

OC PLANNING REPORT

DATE: April 28, 2021

TO: Orange County Planning Commission

FROM: OC Development Services / Planning

SUBJECT: Public Hearing on Planning Application PA20-0141 for a Use Permit for a commercial stable.

PROPOSAL: A request for a Use Permit to establish the Trabuco Creek Equestrian Center, including a proposed 80-stall commercial stable on a portion of a 13.36-acre property. The stable facility proposed would include four 20-stall barns, one new exercise ring, one new riding arena and additional miscellaneous support facilities.

ZONING: Foothill/Trabuco Specific Plan (F/TSP) - "Trabuco Canyon Residential" (TCR) District

GENERAL PLAN: 1A "Rural Residential"

LOCATION: The property is located on 37171 Mountain View Lane in Trabuco Canyon, within the Third (3rd) Supervisorial District. (APN 842-081-02.) The proposed commercial stable would be located on a portion of the site with frontage on and site access from Trabuco Canyon Road and Rose Canyon Road

APPLICANT: Carlos F. Garcia, Property owner
Mark Anderson, Applicant

STAFF CONTACT: Kevin Canning, Associate Planner
Phone: (714) 667-8847
Email: Kevin.Canning@ocpw.ocgov.com

RECOMMENDED ACTIONS

OC Development Services recommends that the Planning Commission:

- 1) Receive staff report and public testimony as appropriate;
- 2) Find that pursuant to CEQA Guidelines Section 15183 the project is consistent with an adopted Community Plan and Zoning for which an EIR was prepared, and also exempt under CEQA Guidelines Sections 15303, 15304, and 15311 and; and,
- 3) Approve Planning Application PA20-0141, a Use Permit for an 80-horse commercial stable and related improvements subject to the attached Findings and Conditions of Approval.

BACKGROUND AND EXISTING CONDITIONS

The Property consists of a 13.36-acre area with an upper and lower pad area. The entire site fronts onto three streets: Mountain View Lane to the north, which provides access to the existing residence and private stables on the upper pad; Rose Canyon Road to the east and southeast, and Trabuco Canyon Road to the south. The lower 4.7-acre pad area will be the area of the proposed commercial stables and will take access from Trabuco Canyon Road and Rose Canyon Road.

View of Project Site from South



View of Project Site from North



The overall site slopes down from north to south with elevations ranging from approximately 1,130 at the north boundary to 990 feet at the southern boundary. To the north and west of the site is existing single-family residential development, these properties are approximately 66 feet above the upper pad of the project site and will be approximately 110 feet above the future commercial stable. To the east of the site, across Rose Canyon Road, is the Rose Canyon Cantina commercial restaurant. To the south, across Trabuco Canyon Road is a Trabuco Canyon Water District pumphouse facility and an equestrian riding arena associated with O'Neill Regional Park.

The upper pad area is developed with an approximate 4,500 square foot one story single-family residence and attached garage. There is also a 10-stall private stable with an adjacent equipment and supply storage structure. Archival County aerial photographs indicate that the residences and stable were built in approximately 1980. This application proposes no new development for the upper pad of the project site, and it will remain as the applicant's private residence and private stable area. The lower pad, approximately 44 feet below, can be accessed by a stairway or by a sloped ramp that is wide enough for service and maintenance carts.

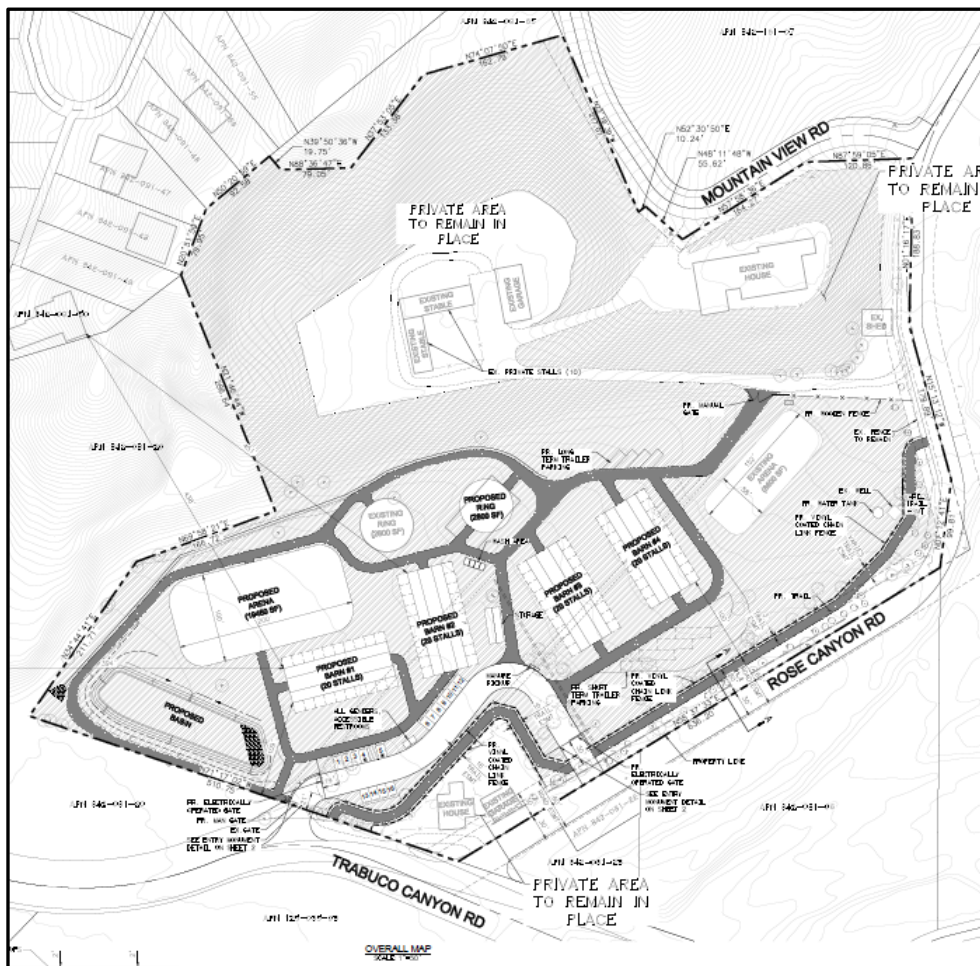
The lower pad area has historically been used for agricultural purposes, initially with a grove of orange trees and later replaced by the existing grove of Peruvian pepper trees. The County's archive of historical aerial photographs indicate that the orchard grove was established as early as 1938 and has been in continual use since that time. In the 1980s, limited private equestrian uses such as a horse barn, exercise ring, and riding arena were added. There is a small dwelling unit (approximately 1,000 square feet) with a 600 square foot detached garage/storage building, both of which will be maintained as a caretaker's quarters in support of the commercial stable. Portions of this residence and its detached garage encroach into the future right-of-way of Rose

