

III. LAND USE ELEMENT



CA/KB

OVERVIEW

The Land Use Element (LUE), one of nine elements of the restructured General Plan, contains official County policies on the location and character of land uses necessary for orderly growth and development. All elements have the same horizon year (2025) and growth assumptions to ensure internal consistency. The LUE identifies policies and programs in other County General Plan elements that affect land use and provide guidance for future land use planning studies for the unincorporated portion of the County.

The LUE is arranged as follows:

- Purpose of the Element
- Relationship to Other Elements
- Planning Constraints & Deficiencies
- Land Use Categories
- Building Intensity/Population Density Standards
- Existing Conditions
- Objectives & Policies
- Implementation Programs

PURPOSE OF THE ELEMENT

The Land Use Element describes objectives, policies, and land use patterns for all unincorporated territory in both narrative and graphic terms and establishes development criteria and standards, including population density and building intensity.

Land use categories are used to depict the general distribution, location, and extent of public and private uses of land. In accomplishing this primary purpose, the Land Use Element fulfills the requirements of Section 65302(a) of the California Government Code, which establishes it as a mandated element of the General Plan.

Through a combination of objectives, policies, and programs, the Land Use Element has three additional purposes. First, many of the goals of the General Plan can be achieved through the application of land use policies that are closely coordinated with Transportation Element policies, particularly those related to the County's multimodal transportation systems. These land use policies provide a basis for the evaluation of physical development and growth trends in order to achieve the General Plan goals. Second, these policies determine land use capacities and the appropriate level of public services and infrastructure necessary to support these capacities. Third, these land use policies and strategies ensure that the County accommodates various transportation choices to enable safe, attractive, and comfortable access and travel for all users, including people driving, walking, cycling, or taking transit, as well as children, seniors, and individuals with disabilities.

RELATIONSHIP TO OTHER ELEMENTS

State law requires the Land Use Element to achieve internal consistency with all elements of the General Plan. Although the Land Use Element provides the basis for land use decisions, it does not replace or supersede any of the other General Plan elements. Instead, the Land Use Element complements the other elements by incorporating and implementing their land use concerns and recommendations.

The Land Use Element supports the Resources Element's open space and natural resource plans through the designation of an Open Space land use category and an Open Space Reserve land use overlay. The Transportation, Recreation, Safety, and Housing elements are implemented by incorporating their land use recommendations into policies and programs.

The Land Use Element is also consistent with the Noise Element in that the land use plan reflects noise level concerns. Therefore, the Land Use Element, at the time of its adoption, is the most current expression of County land use policy and is internally consistent with the other General Plan elements.

PLANNING CONSTRAINTS & DEFICIENCIES

This section identifies existing and potential constraints upon achievement of the objectives and policies identified above and in the following chapters. While these constraints do not constitute absolute barriers, they may inhibit the timely achievement of the objectives.

These constraints have been categorized below into four categories: environmental, fiscal, economic and market constraints, and governmental constraints.

Environmental Constraints

Five major environmental conditions constrain development in Orange County: noise, floods, fires, geologic/seismic hazards, and natural and cultural resources. More detailed discussion of these constraints are found in the Noise, Safety, and Resources Elements (Chapters VIII, IX, and VI respectively).

NOISE

The major sources of significant noise in Orange County are aircraft and highway vehicles. While both can usually be mitigated to acceptable levels indoors, aircraft noise cannot be mitigated outdoors because of its overhead source. State law and County policy prohibit residential development and similar noise sensitive uses in high-noise (+65 CNEL) areas near John Wayne Airport.

Noise in nonresidential developments must be attenuated to protect users in these areas. Near major streets and highways, noise must also be attenuated. Thus, high-noise conditions may preclude certain uses in some areas and may increase development costs. CNEL noise contour maps and more detailed information related to noise are found in Chapter VIII, the Noise Element.

FLOOD HAZARDS

Portions of Orange County are located in floodplain areas of varying degrees of risk. Figure III-1a identifies areas subject to 100- and 500-year flooding as identified by the Flood Insurance Rate Maps (FIRM) provided by the Federal Emergency Management Agency (FEMA) and floodplain maps from the California Department of Water Resources (DWR). In many cases, development can occur in these areas through proper site planning, but costs may be high. There are, however, some areas where development is precluded because of extreme flood potential. In all development scenarios, water quality and watershed protection principles must also be considered in the site planning and stormwater facility design process.

FIRE HAZARDS

The foothill areas of Orange County are considered high to very high fire hazard areas. Future development in these areas must minimize potential fire hazards and adequate fire protection must be maintained. Both these actions may raise development costs but will not preclude development. Figure III-1b depicts the location of these fire hazard areas.

GEOLOGIC/SEISMIC HAZARDS

Potential slope and seismic hazards constrain development in certain parts of the County. While both conditions seldom preclude development, they may increase the cost of construction.

Figure III-1c identifies areas subject to seismic hazards. Chapter IX, the Safety Element, further explores these hazards as well as other non-seismic hazards.

NATURAL & CULTURAL RESOURCES

The presence of natural or cultural resources on vacant land may influence its future use. For example, critical habitat areas or archaeological sites may require preservation or sensitive planning. Such conditions may preclude development or increase the cost of construction. For further information related to natural and cultural resources, please refer to the Chapter VI, the Resources Element.

Fiscal Constraints and Deficiencies

Based on data from the County's Development Monitoring Program, revenues from new development often do not fully offset the cost of public services needed to serve that development.

PUBLIC SERVICES

The loss of revenue resulting from Proposition 13 coupled with rising costs due to growth and inflation will continue to burden public service providers. If current trends continue, public service levels will deteriorate and new development may be delayed or precluded.

INCREASED DEVELOPMENT FEES AND REQUIREMENTS

Increased fees on new developments and the shift of responsibility for infrastructure provision to developers will increase construction costs and may reduce levels of production.

However, Transit-Oriented Development (TOD) could induce development on appropriate infill sites within urbanized areas, resulting in infrastructure cost savings because facilities and services are in place. TOD means more compact development, without the capital and operating costs of expanding water, sewage, and roads to serve development on vacant land outside urbanized areas. In addition, TOD offers long-term revenue potential as a result of a possible increase in property values within transit-served corridors where multimodal access has economic value and people are willing to pay somewhat more, on the margin, to get it.

INFRASTRUCTURE ADEQUACY

While infrastructure imbalances have been reduced in recent years through development phasing the use of public facility development agreements and other mechanisms, infrastructure shortfalls do exist and may impede the fulfillment of the objectives.

However, infill development, a common TOD strategy that entails building on skipped-over vacant or underutilized lots within existing urban areas, would promote using existing infrastructure to its fullest.

