

KEVIN K. JOHNSON, APLC

KEVIN K. JOHNSON
JEANNE L. MacKINNON
HEIDI E. BROWN

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AT LAW
703 PALOMAR AIRPORT ROAD, SUITE 210
CARLSBAD, CALIFORNIA 92011

TELEPHONE (619) 696-6211
FAX (619) 696-7516

April 25, 2017

Nicole W. Walsh, Senior Deputy (Via E-Mail and U.S. Mail)
County Counsel, County of Orange
P.O. Box 1379
Santa Ana, CA 92702-1379
nicole.walsh@coco.ocgov.com

Kevin Canning
OC Public Works/ OC Planning (Via E-mail and U.S. Mail)
300 N. Flower St.
P.O. Box 4048
Santa Ana, CA 92702-4048
kevin.canning@ocpw.ocgov.com

RE: Esperanza Hills Specific Plan (PA 120037/VTM 17522)
Our Client: Protect Our Homes and Hills

Dear Ms. Walsh and Mr. Canning:

We have reviewed the version of the Esperanza Hills Specific Plan ("EHSP") posted on the Orange County Public Works website in connection with the May 9, 2017, Board of Supervisors meeting. The document, as posted, fails to satisfy CEQA requirements of providing sufficient information to the public and to decision makers regarding the Project and its various related approvals.

Specifically, the version of the EHSP posted, while purportedly representing a "redline" version of the document, in fact, incorporates previously proposed changes to the initially adopted (and subsequently vacated) June 2015 EHSP without identification of those changes. Stated another way, changes proposed in the October 2016 and January 2017 drafts of the EHSP are included in the April 2017 draft as already adopted with the most recent iteration of the EHSP failing to identify all changes to the June 2015 version.

For example, please see the attached first pages of the "Circulation Plan" in the various versions of the EHSP (Attachment 1). The June 2015 plan identifies two access configurations; the October 2016 draft shows the redline edits to that plan and addresses a different access proposal. Although that draft was never approved by any agency, the January 2017 draft deletes any reference to the original June 2015 plan and includes the October 2016 version without any indication that it reflects an editing of the June 2015 EHSP. The same problem continues in the April 2017 version.

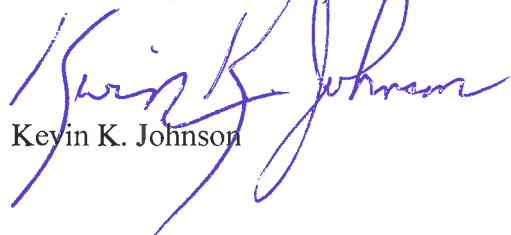
Similarly, the “Administration” portion of the EHSP fails to note that the requirement of a pre-annexation agreement between the developer and the City of Yorba Linda, included in the June 2015 version, was deleted in the October 2016 draft and never referenced again through subsequent drafts or the redline version of this section currently posted for the Project. (See Attachment 2.) This is particularly important given the Planning Commission’s recommendation that a pre-annexation agreement be a condition of any approvals.

Neither the public seeking to comment on nor decision makers evaluating a proposed project should be forced to compare four versions of the EHSP to determine what changes have been proposed - the EHSP before the Board of Supervisors should be based on the June 2015 version with redline indications of all changes to that document fully identified.

This is particularly critical given the ongoing changes with respect to access to the Project site – the current version of the EHSP is predicated on an access alternative that has not been analyzed. Failure to call out that access proposal and its significant differences from the June 2015 EHSP puts citizens and decision makers at a decided disadvantage in attempting to understand and identify the Project and its potential environmental impacts.

To ensure that those citizens and decision makers considering this Project have adequate information to do so, we request that a draft of the EHSP showing all changes to the June 2015 version be posted and included in the information made available to the public and the Board of Supervisors.

Sincerely,
KEVIN K. JOHNSON, APLC



Kevin K. Johnson

Enc. – Attachments 1 and 2

ATTACHMENT 1

5. Circulation Plan

5.1 Concept and Objectives

Access to the Project will be provided via one of two access configurations.

The first access configuration would provide a primary connection via San Antonio Road approximately 1,850 feet south of Aspen Way, with a secondary Project access via Stonehaven Drive. Under this access configuration Stonehaven Drive and San Antonio Road will serve resident and guest traffic, in addition to emergency access. Exhibit 12 (page 79) depicts access under the San Antonio Road Access Configuration. The San Antonio Road Access Configuration can be implemented consistent with Section 13.3.