Canyon Road. These encroachments must be addressed at such time as the widening of this roadway is proposed. There is also an active well site on the lower pad that will serve the project.

PROPOSED PROJECT

The Trabuco Creek Equestrian Center project proposes to construct a commercial equestrian center consisting of four 20-stall stables, one new riding arena (with one such arena existing) and the addition of one new exercise ring. The site is in the Foothill/Trabuco Specific Plan's (FTSP) Trabuco Canyon Residential (TCR) District. FTSP Section III.D.6.4(a) identifies the following as a Principal use permitted to Planning Commission approval of a use permit: Commercial stables or stables owned and operated by a Homeowner's Association per the animal regulations. FTSP Section III.D.6.4(c) identifies any other use which the Planning Commission finds consistent with the purpose and intent of this district.

Site Plan



The existing barn structure on the lower pad area will be used initially as an interim stable, however ultimately four new 20-stall barn structures will be constructed. The center would offer boarding of horses with training and exercise facilities. Riding lessons would be available, but

rental of horses to the general public for day rides would not be offered. The applicant also plans to offer programs to educate and encourage youth about horsemanship. The stable facilities would not be lighted for night-time activities other than that necessary for safety and security.

The stable is proposed to be built in phases to allow initial cash flow from initial boarders to fund subsequent site improvements, and to allow the existing lower stable (housing the applicant's own horses) to be maintained until such time as a replacement stable can be provided for their relocation, as well as some additional spaces for boarders. A Condition is proposed that would require the demolition of the existing lower stable upon the completion of the second new stable on the lower pad.

Other improvements in support of the stables would also be constructed: on-site access driveways with vehicle parking spaces, horse trailer parking spaces, an accessible restroom building (self-contained), a re-purposed transport container to serve as a storage building, horse wash area, manure pick-up facility, and two electrically controlled security gates (one at each entry driveway). The property is currently surrounded by an FTSP-nonconforming chain link fence. This fencing will be replaced with typically seen 'trail fencing' (see detail below). In the absence of any master-planned equestrians trails for this area, the project proposes to offer the improvement of a public trail link adjacent to Rose Canyon Road, which could connect to other trails within the area. The implementation of this trail link is subject to further discussions with OC Parks regarding on-going maintenance responsibilities. Underground utilities for electrical and water service will be placed on-site as necessary to serve the facilities, and a 10,000-gallon water tank (12-foot diameter, 15 feet in height) will be placed adjacent to the existing well site to enhance water services and fire safety. The site work will require leveling the site requiring approximately 2,200 (2,200 cut and 2,200 fill) cubic yards of grading, balanced on site. A drainage basin will be constructed to properly control site runoff.

Within the 4.7-acre area of the stable site are approximately 600 trees, including oaks and ash trees around the site perimeter and slopes, but the predominate species are the Peruvian pepper trees and some remaining orange trees that were planted in rows in the center of the pad for agricultural harvesting. It is estimated that 300 or more of the non-native pepper and orange trees would be displaced/removed for the placement of the stable facilities and on-site improvements. The remaining non-native pepper trees will be maintained as feasible, although they will be selectively thinned and trimmed for fire safety purposes. No oak or ash trees will be removed (although trimming and pruning for fire safety purposes may be required).