UNINCORPORATED DISADVANTAGED COMMUNITIES

Senate Bill 244, signed by Governor Brown on October 7, 2011, requires cities and counties to address the infrastructure needs of “disadvantaged unincorporated communities” in city and county general plans and in municipal service reviews prepared by Local Agency Formation Commissions. A disadvantaged unincorporated community is defined as a “fringe,” “island” or “legacy” community with 12 or more registered voters in which the median household income is less than 80 percent of the statewide median.

“Fringe community” means any inhabited and unincorporated territory that is within a city’s sphere of influence. “Island community” means any inhabited and unincorporated territory that is surrounded or substantially surrounded by one or more cities or by one or more cities and a county boundary or the Pacific Ocean. “Legacy community” means a geographically isolated community that is inhabited and has existed for at least 50 years.)

The law (GC Section 65302.10(a)) requires that on or before the adoption of its housing element, each city must identify and describe in its Land Use Element each “island community” or “fringe community” that exist within the city’s sphere of influence that is a disadvantaged unincorporated community. (A city’s sphere of influence boundary is determined by the Local Agency Formation Commission and defines the logical, long-term service area for that agency.) Cities are required to include an analysis of water, wastewater, storm water drainage and structural fire protection needs or deficiencies for each of the identified communities in the land use element. In addition, cities must include an analysis in the Land Use Element of potential funding mechanisms that could make the extension of services and facilities to identified communities financially feasible (GC Section 65302.10(a)).

County Land Use Elements are required to identify and describe each “legacy community” within the boundaries of the county that is a disadvantaged unincorporated community, but *not* including any areas with the sphere of influence of a city (GC Section 65302.10(a)).

In December 2011, the Orange County Local Agency Formation Commission (LAFCO), in cooperation with the Center for Demographic Research at California State University, Fullerton, reviewed recent Census data and identified two disadvantaged unincorporated island communities within Orange County: (1) the Southwest Anaheim Island located within the City of Anaheim sphere of influence, and (2) the Katella/Rustic Island located with the City of Stanton sphere of influence. The City of Anaheim and the City of Stanton will each be required to include an analysis of the infrastructure needs/deficiencies and potential funding opportunities to extend infrastructure upgrades to these areas, if needed, in their respective general plan land use elements.

No disadvantaged unincorporated “legacy communities” were identified within Orange County. The County is not required to include additional analysis in its Land Use Element (as provided in SB 244) if these communities are not present.

Economic and Market Constraints

During the last six years, the Orange County economy has undergone some very significant transformations. In the first three years of the previous decade (1990-1993), the County lost an estimated 57,000 jobs, which translated into approximately five percent of its employment base. During this period, the hardest hit employment sectors were construction, international trade and durable goods manufacturing. The County also experienced a significant decline in housing prices, which led to mortgage delinquencies and declining land values.

However, this broad decline established the basis for a broad diversification of the economy and economic rebound that began in 1994. Since the recession “bottomed out” in 1993, the County has added an estimated 100,000 new jobs, almost doubling the number of jobs lost in the first three years of the decade.

In addition, the jobs that have replaced the lower-skilled manufacturing jobs are higher paying and provide goods and services relating to software development and information technology. The objectives established by this Element assume sustained economic growth for Orange County.