The second access configuration would provide a primary connection going west from the project to Aspen Way, connecting into San Antonio Road. A separate ingress/egress road for secondary and emergency purposes exits south from the project to Stonehaven Drive. Exhibit 13 (page 81) depicts access via the Aspen Way Drive Access Configuration. The Aspen Way Drive Access Configuration can be implemented consistent with Section 13.3.

The internal roadways within the Project will be privately maintained by the HOA and designed to be compatible with County and City standards. The roads are designed for internal access, external emergency ingress/egress, and continued access for existing users. Additional service roads are provided for access to the water reservoirs and the existing utility access roads. Illustrative cross sections for the internal various roadways are set forth on Exhibit 12 (page 79) and Exhibit 13 (page 81). An illustrative cross section for the Esperanza Hills Parkway, the main entrance road or “spine” road, is set forth on Exhibit 14 (page 83).

Sidewalk and/or trails will be provided on one side of the street and through improved open space and parks.

5.2 Entries and Monumentation

Entry to the community will be gate-guarded. The access road leading up to the guardhouse will be heavily landscaped to include median planting and a citrus grove.

Conceptual entry, road, and park plans for the San Antonio Road Access Configuration are provided as Exhibit 15 (page 85), Exhibit 16 (page 87), and Exhibit 17 (page 89). Conceptual entry, road, and park plans for the Aspen Way Drive Access Configuration are provided as Exhibit 18 (page 91). Additional features will include a water feature, enhanced paving, signage, and decorative treatments as further detailed in Section 11.4, Landscape Community Furnishings. A secondary internal entry similar to the main entry is depicted on Exhibit 19 (page 93).

5. Circulation Plan

5.1 Concept and Objectives

~~Access to the Project will be provided via one of two access configurations.~~

~~The first access configuration would provide a primary connection via San Antonio Road approximately 1,850 feet south of Aspen Way, with a secondary Project access via Stonehaven Drive. Under this access configuration Stonehaven Drive and San Antonio Road will serve resident and guest traffic, in addition to emergency access. Access to the Project will be provided going south to Stonehaven Drive, a local residential collector road, following an existing dirt road that has historically been used for access purposes by the oil well operators, the Orange County Fire Authority (OCFA), the City of Yorba Linda (YL), Southern California Edison (SCE), and Chino Hills State Park. A separate ingress/egress road for emergency purposes only extends south along the western edge of the Project through the Cielo Vista property along an existing 50-foot-wide roadway and utility easement to Via Del Agua Exhibit 128 (page 82) depicts access under the San Antonio Road Access Configuration. The San Antonio Road Access Configuration can be implemented consistent with Section 13.3.~~

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)). The emergency road access would be gated, secured, and controlled by the HOA subject to the requirements of the OCFA, the Orange County Sheriff's Department (OCSD), and other applicable entities as necessary.

The internal roadways within the Project will be privately maintained by the HOA and designed to be compatible with County and City standards. The roads are designed for internal access, external emergency ingress/egress, and continued access for existing users. Additional service roads are provided for access to the water reservoirs and the existing utility access roads. Illustrative cross sections for the internal various roadways are set forth on Exhibit 128 (page 82) and Exhibit 13 (page 81). An illustrative cross section for the Esperanza Hills Parkway, the main entrance road or "spine" road, is set forth on Exhibit 149 (page 86).

Sidewalk and/or trails will be provided on one side of the street and through improved open space and parks.

5. Circulation Plan

5.1 Concept and Objectives

Access to the Project will be provided going south to Stonehaven Drive, a local residential collector road, following an existing dirt road that has historically been used for access purposes by the oil well operators, the Orange County Fire Authority (OCFA), the City of Yorba Linda (YL), Southern California Edison (SCE), and Chino Hills State Park. A separate ingress/egress road for emergency purposes only extends south along the western edge of the Project through the Cielo Vista property along an existing 50-foot-wide roadway and utility easement to Via Del Agua Exhibit 9 (page 71)). The emergency road access would be gated, secured, and controlled by the HOA subject to the requirements of the OCFA, the Orange County Sheriff's Department (OCSD), and other applicable entities as necessary.