SURROUNDING LAND USE

The project site is designated "Rural Residential" (1A) in the County of Orange General Plan. The project site is zoned Foothill/Trabuco Specific Plan (F/TSP) and designated as Trabuco Canyon Residential (TCR). An aerial photograph of the site and surrounding residential parcels is provided below. Zoning and existing land uses for other surrounding properties near the project site are as follows:

Direction	Zoning	Existing Land Use
Subject Site	F/TSP Trabuco Canyon Residential	Residential/agriculture
North	F/TSP Trabuco Canyon Residential	Residential and Vacant Land
East	F/TSP Trabuco Canyon Commercial	Rose Canyon Cantina
South	F/TSP Open Space and Public/Quasi-Public Facilities	O'Neill Regional Park and Water District pump station
West	F/TSP Trabuco Oaks Residential	Single-Family Residential

Aerial Photograph of Project Site



DISCUSSION/ANALYSIS

Below is a table comparing the development standards for the Trabuco Canyon Residential (TCR) District with the Applicant's proposal:

STANDARD	REQUIRED	PROPOSED
Building Site Area	2 acres minimum except for lots that were legal building sites prior to Foothill/Trabuco Specific Plan adoption	13.36 acres (existing)
Maximum Building height	35'	17' (barn)
Building Site Coverage	30%	45,000 square foot (site total) 8% of the entire site
Setback to Trabuco Canyon Rd	50' min	150' (nearest barn)
Structural Side Setback	15' min.	100' east side (nearest barn)
Structural Rear Setback	20' min	109' (nearest barn)
Parking	1 space/5 stall (16 spaces)	16 spaces with additional spaces for temporary trailer parking
Lighting	Glare limited to site	Safety/security only, no offsite glare
Walls in structural setback limits	3.5' max. height in front; 6' max. in sides and rear	5' open trail-type fencing along the side and rear property lines (Trabuco Canyon Road and Rose Canyon Road)
Grading (TCR Section 6.h.)	Limited to an average of 3,000 cubic yards per dwelling unit permitted by the development cap*	Cut: 2,200 C.Y. / Fill: 2,200 C.Y.
(Natural) Open Space Easement Area**	66% or 8.8 Acres	69.1 % or 9.2 Acres**

*The larger of the cut or fill number is used

**The site has only a minimal amount of 'natural' open space

Conformity with Special Provisions of the FTSP

Grading

Section 6.8.h.1 Grading of the FTSP states that grading shall be limited to an average of 3,000 cubic yards of grading per dwelling unit permitted by the development cap on the property, which is 7 dwelling units. The FTSP and County Zoning Code specifies that it is the larger of either the proposed cut or fill amount of grading is used to determine this threshold. The proposed project would balance a total of 2,200 cubic yards to develop the site, i.e. 2,200 cubic yards of cut and 2,200 cubic yards of fill. Therefore, the proposed project conforms with the Specific Plan's grading criteria.

Commercial Stable Standards

Within the TCR District, the F/TSP permits "...Commercial stables or stables owned and operated by a Homeowners' Association per the Animal Regulations (Section III.F)" with the approval of a Use Permit by the Planning Commission." The F/TSP Animal Regulations (Attachment 9)

establish standards for commercial stables with respect to criteria such as maximum number of horses permitted (as a function of the size of the facility), minimum areas for riding arenas and exercise rings, minimum stall dimensions, number of wash racks, and various health and safety measures such as rodent and insect control measures, management of manure disposal, etc. To a large extent, the Specific Plan's measures mirror other existing County regulations contained within the Sanitation and Animal Code. The proposed project meets the standards established by the FTSP and is also conditioned to provide necessary additional detailed plans regarding management plans for manure disposal and dust control.

Open Space Easement

One of the goals in the 1991 adoption of the F/TSP was to preserve the special rural character of the canyon area, especially through the long-term preservation of natural open spaces. To this end, two of the F/TSP's seven residential development districts (Trabuco Oaks Residential (TOR) and Trabuco Canyon Residential (TRC), which includes the subject site) have provisions that seek to ensure that natural open space is preserved. Specifically:

