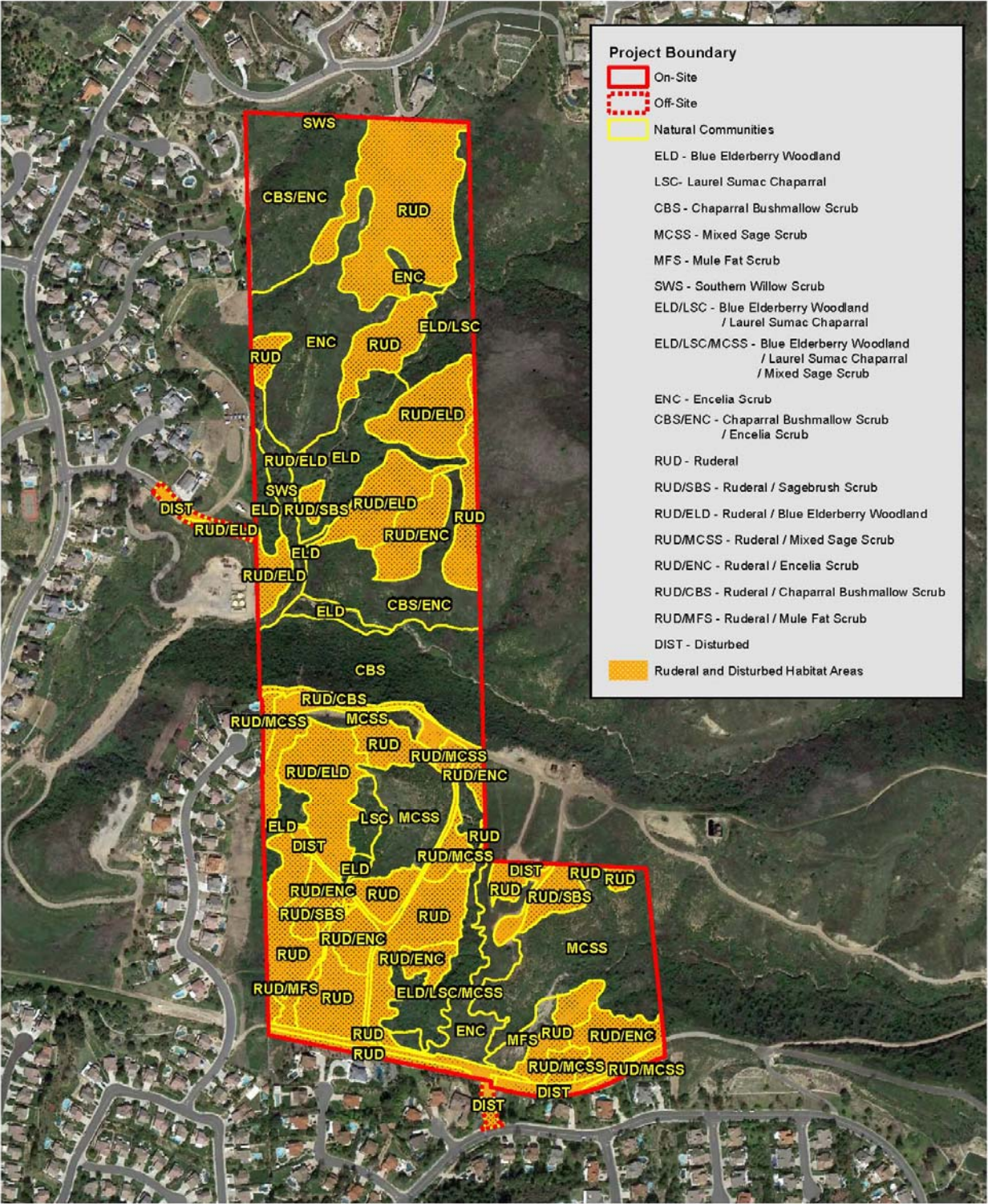
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Approximately 47 southern California black walnut trees were observed within the Project Site, approximately 20 of which occur within three stands located throughout the Project Site as illustrated In Exhibit 2-5, "Southern California Black Walnut Tree Locations." The Project EIR prepared for the Cielo Vista Area Plan describes the southern California black walnut tree as a sensitive plant species, however the species does not constitute a "monotypic woodland structure" as seen elsewhere in the surrounding region where entire hillsides are covered with canopies of the trees. For this reason, the southern California black walnut trees within the Project Site are not considered a species of high sensitivity.

The Project EIR evaluated the potential impact to the southern California black walnut trees within the Project Site as a result of the development of Cielo Vista. The Project EIR concluded that the Project would impact the southern California black walnut trees. However, because the trees are not considered a species of high sensitivity the impacts to the trees would not constitute a significant impact requiring mitigation.

Wildlife surveys performed as part of the Project EIR identified habitat suitable with the Project Site for sensitive and/or endangered species including the least Bell's vireo, the coastal California gnatcatcher, and the southwestern willow flycatcher. As part of the EIR biological surveys conducted for the Project, no coastal California gnatcatchers or southwestern willow flycatchers were observed, however the least Bell's vireo was observed, and habitat supporting this species would be impacted by the Project. The EIR identifies a mitigation measure requiring the Project Applicant to obtain all Federal and State regulatory permits prior to development in impacted areas and to provide on and/or off site replacement and/or enhancement of least Bell's vireo habitat at a ratio of no less than 2:1.

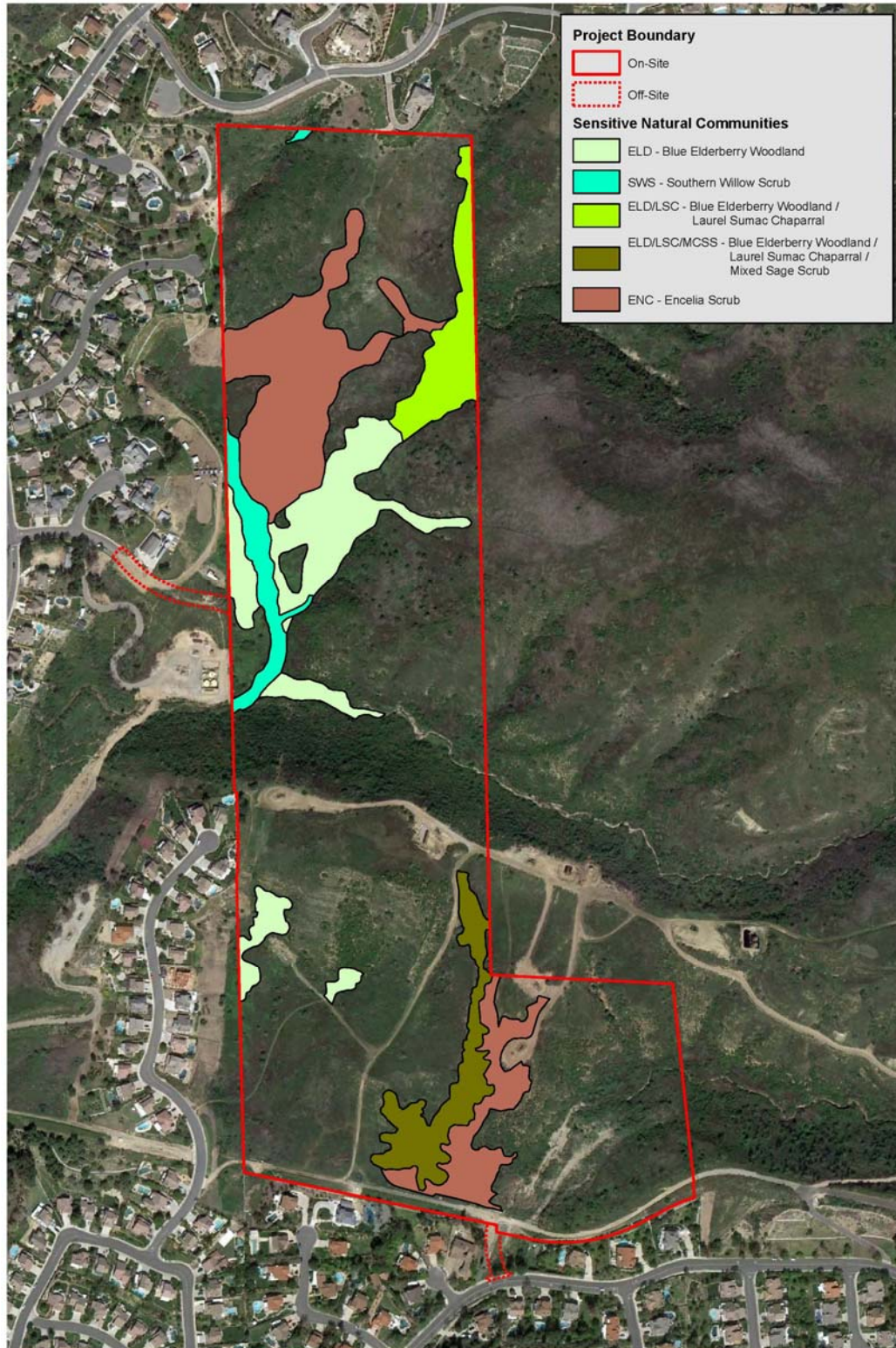




## Exhibit 2-3 Natural Communities



## Section 2: Site Conditions



**Exhibit 2-4 Sensitive Natural Communities**



## Section 2: Site Conditions



**Exhibit 2-5 Southern California Black Walnut Trees Locations**

## Section 2: Site Conditions

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### 2.6 Cultural Resources

As part of the Project EIR, a cultural and paleontological resources records search was performed for the Project Site. The records' search indicate no cultural resources or paleontological resources have been recorded within the Project Site. A cultural and paleontological resources site survey was conducted over accessible areas of the Project Site. No cultural or paleontological resources were observed during the survey. Though the records search and site survey conducted indicate a low potential for cultural and paleontological resources to be located within the Project Site, the Project EIR includes an evaluation of the potential for cultural and paleontological resources to occur within the Project Site and recommendations for mitigating any potential impacts to cultural and paleontological resources during development of the Project including monitoring of Project construction. In the event cultural or paleontological resources are discovered during Project development, reasonable and proper steps to preserve such resources would be implemented.

### 2.7 Resource Conservation

The Area Plan responds to natural and man-made features found within and around the Project Site. The careful consideration of the existing environment within and surrounding Cielo Vista has led to the following Area Plan design components:

- Natural topographical features forming drainages and slopes are retained within permanent open space areas of the Project Site.
- Natural habitat of the Least Bell's Vireo on-site and off-site, impacted by development will be replaced and/or enhanced at a minimum ratio of 2:1 in coordination with permitting processes of the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife.
- Portions of the approximately 42.68 acres proposed as permanent open space will support Sensitive Habitat Communities.
- Approximately 51% of the Area Plan is designated as permanent open space.
- Residential development is located outside of the minimum setback from potential landslide areas and seismic fault zones.

## Section 3: Land Use Plan

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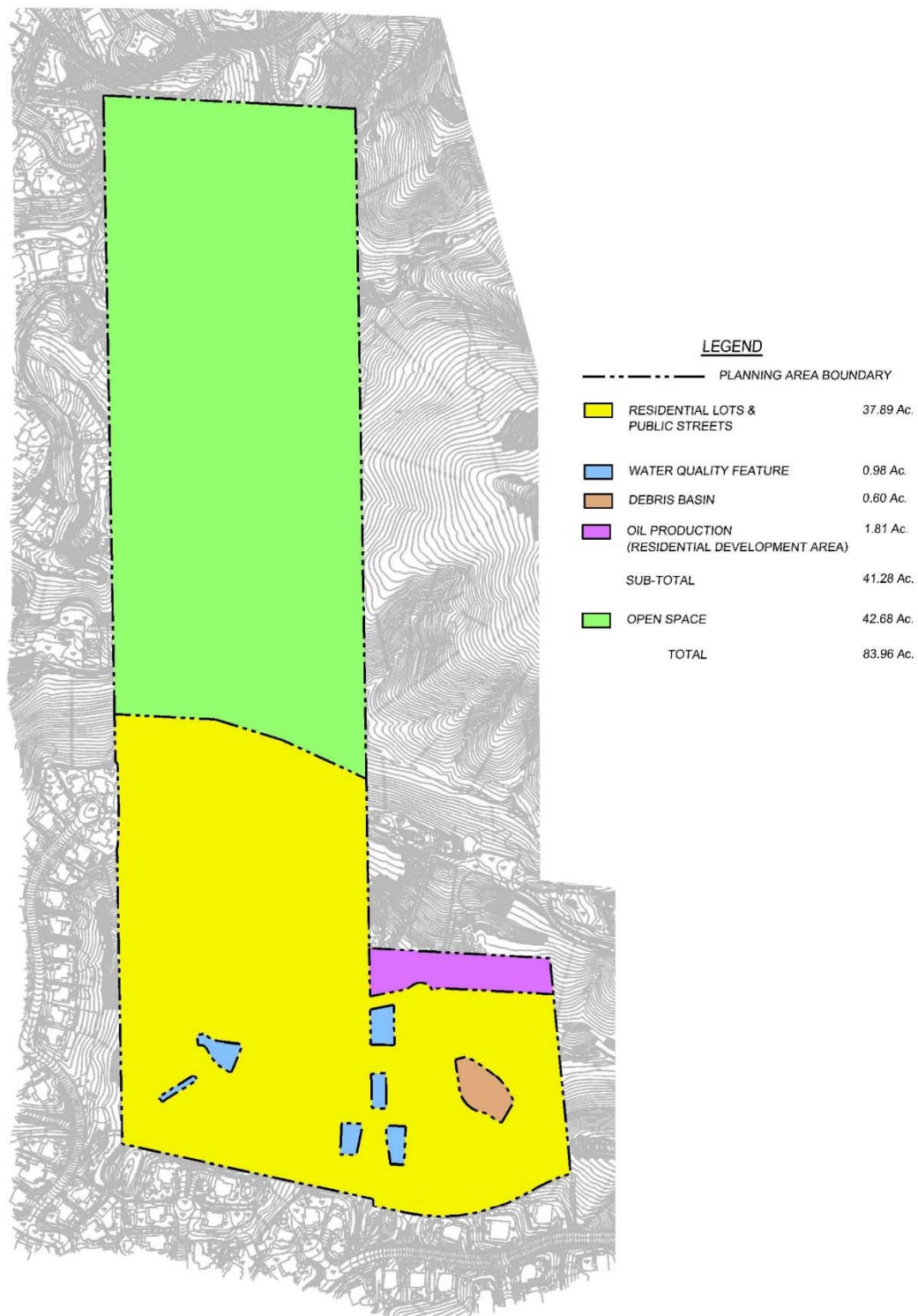
### Section 3. Land Use Plan

#### 3.1 Overview

The land use plan for Cielo Vista is a design for a residential neighborhood within an open space setting, emphasizing compatibility with surrounding land uses and providing a circulation system consistent with those of the surrounding neighborhoods. Landscaped streets and the Project Entry provide unifying design elements for Cielo Vista. Pedestrian and bicycle connectivity is provided through linkages and connections within the Project streets connecting the residential area with adjacent existing residential neighborhoods. Approximately 51% of the Project Site is preserved as natural open space. The land use plan included as Exhibit 3-1, “Land Use Plan” illustrates the development plan for Cielo Vista. The “Land Use Plan Summary,” Table 3-1, describes the components of the land use plan and a summary of proposed development.



## Section 3: Land Use Plan



**Exhibit 3-1 Land Use Plan**

## Section 3: Land Use Plan

Table 3-1 Land Use Summary

Land Use	Acres (approximate)	Dwelling Units
<b>Residential</b>		
Residential Development Area		
Net Residential Development Area <sup>1</sup>	39.70	83
Water Quality Features	.98	
Debris Basin	.60	
Subtotal	41.28	
<b>Total Residential</b>	41.28 (49%)	83
<b>Open Space</b>	42.68 (51%)	
<b>Total</b>	<b>83.96</b>	<b>83</b>
1) Including 1.81 acres of Oil Production (residential development area ) and Project streets		

### 3.2 Residential Land Use

Residential land use comprises approximately 41.28 acres of Cielo Vista. Residential single family detached residential dwellings on lots with a minimum area of 7,200 square feet are permitted for development within Cielo Vista. The Area Plan proposes that up to 83 residential dwelling units be developed as described in Table 3-1, "Land Use Summary." Residences are planned as single family front loaded homes placing an emphasis on architectural elements oriented toward the street and incorporating a mix of garage configurations and designs such as recessed garages, mid or deep recessed garages, split garages, and/or tandem garages in order to minimize the view of garages from the street and to provide a varied street scene. Residential development within Cielo Vista will comply with all R-1 and R-1(O) development regulations pursuant to Section 7-9-74, "Single Family Residence," District Regulations and Section 7-9-117, "Oil Production," of the Orange County Zoning Code.

### 3.3 Oil and Gas Production Facilities

Prior to grading for any development within the residential development area of Cielo Vista, all operational and non-operational wells within the boundaries of the residential development area, along with other oil facilities will be removed and abandoned or re-abandoned pursuant to the requirements of CalDOGGR, RWQCB, OCFA, OCHA, and Orange County Zoning Code Sections 7-8-1 et seq. (The Orange County Oil Code). Soil contaminated by the historical oilfield production activities will be removed from the site or remediated on-site to meet the cleanup standards of CalDOGGR, the RWQCB, OCFA, and OCHA the agencies with jurisdiction over the cleanup. No habitable structure will be permitted within ten feet of any abandoned well. Future homeowners will be provided with notification as to the previous use of the site as an oilfield and the extent of continued oil production activities in any other portions of the Project Site.

## Section 3: Land Use Plan

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Approximately 1.81 acres located within the residential development area are proposed to be zoned R-1(O) and can be used as an oil pad for continued oil operations including consolidation of wells relocated from the rest of the Project Site and slant drilling of new wells below ground. This area would be available to the current oil operators for continued oil operations. Any future wells would be drilled from the oil pad pursuant to the requirements of CalDOGGR and the Orange County Oil Code. Plantings and walls will be provided around surface oil operational equipment to screen these facilities to the extent feasible. Access to continued oil production sites will be provided by existing public streets and new Project streets connecting with existing oil field service roads.

No habitable structure will be permitted within 150 feet of any operational surface well or within 50 feet of a subsurface pumping unit/well enclosed within a concrete vault, pursuant to approval by the Orange County Fire Authority of a Request for Alternative Materials and Methods Design. At the time that oil operations on the 1.81 acre oil pad site cease, wells will be abandoned, any contaminated soils will be remediated pursuant to the requirements of CalDOGGR, the Regional Water Quality Control Board, and all other agencies with jurisdiction over the cleanup, and the site may be used for residential development.

### 3.4 Open Space

Approximately 42.68 acres of Cielo Vista, are to be preserved as permanent natural open space within the hillsides and canyons of the Project Site. Open space contains sloping hillsides vegetated by scrub and chaparral. Elevations range from approximately 585 feet above MSL in the southern portions of the Project Site to approximately 885 feet above MSL at the highest point in the northern portions of the Project Site. The main westerly draining canyon bisecting the Project Site is preserved within the permanent open space area. Portions of the open space area will support sensitive habitat communities. The Area Plan accommodates the future extension by the City of Yorba Linda of the General Plan designated San Antonio Park Equestrian Trail through the permanent open space area. The open space areas of Cielo Vista adjacent to the residential development area also include some fuel modification zones for fire protection.

#### 3.4.1 Fuel Modification

A fire protection plan is proposed for Cielo Vista consisting of three fuel modification zones and a special maintenance area. Each zone and the special maintenance area are designed specifically to help suppress a fire in different ways. Detailed information on the Cielo Vista fire protection plan is included in Section 6, “Design Guidelines,” of the Area Plan.

## Section 4: Infrastructure and Public Services

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### Section 4. Infrastructure and Public Services

Development of Cielo Vista includes construction of new roadways, water mains, wastewater mains, and drainage facilities. All are designed to connect to existing facilities located adjacent to the Project Site that have sufficient capacity to serve Cielo Vista. Utilities will be provided to the Project by existing utility service providers. Public services will be provided to the Project by existing agencies as described in this section.

#### 4.1 Circulation

##### 4.1.1 Overview

Regional access to the Project Site is provided by Yorba Linda Boulevard, a major east-west arterial, which connects SR 91 and SR 57. Via del Agua, a local collector street, intersects Yorba Linda Boulevard and connects to the Project Site on the south. Local access to the Project Site is provided from Via del Agua within an irrevocable dedication to the City of Yorba Linda of street right of way which exists between the southerly boundary of the Project Site and Via del Agua. This right of way will be improved as a local roadway providing access to the Project Site.

The street system within Cielo Vista consists of local residential streets with sidewalks on both sides of the street. Internal streets to be constructed as part of the Project will vary in width from 56 feet to 44 feet of right of way with sidewalks separated from the street by landscaped parkways. Parkway will be planted with shade trees, shrubs, and groundcover. Sidewalks within the Project Site will provide internal pedestrian connectivity as well as connectivity to the surrounding residential neighborhoods. On-street bicycle access and connectivity are provided within the right of way of the local street system. The Project includes provision of a 50 foot wide emergency vehicle access easement within the residential development area of the Project Site connecting to the boundary of the adjacent Esperanza Hills Specific Plan area. Access to continued oil production sites will be provided by existing public streets connecting with existing oil field service roads in open space areas and by new local Project streets connecting to the oil production site located within the residential development area. The circulation plan for Cielo Vista is illustrated on Exhibit 4-1, "Master Circulation Plan."

##### 4.1.2 Local Streets

New local streets planned as part of the development of Cielo Vista are illustrated on Exhibit 4-1, "Master Circulation Plan," and on the street sections, Exhibits 4-2 and 4-3, "Local Street Sections." New local streets planned for the Project will be private and improved to County public street standards.

## Section 4: Infrastructure and Public Services

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### 4.1.2.1 Streets “A” and “B”

Street “A” serves as the access street to Cielo Vista and will extend approximately 150 feet north from a connection at Via del Agua to the southerly boundary of the Project Site. Within the Project Site, Street “A” extends north to intersect with Street “B.” Street “B” forms the backbone local street for the residential development area extending east to west and north to south. Streets “A” and “B” each have a total right of way of 56 feet and include a 40 foot wide travel area and a 4 foot sidewalk separated from the street by a 4 foot wide landscaped parkway between the curb and sidewalk on both sides of the street. Street “B” provides for parking on both sides of the street. The design for Streets “A” and “B” within Cielo Vista is illustrated on Exhibit 4-2, “Local Street Sections.”

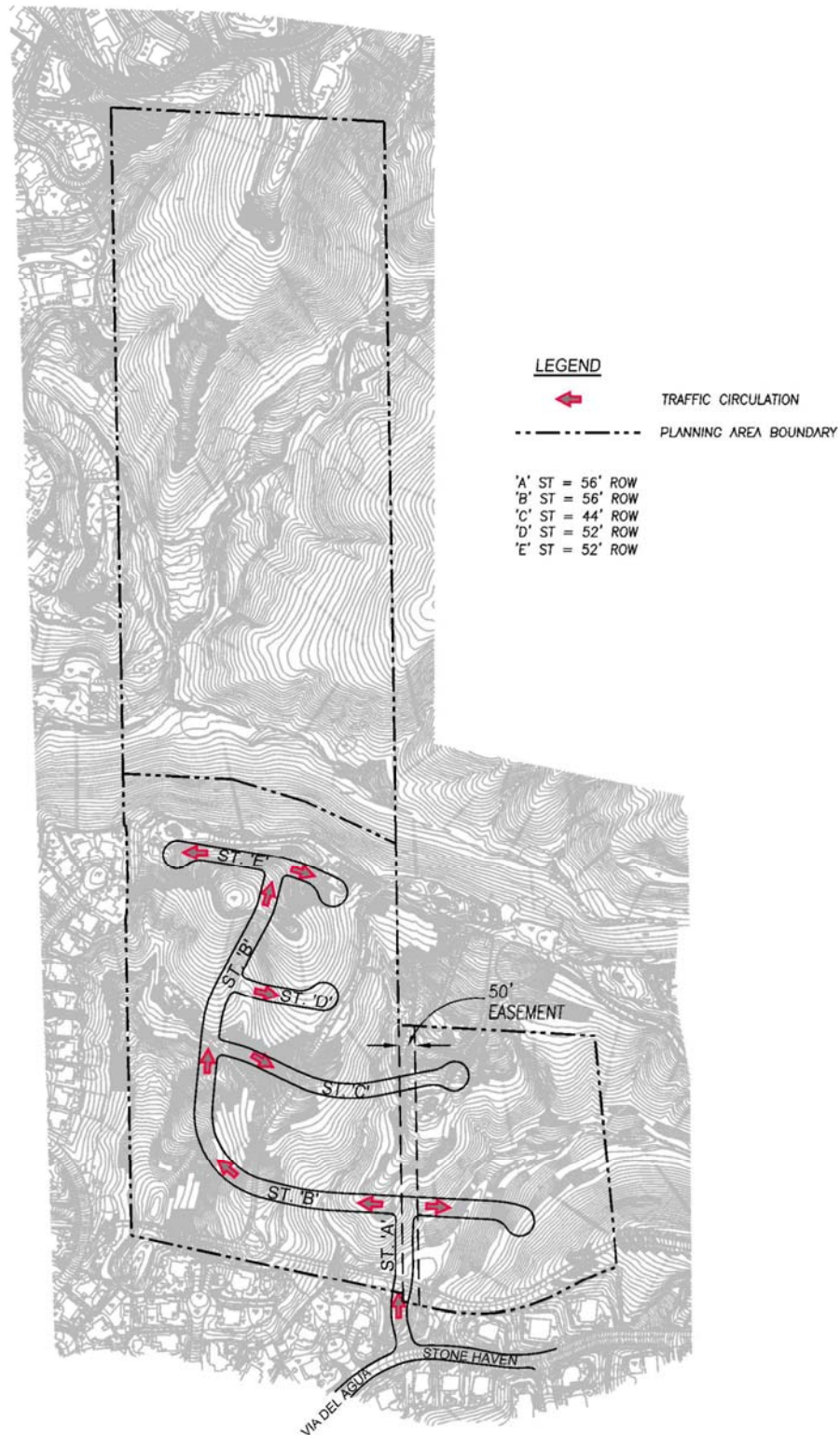
### 4.1.2.2 Streets “C, D, and E”

Two types of local residential streets connect with Street “B” to serve residential lots. Street “C” has a 44 foot wide right of way which includes 30 feet of travel area and a 4 foot wide sidewalk separated from the street by a 4 foot wide landscaped parkway between the curb and sidewalk on both sides of the street. On-street parking is provided on one side of Street “C.” The design for Street “C” is illustrated on Exhibit 4-2, “Local Street Sections.”

Streets “D” and “E” each have a total right of way of 52 feet which includes 36 feet of travel area and a 4 foot wide sidewalk separated from the street by a 4 foot wide landscaped parkway between the curb and sidewalk on both sides of the street. On street parking is provided on both sides of Streets “D” and “E”. The design for Streets “D” and “E” within Cielo Vista is illustrated on Exhibit 4-3, “Local Street Sections.”

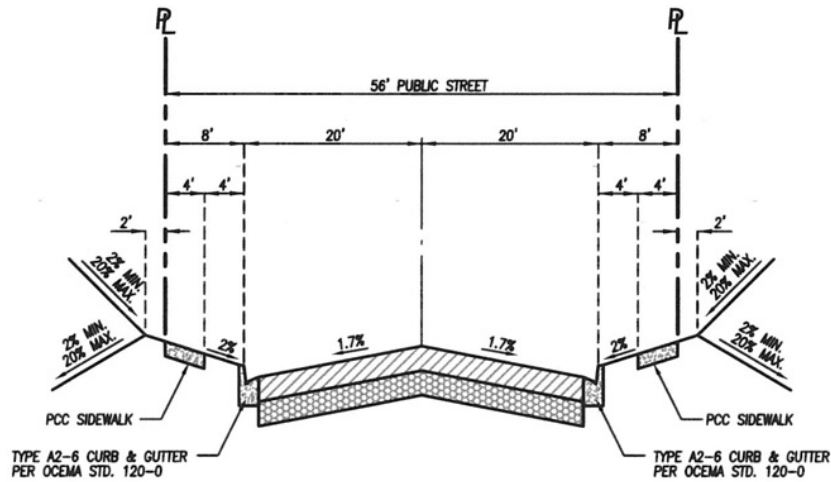


## Section 4: Infrastructure and Public Services



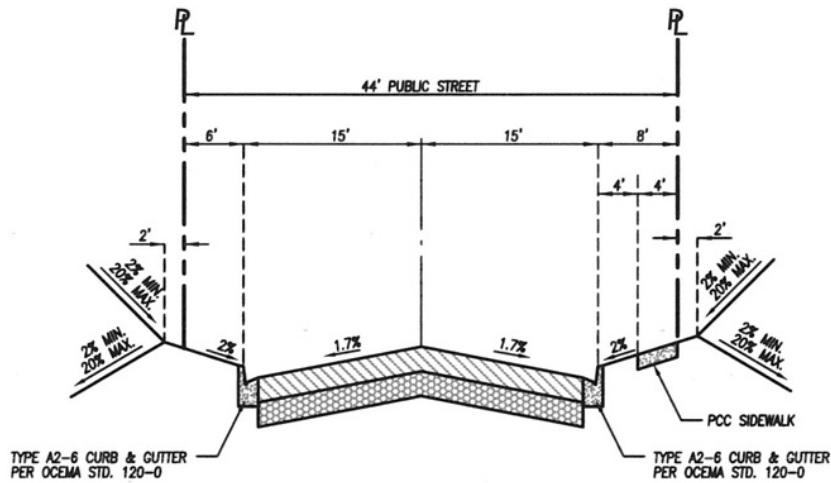
**Exhibit 4-1 Master Circulation Plan**

## Section 4: Infrastructure and Public Services



**Streets 'A' & B - 56' Public Street**

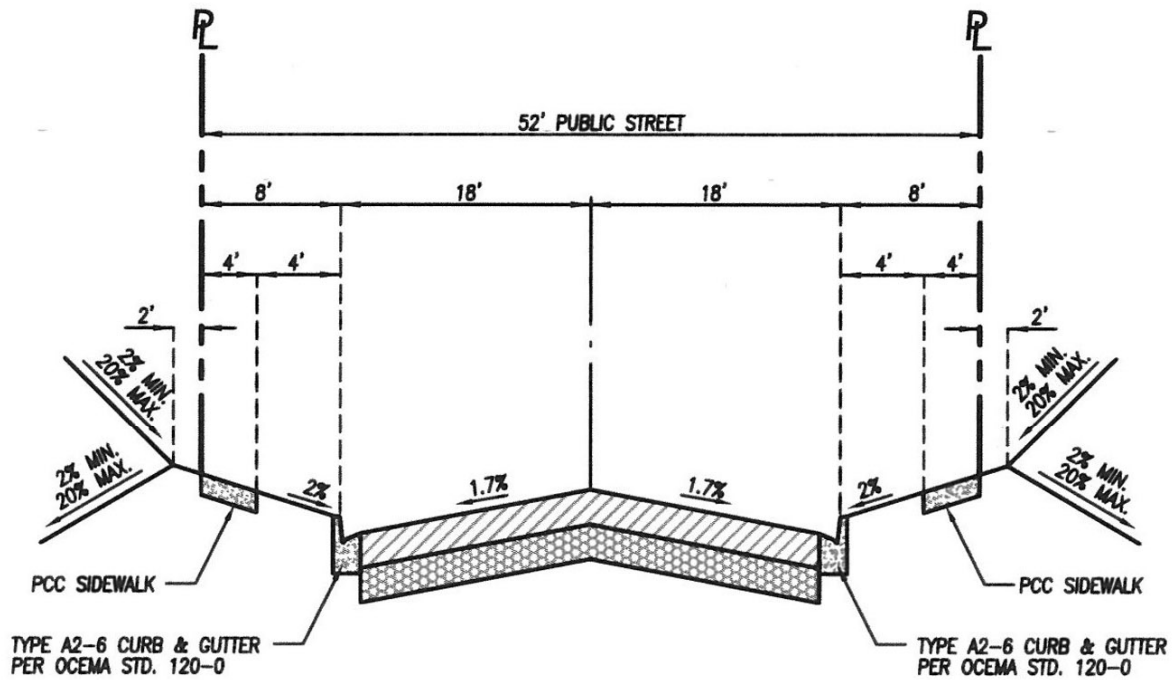
LOCAL (500-1200 ADT) PER OCEMA STD. 1107  
NOT TO SCALE



**Street 'C' - 44' Public Street**

LOCAL-B (200-500 ADT) PER OCEMA STD. 1107  
NOT TO SCALE

### Exhibit 4-2 Local Street Sections



### Streets 'D' & 'E' - Public Street

LOCAL (<500 ADT) PER OCMA STD. 1107  
NOT TO SCALE

#### Exhibit 4-3 Local Street Sections



## Section 4: Infrastructure and Public Services

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### 4.1.3 Pedestrian and Bicycle Circulation

Walkways within the local streets of Cielo Vista form a comprehensive pedestrian circulation system throughout the residential development area. The local street system provides for on-street bicycle circulation. The proposed pedestrian and bicycle circulation system provided within the local streets of Cielo Vista provides connectivity between the residential development area within the Project Site, and existing off-site sidewalks and streets in adjacent residential neighborhoods, linking Cielo Vista to the surrounding community.

### 4.2 Water and Sewer

Water and sewer service is provided by the Yorba Linda Water District (YLWD). Facilities adjacent to the Project Site include:

- Existing 8 inch diameter sewer mains located in Stonehaven Drive.
- Existing 8 inch diameter water mains located in Stonehaven Drive.

#### 4.2.1 Water Facilities Plan

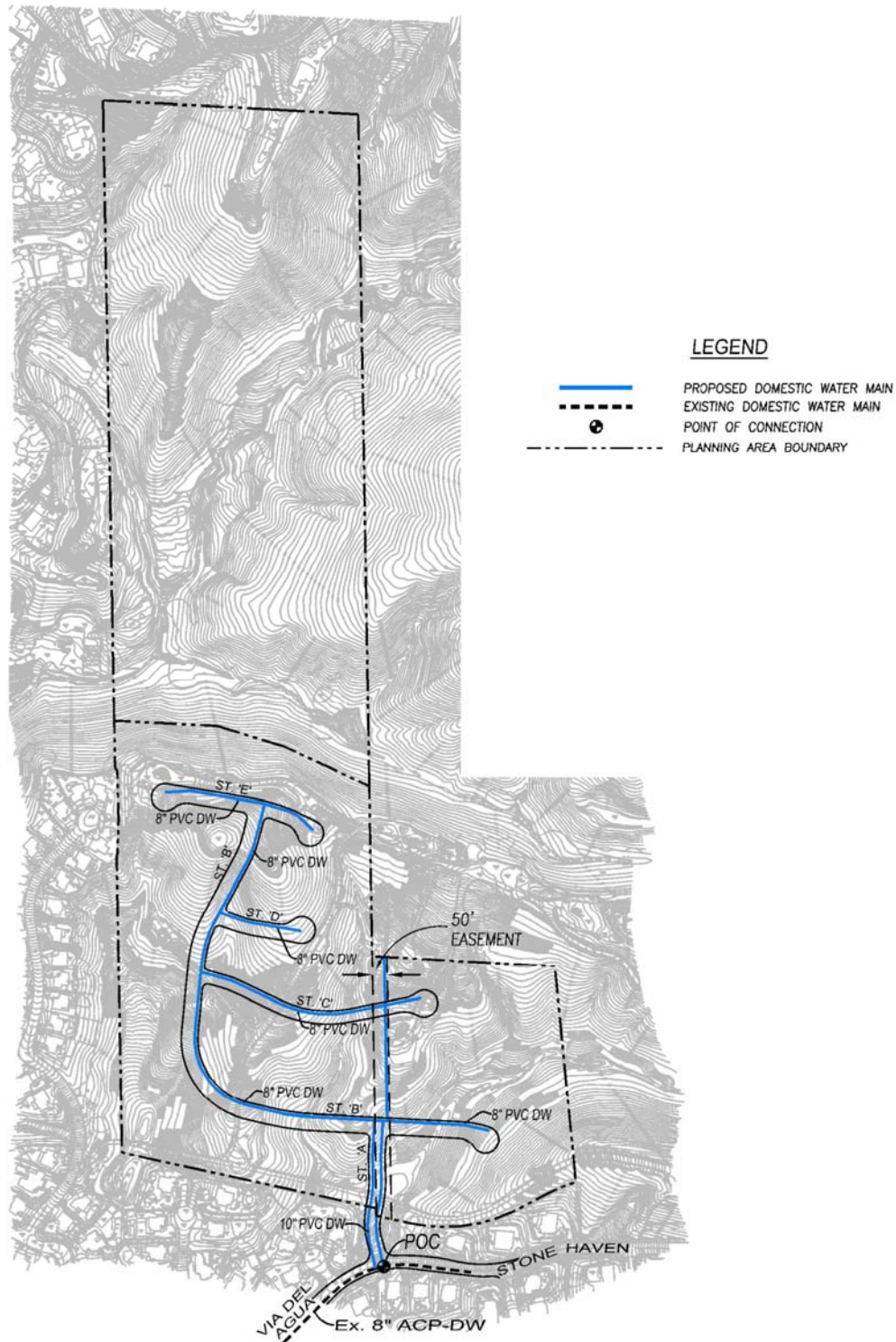
YLWD has completed the "Northeast Area Planning Study" which identifies master plan upgrades and new improvements for this portion of its service area. Some of the proposed upgrades and improvements would support the Cielo Vista development. Those improvements may include the future addition of a water tank on or somewhere in the vicinity of the Project Site, expanded water lines, pumping facilities, and upgrades to booster stations. These will be constructed and financed according to agreements among YLWD and benefitting landowners.

On-site water facilities planned for Cielo Vista include a system of 8 inch diameter mains within local streets connecting to existing 8 inch diameter mains located within Via del Agua. On-site water service facilities for Cielo Vista are illustrated on Exhibit 4-4, "Water Facilities Plan."