Figure III-1a

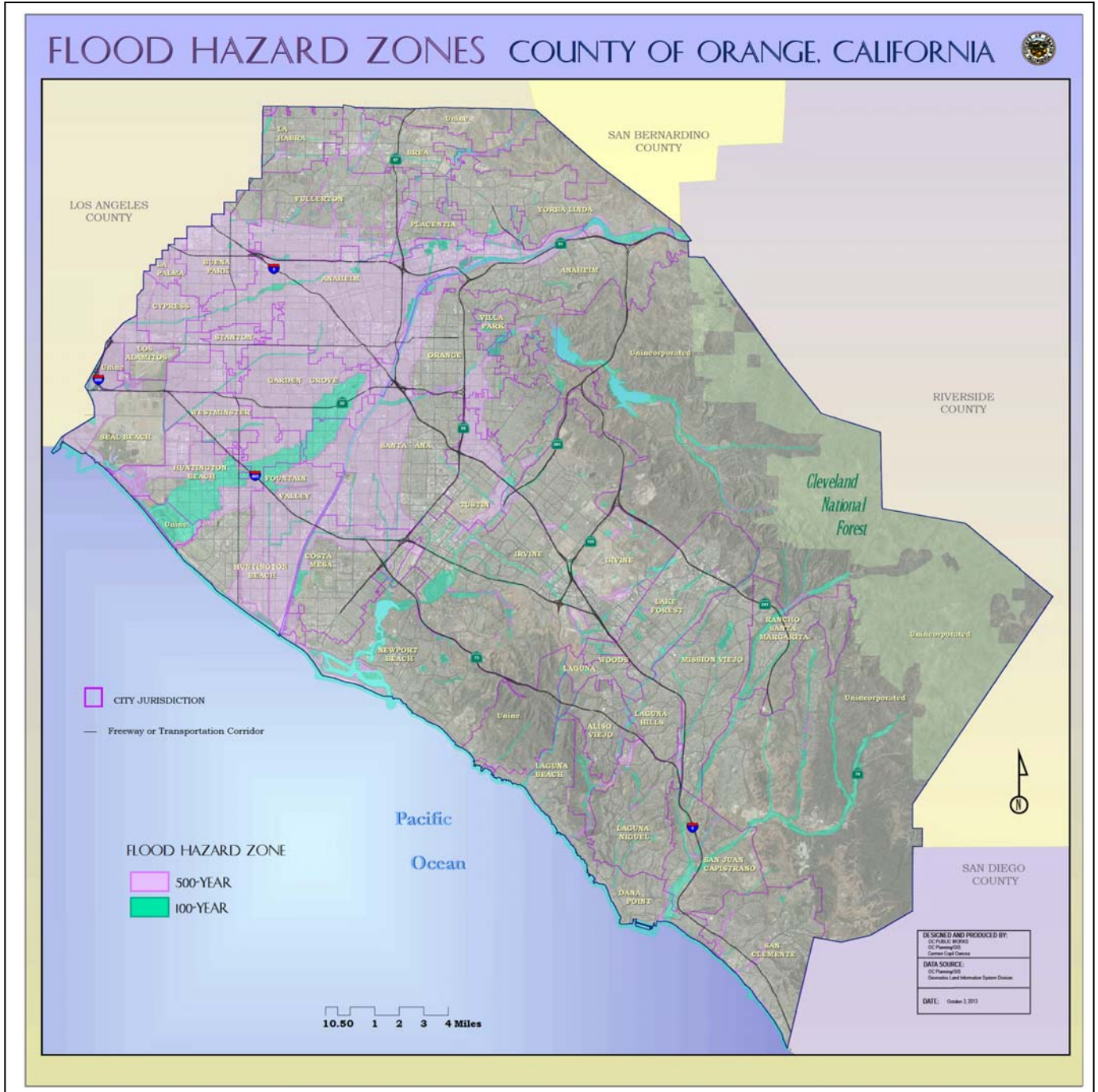


Figure III-1b

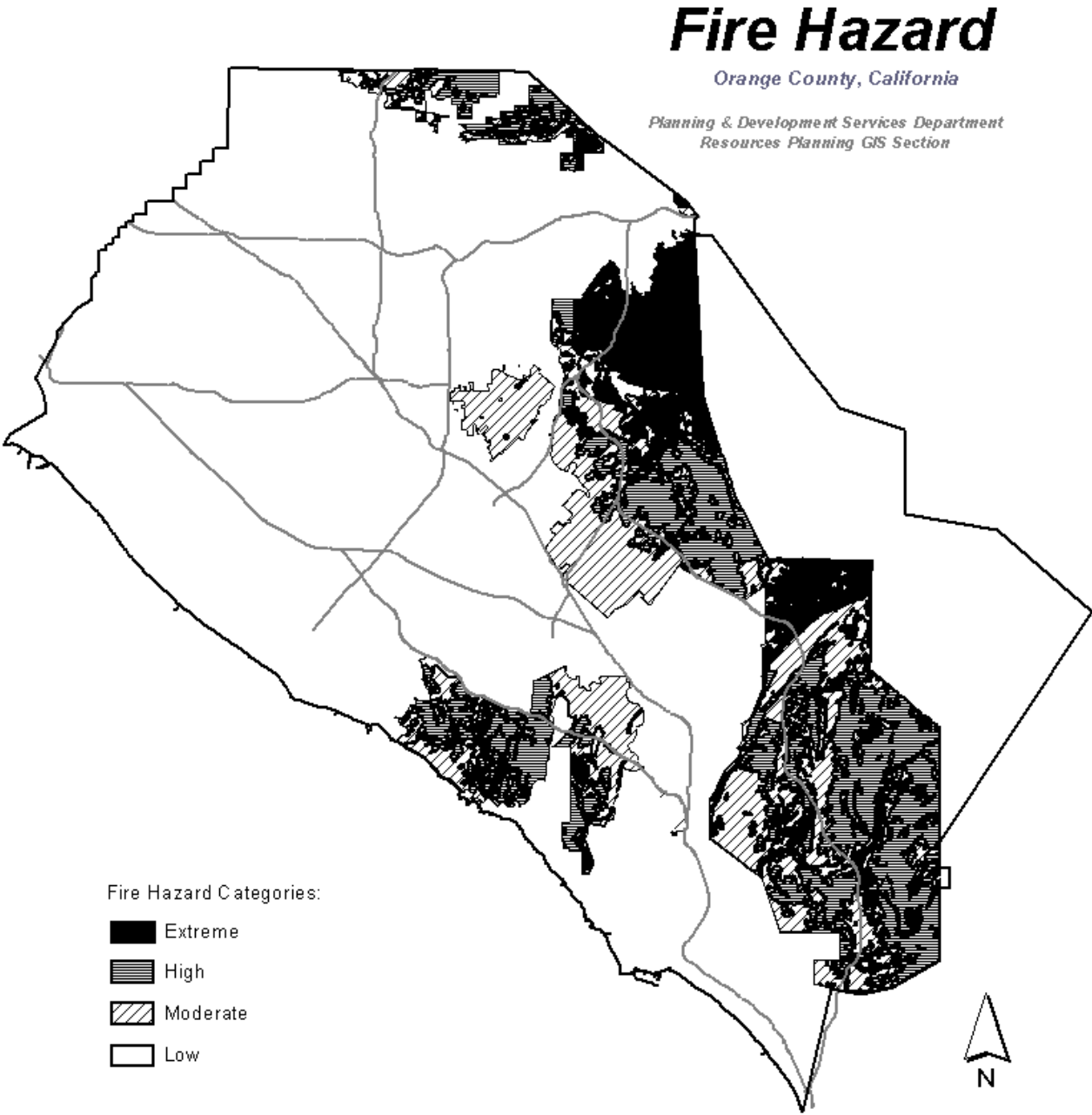
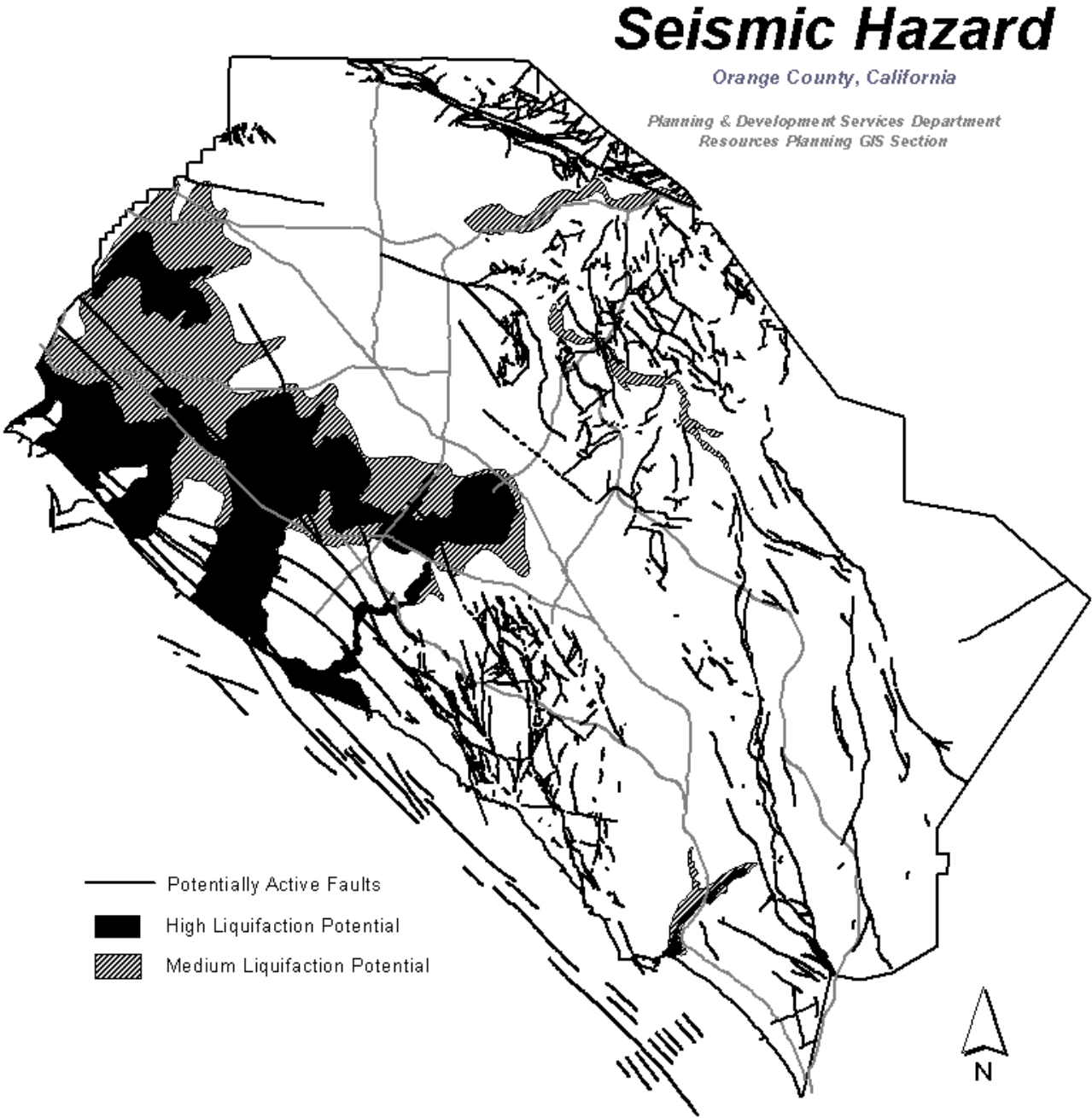