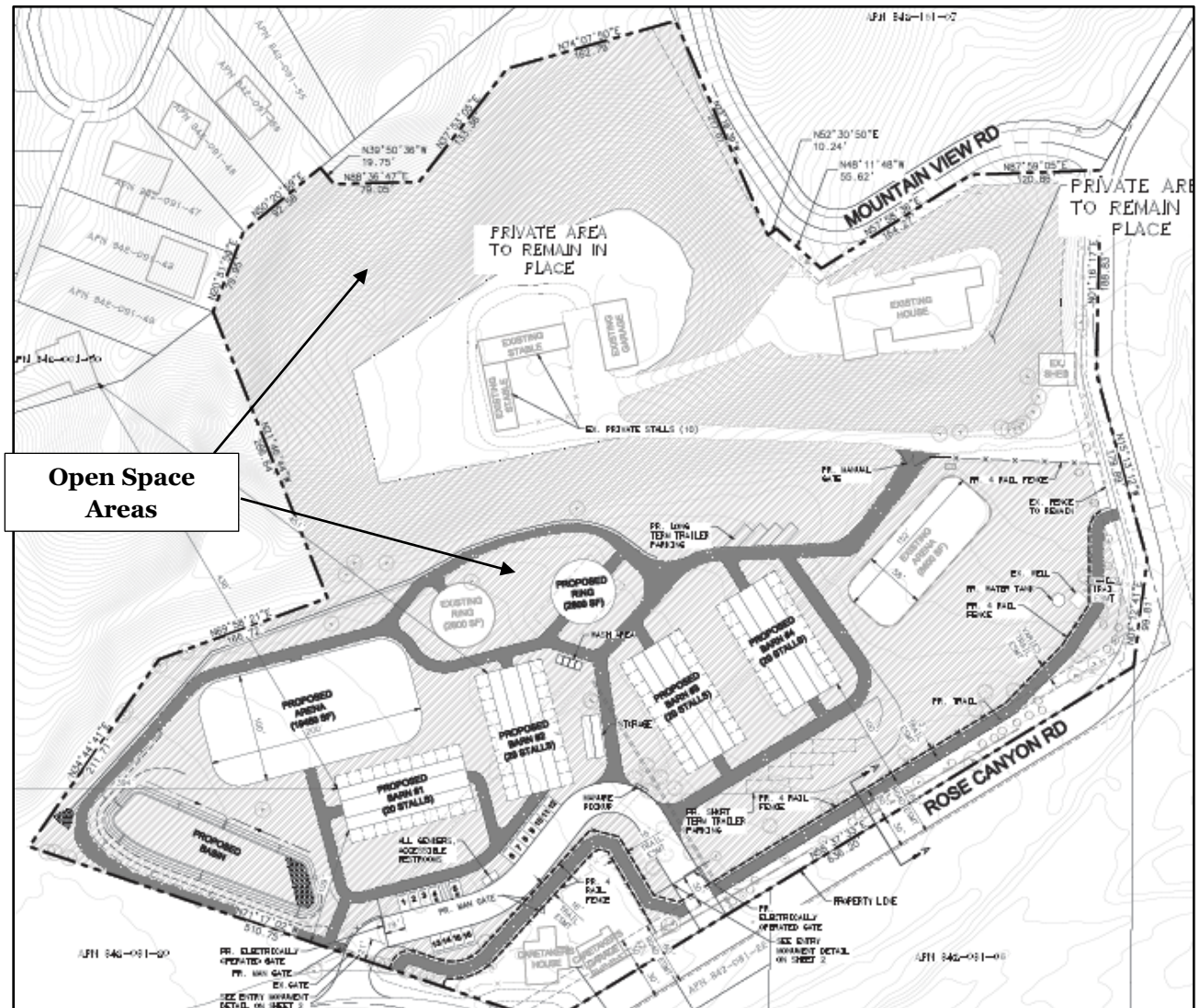
“Each individual project proposal (excluding building sites of one (1) acre or less which were existing at the time of Specific Plan adoption) shall preserve a minimum of sixty-six (66) percent of the site in permanent, natural open space which shall be offered for dedication in fee or within preservation easements to the County of Orange or its designee in a manner meeting the approval of the Manager, EMA/Harbors, Beaches and Parks/Program Planning Division.”

It is noted that the F/TSP specifies ‘natural’ open space but it does not further define or describe the term. The current condition of the site shows that relatively limited areas of the site could be considered ‘natural’. The upper pad area is predominately graded to a single development level, and in approximately 1938, the lower pad was stripped of any of the then-existing native vegetation and was graded to create a level agricultural area where orange and Peruvian pepper trees have been grown and harvested since. Only the large slope areas, going up from the upper pad to the residential development to the north and portions of the slope between the upper and lower pads, could be considered as existing in a ‘natural’ state.

The Site Plan and Open Space Exhibit (below) delineates areas totaling 9.2 acres, or 69.1% of the entire site. To the maximum extent feasible large contiguous open areas are consolidated. Within proposed commercial stable on the lower pad area, there little to no ‘natural’ space remaining and due to the historic agricultural use of the area. The aggregate of the proposed alternative open space areas would exceed the 66% criteria of the F/TSP. The applicant proposes that these open space areas would be constrained/restricted by a recorded easement, or similar, from any further development. The result would be that the site would preserve a largely open characteristic. See Condition of Approval No. 11.

Additionally, the easement would allow that, should the commercial stable business close or cease operations, the property owner would then have future options to modify the easement in order to develop other uses on the property, such as its underlying residential zoning would permit. At that time, the more ‘compact’ development (such as six individual residential lots) would allow

that a permanent open space dedication could be granted on each of the future proposed lots to achieve a 66% dedication on each of the proposed future lots. This six-lot example is based upon a previous application made to the property that was not fully pursued by the then-owner.



Tree Transplantation/Replacement

The FTSP Landscaping and Fuel Modification Regulations seek to protect oak and sycamore trees to the extent feasible. When removal of oaks or sycamores is necessary, it requires their replacement in a ratio depending upon the size of the removed tree.