#### 4.2.2 Sewer Plan

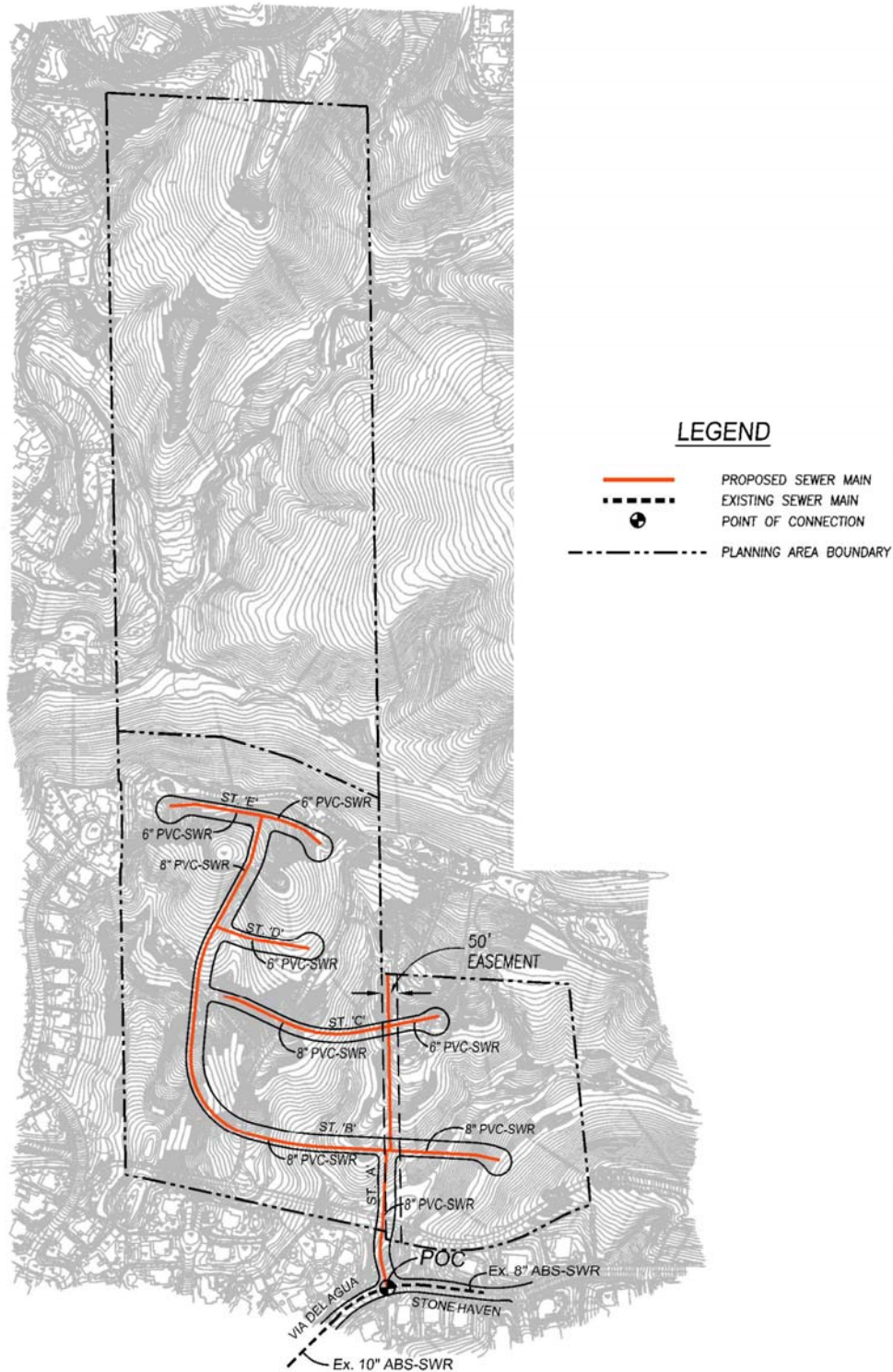
Sanitary sewer service to the Project Site is provided by YLWD. On-site wastewater flows from the Project will be collected by an on-site system of 6 inch and 8 inch diameter lines designed to the standards of the YLWD and located within the streets of Cielo Vista. On-site sewer mains will connect to existing sewer mains located in Stonehaven Drive providing sewer service for planned residential development within Cielo Vista. The Sewer Master Plan for Cielo Vista is illustrated on Exhibit 4-5, "Sewer Master Plan."

## Section 4: Infrastructure and Public Services



**Exhibit 4-4 Water Facilities Plan**

## Section 4: Infrastructure and Public Services



**Exhibit 4-5 Sewer Master Plan**

## Section 4: Infrastructure and Public Services

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### 4.3 Drainage and Water Quality Management Plan

As part of development of Cielo Vista, existing natural drainage patterns will be maintained to the extent feasible so that flows to the downstream facilities will remain close to conditions that exist prior to development. The existing natural drainages include an east-west canyon that separates the residential development area and the open space area. Approximately 630 acres located outside the boundaries of the Project Site are tributary to this channel. A smaller north-south tributary draining approximately 40 acres intersects this canyon, and both flow into an existing drainage stub located in the residential area near the southwest boundary of the Project Site. The bed of the north-south channel is planned for minor realignment to the east and will follow the base of a slope planned as part of the development of residential lots. Substantial portions of these natural drainage channels located within the Project Site are protected from development and will be maintained as open space.

Runoff from the developed areas of the Project Site will be collected in a storm drainage system within local streets and routed through several water quality features and a debris basin to be constructed as part of the Project. The Project storm drainage system will connect to existing City of Yorba Linda storm drain facilities following approval by the City's Public Works Division. The water quality features and debris basins will serve to mitigate the increased flow anticipated from the increased impervious surface created with the development and will also decrease pollutants in the runoff. A Conceptual Water Quality Management Plan (WQMP) prepared as part of the Project identifies structural and non-structural best management practices (BMPs) that would reduce pollution levels in storm water discharge in compliance with applicable water quality standards. The WQMP includes provisions for implementation of the WQMP during project construction and for long term maintenance of the structural and non-structural BMPs by the Home Owners Association (HOA) for Cielo Vista, the entity owning and maintaining the water quality basins. The WQMP includes detailed sizing parameters for the basins and provides guidelines to the HOA for the proper maintenance of the water quality basins. The drainage plan for Cielo Vista is illustrated on Exhibit 4-6, "Drainage and Water Quality Management Plan."

### 4.4 Dry Utilities

#### 4.4.1 Telephone

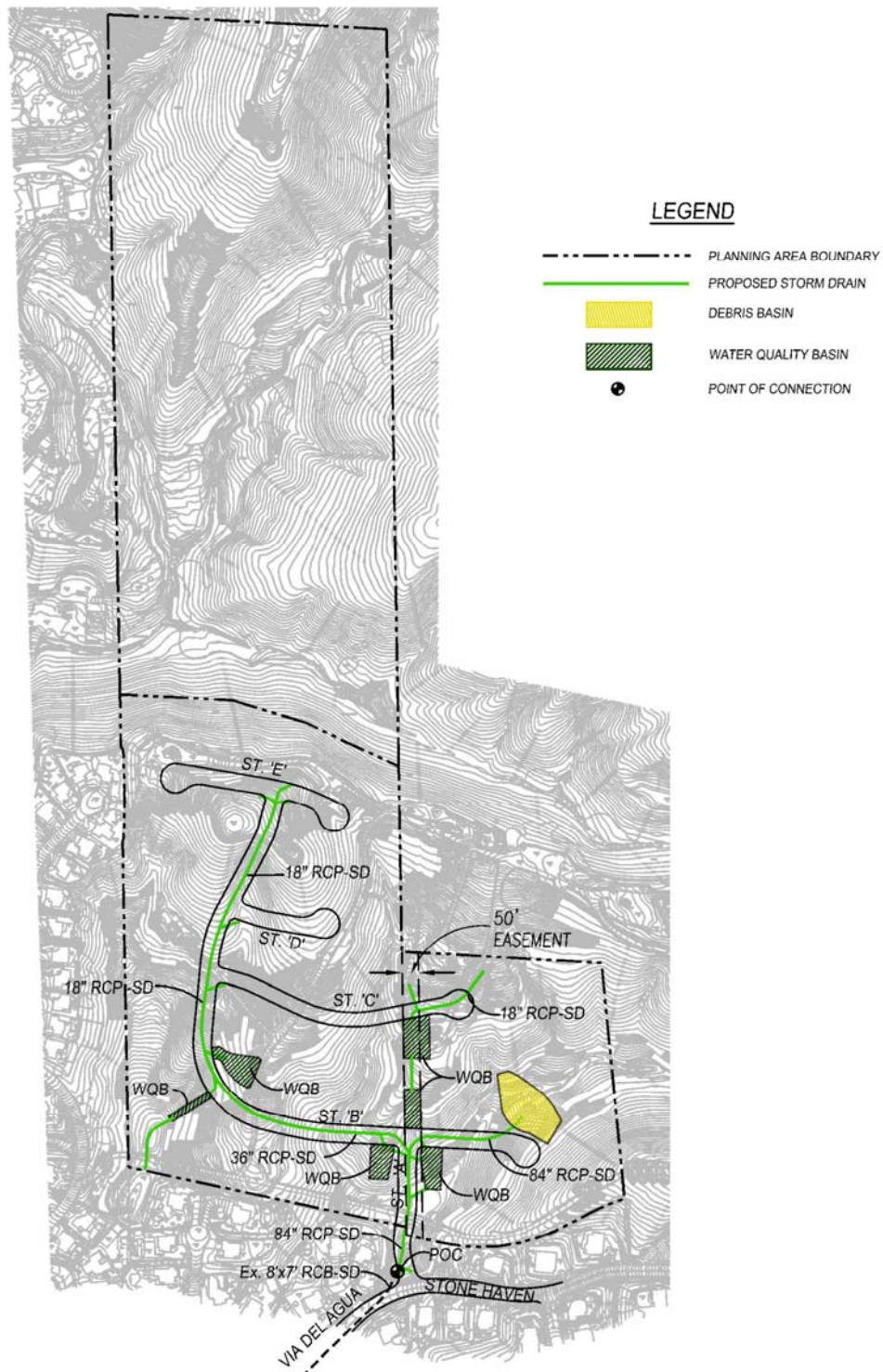
AT&T is the telephone service provider for the Project Site. Telephone service for the Project Site will be provided by AT&T with all on-site facilities constructed as part of the Project placed underground.

#### 4.4.2 Natural Gas

Southern California Gas Company is the provider of natural gas to the Project Site. On-site gas facilities constructed as part of the Project will be placed underground.



## Section 4: Infrastructure and Public Services



**Exhibit 4-6 Drainage and Water Quality Management Plan**

## Section 4: Infrastructure and Public Services

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### 4.4.3 Electricity

Southern California Edison (SCE) provides electricity to the Project Site from existing facilities in the vicinity of the Project Site. New facilities constructed as part of the Project will be located underground.

### 4.4.4 Cable and Internet

Time Warner is the cable service provider for the Project Site. Cable service for the Cielo Vista development will be provided by Time Warner with all on-site facilities constructed as part of the Project placed underground.

### 4.5 Schools

The Placentia-Yorba Linda Unified School District (District) is the school district serving the grade K-12 school needs of the future residents of Cielo Vista. Based on existing school boundaries, the school facilities which could serve Cielo Vista include the Travis Ranch School for grades K-8 and Yorba Linda High School for grades 9-12. The developer of Cielo Vista will pay school mitigation fees as required by State of California.

### 4.6 Solid Waste

Yorba Linda Disposal provides solid waste services for the City of Yorba Linda. This service can be extended to Cielo Vista.

### 4.7 Public Safety

Police protection is provided by the Orange County Sheriff Department.

### 4.8 Fire

Fire protection is provided by the Orange County Fire Authority.

### 4.9 Library

The nearest County public library to the Project Site is the Villa Park Branch located approximately 6.3 miles to the southwest. The nearest City of Yorba Linda public library is located 3.2 miles to the west of the Project Site. Residents of Cielo Vista will likely use the City of Yorba Linda facility for library services due to its proximity to the Project Site. As part of Project approval and prior to issuance of building permits for the Project, the Applicant will enter into a capital facilities and equipment agreement with the Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the pro-rata fair share funding of capital improvements and equipment, to serve the Project.

## Section 4: Infrastructure and Public Services

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## Section 5: Grading Plan

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### Section 5. Grading Plan

#### 5.1 Existing Conditions

The Project Site is irregularly shaped and consists of approximately 83.96 acres. The lowest elevation, along the southern boundary is approximately 565 feet above MSL. The Project Site rises from the southerly boundary to about 780 feet MSL, at which point elevations begin to drop into a westerly trending drainage with a bottom of about 640 feet MSL. From this point, the elevation again rises to about 885 feet MSL at the far northerly edge of the Project Site.

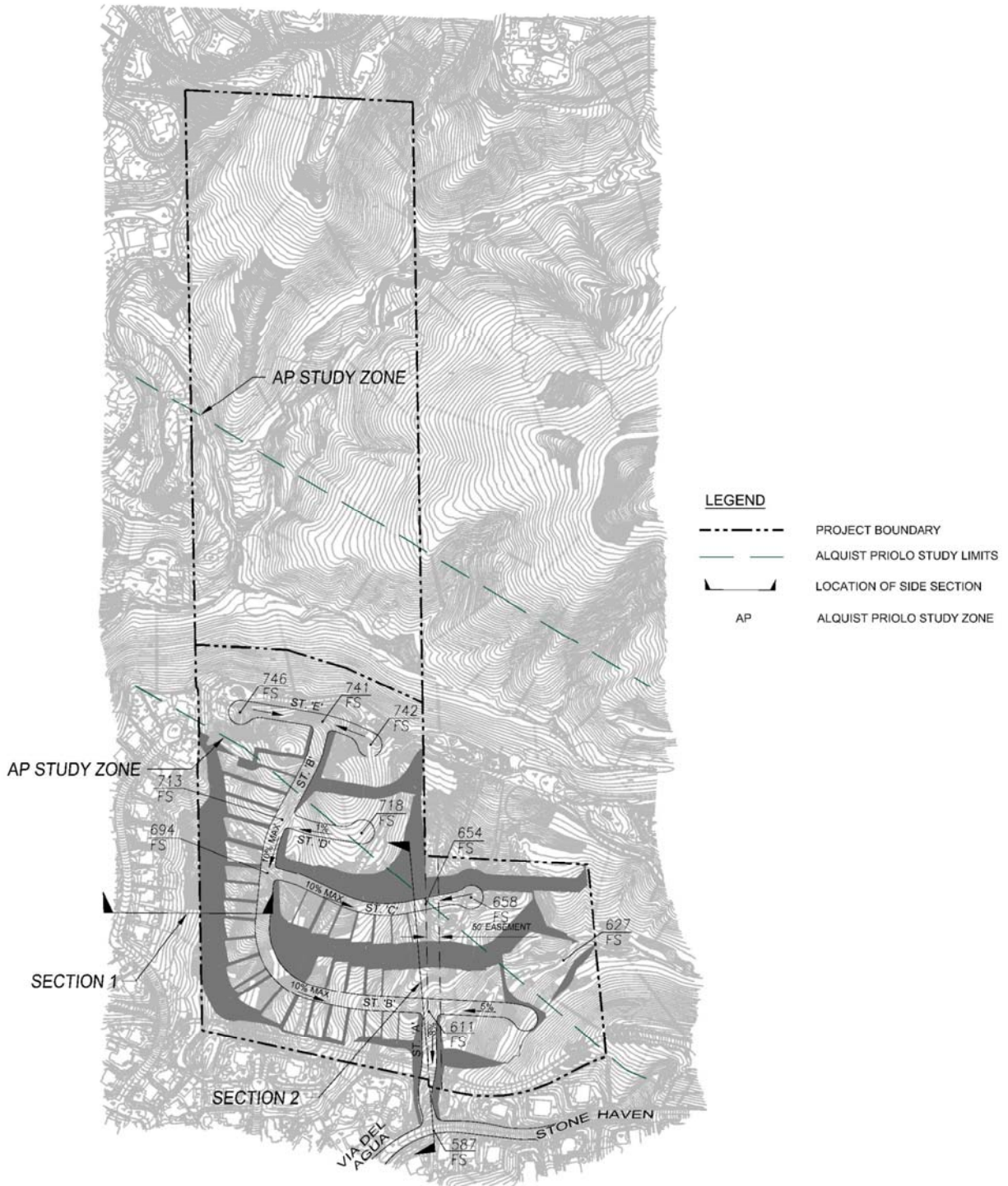
#### 5.2 Grading Concept

Approximately 49% of the Project Site will be developed for residential land use and will be graded. The balance of the Project Site (51%) is proposed for permanent open space. Some grading for fuel modification purposes may be required within the open space area adjacent to the residential development area. The Project grading plan provides for grading quantities to balance so that no import or export of soil, except for export of contaminated soils will be required. The grading plan for Cielo Vista will fully comply with County grading standards.

It is estimated that approximately 600,000 cubic yards of grading will be required for the Project. Grading within the residential development area will create five local streets, generally parallel to the natural site contours, at elevations of 615, 690, 720 and 750 feet. These streets serve residential lots with differences in elevation taken up by landscaped slopes. The grading concept for Cielo Vista is illustrated in Exhibit 5-1, “Conceptual Grading Plan”. Cuts will generally vary from 0 feet to 60 feet across the Project Site. Fills will generally vary from one foot to 45 feet. Cut and fill areas are illustrated on Exhibit 5-2, “Grading Cut and Fill.”

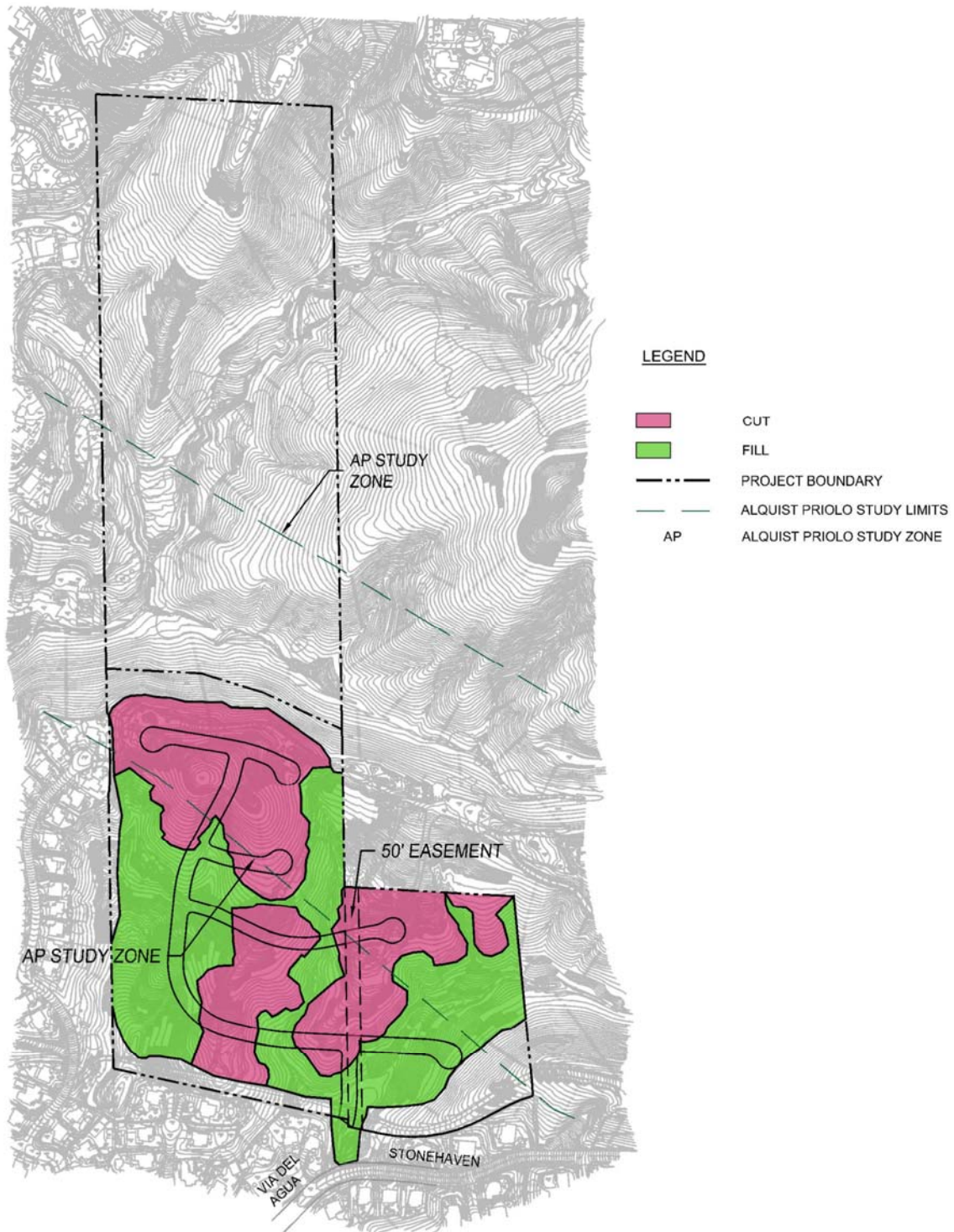


## Section 5: Grading Plan



**Exhibit 5-1 Conceptual Grading Plan**

## Section 5: Grading Plan



**Exhibit 5-2 Grading Cut and Fill**

## Section 5: Grading Plan

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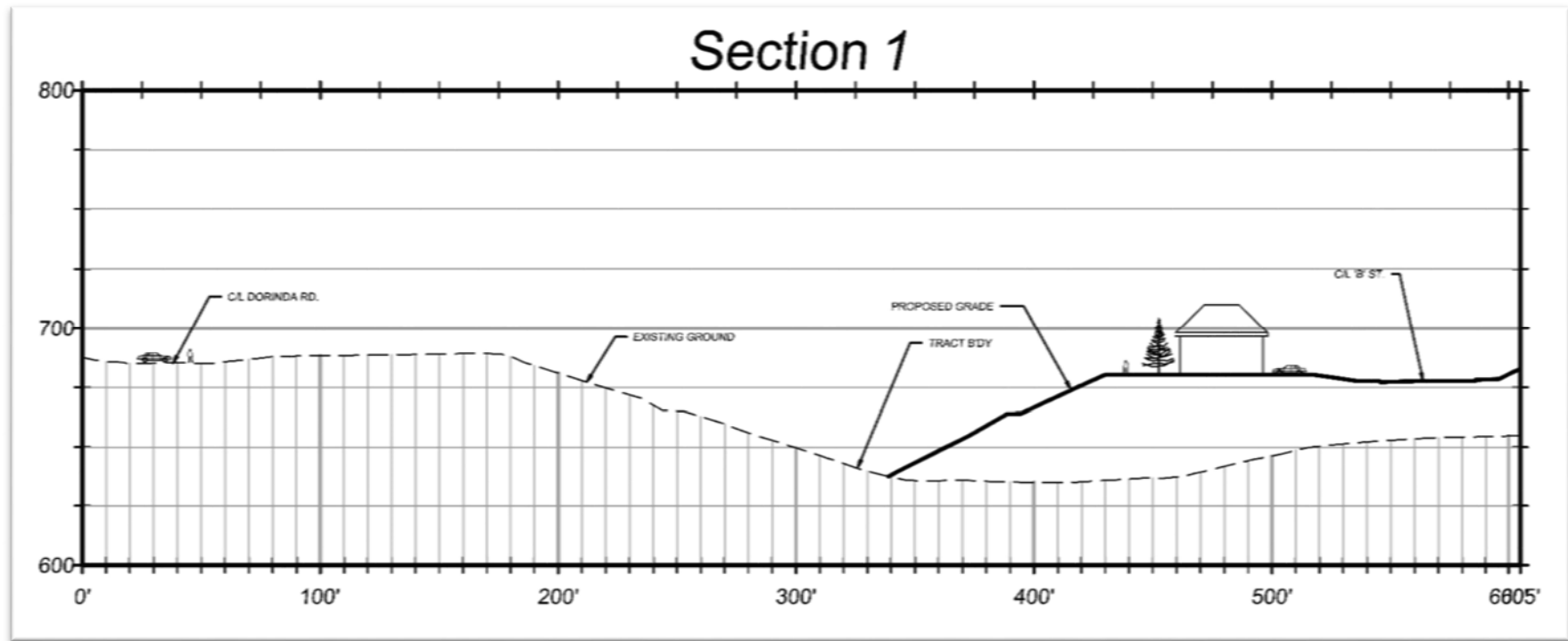
### 5.3 Remedial Action Plan

The Project Site contains five operational oil wells, one abandoned oil well, and related facilities. Prior to development of residential land uses all wells within the residential development area will be abandoned and relocated to a separate drilling island. The abandoned well sites will be remediated to standards acceptable to CalDOGGR, the RWQCB, OCFA, and OCHA the agencies with regulatory jurisdiction over the cleanup process. Remedial grading may extend beyond the limits of the residential development area. All remedial grading will balance on-site with potentially some deep burial of contaminated soils; no export of remediated soils is proposed.

### 5.4 Interface with Adjacent Land Use

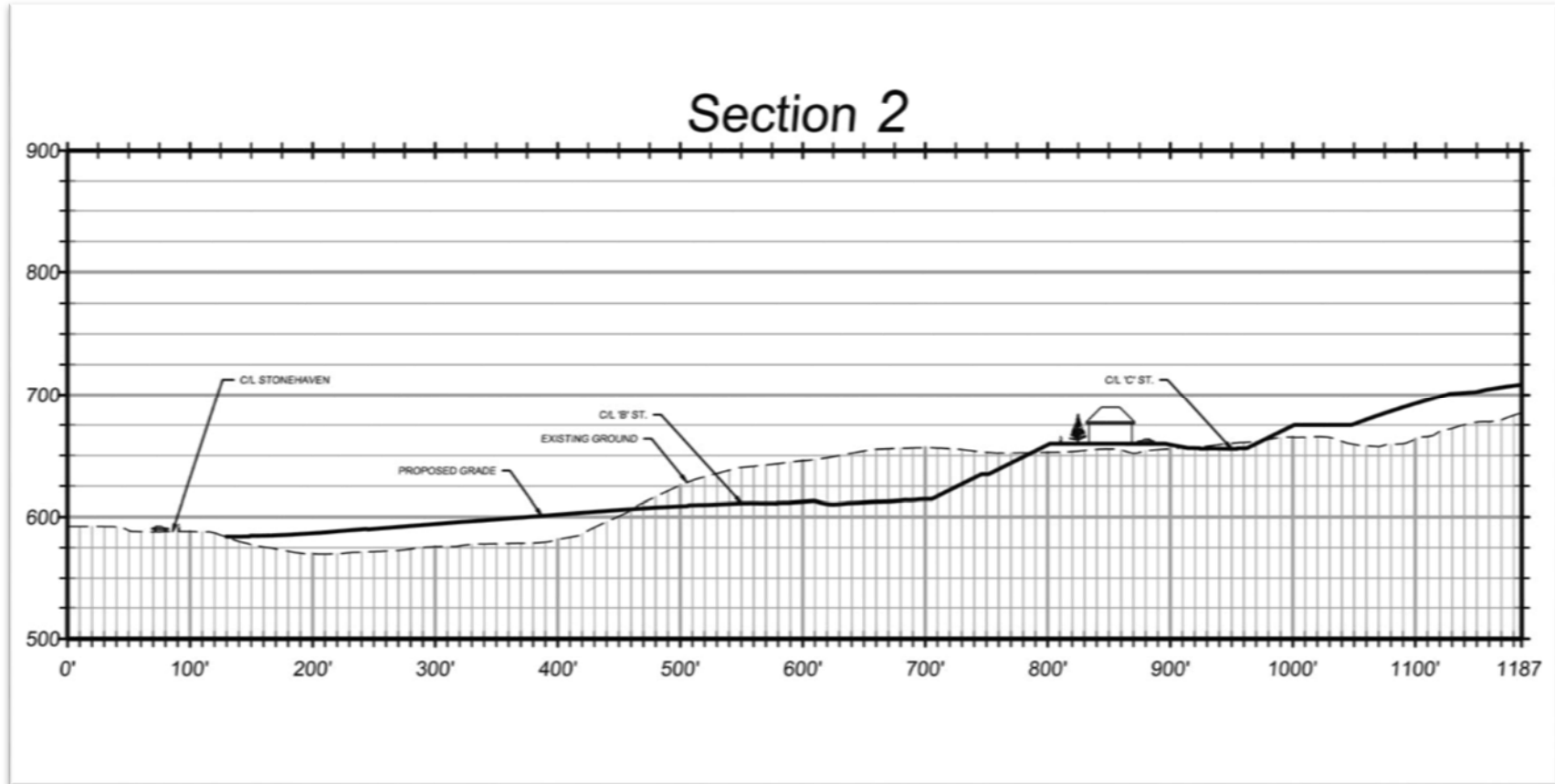
The grading concept for Cielo Vista addresses the potential for view impacts to adjacent residential land uses with a plan designed to minimize and soften, or in some cases, eliminate views of the Project to adjacent properties. The grading cross-sections included as Exhibits 5-3 and 5-4, “Concept Grading Sections,” illustrate the relationship of graded and built residential lots within Cielo Vista in two key locations which have the greatest potential view impact to existing adjacent residential areas.

## Section 5: Grading Plan



**Exhibit 5-3 Grading Concept Cross Section – 1**

## Section 5: Grading Plan



**Exhibit 5-4 Grading Concept Cross Section – 2**



## Section 6: Design Guidelines

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### Section 6. Design Guidelines

#### 6.1 Overview

The design guidelines contained herein address landscaping and residential design criteria for Cielo Vista.

#### 6.2 Landscape Guidelines

The landscape design for Cielo Vista establishes a strong relationship between the built environment and the natural open space areas to be preserved as part of the Area Plan. Landscaping within Cielo Vista will utilize a plant palette that respects and enhances the existing native plant communities found within the Project Site through the use of fire resistant plants, native, and appropriate non-native drought tolerant species as described in Table 6-1, “Cielo Vista Plant Palette.” The final landscape and irrigation plan for the Project will comply with the Orange County 2010 Irrigation and Landscape Ordinance (Water Efficient Landscape Ordinance).

## Section 6: Design Guidelines

Table 6-1 Cielo Vista Plant Palette

	Common Name
<b>Trees</b>	
Agonis Flexuosa	Peppermint Tree
Arbutus 'Marina'	Arbutus
Callistemon viminalis	Weeping bottlebrush
Geijera parviflora	Australian Willow
Lagerstroemia indica (mildew resistant hybrids)	Crape Myrtle
Loshostemon confertus	Brisbane Box
Melaleuca spp.	Melaleuca
Quercus ilex	Holly Oak
Rhus Landea	African Sumac

	Common Name
<b>Groundcovers</b>	
Acacia redolens 'Desert Carpet'	Desert Carpet
Aptenia c. 'Red Apple'	Aptenia
Carissa macrocarpa	Natal Plum
Coprosma x kirkii	Coprosma
Bougainvillea spp.	Bougainvillea
Lantana spp.	Lantana
Myoporum parvifolium	Myoporum

	Common Name
<b>Shrubs</b>	
Agapanthus spp.	Lily-of-the-Nile
Agave spp.	Agave
Aloe spp.	Aloe
Alyogyne huegelii	Blue Hibiscus
Coreopsis verticillata	Coreopsis
Cotoneaster spp.	Cotoneaster
Dodonaea viscosa	Hop Bush
Echium candicans	Pride of Madeira
Eleagnus x ebbingei	Silverberry
Euryops p. 'Viridis'	Euryops
Hemerocallis hybrid	Evergreen daylily
Heteromeles arbutifolia	Toyon
Kniphofia spp.	Red-Hot Poker
Leptospermum spp.	Tea Tree
Leucophyllum frutescens	Texas Ranger
Myrtus communis 'Compacta'	Myrtle
Pyracantha spp.	Firethorn
Phormium spp.	Flax
Rhamnus californica	Coffeeberry
Rhus Ovata	Sugar Bush
Salvia spp.	Sage
Senna spp.	Cassia
Teucrium spp.	Germander
Rosmarinus o. 'Huntington Carpet'	Dwarf Rosemary

## Section 6: Design Guidelines

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### 6.2.1 General Guidelines

The following general criteria apply to all landscape and irrigation design for Cielo Vista.

- a. Landscape design shall emphasize the planting of long-lived plant species that are native to the region or well adapted to the climatic and soil conditions of the area.
- b. The landscape design should reinforce the distinct character of various features within the natural and man-made environments.
- c. Landscape treatment of all areas shall emphasize the planting of shade trees along streets to contrast with open space.
- d. The use of native and drought tolerant plant materials shall be utilized where appropriate.
- e. All public areas and rights of ways shall have water conserving automatic irrigation systems. Fixed and pop up spray heads shall be compatible with reclaimed water systems.
- f. Landscape plans for all development shall take into consideration service lines, traffic safety sight line requirements, and structures on adjacent properties to avoid conflicts as trees and shrubs mature.
- g. Street trees and trees planted near walkways or street curbs shall be selected and installed to prevent damage to sidewalks, curbs, gutters and other improvements.
- h. Irrigation for both public and private landscape areas shall be designed to be water-efficient. All irrigation systems shall have automatic controllers designed to properly water plant materials given the site's soil conditions. Irrigation systems for all public landscapes shall have automatic rain shut-off devices. Drip irrigation is encouraged. Spray systems shall have low volume, measured as gallons per minute (gpm), matched-precipitation heads.

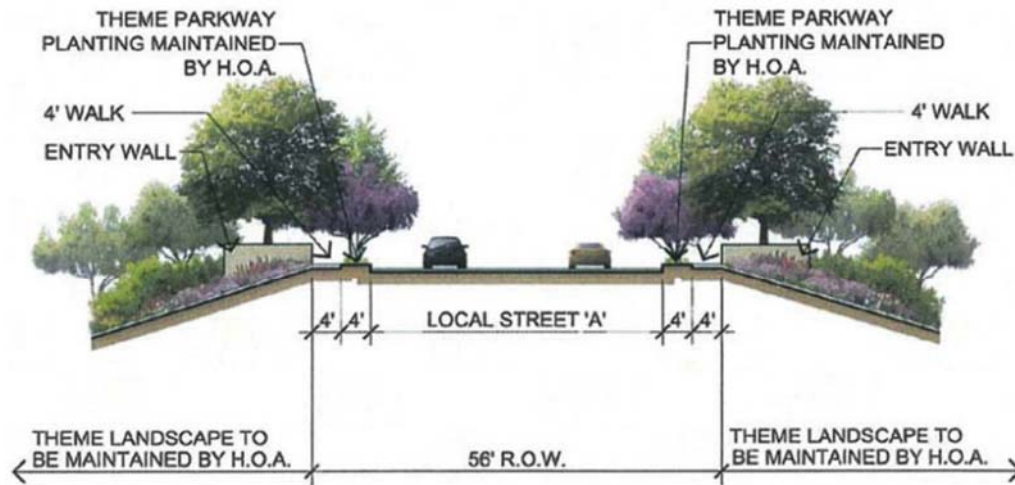
### 6.2.2 Project Entry

The Project Entry to Cielo Vista establishes the design theme for the Project through a blend of hardscape and planting elements that form the first impression to visitors and residents entering the development. Entry lighting shall avoid intensely bright lighting of monuments and should be lit to provide a soft wash of light across the monument signage. Specimen trees should be up-lit with several fixtures into the canopy to avoid creating dark sides of the trees.

The Project Entry is established at the intersection of "A" Street and Via del Agua. The treatment of this Entry provides a relaxed but strong sense of arrival to the residential neighborhood. The landscape concept for the Project Entry to Cielo Vista is illustrated on Exhibit 6-1, "Project Entry at Via del Agua."



## Section 6: Design Guidelines



**Exhibit 6-1 Project Entry at Via del Agua**

## Section 6: Design Guidelines

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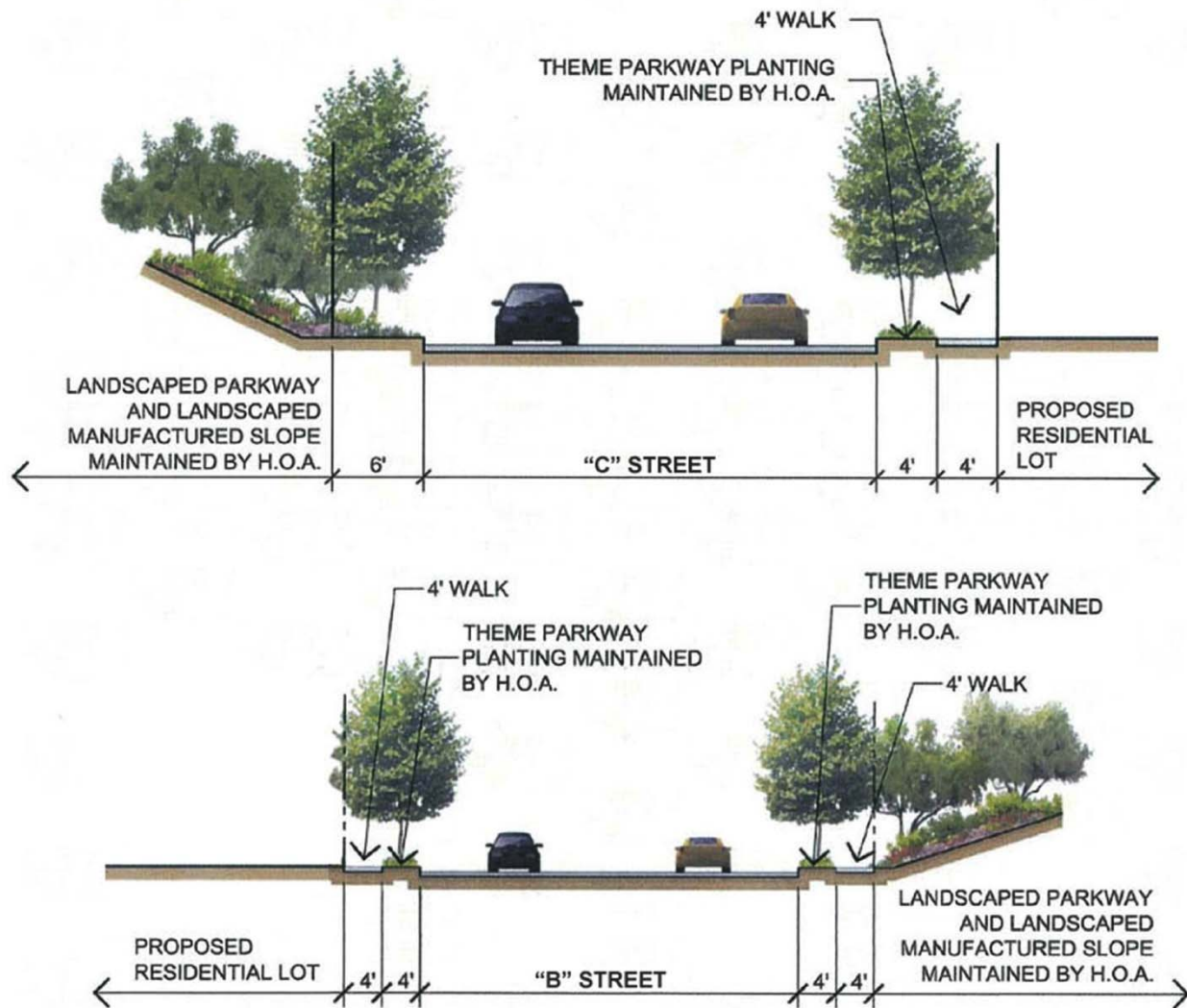
### 6.2.3 Streetscapes

The streetscapes of Cielo Vista provide a clear delineation between pedestrian and vehicular travel areas. Shrubs, low groundcovers, and ornamental grasses are used to the greatest extent possible to reduce maintenance and conserve resources. The planting plan for streets includes meandering drifts of shrubs, grasses, and groves of native and non-native trees. Uniformed spacing of trees is avoided in order to create an interesting and inviting pedestrian experience while also offering visual interest to motorists encouraging them to slow driving speeds and observe their surroundings. The following design criteria apply to streetscape design for Cielo Vista:

- Landscape treatments of each street shall be consistent throughout the length of the street in the neighborhood.
- Landscape treatments shall generally utilize street trees planted at intervals of 50 feet on center unless otherwise specified. Street trees shall be placed a minimum of eight feet from street light standards.
- Street tree planting as described below shall generally utilize one or two primary species for each street with a limited number of additional species to be used as accent planting.
- Low spreading groundcover or turf in the parkway strips adjacent to walkways should be planted and shall be consistent along the entire length of the street.
- Sidewalks shall be separated from the street by a landscaped parkway.