Figure III-1c



LAND AVAILABILITY

Land availability significantly impacts future growth levels. If land costs increase dramatically or if adequate amounts of land cannot be brought to the market, development will be constrained.

REAL ESTATE AND DEVELOPMENT FINANCING

A steady supply of credit to finance new construction is critical to the policy plan objectives.

Governmental Constraints

COMPETING PRIORITIES

Competing public needs can result in conflicting priorities and programs. Conflicts such as open space preservation, housing production, transit-oriented development neighborhood protection could constrain efforts to achieve the objectives if they remain unresolved.

INTERGOVERNMENTAL CONFLICTS

State and federal agency actions or requirements and land ownership by these agencies constitute constraints to development. Existing examples include the state Coastal Commission and Cleveland National Forest, while state policies regarding prime agricultural land preservation and mineral resource protection may function as future constraints.

LAND USE CATEGORIES

The land use categories described below and depicted in Map III-1, the *General Plan Land Use Element Map*, the Land Use Designations, provide broad guidance directing the development of Orange County.

Residential

The residential land use categories identify those areas suitable for residential development. Residential uses are divided into categories on the basis of density, relation to the County's street system and to transit, compatibility with the natural terrain, and conformance with the County's residential growth projections. Housing types ranging from rural, large-lot estates in outlying areas to high-density residential units in appropriate urban locales are encouraged.

The broad residential categories include allowances for local and community open space, local schools, childcare facilities, neighborhood commercial centers, and other facilities needed for neighborhood services, as well as for trails and complete streets to improve neighborhood access and connectivity to other land uses.

Neighborhood/convenience commercial sites are assumed to be consistent with Suburban Residential areas, subject to the Neighborhood Commercial guidelines contained herein. These sites are not identified on the General Plan Land Use Element Map.

Since 2006, affordable housing development has been a permitted use on parcels zoned for commercial and industrial uses through the implementation of the Housing Opportunities Overlay Zone. In 2008, the Housing Opportunities Overlay Zone was extended to apply to high-density residential sites as well. Since the establishment of this overlay zoning district, several affordable housing developments have replaced underutilized sites and attractive nuisances that had become problematic in their neighborhoods. These housing developments have increased the number of rental units in the unincorporated area and have provided their residents with a quality of life.

Neighborhood Commercial Guidelines:

The following guidelines are to be used in evaluating development plans that contain neighborhood commercial proposals:

1. To encourage the development of commercial activities in centers with unified planning, design, and facilities (such as parking, ingress, and egress).
2. To locate commercial development at intersections of primary and secondary streets wherever possible. When local commercial development must be located adjacent to major intersections, access should be from the lesser of the two arterials.
3. To locate commercial development so that wherever possible, it is centrally located within its service area.
4. To locate commercial sites at an optimal distance from regional and community commercial centers.
5. To locate, generally, neighborhood commercial centers one mile apart.
6. To encourage adequate pedestrian and bicycle connections to neighborhoods and adjacent retail and service uses.
7. To accommodate all modes of transportation by incorporating appropriate design features and supporting development of a comprehensive trails and bike system.
8. To manage parking efficiently and provide easily accessible and well-designed bicycle parking.
9. To set a general standard of one acre of commercial development per 1,000 people in the service area. Because there are no absolute criteria for neighborhood commercial acreage needed to adequately service a given number of people, this standard should be tempered by the character of each particular area.
10. To set a general standard of three to ten acres for neighborhood commercial developments.
11. To require the developer of a commercial center to provide a statistical demand analysis of the market service area at the time of the zoning request in order to assist in determining its adequacy and appropriateness.
12. To review regularly and evaluate excessive undeveloped commercial zoning for its appropriateness and its ability to serve the County.



The residential categories are intended for application to all areas so designated on the General Plan Land Use Element Map with one exception. Where Planned Community Districts or Specific Plans have been adopted, but are not reflected in detail at the General Plan level, the overall density and character represented on the General Plan Land Use Element Map are assumed to reflect the Planned Community District or Specific Plan regulations.

- ***RURAL RESIDENTIAL (1A)***

This category is applied to areas in which limited residential use is compatible with the natural character of the terrain.

Development under this category will require special consideration due to topography and other factors.

The building intensity standard for Rural Residential ranges from 0.025 to 0.5 dwelling units per gross acre (DU/AC).

Insert Map III-1 (General Plan Land Use Element Map)

Insert Map III-2 (Flood Hazard Map)

Insert Map III-3 (City Spheres of Influence Map)



- ***SUBURBAN RESIDENTIAL (1B)***

These areas are characterized by a wide range of housing types, from estates on large lots to attached dwelling units (townhomes, condominiums, and clustered arrangements).

This category permits the greatest flexibility for residential development. Building intensity for Suburban Residential ranges from 0.5 to 18.0 DU/AC.

- ***URBAN RESIDENTIAL (1C)***

This category is applied to areas where intensive residential development is compatible with surrounding urban development.

Development within this category is characterized by intensive residential uses such as apartments, condominiums, townhomes and clustered residential units.

Building intensity for Urban Residential is 18 DU/AC and above.

Commercial

Commercial land uses are depicted on the General Plan Land Use Element Map as either Community Commercial or Regional Commercial uses. The designated areas relate to commercial opportunities rather than to specific development sites.

Generally, commercial development occurs in centers sited along arterial highways or at intersections of arterial highways and serves a specified threshold population. Ideally, commercial development should be sited at locations accessible to all transportation modes, where the infrastructure promotes a safe means of travel for all users along the right of way.