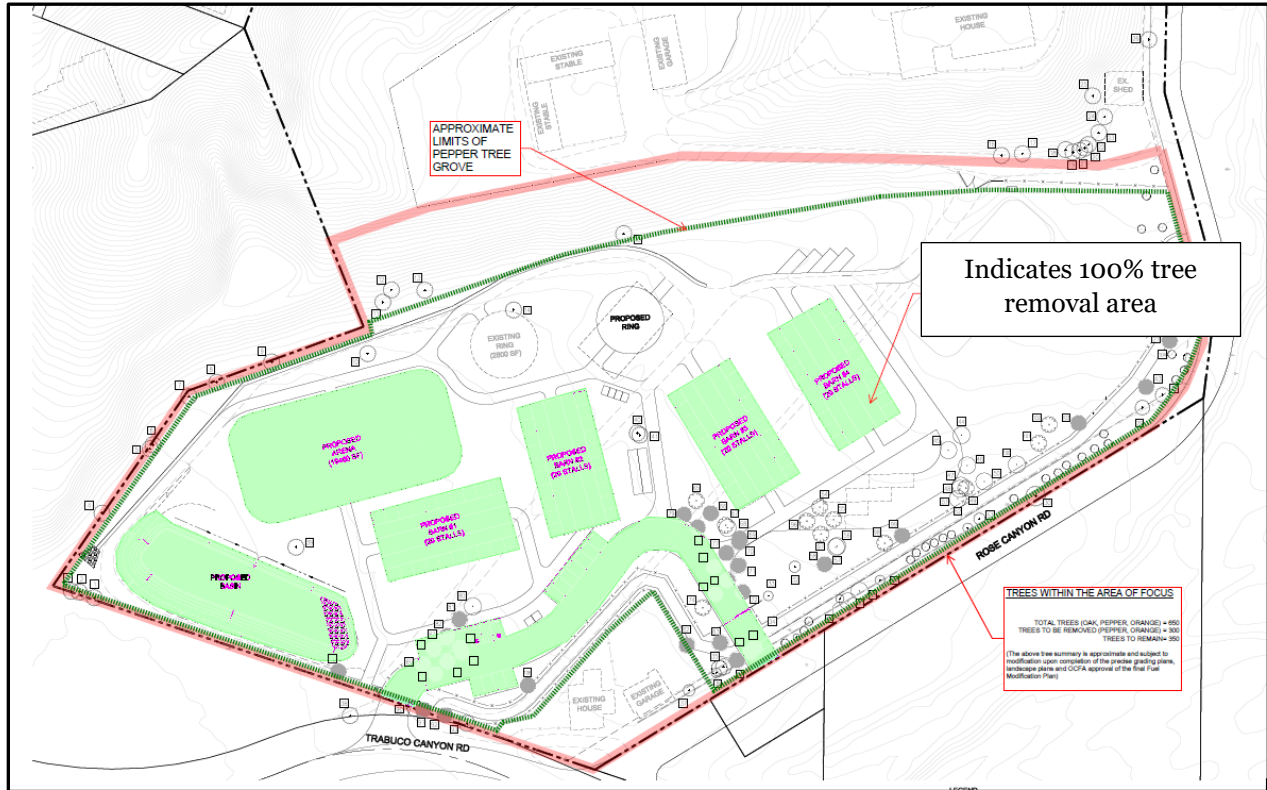
Tree Replacement Scale	
Trunk diameter (inches) of Tree Removed at 4.5 inches Above Ground Level	Minimum Number of Replacement Trees Required
5 to 11	5
12 to 17	8
18 to 23	10
24 to 35	12
above 35	15

The FTSP further requires “Any species of tree, other than any oaks or sycamores, shall be transplanted or replaced with minimum fifteen (15) gallon trees at a minimum ratio of one-to-one (1:1).”

1979 Aerial of Project Site



Preliminary Tree Removal Plan



The project site has approximately 600 non-native and invasive Peruvian pepper trees that were planted for agricultural purposes in the late 1930's and proposes the removal of over 300 of these trees to accommodate the commercial stable, but no removal of any oak or sycamore trees. The applicant suggests that a requirement to replace these non-native trees on a one-to-one ratio is excessive and unreasonable. As an alternative, he requests that the removed Peruvian pear trees be replaced on a ratio of one oak tree for every 10 removed. This would result in the planting of 30 or more oak trees on the property or in the vicinity. Staff recognizes the unique situation with respect to the existence of the non-native agricultural trees, however the staff would recommend the replacement be at a ratio of 5:1 (Condition of Approval No. 12). Staff recommends the Planning Commission consider the merits of the applicant's request, and if necessary, amend Condition as appropriate.

Consistency with FTSP Resource Criteria

The purpose and intent of the Resource Criteria is to preserve and minimize impact on significant regional resources.

Section 2.0 Wildlife Corridors

As described by the F/TSP, the purpose of wildlife corridors is to ensure the future viability and movement of wildlife through preservation of necessary habitat and wildlife movement areas. Parcels within a wildlife corridor area or parcels within 150 feet of a wildlife area are required to submit a site-specific wildlife corridor analysis prepared by a biologist. A biologist assessed the project and determined that the project site is not located within 150' of an F/TSP mapped wildlife corridor area as mapped on FTSP Exhibit II-3 (Attachment 7).

Section 3.0 Oak Woodlands

The purpose of the oak woodlands designation is to ensure the preservation of significant stands of oak woodlands. Parcels within 100 feet of any designated oak woodlands shall require a site-specific oak woodlands analysis prepared by a qualified biologist/arborist to determine the precise boundary of the oak woodlands. The study prepared by the biologist/arborist identified approximately 0.90 acres of the site to be within an oak woodland. The proposed area of the site to be developed is not located within oak woodland as mapped on F/TSP Exhibit II-4 (Attachment 7). The F/TSP requires a Tree Management/Preservation Plan when any oaks are proposed to be removed, also identifying trees to be preserved. The project does not propose removal of any oak trees, all trees to be removed are non-native species introduced to the site for previous agricultural purposes.

Section 4.0 Streambeds

The purpose of the streambed preservation designation is to provide for the preservation of stream channels in their natural condition. The primary objective of including streambeds within the Resources Overlay Component is to minimize the need for structures which would alter the natural condition of any designated streambeds. A submitted biologist's report finds that the project site is not located adjacent to or within a streambed as mapped on F/TSP Exhibit II-5 (Attachment 7).

Section 5.0 Visual Resources – Major Ridgelines & Major Rock Outcroppings

The F/TSP designates major ridgelines and major rock outcroppings. It specifies that no structure shall be located closer to the centerline of any ridgeline or rock outcropping than 200 feet horizontally on a topographic map and 50 feet measured vertically on a cross section. The project site is not located adjacent to or within a major ridgeline or rock outcropping as mapped on F/TSP Exhibit II-6 (Attachment 7).