The streetscape plan for local streets within Cielo Vista is illustrated on Exhibit 6-2, “Streetscapes Plan.”

## Section 6: Design Guidelines



**Exhibit 6-2 Streetscapes Plan**

## Section 6: Design Guidelines

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### 6.2.4 Fire Protection Plan

Several areas of Cielo Vista require fuel modification. Fuel modification consists of 3 zones and a special maintenance area. Each zone is designed specifically to help suppress a fire in different ways as described below. The Fire Master Plan and Fuel Modification Plan prepared for the Project have been reviewed and initially approved by Orange County Fire Authority.

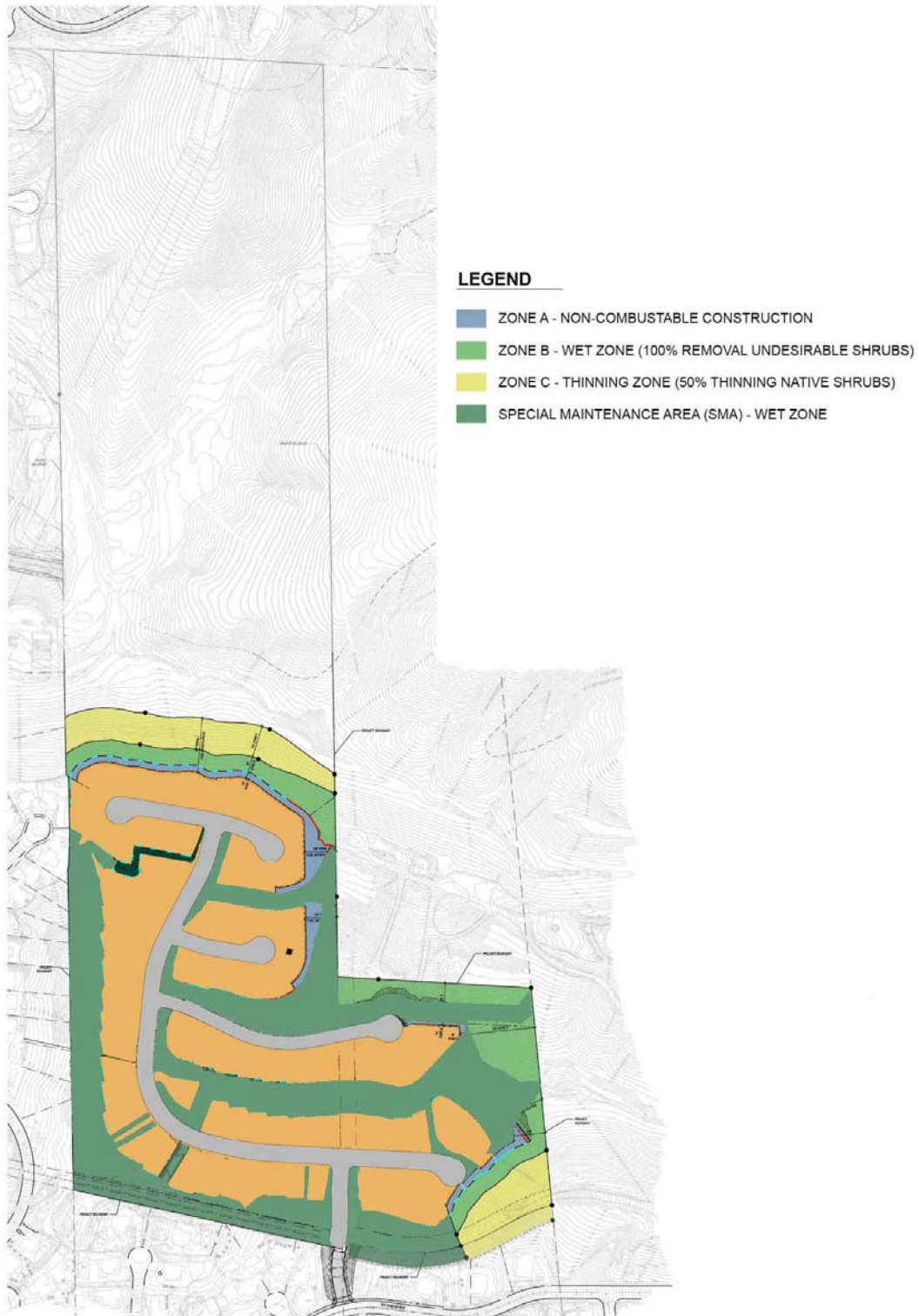
- Fuel modification Zone A is characterized by a 10 - 95 foot wide setback zone for non-combustible construction from all combustible development. This zone can be located either inside or outside of the protected development area but it must be kept clear of any combustible construction to provide a defensible space for fire suppression. A permanent irrigation system is required to maintain healthy vegetation with a high moisture content. Plants in this zone are required to be highly fire resistant and selected from the approved plant list as described in Table 6-1, "Plant Palette."
- Fuel modification Zone B is characterized by a 5 foot to 186 foot wide area located adjacent to Zone A and consisting of irrigated landscaping. All requirements of Zone A apply to Zone B with the additional requirement that surface fuels cannot exceed a maximum height of 18 inches and removal of dead and excessively "leggy" growth is required at all times. Plants in this zone are required to be selected from the approved plant list as described in Table 6-1, "Plant Palette."
- Fuel modification zone C is characterized by a 21 foot to 100 foot wide area located adjacent to Zone B to be non-irrigated and kept thinned and clear of shrubs.
- Special Maintenance Area Wet and Dry Zone is characterized by an area to be maintained in a manner similar to Zone C. In this zone irrigation would be utilized as necessary to keep plant material in a healthy condition.

The fuel modification plan for Cielo Vista is illustrated on Exhibit 6-3, "Fuel Modification Zones." The treatment within each fuel modification zone is illustrated on Exhibit 6-4, "Fuel Modification Cross Section Details."

### 6.2.5 View Corridors

Views from residential lots should be maintained by planting trees at the lower half of the adjacent slope. Views should be framed by planting trees at property lines.

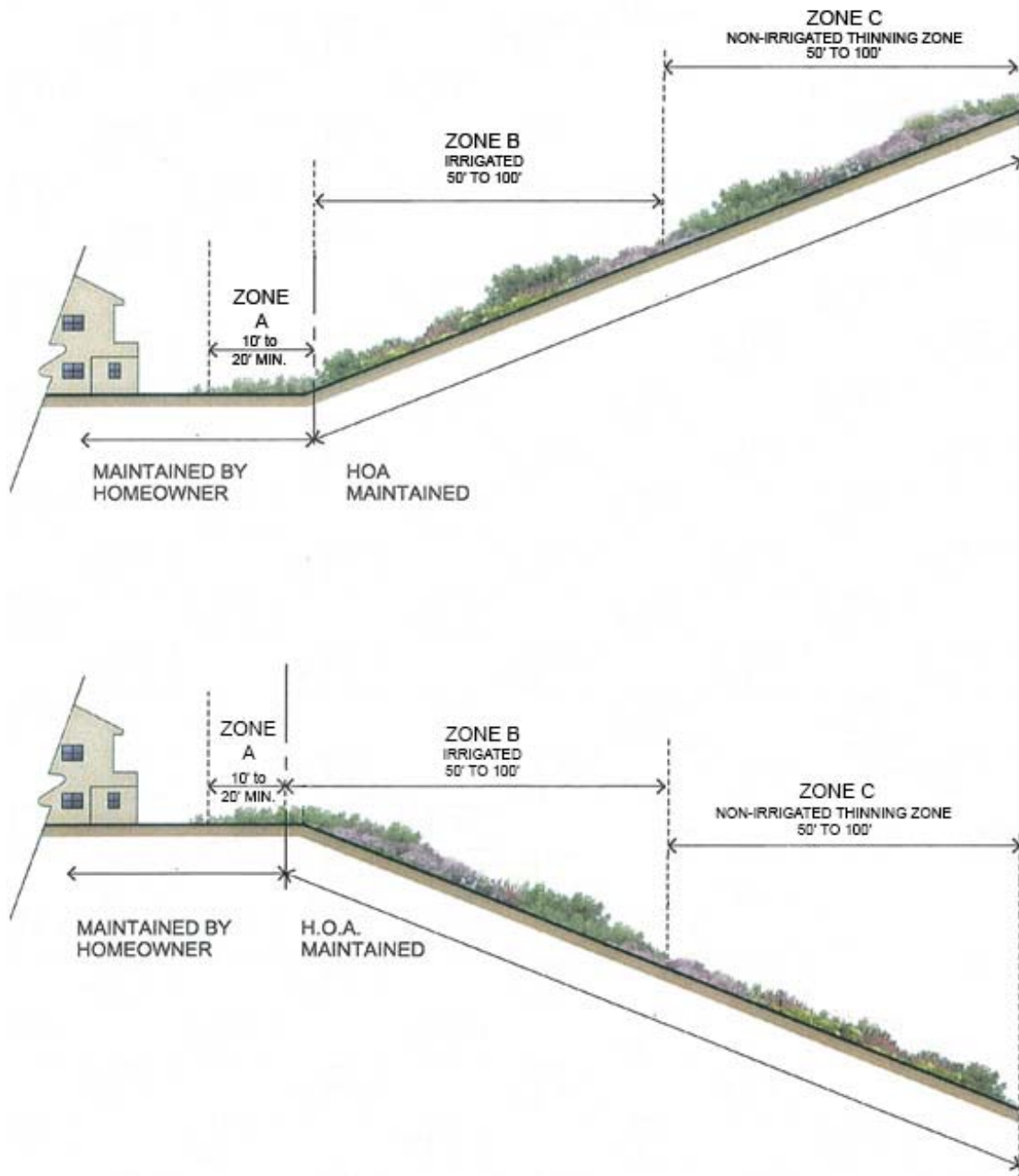
## Section 6: Design Guidelines



**Exhibit 6-3 Fuel Modification Zones**



## Section 6: Design Guidelines



**Exhibit 6-4 Fuel Modification Cross Section Details**

## Section 6: Design Guidelines

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### 6.2.6 Lighting

Lighting of streets and select landscaped areas should be considered for safety and security. Utilization of “night sky friendly” light fixtures on streets shall be required. Maintaining the character of traditional materials will create a pedestrian scale for the neighborhood. Lighting fixtures within Cielo Vista shall be consistent in style, color, and materials in order to maintain uniformity throughout the Project.

### 6.3 Residential Design Guidelines

Residential uses within Cielo Vista will consist of single family detached homes with minimum lot areas of 7,200 square feet. Homes will be designed as conventional single family front loaded residences placing an emphasis on architectural elements oriented toward the street and incorporating a mix of garage configurations and designs to provide a varied street scene. The purpose of the following residential design guidelines is to establish design criteria for the development of this housing type within Cielo Vista.

#### 6.3.1 Design Fundamentals

Implementation of the following fundamental elements of quality design are encouraged within Cielo Vista:

- Architecture forward residential design.
- Varied garage placement.
- Variety of compatible architectural styles.
- Use of variable setbacks.
- Enhanced side elevations at primary corners or from highly visible public streets.
- Varied floor plans and elevations.
- Varying plotting techniques.
- Compatible and authentic color treatments on homes.

#### 6.3.2 Garage Treatments

The home and front yard, rather than the garage, should be the primary emphasis of the front elevation. The number of homes with a front facing garage located forward of the porch or front of the building elevation plane should be minimized. Garage visibility should be minimized though the use of techniques such as varying garage door patterns and the use of deep recessed door techniques, varying colors, splitting a double car garage door into two single doors, or using alternative garage configurations, such as corner garages, turn in garages, full or mid recessed garages, and/or tandem garages. Garage doors should match the style of the house. To further

## Section 6: Design Guidelines

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reduce the impact of garage doors on the street scene, garage doors should be architecturally treated with decorative relief cuts, panels, small decorative windows and similar treatments.

The following additional guidelines apply to garage treatments:

### 6.3.2.1 Garage Wall-Plane

A garage wall relief of 12 to 18 inches should be constructed for front loaded, garage forward, and street facing garages when the garage door is at the minimum allowed setback line. With other garage configurations a range of 6" to 12" is recommended.

### 6.3.2.2 Porte-Cochère

Use of a porte-cochère on a garage located toward the rear of the lot should be considered in order to create an additional screened parking space and outdoor private space for occasional use.

### 6.3.2.3 Three-Car Garage Treatment

When a plan has a three-car garage, the third car bay shall be offset 3 feet.

### 6.3.3 Building Setback Fundamentals

To provide more interesting neighborhood street scenes, variable front-yard setbacks are required, and variable side yard setbacks are encouraged through the use of the following techniques:

- Varied setbacks along streets.
- Reverse plotting along streets.
- Enhanced corner side yard setbacks.
- Variable lot widths.
- Special corner lot criteria.

### 6.3.4 Architectural Mass

#### 6.3.4.1 Corner and Side On Home Elevations

Wrap around architecture shall be provided on all sides of homes facing the street. Neighborhood quality will be exemplified by adding a home plan designed specifically as an end of the block home or by enhancing a corner home with additional architectural details as found on the front elevation.



## Section 6: Design Guidelines

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### 6.3.4.2 Roof Forms

Rows of homes seen from a distance are perceived by their contrast against the skyline or background where the dominant impact is the shape of the building and roof line. Rear elevations and roof planes viewed from streets should be articulated to minimize the visual impact of repetitious flat planes and similar building silhouettes. Varied rear elevation forms should be provided.

### 6.3.4.3 Rear Elevations

Rear elevations visible from streets shall be articulated through the use of one or more of the following:

- Offset wall planes
- Roof plan breaks
- Color blocking
- Shutters and pot shelves on a second story
- Accent materials consistent with the home's architectural style

### 6.3.4.4 Streetscape Massing and Plotting

Implementation of the following design techniques should be considered to create an interesting and varied streetscape:

- Special architectural treatments such as feature entry location and feature window detail should be provided at street corners and other important focal points.
- Front doors and living room windows should be oriented toward the street.
- Design of buildings should create varied setbacks or offsets.
- The architectural style chosen for each home or building should be compatible with its massing in order to avoid making the style seem applied or superficial.
- Embellished elevations such as upgraded materials and details are encouraged at areas of the building that face a public street. This applies to the front, side, and rear elevations.

### 6.3.5 Colors and Materials

The colors and materials used at Cielo Vista should reflect a general contextual theme of harmony and neighborhood character. The selected color palette for each architectural style should share a “common sense” approach to the use of materials and colors indigenous to the region and be compatible with existing surrounding

## Section 6: Design Guidelines

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residential land use. New interpretations of classic combinations of materials and colors are encouraged as they relate to a general feeling of neighborhood unity.

Use of a variety of natural looking materials and colors should provide the diversity required for visual interest while unifying the homes within their settings and creating a timeless appeal. The selected architectural color palette should avoid monotony and provide a variety of color schemes while still maintaining a common theme or unifying concept.

- Each color scheme shall incorporate a minimum of three colors, for example, one body color, one trim color, and one accent color.
- A minimum of three different roofing colors shall be utilized on homes consistent with the architectural style of the home. Light roof colors should be selected over dark roof colors wherever possible for energy efficiency.
- Individual color schemes must be appropriate to the architectural styles with a harmonious selection of accent materials, roof profiles and colors.
- No adjacent home shall have the same color scheme. Color palettes that reflect traditional architectural themes are the basis for successful modern interpretations. Current color trends integrated within a historically-referenced framework create dynamic, yet timeless color combinations.

### 6.3.6 Architectural Features

The following minimum criteria apply to residential architectural features:

- Windows and opening shall be trimmed or otherwise treated. Windows must be grouped or located near strong architectural elements and be proportional to the building massing of the structure.
- Balconies should be designed in scale and proportion with the architecture of the building. Covered or trellised balconies are preferred. Scuppers or internal drains are required on all balconies for drainage.
- Chimneys shall be compatible in design, material, and color with the building. Chimney caps shall be compatible with the architecture of the residence.
- Vents for gas appliances, water heaters, and heating units shall be painted to match the roof color. Such elements shall be located to minimize visual impact on the building elevation viewed from the street.
- If awnings are provided, they must be designed as an integral part of the architecture. Unacceptable awning materials include metal louvers and untreated fabric.

## Section 6: Design Guidelines

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- Mechanical equipment shall not be mounted on or attached to any sloping roof. Mechanical equipment, when mounted on flat roofs, must be completely screened by parapet walls at least as tall as the equipment being screened. Ground mounted air conditioning units must be screened by walls at least 6 inches higher than the unit and located away from pedestrian pathways and public areas.
- Natural gas meters shall be screened. Screen walls shall be integral to the building architecture.
- Exposed gutters and downspouts shall be colored to either match or complement the wall to which they are mounted.

### 6.4 Walls and Fences

Walls and fences used to separate individual lots shall be designed according to the following criteria:

- Walls and fences shall be finished on both sides, with particular attention paid to the public side. Design of private fences shall be consistent in terms of material, color, and detail.
- Fencing and walls may be made of plaster, stucco, concrete, masonry finish, tubular steel, tempered glass, wood-like materials, weather treated wood, or similar quality material. Finish colors must be approved by the County and be consistent with the architectural character of the neighborhood.
- Walls and fences connecting two separate units, visible from public streets, shall be recessed behind the front building façade and screened with plants.
- Side yard gates may be wood or tubular steel.
- The use of bare or raw wood is prohibited.

#### 6.4.1 View Fencing

View fences are intended to allow views of scenic vistas and open space from private residences while also providing security.

- View fences may include decorative tubular steel, clear glass, Plexiglas, treated wood, or similar quality materials. View fencing shall utilize a common design for each area.
- View fences shall be designed to provide security for rear yard pools, or be easily modified for security purposes in the event pools are added after initial construction. Such additions must be compatible with the fence design for the development area or overall Project boundary fences as applicable.
- View fences may include a solid or “open base” of approximately three feet in height with view fencing above the solid portion.

## Section 7: Green and Sustainable Program

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### Section 7. Green and Sustainable Program

This section describes the measures and design criteria for green and sustainable development to be implemented as part of the Cielo Vista Area Plan. The Cielo Vista Green and Sustainable Program provides for development criteria on the following topics:

- Water Quality Treatment
- Energy Conservation and Water Conservation
- Directing Development Toward Existing Communities and Reduction in Vehicle Miles
- Fire and Life Safety
- Open Space Preservation
- Oil Operations Compatibility and Clean Up

#### 7.1 Water Quality Treatment

The Project will incorporate BMPs for erosion control, sediment control, storm water and non-storm water management, and waste management/pollution control. Implementation of these BMPs will ensure that the Project's site hydrology, runoff, and water quality comply with all required permits, County policies, and the Project's Conceptual Water Quality Management Plan (WQMP), submitted by the Applicant as part of the Project's subdivision map for approval by the County, and Storm Water Pollution Prevention Plan (SWPPP) to be submitted for County approval prior to construction.

The first stage of water quality protection will occur through on-site water quality treatment measures to be implemented within the residential development area to treat runoff directly at the source prior to its discharge into the public storm drain system. These water quality treatment measures include the use of hydrologic source controls which include on-lot filtration/infiltration, impervious area dispersion, porous pavements in non-vehicular areas, amended soils, and landscaping materials with storm water filtering capabilities. The specific design details and locations of these on-site measures will be identified as part of the final design of WQMP facilities submitted for County approval.

The second stage of water quality protection will be provided by several water quality features, including water quality basins and bio-filtration planter boxes, and a debris basin constructed as part of the Project, to treat Project flows within residential planning areas and attenuate peak flow discharge prior to flows entering the storm drain system. The water quality features will serve to mitigate the increased flow anticipated from the increased impervious surface created with the development and will decrease pollutants in the runoff. The

## Section 7: Green and Sustainable Program

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WQMP includes detailed sizing parameters for the basins and provides guidelines to the Homeowner Association (HOA), the responsible entity, for the proper maintenance of the water quality basins.

### 7.2 Energy, Air, and Water

The following measures will be implemented as part of the development of Cielo Vista to address air quality and conservation of energy and water resources within the Project.

- Builder-installed indoor appliances, including dishwashers, showers and toilets, will be low-water use in compliance with the adopted California Building Code.
- Street lights will include shielding devices for “night sky” purposes. Light fixtures will be designed for “night sky” applications and adjusted to direct or reflect light downward.
- Drought-tolerant, native landscaping will be used in public common areas to reduce water consumption.
- Smart Controller irrigation systems will be installed in all public and common area landscaping.
- Residential landscape areas will be designed on a “hydro zone” basis to group plants according to their water and sun requirements.
- The developer and/or homeowners association for Cielo Vista will be required to provide educational information on recycling to all homeowners as part of the initial purchase of homes and again thereafter on an annual basis.
- During Project construction the developer of Cielo Vista will be required to use clean-burning diesel fuel, bio-diesel fuel, and/or other alternative fuels for heavy construction equipment to reduce construction emissions.

### 7.3 Directing Development Toward Existing Communities and Reduction in Vehicle Miles Traveled

The Cielo Vista Area Plan is a plan for a new residential neighborhood within an urban area that directs development towards existing communities already served by infrastructure, thereby helping to reduce vehicular emissions by providing homes closer to employment and shopping within an established urban area. These locational advantages can reduce overall vehicle miles traveled and reduce environmental impacts compared to locations in outlying areas. The following are characteristics of the Project.

- Cielo Vista will be served by the extension of existing public infrastructure and roadways located at the boundary of the Project Site eliminating the need for construction of additional arterial roadways or

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regional infrastructure. The Project will pay its fair share of cost for a water reservoir and other water master plan improvements planned for construction by YLWD to serve regional needs.

- The Project includes construction of a network of walkways within public streets which will provide pedestrian connectivity within the residential development area of Cielo Vista and to existing adjacent residential neighborhoods.
- The local streets to be constructed as part of the Project provide for on-street bicycle circulation providing connectivity within the residential development area of Cielo Vista and to existing streets within adjacent residential neighborhoods.
- High speed communication technology, including wireless technology, available at the time of development construction, will be available to all homes to provide opportunities for telecommuting, on-line shopping, and other advanced communications activities.

### 7.4 Fire and Life Safety

The Cielo Vista Area Plan incorporates comprehensive and environmentally sensitive fire protection measures that benefit existing adjacent residential communities as well as new development proposed with the Project. Fire and life safety will be ensured through implementation of the following measures:

- The Project will be designed to provide fire-resistant construction for all structures adjoining natural open space, including the use of fire-resistant building materials and sprinklers.
- Development of the Project will provide additional fire protection to existing residential areas located along Via del Agua Drive and Stonehaven Drive which have historically been exposed to fire hazards in the adjacent open space areas.
- Three fuel management zones and a special maintenance area planned for the Project will provide fire protection for development within Cielo Vista from the potential of fire hazard within the open space areas surrounding the residential development area.

### 7.5 Open Space

Preservation of approximately 51% of the Project site as natural open space is planned as part of the design for Cielo Vista. The following specific measures will be implemented to enhance the open space preserve within the Project.

- The Project will protect and preserve the Project's open space through a permanent conservation easement which establishes and maintains the open space in perpetuity. The maintenance of the open space easement shall be the responsibility of either the Project's HOA, an appropriate public or quasi-

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public State agency, or a land conservation/trust organization. Funding for the permanent stewardship of the open space may be accomplished through an Assessment District.

- Sensitive natural plant communities and sensitive habitat found within the Project site will be either preserved in place or replaced at levels required by federal and state permitting agencies.

### 7.6 Oil and Gas Production

Implementation of the Cielo Vista Area Plan provides for the abandonment and relocation of existing oil production facilities.

- Relocated oil production operations can occur within a drilling pad not accessible to the public. Plantings, barriers, signage, and information will be provided where necessary to ensure public safety. No habitable structure on lots adjacent to the drilling pad area shall be permitted within 150 feet of any operational surface well or within 50 feet of a subsurface pumping unit/well enclosed within a concrete vault, pursuant to approval by the Orange County Fire Authority of a Request for Alternative Materials and Methods Design. Plantings and walls will be provided around surface oil operational equipment to screen these facilities to the extent feasible
- Access to continued oil production sites within the open space area will be provided within existing oil field service roads. No new roadways will be constructed through open space areas.
- A Remedial Action Plan will be approved by the Regional Water Quality Control Board, Orange County Fire Authority, and the Orange County Health Care Agency.
- No habitable structures are permitted within ten feet of abandoned wells.
- Well abandonment will include decommissioning and abandonment of oil wells in accordance with CalDOGGR standards.
- Mitigation measures recommended as part of the Cielo Vista EIR will become requirements for development of the Project to protect habitable structures from potential exposure to methane.

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### Section 8. General Plan Consistency

The Cielo Vista Area Plan must be consistent with applicable goals and policies established in the Orange County General Plan (General Plan). This section describes the relationship of the Cielo Vista Area Plan to the applicable goals and policies of the General Plan.

#### 8.1 Orange County General Plan

The following goals and policies of the Orange County General Plan are applicable to the Cielo Vista Area Plan.

Goals, Objectives and Policies	Area Plan Consistency
<b>Land Use Element</b>	
<b>General Plan's Major Land Use Element Policies</b>	
<b>Policy 1 Balanced Land Use.</b> To plan urban land uses with a balance of residential, industrial, commercial, and public land uses.	<b>Consistency.</b> The Project would introduce up to 83 single-family homes in an area designated for suburban residential land uses.
<b>Policy 2 Phased Development.</b> To phase development consistent with the adequacy of public services and facilities within the capacity defined by the General Plan.	<b>Consistency.</b> The Project Applicant will pay development fees and future Project residents will pay taxes which would be utilized by affected government services and facilities to offset the incremental increase in service demands created by the Project.
<b>Policy 3 Housing Densities.</b> To provide a variety of residential densities which permit a mix of housing opportunities affordable to the County's labor force.	<b>Consistency.</b> The Project would introduce up to 83 single-family homes in an area designated for suburban residential land uses, which would contribute to the ability of the County to meet demands for housing, particularly single-family homes.  The Regional Housing Needs Assessment (RHNA) most recently adopted and approved by the SCAG Regional Council on July 12, 2007, includes an assessment of regional housing needs for very low income, low income, moderate income, and above moderate income groups for the planning period from January 2006 through June 2014. According to the RHNA, the housing needs for unincorporated County of Orange includes a total of 7,978 dwelling units, of which 1,777 would be very low income, 1,445 low income, 1,597 moderate income, and 3,159 above moderate income housing. The Project may contribute to meeting this need at either the moderate or above moderate income levels identified as between 81-120% of area median income and above 120% of area median income, respectively. A total of 4,756 of the 7,978 units are allocated to these categories. Because Project housing price points are yet to be defined, the income subcategory for the Project's residences is yet to be determined.
<b>Policy 4 Land Use/Transportation Integration.</b> To plan an integrated land use and transportation system that accommodates travel demand.	<b>Consistency.</b> The Project's proposed traffic improvements of the transportation system along with implementation of the prescribed mitigation measures identified in the Project EIR would accommodate Project traffic.



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<p><b>Policy 6 New Development Compatibility.</b> To require new development to be compatible with adjacent areas.</p>	<p><b>Consistency.</b> The Project would be designed to complement and blend with the character of existing residential neighborhoods located adjacent to the Project Site within the City of Yorba Linda. Landscaped areas or natural open space areas would be provided adjacent to residential development areas to serve as natural buffers between existing residential neighborhoods and planned development of new homes. The Project would include 42.68 acres as permanent open space which would preserve a large portion of the site's natural, physical environment. Primary access to and from the Project Site is proposed through a connection to an existing improved local street. In addition, the consolidation of oil production-related uses within the Project Site outside of available public views would further improve compatibility with adjacent residential areas.</p>
<p><b>Policy 7 Creative Design Concepts.</b> To encourage innovative concepts which contribute to the solution of land use problems.</p>	<p><b>Consistency.</b> The Cielo Vista land use plan responds to the physical site development constraints found within and surrounding the Project Site. The retention of existing open space is a key Project element leading to the creation of the land use plan for the Project. The Project provides for the preservation of 42.68 acres as permanent open space. Development of residential uses within the Project Site is planned on 41.28 acres to incorporate the following design elements:</p> <ul style="list-style-type: none"> <li>▪ Homes designed with opportunities for home offices allowing people to work from home reducing driving time and vehicle emissions.</li> <li>▪ Incorporation of native plant materials or drought tolerant plant materials into the landscaping of public spaces. Homeowners would be encouraged to utilize drought tolerant plant materials in private yard areas.</li> <li>▪ Equipping residences with currently available technology for internet access allowing residents to shop and work on-line, helping to reduce vehicle trips to employment centers and shopping.</li> <li>▪ Reducing energy demands for heating and cooling through the use of passive solar design and construction materials and techniques.</li> <li>▪ Use of "night sky friendly" outdoor lighting within streets, private outdoor spaces, and public gathering spaces.</li> <li>▪ Providing a design responsive to the physical setting by preserving existing natural drainages within the Project Site.</li> <li>▪ Reducing fire hazards through the implementation of a fuel modification plan as well as appropriate buffering of land uses with an OCFA approved plant palette.</li> <li>▪ Implementation of a plant palette which includes canopy trees to achieve natural ventilation and cooling.</li> </ul>

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Goals, Objectives and Policies	Area Plan Consistency
<p><b>Policy 8 Enhancement of Environment.</b> To guide development so that the quality of the physical environment is enhanced.</p>	<p><b>Consistency.</b> The purpose of this policy is to ensure that land use activities seek to enhance the physical environment, including the air, water, sound levels, landscape, and plant and animal life. This policy does not mean that environmental enhancement precludes development. It recognizes the need to improve both the manmade and natural environments. Where aspects of the natural environment are deemed to be truly important, this policy requires that measures be taken to preserve these aspects. Consistent with this policy with respect to air quality, the Project EIR prescribes mitigation measures to be implemented to provide that the Project would not exceed applicable SCAQMD daily emission thresholds during construction and operation and as such would not violate any air quality standard or contribute to an existing or projected air quality violation.</p> <p>Consistent with this policy, natural features would be preserved within the permanent open space land use area of the Project Site which include a main westerly draining course and canyon bisecting the Project Site. The Project includes 42.68 acres of permanent open space which would serve to preserve a substantial portion of the natural, physical environment. In addition, the consolidation of oil production-related uses within the Project Site outside of available public views would further improve the aesthetic character of the area and enhance the compatibility with adjacent residential areas.</p> <p>Run-off from the developed areas of the Project Site would be collected in a storm drainage system within local streets and routed through Best Management Practices (BMPs) features to be constructed as part of the Project. The BMP features would serve to mitigate the increased flow anticipated from the increased impervious surface created with the development and would also decrease pollutants in the runoff. Prior to the issuance of a grading permit, a final WQMP would be developed for implementation by the HOA, the entity owning and maintaining the water quality and drainage BMP features. The WQMP would provide guidelines to the HOA for the proper maintenance of the BMPs and water quality features. The WQMP also identifies a host of other structural and non-structural BMPs to be implemented by the Project that would reduce pollution levels in storm water discharge in compliance with applicable water quality standards. The Project EIR includes a detailed discussion of the drainage and water quality treatment features to be implemented by the Project and the Conceptual WQMP prepared as part of the Project.</p>
<p><b>Goal 11</b> Ensure urban /storm water runoff and water quality protection principles are properly considered in the land use decision making process.</p> <p><b>Policy 11.1</b> Limit disturbance of natural water bodies and drainage systems; conserve natural area; protect slopes and channels; and minimize impacts from storm water and urban runoff on the biological integrity of natural drainage systems and water bodies.</p>	<p><b>Consistency.</b> Within the residential development area storm water flows would be discharged into an existing concrete box located in Stonehaven Drive. Within the open space area, the natural on site drainage would not be altered and would maintain existing flow patterns.</p>

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<p><b>Policy 11.2</b> Minimize changes in hydrology and pollutant loading; require incorporation of controls, including structural and non-structural BMP's, to mitigate the projected increases in pollutant loads and flows; ensure that post-development runoff rates and velocities from a site have no significant adverse impact on downstream erosion and stream habitat; minimize the quantity of storm water directed to impermeable surfaces and the MS4s (storm drain system); and maximize the percentage of permeable surfaces to allow more percolation of storm water into the ground.</p>	<p><b>Consistency.</b> After development, the Project Site would retain substantial permeable areas on individual lots, with the exception of street and driveway surfaces. Within the residential development area storm water flows would be discharged into an existing concrete box located in Stonehaven Drive.</p>
<p><b>Policy 11.5</b> Provide for appropriate permanent measures to reduce storm water pollutant loads in storm water from the development site.</p>	<p><b>Consistency.</b> Storm water flow control during project operation would be defined by a WQMP which provides for the capture of storm water flows(s) on the Project Site and other feature (filters, detention, etc.) in order to reduce pollutant loads, including suspended solids, organic compounds, pesticides, and the like.</p>
<p><b>Policy 13 Urban and Storm Runoff Regulations.</b> The following policies establish a framework for the reduction of water pollution. The policies described updated objectives for responding to current water pollution regulations referenced on page VI-56 of the Resources Element.</p> <p><b>Supplemental consideration for the Santa Ana Regional Permit.</b> Establish a Condition of Approval to ensure that permanent water quality treatment BMPs are adequately constructed, operated and maintained throughout the life of the project.</p>	<p><b>Consistency.</b> Consistent with the policy, the Project would incorporate BMPs for erosion control, sediment control, storm water and non-storm water management, and waste management/pollution control. Implementation of these BMPs would ensure that the Project's site hydrology, runoff, and water quality comply with all required permits, County policies, and the Project's WQMP and SWPP. The BMPs would include various structural, non-structural, treatment control, hydro modification and bio treatment BMPs. The Project would include water quality basins and a debris basin to provide treatment of Project flows within the residential development area and attenuate peak flow discharge prior to flows entering the storm drain system. The water quality basins and debris basin would serve to mitigate the increased flow anticipated from the increased impervious surface created with the development and would decrease pollutants in the runoff. The Final WQMP would include detailed sizing parameters for the basins and provide guidelines to the HOA, the responsible entity, for the proper maintenance of the water quality basins.</p>
<b>Resources Element</b>	
<b>Natural Resources</b>	
<p><b>Goal 1</b> Protect wildlife and vegetation resources and promote development that preserves these resources.</p> <p><b>Policy 1 Wildlife and Vegetation.</b> To identify and preserve the significant wildlife and vegetation habitats of the County.</p>	<p><b>Consistency.</b> As part of the Project, 42.68 acres of open space would be preserved that would support wildlife and vegetation resources. Further, the Project EIR identified mitigation measures for Project implementation which include the re-vegetation and/or enhancement of sensitive habitat.</p>
<p><b>Policy 5 Landforms.</b> To protect the unique variety of significant landforms in Orange county through environmental review procedures and community and corridor planning activities.</p>	<p><b>Consistency.</b> The Project would include grading to accommodate the proposed building pads for future residences, local streets and supporting infrastructure improvements. Cuts would vary from generally 0-60 feet across the Project Site. Fills would generally vary from one foot to 45 feet. The Project grading plan proposes that grading quantities would balance on-site and that no import or export of soil would be required with the exception of contaminated soil from the on-site oil operation as necessary. While the Project's proposed grading activities would alter the topography in some areas of the site which consists of rolling hillsides, grading</p>

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Goals, Objectives and Policies	Area Plan Consistency
	techniques will be employed to maintain to maintain the integrity of the most prominent topographic features of the site and to maintain the hillside character, including the preservation of 42.68 acres of permanent open space within the Project Site.
<b>Cultural-Historic Resources</b>	
<p><b>Goal 2</b> To encourage through a resource management effort the preservation of the County's cultural and historic heritage.</p> <p><b>Objective 2.2</b> Take all reasonable and proper steps to achieve the preservation of archaeological and paleontological remains, or their recovery and analysis to preserve cultural, scientific, and educational values.</p> <p><b>Objective 2.3</b> Take all reasonable and proper steps to achieve the preservation and use of significant historic resources including properties of historic, historic architectural, historic archaeological, and/or historic preservation value.</p> <p><b>Objective 2.4</b> Provide assistance to County agencies in evaluating the cultural environmental impact of proposed projects and reviewing EIRs.</p> <p><b>Cultural Resources Policies</b> The following policies addressing archaeological, paleontological, and historical resources shall be implemented at appropriate stages of planning, coordinated with the processing of a Project application as follows;</p> <ul style="list-style-type: none"> <li>▪ Identification of resources shall be completed at the earliest state of project planning and review such as general plan amendment or zone change.</li> <li>▪ Evaluation of resources shall be completed at intermediate stages of project planning and review such as site plan review, as subdivision map approval or at an earlier stage of project review.</li> <li>▪ Final preservation actions shall be completed at final stages of project planning and review such as grading, demolition, or at an earlier stage of project review.</li> </ul> <p><b>Archaeological Resources Policies</b></p> <ul style="list-style-type: none"> <li>▪ To identify archaeological resources through literature and records research and surface surveys.</li> <li>▪ To evaluate archaeological resources through subsurface testing to determine significance and extent.</li> <li>▪ To observe and collect archaeological resources during the grading of a project.</li> <li>▪ To preserve archaeological resources by: <ul style="list-style-type: none"> <li>○ Maintaining them in an undisturbed condition; or</li> </ul> </li> </ul>	<p><b>Consistency.</b> A cultural resources analysis was conducted for the Project, which consisted of records searches and field reconnaissance. The analysis concluded that no known historic, archaeological, or paleontological resources occur on the Project Site. The potential for unknown archaeological resources to occur on the Project Site is low, however the potential for unknown paleontological resources to occur on the Project Site is higher. The Project EIR identifies mitigation measures for implementation as part of Project construction which would ensure consistency with the cultural resources policies by facilitating the recovery and analysis of important cultural and paleontological resources that may occur on the Project Site. Should historic archaeological resources be discovered during Project development, reasonable and proper steps to preserve such resources, as identified in the Project EIR, would be implemented. A Cultural Resources Study was prepared for the Project by qualified archaeologists as part of the Project EIR submitted to the County for review.</p>