Since 2006, affordable housing development has been a permitted use on parcels zoned for commercial and industrial uses through the implementation of the Housing Opportunities Overlay Zone. Several affordable housing developments have replaced underutilized sites and attractive nuisances that had become problematic in their neighborhoods. The availability of this alternative permitted use has resulted in a marked increase in the number of affordable rental units for the residents of the unincorporated area and have provided them with a quality of life.



- ***COMMUNITY COMMERCIAL (2A)***

This category designates land for commercial development that provides a wide range of facilities for convenience goods and retail trade including tourist recreation businesses, and community services (e.g., childcare facilities). Generally, community commercial development is limited in scope to approximately 10 to 40 acres and is intended to serve a market area exceeding 20,000 persons.

Supermarkets, healthy food retail, restaurants, movie theaters and banks are typical tenants of a community commercial center.

- ***REGIONAL COMMERCIAL (2B)***

This category identifies major, high-intensity commercial activities requiring centralized locations in order to serve large urban populations at the regional or sub-regional level.

Regional commercial centers generally range between 75 and 125 acres in size and serve a market area in excess of 100,000 persons. Normally, tenants within a regional center include major department stores and specialty shops. Childcare facilities will be permitted, if appropriate.

Employment

The Employment (3) land use category identifies areas intended for use by employment generators, usually light and service industries or professional-administrative office uses.

These activities are characterized by few nuisance or hazard problems. It is intended that the locations of individual employment facilities be compatible with one another and with surrounding areas. These locations should be transit accessible. Opportunities for transportation demand management (TDM) are promoted to reduce future congestion and facilitate access to transit. Street design may include features and techniques that promote safe and comfortable travel by pedestrians, bicyclists and public transportation riders.

Materials recovery/recycling facilities may be permitted, if appropriately located and found to be compatible with surrounding uses. Employment generators and commercial uses should locate together in well-defined urban activity centers.

Childcare facilities will be permitted, if appropriate.

Public Facilities

The Public Facilities (4) land use category identifies major facilities built and maintained for public use. Included are civic buildings, airports, community colleges, military installations, correctional institutions, hospitals, solid waste facilities, water facilities, and sewer facilities. Childcare facilities will be permitted, if appropriate. In this category, the County supports alternative transportation to help promote a sense of neighborhood or community and an improved feeling of well-being through social interaction and better transportation access.



SOLID WASTE FACILITIES -LANDFILL SITES (LS)

This overlay category identifies existing solid waste facilities. When the Solid Waste Facility - Landfill Site (LS) overlay is applied to a land use category the overlay indicates that the current and near-term use of the land shall be limited to landfill operations, which may include materials recovery/ recycling facilities, and accessory uses (e.g., borrow site areas, buffer areas, access roads) until the completion of landfill site operations and closure of the landfill facility.



Open Space

This broad category includes the Open Space (5) land use category and the Open Space Reserve (OSR) land use overlays.

The Open Space (5) category indicates the current and near-term use of the land, most of which is zoned agricultural. It is not necessarily an indication of a long-term commitment specific uses, except where one of the three overlay categories applies.

The Open Space Reserve (OSR) overlay identifies lands of scenic and natural attraction, and areas of ecological, cultural, historical and recreational significance that are permanently preserved as and restricted to open space and compatible uses.

The allowable uses within the Open Space (5) and OSR designation are further defined in table III-1.

Open Space (5) category provides for limited land uses that do not require a commitment of significant urban infrastructure. Examples of compatible uses include:

- Land containing non-renewable and renewable resource areas, prime agricultural soils and water resource areas.
- Materials recovery/recycling facilities if the design of the facility does not adversely impact its open space surroundings, or if the facility is operated in conjunction with other refuse-oriented facilities (i.e. landfills).
- Employment uses in conjunction with large open space areas if they are consistent with the open space character of the area. The intent is to create opportunities for low-intensity, high technology, industrial, research and development, office and educational uses and childcare facilities which do not require a commitment of significant urban infrastructure and are accessible to all modes of transportation.

Generally, building sites within this category should be large; the area covered by structures and parking should not exceed 20% in order to blend development with the natural surroundings. Innovative design solutions are encouraged to incorporate buildings and parking into the natural features of the site as well as to maximize the efficient use of energy.

Areas identified Open Space (5) are not necessarily committed to permanent open space uses. Certain property within the Open Space categories is committed, through public or private ownership, to remain as open space, but other property, due to market pressures to serve a growing County population may ultimately be developed in other ways.

- ***OPEN SPACE RESERVE (OSR)***

The Open Space Reserve (OSR) designation is intended to reflect the Resources and Recreation Elements of the General Plan. It identifies major parks, beaches, forests, harbors and other territory that is to remain open space. It may also include recreational trails and

similar facilities for alternative transportation. The OSR depiction on the General Plan Land Use Element Map show generalized reserve boundaries that are for informational purposes only and may not include private in-holding land.



Urban Activity Center

The Urban Activity Center (6) land use category identifies locations intended for high-intensity mixed-use development. Appropriate land uses include, but are not limited to, residential, commercial, and office uses; industrial parks and materials recovery/recycling facilities; civic, cultural, and educational uses; and childcare facilities.

This category is intended to facilitate a more efficient use of existing and future transportation systems, conserve energy resources, and develop residential densities which enhance the ability to provide affordable housing. Providing multi-modal access, implementing Transportation Demand Management measures, and employing appropriate parking management strategies are vital to the viability of Urban Activity Centers.

Urban Activity Centers are characterized by a diversity of housing opportunities including owner-occupied, rental, and affordable units with an emphasis on higher-density development; the vertical and horizontal mixing of retail, office, and residential uses; the development of mid-rise structures accommodating both residential and employment activities; accommodating all transportation modes, as appropriate; ensuring good neighborhood connectivity; and the

inclusion of cultural, civic, educational, and urban recreational uses promoting both daytime and evening activities. Urban Activity Centers are located adjacent to major transportation corridors and are accessible to public transit facilities and to adjacent neighborhoods.

A goal of this category is to foster around-the-clock activity by encouraging the mixing of activities that people can easily walk to within the center, thereby reducing the impacts on the transportation system, improving neighborhood cohesion and community safety.

The full development of an Urban Activity Center is a long-term process (probably in excess of 20 years) due to its complexity and its size. Interim uses may, therefore, be appropriate. It will also be necessary to apply special development regulations, tailored to each center, to ensure that the ultimate development pattern is consistent with the intent of the category.

Childcare Centers

Childcare facilities are permitted in any land use category but are subject to review for appropriateness. Childcare centers, as defined by Health and Safety Code Section 1596.76, must obtain a license from the State Department of Social Services before beginning operations. Additional State licensing requirements (Title 22 of the California Administrative Code, Division 12 and other various sections) concern facility design and facility operation. Present County practices enhance the provision of childcare facilities through increased coordination between State regulations, County policy documents, and local land use concerns.