Section 5.2 Scenic Roadway Corridors

The scenic roadway corridors specified by the F/TSP are Santiago Canyon Road, Live Oak Canyon Road, and Trabuco Canyon Road. Greater development setbacks are required adjacent to these roads. Additionally, projects adjacent to these roads are required to prepare a viewshed analysis. The project site is near, but not immediately abutting Trabuco Canyon Road, which requires a 50 foot setback. The nearest proposed new barn structure is 150 feet from Trabuco Canyon Road, a Scenic Roadway Corridor as mapped on F/TSP Exhibit II-7 (Attachment 7).

Section E.1.b Landscaping

The F/TSP (Section E.1.b) requires submittal of a landscape plan in conformance with County standard procedures. Condition of Approval No. 12 is provided to implement the Landscape Plan consistent with County Landscape Irrigation Code and Implementation Guidelines. The plan shall be prepared by a licensed professional in the State of California and shall include criteria for its installation and irrigation if necessary until it is fully established. The preparer shall consider the use of appropriate plants designated in the F/TSP Plant Palette. The Landscape Plan will be subject to the review and approval of the Manager, OC Development Services/Planning.

Section E.2 Fuel Modification Regulations

The project site is located within a High Fire Hazard Severity Zone. Orange County Fire Authority has reviewed the project and determined that a Fuel Modification Plan is required. Construction of the new structures shall comply with all applicable OCFA fire prevention requirements as determined through the plan check review process. The applicant has previously reviewed a preliminary plan with OCFA in order to determine project feasibility and identify any potential impacts to biological resources.

Section IV.E Design Guidelines – Architectural Guidelines

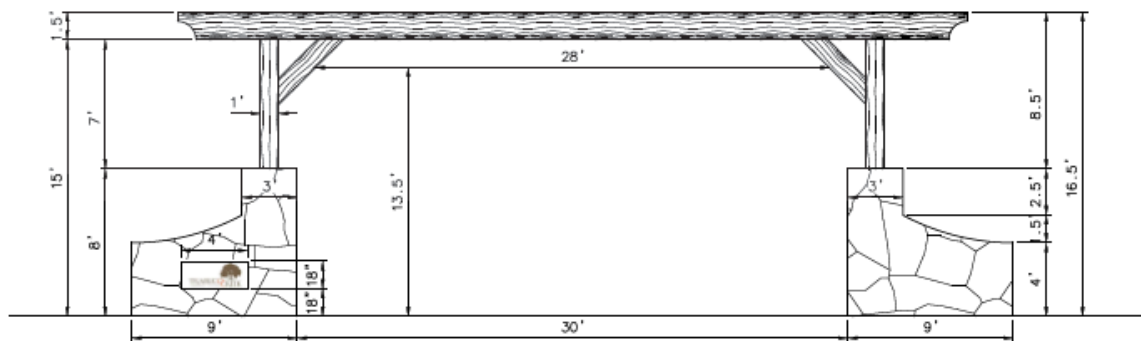
The Design Guidelines are intended to serve as a supplement to the F/TSP to encourage property owners to develop innovative and creative design solutions for rural hillside development. Section IV.E.1.b. requires that architectural treatment should be provided on all sides of residential structures. Elements of architectural treatment used on the front façade should be repeated on all sides of the structure with additional emphasis on those elevations which are visible from public rights-of-way. The applicant is proposing a rustic style architecture for the barn structures using earth tones and appropriate design elements for its proposed use.

Section IV.E.1.e requires the use of natural indigenous materials found in the F/TSP area (plant materials, rocks, soils) as the basis for selecting colors, textures and materials for residential construction. The primary material finishes that are being proposed for the barns utilizes earth tones consistent with this requirement. Secondary support structures (restroom, storage building) will not be visible from the public right-of-way but will be painted using the same color palette. The proposed materials and finishes are found to be consistent with the intent of the F/TSP Design Guidelines.

Stable Elevation



Gateway Entry



Fence Detail



REFERRAL FOR COMMENT AND PUBLIC NOTICE

A copy of the planning application and proposed site plan were distributed for review and comment to County Divisions (the Building Official, Building/Grading Plan Check, Watersheds, Flood, and Traffic Engineering), OCFA, and the Foothill/Trabuco Specific Plan Review Board (F/TSPRB).

The F/TSPRB reviewed the application and recommended approval (4-0) for the proposed project at their November 19, 2020 meeting. Their draft meeting minutes are included as Attachment 5 (no Board quorum has been available to approve the minutes since that date). Four members of the public also participated in the meeting, all expressing support of the project. The Board's action also the following included recommendations (*including a staff comment for clarification*):

- that no commercial events be held
 - *Zoning Code Section 7-9-117.9 addresses special gatherings, including commercial events. Events proposing 100 persons or more and would be subject to a Site Development Permit approval. This is applicable to all County properties and such events are limited to four times annually. Condition of Approval No. 18 is proposed that would further restrict this facility by requiring a Site Development Permit for holding commercial event proposing 50 persons;*
- that the visual analysis be completed and shared with the Review Board
 - *this has been completed and is included in attachments;*
- no lighting be allowed at the arenas
 - *only necessary safety and security lighting is proposed; and*
- that no expansion of the facility beyond the current proposal be permitted
 - *the required open space area easement designation addresses this concern by limiting/prohibiting the expansion of new facilities into the easement areas beyond those approved with this application, additionally any proposed expansion would be subject to new planning review and approval process.*

As of the time of this report's preparation, staff has received 37 letters or email expressing support of the proposed project (Attachment 10).