The internal roadways within the Project will be privately maintained by the HOA and designed to be compatible with County and City standards. The roads are designed for internal access, external emergency ingress/egress, and continued access for existing users. Additional service roads are provided for access to the water reservoirs and the existing utility access roads. Illustrative cross sections for the internal various roadways are set forth on Exhibit 9 (page 71). An illustrative cross section for Esperanza Hills Parkway, the main entrance road or "spine" road, is set forth on Exhibit 10 (page 73).

Sidewalk and/or trails will be provided on one side of the street and through improved open space and parks.

5.2 Entries and Monumentation

Entry to the community will be gate-guarded. The access road leading up to the guardhouse will be heavily landscaped to include median planting and a citrus grove.

Conceptual entry, road, and park plans are provided as Exhibit 11 (page 75). A secondary internal entry similar to the main entry is depicted on Exhibit 12 (page 77).

5.3 Trail System

Three distinct trail systems are designed within the Project. An equestrian trail system connects to an existing equestrian trail located just north of Aspen Way and extends north to Chino Hills State Park through Canyon B. Multi-use trails connect to the south and west, and traverse the property out to Chino Hills State Park. These connections would require easements through the Cielo Vista property. The Esperanza Hills community will have internal pedestrian trails that are designed to provide pedestrian-only access through corridors within the Project to provide the residents with trails that can be accessed from their neighborhoods to the other trail systems surrounding the community. These trails connect into existing informal trail corridors along Blue Mud Canyon and Canyon B. The trail system is designed to facilitate public access to park and open space resources

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5.1 Concept and Objectives

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ATTACHMENT 2

13. Administration

The Esperanza Hills Specific Plan (SP) has been prepared in accordance with the *California Government Code* §65450, et seq., the California Environmental Quality Act (CEQA), the County of Orange General Plan, and all other applicable codes and ordinances.

13.1 Interpretation

If any issue, condition, or situation arises or occurs that is not sufficiently covered or provided for in these regulations so as to be clearly understandable, the Planning Director shall resolve the issues, conditions, or situations in a manner that is consistent with the SP and applicable provisions of the Orange County Zoning Code. This provision shall not be used to permit uses not authorized by the regulations contained herein. The intent is to resolve ambiguity in the regulations and ensure their consistent application.

13.2 Amendments to the Specific Plan

This SP shall be amended by the same procedure as the plan was adopted and in compliance with applicable law and the Orange County Zoning Code, as applicable.

13.3 Implementation of Access Configuration

For the initial tentative map(s) that establish the public access roadway configurations to the residential area of the project, an alternate procedure for approval to that established by the Orange County Subdivision Code, Orange County Codified Ordinances sections 7-9-251 shall apply.

For tentative tract map(s) that establish the public access roadway configurations, once an application for such tentative tract map(s) 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 make a written report to the Board containing its recommendations concerning findings (including those outlined in Orange County Subdivision Code section 7-9-255 and 7-9-256), and for approval, conditional approval, or disapproval of the map. This written report shall be made within the time frame established by *California Government Code* §66452.1(c), unless otherwise waived. If the Subdivision Committee recommends denial of the tentative map, the project developer may request that Board consideration be delayed until issues are resolved. Following any developer requested delay, the Subdivision Committee shall within 30 days submit an amended report 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 written report) 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(s) that establish public roadway access configurations.

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 permission to gain access across land area not owned by the Project Applicant has been secured or it is reasonably assured that access rights will be secured
2. That permission to allow for off-site grading has been secured or it is reasonably assured that permission will be secured
3. That a Pre-annexation Agreement between the City of Yorba Linda and the developer has been completed
4. Finding of consistency with Final Environmental Impact Report 616
5. Finding of consistency with Final Environmental Impact Report 616 Mitigation Monitoring and Reporting Program
6. Findings of consistency with this Specific Plan, the Orange County Zoning Code, the Orange County Subdivisions Code, and applicable laws and regulations.

Board approval of tentative tract map(s) shall only be required for the initial tentative tract map(s) that would establish the public access roadway configurations. Modifications to the initial tentative tract map(s) that establish the public access roadway configurations shall be subject to the procedures specified in Orange County Subdivision Code section 7-9-257 for the modification of approved tentative maps, unless the modification involves a change in the public roadway access configuration approved by the Board. 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.