Materials Recovery/Recycling Facilities

Materials recovery/recycling facilities are most appropriate in the land use categories of employment, urban activity center, and open space (when consistent with the character of the area). Materials Recovery Facilities (MRFs) must obtain permits from the Local Enforcement Agency (LEA) before beginning operations. LEA review includes facility design and operation.

County procedures serve to facilitate siting of recovery/recycling facilities through increased acknowledgment of State and local mandates in policy documents and streamlined discretionary permit review. The County's discretionary review of materials recovery/recycling facilities

serves to address local concerns and any restrictions or conditions which may apply to specific land use categories.

BUILDING INTENSITY/ DEVELOPMENT STANDARDS AND POPULATION DENSITY ESTIMATES

The General Plan, as required by Government Code §65302(a), must contain standards for building intensity and estimates of population density for each of the land use categories identified in the Land Use Element. Table III-1 lists types of permitted land uses, building intensities, and indicators of population densities for each land use category.

It should be noted the population densities for residential land uses do not represent County policy or development standards but are simply to estimate the potential number of residents based upon the number of dwelling units allowed per net acre. The persons per unit estimates are based upon the most current information available from the California Department of Finance.

Building Intensity

Building intensity refers to the degree of development possible within each land use category. These standards refer to the maximum amount of development permitted for each land use designation. Development must also comply with the County of Orange Zoning Code or Specific Plan requirements, and is not guaranteed to achieve the designated intensity.

The standard for describing building intensity for residential land use categories is stated as the density, or number of dwelling units per gross acre¹ (DU/AC). Residential building intensity in excess of the standard density identified in Table III-1 may be accomplished, in certain circumstances, through a residential density bonus. Residential density bonuses may be considered for projects meeting certain affordability criteria and/or providing housing for senior citizens. The residential building intensity/density standards are intended to apply to broad geographic designations for residential land use shown on the General Plan Land Use Element Map and include allowances for land for public streets and other rights of way and storm drainage that may be dedicated to the County. The County's zoning regulations establish detailed requirements for land use and development standards for building height, setbacks, and the

¹ "Gross acre" is defined as the total acreage within a project which is devoted to principal uses including, but not limited to, building sites, local streets, driveways, private recreation areas, ordinance required local park land, additional publicly-and privately-owned open space within project areas, minor easements serving the project, and customary uses and structures accessory to residential development.

number of dwelling units permitted within individual zoning districts. Site-specific General Plan amendments are not required if a project fulfills certain conditions. First, the proposed development is on a small site, generally less than five acres, and does not exceed the average density range for surrounding geographic area where the General Plan land use designation applies. Second, the project conforms to the applicable zoning, which has been determined to be consistent with the General Plan.

Standards for building intensity are also stated in terms of maximum allowable floor-area ratios (FAR) for commercial, employment, and public facilities land use categories. FARs indicate the ratio of gross building square footage permitted on a parcel to gross square footage of the parcel.

For example, on a parcel with 10,000 net square feet of land area, a FAR of 1.00 will allow 10,000 square feet of gross square feet of building floor area to be built, regardless of the number of building floors (e.g., 5,000 square feet per floor on two floors or 10,000 square feet on one floor). On the same lot, a FAR of 0.5 would allow 5,000 square feet of floor area and a FAR of 0.25 would allow 2,500 square feet. Figure III-2 illustrates how buildings of one, two and four stories could be developed on a given parcel with a FAR of 1.0.

The standard for building intensity for Open Space is defined by maximum building height and maximum lot coverage.

Building intensity standards for Urban Activity Centers are stated as DU/AC and as the number of persons per acre. This can be calculated by multiplying the number of dwelling units per acre by the average number of persons per dwelling unit. For the year 2022, the average number of persons per dwelling unit in the unincorporated area is 3.07² which is used in Table III-1.

²“Average persons per dwelling unit” factors used to calculate residential “population density” are determined by the California Department of Finance (DOF). The persons per acre ranges are offered as an indicator of residential population density and do not restrict occupancy of units.

TABLE III-1. BUILDING INTENSITY AND POPULATION DENSITY ESTIMATES		
CATEGORY	TYPICAL INTENSITY, CHARACTERISTICS, AND USES	DENSITY STANDARDS AND POPULATION ESTIMATES
Rural Residential (1A)	<ul style="list-style-type: none"> Limited residential use compatible with the natural character of the terrain Development may require special consideration due to topography and other factors 	<ul style="list-style-type: none"> 0.025 to 0.5 Dwelling Units per Acre (DU/AC) 3.07 Persons per DU 0-2 Persons Per Acre
Suburban Residential (1B)	<ul style="list-style-type: none"> Wide range of housing types, from estates on large lots to attached dwelling units (townhomes, condominiums, and clustered arrangements) Permits the greatest flexibility for residential development 	<ul style="list-style-type: none"> 0.5 to 18.0 DU/AC 3.07 Persons per DU 1-56 Persons per Acre
Urban Residential (1C)	<ul style="list-style-type: none"> Intensive residential uses such as apartments, condominiums, townhomes and clustered residential units 	<ul style="list-style-type: none"> 18 and above DU/AC 3.07 Persons per DU >56 Persons per Acre
Community Commercial (2A)**	<ul style="list-style-type: none"> Provides a wide range of facilities for convenience goods and retail trade including tourist recreation businesses, and community services (i.e., childcare facilities) Typical tenants include supermarkets, restaurants, movie theaters and banks Affordable multifamily residential developments are allowed in the Housing Opportunities Overlay District which extends to all commercial and industrial zoning districts subject to a Site Development Permit 	<p><u>Non-Residential Uses</u></p> <ul style="list-style-type: none"> Generally limited in scope to approximately 10 to 40 acres Intended to serve a market area exceeding 20,000 persons 0.50 FAR 45 Employees per Acre <p><u>Residential Uses</u></p> <ul style="list-style-type: none"> 3.07 Persons per DU Multifamily Residential Example: 3.07 Persons per DU x 43 DU/AC = 132 Persons per Acre

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CATEGORY	TYPICAL INTENSITY, CHARACTERISTICS, AND USES	DENSITY STANDARDS AND POPULATION ESTIMATES
Regional Commercial (2B)**	<ul style="list-style-type: none"> • Identifies major, high-intensity commercial activities requiring centralized locations in order to serve large urban populations at the regional or subregional level • Typical tenants include major department stores and specialty shops • Childcare facilities will be permitted, if appropriate. • Greater intensity may be permitted in transit-served areas provided identified impacts are mitigated. • Affordable multifamily residential developments are allowed in the Housing Opportunities Overlay District which extends to all commercial and industrial zoning districts subject to a Site Development Permit 	<p><u>Non-Residential Uses</u></p> <ul style="list-style-type: none"> • Generally range between 75 and 125 acres in size • Serves a market area in excess of 100,000 persons • 0.50 FAR or more in transit-served areas • 45 Employees per Acre <p><u>Residential Uses</u></p> <ul style="list-style-type: none"> • 3.07 Persons per DU • Multifamily Residential Example: 3.07 Persons per DU x 43 DU/AC = 132 Persons per Acre