Staff has reviewed all comments received, and where appropriate, has addressed the comments through recommended Conditions of Approval, which are provided as Attachment 2. Public notices were mailed to all owners of record within 300 feet of the subject property, and posted in front of the project site, the Orange County Hall of Administration at 333 W. Santa Ana Boulevard, and in the lobby at the County Administration South (CAS) building located at 601 N. Ross St at least ten days prior to this public hearing, as required by established public hearing posting procedures.

CEQA COMPLIANCE

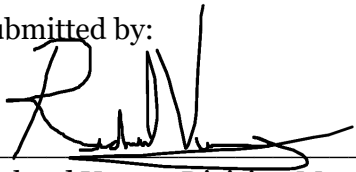
CEQA Guidelines Section 15183 provides for consideration of projects proposed pursuant to and consistent with an adopted Community Plan or Zoning. The potential environmental effects were analyzed and determined that the limitations of Subsection (b)(1) through (4) do not apply. The site is in the FTSP Trabuco Canyon Residential (TCR) District. FTSP Section III.D.6.4(a) identifies the following as a Principal use permitted to Planning Commission approval of a use permit: Commercial stables or stables owned and operated by a Homeowner's Association per the animal regulations. FTSP Section III.D.6.4(c) identifies any other use which the Planning Commission finds consistent with the purpose and intent of this district. The proposed project has been assessed with respect to the FTSP Project Consistency Checklist (Attachment 8) and found to be consistent with the FTSP.

In addition to consistency with a Community Plan, Zoning and the FTSP, the proposed project may also be considered exempt from the provisions of CEQA. Section 15354 of the State CEQA Guidelines defines a categorical exemption: "Categorical exemption means an exemption from CEQA for a class of projects based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment." The project would qualify for the following exemption categories: Class 3, Class 4, and Class 11. Class 3 exemptions allow new construction and conversion of small structures, Class 4 exemptions allow for minor alterations to land, and Class 11 allow for accessory structures. These exemption categories are provided in Sections 15303, 15304, and 15311, respectively, of the State CEQA Guidelines. In addition, these classes are included in the Orange County 2020 Local CEQA Procedures Manual.

CONCLUSION

Staff has determined that the proposed project complies with the Foothill/Trabuco Specific Plan development standards and architectural guidelines. As proposed, the project is compatible with the Trabuco Canyon Residential District and other special provisions of the Specific Plan. Staff supports the Use Permit proposal and its approval, subject to Findings and Conditions of Approval provided in Attachments 1 and 2.

Submitted by:



Richard Vuong, Division Manager
Planning, OC Development Services

Concurred by:



Amanda Carr, Interim Deputy Director
OC Public Works/Development Services

ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions of Approval
3. Applicant's Letter of Explanation
4. View Analysis Simulation
5. Draft FTSPRB Minutes
6. Site Photos
7. FTSB Resource Overlay Maps
8. FTSP Consistency Checklist
9. FTSP Section III.F. Animal Regulations
10. Biologist's Report
11. Letters of Project Support
12. Project Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Planning Commission on this permit to the Orange County Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$500 filed at the County Service Center, 601 N Ross St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to OC Development Services / Planning Division.

Attachment 1

Recommended Findings



Attachment 1

Findings

PA20-0141

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- | | | |
|----------|---------------------|------------------|
| 1 | GENERAL PLAN | PA20-0141 |
|----------|---------------------|------------------|
- 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.
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- | | | |
|----------|---------------|------------------|
| 2 | ZONING | PA20-0141 |
|----------|---------------|------------------|
- 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.
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- | | | |
|----------|----------------------|------------------|
| 3 | COMPATIBILITY | PA20-0141 |
|----------|----------------------|------------------|
- 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.
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- | | | |
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| 4 | GENERAL WELFARE | PA20-0141 |
|----------|------------------------|------------------|
- That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
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- | | | |
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| 5 | PUBLIC FACILITIES | PA20-0141 |
|----------|--------------------------|------------------|
- 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.).
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- | | | |
|----------|---------------------|---------------------------|
| 6 | CEQA FINDING | PA20-0141 (Custom) |
|----------|---------------------|---------------------------|
- That pursuant to CEQA Guidelines Sections 15183 the project is consistent with an adopted Community Plan and Zoning for which an EIR was prepared. The potential environmental effects were analyzed and determined that the limitations of Subsection (b)(1) through (4) do not apply. The project is also exempt under CEQA Guidelines Sections 15303, 15304, and 15311 as reflected in the Orange County 2020 Local CEQA Procedures Manual.
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7

SPECIFIC PLAN CONSISTENCY PA20-0141 (Custom)

That the proposed project, together with the provisions for its design and improvement, is consistent with the Foothill/Trabuco Specific Plan.

Attachment 2
Recommended Conditions of Approval



Attachment 2
Conditions of Approval
PA20-0141

1 BASIC/ZONING REGULATIONS PA20-0141

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/TIME LIMIT PA20-0141

This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

3 BASIC/LAND USE PLAN PA20-0141

Except as otherwise provided herein, this permit is approved as a land use 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 Development Services, for approval. If the Director, OC Development Services, 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.