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Goals, Objectives and Policies	Area Plan Consistency
<ul style="list-style-type: none"> <li>○ Excavating and salvaging materials and information in a scientific manner.</li> </ul> <p><b>Paleontological Resources Policies</b></p> <ul style="list-style-type: none"> <li>▪ To identify paleontological resources through literature and records research and surface surveys.</li> <li>▪ To monitor and salvage paleontological resources during the grading of a project.</li> <li>▪ To preserve paleontological resources by maintaining them in an undisturbed condition.</li> <li>▪ To develop, utilize, and promote effective technical conservation and restoration strategies.</li> </ul>	
<b>Water Resources</b>	
<p><b>Policy 5 Water Quality.</b> To protect water quality through management and enforcement efforts.</p>	<p><b>Consistency.</b> A Conceptual WQMP has been prepared for the Project. The Final WQMP would be reviewed and approved by the County as part of the Project's Final Subdivision Map prior to issuance of a grading permit for the Project. The Final WQMP would implement BMPs to comply with applicable existing regulations for eliminating or minimizing pollutants in storm water runoff during construction and operation of the Project. The Final WQMP and BMPs would constitute management and enforcement efforts consistent with Policy 5.</p>
<b>Energy Resources</b>	
<p><b>Policy 3 Energy Conservation.</b> To encourage and actively support the utilization of energy conservation measures in all new and existing structures in the County.</p>	<p><b>Consistency.</b> The Project would include the following energy conserving features:</p> <ul style="list-style-type: none"> <li>▪ Builder-installed indoor appliances, including dish- washers, showers and toilets, would be low-water use.</li> <li>▪ Drought-tolerant, native landscaping would be used in public common areas to reduce water consumption.</li> <li>▪ Smart Controller irrigation systems would be installed in all public and common area landscaping. Community landscape areas would be designed on a "hydro zone" basis to group plants according to their water and sun requirements.</li> <li>▪ Implementation of a plant palette which includes canopy trees to achieve natural ventilation and cooling.</li> </ul>
<p><b>Policy 7 Solar Access.</b> To support and encourage voluntary efforts to provide solar access opportunities in new developments.</p>	<p><b>Consistency.</b> The Project has been designed to accommodate solar access. As such, residential roofs which would receive an adequate amount of sunlight to support the use of solar panels could be designed to accommodate the installation of photovoltaic panels or other current solar power technology.</p>
<b>Transportation Element</b>	
<p><b>Policy 1.2</b> Apply conditions to land use development projects to ensure that the direct and cumulative impacts of these projects are mitigated consistent with established level of service policies.</p>	<p><b>Consistency.</b> The Project EIR prescribes mitigation measures for the Project to reduce potentially significant traffic impacts of the Project to a less than significant level to be consistent with adopted level of service policies.</p>

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<b>Objective 2.1</b> Plan, develop and implement a circulation system in the unincorporated areas, which is consistent with the Master Plan of Arterial Highways and circulation plans of adjacent jurisdictions.	<b>Consistency.</b> The Project would include local streets within the Project Site that would not conflict with the Master Plan of Arterial Highways and circulation plans of adjacent jurisdictions.
<b>Policy 2.4</b> Apply conditions to development projects to ensure compliance with OCTA's transit goals and policies.	<b>Consistency.</b> The Project EIR determined that the Project would result in less than significant impacts to alternative transportation facilities. Any transit program requirements related to bus or rail would be provided by OCTA upon the agency's review of the tentative tract map.
<b>Policy 2.5</b> Apply conditions to development projects to ensure implementation of the Circulation Plan as applicable.	<b>Consistency.</b> The Project EIR prescribes mitigation measures that would reduce Project traffic impacts to a less than significant level when implemented. Project implementation would not conflict with implementation the County's Circulation Plan. Appropriate conditions of approval will be applied to the Project by the County to ensure compliance with applicable County General Plan circulation policies.
<b>Policy 3.1</b> Maintain acceptable levels of service on arterial highways pursuant to the Growth Management Element of the General Plan.	<b>Consistency.</b> The Project EIR prescribes mitigation measures that would reduce Project impacts to a less than significant level when implemented. The Project will either install or pay the full cost of installation (subject to reimbursement) of a traffic signal or pay its fair share cost for installation of a traffic signal at intersection of Via del Agua/Yorba Linda Boulevard. Installation of the traffic signal will improve the level of service at this intersection from LOS "F" to LOS "A."
<b>Policy 3.2</b> Ensure that all intersections within the unincorporated portion of Orange County maintain a peak hour level of service "D", according to the County Growth Management Plan Transportation Implementation Manual.	<b>Consistency.</b> The Project EIR prescribes mitigation measures to ensure that key intersections serving the Project Site would operate at a LOS "D" or better.
<b>Policy 3.3</b> Evaluate all proposed land use phasing plans for major development projects to ensure maintenance of acceptable Levels of Service on arterial highway links and intersections.	<b>Consistency.</b> The Project EIR evaluated the cumulative impacts of all proposed development projects in the area of the Project Site and prescribed mitigation measures that would ensure that all nearby arterial highways and intersections serving the Project Site would operate at acceptable levels of service.
<b>Policy 5.1</b> Establish "traffic impact fees" for application to County development projects with measureable traffic impacts, as defined in the Growth Management Element of the General Plan. These fees may serve as local matching funds for Orange County Measure "M" state and federal highway funding programs.	<b>Consistency.</b> The Project would pay all applicable traffic impact fees as defined in the Growth Management Element of the General Plan as required by the County of Orange.
<b>Policy 5.2</b> Use uniform analytical methods, in conformance with the Growth Management Plan, Measure M, and the Congestion Management Plan (CMP) to aid in transportation planning and impact evaluation and support the development and utilization of sub-area models to address detailed transportation issues.	<b>Consistency.</b> The Project EIR includes a traffic analysis utilizing methodologies and computer modeling approved by the County of Orange and staff of the City of Yorba Linda Planning Department. The traffic study is consistent with traffic modeling that occurs within the local and regional project vicinity to aid in transportation planning.



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<b>Policy 5.5</b> Require as conditions of approval that the necessary improvements to arterial highway facilities, to which a project contributes measurable traffic, be constructed and completed within a specified time period or ADT/peak hour milestone to attain a Level of Service "D" at the intersections under the sole control of the County.	<b>Consistency.</b> A traffic signal will be installed at the intersection of Via del Agua/Yorba Linda Boulevard to attain a Level of Service "D" or better at this intersection prior to occupancy of Project residential units. Per the mitigation measure identified in the Project EIR, the Project will either pay its fair share for the installation of the traffic signal or will install or pay the full cost of installation of the traffic signal with the latter two alternatives subject to reimbursement.
<b>Policy 5.7</b> Requires a condition of approval, that a development mitigation program, development agreement or developer fee program be adopted to ensure that development is paying its fair share of the costs associated with that development pursuant to Policy 5.1 ("Traffic Impact Fees").	<b>Consistency.</b> Conditions of approval would be applied to the Project requiring payment of adopted Traffic Impact Fees associated with the Project's fair share of costs for traffic improvements.
<b>Growth Management Element</b>	
<b>Goal 1 Reduce Traffic Congestion</b>	<b>Consistency.</b> A traffic signal will be installed at the intersection of Via del Agua/Yorba Linda Boulevard to attain a Level of Service "D" or better at this intersection prior to occupancy of Project residential units. Per the mitigation measure identified in the Project EIR, the Project will either pay its fair share for the installation of the traffic signal or will install or pay the full cost of installation of the traffic signal with the latter two alternatives subject to reimbursement.
<b>Goal 2</b> Ensure that adequate transportation facilities, public facilities, equipment, and services are provided for existing and future residents.	<b>Consistency.</b> The Project would provide adequate roadways that would support the proposed single family residential uses. Further conditions of approval would be applied to the Project requiring payment of adopted Traffic Impact Fees associated with the Project's fair share of costs for traffic improvements and services.
<b>Objective 2</b> The circulation system shall be implemented in a manner which achieves the established Traffic Level of Service Policy.	<b>Consistency.</b> With implementation of prescribed Project EIR mitigation measures, all nearby arterial highways and intersections serving the Project Site would operate at acceptable levels of service.
<b>Policy 3</b> It is the policy of the County that within three years of issuance of the first use and occupancy permit for a development project of five years of the issuance of a finished grading permit or building permit for said development project, whichever occurs first, that the necessary improvements to arterial highway facilities, to which the project contributes measureable traffic, are constructed and completed to attain Level of Service (LOS) "D" at intersections under the sole control of the County. LOS "C" shall also be maintained on Santiago Canyon Road links until such time as the uninterrupted segments of the roadway (i.e., no major intersections) are reduced to less than three miles. The "county of Orange Growth Management Element, Transportation Implementation Manual (TIM)" which was adopted by the Board of Supervisors in June 1989 and, as may subsequently be amended, establishes procedures and local parameters for the implementation of this policy. Amendments to the manual shall be approved by the Board of Supervisors only after a public hearing.	<b>Consistency.</b> The Project EIR prescribes a mitigation measure for the Project to attain a Level of Service "D" or better at the intersection of Via del Agua/Yorba Linda Boulevard and requires a traffic signal to be constructed at this intersection. The traffic signal to be constructed would be installed prior to occupancy of the Project's residential units. The traffic signal would be located within the City of Yorba Linda. As such, the Project Applicant and/or the County of Orange will work collaboratively with the City of Yorba Linda, as appropriate, to ensure the traffic signal is installed.

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<p><b>Policy 4</b> Comprehensive traffic improvement programs shall be established to ensure that all new development provides necessary transportation facilities and intersection improvements as a condition of development approval. Participation in such programs shall be on a pro-rata basis and shall be required of all development projects except where an increased level of participation exceeding these requirements is established through negotiated legal mechanisms, such as a public facilities development agreement.</p>	<p><b>Consistency.</b> With implementation of prescribed Project EIR mitigation measures, all nearby arterial highways and intersections serving the Project Site would operate at acceptable levels of service. The Project EIR prescribes a mitigation measure for the Project to attain a Level of Service "D" or better at the intersection of Via del Agua/Yorba Linda Boulevard and requires a traffic signal to be constructed at this intersection. The traffic signal to be constructed would be installed prior to occupancy of the Project's residential units. The traffic signal would be located within the City of Yorba Linda. As such, the Project Applicant and/or the County of Orange will work collaboratively with the City of Yorba Linda, as appropriate, to ensure the traffic signal is installed.</p>
<b>Public Services and Facilities Element</b>	
<p><b>Policy 1 Phasing and Funding.</b> To implement public facilities in a manner that supports the implementation of the overall land use development policies and the needs of County residents and is consistent with the funding capabilities of the County. Proponents of planned communities or tentative tract or parcel maps in conventionally zoned communities shall provide ultimate, fair share infrastructure improvements for regional services as required by County and service provider plans in effect at the time of project implementation. Proponents shall also participate, on a fair share basis, in provision of community level facilities. The County and service providers shall strive to provide facilities and services necessary to complete the service system.</p>	<p><b>Consistency.</b> Conditions of approval would be applied to the Project requiring payment of adopted development impact fees to address the Project's fair share cost for public services and facilities. The Project would pay applicable development fees for its fair share cost pertaining to schools, police service, fire protection services, libraries and hospitals. In addition, the Project would pay its fair share costs towards water supply improvements in the area that may be necessary to serve the Project, as determined appropriate by the Yorba Linda Water District.</p>
<b>Water System</b>	
<p><b>Policy 1</b> To ensure the adequacy of water system capacity and phasing, in consultation with the service providing agency(ies), in order to serve existing and future development as defined by the General Plan.</p>	<p><b>Consistency.</b> The Project would be required to implement the mitigation measures prescribed by the Project EIR which would ensure the adequacy of water availability and infrastructure to meet the demands of the Project. Water connections would be provided by the Project in consultation with the Yorba Linda Water District, with the Project responsible for payment of all applicable water connection fees, pursuant to Yorba Linda Water District requirements.</p>
<b>Wastewater Systems</b>	
<p><b>Policy 1</b> To protect quality in both delivery systems and groundwater basins through effective wastewater system management.</p>	<p><b>Consistency.</b> The Project would provide connections to existing sewer lines maintained by the Yorba Linda Water District. All wastewater leaving the site in the sewer lines would be treated by the Orange County Sanitation District in compliance with applicable wastewater regulatory requirements which would effectively protect groundwater basins in the region</p>
<p><b>Policy 3</b> To ensure the adequacy of wastewater system capacity and phasing in consultation with the service providing agency(ies) in order to serve existing and future developments as defined by the General Plan.</p>	<p><b>Consistency.</b> The Project's wastewater demand would be adequately served by existing facilities maintained by the Yorba Linda Water District and Orange County Sanitation District. Sewer connections would be provided by the Project in consultation with the Yorba Linda Water District, with the Project responsible for payment of all applicable sewer connection fees. Adequate sewage treatment capacity is available to accommodate the Project.</p>



## Section 8: General Plan Consistency

Goals, Objectives and Policies	Area Plan Consistency
<b>Local Special Services Districts</b>	
<p><b>Policy 2 Land Use Review.</b> Through the project review process, land use proposals shall be required to incorporate appropriate construction and landscape designs and materials to minimize the costs for public slope, median, and roadside maintenance.</p>	<p><b>Consistency.</b> The following features of the Project would ensure the Project is consistent with this policy.</p> <ul style="list-style-type: none"> <li>▪ Drought-tolerant, native landscaping would be used in public common areas to reduce water consumption.</li> <li>▪ Smart Controller irrigation systems would be installed in all public and common area landscaping. Community landscape areas would be designed on a "hydro zone" basis to group plants according to their water and sun requirements.</li> <li>▪ The street medians and parkways would be planted with shrubs, low groundcovers, and ornamental grasses to the greatest extent feasible to reduce maintenance and conserve resources.</li> </ul>
<b>Orange County Fire Authority</b>	
<p><b>Goal 1</b> Provide a safe living environment ensuring adequate fire protection facilities and resources to prevent and minimize the loss of life and property from structural and wild land fire damages.</p>	<p><b>Consistency.</b> The Project will implement mitigation measures prescribed by the Project EIR and incorporates a design to minimize the potential for loss of life and property from structural and wild land fire damage. In the Project Site's existing undeveloped condition, no fuel modification exists on the Project Site, which exposes the existing adjacent single-family residential uses located to the west and south of the Project Site to substantial risks of wild land fires. With the implementation of the Project's fuel modification features, the risk of wild land fires to the existing single family residential uses adjacent to the Project Site would be substantially reduced.</p>
<p><b>Goal 2</b> To provide an adequate level of paramedic service for emergency medical aid in order to minimize trauma of injury of illness to patients.</p>	<p><b>Consistency.</b> The incremental increase of population generated by the Project would not affect the ability of medical providers to provide adequate levels of paramedic service. Due to the proximity of the Project Site to numerous existing medical facilities and resources including hospitals, medical centers, medical clinics and offices, the effect of the Project on such facilities would be negligible. Any increased demand in medical services would be distributed over the region, resulting in a nominal increase in demand to any one hospital or medical facility and would not be sufficient to require expansion of existing hospitals or require the construction of new hospital facilities. The Project would implement all applicable safety and fire features per the Orange County Fire Authority requirements, thus minimizing the demand for paramedic services. Further, conditions of approval would be applied to the Project requiring payment of adopted development impact fees to address the Project's fair share cost of medical services and facilities.</p>

## Section 8: General Plan Consistency

Goals, Objectives and Policies	Area Plan Consistency
<b>Objective 1</b> To achieve desired level of fire protection and paramedic service through coordinated land use and facility planning.	<b>Consistency.</b> Compliance with the applicable regulatory requirements and implementation of the Project features including the approved Fuel Modification and Fire Master Plans, and prescribed EIR mitigation measures would ensure that the Project would not significantly affect fire level of protection services currently provided. Further, conditions of approval would be applied to the Project requiring payment of adopted development impact fees to address the Project's fair share cost for fire and paramedic protection services and facilities.
<b>Policy 3 Site Design Criteria.</b> Require all land use proposals to implement adequate site design so as to maximize fire protection and prevention in order to minimize potential damages. The site design criteria shall be established to reflect the levels of protection needed for projects in various fire hazard areas. Such criteria shall include consideration as to: structure type and density, emergency fire flow and fire hydrant distribution, street pattern and emergency fire access, fuel modification programs, automatic fire sprinkler systems, and other requirements as determined by the Fire Chief. In accordance with the Insurance Services Office (ISO) suggested standards, ultimate fire protection rating shall be maintained by General Plan land use categories as follows: 1) ISO 3 for all urban development including Residential (1C and 1B), Commercial (2A and 2B), Employment (3.0) and Public Facilities (4.0) which are within 5 miles from a fire station and less than 1000 feet from a hydrant; and (2) ISO 4 for Rural Residential (1A) which are within 5 miles from a fire station and less than 100 feet from a hydrant. For areas greater than 5 miles or 1000 feet, the ISO suggested standard is 9.	<b>Consistency.</b> The following features of the Project would ensure the Project is consistent with this policy. <ul style="list-style-type: none"> <li>▪ The Project would be designed to provide fire-resistant construction for all structures adjoining natural open space, including utilizing fire-resistant building materials and sprinklers.</li> <li>▪ Development of the Project would provide additional fire protection to existing residential areas located along Via del Agua Drive and Stonehaven Drive which have historically been exposed to fire hazards in the adjacent open space areas.</li> <li>▪ Three fuel management zones and a special maintenance are planned for the Project would provide fire protection for development within Cielo Vista from the potential of fire hazard within the open space areas surrounding proposed development areas.</li> <li>▪ A fire Master Plan has been approved by the Orange County Fire Authority for the Project, which provides appropriate fire safety protective measures as required.</li> </ul>
<b>Orange County Sheriff/ Coroner</b>	
<b>Goal 1:</b> Assure that adequate Sheriff patrol service is provided to ensure a safe living and working environment.	<b>Consistency.</b> The incremental increase in population from the Project would not substantially impact Sheriff protection services, including the average number of daily calls the serving officers respond to each year, particularly given the fact that the City of Yorba Linda recently signed a five year agreement with the Orange County Sheriff's Department for police services, which is expected to decrease response times. Further conditions of approval would be applied to the Project requiring payment of adopted development impact fees to address the Project's fair share cost for police protection services and facilities.
<b>Objective 1.1:</b> To maintain adequate levels of Sheriff patrol services through coordinated land use and facility planning efforts.	<b>Consistency.</b> See response to Goal 1 above.
<b>Policy 1 Land Use Review.</b> To continue to coordinate land use proposal reviews with the County Sheriff-Coroner Department to assure that Sheriff patrol service shall be adequately addressed.	<b>Consistency.</b> Pursuant to County policy, the Orange County Sheriff-Coroner Department would review all major land use proposals prior to project approvals to ensure that adequate Sheriff service is available and/or can be extended to the Project.

## Section 8: General Plan Consistency

Goals, Objectives and Policies	Area Plan Consistency
<b>Schools</b>	
<b>Goal 1</b> Encourage the funding and development of adequate school facilities to meet Orange County's existing and future demand.	<b>Consistency.</b> The Project Applicant will pay the required Senate Bill 50 mitigation fees pursuant to Government Code Section 65995 to the Placentia Yorba Linda Unified School District to fully mitigate the Project's impacts to school facilities.
<b>Objective 1.1</b> To achieve the desired level of school facilities through coordinated land use and facility planning.	<b>Consistent.</b> The Project will pay applicable school impact fees per Senate Bill 50, which would be utilized to fund school service and facilities that serve the project area.
<b>Policy 1</b> To coordinate land use proposal reviews with appropriate school districts to assure that facility needs shall be adequately addressed, including the notification and participation of school district planners in initial County studies of all major developments.	<b>Consistency.</b> The Project will pay applicable school impact fees per Senate Bill 50, which would be utilized to fund school services and facilities that serve the project area. Pursuant to County policy, the Placentia Yorba Linda Unified School District would review the Project prior to its approval to ensure that school services are adequately addressed.
<b>Policy 3</b> To continue to require compliance with AB 2926	<b>Consistency.</b> The Project will pay applicable school impact fees per Senate Bill 50, which would not conflict with development impact fees implemented by AB 2926, which allows school districts to collect impact fees from developers of new residential space.
<b>Orange County Public Library</b>	
<b>Goal 1</b> Assure that an adequate level of library service is provided within the service area of the Orange County Public Library	<b>Consistency.</b> The incremental population increase resulting from the Project would minimally impact library services and would not affect the ability of local libraries to provide library services. Further the Project will pay development impact fees to offset the incremental increase in demand for library services and facilities created by the Project.
<b>Objective 1.1</b> To achieve desired level of public library service through coordinated land use and facility planning.	<b>Consistency.</b> Prior to issuance of building permits for the Project, the Applicant will enter into a capital facilities and equipment agreement with the Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the pro-rata fair share funding of capital improvements and equipment, to serve the Project.
<b>Safety Element</b>	
<b>Goal 2</b> Minimize the effects of natural safety hazards through implementation of appropriate regulations and standards which maximize protection of life and property.	<b>Consistency.</b> As indicated in the Project EIR, there is the potential for methane hazards to occur on the Project Site however implementation by the Project, as necessary, of methane mitigation measures prescribed by the Project EIR during construction and/or operation of the Project would ensure that people and property are not exposed to significant methane hazards.
<b>Objective 2.1</b> To create and maintain plans and programs which mitigate the effects of public hazards.	<b>Consistency.</b> As indicated in the Project EIR, there is the potential for significant hazardous materials impacts primarily related to past and current oil activities within the Project Site. Implementation by the Project of mitigation measures prescribed in the Project EIR would ensure that potentially significant hazardous materials impacts are reduced to a less than significant level. In addition the site design for the Project incorporates a fuel modification plan to address the potential wildfire hazard.

## Section 8: General Plan Consistency

Goals, Objectives and Policies	Area Plan Consistency
<b>Goal 3</b> Raise the awareness of Orange County residents, workers, and visitors of the potential threat of public safety hazards.	<b>Consistency.</b> The Project EIR prescribes mitigation measures for implementation by the Project that would ensure that construction workers, residents, and visitors are made aware of potential hazardous materials threats.
<b>Policy 3 Mineral Resources.</b> To ensure the efficient use of all mineral lands consistent with sound resource management practices.	<b>Consistency.</b> Project implementation would permit continued oil production operations in a designated area of the Project Site in accordance with the standards of CalDOGGR, the state agency governing the operation of oil production facilities.
<b>Policy 4 Mineral Extraction.</b> To ensure opportunities for the extraction of minerals in the County and to protect the environment during and after these minerals are being extracted.	<b>Consistency.</b> Provisions are included as part of the Project for existing oil operations to continue production. An approximately 1.81 acre parcel located within the residential development area is proposed to be zoned R-1(O) and can be used for continued oil operations including consolidation of wells relocated from the rest of the Project Site and drilling of new wells. Oil operations within the residential development area would be abandoned or re-abandoned prior to development, as necessary, on accordance with CalDOGGR standards. Soil testing does not indicate that there are soils on the property that have been significantly contaminated, however should contaminated soils be discovered, the Project EIR prescribes a mitigation measure to ensure the soils would be remediated to meet the cleanup standards of CalDOGGR, the Regional Water Quality Control Board, and all other agencies with jurisdiction over the cleanup. Future homeowners would be provided with notification as to the previous use of the site as an oilfield and the extent of the continued oil production activities in the area.
<b>Policy 5</b> To continue to coordinate land use proposal reviews with the County Sheriff-Coroner Department to assure that Sheriff patrol services are adequately addressed.	<b>Consistency.</b> Pursuant to County policy, the Orange County Sheriff-Coroner Department would review the Project proposal prior to its approval to ensure that that adequate Sheriff patrol services are adequately addressed.
<b>Recreation Element</b>	
<b>Goal 1</b> Provide adequate local park sites to meet the recreation needs of existing and future residents and preserve natural resources within unincorporated Orange County.	<b>Consistency.</b> The Project's residents would create additional recreational demands on existing parks and recreation facilities. The Project is not proposing new park or recreational facilities however, per prescribed mitigation measures identified in the Project EIR, the Project Applicant would pay established in-lieu park fees to mitigate impacts to local and neighborhood park facilities that serve the Project.
<b>Policy 2.32</b> To acquire park lands by requiring residential developers to provide a minimum of 2.5 net acres of usable local park land (i.e. park land that is relatively level, served by utilities, for multipurpose playfields, court sports, etc) for each prospective 1,000 residents. In no case shall the credit given for park land and improvements exceed the total requirements under the Local Park code. No credit banking shall be permitted when a developer provides full requirement in acreage and also provides improvement.	<b>Consistency.</b> Refer to consistency statement above for Goal 1.

## Section 8: General Plan Consistency

Goals, Objectives and Policies	Area Plan Consistency
<b>Policy 2.4</b> To acquire local park lands in unincorporated areas to provide active recreation facilities to meet the needs of present and future residents through dedications, or irrevocable offers of dedication, in fee title from residential developers.	<b>Consistency.</b> Refer to consistency statement above for Goal 1.
<b>Noise Element</b>	
<b>Policy 4.1</b> To enforce the County's Noise Ordinance to prohibit or mitigate harmful and unnecessary noise within the County.	<b>Consistency.</b> The Project would comply with the County's Noise Ordinance during both construction and operation of the Project. Operational noise impacts associated with the Project would be mitigated with implementation of the Project EIR prescribed mitigation measures relating to oil facility operations. While construction noise may temporarily exceed levels permitted by the County of Orange Noise Ordinance, such noise is treated as being in compliance if it occurs during the designated construction hours prescribed by the Noise Ordinance. As the Project's construction activities would occur during the designated construction hours, the Project would comply with the Noise Ordinance.
<b>Goal 5</b> To fully integrate noise considerations in land use planning to prevent new noise/land use conflicts.	<b>Consistency.</b> The Project's proposed single-family land uses are consistent with the County's land uses envisioned for the Project Site per the County's Land Use Element. The Project's single family uses would be a similar land use as those existing within the adjacent single-family neighborhoods located to the north, south and west of the Project Site. Noise sources and levels within the Project Site would be similar to those in the adjacent neighborhoods.
<b>Policy 5.1</b> To utilize the criteria of acceptable noise levels for various types of land uses as depicted in Table VIII-2(in the County of Orange General Plan Noise Element) in the review of development proposals.	<b>Consistency.</b> The Project would implement prescribed mitigation measures relating to oil operations as identified in the Project EIR which would result in less than significant long-term operational noise impacts. The Project's proposed residential uses would be within the acceptable noise levels as depicted in Table VIII-2 of the County's General Plan.
<b>Policy 5.4</b> To stress the importance of building and design techniques in future site planning for noise reduction.	<b>Consistency.</b> Conditions of approval would be applied to the Project requiring all residential units developed within the Project Site to be constructed in accordance with the County adopted noise standards for interior noise levels, assuming standard structural noise reduction(s).
<b>Goal 6</b> To identify and employ mitigation measures in order to reduce the impact of noise levels and attain the standards established by the Noise Element, for both interior areas and outdoor living areas for noise sensitive land uses.	<b>Consistency.</b> The Project would comply with the County of Orange Noise Ordinance. Additionally, the Project will implement mitigation measures prescribed by the Project EIR to minimize construction noise to the extent feasible at the nearby noise sensitive residential land uses. During project operation, Project residents and surrounding noise sensitive receptors would not be exposed to interior or exterior noise levels that would exceed the standards established by the Noise Element with implementation of the prescribed mitigation measures relating to oil facility operations.
<b>Policy 6.2</b> Continue enforcement of Chapter 35 of the Uniform Building Code, currently adopted edition, and the California Noise Insulation Standards (Title 25 California Administrative Code).	<b>Consistency.</b> All new residential units developed as part of the Project would be constructed in accordance with the applicable provisions of Chapter 35 of the Uniform Building Code and the California Noise Insulation Standards (Title 25 California Administrative Code).

## Section 8: General Plan Consistency

Goals, Objectives and Policies	Area Plan Consistency
<b>Policy 6.3</b> To require that all new residential units have an interior noise level in living areas that is not greater than 45 decibels CNEL with it being understood that standard construction practices reduce the noise level by 12 decibels CNEL with the windows open and 20 decibels CNEL with the windows closed. Higher attenuation than listed above may be claimed if adequate field monitoring or acoustical studies are provided to and approved by the County.	<b>Consistency.</b> Conditions of approval would be applied to the Project requiring all residential units developed within the Project Site to be constructed in accordance with the County adopted noise standards for interior noise levels.
<b>Policy 6.4</b> To require that all new residential units have an interior noise level in habitable rooms that does not exceed acceptable levels as caused by aircraft flyovers or as caused by individual passing railroad trains.	<b>Consistency.</b> Conditions of approval would be applied to the Project requiring all residential units developed within the Project Site to be constructed in accordance with the County adopted noise standards for interior noise levels. Further, the Project Site and future residential development would not be subject to excessive noise from aircraft flyovers and/or railroad noise.
<b>Policy 6.5</b> All outdoor living areas associated with new residential uses shall be attenuated to less than 65 decibels CNEL.	<b>Consistency.</b> Mitigation measures prescribed for the Project by the Project EIR ensure that noise from oil well operations results in less than significant impact to Project residents. Otherwise there are no known noise generators impacting the Project that would result in outdoor noise levels exceeding 65 CNEL. Conditions of approval would be applied to the Project requiring all residential uses within the Project Site to be constructed in accordance with the County adopted noise standards.
<b>Policy 6.7</b> To apply noise standards as defined in the Noise Element for noise-sensitive land uses.	<b>Consistency.</b> Conditions of approval would be applied to the Project requiring all residential units developed within the Project Site to be constructed in accordance with the County adopted noise standards for interior noise levels.
<b>Housing Element</b>	
<b>Strategy 5a</b> Encourage the use of energy conservation features in residential construction, remodeling and existing homes.  <i>Action: Continue to require new construction and remodeling projects to meet energy conservation requirements.</i>	<b>Consistency.</b> Residential development as part of the Project would conform to Title 24 energy requirements. Other energy conserving features incorporated as part of the Project include: <ul style="list-style-type: none"> <li>▪ Builder-installed indoor appliances, including dishwashers, showers and toilets, would be low-water use.</li> <li>▪ Drought-tolerant, native landscaping would be used in public common areas to reduce water consumption.</li> <li>▪ Smart Controller irrigation systems would be installed in all public and common area landscaping. Community landscape areas would be designed on a "hydro zone" basis to group plants according to their water and sun requirements.</li> </ul>

## Section 8: General Plan Consistency

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## Section 9: Implementation and Administration

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### Section 9. Implementation and Administration

#### 9.1 Purpose and Intent

This section establishes the procedures for implementation of the Area Plan.

#### 9.2 Interpretation

Unless otherwise provided herein, any ambiguity concerning the content or application of the Cielo Vista Area Plan shall be resolved by the Director of Planning (Director) or the Director's designee, in a manner consistent with the goals, policies, purpose, and intent established in this Area Plan.

#### 9.3 Severability

If any portion of this Area Plan is declared to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions thereof. The legislative body hereby declares that they would have enacted this Area Plan, and each portion thereof, irrespective of the fact that any one or more portions be declared invalid or ineffective.

#### 9.4 Applicability

The Cielo Vista Area Plan is a comprehensive plan for the development of the Project Site. The design and development criteria contained within the Cielo Vista Area Plan apply to all development proposed within the Project Site. The land use plan of the Area Plan establishes the boundaries of a residential development area and an open space area and establishes the type, pattern, and intensity of land use within each land use area. The Area Plan includes a plan for infrastructure and public improvements to serve the development, landscape and architectural design criteria, and green and sustainable goals applicable to all development within the Project Site.

#### 9.5 Subdivision Maps

All development within Cielo Vista is subject to approval of subdivision maps pursuant to the requirements of the Orange County Subdivision Code. Following approval of tentative subdivision maps, final maps approved by the County and recorded with the County become the legal documentation defining lots within the Area Plan. Vesting Tentative Tract Map No. 17341 (Tentative Map) submitted by the applicant for approval by the County implements this Area Plan requirement. Approval by the County of the Tentative Map consistent with the Area Plan, will establish, among other things, development phasing and the methods of financing of construction, operation, and maintenance of public facilities, infrastructure improvements, and services for Cielo



## Section 9: Implementation and Administration

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Vista. The approved Tentative Map will also establish the plan for the compliance of the Project with County requirements for dedication of park land or payment of in-lieu fees.

The Cielo Vista Area Plan contains undisturbed, or natural, open space and disturbed, enhanced and graded, open space for fuel modification purposes. Prior to recordation of a final map to allow development of building sites, delineated open space areas, both undisturbed and disturbed, will be placed within an open space easement for permanent preservation of the open space areas. The maintenance of the open space easement shall be the responsibility of either the Project's Homeowner Association (HOA), an appropriate public or quasi-public State agency, or a land conservation/trust organization. Funding for the permanent stewardship of the open space may be accomplished through an Assessment District.

Open space easements will be of a type to permit fuel modification. Except for necessary connections to off-site infrastructure and public service facilities, such as, but not limited to, fire roads, utility lines, grading for purposes of stabilizing slopes, water storage, flood control, and privately owned water quality/urban runoff facilities, any other development in open space areas will be of an open space or habitat restoration nature, compliant with any easement(s) recorded on the property.

### 9.6 Adjustments to a Planning Area Boundary

Minor adjustments to the boundary of the residential development area may be approved by the Director as part of the review of an application for grading permits or a final map, provided the adjustment does not result in an increase of acreage for the residential development area of more than ten percent (10%), and provided the maximum number of dwelling units established for the Area Plan is not exceeded.

### 9.7 Modifications to Area Plan

The following constitute modifications to the Area Plan, which may be approved by the Director.

- a. Change in utility or public service provider.
- b. Change in roadway alignment of any roadway as illustrated on the "Master Circulation Plan" of the Area Plan when the change results in a centerline shift of 150 feet or less.
- c. Adjustment of the development area boundary consistent with the provisions of Section 9.6 of the Area Plan
- d. Other modifications which are deemed minor by the Director, which are in keeping with the purpose and intent of the approved Area Plan, and which are in conformance with the General Plan.

## Section 9: Implementation and Administration

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### 9.8 Area Plan Amendments

Any change to the Cielo Vista Area Plan which has not been deemed by the Director to be a “modification” pursuant to Section 9.7 “Modifications to Area Plan,” shall constitute an Area Plan Amendment. Area Plan amendments shall be reviewed and approved pursuant to the procedures established in Orange County Zoning Code Section 7-9-150, “Discretionary Permits and Procedures.” In the event the proposed amendment requires supplemental environmental analysis pursuant to CEQA, the entity requesting the Area Plan Amendment is responsible for any and all costs associated with preparing the necessary CEQA documentation.

### 9.9 Appeals

Appeals from any determination of the Director may be made pursuant to the provisions of Orange County Zoning Code Section 7-9-150.4 “Appeals.”

### 9.10 Compliance with Mitigation Measures

Development within the Project Site shall comply with all applicable mitigation measures as described in the Cielo Vista EIR No. 615 approved by the County for the Area Plan.

### 9.11 Project Financing

The financing of construction, operation, and maintenance of public improvements and facilities (the “facilities”), open space, and public services for Cielo Vista may include a combination of financing mechanisms. Final determination as to the facilities to be constructed and maintenance responsibilities, whether publicly or privately maintained, will be included as part of recordation of a final map. The following financing options can be considered for implementation:

#### 9.11.1 Facilities and Services

- a. Private capital investment for the construction of facilities.
- b. Traditional Assessment Districts pursuant to the 1911 or 1913 enabling legislation, Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district, to provide funding for the construction of a variety of public facilities and the provision of public services.

#### 9.11.2 Operation and Maintenance

- a. By individual private property owner.
- b. By Homeowner Association (HOA).
- c. By Landscape and Lighting Maintenance District (LLMD).

## Section 9: Implementation and Administration

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- d. By traditional Assessment District, Community Facilities District (CFD), or other special district.

County approval is a prerequisite for the establishment and implementation of any and all special district-financing mechanisms.

### 9.12 Project Phasing

The phased development of the Project Site will commence in a manner designed to address the following objectives:

- a. Orderly build-out of the residential development area based upon market and economic conditions.
- b. Implementation of financing mechanisms without creating a financial or administrative burden on the County.
- c. Provision that adequate infrastructure and public facilities are constructed concurrent with development of each phase.
- d. Protection of public health, safety and welfare.

Phasing of development will be determined by the developer and the County. Appropriate levels of infrastructure, community facilities, and fuel modification will be installed and public services will be available to serve each phase of development as it occurs pursuant to the conditions of approval for the Tentative Map.

### 9.13 Maintenance

Public and private improvements constructed as part of development of the Area Plan will be maintained through a combination of public and private entities as described below.

#### 9.13.1 Public Maintenance

The following public facilities are planned for public maintenance by either the County, a special district, or by the appropriate utility service provider.

- a. All travel areas of Project local residential streets within the boundaries of the Area Plan.
- b. Sidewalks within the public right of way.
- c. Public traffic signals and traffic control signs.
- d. Public right of way improvements constructed as part of the Project and located outside the boundaries of the Area Plan.
- e. All privately constructed public water facilities, sewer facilities, and drainage facilities within the boundaries of the Area Plan.
- f. Street lighting within rights of way of local residential streets.

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### 9.13.2 Homeowner Association /Private Property Owner Maintenance

One or more Homeowner Associations (HOAs) may be established for the maintenance of private common area improvements within the residential development area of the Project Site. Private improvements to be maintained by either the HOA or private property owners include, but are not limited to:

- a. Parkway landscaping within the rights of ways of all local streets.
- b. Graded slopes and ungraded slopes within the boundary of the residential development area, fuel modification zones, detention and water quality treatment basins and facilities.
- c. Project Entry and signage, and common open space areas within the residential development area.
- d. Community perimeter walls and fencing.
- e. Landscape areas of lots, common area wall surfaces, and slopes internal to the development Project along residential local streets.
- f. Common area landscaping and lighting.