13.4 Minor Modifications

As tentative tract maps are prepared to implement the SP, minor adjustments to the Planning Area boundaries and the development standards contained in Section 10.6, Permitted Uses (page 56) may be necessary. Other adjustments may include, but are not limited to, transfer of dwelling units from one Planning Area to another, street alignments/connections, and trail connections. Minor adjustments may be approved administratively by the Planning Director, consistent with Orange County Zoning Code §7-9-150.3(h) Changed Plans, if the adjustments are in substantial conformance with the SP and further provided that the following requirements are met:

- The minor adjustment does not increase the maximum number of dwelling units that can be constructed within the Project,
- The minor adjustment does not result in a decrease of more than 10% of the park area or total number of parks within the Project.
- The minor adjustment does not result in a decrease of more than 10% of the total open space acreage set forth in Section 6, Parks and Open Space Plan (page 39), and
- All applicable provisions of state law are complied with.

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1. Permission to gain access across land area not owned by the Project Applicant has been secured or it is reasonably assured that access rights will be secured
2. Permission to allow for off-site grading has been secured or it is reasonably assured that permission will be secured
3. A Pre annexation Agreement between the City of Yorba Linda and the developer has been completed
43. Finding of consistency with Final Environmental Impact Report No. 616
54. Finding of consistency with Final Environmental Impact Report No. 616 Mitigation Monitoring and Reporting Program
65. Findings of consistency with this Specific Plan, the Orange County Zoning Code, the Orange County Subdivisions Code, and applicable laws and regulations.

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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.

13.4 Minor Modifications

As tentative tract maps are prepared to implement the SP, minor adjustments to the Planning Area boundaries and the development standards contained in Section 10.6, Permitted Uses (page 58) may be necessary. Other adjustments may include, but are not limited to, transfer of dwelling units from one Planning Area to another, street alignments/connections, and trail connections. Minor adjustments may be approved administratively by the Planning Director, consistent with Orange County Zoning Code §7-9-150.3(h) Changed Plans, if the adjustments are in substantial conformance with the SP and further provided that the following requirements are met:

- The minor adjustment does not increase the maximum number of dwelling units that can be constructed within the Project,

- The minor adjustment does not result in a decrease of more than 10% of the park area or the total number of parks within the Project.,
- The minor adjustment does not result in a decrease of more than 10% of the total open space acreage set forth in Section 6, Parks and Open Space Plan (page 41), and
- All applicable provisions of state law are complied with.

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For tentative tract map(s) that establish the public access roadway configurations, once an application for such tentative tract map(s) 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 make a written report to the Board containing its recommendations concerning findings (including those outlined in Orange County Subdivision Code section 7-9-255 and 7-9-256), and for approval, conditional approval, or disapproval of the map. This written report shall be made within the time frame established by *California Government Code* §66452.1(c), unless otherwise waived. If the Subdivision Committee recommends denial of the tentative map, the project developer may request that Board consideration be delayed until issues are resolved. Following any developer requested delay, the Subdivision Committee shall within 30 days submit an amended report 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 written report) 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

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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. Permission to gain access across land area not owned by the Project Applicant has been secured or it is reasonably assured that access rights will be secured
2. Permission to allow for off-site grading has been secured or it is reasonably assured that permission will be secured
3. Finding of consistency with Final Environmental Impact Report No. 616
4. Finding of consistency with Final Environmental Impact Report No. 616 Mitigation Monitoring and Reporting Program
5. Findings of consistency with this Specific Plan, the Orange County Zoning Code, the Orange County Subdivisions Code, and applicable laws and regulations

Board approval of tentative tract map(s) shall only be required for the initial tentative tract map(s) that would establish the public access roadway configurations. Modifications to the initial tentative tract map(s) that establish the public access roadway configurations shall be subject to the procedures specified in Orange County Subdivision Code section 7-9-257 for the modification of approved tentative maps, unless the modification involves a change in the public roadway access configuration approved by the Board. 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.

13.4 Minor Modifications

As tentative tract maps are prepared to implement the SP, minor adjustments to the Planning Area boundaries and the development standards contained in Section 10.6, Permitted Uses (page 48) may be necessary. Other adjustments may include, but are not limited to, transfer of dwelling units from one Planning Area to another, street alignments/connections, and trail connections. Minor adjustments may be approved administratively by the Planning Director, consistent with Orange County Zoning Code §7-9-150.3(h) Changed Plans, if the adjustments are in substantial conformance with the SP and further provided that the following requirements are met:

- The minor adjustment does not increase the maximum number of dwelling units that can be constructed within the Project,
- The minor adjustment does not result in a decrease of more than 10% of the park area or the total number of parks within the Project,

- The minor adjustment does not result in a decrease of more than 10% of the total open space acreage set forth in Section 6, Parks and Open Space Plan (page 33), and
- All applicable provisions of state law are complied with.