TABLE III-1. BUILDING INTENSITY AND POPULATION DENSITY ESTIMATES

CATEGORY	TYPICAL INTENSITY, CHARACTERISTICS AND USES	DENSITY STANDARDS AND POPULATION ESTIMATES *
Employment (3)**	<ul style="list-style-type: none"> • Typical tenants include employment generators, usually light and service industries or professional-administrative office uses • Characterized by few nuisance or hazard problems • Locations of individual employment facilities intended to be compatible with one another and with surrounding areas • Greater intensity may be permitted in transit-served areas provided identified impacts are mitigated. • Materials recovery/recycling facilities permitted, if appropriately located and compatible with surrounding uses • Childcare facilities permitted, if appropriate • Affordable multifamily residential developments are allowed in the Housing Opportunities Overlay District which extends to all commercial and industrial zoning districts subject to a Site Development Permit 	<p><u>Non-Residential Uses</u></p> <ul style="list-style-type: none"> • 0.75 FAR or more in transit-served areas • 130 + Employees per Acre <p><u>Residential Uses</u></p> <ul style="list-style-type: none"> • 3.07 Persons per DU • Multifamily Residential Example: 3.07 Persons per DU x 43 DU/AC = 132 Persons per Acre

CHAPTER III. LAND USE ELEMENT

TABLE III-1. BUILDING INTENSITY AND POPULATION DENSITY ESTIMATES

CATEGORY	TYPICAL INTENSITY, CHARACTERISTICS AND USES	DENSITY STANDARDS AND POPULATION ESTIMATES *
Public Facilities (4)**	<ul style="list-style-type: none"> • Identifies major facilities built and maintained for public use • Facilities include civic buildings, airports, community colleges, military installations, correctional institutions, hospitals, solid waste facilities, water facilities, and sewer facilities • Childcare facilities will be permitted, if appropriate. 	<ul style="list-style-type: none"> • 0.75 FAR or more in transit-served areas • 130+ Employees per Acre • Buildings permitted within this category typically reflect a wide range of intensity/density characteristics • Airports, correctional institutions, water and sewer facilities generally have a low FAR and employee per acre ratio. Civic buildings such as city halls, however, can be comparable to office developments built within the Employment (3) land use category which reflect higher FARs and employee occupancy. • The FAR and employee per acre standards for the Public Facilities (4) category reflect the intensity/density characteristics of typical office development to allow for the full range of land uses permitted in this category.

TABLE III-1. BUILDING INTENSITY AND POPULATION DENSITY ESTIMATES

CATEGORY	TYPICAL INTENSITY, CHARACTERISTICS AND USES	DENSITY STANDARDS AND POPULATION ESTIMATES *
<i>Landfill Site (LS)**</i>	<ul style="list-style-type: none"> • Identifies existing and planned solid waste facilities • Indicates that the current and near-term use of the land shall be limited to landfill operations, which may include materials recovery/recycling facilities, and accessory uses (e.g., borrow site areas, buffer areas, access roads) until the completion of landfill site operations and closure of the landfill facility 	

TABLE III-1. BUILDING INTENSITY AND POPULATION DENSITY ESTIMATES

CATEGORY	TYPICAL INTENSITY, CHARACTERISTICS AND USES	DENSITY STANDARDS AND POPULATION ESTIMATES*
Open Space (5)**	<ul style="list-style-type: none"> • Indicates the current and near-term use of the land, most of which is zoned agricultural • Provides for limited land uses that do not require a commitment of significant urban infrastructure • Examples of compatible uses include: • Land containing non-renewable and renewable resource areas, prime agricultural soils and water resource areas • Materials recovery/recycling facilities if the design of the facility does not adversely impact its open space surroundings, or if the facility is operated in conjunction with other refuse-oriented facilities (i.e., landfills) • Employment uses in conjunction with large open space areas if they are consistent with the open space character of the area • Opportunities for low-intensity, high technology, industrial, research and development, office and educational uses and childcare facilities which do not require a commitment of significant urban infrastructure 	<ul style="list-style-type: none"> • Generally, building sites within this category should be large • Max. Bldg. Height: 35' • Max. Site Coverage: the area covered by structures and parking should not exceed 20% in order to blend development with the natural surroundings. • 9 Employees per Acre

CHAPTER III. LAND USE ELEMENT

TABLE III-1. BUILDING INTENSITY AND POPULATION DENSITY ESTIMATES

CATEGORY	TYPICAL INTENSITY, CHARACTERISTICS AND USES	DENSITY STANDARDS AND POPULATION ESTIMATES*
<p><i>Open Space Reserve (OSR)**</i></p>	<ul style="list-style-type: none"> • Identifies major parks, beaches, forests, harbors and other territory that will always remain open space, including urban regional parks, wilderness regional parks, and County wilderness areas. • An urban regional park may include, but shall not be limited to, one or more of the following recreational facilities: public and private sport centers, play fields, golf courses, riding and hiking trails, County bikeways, and swimming facilities, as well as passive activities and other day uses, including existing and expanding generally naturalized and created through landform and alteration and planting; special funding mechanisms, such as concessionaire and private funding may be available for construction and ongoing maintenance of the facilities. • The OSR depiction on the General Plan Land Use Element Map show generalized reserve boundaries that are for informational purposes only and may not include private in-holding land. 	<ul style="list-style-type: none"> • Max. Bldg. Height: 18’, • Max. Site Coverage: 10%,