### 9.13.3 Permanent Open Space Maintenance

- a. The permanent open space within the Area Plan shall be placed in a permanent conservation easement and maintained either by a public/quasi-public agency, a land conservation/trust organization, or the Homeowner Association.

### 9.14 Public Services

The development of Cielo Vista will pay County adopted impact fees to fund the operation and maintenance of sheriff, coroner, fire and library services for the Project. The Project will pay City of Yorba Linda adopted traffic and drainage impacts fees. The Project will participate in the development fee program of the Orange County Library and/or the City of Yorba Linda Library system as determined by the County and the City.

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**ATTACHMENT 5:**

**FINDINGS**



## Appendix A Findings PA100004

1	<b>GENERAL PLAN</b>	<b>PA100004</b>
That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.		
2	<b>ZONING</b>	<b>PA100004</b>
That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.		
3	<b>COMPATIBILITY</b>	<b>PA100004</b>
That the location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.		
4	<b>GENERAL WELFARE</b>	<b>PA100004</b>
That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.		
5	<b>PUBLIC FACILITIES</b>	<b>PA100004</b>
That the approval of the permit application is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).		
6	<b>NUMBER OF DWELLING UNITS</b>	<b>PA100004</b>
That the number of dwelling units permitted by this use permit is compatible with existing and planned infrastructure facilities.		
7	<b>NOTIFICATION</b>	<b>PA100004</b>
That all organizations and associations approved by the Planning Commission for receiving a copy of the application have been mailed said copy at least forty-five (45) days in advance of the public hearing on the use permit.		
8	<b>PROJECT LEVEL EIR</b>	<b>PA100004 (Custom)</b>
That Final EIR 615 is hereby certified as complete and adequate and has been completed on compliance with the requirements of CEQA for the proposed project, and the proposed project is approved, based on the following findings:		
A. The County of Orange, as Lead Agency, has reviewed and considered the information in the EIR;		
B. The certification of the Final EIR for the project reflects the independent judgment and analysis of the lead agency.		
C. The decision-maker adopts the proposed resolution attached hereto, which include(s):		
1. Findings for each of the significant impacts identified in the Final EIR;		
2. A Statement of Overriding Consideration (if one or more impacts cannot be mitigated to a level below significant); and,		
3. A Mitigation Monitoring and Reporting Program.		
9	<b>FISH &amp; GAME - SUBJECT</b>	<b>PA100004</b>
That pursuant to Section 711.4 of the California Fish and Game Code, this project is subject to the required fees as it has been determined that potential adverse impacts to wildlife resources may result from the project.		
10	<b>NCCP NOT SIGNIFICANT</b>	<b>PA100004</b>
That the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and therefore, will not preclude the ability to prepare an effective subregional Natural Communities Conservation Planning (NCCP) Program.		
11	<b>GENERAL PLAN CONSISTENCY</b>	<b>PA100004</b>
That the proposed map is consistent with the Orange County General Plan.		
12	<b>DESIGN &amp; IMPROVEMENT</b>	<b>PA100004</b>
That the design and improvement of the proposed subdivision are consistent with the Orange County General Plan.		
13	<b>DEVELOPMENT TYPE</b>	<b>PA100004</b>
That the proposed site is physically suitable for the proposed type of development.		
14	<b>DEVELOPMENT DENSITY</b>	<b>PA100004</b>
That the proposed site is physically suitable for the proposed density of development.		
15	<b>ENVIRONMENTAL DAMAGE</b>	<b>PA100004</b>
That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.		
16	<b>PUBLIC HEALTH</b>	<b>PA100004</b>
That the design of the subdivision and the type of improvements proposed are not likely to cause serious public health problems.		
17	<b>PUBLIC EASEMENTS</b>	<b>PA100004</b>
That the design of the subdivision and the type of improvements proposed will not conflict with easements of record or established by court judgment		

acquired by the public-at-large for access through or use of property within the proposed subdivision.

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**18 SUBDIVISION / ZONING CODE CONSISTENCY PA100004**

That the proposed subdivision complies with the requirements set forth in the Orange County Subdivision Code and the Orange County Zoning Code.

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**19 ZONING CONSISTENCY PA100004**

That the design and improvement of the proposed subdivision are suitable for the uses proposed, and the subdivision can be developed in compliance with applicable zoning regulations pursuant to Section 7-9-254 of the Subdivision Code.

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**20 SEWER SYSTEM PA100004 (Custom)**

That the discharge of waste from the proposed subdivision into the existing sewer system of the Water District will not result in violations of existing requirements prescribed by the California Regional Water Quality Control Board, Santa Ana Region.

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**21 NATURAL HEATING AND COOLING PA100004**

That the design of the subdivision and its improvements do provide, to the extent feasible, for future passive or natural heating or cooling opportunities as specified in Section 66473.1 of the Government Code (Subdivision Map Act).

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**22 FEE PROGRAMS PA100004 (Custom)**

That the following determinations apply to fees required by Sections 7-9-700 through 713, Codified Ordinances of Orange County and fees as deemed appropriate to the City of Yorba Linda:

A. Purpose of fees: Fire protection, paramedic, law enforcement, library, and general County services.

B. Use of fees: Construction of new fire station, sheriff substation, library, and general County facilities in newly developing areas which have inadequate service.

C. Relationship between use of fees and type of development: Dwelling units and commercial/industrial structures and their occupants require fire protection, paramedic, law enforcement, library, and general County services.

D. Relationship between need for facilities and type of project: Project is located in newly developing area which has inadequate fire protection, paramedic, library services, and sheriff substation and general County facilities.

E. Relationship between amount of fees and cost of the portion of the facilities attributable to the development: Fees represent project's pro rata share of the cost of the fire station, sheriff substation, library, and general County facilities.

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**23 LOCAL PARK CODE PA100004**

That the Local Park Code requirement can be met by an allocation of park lands credit from PM>\_\_\_\_\_, the park implementation plan for>T>TPM>\_\_\_\_\_.

That the Local Park Code Requirement can be met by the payment of in-lieu fees.

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**24 ENVIRONMENTAL MONITORING PA100004 (Custom)**

That the monitoring requirements of Public Resources Code Section 21081.6 (AB 3180) will be considered as having been met in that the design of the subject project, the satisfaction of the requirements of the County's building, grading, fire, and other codes and ordinances and the satisfaction of the conditions of approval applied to the project will implement the mitigation measures contained in EIR No. 615.

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**25 APPEAL OF EXACTIONS PA100004**

That the applicant is hereby provided notice that the fees, dedications, reservations or other exactions imposed on this project are as described in this approval as well as the reports and actions accompanying this approval and that the 90-day approval period in which the applicant may protest pursuant to Government Code Section 66020 has begun.

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**26 FOOTHILL/EASTERN TRANSPORTATION CORRIDOR PA100004**

That the subject project lies within the area of benefit of the Foothill/Eastern Transportation Corridor. In order to find this project consistent with the General Plan and to ensure that the traffic impacts have been adequately mitigated, it is necessary to adopt a condition requiring the developer to participate in the fee program adopted by the Board of Supervisors.



**ATTACHMENT 6:**  
**CONDITIONS OF APPROVAL**



## Appendix B Conditions of Approval PA100004

### 1 **BASIC/ZONING REGULATIONS** **PA100004**

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation or requirement.

### 2 **BASIC/PRECISE PLAN** **PA100004**

Except as otherwise provided herein, this permit is approved as a precise plan. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, OC Planning, for approval. If the Director, OC Planning, determines that the proposed change complies with the provisions and the spirit and intent of the original approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

### 3 **BASIC/COMPLIANCE** **PA100004**

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Planning Commission.

### 4 **INDEMNIFICATION** **PA100004**

Applicant shall defend with counsel approved by the County of Orange in writing, indemnify and hold harmless the County of Orange, its officers, agents and employees from any claim, action or proceeding against the County, its officers, agents or employees to attack, set aside, void, or annul any approval of the application or related decision, or the adoption of any environmental documents, findings or other environmental determination, by the County of Orange, its Board of Supervisors, Planning Commission, Zoning Administrator, Director of OC Public Works, or Director of Planning concerning this application. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve applicant of his/her obligations under this condition. Applicant shall reimburse the County for any court costs and attorneys fees that the County may be required to pay as a result of such action. The County shall promptly notify the applicant of any such claim, action or proceeding.

### 5 **BASIC/APEAL EXACTIONS** **PA100004**

Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

### 6 **OFF-SITE IMPROVEMENTS** **PA100004 (Custom)**

Construction, including construction staging, for all off-site improvements (roadway, drainage, etc.) must be contained within existing easement areas for the related improvements.

### 7 **AUTHORIZATION FROM THE CITY OF YORBA LINDA** **PA100004 (Custom)**

Prior to the issuance of grading permit(s) the applicant shall obtain written authorization from the City of Yorba Linda allowing the project to connect into the City of Yorba Linda storm drain system south of the project boundary.

### 8 **METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA** **PA100004 (Custom)**

Prior to the issuance of any grading permit the applicant shall obtain approval from the Metropolitan Water District of Southern California (MWD) for construction that will impact any MWD easement(s) or facilities. Access to MWD fee properties and/or easement(s) must be provided at all times during construction to maintain their rights-of-way and access to their facilities, in order to repair and maintain the current condition of those facilities. Design plans for any activity in the area of MWD's pipelines or facilities must be submitted to and approved by MWD, designed in accordance with the "Guidelines for Developments in the Area of Facilities, Fee Properties, and/or Easement of The Metropolitan Water District of Southern California".

### 9 **MITIGATION MONITORING AND REPORTING PROGRAM** **PA100004 (Custom)**

The applicant shall comply with the adopted Mitigation Monitoring and Reporting Program for the subject project PA100004. Below is a copy of the Mitigation Monitoring and Reporting Program.

#### Aesthetics

Mitigation Measure 4.1-1 - Prior to issuance of any building permit, the Project Applicant/Developer shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the project site consistent with Sec. 7-9-55.8, Site Development Standards, of the Orange County Zoning Code; and to the approval of the Manager, Permit Services (County of Orange). Prior to the final inspection, the Project Applicant/Developer shall provide a letter from the Electrical Engineer, licensed Landscape Architect, or licensed Professional Designer that a field test has been performed after dark and that the light rays are confined to the premises. The letter shall be submitted to the Manager, OC Inspection for review and approval.

PDF 1-1 - The Project would provide up to 112 detached, single-family residences up to two-stories in height within two clustered planning areas (Planning Areas 1 and 2) to maximize the potential for open space and retain the primary east-west canyon within the central portion of the site.

PDF 1-2 - A primary community entry would be established at the intersection of "A" Street and Via del Agua (see Figure 2-12, Primary Entry at Via Del Agua, in Section 2.0, Project Description, of the Draft EIR). The entries to the project site would include a blend of hardscape and planting elements, in addition to low-level entry lighting. No entry gates would be installed.

PDF 1-3 - Non-reflective and/or anti-glare building materials would be used. The selected color palette for each architectural style should share a "common sense" approach to the use of materials and colors indigenous to the region and compatibility with existing surrounding residential land use.

PDF 1-4 - The Project would provide approximately 36 acres of undeveloped open space which can be offered for dedication to a public agency or an appropriate land conservation/trust organization. Or, the open space would be owned and maintained by the Project HOA.

PDF 1-5 - As shown in the Conceptual Landscape Plan (Figure 2-11 and Table 2-2 of the Draft EIR), landscaped areas or natural open space areas would be located adjacent to existing residential development to serve as natural buffers between existing residential neighborhoods and proposed homes. The plant palette would include native and appropriate non-native drought tolerant trees, groundcovers and shrubs that would be compatible with the existing

native plant communities found within the site. The landscape design would emphasize the planting of long-lived plant species that are native to the region or well adapted to the climatic and soil conditions of the area. In addition, any invasive non-native species that appears on the California Invasive Plant Council (Cal-IPC) list of invasive species would be excluded from the landscape plan plant palette.

PDF 1-6 - As shown in the Streetscapes Plan (see Figure 2-13 of the Draft EIR), the planting plan for streets shall include shrubs, grasses, and stands of native and non-native trees. Uniformed spacing of trees shall be avoided.

PDF 1-7 - Landscape treatment of all areas shall emphasize the planting of shade trees along streets to contrast with open space. Street trees and trees planted near walkways or street curbs shall be selected and installed to prevent damage to sidewalks, curbs, gutters and other improvements.

PDF 1-8 - Plantings would be installed around the 1.8-acre parcel located in Planning Area 1 that may be designated for continued oil operations to screen most, if not all, of the oil-related facilities within this area.

PDF 1-9 - All exterior lighting would be directed downward and "night sky friendly," in compliance with the Codified Ordinances of the County of Orange Section 7-9-55.8 requirements for exterior lighting. All lights would be designed and located so that all direct light rays are confined to the property. No lighting would be cast directly outward into open space areas. Specimen trees may be up-lit into the canopy to avoid creating dark sides of the trees in instances where such lighting could be directed onto the tree canopy to avoid light spillage above and beyond the tree. (Mitigation Measure 4.1-1 would ensure compliance with the code requirements.)

PDF 1-10 - One or more HOAs may be established for the maintenance of private common area improvements within residential Planning Areas of the project site. Private improvements to be maintained by either the HOA or private property owners may include, but are not limited to:

- Parkway landscaping within the rights of ways of all local streets.
- Slopes within the boundary of a Planning Area, fuel modification zones, detention and water quality treatment basins and facilities.
- Community and neighborhood entries and signage, and common open space areas within residential Planning Areas.
- Community perimeter walls and fencing.
- Landscape areas of lots, common area wall surfaces, and slopes internal to the Project along residential local streets.
- Common area landscaping and lighting.

#### Air Quality

Mitigation Measure 4.2-1 - Prior to the issuance of grading permits, the contractor shall provide evidence to the Manager, Permit Services that compliant with SCAQMD Rule 403 and during construction, that the following measures shall be implemented to reduce fugitive dust emissions:

- Apply water and/or nontoxic chemical soil stabilizers according to manufacturer's specification to all construction areas expected to be inactive for 10 or more days. Reapply as needed to minimize visible dust.
- Apply water three times daily or nontoxic chemical soil stabilizers according to manufacturer's specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enclose, cover, water three times daily, or apply approved chemical soil stabilizers to exposed piles of dirt, sand, soil, or other loose materials.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.

The determination of wind speed conditions in excess of 25 miles per hour shall be based on the following criteria:

(A) For facilities with an on-site anemometer:

(i) When the on-site anemometer registers at least two wind gusts in excess of 25 miles per hour within a consecutive 30-minute period. Wind speeds shall be deemed to be below 25 miles per hour if there is no recurring wind gust in excess of 25 miles per hour within a consecutive 30-minute period; or

(B) For facilities without an on-site anemometer:

(i) When wind speeds in excess of 25 miles per hour are forecast to occur in Yorba Linda for that day. This condition shall apply to the full calendar day for which the forecast is valid; or

(ii) When wind speeds in excess of 25 miles per hour are not forecast to occur, and fugitive dust emissions are visible for a distance of at least 100 feet from the origin of such emissions, and there is visible evidence of wind driven fugitive dust.

- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance

- with Section 23114 of the California Vehicle Code.

- Sweep streets at the end of the day, or more frequently as needed to control track out.

- To prevent dirt and dust from unpaved construction roads from impacting the surrounding areas, install roadway dirt control measures at egress points from the Project Site (or areas of the Site actively grading). These may be wheel washers, rumble strips, manual sweeping, or other means effective at removing loose dirt from trucks and other equipment before leaving the site.

- Post and enforce traffic speed limits of 15 miles per hour or less on all unpaved roads.

- Plant ground cover in planned areas as quickly as possible after grading.

- All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized.

Mitigation Measure 4.2-2 - Prior to the issuance of grading permits, the contractor shall provide evidence to the Manager, Permit Services that compliant with SCAQMD Rule 403 traffic speeds on unpaved roads and project site areas shall be reduced to 15 miles per hour or less.

## Biological Resources

Mitigation Measure 4.3-2 - Prior to the issuance of a grading permit, the Project Applicant shall be required to obtain regulatory permits by way of a CWA Section 404 permit, a CWA Section 401 Water Quality Certification, and/or a California Fish and Game Code Section 1602 Streambed Alteration Agreement for impacts to jurisdictional features regulated by the USACE, RWQCB, and/or CDFW and provide documentation of same to the OC Development Services Manager. The following measures may be required by the Agencies, unless required otherwise by the Agencies:

1. On- and/or off-site replacement of USACE/RWQCB jurisdictional "waters of the U.S." /"waters of the State" at a ratio no less than 2:1 for permanent impacts, and for temporary impacts, restore impact area to pre-project conditions (i.e., pre-project contours and revegetate). Off-site replacement may include the purchase of mitigation credits at an agency-approved off-site mitigation bank.
2. On- and/or off-site replacement of CDFW jurisdictional streambed and associated riparian habitat at a ratio no less than 2:1 for permanent impacts, and for temporary impacts, restore impact area to pre-project conditions (i.e., pre-project contours and revegetate). Off-site replacement may include the purchase of mitigation credits at an agency-approved off-site mitigation bank.

Mitigation Measure 4.3-3 - Prior to issuance of a grading permit, the Project Applicant shall demonstrate to the satisfaction of the Manager, OC Development Services that the following requirements have been included in the Project construction plan:

1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds.
2. Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) shall require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors), or as determined appropriate by the biological monitor, shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the biological monitor to minimize impacts.
3. A qualified biologist shall survey for active bird nests or mammal burrows in all Project site areas that could potentially be exposed to construction noise levels exceeding 60 dBA. Where active bird nests or mammal burrows are discovered, no construction activities shall occur that would result in noise levels exceeding 60 dBA at the active nest or burrow location. Construction restriction areas shall be staked or fenced under the supervision of the qualified biologist prior to the commencement of construction activities during the breeding season dates listed above.

## Cultural Resources

Mitigation Measure 4.4-1 - Prior to the issuance of any grading permit, the Applicant shall provide written evidence to the Manager, OC Development Services, that the Applicant has retained a qualified archaeological monitor to conduct daily observations of construction excavations into younger Quaternary Alluvium during construction-related ground disturbing activities (i.e., grading and excavation) until the archaeological monitor determines further observations are not necessary based on soil conditions and presence/absence of archaeological resources. The observations shall target the flatter areas of the project site such as hilltops, ridge lines, and canyon bottoms, which are more conducive to retaining archaeological resources since such areas were prime locations for pre-historic occupation as compared to areas of steeper topography.

Mitigation Measure 4.4-2 - In the event that archaeological resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by the archaeologist. The Applicant shall coordinate with the archaeologist and the County to develop an appropriate treatment plan for the resources to reduce impacts to any significant resources to a less than significant level. Treatment measures to be considered first shall be avoidance or preservation in place. If preservation or avoidance of the resource is not appropriate, as determined by the archaeologist and the County, then the resource shall be removed from its location and appropriate data recovery conducted to adequately recover information from and about the archaeological resource. All archaeological resources recovered shall be documented on California Department of Parks and Recreation Site Forms to be filed with the South Central Coastal Information Center. The landowner, in consultation with the archaeologist and the County shall designate repositories in the event that archaeological material is recovered.

Mitigation Measure 4.4-3 - The archaeological monitor shall prepare a final report at the conclusion of archaeological monitoring. The report shall be submitted by the Applicant to the County, the South Central Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures. The report shall include a description of resources unearthed, if any, treatment of the resources, and evaluation of the resources with respect to the California Register of Historical Resources.

Mitigation Measure 4.4-4 - If archaeological resources are encountered during implementation of the Project when the archaeological monitor is not present, ground-disturbing activities shall temporarily be redirected from the vicinity of the find by the construction contractor. The Applicant shall immediately notify a qualified archaeologist of the find. The archaeologist shall coordinate with the Applicant as to the immediate treatment of the find until a proper site visit and evaluation is made by the archaeologist. The Applicant shall then follow the procedures outlined in Mitigation Measure 4.4-2. The archaeologist shall also determine the need for full-time archaeological monitoring for any ground-disturbing activities in the area of the find thereafter and training of construction workers, as appropriate.

Mitigation Measure 4.4-5 - Prior to issuance of any grading permit, the Applicant shall retain a qualified paleontologist certified by the County of Orange, Development Services Department (County Property Permits) who shall attend a pre-grading/excavation meeting and develop a paleontological monitoring program for excavations into sediments associated with the fossiliferous older Quaternary Alluvium, Yorba and Sycamore Canyon Members of the Puente Formation, and Quaternary landslides deposits. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The qualified paleontologist shall supervise a paleontological monitor who shall be present at such times as required by the paleontologist during construction excavations into the fossiliferous deposits mentioned above. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring shall be determined by the paleontologist and shall be based on the rate of excavation and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered.

Mitigation Measure 4.4-6 - If a potential fossil is found, the paleontological monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the John D. Cooper Archaeological and Paleontological Curation Center at the California State University, Fullerton. Accompanying notes, maps, and photographs shall also be filed at the repository.

Mitigation Measure 4.4-7 - The Paleontologist and/or paleontological monitor shall conduct sampling and screening of the underlying sediments at the project site for the presence or absence of microfossils. The monitor shall collect various samples (consisting of approximately 200 pounds of sediment) from the spoils piles, sidewalls, or bottoms of an exposed excavation pit across the project site and use wet- or dry-screening techniques off-site for the recovery of microfossils. If the sample yields an appropriate concentration of microfossils, a bulk sediment sample may be warranted.

Mitigation Measure 4.4-8 - Prior to the release of the grading bond, the paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Applicant for approval by the Manager, OC Development Services. In addition, the report shall be submitted to the Natural History Museum of Los Angeles County, and other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.

Mitigation Measure 4.4-9 - If human remains are encountered unexpectedly during implementation of the Project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the land owner, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the land owner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

Whenever the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.

#### Geology and Soils

Mitigation Measure 4.5-1 - Prior to the issuance of precise grading permits unless noted as otherwise below or otherwise agreed to by County's engineering geologist, the Project Applicant/developer shall submit a final site specific, design-level geotechnical investigation prepared by a California-licensed professional engineering geologist to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee and the County's engineering geologist for review, approval and implementation pursuant to the final site specific, design-level geotechnical investigation as outlined below. The investigation shall comply with all applicable State and local code requirements, including the current building code in effect at the time of precise grading permit issuance, and shall provide the following:

a) As set forth in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Location of Whittier Fault, Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated July 31, 2014, the primary trace of the Whittier Fault is well-defined as a narrow fault zone less than approximately 15 feet-wide along the east-west drainage in the central portion of the Cielo Vista site. The geotechnical investigation required by this mitigation measure shall evaluate the potential for additional fault traces south of this zone and determine if any additional fault traces are "active" (i.e., a fault that has ruptured the ground surface within the Holocene Age (approximately the last 11,000 years)) by subsurface investigations consisting of trenching activities. Based on the results of this geotechnical investigation, the Project's proposed residences shall be set back from the fault trace in accordance with State setback requirements. The investigation shall comply with the Alquist-Priolo Earthquake Fault Zone Act.

b) Conduct additional fault trenching as necessary and as recommended in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated August 1, 2014, to confirm that the fault traces identified in the area of FT-1 and FT-4 are not active. Should this area not be determined to be active, a 75-foot setback zone would be recommended for those lots along the south side of the active Whittier Fault as delineated per subsection (a), above, and, on the north side of the active Whittier Fault, a setback zone ranging from 50 feet on the west side of the site to approximately 120 feet on the east side of the site. In addition, a 10-foot overexcavation and recompaction below pad grade for the proposed structures in Lots 18 to 56 is recommended as well as post-tensioned foundations. If faults observed in FT-1 and FT-4 are determined to be active, precise grading permits for Lots 20-52, 66-70, 83-89, 96-98 and 109-112 shall not be issued unless additional studies are prepared and approved by the County's registered engineering geologist confirming that some or all of these lots are suitable for residential construction.

c) Include a stability analysis consisting of down-hole logging of large-diameter borings in the areas of suspected landslides and other areas of potential slope stability issues to characterize the slopes and engineering analysis to determine what, if any, stabilization measures are necessary. For potential global and local slope failures, a factor of safety for slope stability of equal to or greater than 1.5 and 1.1 for static and seismic loading conditions, respectively, is the generally accepted minimum for new residential construction. Where existing and/or proposed slopes are found to have a factor of safety lower than these minimum requirements, the development shall either need to be setback from, or mitigation methods implemented to improve the stability of, the slopes to these minimum levels. Slopes with less than the minimum factor of safety must be sufficiently setback so that at the location of the proposed residential structures, at least the minimum required factor of safety is achieved. Potential methods of mitigation against slope stability issues related to potentially unstable existing and proposed slopes, including existing landslides, typically include partial or complete landslide removal, excavation and construction of earthen buttresses, and/or shear keys. Landslide removal requirements, as well as the locations, depths, widths, and lengths of the buttresses/shear keys, shall be determined via geotechnical investigation and analysis during the design phase of the Project and confirmed during site grading.

d) Conduct representative sampling and laboratory testing of the onsite soils to identify the locations of on-site expansive or compressible soils. Where unsuitable soils are found, site-specific design criteria (i.e., foundation design parameters) and remedial grading techniques (i.e., primarily removal, moisture conditions and recompaction of unsuitable soils) shall be identified in the design-level geotechnical report to remove and/or mitigate unsuitable soils that could create geotechnical stability hazards to the Project.

e) Determine structural design requirements as prescribed by the most current version of the California Building Code, including applicable County amendments, to ensure that structures and infrastructure can withstand ground accelerations expected from known active faults.

Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigations in the site-specific investigations. The County's registered engineering geologist shall review the site-specific investigations, provide any additional necessary measures to meet Building Code requirements, and incorporate all applicable recommendations from the investigation in the design plans and shall ensure that all plans for the Project meet current Building Code requirements.

#### Hazards and Hazardous Materials

Mitigation Measure 4.7-1 - Prior to the issuance of grading permits, the Project Applicant/developer shall submit the Soil Management Plan (SMP) prepared by a California-licensed professional geologist to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee for review, approval and implementation by the Project Proponent. The SMP shall include the protocol for the handling and/or disposal of impacted soils, as well as subsurface structures (i.e., underground storage tanks), that could potentially be encountered during construction activities. The SMP shall include protocols for: screening of soil exhibiting impacts, handling of volatile organic compounds (VOC) contaminated soils; stockpile management; vapor suppression and dust control, surface water protection, soil stockpile sampling; sampling frequency; and exporting of contaminated soils.

Mitigation Measure 4.7-2 - During ground disturbing construction activities, should VOC contaminated soils be encountered as a result of the screening methods prescribed by the Soils Management Plan (refer to Mitigation Measure 4.7-1), ground disturbing construction activities shall be immediately halted. Ground disturbing activities shall not resume until a VOC mitigation plan in accordance with South Coast SCAQMD Rule 1166 has been reviewed and approved by the SCAQMD Executive Officer. The VOC mitigation plan shall set forth requirements to control the emission of VOCs from excavating, grading, handling and treating VOC-contaminated soil consistent with SCAQMD Rule 1166.

Mitigation Measure 4.7-3 - Prior to the issuance of grading permits, a qualified environmental consultant shall prepare and submit a site-specific health and safety plan (HASP) to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee for review and approval. The HASP shall be implemented in conjunction with the Soils Management Plan (refer to Mitigation Measure 4.7-1) when handling soil with suspected or confirmed chemical of concern (COC) impacts. At a minimum, the HASP shall identify the potential COCs and/or other hazards of concern and establish guidelines and/or procedures for controlling/ minimizing exposures to potential COCs/hazards, including the appropriate level(s) of personal protective equipment (PPE). The general contractor shall be responsible for non-COC-related health and safety concerns associated with the excavation (e.g., excavation stability, stockpile placement, heavy equipment operation).

Mitigation Measure 4.7-4 - After decommissioning of the oil facilities on the project site, a qualified environmental consultant shall inspect the abandoned wells and perform a review of well decommission documentation. Also, DOGGR shall be contacted to perform a "Construction Site Review" of the abandoned wells on the subject site to determine whether the wells have been abandoned to current standards, as well as verify that adequate distances of wells to proposed structures is proposed. If these are not adequate, the siting of proposed structures and/or proper measures to well features shall be conducted to the satisfaction of DOGGR.

Mitigation Measure 4.7-5 - The Project Applicant shall retain a qualified environmental consultant to profile the unidentified substance in the unlabeled 55-gallon drum and facilitate its disposal in accordance with regulatory guidelines, including DOGGR, RWQCB, OCFA, OCHCA and/or any other agency with jurisdiction over such disposal measures. If soil staining occurs around and/or beneath the container and the contents of the drum are determined to be hazardous, soil sampling shall be performed to determine if impacts to the near surface soils have occurred. If so, soil shall be removed in accordance with the measures included in the Project's SMP to be implemented pursuant to Mitigation Measure 4.7-1.

Mitigation Measure 4.7-6 - Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

Mitigation Measure 4.7-7 - Areas within Planning Area 1 (including, but not limited to areas located adjacent to lots 40, 41, 49, 50, 85, 86, and 87) not capable of providing a typical 170-foot fuel modification zone, shall increase the irrigated zone(s) to 100 feet and shall provide six-foot high block walls/radiant heat walls constructed of block/tempered glass over block at the bottom of the fuel modification zone. The block walls/radiant heat walls shall be placed where the fuels below the structure are not of continuous nature and not in alignment with the slope and Santa Ana winds and/or the predominant winds. The block walls/radiant heat walls shall be perpendicular to the wind, but parallel with the slope. In most cases, the block walls/radiant heat walls shall be located at the property line/base of the irrigated zone and down slope from the native vegetation. Increased irrigated zones and block walls/radiant heat walls design and location shall be subject to the review and approval of the OCFA, prior to issuance of certificates of use and occupancy.

Mitigation Measure 4.7-8 - Structures with deficient fuel modification lots 39-42, 49-52, 69, 70, and 85-88 shall be protected with NFPA 13-D Automatic Fire Sprinklers including the attics and small spaces. Lots 96-112 shall be protected with NFPA 13-D Automatic Fire Sprinklers including attics and small spaces to mitigate for roadway access longer than 800-feet. Such features shall be indicated on construction drawings prior to issuance of a building permit.

Mitigation Measure 4.7-9 - Fuel modification easements for maintaining the fuel modification areas must list the OCFA as an authorized user. These easements are recorded as part of the mapping process. Prior to recordation of the CC&R's, OCFA must approve language allowing OCFA access to HOA owned property for the purpose of inspecting the fuel modification, plant palette, and added improvements to ensure maintenance of the fire safe zones. In addition, CC&R's shall provide landscaping and maintenance guidelines to ensure that each residential lot is fire-safe and list allowable improvements such as patio structure, play equipment construction, and fencing materials. The CC&R's shall be recorded prior to issuance of certificate of use and occupancy.

Mitigation Measure 4.7-10 - For the safety of construction personnel, neighboring homes, and firefighting safety in the wildland areas, the Project Applicant, under the supervision of the Fire Chief, and prior to issuance of building permits shall have completed the Project roadways in accordance with applicable OCFA and/or County design standards in the area prior to building permit issuance.

Mitigation Measure 4.7-11 - Prior to issuance of building permits, a service letter from the water agency serving the project area shall be submitted and approved by the OCFA water liaison describing the water supply system, pump system, and fire flow and lists the design features to ensure fire flow during a major wildfire incident.

PDF 7-1 - Prior to grading for development, existing on-site oil wells and facilities, and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR). All other containers associated with oil production shall also be disposed in accordance with applicable regulatory requirements.

PDF 7-2 - No new residences (habitable structures) would be developed within 150 feet of any surface operational oil well; or within 50 feet of a subsurface pumping unit/well enclosed within a concrete vault, or as otherwise approved by the Director, OC Development Services. The buffer(s) would be clearly dimensioned on all applicable plans prior to issuance of building permits to the satisfaction of the Manager, OC Development Services.

PDF 7-3 - No new residences (habitable structures) would be developed within ten feet of abandoned wells. The 10-foot buffer would be clearly dimensioned on all applicable plans prior to issuance of permits to the satisfaction of the Manager, OC Development Services.

PDF 7-4 - All new wells drilled in the 1.8-acre "oil drilling pad" parcel located in Planning Area 1 for potential continued oil operations would be drilled per applicable DOGGR, OCFA and County of Orange requirements.

PDF 7-5 - The oil drilling pad would not be accessible to the public. Plantings, barriers, signage, and information would be provided where necessary to ensure public safety.

PDF 7-6 - Access to the oil drilling pad shall be provided within existing oil field service roads. No new roadways for servicing existing or proposed oil wells would be constructed through open space areas.

PDF 7-7 - The Applicant/developer would provide written notification to all future homeowners regarding the previous use of the site as an oilfield and the

extent of continued oil production activities in the area.

PDF 7-8 - At the time oil operations on the 1.8-acre parcel cease, any wells would be abandoned and contaminated soils would be remediated pursuant to all applicable requirements, if necessary.

PDF 7-9 - Prior to issuance of a building permit, the Project would implement a fire protection plan that would comply with OCFA's standards for VHFHSZ/SFPA.

PDF 7-10 - The Project would incorporate fire-resistant construction for all structures adjoining open space areas including the use of fire-resistant building materials. Such materials would be clearly shown on construction drawings and reviewed and approved by the Manager, OC Development Services prior to issuance of a building permit.

PDF 7-11 - All structures would be protected with smoke detectors and National Fire Protection Association (NFPA) 13-D Automatic Fire Sprinklers. Such features would be clearly shown on construction drawings and reviewed and approved by the Manager, OC Development Services prior to issuance of a building permit.

PDF 7-12 - The project shall include fuel modification/management zones to help suppress wildland fires in accordance with OCFA guidelines.

PDF 7-13 - The Project would incorporate a landscape plan that utilizes a plant palette consisting of fire resistant plants, native and appropriate non-native drought tolerant species in accordance with OCFA guidelines. In addition, long-term maintenance responsibilities would remove from all fuel modification zones any invasive non-native species that appear on the California Invasive Plant Council (Cal-IPC) list of invasive species to prevent these from becoming established.

PDF 7-14 - Per OCFA requirements, fire hydrants would be spaced at 600 feet or less and minimum fire access requirements would be met or exceeded (28-foot minimum road width, 17-foot inside and 38-foot outside turning radius).

#### Hydrology and Water Quality

PDF 8-1 - The Project would implement a Water Quality Management Plan (WQMP) and a Storm Water Pollution Prevention Plan (SWPPP). The WQMP would include detailed sizing parameters for the basins and would provide guidelines for the proper maintenance of the water quality basins. The WQMP and SWPPP would identify the BMPs to be implemented by the Project that would reduce pollution levels in stormwater discharge in compliance with applicable water quality standards. These plans would be reviewed and approved by the Manager, OC Development Services prior to recordation of the subdivision map.

PDF 8-2 - Riprap aprons or other types of energy dissipators would be located at all points of concentrated discharge where flow velocity exceeds five feet per second (ft/s) to mitigate the outlet velocity so as to minimize the potential for downstream erosion. These points of discharge would not be limited to storm drain outlets but would also include brow ditches and other forms of storm water conveyance. Riprap aprons would be designed and sized in conformance with regional sizing criteria found in the "County of Orange Local Drainage Manual", dated August 2005. Other designs and sizing criteria can be found in the FHWA's "Hydraulic Engineering Circular Number 14, Third Edition" – HEC 14, including a "Riprap Basin" that could be used. Prior to the issuance of any grading or building permit, the riprap aprons would be identified in the Project's Final Drainage Study to be reviewed and approved by the Manager, Permit Services.

PDF 8-3 - Sediment basins would be located upstream of all proposed storm water conveyance systems within the project site. Prior to the issuance of any grading or building permit, the sediment basins would be identified in the Project's Final Drainage Study to be reviewed and approved by the Manager, Permit Services.

PDF 8-4 - To be determined in consultation with County of Orange Public Works, if determined appropriate, the receiving storm drain within the project site (the headwall intercepts proposed at the end of "B" and "F" Streets) would be downsized by a 6-inch reduction in capacity to reduce the peak flow to existing conditions by throttling down flow, effectively detaining peak flows by the use of a hydraulic reduction. The ponding caused by such hydraulic reduction in capacity would be maintained on the project site, ensuring that no offsite property is impacted by attenuating the peak flow. If this pdf is necessary, prior to the issuance of any grading or building permit, the storm drain sizing would be identified in the Project's Final Drainage Study to be reviewed and approved by the Manager, Permit Services.

PDF 8-5 - All developed pad elevations would be constructed at a minimum of 3-foot (or greater) above the anticipated peak water surface elevation to ensure that no residential structure would be flooded within the project site.

#### Noise

Mitigation Measure 4.10-1 - During all project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site. All operations shall comply with the County of Orange Codified Ordinance Division 6 (Noise Control). The contractor shall produce evidence that the measures are in place prior to issuance of any grading permits and as approved by the County of Orange Manager, Planning Services.

Mitigation Measure 4.10-2 - The construction contractor shall locate equipment staging in areas that would create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction. All operations shall comply with the County of Orange Codified Ordinance Division 6 (Noise Control). Prior to issuance of any grading permits the County of Orange Manager, Planning Services shall approve the location of the staging area.

Mitigation Measure 4.10-3 - The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. Haul routes shall be selected so that trips passing sensitive land uses or residential dwellings will be minimized. Further, haul routes shall be located to avoid concurrent use of haul routes from other related projects where sensitive receptors are located along such routes. Haul routes shall be approved by the Manager, OC Development Services prior to the issuance of any grading permits.

Mitigation Measure 4.10-A (Supplemental Construction Noise Mitigation Measure) Construction noise reduction methods such as shutting off idling equipment, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible. Unattended construction vehicles shall not idle for more than 5 minutes when located within 500 feet from residential properties.

Mitigation Measure 4.10-B (Supplemental Construction Noise Mitigation Measure) Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the job superintendent if necessary. In the event the County receives a complaint, appropriate corrective actions shall be implemented.

Mitigation Measure 4.10-C (Supplemental Construction Noise Mitigation Measure) Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses within 500 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period. This notification shall give a contact phone number for any questions or complaints. All complaints shall be responded to in a method deemed satisfactory by the County of Orange.

Mitigation Measure 4.10-4 - The Project Applicant shall retain the services of a qualified acoustical engineer with expertise in design of sound isolations to ensure that operation of the on-site oil well facilities are within County's exterior noise limits at the property line of the nearest proposed residential lot. Noise measures may include, but are not limited to, screening of oil facilities, motor dampening, and/or nighttime shutdown so as to meet the County's noise requirements. Screening, if necessary, could include landscaping and/or sound wall. The acoustics analysis of the oil well facilities shall be reviewed and approved by the Manager, OC Development Services, or his designee prior to issuance of building permits for the oil well facilities.