4 BASIC/COMPLIANCE PA20-0141

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.

5 BASIC/COMPLIANCE PA19-0141

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.

6 INDEMNIFICATION PA20-0141

Applicant shall, at its own expense, defend, 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, Subdivision Committee, Director of OC Public Works, or Deputy Director of OC Development Services concerning this application. The County may, at its sole discretion, participate in the defense of any action, at the applicant's expense, but such participation shall not relieve applicant of his/her obligations under this condition. Applicant shall 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. If litigation is filed challenging the Project, the County may, at its sole discretion, require the Applicant to post a bond, enter into an escrow agreement, obtain an irrevocable letter of credit from a qualified financial institution, or provide other security, to the satisfaction of the County, in anticipation of litigation and possible attorney's fee awards. The County shall promptly notify the applicant of any such claim, action or proceeding.

7

BASIC/APPEAL EXACTIONS

PA20-0141

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.

8

FUEL MODIFICATION PLAN

PA20-0141

[Res] Service Codes: 1.9 & 1.10

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, Building & Safety with a clearance from OCFA, or other Local Fire Agency (if applicable), demonstrating approval of a conceptual or precise fuel modification plan.

B. Prior to the issuance of a precise grading permit, the applicant must provide the Manager, Building & Safety with a clearance from OCFA, or other Local Fire Agency (if applicable), demonstrating approval of a precise fuel modification plan.

9

FIRE HAZARD SEVERITY ZONE

PA20-0141

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, Building & Safety 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.

10

GEOLOGY REPORT

PA20-0141

Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, Building & Safety, for approval. The report shall include the information and be in the form as required by the Grading Code and Grading Manual.

11

**OPEN SPACE DEDICATIONS AND
SCENIC/RESOURCE
PRESERVATION EASEMENT(S)**

PA20-0141

The Trabuco Canyon Residential District (TCR) Regulations of the F/TSP requires the dedication of 66 % of the site(s) be offered for dedication in fee (Section III.6.8.i) or be placed within preservation easements also to be dedicated to the County of Orange. The following conditions shall apply:

1. Prior to the issuance of building permits, the applicant/owner shall dedicate an easement for open space preservation purposes to the County of Orange or its designee over 66% of the site, pursuant to the Foothill/Trabuco Specific Plan - Trabuco Canyon Residential District Regulations, in a manner meeting the approval of the Manager, OC Parks in coordination with the Division Manager of Planning/Development Services. The easement shall specify those limited uses or improvements, if any, that may be located within this area. Maintenance, upkeep and liability for said easement area shall remain the responsibility of the applicant or assigns and successors or current underlying owner(s) of said easement area and shall not be included in said dedication offer. The applicant/owner shall not grant any easement over any property subject to said easement unless such easements are made subordinate to said easement offer in a manner meeting the approval of the OC Parks. The easement shall acknowledge that it may be modified in the future in the event of the cessation of the commercial stable use.
 2. Prior to the issuance of precise grading permits, applicant/owner shall offer for dedication in fee or preservation easement to the County of Orange or its designee those areas within the required scenic roadway setback area, as defined in the Resources Overlay Component of the Foothill/Trabuco Specific Plan, Section II.C.5.2.
 3. Prior to the issuance of building permits, the applicant/owner shall note limitations and restrictions for said easement by reference to a separate document recorded in a manner meeting the requirements of the Manager, OC Parks.
 4. Prior to the issuance of building permits, or as determined by the Manager, Building & Safety, applicant/owner shall survey and monument all open preservation easement dedications. The applicant/owner 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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12

PRIVATE LANDSCAPING

PA20-0141

- 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, Building and Safety in consultation with the Manager, OC Planning. The plan shall be certified by a professional appropriately licensed in the State of California, 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. The detailed landscape plan shall demonstrate how the removal of on-site trees will be mitigated by the planting of 15-gallon oak trees on site at a ratio of 1:5 (one oak tree per five non-oak trees removed). Off-site mitigation sites may be proposed, however any off-site sites shall be located within the Foothill/Trabuco Specific Plan area.
- C. Prior to the approval of final inspection, applicant shall install said landscaping (both on-site and off-site if applicable) 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.
- D. 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, Building & Safety.

13

ROAD FEE PROGRAM

PA20-0141 (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
- b. Santiago Canyon Road Fee Program
- c. Foothill Circulation Phasing Plan

14

**WATER QUALITY MANAGEMENT
PLAN**

PA20-0141

Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Building & Safety, 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.

15

**COMPLIANCE WITH THE NPDES PA20-0141
IMPLEMENTATION PROGRAM**

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. CC&R's or other appropriate document (that must include the approved WQMP and O&M Plan) for the project's operator/owner;
 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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16 **PHASED CONSTRUCTION PA20-0141 (Custom)**

Prior to the issuance of Certificate of Use and Occupancy for the second proposed barn/stable, the applicant shall remove/demolish the existing stable on the lower pad area.

17 **HORSE CROSSING PA20-0141 (Custom)**

Prior to the issuance of grading permit, the applicant shall provide details for signage and any other necessary improvements to designate a horse crossing on Trabuco Canyon Road from the site to O'Neill Regional Park.

18 **SPECIAL EVENTS/GATHERINGS PA20-0141 (Custom)**

A Site Development Permit shall be required for gatherings of more than fifty (50) people, including spectators and participants, and shall be limited to a total of four such gatherings per year.