13. Administration

The Esperanza Hills Specific Plan (SP) has been prepared in accordance with the *California Government Code* §65450, et seq., the California Environmental Quality Act (CEQA), the County of Orange General Plan, and all other applicable codes and ordinances.

13.1 Interpretation

If any issue, condition, or situation arises or occurs that is not sufficiently covered or provided for in these regulations so as to be clearly understandable, the Planning Director shall resolve the issues, conditions, or situations in a manner that is consistent with the SP and applicable provisions of the Orange County Zoning Code. This provision shall not be used to permit uses not authorized by the regulations contained herein. The intent is to resolve ambiguity in the regulations and ensure their consistent application.

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This SP shall be amended by the same procedure as the plan was adopted and in compliance with applicable law and the Orange County Zoning Code, as applicable.

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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(s) that establish public roadway access configurations.

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 findings required by the Government Code in addition to those recommended by the Subdivision Committee:

1. Permission to gain access across land area not owned by the Project Applicant has been secured or it is reasonably assured that access rights will be secured
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The Esperanza Hills Specific Plan (SP) has been prepared in accordance with the *California Government Code* §65450, et seq., the California Environmental Quality Act (CEQA), the County of Orange General Plan, and all other applicable codes and ordinances.

13.1 Interpretation

If any issue, condition, or situation arises or occurs that is not sufficiently covered or provided for in these regulations so as to be clearly understandable, the Planning Director shall resolve the issues, conditions, or situations in a manner that is consistent with the SP and applicable provisions of the Orange County Zoning Code. This provision shall not be used to permit uses not authorized by the regulations contained herein. The intent is to resolve ambiguity in the regulations and ensure their consistent application.

13.2 Amendments to the Specific Plan

This SP shall be amended by the same procedure as the plan was adopted and in compliance with applicable law and the Orange County Zoning Code, as applicable.

13.3 Implementation of Access Configuration

For the initial tentative map(s) that establish the public access roadway configurations to the residential area of the project, an alternate procedure for approval to that established by the Orange County Subdivision Code, Orange County Codified Ordinances sections 7-9-251 shall apply.

For tentative tract map(s) that establish the public access roadway configurations, once an application for such tentative tract map(s) has been deemed complete by the Planning Director within the time frames established by the Permit Streamlining Act (*California Government Code* §§65920-65964), the Board shall consider the map at its next regular meeting. 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(s) that establish public roadway access configurations.

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 findings required by the Government Code:

1. Permission to gain access across land area not owned by the Project Applicant has been secured or it is reasonably assured that access rights will be secured
2. Permission to allow for off-site grading has been secured or it is reasonably assured that permission will be secured

3. Finding of consistency with Revised Final Environmental Impact Report No. 616
4. Finding of consistency with Revised Final Environmental Impact Report No. 616 Mitigation Monitoring and Reporting Program
5. Findings of consistency with this Specific Plan, the Orange County Zoning Code, the Orange County Subdivisions Code, and applicable laws and regulations

Board approval of tentative tract map(s) shall only be required for the initial tentative tract map(s) that would establish the public access roadway configurations. Modifications to the initial tentative tract map(s) that establish the public access roadway configurations shall be subject to the procedures specified in Orange County Subdivision Code section 7-9-257 for the modification of approved tentative maps, unless the modification involves a change in the public roadway access configuration approved by the Board. 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.

13.4 Minor Modifications

As tentative tract maps are prepared to implement the SP, minor adjustments to the Planning Area boundaries and the development standards contained in Section 10.6, Permitted Uses (page 48) may be necessary. Other adjustments may include, but are not limited to, transfer of dwelling units from one Planning Area to another, street alignments/connections, and trail connections. Minor adjustments may be approved administratively by the Planning Director, consistent with Orange County Zoning Code §7-9-150.3(h) Changed Plans, if the adjustments are in substantial conformance with the SP and further provided that the following requirements are met:

- The minor adjustment does not increase the maximum number of dwelling units that can be constructed within the Project,
- The minor adjustment does not result in a decrease of more than 10% of the park area or the total number of parks within the Project,
- The minor adjustment does not result in a decrease of more than 10% of the total open space acreage set forth in Section 6, Parks and Open Space Plan (page 33), and
- All applicable provisions of state law are complied with.