PDF 10-1 - Noise attenuation measures, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources, shall be implemented where feasible.

#### Public Services

Fire Protection Services - Refer to Mitigation Measures 4.7-1 through 4.7-11; and Mitigation Measure 4.15-1. The following mitigation measures are also prescribed.

Mitigation Measure 4.12-1 - Prior to issuance of a grading permit, the Project Applicant shall enter into a Secured Fire Protection Agreement with the OCFA. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to that required to serve the Project, to the satisfaction of OCFA.

Mitigation Measure 4.12-2 - All new traffic signals on public access ways shall include the installation of optical preemption devices to the satisfaction of the OCFA and the County of Orange Manager, Subdivision and Grading Services.

#### Police Protection Services

Mitigation Measure 4.12-2B Prior to issuance of a grading permit, the Project Applicant shall enter into a secured Law Enforcement Services Agreement with the Orange County Sheriff's Department. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.

#### School Facilities

Mitigation Measure 4.12-3 - Prior to issuance of building permits and pursuant to Section 65995 of the CGC, the Project Applicant shall pay the required SB 50 (Section 65995 of the CGC) mitigation fees to the PYLUSD as full mitigation for potential Project impacts to schools.

School Safety - Short-Term Construction Impacts - Refer to Mitigation Measure 4.14-1. The following mitigation measures are also prescribed.

Mitigation Measure 4.12-4 - During construction, the Project's Construction Staging and Traffic Management Plan (see Mitigation Measure 4.14-1) shall include a provision for on-going communication shall be maintained with school administration at the Travis Ranch School, Fairmont Elementary School and YLHS, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to the school may be impacted in order to ensure school traffic and pedestrian safety.

Mitigation Measure 4.12-5 - In order to ensure school traffic and pedestrian safety, during construction, construction vehicles shall not haul past the Travis Ranch School, Fairmont Elementary School and YLHS, except when school is not in session. If that is infeasible, construction vehicles shall not haul during school arrival or dismissal times.

Mitigation Measure 4.12-6 - During construction, crossing guards shall be provided by the Project Applicant in consultation with the Travis Ranch School, Fairmont Elementary School and YLHS, as appropriate, when safety of students may be compromised by construction-related activities at impacted school crossings in order to ensure school pedestrian safety.

Mitigation Measure 4.12-7 - During construction, temporary traffic control, signage, and/or flaggers shall be present on Via Del Agua and Aspen Way to direct vehicular traffic and pedestrians around the construction site in order to ensure school traffic and pedestrian safety.

#### Libraries

Mitigation Measure 4.12-8 - Prior to the issuance of building permits, the Project Applicant/developer shall comply with the development fee program for OCPL as provided in Sections 7-9-700 through 7-9-713 of the Codified Ordinances of the County of Orange and/or the development fee program for the City of Yorba Library system, to be determined in consultation with City of Yorba Linda and County of Orange Planning Staff.

Mitigation Measure 4.12-8(b) - Prior to issuance of a building permit, the Project Applicant shall enter into a capital facilities and equipment agreement with the Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.

#### Recreation

Mitigation Measure 4.13-1 - Prior to issuance of certificates of occupancy, the Project Applicant shall pay local park fees pursuant to the determining formula contained in the County Local Park Code, and meeting the City standards for the provision of local parks. The fees shall be paid to the OC Parks. Such fees shall be utilized for improvements to an existing park or acquisition of land for a new park, or a combination of both to the benefit of the northeastern Yorba Linda community near the project site.

Mitigation Measure 4.13-2 - Prior to issuance of grading permits, the Project Applicant shall coordinate with the City of Yorba Linda Parks and Recreation Department and OC Parks in order to identify potential planned trail alignments through the project site, as identified in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Once the trail alignments are defined by the City and/or County, the alignments shall be dedicated by the Project Applicant, to the City or the County either in fee or by an access and maintenance easement.

#### Transportation/Traffic

Construction Impacts - Refer to Mitigation Measures 4.12-4 to 4.12-7. The following mitigation measure is also prescribed.

Mitigation Measures 4.14-1 - Prior to the start of construction, the Project Applicant, in coordination with the County of Orange, shall devise a Construction Staging and Traffic Management Plan to be implemented during construction of the Project. The Construction Staging and Traffic Management Plan shall



identify all traffic control measures, signs, and delineators to be implemented by the construction contractor through the duration of construction activities associated with the Project. The Plan shall also consider construction traffic and associated construction traffic noise from nearby simultaneous construction activities and pedestrian safety related to school routes. The Construction Staging and Traffic Management Plan shall be subject to final approval by the County of Orange Public Works Department.

#### Operation Impacts

Mitigation Measure 4.14-2 A traffic signal shall be installed prior to issuance of the first occupancy permits, or as otherwise determined appropriate through consultation with the City of Yorba Linda, for the Project at the intersection of Via del Agua and Yorba Linda Boulevard. The Project Applicant shall pay the City of Yorba Linda its fair share cost toward installation of a traffic signal, install the traffic signal, or pay the full cost of the signal installation, with the latter two alternatives subject to reimbursement, as agreed to by the Project Applicant and the City of Yorba Linda.

PDF 14-1 - All local streets proposed by the Project would meet the minimum street design and size standards of the City of Yorba Linda and the County of Orange.

PDF 14-2 - Landscape plans would take into consideration service lines, traffic safety sight line requirements, and structures on adjacent properties to avoid conflicts as trees and shrubs mature.

PDF 14-3 - The stopping sight distance at Via del Agua and the proposed Street A would meet or exceed the County's Standard Plan No. 1117 requirements for stopping sight distance.

#### Utilities and Service Systems

Water Supply and Infrastructure - Refer to Mitigation Measure 4.7-11. The following mitigation measure is also prescribed.

Mitigation Measure 4.15-1 - To address the Project's need for water storage, the Project Applicant shall pay a fair-share cost to the YLWD for infrastructure improvements identified in the Northeast Area Planning Study that are required to support the Cielo Vista Project. The payment shall reflect a proportional fair-share of the costs attributable to the Cielo Vista Project toward improvements YLWD has proposed that include construction of facilities which directly benefit and are needed for capacity and conveyance at the project site as determined by District Staff. No grading permits shall be issued for the Project until these improvements are implemented by YLWD and are operational to the satisfaction of the OCFA, unless otherwise determined acceptable by the YLWD and OCFA.

PDF 15-1 - Builder-installed indoor appliances, including dishwashers, showers and toilets, would be low-water use.

PDF 15-2 - Drought-tolerant, native landscaping would be used in public common areas to reduce water consumption. The plant palette for the Project would ultimately be determined based on OCFA requirements for use of fire-resistant plants in high fire-prone areas, but in consideration of applicable City of Yorba Linda and County of Orange landscaping requirements.

PDF 15-3 - Community landscape areas would be designed on a "hydrozone" basis to group plants according to their water and sun requirements. The plant palette for the Project would ultimately be determined based on OCFA requirements for use of fire-resistant plants in high fire-prone areas, but in consideration of applicable City of Yorba Linda and County of Orange landscaping requirements.

PDF 15-4 - Irrigation for both public and private landscape areas would be designed to be water-efficient and comply with Section 7-9-133.5, Landscape Water Use Standards, of the Orange County Code of Ordinances. All irrigation systems would have automatic controllers designed to properly water plant materials given the site's soil conditions, and irrigation systems for all public landscapes would have automatic rain shut-off devices. Drip irrigation would be encouraged. Spray systems would have low volume, measured as gallons per minute (GPM), matched-precipitation heads. Prior to approval of the tentative map, the Project Applicant would obtain approval from the Manager, Permit Services of a preliminary landscape plan including the above listed conservation features and compliance with the County's County of Orange Landscape Code (Ord. No. 09-010).

10	ARCHAEO SURVEY	PA100004
<p>Prior to the issuance of the first grading permit, the applicant shall obtain approval from the Manager, Permit Services of a report on a literature and records search and field survey of the project site. The applicant shall retain a County-certified archaeologist to complete the literature and records search for recorded sites and previous surveys. The archaeologist shall conduct a field survey unless the entire proposed project site has been documented as previously surveyed. If determined necessary by the archaeologist, the archaeologist shall prepare a report on a subsurface test level investigation of archaeological resources collection as appropriate. The applicant shall implement the mitigation measures recommended in this report in a manner meeting the approval of the Manager, Permit Services.</p> <p>The test level report shall evaluate the site including discussion of significance (depth, nature, condition and extent of the resources), final mitigation recommendations and cost estimates. Applicant shall prepare excavated materials to the point of identification. The applicant shall offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. Applicant shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of presentation of the materials to the County of Orange or its designee, all in a manner meeting the approval of the Manager, Permit Services.</p>		
11	ARCHAEO OBS & SALVAGE	PA100004
<p>Prior to the issuance of the first grading permit, the applicant shall provide written evidence to the Manager, Permit Services, that applicant has retained a County-certified archaeologist, to observe grading activities and salvage and catalogue archaeological resources as necessary. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the applicant, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the project applicant, for exploration and/or salvage.</p> <p>Prior to the release of the grading bond the applicant shall obtain approval of the archaeologist's follow-up report from the Manager, Permit Services. The report shall include the period of inspection, an analysis of any artifacts found and the present repository of the artifacts. The archaeologist shall prepare excavated material to the point of identification. Applicant shall offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, Permit Services. Applicant shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of presentation of the materials to the County of Orange or its designee, all in a manner meeting the approval of the Manager, Permit Services.</p>		
12	PALEO SURVEY	PA100004
<p>Prior to the issuance of the first grading permit, the applicant shall obtain approval from the Manager, Permit Services of a report on a literature and records search and field survey of the project site. The applicant shall retain a County-certified paleontologist to complete the literature and records search for recorded sites and previous surveys. The paleontologist shall conduct a field survey unless the entire proposed project site has been documented as previously surveyed. If determined necessary by the paleontologist, the paleontologist shall prepare a report of the pre-grade paleontological salvage</p>		

operation. The applicant shall implement the mitigation measures in the report in a manner meeting the approval of the Manager, Permit Services.

The report shall include methodology, an analysis of artifacts found, a catalogue of artifacts, and their present repository. The County-certified paleontologist shall prepare excavated materials to the point of identification. Applicant shall offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. Applicant shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of presentation of the materials to the County of Orange or its designee, all in a manner meeting the approval of the Manager, Permit Services.

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**13 PALEO OBSERVATION & SALVAGE PA100004**

Prior to the issuance of the first grading permit, the project applicant shall provide written evidence to the Manager, Permit Services, that applicant has retained a County certified paleontologist to observe grading activities and salvage and catalogue fossils as necessary. The paleontologist shall be present at the pre-grade conference, shall establish procedures for paleontological resource surveillance, and shall establish, in cooperation with the applicant, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If the paleontological resources are found to be significant, the paleontologist shall determine appropriate actions, in cooperation with the applicant, to ensure proper exploration and/or salvage.

Prior to the release of the grading bond the applicant shall submit the paleontologist's follow up report for approval by the Manager, Permit Services. The report shall include the period of inspection, a catalogue and analysis of the fossils found, and the present repository of the fossils. Applicant shall prepare excavated material to the point of identification, and offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to approval by Manager, Permit Services. Applicant shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of presentation of the materials to the County of Orange or its designee, all in a manner meeting the approval of the Manager, Permit Services.

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**14 DRAINAGE STUDY PA100004**

Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only) or prior to the issuance of any grading permits, whichever comes first, the following drainage studies shall be submitted to and approved by the Manager, Permit Services A. A drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; and

B. When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and

C. Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.

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**15 DRAINAGE FACILITIES PA100004**

Prior to issuance of grading or building permits, drainage studies that demonstrate the following shall be submitted to and approved by Manager, Permit Services:

1. All surface runoff and subsurface drainage directed to the nearest acceptable drainage facility, as determined by the Manager, Permit Services.2. Drainage facilities discharging onto adjacent property shall be designed to imitate the manner in which runoff is currently produced from the site and in a manner meeting the satisfaction of the Manager, Permit Services. Alternatively, the project applicant may obtain a drainage acceptance and maintenance agreement, suitable for recordation, from the owner of said adjacent property. All drainage facilities must be consistent with the County of Orange Grading Ordinance and Local Drainage Manual.

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**16 DRAINAGE IMPROVEMENTS PA100004**

A. Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only) or prior to the issuance of any grading permits, whichever comes first, the applicant shall in a manner meeting the approval of the Manager, Permit Services:

- 1) Design provisions for surface drainage; and
- 2) Design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and
- 3) Dedicate the associated easements to the County of Orange, if determined necessary.

B. Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only) or prior to the approval of final inspection, whichever occurs first, said improvements shall be constructed, or provide evidence of financial security (such as bonding), in a manner meeting the approval of the Manager, Inspection.

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**17 DRAINAGE OFFSITE PA100004**

Prior to the recordation of a subdivision map or prior to the issuance of any grading permit, whichever comes first, and if determined necessary by the Manager, Permit Services, the applicant shall record a letter of consent, from the upstream and/or downstream property owners permitting drainage diversions and/or unnatural concentrations. The form of the letter of consent shall be approved by the Manager, Permit Services prior to recordation of the letter.

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**18 MASTER PLAN OF DRAINAGE PARTICIPATION PA100004**

Prior to the issuance of any building permits, or prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only), whichever comes first, the applicant shall participate in the applicable Master Plan of Drainage in a manner meeting the approval of the Manager, Permit Services, including payment of fees and the construction, or provide evidence of financial security (such as bonding), of the necessary facilities.

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**19 EASEMENT SUBORDINATION PA100004**

Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only), or prior to the final inspection approval, the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the County of Orange or the Orange County Flood Control District, unless such easements are expressly made subordinate to the easements to be offered for dedication to the County. Prior to granting any of said easements, the subdivider shall furnish a copy of the proposed easement to the Manager, Permit Services, for review and approval. Further, a copy of the approved easement shall be furnished to the Manager, Permit Services, prior to the final inspection approval.

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**20 FLOOD PLAIN DELINEATION PA100004**

Prior to the issuance of any grading permits, applicant shall delineate on the grading plan the floodplain which affects the property, in a manner meeting the approval of the Manager, Permit Services.

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**21 COASTAL SAGE SCRUB PA100004**

Prior to the issuance of a grading permit or the initiation of any activity that involves the removal/disturbance of Coastal Sage Scrub (CSS) habitat, including clearing, grubbing, mowing, discing, trenching, grading, fuel modification, or any other construction-related activity, whichever occurs first, the applicant shall obtain the approval of the Manager, OC Planning, that all requirements of any Natural Community Conservation Plans or Habitat Conservation Plan have

been satisfied or adequately addressed.

22	<b>FUEL MODIFICATION PLAN</b> <b>[Res] Service Codes: 1.9 &amp; 1.10</b>	<b>PA100004</b>
<p>A. Prior to the recordation of a subdivision map (except for conveyance purposes) or the issuance of a preliminary grading permit (whichever occurs first), the applicant must provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), demonstrating approval of a conceptual or precise fuel modification plan.</p> <p>B. Prior to the issuance of a precise grading permit, the applicant must provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), demonstrating approval of a precise fuel modification plan.</p>		
23	<b>RESIDENTIAL SITE PLAN</b> <b>[Res] Service Codes: 1.9 &amp; 1.10</b>	<b>PA100004</b>
<p>Prior to issuance of a building permit, the applicant shall provide a residential site plan for review and approval by the Fire Code Official. *Note-refer to the OCFA website to obtain a copy of "Residential Site Review Assistance" form for information regarding the submittal requirements.</p>		
24	<b>FIRE HAZARD SEVERITY ZONE</b>	<b>PA100004</b>
<p>Prior to the issuance of a building permit, in all Fire Hazard Severity Zones within State Responsibility Areas (SRA) and within Very High Fire Hazard Severity Zones within the Local Responsibility Areas (LRA), the applicant shall provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), indicating compliance with all requirements of Chapter 47 and Chapter 7A or shall have and approved Fire Protection Plan which provides protection equivalent to the risk for the site.</p>		
25	<b>ACCESS GATES AND REMOTE GATE OPENING DEVICES</b>	<b>PA100004</b>
<p>A. Prior to the issuance of any grading or building permits allowing construction of any gate across an OCFA required emergency accessway, the applicant shall provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), indicating compliance with Guideline B-09.</p> <p>B. Prior to the issuance of any grading or building permits allowing construction of any gate across an OCFA required emergency accessway requiring a remote gate opening device, the applicant shall provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), indicating compliance with Guideline B-06.</p>		
26	<b>FIRE MASTER PLAN</b>	<b>PA100004</b>
<p>A. TENTATIVE TRACT MAP: Prior to the issuance of a grading permit, the applicant must provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), indicating that a Fire Master Plan has been prepared that complies with Fire Code Chapter 5 and Guideline B-09.</p> <p>B. SITE ACCESS: Prior to the issuance of any grading permit (with the exception of initial mass grading of a large scale project), the applicant shall provide the Manager, Permit Services with a clearance from OCFA indicating that a Fire Master Plan has been prepared that complies with Guideline B-09 including identification of access to and within the project area. *Note-refer to the OCFA website to obtain a copy of Guideline B-09 for information regarding the submittal requirements.</p> <p>C. LUMBER DROP: Prior to the issuance of a building permit, the applicant must provide the Manager, Permit Services with a clearance from OCFA allowing the introduction of combustible materials into the project area.</p> <p>D: Prior to the approval of final inspection, the applicant must provide the Manager, Permit Services with a clearance from OCFA confirming that the approved fuel modification plan has been installed and completed.</p>		
27	<b>AUTOMATIC FIRE SPRINKLER SYSTEMS</b>	<b>PA100004</b>
<p>A. Prior to the issuance of a building permit, the applicant shall provide the Manager, Permit Services with a copy of the OCFA, or other Local Fire Agency (if applicable), approved Fire Master Plan or site plan indicating that an approved automatic fire sprinkler system will be provided.</p> <p>B. Prior to the final inspection approval, this system shall be operational in a manner meeting the approval of the Fire Chief.</p>		
28	<b>GEOLOGY REPORT</b>	<b>PA100004</b>
<p>Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, Permit Services, for approval. The report shall include the information and be in the form as required by the Grading Code and Grading Manual.</p>		
29	<b>CROSS LOT DRAINAGE</b>	<b>PA100004</b>
<p>Prior to the recordation of a subdivision map or prior to the issuance of any grading permit, whichever comes first, and if determined necessary by the Manager, Permit Services, the applicant shall record a letter of consent from the affected property owners permitting offsite grading, cross lot drainage, drainage diversions and/or unnatural concentrations. The applicant shall obtain approval of the form of the letter of consent from the Manager, Permit Services before recordation of the letter.</p>		
30	<b>VECTOR CONTROL</b>	<b>PA100004</b>
<p>Prior to the issuance of any preliminary grading permits, the applicant shall provide evidence to the Manager, Permit Services, that the Vector Control District has surveyed the site to determine if vector control measures are necessary. If the District determines measures are warranted, the applicant shall conduct such measures in a manner meeting the approval of the Manager, Permit Services in consultation with the Vector Control District.</p>		
31	<b>OPEN SPACE DEDICATIONS AND SCENIC/RESOURCE PRESERVATION EASEMENT (S)</b>	<b>PA100004</b>
<p>A. Prior to the recordation of each applicable subdivision map, the subdivider shall reserve open space Lot(s) _____ for granting in fee to a homeowner's association, or conservation organization, who shall be responsible for their maintenance and upkeep in a manner meeting the approval of the Manager, OC Parks.</p> <p>B. Prior to the recordation of an applicable subdivision map which creates building sites, the subdivider shall dedicate an easement for scenic/resource preservation purposes over Lot(s) _____ to the County of Orange or its designee in a manner approved by the Manager, OC Parks. The subdivider shall not grant any easement(s) over the property subject to the resource preservation easement unless such easement(s) are first reviewed and approved by the Manager, OC Parks. Maintenance of the resource preservation easement area shall be the responsibility of the subdivider or assigns and successors and shall not be included in said easement offer.</p>		

C. Prior to the recordation of a subdivision map, the subdivider shall note limitations and restrictions for said easement by a reference on the final map to a previously recorded document or by a reference to a separate document recorded concurrently with the subject map in a manner meeting the approval of the Manager, OC Parks.

D. Prior to recordation of any applicable subdivision map or as determined by the Manager OC Parks, the subdivider shall survey and monument all scenic/resource preservation easement dedications. The subdivider shall monument the property line of the dedication area(s) with durable, long lasting, high visibility markers at all angle points and line of sight obstructions to the satisfaction of the Manager, OC Parks.

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**32 PRIVATE LANDSCAPING PA100004**

A. Prior to the issuance of precise grading permits, the applicant shall submit a detailed landscape plan for the project area which shall be approved by the Manager, Permit Services in consultation with the Manager, OC Planning. The plan shall be certified by a licensed landscape architect or a licensed landscape contractor, as required, as taking into account approved preliminary landscape plan (if any), County Standard Plans for landscape areas, adopted plant palette guides, applicable scenic and specific plan requirements, and water conservation measures contained in the County of Orange Landscape Code (Ord. No. 09-010).

B. Prior to the approval of final inspection, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect or licensed landscape contractor, certify that it was installed in accordance with the approved plan.

C. Prior to the approval of final inspection, the applicant shall furnish said installation certification, including an irrigation management report for each landscape irrigation system, and any other implementation report determined applicable, to the Manager, Permit Services.

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**33 LIGHT AND GLARE PA100004**

A. Prior to issuance of any building permit, the applicant shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the property in a manner meeting the approval of the Manager, Permit Services.

B. Prior to the approval of final inspection, applicant shall provide a letter from the electrical engineer, licensed landscape architect, or licensed professional designer, that a field test has been performed after dark and the light rays are confined to the premises. The letter shall be submitted to the Manager, Inspection for review and approval.

Note: High voltage lighting requires a licensed electrical engineer stamp.

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**34 RESIDENTIAL NOISE PA100004**

The applicant shall sound attenuate all residential lots and dwellings against present and projected noise (which shall be the sum of all noise impacting the project) so that the composite interior standard of 45 dBA CNEL for habitable rooms and a source specific exterior standard of 65 dBA CNEL for outdoor living areas is not exceeded. The applicant shall provide a report prepared by a County-certified acoustical consultant, which demonstrates that these standards will be satisfied in a manner consistent with Zoning Code Section 7-9-137.5, as follows:

A. Prior to the recordation of a subdivision map or prior to the issuance of grading permits, as determined by the Manager, Permit Services, the applicant shall submit an acoustical analysis report to the Manager, Permit Services for approval. The report shall describe in detail the exterior noise environment and preliminary mitigation measures. Acoustical design features to achieve interior noise standards may be included in the report in which case it may also satisfy "B" below.

B. Prior to the issuance of any building permits for residential construction, the applicant shall submit an acoustical analysis report describing the acoustical design features of the structures required to satisfy the exterior and interior noise standards to the Manager, Permit Services for approval along with satisfactory evidence which indicates that the sound attenuation measures specified in the approved acoustical report have been incorporated into the design of the project.

C. Prior to the issuance of any building permits, the applicant shall show all freestanding acoustical barriers on the project's plot plan illustrating height, location and construction in a manner meeting the approval of the Manager, Permit Services.

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**35 CONSTRUCTION NOISE PA100004**

A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Permit Services, that:

(1) All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.

(2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).

(3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

B. Notations in the above format, appropriately numbered and included with other notations on the front sheet of the project's permitted grading plans, will be considered as adequate evidence of compliance with this condition.

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**36 PRIVATE STREET NOTIFICATION PA100004**

Prior to the recordation of a subdivision map the subdivider shall place a note on the map, in a manner that meets the approval of the Manager, Permit Services, that states: "The private streets constructed within this map shall be owned, operated and maintained by the developer, successors or assigns. The County of Orange shall have no responsibility therefore unless pursuant to appropriate sections of the Streets and Highways Code of the State of California, the said private streets have been accepted into the County Road System by appropriate resolution of the Orange County Board of Supervisors."

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**37 GUARANTEED ACCESS PA100004**

A. Prior to the recordation of each subdivision map the subdivider shall obtain the approval of the Manager, OC Planning of a procedure or method that will insure that each proposed building site has a guaranteed right of vehicular and pedestrian ingress and egress access to a publicly maintained street. The applicant shall show or note the approved procedure or method on the subdivision map in a manner meeting the approval of the Manager, OC Planning.

B. Prior to the issuance of any building permits, the applicant shall produce evidence acceptable to the Manager, OC Planning, that legal, practical access exists from the development site to a publicly maintained street.

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**38 INTERNAL CIRCULATION PA100004**

A. Prior to the recordation of a subdivision map or the issuance of any building permits, whichever occurs first, the subdivider shall provide plans and specifications meeting the approval of the Manager, Permit Services, for the design of the following improvements:

1) Internal street common private drive system.

2) Entrance to the site to emphasize that the development is private by use of signs and other features.

B. Prior to the recordation of a subdivision map, the applicant shall construct, or provide evidence of an acceptable form of financial security, the above improvements in a manner meeting the approval of the Manager, OC Planning.

C. Prior to the issuance of any building permits, the subdivider shall provide plans meeting the approval of the Manager, Permit Services, for the design of the internal pedestrian circulation system within the development.

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**39 STREET IMPROVEMENTS PA100004**

Prior to the recordation of a subdivision map, the subdivider shall design and construct, or provide evidence of an acceptable form of financial security, the following improvements in accordance with plans and specifications meeting the approval of the Manager, Permit Services:

A. Streets, bus stops, on-road bicycle trails, street names, signs, striping and stenciling. All underground traffic signal conduits (e.g., signals, phones, power, loop detectors, etc.) and other appurtenances (e.g., pull boxes, etc.) needed for future traffic signal construction, and for future interconnection with adjacent intersections, all in accordance with plans and specifications meeting the approval of the Manager, Permit Services.

B. The water distribution system and appurtenances that shall also conform to the applicable laws and adopted regulations enforced by the County Fire Chief, or other Local Fire Agency (if applicable).

C. Underground utilities (including gas, cable, electrical and telephone), streetlights, and mailboxes.

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**40 TRAFFIC SIGNAL PA100004 (Custom)**

Prior to the recordation of a subdivision map, or prior to the issuance of any building permits, whichever comes first, the applicant shall (design and construct or enter into an agreement with the County of Orange and the City of Yorba Linda to provide a cash deposit for a proportionate share in combination with Esperanza Hills development) a traffic signal at the intersection of Via del Agua Street and Yorba Linda Boulevard, in a manner meeting the approval of the Manager, Permit Services.

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**41 ROAD FEE PROGRAM PA100004 (Custom)**

Prior to the issuance of building permits, the applicant shall pay applicable fees for the Major Thoroughfare and Bridge Fee Program listed below, in a manner meeting the approval of the Manager, Permit Services.

a. Foothill/Eastern Transportation Corridor

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**42 SIGHT DISTANCE PA100004**

Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance per Standard Plan 1117 at all street intersections, in a manner meeting the approval of the Manager, Permit Services. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the Manager, Permit Services.

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**43 WATER QUALITY MANAGEMENT PLAN PA100004**

Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Permit Services, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. The applicant shall utilize the Orange County Drainage Area Management Plan (DAMP), Model WQMP, and Technical Guidance Manual for reference, and the County's WQMP template for submittal. This WQMP shall include the following:

- Detailed site and project description
- Potential stormwater pollutants
- Post-development drainage characteristics
- Low Impact Development (LID) BMP selection and analysis
- Structural and Non-Structural source control BMPs
- Site design and drainage plan (BMP Exhibit)
- GIS coordinates for all LID and Treatment Control BMPs
- Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for BMPs identified in the BMP Exhibit; (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced BMPs

The BMP Exhibit from the approved WQMP shall be included as a sheet in all plan sets submitted for plan check and all BMPs shall be depicted on these plans. Grading and building plans must be consistent with the approved BMP exhibit.

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**44 COMPLIANCE WITH THE NPDES IMPLEMENTATION PROGRAM PA100004**

Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate compliance with the County's NPDES Implementation Program in a manner meeting the satisfaction of the Manager, OC Inspection, including:

- Demonstrate that all structural Best Management Practices (BMPs) described in the BMP Exhibit from the project's approved WQMP have been implemented, constructed and installed in conformance with approved plans and specifications
- Demonstrate that the applicant has complied with all non-structural BMPs described in the project's WQMP
- Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs (the O&M Plan shall become an attachment to the WQMP;
- Demonstrate that copies of the project's approved WQMP (with attached O&M Plan) are available for each of the initial occupants;
- Agree to pay for a Special Investigation from the County of Orange for a date twelve (12) months after the issuance of a Certificate of Use and Occupancy for the project to verify compliance with the approved WQMP and O&M Plan
- Demonstrate that the applicant has RECORDED one of the following:
  1. The CC&R's (that must include the approved WQMP and O&M Plan) for the project's Home Owner's Association;
  2. A water quality implementation agreement that has the approved WQMP and O&M Plan attached; or
  3. The final approved Water Quality Management Plan (WQMP) and Operations and Maintenance (O&M) Plan.

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**45 STORMWATER POLLUTION PREVENTION PLAN PA100004**

Prior to the issuance of any grading or building permits, the applicant shall demonstrate compliance with California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and

a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number; or other proof of filing in a manner meeting the satisfaction of the Manager, Permit Intake. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for County review on request.

46

**EROSION AND SEDIMENT CONTROL PLAN PA100004**

Prior to the issuance of any grading or building permit, the applicant shall submit a Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Permit Intake, to demonstrate compliance with the County's NPDES Implementation Program and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMPs will be maintained during construction of any future public right-of-ways. The ESCP shall be updated as needed to address the changing circumstances of the project site. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

**ATTACHMENT 7:**

**RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS CERTIFY FINAL EIR  
NO. 615**

RESOLUTION NO. 16-02

RESOLUTION OF THE PLANNING COMMISSION OF ORANGE COUNTY, CALIFORNIA  
RECOMMENDING CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT 615 FOR  
THE CIELO VISTA PROJECT

MARCH 9, 2016

On Motion of Commissioner \_\_\_\_\_, duly seconded and carried, the following Resolution was adopted:

WHEREAS, North County BRS Project LLC. ("Applicant") submitted Planning Application 100004 ("PA100004"), requesting approval of a residential development consisting of 112 single-family residential units including adoption of a General Plan Amendment, Zone Change, Area Plan, and certification of an Environmental Impact Report ("EIR") (collectively, the "Proposed Project"); and

WHEREAS, the County of Orange ("County") is the lead agency under the California Environmental Quality Act ("CEQA"), for the proposed Project; and

WHEREAS, in accordance with Section 15063 of the CEQA Guidelines, the County prepared an Initial Study/Environmental Checklist for the Proposed Project and distributed it, along with the Notice of Preparation ("NOP") to responsible and interested agencies and key interest groups for comment for a 30-day public review period from July 5, 2012 to August 6, 2012; and

WHEREAS, pursuant to the Initial Study prepared for the Proposed Project and in recognition of the comments received in response to the NOP, the County of Orange prepared Draft Environmental Impact Report 615 dated November 2013 ("DEIR No. 615"); and

WHEREAS, the subsequent actions addressed in DEIR No. 615 include, but are not limited to, County approval of a Vesting Tentative Tract Map and site development permits; and

WHEREAS, a public meeting was held on January 19, 2012 to solicit comments from interested parties; and

WHEREAS, a Notice of Availability for DEIR No. 615 was filed with the State Clearinghouse and posted on July 3, 2012, giving public notice of the availability of DEIR No. 615 for review and comment; and

WHEREAS, copies of DEIR No. 615 were circulated for public review and comment for a 75-day period between November 7, 2013 to January 22, 2014; and

WHEREAS, during the public review period, a total of 129 letters and emails were received and 66 public meeting attendees made comments on DEIR No. 615; and

WHEREAS, in accordance with the requirements of CEQA, full and complete responses to those comments received during the public review period were prepared and are included in Cielo Vista Final EIR No. 615 ("FEIR No. 615"); and



WHEREAS, All the information comprising FEIR No. 615 is on file with OC Public Works/Planning Division, 300 North Flower Street, Santa Ana, California; and

WHEREAS, FEIR No. 615 is comprised of (i) DEIR No. 615, (ii) the Responses to Comments which includes a list of persons, organizations and public agencies commenting on DEIR No. 615 along with the letters and emails received from such commenters, public meeting testimony and corresponding responses to comments, (iii) revisions to the DEIR No. 615 reflecting changes made in response to comments and other information as detailed in the Response to Comments Errata and (iv) all attachments and documents incorporated by reference into DEIR No. 615; and

WHEREAS, FEIR No. 615 is in compliance with CEQA (California Public Resources Code, Sections 21000 *et seq.*) and the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 *et seq.*) (“CEQA Guidelines”) and is a Project EIR as defined by CEQA Guidelines Section 15161, and as such addressed the potentially significant environmental impacts associated with the Proposed Project, including, but not limited to, the adoption of an Area Plan, adoption of a Zone Change and related programs and entitlements, as well as the impacts anticipated from subsequent implementing steps in the chain of contemplated actions designed to carry out the final planning and development of the Project; and

WHEREAS, the Modified Planning Area One Alternative, or Alternative 5 in FEIR No. 615 meets all the Proposed Project objectives and is environmentally superior to the Proposed Project., and thus, constitutes the preferred alternative. This alternative consists of the development of a maximum of 83 single-family residential units on 84 acres (with 42.7 acres of open space) in Planning Area 1. Adoption of the Area Plan for the 83 unit development and ZC 15-01 constitutes the Approved Project (hereinafter “Approved Project”); and

WHEREAS, the subsequent actions addressed in FEIR No. 615 include, but are not limited to, County approval of Vesting Tentative Tract Map and site development permits, issuance of a Biological Opinion Section 404 permit from the Army Corp of Engineers, Section 401 certification from the Santa Ana Regional Water Quality Control Board and/or Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife, Local Agency Formation Commission consideration of potential annexation, and issuance of an encroachment permit from the City of Yorba Linda; and

WHEREAS, no Statement of Findings or Statement of Overriding Considerations is required since the project does not have any Unavoidable Adverse Significant Impacts; and

WHEREAS, based on the Initial Study for PA100004 and DEIR 615, it has been determined that all environmental impacts related to the Project have been reduced to less than significant with the incorporation of mitigation measures and conditions of approval; and

WHEREAS, as part of the certification of the adequacy of FEIR No. 615, per California Public Resources Code Section 21081.6, a Mitigation Monitoring and Reporting Program (“MMRP”) is adopted identifying Mitigation Measures (“MM(s)”) and Standard Conditions (“SC(s)”), all of which have been identified as measures to reduce potential adverse significant impacts; and

WHEREAS, the principal purpose of the MMRP is to ensure that the approved mitigation measures for the Approved Project are implemented and monitored for compliance during subsequent planning stages and, ultimately, during project implementation; and

WHEREAS, a copy of the MMRP is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Planning Commission conducted a legally noticed public hearing on March 9, 2016 regarding FEIR No. 615, the Area Plan, and ZC 15-01;

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby makes the following recommendation:

The Planning Commission recommends that the Board of Supervisors certify Final EIR No. 615 as complete and adequate in that it addresses all environmental effects of the Project and fully complies with the requirements of CEQA, the CEQA Guidelines and the County of Orange environmental analysis procedures.

The Planning Commission further recommends that should the Board of Supervisors approve the staff recommended Project, and the Mitigation Monitoring and Reporting Program prepared for the Project.

All the information comprising the Final EIR No. 615 is on file with the County of Orange Public Works/OC Development Services, 300 North Flower Street, Santa Ana, California.

The foregoing was passed and adopted by the following vote of the Orange County Planning Commission on \_\_\_\_\_, 2016, to wit:

AYES:

NOES:

ABSENT:

I HEREBY CERTIFY that the foregoing Resolution No. 16-02 was adopted on \_\_\_\_\_, 2016, by the Orange County Planning Commission.

By \_\_\_\_\_

**EXHIBIT A:**

**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

## 4.0 MITIGATION MONITORING AND REPORTING PROGRAM

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This Mitigation Monitoring and Reporting Program (MMRP), which is provided in **Table 4-1, *Mitigation Monitoring and Reporting***, has been prepared pursuant to Public Resources Code Section 21081.6, which requires adoption of a MMRP for projects in which the Lead Agency has required changes or adopted mitigation to avoid significant environmental effects. The County of Orange is the Lead Agency for the proposed Cielo Vista Project and therefore is responsible for administering and implementing the MMRP. The decision-makers must define specific reporting and/or monitoring requirements to be enforced during Project implementation prior to final approval of the Project. The primary purpose of the MMRP is to ensure that the mitigation measures identified in the Draft and Final EIR (designated by the respective environmental issue within Chapter 4.0 of the EIR) are implemented thereby minimizing identified environmental effects. The MMRP also includes the proposed Project Design Features (PDFs) listed in Chapter 2.0, *Project Description*, and throughout Chapter 4.0 the Draft EIR. The PDFs are specific design elements proposed by the Applicant that have been incorporated into the Project to prevent the occurrence of or to minimize the significance of potential environmental effects. Because PDFs have been incorporated into the Project, they do not constitute mitigation measures, as defined by Section 15126.4 of the State CEQA Guidelines (Title 14 of the California Code of Regulations). However, PDFs are included in this MMRP to ensure their implementation as a part of the Project. The Project would include PDFs related to: Aesthetics, Hazards and Hazardous Material, Hydrology and Water Quality, Traffic/Transportation, and Utilities and Service Systems.

The MMRP for the Project will be in place through all phases of the Project, including design (preconstruction), construction, and operation (both prior to and post-occupancy). The County of Orange (OC) Planning Department is responsible for administering the MMRP. OC Development Services will ensure that monitoring is documented through periodic reports and that deficiencies are promptly corrected. The designated environmental monitor will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to remedy problems.

Each mitigation measure and PDF is categorized by impact area, with an accompanying identification of:

- The monitoring and reporting phase during which the mitigation measure/PDF should be monitored;
- The timing to which the mitigation measure/PDF must comply with; and
- The responsible monitoring personnel/agency.

## Mitigation Monitoring and Reporting Program

## Aesthetics

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
the potential for open space and retain the primary east-west canyon within the central portion of the site.						
<b>PDF 1-2</b> - A primary community entry would be established at the intersection of "A" Street and Via del Agua (see Figure 2-12, Primary Entry at Via Del Agua, in Section 2.0, <i>Project Description</i> , of the Draft EIR). The entries to the project site would include a blend of hardscape and planting elements, in addition to low-level entry lighting. No entry gates would be installed.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
<b>PDF 1-3</b> - Non-reflective and/or anti-glare building materials would be used. The selected color palette for each architectural style should share a "common sense" approach to the use of materials and colors indigenous to the region and compatibility with existing surrounding residential land use.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
<b>PDF 1-4</b> - The Project would provide approximately 36 acres of undeveloped open space which can be offered for dedication to a public agency or an appropriate land conservation/trust organization. Or,	Design/Plan Check	Prior to recordation of a subdivision map	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
the open space would be owned and maintained by the Project HOA.						
<b>PDF 1-5</b> - As shown in the Conceptual Landscape Plan (Figure 2-11 and Table 2-2 of the Draft EIR), landscaped areas or natural open space areas would be located adjacent to existing residential development to serve as natural buffers between existing residential neighborhoods and proposed homes. The plant palette would include native and appropriate non-native drought tolerant trees, groundcovers and shrubs that would be compatible with the existing native plant communities found within the site. The landscape design would emphasize the planting of long-lived plant species that are native to the region or well adapted to the climatic and soil conditions of the area. In addition, any invasive non-native species that appears on the California Invasive Plant Council (Cal-IPC) list of invasive species would be excluded from the landscape plan plant palette.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
<b>PDF 1-6</b> - As shown in the Streetscapes Plan (see Figure 2-13 of the Draft EIR), the planting plan for	Design/Plan Check	Prior to issuance of grading permit	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
streets shall include shrubs, grasses, and stands of native and non-native trees. Uniformed spacing of trees shall be avoided.						
<b>PDF 1-7</b> - Landscape treatment of all areas shall emphasize the planting of shade trees along streets to contrast with open space. Street trees and trees planted near walkways or street curbs shall be selected and installed to prevent damage to sidewalks, curbs, gutters and other improvements.	Design/Landscape Plan Check	Prior to issuance of grading permit	Manager, OC Development Services			
<b>PDF 1-8</b> - Plantings would be installed around the 1.8-acre parcel located in Planning Area 1 that may be designated for continued oil operations to screen most, if not all, of the oil-related facilities within this area.	Design/ Plan Check	Prior to issuance of grading permit	Manager, OC Development Services			
<b>PDF 1-9</b> - All exterior lighting would be directed downward and “night sky friendly,” in compliance with the Codified Ordinances of the County of Orange Section 7-9-55.8 requirements for exterior lighting. All lights would be designed and located so that all direct light rays are confined to the property. No lighting would be cast	Design/Plan Check	Prior to issuance of building permit	Manager, Permit Services (OC)			



Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
directly outward into open space areas. Specimen trees may be up-lit into the canopy to avoid creating dark sides of the trees in instances where such lighting could be directed onto the tree canopy to avoid light spillage above and beyond the tree. (Mitigation Measure 4.1-1 would ensure compliance with the code requirements.)						
<p><b>PDF 1-10</b> - One or more HOAs may be established for the maintenance of private common area improvements within residential Planning Areas of the project site. Private improvements to be maintained by either the HOA or private property owners may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Parkway landscaping within the rights of ways of all local streets.</li> <li>▪ Slopes within the boundary of a Planning Area, fuel modification zones, detention and water quality treatment basins and facilities.</li> <li>▪ Community and neighborhood entries and signage, and</li> </ul>	Pre-Occupancy	Prior to issuance of certificates of use and occupancy	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>common open space areas within residential Planning Areas.</p> <ul style="list-style-type: none"> <li>Community perimeter walls and fencing.</li> <li>Landscape areas of lots, common area wall surfaces, and slopes internal to the Project along residential local streets.</li> <li>Common area landscaping and lighting.</li> </ul>						
<b>Air Quality</b>						
<p><b>Mitigation Measure 4.2-1</b> - Prior to the issuance of grading permits, the contractor shall provide evidence to the Manager, Permit Services that compliant with SCAQMD Rule 403 and during construction, that the following measures shall be implemented to reduce fugitive dust emissions:</p> <ul style="list-style-type: none"> <li>Apply water and/or nontoxic chemical soil stabilizers according to manufacturer's specification to all construction areas expected to be inactive for 10 or more days.</li> </ul>	<p>Pre-Construction</p> <p>and</p> <p>Construction (as necessary)</p>	<p>Prior to issuance of grading permit</p> <p>and</p> <p>Periodic site inspections (as necessary)</p>	Manager, Permit Services (OC)			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>Reapply as needed to minimize visible dust.</p> <ul style="list-style-type: none"> <li>▪ Apply water three times daily or nontoxic chemical soil stabilizers according to manufacturer's specifications to all unpaved parking or staging areas or unpaved road surfaces.</li> <li>▪ Enclose, cover, water three times daily, or apply approved chemical soil stabilizers to exposed piles of dirt, sand, soil, or other loose materials.</li> <li>▪ Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.</li> </ul> <p>The determination of wind speed conditions in excess of 25 miles per hour shall be based on the following criteria:</p> <p>(A) For facilities with an on-site anemometer:</p> <p>(i) When the on-site anemometer registers at least two wind gusts in excess of 25 miles per hour within a</p>						

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>consecutive 30-minute period. Wind speeds shall be deemed to be below 25 miles per hour if there is no recurring wind gust in excess of 25 miles per hour within a consecutive 30-minute period; or</p> <p>(B) For facilities without an on-site anemometer:</p> <p>(i) When wind speeds in excess of 25 miles per hour are forecast to occur in Yorba Linda for that day. This condition shall apply to the full calendar day for which the forecast is valid; or</p> <p>(ii) When wind speeds in excess of 25 miles per hour are not forecast to occur, and fugitive dust emissions are visible for a distance of at least 100 feet from the origin of such emissions, and there is visible evidence of wind driven fugitive dust.</p> <p>▪ All trucks hauling dirt, sand, soil, or other loose materials are to be</p>						

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.</p> <ul style="list-style-type: none"> <li>▪ Sweep streets at the end of the day, or more frequently as needed to control track out.</li> <li>▪ To prevent dirt and dust from unpaved construction roads from impacting the surrounding areas, install roadway dirt control measures at egress points from the Project Site (or areas of the Site actively grading). These may be wheel washers, rumble strips, manual sweeping, or other means effective at removing loose dirt from trucks and other equipment before leaving the site.</li> <li>▪ Post and enforce traffic speed limits of 15 miles per hour or less on all unpaved roads.</li> <li>▪ Plant ground cover in planned areas as quickly as possible after</li> </ul>						

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
grading. <ul style="list-style-type: none"> <li>All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized.</li> </ul>						
<b>Mitigation Measure 4.2-2</b> - Prior to the issuance of grading permits, the contractor shall provide evidence to the Manager, Permit Services that compliant with SCAQMD Rule 403 traffic speeds on unpaved roads and project site areas shall be reduced to 15 miles per hour or less.	Pre-Construction  and  Construction (as necessary)	Prior to issuance of grading permit  and  Periodic site inspections (as necessary)	Manager, Permit Services (OC)			
<b>Biological Resources</b>						
<b>Mitigation Measure 4.3-1</b> - Prior to impacts in least Bell's vireo occupied habitat (i.e., southern willow scrub and mule fat scrub), the Project Applicant/developer shall obtain regulatory permits by way of an authorization pursuant to FESA and CESA. On- and/or off-site replacement and/or enhancement of least Bell's vireo habitat shall be provided by the Project Applicant at a ratio no less than 2:1, in coordination with the regulatory permitting	Pre-Construction	Prior to issuance of grading permit	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
processes of the USFWS and CDFW. Off-site replacement may include, but is not limited to, the purchase of mitigation credits in an agency-approved off-site mitigation bank supporting least Bell's vireo. A Mitigation Plan approved by the USFWS and/or CDFW, as appropriate, shall be provided to the Manager, OC Development Services prior to issuance of a grading permit.						
<b>Mitigation Measure 4.3-2</b> - Prior to the issuance of a grading permit, the Project Applicant shall be required to obtain regulatory permits by way of a CWA Section 404 permit, a CWA Section 401 Water Quality Certification, and/or a California Fish and Game Code Section 1602 Streambed Alteration Agreement for impacts to jurisdictional features regulated by the USACE, RWQCB, and/or CDFW and provide documentation of same to the OC Development Services Manager. The following measures may be required by the Agencies, unless required otherwise by the Agencies:  1. On- and/or off-site replacement of USACE/RWQCB jurisdictional "waters	Pre-Construction	Prior to issuance of grading permit	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>of the U.S.” /“waters of the State” at a ratio no less than 2:1 for permanent impacts, and for temporary impacts, restore impact area to pre-project conditions (i.e., pre-project contours and revegetate). Off-site replacement may include the purchase of mitigation credits at an agency-approved off-site mitigation bank.</p> <p>2. On- and/or off-site replacement of CDFW jurisdictional streambed and associated riparian habitat at a ratio no less than 2:1 for permanent impacts, and for temporary impacts, restore impact area to pre-project conditions (i.e., pre-project contours and revegetate). Off-site replacement may include the purchase of mitigation credits at an agency-approved off-site mitigation bank.</p>						
<p><b>Mitigation Measure 4.3-3</b> - Prior to issuance of a grading permit, the Project Applicant shall demonstrate to the satisfaction of the Manager, OC Development Services that the following requirements have been Included in the Project construction plan:</p> <p>1. Vegetation removal activities shall be scheduled outside the nesting</p>	<p>Pre-Construction</p> <p>and</p>	<p>Prior to issuance of grading permit</p> <p>and</p>	<p>Manager, OC Development Services</p>			



Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds.</p> <p>2. Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) shall require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors), or as determined appropriate by the biological monitor, shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the biological monitor to minimize impacts.</p> <p>3. A qualified biologist shall survey for active bird nests or mammal burrows in all Project site areas that could potentially be exposed to construction noise levels exceeding 60 dBA. Where active bird nests or mammal burrows are discovered, no construction activities shall occur that would result in noise levels exceeding</p>	Construction (as necessary)	Periodic site inspections (as necessary)				

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
60 dBA at the active nest or burrow location. Construction restriction areas shall be staked or fenced under the supervision of the qualified biologist prior to the commencement of construction activities during the breeding season dates listed above.						
<b>Cultural Resources</b>						
<b>Mitigation Measure 4.4-1</b> - Prior to the issuance of any grading permit, the Applicant shall provide written evidence to the Manager, OC Development Services, that the Applicant has retained a qualified archaeological monitor to conduct daily observations of construction excavations into younger Quaternary Alluvium during construction-related ground disturbing activities (i.e., grading and excavation) until the archaeological monitor determines further observations are not necessary based on soil conditions and presence/absence of archaeological resources. The observations shall target the flatter areas of the project site such as hilltops, ridge lines, and canyon bottoms, which are more conducive to retaining archaeological resources	Pre-Construction  and  Construction (as necessary)	Prior to issuance of grading permit  and  Periodic site inspections (as necessary)	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
since such areas were prime locations for pre-historic occupation as compared to areas of steeper topography.						
<b>Mitigation Measure 4.4-2</b> - In the event that archaeological resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by the archaeologist. The Applicant shall coordinate with the archaeologist and the County to develop an appropriate treatment plan for the resources to reduce impacts to any significant resources to a less than significant level. Treatment measures to be considered first shall be avoidance or preservation in place. If preservation or avoidance of the resource is not appropriate, as determined by the archaeologist and the County, then	Construction (as necessary)	Upon discovery of potential archaeological resources (as necessary)	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
the resource shall be removed from its location and appropriate data recovery conducted to adequately recover information from and about the archeological resource. All archaeological resources recovered shall be documented on California Department of Parks and Recreation Site Forms to be filed with the South Central Coastal Information Center. The landowner, in consultation with the archaeologist and the County shall designate repositories in the event that archaeological material is recovered.						
<b>Mitigation Measure 4.4-3</b> - The archaeological monitor shall prepare a final report at the conclusion of archaeological monitoring. The report shall be submitted by the Applicant to the County, the South Central Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures. The report shall include a description of resources unearthed, if any, treatment of the resources, and evaluation of the resources with	Construction (as necessary)	Upon discovery of potential archaeological resources (as necessary)	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
respect to the California Register of Historical Resources.						
<b>Mitigation Measure 4.4-4</b> - If archaeological resources are encountered during implementation of the Project when the archaeological monitor is not present, ground-disturbing activities shall temporarily be redirected from the vicinity of the find by the construction contractor. The Applicant shall immediately notify a qualified archaeologist of the find. The archaeologist shall coordinate with the Applicant as to the immediate treatment of the find until a proper site visit and evaluation is made by the archaeologist. The Applicant shall then follow the procedures outlined in Mitigation Measure 4.4-2. The archaeologist shall also determine the need for full-time archaeological monitoring for any ground-disturbing activities in the area of the find thereafter and training of construction workers, as appropriate.	Construction (as necessary)	Upon discovery of potential archaeological resources (as necessary)	Manager, OC Development Services			
<b>Mitigation Measure 4.4-5</b> - Prior to issuance of any grading permit, the Applicant shall retain a qualified paleontologist certified by the County	Pre-Construction  and	Prior to issuance of grading permit  and	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
of Orange, Development Services Department (County Property Permits) who shall attend a pre-grading/excavation meeting and develop a paleontological monitoring program for excavations into sediments associated with the fossiliferous older Quaternary Alluvium, Yorba and Sycamore Canyon Members of the Puente Formation, and Quaternary landslides deposits. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The qualified paleontologist shall supervise a paleontological monitor who shall be present at such times as required by the paleontologist during construction excavations into the fossiliferous deposits mentioned above. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring shall be determined by the paleontologist and shall be based on the rate of excavation and grading	Construction (as necessary)	Periodic site inspections (as necessary)				

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered.						
<b>Mitigation Measure 4.4-6</b> - If a potential fossil is found, the paleontological monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the John D. Cooper Archaeological and Paleontological Curation Center at the California State University, Fullerton. Accompanying notes, maps, and	Construction (as necessary)	Upon discovery of fossils (as necessary)	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
photographs shall also be filed at the repository.						
<b>Mitigation Measure 4.4-7</b> - The Paleontologist and/or paleontological monitor shall conduct sampling and screening of the underlying sediments at the project site for the presence or absence of microfossils. The monitor shall collect various samples (consisting of approximately 200 pounds of sediment) from the spoils piles, sidewalls, or bottoms of an exposed excavation pit across the project site and use wet- or dry-screening techniques off-site for the recovery of microfossils. If the sample yields an appropriate concentration of microfossils, a bulk sediment sample may be warranted.	Construction	Periodic site inspections (as necessary)	Manager, OC Development Services			
<b>Mitigation Measure 4.4-8</b> - Prior to the release of the grading bond, the paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Applicant for approval by the	Pre-Construction	Prior to release of grading bond	Manager, OC Development Services			



Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
Manager, OC Development Services. In addition, the report shall be submitted to the Natural History Museum of Los Angeles County, and other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.						
<b>Mitigation Measure 4.4-9</b> - If human remains are encountered unexpectedly during implementation of the Project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the land owner, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation	Construction (as necessary)	Upon discovery of human remains (as necessary)	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the land owner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants'						

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>preferences for treatment.</p> <p>Whenever the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.</p>						
<b>Geology and Soils</b>						
<p><b>Mitigation Measure 4.5-1</b> - Prior to the issuance of precise grading permits unless noted as otherwise below or otherwise agreed to by County's engineering geologist, the Project Applicant/developer shall submit a final site specific, design-level geotechnical investigation prepared by a California-licensed professional engineering geologist to</p>	Design/Plan Check	Prior to issuance of precise grading permit	Manager, OC Public Works, Subdivision and Grading, or his/her designee; County's registered engineering geologist			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee and the County's engineering geologist for review, approval and implementation pursuant to the final site specific, design-level geotechnical investigation as outlined below. The investigation shall comply with all applicable State and local code requirements, including the current building code in effect at the time of precise grading permit issuance, and shall provide the following:</p> <p>a) As set forth in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Location of Whittier Fault, Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated July 31, 2014, the primary trace of the Whittier Fault is well-defined as a narrow fault zone less than approximately 15 feet-wide along the east-west drainage in the central portion of the Cielo Vista site. The geotechnical investigation required by this mitigation measure shall evaluate the potential for additional fault traces south of this zone and determine if any additional fault</p>						

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>traces are “active” (i.e., a fault that has ruptured the ground surface within the Holocene Age (approximately the last 11,000 years)) by subsurface investigations consisting of trenching activities. Based on the results of this geotechnical investigation, the Project’s proposed residences shall be set back from the fault trace in accordance with State setback requirements. The investigation shall comply with the Alquist-Priolo Earthquake Fault Zone Act.</p> <p>b) Conduct additional fault trenching as necessary and as recommended in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated August 1, 2014, to confirm that the fault traces identified in the area of FT-1 and FT-4 are not active. Should this area not be determined to be active, a 75-foot setback zone would be recommended for those lots along the south side of the active Whittier Fault as delineated per subsection (a), above, and, on the</p>						

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>north side of the active Whittier Fault, a setback zone ranging from 50 feet on the west side of the site to approximately 120 feet on the east side of the site. In addition, a 10-foot overexcavation and recompaction below pad grade for the proposed structures in Lots 18 to 56 is recommended as well as post-tensioned foundations. If faults observed in FT-1 and FT-4 are determined to be active, precise grading permits for Lots 20-52, 66-70, 83-89, 96-98 and 109-112 shall not be issued unless additional studies are prepared and approved by the County's registered engineering geologist confirming that some or all of these lots are suitable for residential construction.</p> <p>c) Include a stability analysis consisting of down-hole logging of large-diameter borings in the areas of suspected landslides and other areas of potential slope stability issues to characterize the slopes and engineering analysis to determine what, if any, stabilization measures are necessary. For potential global and local slope failures, a factor of safety for slope stability of equal to or</p>						

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
greater than 1.5 and 1.1 for static and seismic loading conditions, respectively, is the generally accepted minimum for new residential construction. Where existing and/or proposed slopes are found to have a factor of safety lower than these minimum requirements, the development shall either need to be setback from, or mitigation methods implemented to improve the stability of, the slopes to these minimum levels. Slopes with less than the minimum factor of safety must be sufficiently setback so that at the location of the proposed residential structures, at least the minimum required factor of safety is achieved. Potential methods of mitigation against slope stability issues related to potentially unstable existing and proposed slopes, including existing landslides, typically include partial or complete landslide removal, excavation and construction of earthen buttresses, and/or shear keys. Landslide removal requirements, as well as the locations, depths, widths, and lengths of the buttresses/shear keys, shall be determined via geotechnical						

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>investigation and analysis during the design phase of the Project and confirmed during site grading.</p> <p>d) Conduct representative sampling and laboratory testing of the onsite soils to identify the locations of on-site expansive or compressible soils. Where unsuitable soils are found, site-specific design criteria (i.e., foundation design parameters) and remedial grading techniques (i.e., primarily removal, moisture conditions and recompaction of unsuitable soils) shall be identified in the design-level geotechnical report to remove and/or mitigate unsuitable soils that could create geotechnical stability hazards to the Project.</p> <p>e) Determine structural design requirements as prescribed by the most current version of the California Building Code, including applicable County amendments, to ensure that structures and infrastructure can withstand ground accelerations expected from known active faults.</p> <p>Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigations in the site-specific investigations. The</p>						



Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
County's registered engineering geologist shall review the site-specific investigations, provide any additional necessary measures to meet Building Code requirements, and incorporate all applicable recommendations from the investigation in the design plans and shall ensure that all plans for the Project meet current Building Code requirements.						
<b>Hazards and Hazardous Materials</b>						
<b>Mitigation Measure 4.7-1</b> - Prior to the issuance of grading permits, the Project Applicant/developer shall submit the Soil Management Plan (SMP) prepared by a California-licensed professional geologist to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee for review, approval and implementation by the Project Proponent. The SMP shall include the protocol for the handling and/or disposal of impacted soils, as well as subsurface structures (i.e., underground storage tanks), that could potentially be encountered during construction activities. The SMP shall include protocols for: screening of soil exhibiting impacts,	Pre-Construction	Prior to issuance of grading permit	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
handling of volatile organic compounds (VOC) contaminated soils; stockpile management; vapor suppression and dust control, surface water protection, soil stockpile sampling; sampling frequency; and exporting of contaminated soils.						
<b>Mitigation Measure 4.7-2</b> - During ground disturbing construction activities, should VOC contaminated soils be encountered as a result of the screening methods prescribed by the Soils Management Plan (refer to Mitigation Measure 4.7-1), ground disturbing construction activities shall be immediately halted. Ground disturbing activities shall not resume until a VOC mitigation plan in accordance with South Coast SCAQMD Rule 1166 has been reviewed and approved by the SCAQMD Executive Officer. The VOC mitigation plan shall set forth requirements to control the emission of VOCs from excavating, grading, handling and treating VOC-contaminated soil consistent with SCAQMD Rule 1166.	Construction (as necessary)	Upon discovery of VOC contaminated soils (as necessary)	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<b>Mitigation Measure 4.7-3</b> - Prior to the issuance of grading permits, a qualified environmental consultant shall prepare and submit a site-specific health and safety plan (HASP) to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee for review and approval. The HASP shall be implemented in conjunction with the Soils Management Plan (refer to Mitigation Measure 4.7-1) when handling soil with suspected or confirmed chemical of concern (COC) impacts. At a minimum, the HASP shall identify the potential COCs and/or other hazards of concern and establish guidelines and/or procedures for controlling/minimizing exposures to potential COCs/hazards, including the appropriate level(s) of personal protective equipment (PPE). The general contractor shall be responsible for non-COC-related health and safety concerns associated with the excavation (e.g., excavation stability, stockpile placement, heavy equipment operation).	Pre-Construction	Prior to issuance of grading permit	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<b>Mitigation Measure 4.7-4</b> - After decommissioning of the oil facilities on the project site, a qualified environmental consultant shall inspect the abandoned wells and perform a review of well decommission documentation. Also, DOGGR shall be contacted to perform a "Construction Site Review" of the abandoned wells on the subject site to determine whether the wells have been abandoned to current standards, as well as verify that adequate distances of wells to proposed structures is proposed. If these are not adequate, the siting of proposed structures and/or proper measures to well features shall be conducted to the satisfaction of DOGGR.	Pre-Construction/ Construction	After decommissioning of the oil facilities on the project site	Manager, OC Public Works, Subdivision and Grading, or his/her designee			
<b>Mitigation Measure 4.7-5</b> - The Project Applicant shall retain a qualified environmental consultant to profile the unidentified substance in the unlabeled 55-gallon drum and facilitate its disposal in accordance with regulatory guidelines, including DOGGR, RWQCB, OCFA, OCHCA and/or any other agency with jurisdiction over such disposal measures. If soil staining occurs	Pre-Construction	Prior to issuance of grading permit	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
around and/or beneath the container and the contents of the drum are determined to be hazardous, soil sampling shall be performed to determine if impacts to the near surface soils have occurred. If so, soil shall be removed in accordance with the measures included in the Project's SMP to be implemented pursuant to Mitigation Measure 4.7-1.						
<b>Mitigation Measure 4.7-6</b> - Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the	Pre-Construction	Prior to issuance of grading permit and concurrent with decommissioning of the on-site oil facilities	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.						
<b>Mitigation Measure 4.7-7</b> - Areas within Planning Area 1 (including, but not limited to areas located adjacent to lots 40, 41, 49, 50, 85, 86, and 87) not capable of providing a typical 170-foot fuel modification zone, shall increase the irrigated zone(s) to 100 feet and shall provide six-foot high block walls/radiant heat walls constructed of block/tempered glass over block at the bottom of the fuel modification zone. The block walls/radiant heat walls shall be placed where the fuels below the structure are not of continuous nature and not in alignment with the slope and Santa Ana winds and/or the	Design/Plan Check	Prior to issuance of building permit  and  Prior to issuance of certificates of use and occupancy	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
predominant winds. The block walls/radiant heat walls shall be perpendicular to the wind, but parallel with the slope. In most cases, the block walls/radiant heat walls shall be located at the property line/base of the irrigated zone and down slope from the native vegetation. Increased irrigated zones and block walls/radiant heat walls design and location shall be subject to the review and approval of the OCFA, prior to issuance of certificates of use and occupancy.						
<b>Mitigation Measure 4.7-8</b> - Structures with deficient fuel modification lots 39-42, 49-52, 69, 70, and 85-88 shall be protected with NFPA 13-D Automatic Fire Sprinklers including the attics and small spaces. Lots 96-112 shall be protected with NFPA 13-D Automatic Fire Sprinklers including attics and small spaces to mitigate for roadway access longer than 800-feet. Such features shall be indicated on construction drawings prior to issuance of a building permit.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<b>Mitigation Measure 4.7-9</b> - Fuel modification easements for maintaining the fuel modification areas must list the OCFA as an authorized user. These easements are recorded as part of the mapping process. Prior to recordation of the CC&R's, OCFA must approve language allowing OCFA access to HOA owned property for the purpose of inspecting the fuel modification, plant palette, and added improvements to ensure maintenance of the fire safe zones. In addition, CC&R's shall provide landscaping and maintenance guidelines to ensure that each residential lot is fire-safe and list allowable improvements such as patio structure, play equipment construction, and fencing materials. The CC&R's shall be recorded prior to issuance of certificate of use and occupancy.	Pre-Occupancy	Prior to issuance of certificates of use and occupancy	Manager, OC Development Services			
<b>Mitigation Measure 4.7-10</b> - For the safety of construction personnel, neighboring homes, and firefighting safety in the wildland areas, the Project Applicant, under the supervision of the Fire Chief, and prior to issuance of building permits	Pre-Construction	Prior to issuance of building permit	Manager, OC Development Services			



Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
shall have completed the Project roadways in accordance with applicable OCFA and/or County design standards in the area prior to building permit issuance.						
<b>Mitigation Measure 4.7-11</b> - Prior to issuance of building permits, a service letter from the water agency serving the project area shall be submitted and approved by the OCFA water liaison describing the water supply system, pump system, and fire flow and lists the design features to ensure fire flow during a major wildfire incident.	Pre-Construction	Prior to issuance of building permit	Manager, OC Development Services			
<b>PDF 7-1</b> - Prior to grading for development, existing on-site oil wells and facilities, and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR). All other containers associated with oil production shall also be disposed in accordance with applicable regulatory requirements.	Pre-Construction	Prior to issuance of grading permit	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<b>PDF 7-2</b> - No new residences (habitable structures) would be developed within 150 feet of any surface operational oil well; or within 50 feet of a subsurface pumping unit/well enclosed within a concrete vault, or as otherwise approved by the Director, OC Development Services. The buffer(s) would be clearly dimensioned on all applicable plans prior to issuance of building permits to the satisfaction of the Manager, OC Development Services.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
<b>PDF 7-3</b> - No new residences (habitable structures) would be developed within ten feet of abandoned wells. The 10-foot buffer would be clearly dimensioned on all applicable plans prior to issuance of permits to the satisfaction of the Manager, OC Development Services.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
<b>PDF 7-4</b> - All new wells drilled in the 1.8-acre "oil drilling pad" parcel located in Planning Area 1 for potential continued oil operations would be drilled per applicable DOGGR, OCFA and County of Orange requirements.	Post-Occupancy (as necessary)	Prior to operating permit for future oil-related facilities	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<b>PDF 7-5</b> - The oil drilling pad would not be accessible to the public. Plantings, barriers, signage, and information would be provided where necessary to ensure public safety.	Post-Occupancy	Prior to operating permit for future oil-related facilities	Manager, OC Development Services			
<b>PDF 7-6</b> - Access to the oil drilling pad shall be provided within existing oil field service roads. No new roadways for servicing existing or proposed oil wells would be constructed through open space areas.	Post-Occupancy	Prior to operating permit for future oil-related facilities	Manager, OC Development Services			
<b>PDF 7-7</b> - The Applicant/developer would provide written notification to all future homeowners regarding the previous use of the site as an oilfield and the extent of continued oil production activities in the area.	Pre-Occupancy	Prior to issuance of certificates of use and occupancy	Manager, OC Development Services			
<b>PDF 7-8</b> - At the time oil operations on the 1.8-acre parcel cease, any wells would be abandoned and contaminated soils would be remediated pursuant to all applicable requirements, if necessary.	Post-Occupancy	Prior to termination of future oil-related facilities	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<b>PDF 7-9</b> - Prior to issuance of a building permit, the Project would implement a fire protection plan that would comply with OCFA's standards for VHFHSZ/SFPA.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
<b>PDF 7-10</b> - The Project would incorporate fire-resistant construction for all structures adjoining open space areas including the use of fire-resistant building materials. Such materials would be clearly shown on construction drawings and reviewed and approved by the Manager, OC Development Services prior to issuance of a building permit.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
<b>PDF 7-11</b> - All structures would be protected with smoke detectors and National Fire Protection Association (NFPA) 13-D Automatic Fire Sprinklers. Such features would be clearly shown on construction drawings and reviewed and approved by the Manager, OC Development Services prior to issuance of a building permit.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<b>PDF 7-12</b> - The project shall include fuel modification/management zones to help suppress wildland fires in accordance with OCFA guidelines.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
<b>PDF 7-13</b> - The Project would incorporate a landscape plan that utilizes a plant palette consisting of fire resistant plants, native and appropriate non-native drought tolerant species in accordance with OCFA guidelines. In addition, long-term maintenance responsibilities would remove from all fuel modification zones any invasive non-native species that appear on the California Invasive Plant Council (Cal-IPC) list of invasive species to prevent these from becoming established.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
<b>PDF 7-14</b> - Per OCFA requirements, fire hydrants would be spaced at 600 feet or less and minimum fire access requirements would be met or exceeded (28-foot minimum road width, 17-foot inside and 38-foot outside turning radius).	Design/Plan Check	Prior to recordation of subdivision map	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
Hydrology and Water Quality						
PDF 8-1 - The Project would implement a Water Quality Management Plan (WQMP) and a Storm Water Pollution Prevention Plan (SWPPP). The WQMP would include detailed sizing parameters for the basins and would provide guidelines for the proper maintenance of the water quality basins. The WQMP and SWPPP would identify the BMPs to be implemented by the Project that would reduce pollution levels in stormwater discharge in compliance with applicable water quality standards. These plans would be reviewed and approved by the Manager, OC Development Services prior to recordation of the subdivision map.	Design/Plan Check	Prior to recordation of subdivision map	Manager, OC Development Services			
PDF 8-2 - Debris Basin - The Project would include a debris basin at the most easterly cul-de-sac in Planning Area 1 for a drainage tributary (Creek A) of approximately 636 acres, which enters the project site at this location.	Design/Plan Check	Prior to issuance of grading or building permit	Manager, Permit Services (OC)			
PDF 8-3 - All habitable building floor elevations would be constructed at a minimum of 1-foot (or greater) above	Design/Plan Check	Prior to issuance of grading or building permit	Manager, Permit Services (OC)			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
the anticipated peak 100-year flood water surface elevation to ensure that no residential structure would be flooded within the project site.						
<b>Noise</b>						
<b>Mitigation Measure 4.10-1</b> - During all project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site. All operations shall comply with the County of Orange Codified Ordinance Division 6 (Noise Control). The contractor shall produce evidence that the measures are in place prior to issuance of any grading permits and as approved by the County of Orange Manager, Planning Services.	Pre-Construction  and  Construction (as necessary)	Prior to issuance of grading permit and  Periodic site inspections (as necessary)	Manager, OC Development Services			
<b>Mitigation Measure 4.10-2</b> - The construction contractor shall locate equipment staging in areas that would create the greatest distance	Pre-Construction  and	Prior to issuance of grading permit and	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction. All operations shall comply with the County of Orange Codified Ordinance Division 6 (Noise Control). Prior to issuance of any grading permits the County of Orange Manager, Planning Services shall approve the location of the staging area.	Construction (as necessary)	Periodic site inspections (as necessary)				
<b>Mitigation Measure 4.10-3</b> - The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. Haul routes shall be selected so that trips passing sensitive land uses or residential dwellings will be minimized. Further, haul routes shall be located to avoid concurrent use of haul routes from other related projects where sensitive receptors are located along such routes. Haul routes shall be approved by the Manager, OC Development Services prior to the issuance of any grading permits.	Pre-Construction  and Construction (as necessary)	Prior to issuance of grading permit  and Periodic site inspections (as necessary)	Manager, OC Development Services			



Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<b>Mitigation Measure 4.10-A (Supplemental Construction Noise Mitigation Measure)</b> Construction noise reduction methods such as shutting off idling equipment, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible. Unattended construction vehicles shall not idle for more than 5 minutes when located within 500 feet from residential properties.	Construction (as necessary)	Periodic site inspections (as necessary)	Manager, OC Development Services			
<b>Mitigation Measure 4.10-B (Supplemental Construction Noise Mitigation Measure)</b> Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the job superintendent if necessary. In the event the County receives a complaint, appropriate corrective actions shall be implemented.	Construction (as necessary)	Periodic site inspections (as necessary)	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<b>Mitigation Measure 4.10-C (Supplemental Construction Noise Mitigation Measure)</b> Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses within 500 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period. This notification shall give a contact phone number for any questions or complaints. All complaints shall be responded to in a method deemed satisfactory by the County of Orange.	Pre-Construction	2 weeks prior to construction	Manager, OC Development Services			
<b>Mitigation Measure 4.10-4</b> - The Project Applicant shall retain the services of a qualified acoustical engineer with expertise in design of sound isolations to ensure that operation of the on-site oil well facilities are within County's exterior noise limits at the property line of the nearest proposed residential lot. Noise measures may include, but are not limited to, screening of oil facilities, motor dampening, and/or nighttime shutdown so as to meet the	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
County's noise requirements. Screening, if necessary, could include landscaping and/or sound wall. The acoustics analysis of the oil well facilities shall be reviewed and approved by the Manager, OC Development Services, or his designee prior to issuance of building permits for the oil well facilities.						
<b>PDF 10-1</b> - Noise attenuation measures, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources, shall be implemented where feasible.	Pre-Construction  and  Construction (as necessary)	Prior to issuance of grading permit  and  Periodic site inspections (as necessary)	Manager, OC Development Services			
<b>Public Services</b>						
<b>Fire Protection Services</b> - Refer to Mitigation Measures 4.7-1 through 4.7-11; and Mitigation Measure 4.15-1. The following mitigation measures are also prescribed.						
<b>Mitigation Measure 4.12-1</b> - Prior to issuance of a grading permit, the Project Applicant shall enter into a Secured Fire Protection Agreement with the OCFA. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to that required to	Design/Plan Check	Prior to issuance of grading permit	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
serve the Project, to the satisfaction of OCFA.						
<b>Mitigation Measure 4.12-2</b> - All new traffic signals on public access ways shall include the installation of optical preemption devices to the satisfaction of the OCFA and the County of Orange Manager, Subdivision and Grading Services.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Public Works, Subdivision and Grading, or his/her designee			
<b>Police Protection Services</b>						
<b>Mitigation Measure 4.12-2B</b> Prior to issuance of a grading permit, the Project Applicant shall enter into a secured Law Enforcement Services Agreement with the Orange County Sheriff's Department. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.	Design/Plan Check	Prior to issuance of grading permit	Manager, OC Development Services			
<b>School Facilities</b>						
<b>Mitigation Measure 4.12-3</b> - Prior to issuance of building permits and pursuant to Section 65995 of the CGC, the Project Applicant shall pay the required SB 50 (Section 65995 of the CGC) mitigation fees to the PYLUSD as	Pre-Construction	Prior to issuance of building permit	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
full mitigation for potential Project impacts to schools.						
<b><i>School Safety - Short-Term Construction Impacts</i></b> - Refer to Mitigation Measure 4.14-1. The following mitigation measures are also prescribed.						
<b>Mitigation Measure 4.12-4</b> - During construction, the Project's Construction Staging and Traffic Management Plan (see Mitigation Measure 4.14-1) shall include a provision for on-going communication shall be maintained with school administration at the Travis Ranch School, Fairmont Elementary School and YLHS, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to the school may be impacted in order to ensure school traffic and pedestrian safety.	Construction	Periodic communications with schools (as necessary)	Manager, OC Public Works, Subdivision and Grading, or his/her designee			
<b>Mitigation Measure 4.12-5</b> - In order to ensure school traffic and pedestrian safety, during construction, construction vehicles shall not haul past the Travis Ranch School, Fairmont Elementary School and YLHS, except when school is not in session. If that is infeasible, construction vehicles shall not haul during school arrival or dismissal times.	Construction	Periodic site inspections	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<b>Mitigation Measure 4.12-6</b> - During construction, crossing guards shall be provided by the Project Applicant in consultation with the Travis Ranch School, Fairmont Elementary School and YLHS, as appropriate, when safety of students may be compromised by construction-related activities at impacted school crossings in order to ensure school pedestrian safety.	Construction	Periodic site inspections	Manager, OC Public Works, Subdivision and Grading, or his/her designee			
<b>Mitigation Measure 4.12-7</b> - During construction, temporary traffic control, signage, and/or flaggers shall be present on Via Del Agua and Aspen Way to direct vehicular traffic and pedestrians around the construction site in order to ensure school traffic and pedestrian safety.	Construction	Periodic site inspections	Manager, OC Public Works, Subdivision and Grading, or his/her designee			
<b>Libraries</b>						
<b>Mitigation Measure 4.12-8</b> - Prior to the issuance of building permits, the Project Applicant/developer shall comply with the development fee program for OCPL as provided in Sections 7-9-700 through 7-9-713 of the Codified Ordinances of the County of Orange and/or the development fee program for the City of Yorba Library	Pre-Construction	Prior to issuance of building permit	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
system, to be determined in consultation with City of Yorba Linda and County of Orange Planning Staff.						
<b>Mitigation Measure 4.12-8(b)</b> - Prior to issuance of a building permit, the Project Applicant shall enter into a capital facilities and equipment agreement with the Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.	Pre-Construction	Prior to issuance of building permit	Manager, OC Development Services			
<b>Recreation</b>						
<b>Mitigation Measure 4.13-1</b> - Prior to issuance of certificates of occupancy, the Project Applicant shall pay local park fees pursuant to the determining formula contained in the County Local Park Code, and meeting the City standards for the provision of local parks. The fees shall be paid to the OC Parks. Such fees shall be utilized for improvements to an existing park or acquisition of land for a new park, or a combination of both to the benefit of the northeastern Yorba Linda community near the project site.	Pre-Construction	Prior to issuance of certificates of use and occupancy	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<b>Mitigation Measure 4.13-2</b> - Prior to issuance of grading permits, the Project Applicant shall coordinate with the City of Yorba Linda Parks and Recreation Department and OC Parks in order to identify potential planned trail alignments through the project site, as identified in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Once the trail alignments are defined by the City and/or County, the alignments shall be dedicated by the Project Applicant, to the City or the County either in fee or by an access and maintenance easement.	Design/Plan Check	Prior to issuance of grading permit	Manager, OC Development Services			
<b>Transportation/Traffic</b>						
<b>Construction Impacts</b> - Refer to Mitigation Measures 4.12-4 to 4.12-7. The following mitigation measure is also prescribed.						
<b>Mitigation Measures 4.14-1</b> - Prior to the start of construction, the Project Applicant, in coordination with the County of Orange, shall devise a Construction Staging and Traffic Management Plan to be implemented during construction of the Project. The Construction Staging and Traffic Management Plan shall identify all traffic control measures, signs, and delineators to be	Design/Plan Check	Prior to issuance of grading permit	Manager, OC Public Works, Subdivision and Grading, or his/her designee			



Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
implemented by the construction contractor through the duration of construction activities associated with the Project. The Plan shall also consider construction traffic and associated construction traffic noise from nearby simultaneous construction activities and pedestrian safety related to school routes. The Construction Staging and Traffic Management Plan shall be subject to final approval by the County of Orange Public Works Department.						
<b>Operation Impacts</b>						
<b>Mitigation Measure 4.14-2</b> A traffic signal shall be installed prior to issuance of the first occupancy permits, or as otherwise determined appropriate through consultation with the City of Yorba Linda, for the Project at the intersection of Via del Agua and Yorba Linda Boulevard. The Project Applicant shall pay the City of Yorba Linda its fair share cost toward installation of a traffic signal, install the traffic signal, or pay the full cost of the signal installation, with the latter two alternatives subject to reimbursement, as agreed to by the Project Applicant and the City of Yorba Linda.	Pre-Occupancy	Prior to issuance of certificates of use and occupancy	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<b>PDF 14-1</b> - All local streets proposed by the Project would meet the minimum street design and size standards of the City of Yorba Linda and the County of Orange.	Design/Plan Check	Prior to recordation of a subdivision map	Manager, OC Development Services			
<b>PDF 14-2</b> - Landscape plans would take into consideration service lines, traffic safety sight line requirements, and structures on adjacent properties to avoid conflicts as trees and shrubs mature.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
<b>PDF 14-3</b> - The stopping sight distance at Via del Aqua and the proposed Street A would meet or exceed the County's Standard Plan No. 1117 requirements for stopping sight distance.	Design/Plan Check	Prior to recordation of a subdivision map	Manager, OC Development Services			
<b>Utilities and Service Systems</b>						
<b>Water Supply and Infrastructure</b> - Refer to Mitigation Measure 4.7-11. The following mitigation measure is also prescribed.						
<b>Mitigation Measure 4.15-1</b> - To address the Project's need for water storage, the Project Applicant shall pay a fair-share cost to the YLWD for infrastructure improvements identified in the Northeast Area Planning Study that are required to support the Cielo Vista Project. The	Pre-Construction	Prior to issuance of grading permit	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
payment shall reflect a proportional fair-share of the costs attributable to the Cielo Vista Project toward improvements YLWD has proposed that include construction of facilities which directly benefit and are needed for capacity and conveyance at the project site as determined by District Staff. No grading permits shall be issued for the Project until these improvements are implemented by YLWD and are operational to the satisfaction of the OCFA, unless otherwise determined acceptable by the YLWD and OCFA.						
<b>PDF 15-1</b> - Builder-installed indoor appliances, including dishwashers, showers and toilets, would be low-water use.	Pre-Occupancy	Prior to issuance of certificates of use and occupancy	Manager, OC Development Services			
<b>PDF 15-2</b> - Drought-tolerant, native landscaping would be used in public common areas to reduce water consumption. The plant palette for the Project would ultimately be determined based on OCFA requirements for use of fire-resistant plants in high fire-prone areas, but in consideration of applicable City of Yorba Linda and County of Orange landscaping requirements.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<b>PDF 15-3</b> - Community landscape areas would be designed on a “hydrozone” basis to group plants according to their water and sun requirements. The plant palette for the Project would ultimately be determined based on OCFA requirements for use of fire-resistant plants in high fire-prone areas, but in consideration of applicable City of Yorba Linda and County of Orange landscaping requirements.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
<b>PDF 15-4</b> - Irrigation for both public and private landscape areas would be designed to be water-efficient and comply with Section 7-9-133.5, Landscape Water Use Standards, of the Orange County Code of Ordinances. All irrigation systems would have automatic controllers designed to properly water plant materials given the site’s soil conditions, and irrigation systems for all public landscapes would have automatic rain shut-off devices. Drip irrigation would be encouraged. Spray systems would have low volume, measured as gallons per minute (GPM), matched-precipitation heads. Prior to approval of the	Design/Plan Check	Prior to approval of the tentative map	Manager, Permit Services (OC)			

Table 4-1 (Continued)

## Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
tentative map, the Project Applicant would obtain approval from the Manager, Permit Services of a preliminary landscape plan including the above listed conservation features and compliance with the County's County of Orange Landscape Code (Ord. No. 09-010).						

**ATTACHMENT 8:**

**RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS APPROVE  
ALTERNATIVE 5 PROJECT AREA PLAN**

RESOLUTION NO. 16-05

RESOLUTION OF THE PLANNING COMMISSION OF ORANGE COUNTY, CALIFORNIA  
RECOMMENDING APPROVAL OF THE AREA PLAN FOR THE CIELO VISTA PROJECT

MARCH 9, 2016

On Motion of Commissioner \_\_\_\_\_, duly seconded and carried, the following Resolution was adopted:

WHEREAS, North County BRS Project LLC. (“Applicant”) submitted Planning Application 100004 (“PA100004”), requesting approval of a residential development consisting of 112 single-family residential units including adoption of a General Plan Amendment, Zone Change, Area Plan, and certification of an Environmental Impact Report (“EIR”) (collectively, the “Proposed Project”); and

WHEREAS, in compliance with the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, the County completed an EIR (Final EIR No. 615) to evaluate the environmental impacts of the Proposed Project, including the Zone Change and Area Plan; and

WHEREAS, the Planning Commission is recommending approval of the Modified Planning Area 1 Alternative or Alternative 5 of Final EIR No. 615 as the environmentally superior and thus, the preferred alternative. This alternative consists of the development of a maximum of 83 single-family residential units on 84 acres (with 42.7 acres of open space) in Planning Area 1 as identified in the Cielo Vista Area Plan. Adoption of the Area Plan for the 83 unit development and the Zone Change (“ZC 15-01”) constitutes the Approved Project (hereinafter “Approved Project”); and

WHEREAS, by separate resolution (Resolution No. 16-02) the Planning Commission is recommending certification of EIR 615 as being adequate and complete and as fully complying with the requirements of CEQA and further recommending that EIR No. 615 is adequate and complete for all Approved Project actions and approvals identified in the EIR, including but not limited to, ZC 15-01, the Cielo Vista Area Plan, and related programs and entitlements, including subsequent implementing steps in the chain of contemplated actions designed to carry out the final planning and development of the Project; and;

WHEREAS, the Approved Project is located within an area of land currently zoned A1 “General Agricultural” District and A1 “General Agricultural” District, with an (O) “Oil Production” District overlay and is located adjacent to the City of Yorba Linda within unincorporated Orange County; and

WHEREAS, ZC-15-01 has been considered by the Planning Commission and the Planning Commission has recommended approval by the Board of Supervisors to change the zoning for 39.5 acres within unincorporated Orange County to R-1 (Single Family Residence District), and 1.8 acres to R-1(O) (Single Family Residence District with an Oil Production overlay) to permit a maximum of 83 residential units; and

WHEREAS, this Area Plan becomes valid and effective following the certification of FEIR 615 and approval of ZC 15-01 for the Cielo Vista Area Plan by the Board of Supervisors; and

WHEREAS, pursuant to California Government Code Section 65000 *et seq.* the County of Orange has an adopted General Plan which meets all of the requirements of State Law; and

WHEREAS, in compliance with the provisions of the California Government Code, a legally noticed public hearing was held by the Orange County Planning Commission on December 9, 2015 to consider the FEIR 615, Zone Change, Area Plan adoption, and related programs and entitlements, as well as the impacts anticipated from subsequent implementing steps in the chain of contemplated actions designed to carry out the final planning and development of the Project; and

WHEREAS, on \_\_\_\_\_, 2016 the Planning Commission adopted Resolution No. 16-03 which included its recommendation that this Board adopt, among other things, Zone Change ZC 15-01 (see Planning Commission Resolution No. 16-03); and

NOW THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings with respect to the Cielo Vista Area Plan:

1. Approval of the Cielo Vista Area Plan is in compliance with the requirements of CEQA.
2. The Cielo Vista Area Plan is consistent with the objectives, policies and general land uses and programs of the General Plan.
3. That the conditions adopted herein included as Attachment 6 are reasonably related to the use of the property and necessary for appropriate development and operation of the uses permitted by the County General Plan and the County Zoning Code.
4. That this Cielo Vista Area Plan will only become valid and effective following the final certification of FEIR 615 and approval of ZC 15-01 for the Cielo Vista Area Plan by the Board of Supervisors.

The foregoing was passed and adopted by the following vote of the Orange County Planning Commission on \_\_\_\_\_, 2016, to wit:

AYES:

NOES:

ABSENT:

I HEREBY CERTIFY that the foregoing Resolution No. 16-05 was adopted on \_\_\_\_\_, 2016, by the Orange County Planning Commission.

By \_\_\_\_\_



**ATTACHMENT 9:**

**RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS ADOPT ZONE  
CHANGE ZC 15-01**

RESOLUTION NO. 16-03

AN RESOLUTION OF THE PLANNING COMMISSION OF ORANGE COUNTY, CALIFORNIA,  
RECOMMENDING ADOPTION OF AN ORDINANCE APPROVING THE REZONING CERTAIN  
LAND FROM THE A-1 GENERAL AGRICULTURAL AND A1(O) GENERAL AGRICULTURE/OIL  
PRODUCTION DISTRICTS TO R-1 SINGLE FAMILY RESIDENCE DISTRICT AND R-1(O)  
SINGLE FAMILY RESIDENCE DISTRICT WITH OIL PRODUCTION OVERLAY WITHIN THE  
CIELO VISTA AREA PLAN

MARCH 9, 2016

On Motion of Commissioner \_\_\_\_\_, duly seconded and carried, the following Resolution was adopted:

WHEREAS, pursuant to California Government Code Section 65000 *et seq.*, the County of Orange has adopted a General Plan that meets all of the requirements of State law; and

WHEREAS, North County BRS Project LLC (“Applicant”) submitted Planning Application 100004 (“PA100004”), requesting approval of a residential development consisting of 112 single-family residential units including adoption of a General Plan Amendment, Zone Change, Area Plan, and certification of an Environmental Impact Report (“EIR”). (collectively, the “Proposed Project”); and

WHEREAS, in compliance with the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, the County completed an EIR (Final EIR No. 615) to evaluate the environmental impacts of the Proposed Project, including the Zone Change and Area Plan; and

WHEREAS, the Planning Commission is recommending approval of the Modified Planning Area 1 Alternative or Alternative 5 of Final EIR No. 615 as the environmentally superior and thus, the preferred alternative. This alternative consists of the development of a maximum of 83 single-family residential units on 84 acres (with 42.7 acres of open space) in Planning Area 1 as identified in the Cielo Vista Area Plan. Adoption of the Area Plan for the 83 unit development and the Zone Change (“ZC 15-01”) constitutes the Approved Project (hereinafter “Approved Project”); and

WHEREAS, the Planning Commission desires to ensure that the Proposed Project’s implementation is consistent with any future Pre-Annexation Agreement between the Applicant and the City of Yorba Linda (“City”); and

WHEREAS, by separate resolution (Resolution No.16-02) the Planning Commission is recommending certification of EIR 615 as being adequate and complete and as fully complying with the requirements of CEQA and further recommending that EIR No. 615 is adequate and complete for all Approved Project actions and approvals identified in the EIR, including but not limited to, ZC 15-01, the Cielo Vista Area Plan, and related programs and entitlements, including subsequent implementing steps

in the chain of contemplated actions designed to carry out the final planning and development of the Project; and;

WHEREAS, the Applicant is requesting the adoption of an Ordinance which would approve Zone Change ZC 15-01 to rezone 39.5 acres within the Cielo Vista Area Plan from A1 “General Agricultural” and A1(O) “General Agriculture/Oil Production” to R-1 (Single Family Residence District) and 1.8 acres to R-1(O) (Single Family Residence District with Oil Production Overlay) (the “Zone Change”); and

WHEREAS, the County of Orange (“County”) prepared ZC 15-01 (attached hereto as Exhibit A) to apply R-1 and R-1(O) zoning district regulations to the Approved Project; and

WHEREAS, pursuant to California Government Code Section 65000, *et seq.*, the County has adopted the General Plan and Zoning Code that meet all of the requirements of California State law; and

WHEREAS, this Commission listened to and carefully considered all of the public comments and testimony presented during the public hearing identified above; and

WHEREAS, this Commission has carefully reviewed and considered all of the environmental documentation prepared to evaluate the Project, including all elements of FEIR No. 615; and

WHEREAS, the proposed Zone Change ZC 15-01 is consistent with the objectives, policies and general land uses and programs specified in the General Plan for the Project area, which General Plan was adopted pursuant to the State Planning and Zoning Law; and

WHEREAS, Zone Change ZC 15-01 is consistent with the provisions of the Zoning Code applicable to the property; and

WHEREAS, the location, size, design and operating characteristics of the proposed uses allowed by Zone Change 15-01 will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity; and

WHEREAS, implementation of proposed Zone Change ZC 15-01 will not result in conditions or circumstances contrary to the public health and safety and the general welfare; and

WHEREAS, Zone Change ZC 15-01 is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (i.e., fire station, library, sheriff, etc.); and

WHEREAS, the following Conditions of Approval are applicable to the Approved Project:

- a) This approval constitutes approval of the Approved Project only to the extent that the Approved Project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to

compliance of approval of the Project regarding any other applicable ordinance, regulation or requirement.

- b) The Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this approval. The Applicant shall further reimburse the County for any court costs and attorney's fees that the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve the Applicant of his/her obligations under this condition.

The Planning Commission of the County of Orange, California, recommends the Board of Supervisors of the County of Orange ordain as follows:

SECTION 1. The Orange County Zoning Map is hereby amended in accordance with Section 7-9-48, 7-9-49, and 7-9-155 of the Codified Ordinances of the County of Orange by rezoning portions of the property identified as 1B (Suburban residential) within the Cielo Vista Area Plan from the A-1 "General Agricultural" District and A-1(O) "General Agriculture/Oil Production" Districts to R-1 (Single Family Residence District) and R-1(O) (Single Family Residence District with Oil Production Overlay) per Zone Change ZC 15-01, as set forth on Exhibit B, attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED THAT this Planning Commission makes and adopts the following findings:

- General Plan: The Zone Change is consistent with the objectives, policies and general land uses and programs specified in the General Plan for the Project area, which General Plan was adopted pursuant to the State Planning and Zoning Law.
- Zoning: The Zone Change is consistent with the provisions of the Zoning Code applicable to the property.
- Compatibility: The location, size, design and operating characteristics of the proposed uses allowed by the Zone Change will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.
- General Welfare: Implementation of the Zone Change will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
- Public Facilities: The Zone Change is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (*i.e.*, fire station, library, sheriff, etc.)
- EIR: The Planning Commission has determined that FEIR No. 615 adequately addresses the proposed Zone Change based upon the following findings:
  - FEIR No. 615 is adequate to satisfy the requirements of CEQA for approval by the Planning Commission; and
  - The additions, clarifications and/or changes to the original CEQA documentation addressed in the Responses to Comments for DEIR No. 615 do not involve new or more severe significant environmental effects which were not addressed by FEIR No. 615 and none of the

other conditions described in CEQA Guidelines Section 15088.5 calling for the recirculation of the EIR have occurred; and

- 
- The approval of FEIR No. 615 reflects the independent judgment of the Lead Agency.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the ordinance attached hereto as Exhibit A, to approve Zone Change 15-01 for the Approved Project

The foregoing resolution was carried by the following vote:

Ayes:

Noes:

Absent:

I HEREBY CERTIFY that the foregoing Resolution No. 16-03 was adopted on \_\_\_\_\_, 2016, by the Orange County Planning Commission.

ORANGE COUNTY PLANNING COMMISSION

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By:

**EXHIBIT A:**

**DRAFT ZONE CHANGE ZC 15-01**

ORDINANCE NO. 15-01

AN ORDINANCE OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA, REZONING CERTAIN LAND FROM THE A-1 GENERAL AGRICULTURAL AND A-1(O) GENERAL AGRICULTURE/OIL PRODUCTION DISTRICTS TO R-1 SINGLE FAMILY RESIDENCE DISTRICT AND R-1(O) SINGLE FAMILY RESIDENCE DISTRICT WITH OIL PRODUCTION OVERLAY WITHIN THE CIELO VISTA AREA PLAN

DATE TBD

WHEREAS, pursuant to California Government Code Section 65000 *et seq.*, the County of Orange has adopted a General Plan that meets all of the requirements of State law; and

WHEREAS, North County BRS Project LLC (“Applicant”) submitted Planning Application 100004 (“PA100004”), requesting approval of a residential development consisting of 112 single-family residential units including adoption of a General Plan Amendment, Zone Change, and Area Plan, and certification of Environmental Impact Report No. 615 (“EIR”) (collectively, the “Proposed Project”);

WHEREAS, in compliance with the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, the County completed an EIR (Final EIR No. 615) to evaluate the environmental impacts of the Proposed Project, including the Zone Change and Area Plan; and

WHEREAS, the Board of Supervisors selected the Modified Planning Area 1 Only Alternative (“Alternative 5”) of Final EIR No. 615 as the environmentally superior, and thus the preferred, alternative. Alternative 5 consists of the development of a maximum of 83 single-family residential units on 84 acres (with 42.7 acres of open space) in Planning Area 1 as identified in the Cielo Vista Area Plan. Adoption of the Area Plan for the 83 unit development and the Zone Change (“ZC 15-01”) constitutes the Approved Project (hereinafter “Approved Project”); and

WHEREAS, the Board of Supervisors desires to ensure that the Proposed Project’s implementation is consistent with any future Pre-Annexation Agreement between the Applicant and the City of Yorba Linda (“City”); and

WHEREAS, by separate resolution (Resolution No. xxx) the Board of Supervisors has certified EIR No. 615 as being adequate and complete and as fully complying with the requirements of CEQA and has further certified that EIR No. 615 is adequate and complete for all Approved Project actions and approvals identified in the EIR, including but not limited to, ZC 15-01, the Cielo Vista Area Plan, the VTTM, and related programs and entitlements, including subsequent implementing steps in the chain of contemplated actions designed to carry out the final planning and development of the Project; and

WHEREAS, the Applicant is requesting the adoption of an Ordinance which would approve and implement Zone Change ZC 15-01 to rezone 39.5 acres within the Cielo Vista Area Plan from A1 “General Agricultural” and A1(O) “General Agriculture/Oil Production” to R-1 (Single Family Residence

District) and 1.8 acres to R-1(O) (Single Family Residence District with Oil Production Overlay) (the “Zone Change”); and

WHEREAS, the County of Orange (“County”) has prepared ZC 15-01 (attached hereto as Exhibit A) to apply R-1 and R-1(O) zoning district regulations to the Approved Project; and

WHEREAS, pursuant to California Government Code Section 65000, *et seq.*, the County has adopted a General Plan and Zoning Code that meet all of the requirements of California State law; and

WHEREAS, on March 9, 2016, the Planning Commission adopted Resolution No. 16-XX which included its recommendation that this Board adopt, among other things, ZC 15-01 (see Planning Commission Resolution No. 16-XX); and

WHEREAS, in accordance with the Government Code of the State of California, a legally noticed public hearing concerning Certification of FEIR No.615, adoption of ZC 15-01, an uncodified Ordinance, and the Cielo Vista Area Plan was conducted by this Board of Supervisors on TBD; and

WHEREAS, this Board listened to and carefully considered all of the public comments and testimony presented during the public hearing identified above; and

WHEREAS, this Board has carefully reviewed and considered the comments and recommendations of the Planning Commission relative to adoption of Zone Change ZC 15-01; and

WHEREAS, this Board has carefully reviewed and considered all of the environmental documentation prepared to evaluate the Project, including all elements of FEIR No. 615, and the recommendations of the Planning Commission; and

WHEREAS, the proposed Zone Change ZC 15-01 is consistent with the objectives, policies and general land uses and programs specified in the General Plan for the Project area, which General Plan was adopted pursuant to the State Planning and Zoning Law; and

WHEREAS, Zone Change ZC 15-01 is consistent with the provisions of the Zoning Code applicable to the property; and

WHEREAS, the location, size, design and operating characteristics of the proposed uses allowed by Zone Change 15-01 will not create unusual noise, traffic or other environmental conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity; and

WHEREAS, implementation of proposed Zone Change ZC 15-01 will not result in conditions or circumstances contrary to the public health and safety and the general welfare; and

WHEREAS, Zone Change ZC 15-01 is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (i.e., fire station, library, sheriff, etc.); and



WHEREAS, the following Conditions of Approval are applicable to the Approved Project:

- a) This approval constitutes approval of the Approved Project only to the extent that the Approved Project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance of approval of the Project regarding any other applicable ordinance, regulation or requirement.
- b) The Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this approval. The Applicant shall further reimburse the County for any court costs and attorney's fees that the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve the Applicant of his/her obligations under this condition.

The Board of Supervisors of the County of Orange, California, ordains as follows:

SECTION 1. The Orange County Zoning Map is hereby amended in accordance with Section 7-9-48, 7-9-49, and 7-9-155 of the Codified Ordinances of the County of Orange by rezoning portions of the property identified as 1B (Suburban residential) within the Cielo Vista Area Plan from the A-1 "General Agricultural" District and A-1(O) "General Agriculture/Oil Production" Districts to R-1 (Single Family Residence District) and R-1(O) (Single Family Residence District with Oil Production Overlay) per Zone Change ZC 15-01, as set forth on Exhibit A, attached hereto and incorporated herein.

SECTION 2. This Ordinance shall take effect and be in full force thirty (30) days from and after its passage, and before the expiration of fifteen (15) days after the passage thereof shall be published once in an adjudicated newspaper in the County of Orange.

**EXHIBIT B:**

**ZONE CHANGE MAP**

## Exhibit B: Existing and Proposed Zoning

Planning Application (PA100004) Cielo Vista

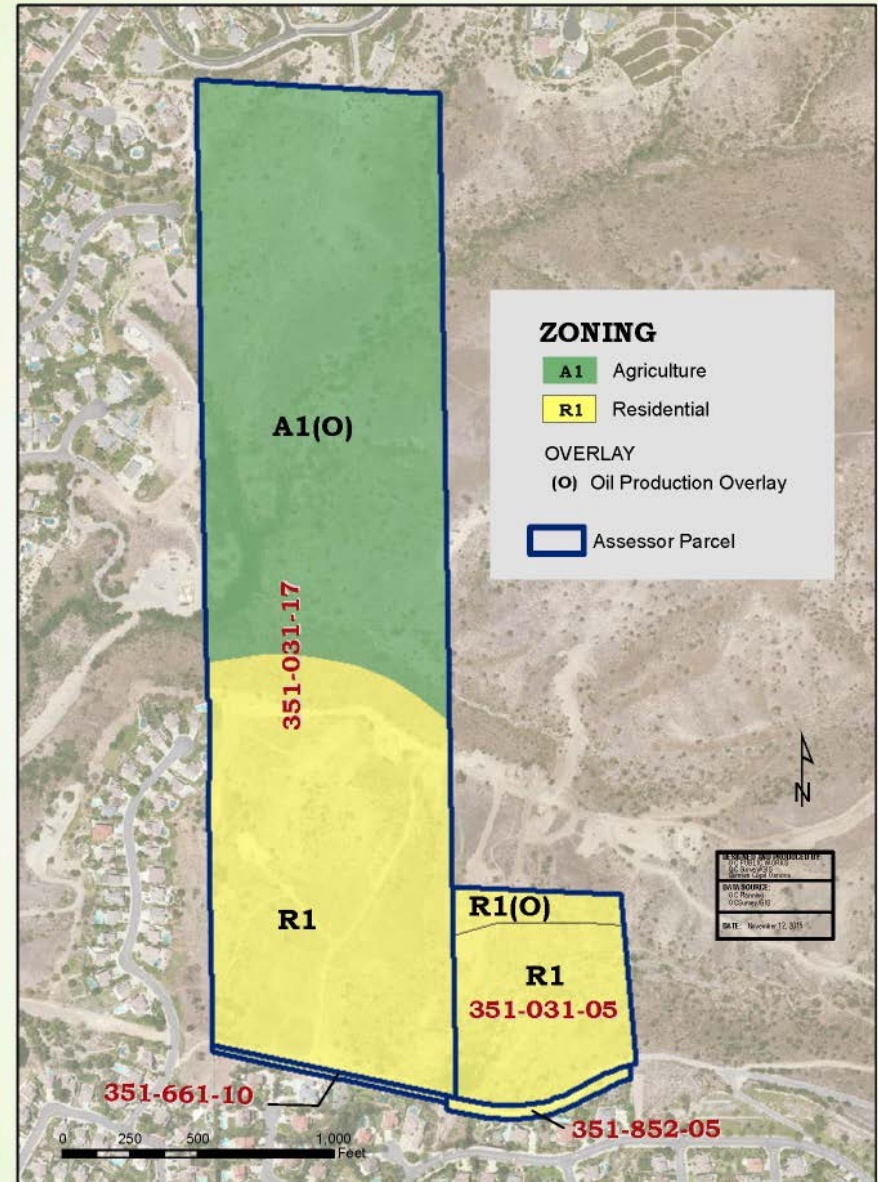
### ZONING AND PA 100004



COUNTY OF ORANGE, CALIFORNIA



### PROPOSED ZONING AND PA 100004



COUNTY OF ORANGE, CALIFORNIA



**ATTACHMENT 10:**

**RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS ADOPT AN  
UNCODIFIED ORDINANCE**

RESOLUTION NO. 16-04

AN RESOLUTION OF THE PLANNING COMMISSION OF ORANGE COUNTY, CALIFORNIA,  
RECOMMENDING ADOPTION OF AN UNCODIFIED ORDINANCE ADOPTING AN  
ALTERNATIVE PROCEDURE FOR APPROVAL OF THE INITIAL VESTING TENTATIVE TRACT  
MAP FOR THE CIELO VISTA PROJECT

MARCH 9, 2016

On Motion of Commissioner \_\_\_\_\_, duly seconded and carried, the following Resolution was adopted:

WHEREAS, pursuant to California Government Code Section 65000 *et seq.*, the County of Orange has adopted a General Plan that meets all of the requirements of State law; and

WHEREAS, North County BRS Project LLC (“Applicant”) submitted Planning Application 100004 (“PA100004”), requesting approval of a residential development consisting of 112 single-family residential units including adoption of a General Plan Amendment, Zone Change, Area Plan, and certification of an Environmental Impact Report (“EIR”). (collectively, the “Proposed Project”); and

WHEREAS, in compliance with the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, the County completed an EIR (Final EIR No. 615) to evaluate the environmental impacts of the Proposed Project, including the Zone Change and Area Plan; and

WHEREAS, the Planning Commission is recommending approval of the Modified Planning Area 1 Alternative or Alternative 5 of Final EIR No. 615 as the environmentally superior and thus, the preferred alternative. This alternative consists of the development of a maximum of 83 single-family residential units on 84 acres (with 42.7 acres of open space) in Planning Area 1 as identified in the Cielo Vista Area Plan. Adoption of the Area Plan for the 83 unit development and the Zone Change (“ZC 15-01”) constitutes the Approved Project (hereinafter “Approved Project”); and

WHEREAS, the uncoded Ordinance establishes an alternate procedure for approval of an initial Vesting Tentative Tract Map (“VTTM”) than that contained in the Orange County Subdivision Code, Orange County Codified Ordinances sections 7-9-251; and

WHEREAS, the Planning Commission desires to ensure that the Proposed Project’s implementation is consistent with any future Pre-Annexation Agreement between the Applicant and the City of Yorba Linda (“City”); and

WHEREAS, by separate resolution (Resolution No.16-02) the Planning Commission is recommending certification of EIR 615 as being adequate and complete and as fully complying with the requirements of CEQA and further recommending that EIR No. 615 is adequate and complete for all Approved Project actions and approvals identified in the EIR, including but not limited to, ZC 15-01, the

Cielo Vista Area Plan, and related programs and entitlements, including subsequent implementing steps in the chain of contemplated actions designed to carry out the final planning and development of the Project; and;

WHEREAS, this Commission listened to and carefully considered all of the public comments and testimony presented during the public hearing identified above; and

WHEREAS, this Commission has carefully reviewed and considered all of the environmental documentation prepared to evaluate the Project, including all elements of FEIR No. 615; and

WHEREAS, implementation of the proposed uncodified ordinance will not result in conditions or circumstances contrary to the public health and safety and the general welfare; and

The Planning Commission of the County of Orange, California, recommends the Board of Supervisors of the County of Orange ordain as follows:

**SECTION 1. Uncodified Ordinance for Alternative Procedure for Initial Vesting Tentative Tract Map.**

- (a) An alternate procedure for approval than that established by the Orange County Subdivision Code, Orange County Codified Ordinances sections 7-9-251 shall apply to the initial Vesting Tentative Tract Map approval to implement the development of a maximum of 83 single-family residential units on 84 acres (with 42.7 acres of open space) in Planning Area 1 as identified in the Cielo Vista Area Plan. Adoption of the Area Plan for the 83 unit development and the Zone Change ("ZC 15-01") constitutes the Approved Project (hereinafter "Approved Project").
- (b) Once the VTTM application has been deemed complete by the Planning Director within the time frames established by the Permit Streamlining Act (Government Code §§ 65920-65964), unless those time frames are waived, the Subdivision Committee shall, via adopted resolution, provide its recommended findings to the Board of Supervisors containing its recommendations concerning findings (including those outlined in Orange County Subdivision Code section 7-9-255 and 7-9-256), and its recommendation for approval, conditional approval, or disapproval of the VTTM. This resolution shall be adopted by the Subdivision Committee within the time frame established by Government Code section 66452.1(c), unless otherwise waived.
- (c) If the Subdivision Committee recommends denial of the VTTM, the Applicant may request that Board of Supervisors' consideration of the VTTM be delayed until issues are resolved. Following any Applicant-requested delay, the Subdivision Committee shall within 30 days submit an alternate resolution to this Board detailing whether the issues have been resolved and outlining its recommendations. This Board shall schedule a hearing on the VTTM within 30 days after its next regular meeting (following receipt of the Subdivision Committee's resolution) and must approve, conditionally approve, or disapprove the VTTM within that 30-

day period pursuant to Government Code section 66452.2(a), unless the time period is waived by the Applicant.

(d) There shall be no further administrative appeals of the VTTM under this alternative procedure; the Board's decision shall be final. Orange County Subdivision Code sections 7-9-259 and 7-9-260 are inapplicable to this Board's decision to approve, conditional approve, or disapprove the initial VTTM.

(e) VTTM approval or conditional approval may be made by this Board subject to the following findings or conditions in addition to those recommended by the Subdivision Committee:

1. That a Pre-annexation Agreement has been reached between the City of Yorba Linda and the Applicant.
2. Finding of consistency with Final EIR No. 615.
3. Finding of consistency with Final EIR No. 615 Mitigation Monitoring and Reporting Program.
4. Findings of consistency with the Proposed Project's Area Plan, the Orange County Zoning Code, the Orange County Subdivisions Code, and applicable laws and regulations.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission recommends that the Board of Supervisors an uncodified ordinance adopting an alternative procedure for approval of the initial vesting tentative tract map for the Approved Project

The foregoing resolution was carried by the following vote:

Ayes:

Noes:

Absent:

I HEREBY CERTIFY that the foregoing Resolution No. 16-04 was adopted on \_\_\_\_\_, 2016, by the Orange County Planning Commission.

ORANGE COUNTY PLANNING COMMISSION

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By:

**ATTACHMENT 11:**

**DRAFT ORDINANCE FOR THE BOARD OF SUPERVISORS FOR THE  
ADOPTION OF THE UNCODIFIED ORDINANCE**



ORDINANCE NO. \_\_\_\_\_

AN UNCODIFIED ORDINANCE ADOPTING AN ALTERNATIVE PROCEDURE FOR APPROVAL  
OF THE INITIAL VESTING TENTATIVE TRACT MAP FOR THE CIELO VISTA PROJECT

DATE TBD

WHEREAS, pursuant to California Government Code Section 65000 *et seq.*, the County of Orange has adopted a General Plan that meets all of the requirements of State law; and

WHEREAS, North County BRS Project LLC (“Applicant”) submitted Planning Application 100004 (“PA100004”), requesting approval of a residential development consisting of 112 single-family residential units including adoption of a General Plan Amendment, Zone Change, and Area Plan, and certification of Environmental Impact Report No. 615 (“EIR”) (collectively, the “Proposed Project”);

WHEREAS, in compliance with the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, the County completed an EIR (Final EIR No. 615) to evaluate the environmental impacts of the Proposed Project, including the Zone Change and Area Plan; and

WHEREAS, the Board of Supervisors selected the Modified Planning Area 1 Only Alternative (“Alternative 5”) of Final EIR No. 615 as the environmentally superior, and thus the preferred, alternative. Alternative 5 consists of the development of a maximum of 83 single-family residential units on 84 acres (with 42.7 acres of open space) in Planning Area 1 as identified in the Cielo Vista Area Plan. Adoption of the Area Plan for the 83 unit development and the Zone Change (“ZC 15-01”) constitutes the Approved Project (hereinafter “Approved Project”); and

WHEREAS, the uncoded Ordinance establishes an alternate procedure for approval of an initial Vesting Tentative Tract Map (“VTTM”) than that contained in the Orange County Subdivision Code, Orange County Codified Ordinances sections 7-9-251; and

WHEREAS, the Board of Supervisors desires to ensure that the Proposed Project’s implementation is consistent with any future Pre-Annexation Agreement between the Applicant and the City of Yorba Linda (“City”); and

WHEREAS, by separate resolution the Board of Supervisors has certified EIR No. 615 as being adequate and complete and as fully complying with the requirements of CEQA and has further certified that EIR No. 615 is adequate and complete for all Approved Project actions and approvals identified in the EIR, including but not limited to, ZC 15-01, the Cielo Vista Area Plan, the VTTM, and related programs and entitlements, including subsequent implementing steps in the chain of contemplated actions designed to carry out the final planning and development of the Project; and

WHEREAS, on March 9, 2016, the Planning Commission adopted Resolution No. 16-04 which recommends that this Board approve the uncodified Ordinance (see Planning Commission Resolution No. 16-04); and

WHEREAS, in accordance with the Government Code of the State of California, a legally noticed public hearing concerning Certification of FEIR No.615, adoption of ZC 15-01, an uncodified Ordinance, and the Cielo Vista Area Plan was conducted by this Board of Supervisors on TBD; and

WHEREAS, this Board listened to and carefully considered all of the public comments and testimony presented during the public hearing identified above; and

WHEREAS, this Board has carefully reviewed and considered the comments and recommendations of the Planning Commission relative to adoption of the uncodified ordinance; and

WHEREAS, this Board has carefully reviewed and considered all of the environmental documentation prepared to evaluate the Project, including all elements of FEIR No. 615, and the recommendations of the Planning Commission; and

WHEREAS, implementation of the proposed uncodified ordinance will not result in conditions or circumstances contrary to the public health and safety and the general welfare; and

The Board of Supervisors of the County of Orange, California, ordains as follows:

**SECTION 1. Uncodified Ordinance for Alternative Procedure for Initial Vesting Tentative Tract Map.**

- (a) An alternate procedure for approval than that established by the Orange County Subdivision Code, Orange County Codified Ordinances sections 7-9-251 shall apply to the initial Vesting Tentative Tract Map approval to implement the development of a maximum of 83 single-family residential units on 84 acres (with 42.7 acres of open space) in Planning Area 1 as identified in the Cielo Vista Area Plan. Adoption of the Area Plan for the 83 unit development and the Zone Change ("ZC 15-01") constitutes the Approved Project (hereinafter "Approved Project").
- (b) Once the VTTM application has been deemed complete by the Planning Director within the time frames established by the Permit Streamlining Act (Government Code §§ 65920-65964), unless those time frames are waived, the Subdivision Committee shall, via adopted resolution, provide its recommended findings to the Board of Supervisors containing its recommendations concerning findings (including those outlined in Orange County Subdivision Code section 7-9-255 and 7-9-256), and its recommendation for approval, conditional approval, or disapproval of the VTTM. This resolution shall be adopted by the Subdivision Committee within the time frame established by Government Code section 66452.1(c), unless otherwise waived.

- (c) If the Subdivision Committee recommends denial of the VTTM, the Applicant may request that Board of Supervisors' consideration of the VTTM be delayed until issues are resolved. Following any Applicant-requested delay, the Subdivision Committee shall within 30 days submit an alternate resolution to this Board detailing whether the issues have been resolved and outlining its recommendations. This Board shall schedule a hearing on the VTTM within 30 days after its next regular meeting (following receipt of the Subdivision Committee's resolution) and must approve, conditionally approve, or disapprove the VTTM within that 30-day period pursuant to Government Code section 66452.2(a), unless the time period is waived by the Applicant.
- (d) There shall be no further administrative appeals of the VTTM under this alternative procedure; the Board's decision shall be final. Orange County Subdivision Code sections 7-9-259 and 7-9-260 are inapplicable to this Board's decision to approve, conditional approve, or disapprove the initial VTTM.
- (e) VTTM approval or conditional approval may be made by this Board subject to the following findings or conditions in addition to those recommended by the Subdivision Committee:
  - 1. That a Pre-annexation Agreement has been reached between the City of Yorba Linda and the Applicant.
  - 2. Finding of consistency with Final EIR No. 615.
  - 3. Finding of consistency with Final EIR No. 615 Mitigation Monitoring and Reporting Program.
  - 4. Findings of consistency with the Proposed Project's Area Plan, the Orange County Zoning Code, the Orange County Subdivisions Code, and applicable laws and regulations.

SECTION 2. This Ordinance shall take effect and be in full force thirty (30) days from and after its final passage, and before the expiration of fifteen (15) days after the passage thereof shall be published once in an adjudicated newspaper in the County of Orange.

This ordinance was introduced at the regular meeting of the Board of Supervisors on (TBD) and the second reading is to occur at the regular meeting of the Board of Supervisors on (TBD)