CHAPTER III. LAND USE ELEMENT

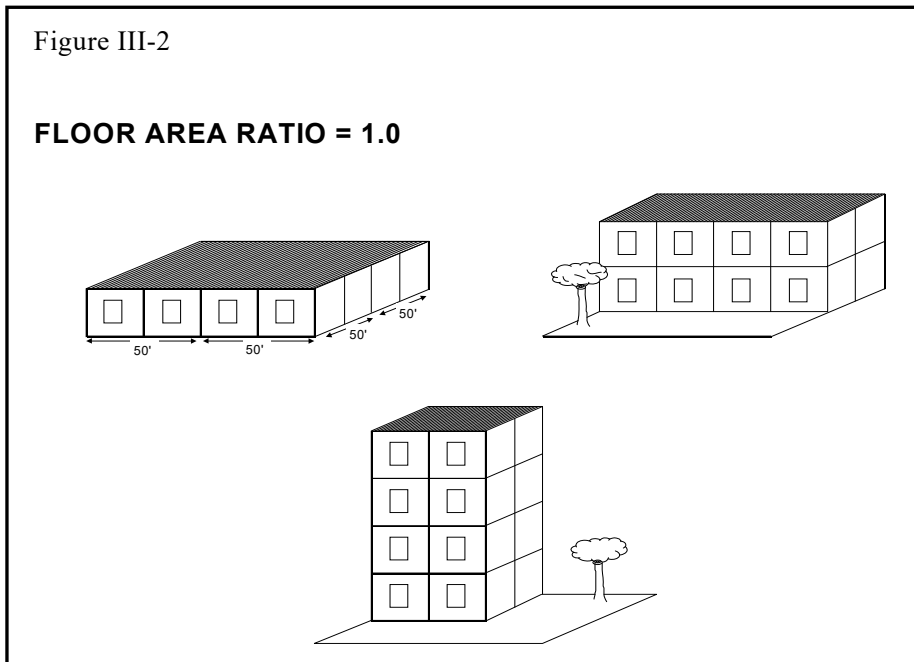
TABLE III-1. BUILDING INTENSITY AND POPULATION DENSITY ESTIMATES

CATEGORY	TYPICAL INTENSITY, CHARACTERISTICS, AND USES	DENSITY STANDARDS AND POPULATION ESTIMATES *
Urban Activity Center (6)**	<ul style="list-style-type: none"> • Identifies locations intended for high-intensity mixed-use development designed to enable people to walk to uses within the center and to transit facilities serving the center • Appropriate land uses include, but are not limited to, residential, commercial, office, industrial park, materials recovery/recycling facility, civic, cultural, educational facilities, and childcare facilities • Characterized by a diversity of housing opportunities at various densities and at all income levels; the vertical and horizontal mixing of retail, office, and residential uses; the development of mid-rise structures accommodating both residential and employment activities; and the inclusion of cultural, civic, educational, and urban recreational uses promoting both daytime and evening activities; and support for transit-oriented development and all transportation modes • Located adjacent to major transportation corridors and accessible to public transit facilities; supports development of and links to trails and a countywide bike system. • Ensures that sidewalks, crosswalks, public transportation stops and facilities and other aspects of transportation right of way are compliant with the Americans with Disabilities Act and meet the needs of people with different types of disabilities including mobility impairments, vision impairments, hearing impairments and others. • Full development of an Urban Activity Center is a long-term process (probably in excess of 20 years) due to its complexity and size. Interim uses may, therefore, be appropriate • Necessary to apply special development regulations, tailored to each center, to ensure that the ultimate development pattern is consistent with the intent of the category 	<p><u>Residential Uses</u></p> <ul style="list-style-type: none"> • 18 and above DU/AC • >57 Persons per Acre <p><u>Non-Residential Uses</u></p> <ul style="list-style-type: none"> • 0.75 FAR or more in transit-served areas • 130 + Employees per Acre • Intensity bonus available for transit-oriented development provided identified impacts are mitigated

CHAPTER III. LAND USE ELEMENT

- * These standards refer to the maximum amount of development permitted for each land use designation. Development must also comply with the Zoning Code or Specific Plan requirements and is not guaranteed to achieve the designated intensity.
- ** Estimated employees per acre for non-residential land use categories are calculated using FARs, the following building square footage per employee factors, and the following formula:

$$(\text{FAR} \times 43,560 \text{ sf per acre}) \div (\text{sf per employee factor}) = \text{employees per acre}$$



Commercial	500 sf/emp
Public Facilities	250 sf/emp
Employment	250 sf/emp
UAC	250 sf/emp
Open Space	Not applicable

Estimates of population density for nonresidential land use categories are stated as employees per acre. Since Urban Activity Centers include both residential and nonresidential land uses, persons per acre and employees per acre are used as population density estimates.

EXISTING CONDITIONS

Table III-2 provides a summary of acreage for each of the General Plan land use categories.

AGGREGATED LAND USE CATEGORIES		
LAND USE	ACRES	% OF TOTAL
RURAL RESIDENTIAL (1A)	13,421	7.6
SUBURBAN RESIDENTIAL (1B)	26,705	15.1
URBAN RESIDENTIAL (1C)	136	.08
COMMUNITY COMMERCIAL (2A)	52	.03
EMPLOYMENT (3)	113	.06
PUBLIC FACILITIES (4)	2,460	1.4
LANDFILL SITE (4LS)	2,057	1.2
OPEN SPACE (5)	130,433	74
URBAN ACTIVITY CENTER (6)	932	.53
TOTAL	176,309	100

OBJECTIVES AND POLICIES

This section presents the future objectives and policies of the Land Use Element.

Market forces will determine which areas develop first and which remain undeveloped or underdeveloped by the 2025 horizon year. However, the policy projections and the General Plan Land Use Element Map will be the tools for project evaluation and consistency determination to ensure that development coincides with the policies of the Land Use and Transportation Elements regarding infrastructure provision.

This section describes thirteen major land use policies that guide implementation of the Land Use Element. The intent of these policies is to articulate issues that should be addressed when considering development proposals.

These policies are implemented through the programs contained in the Implementation Programs section. Two LUE interpretive policies that guide administration of the LUE map and land use categories are described in the section immediately following these thirteen land use policies.

MAJOR LAND USE ELEMENT POLICIES

The fifteen major land use policies set forth in this section apply to all geographic areas of the unincorporated portion of the County. They are adopted for the purpose of guiding the planning and development of those areas for both the short-term and long-term future.

Each policy has been stated in a single sentence. A policy can be referred to by its short title. A statement of purpose for each policy is given to aid in its interpretation.

1. BALANCED LAND USE

To plan urban land uses with a balance of well-connected residential, industrial, commercial, and public land uses.

The purpose of the Balanced Land Use Policy is to ensure that communities at all levels are developed in a manner whereby residential, industrial, commercial, and public land uses are proportionally balanced and well-connected, accommodating all modes of travel. This balance is intended to aid in developing a sense of community by distributing the various land uses and employment base more evenly throughout the County, reducing the impacts on the County's transportation system, making it easier and safer for people to walk, bike and use transit, and positively affecting air quality. This policy does not require completely self-contained communities.

2. PHASED DEVELOPMENT

To phase development consistent with the adequacy of public services and facilities within the capacity defined by the General Plan.

The purpose of the Phased Development Policy is to ensure that development coincides with the adequacy of public services and facilities, especially where the public health, safety, and welfare are concerned.

Proper phasing of new development within the designated General Plan capacity through the provision of public services and facilities is necessary to ensure that new development will not overload the existing facilities or be allowed to be completed without adequate facilities. Phasing should be a basic minimum requirement for land use intensification.

3. INFILL AND TRANSIT-ORIENTED DEVELOPMENT

To encourage infill and transit-oriented development through incentives, concentrating development close to transit stops and ensuring access by all travel modes.

The purpose of the Infill and Transit-Oriented Development (TOD) Policy is to promote compact, mixed use development in already urbanized areas near transit and to provide various safe and easy transportation options that will make it safe and easy for people to walk, ride bikes and use transit. Incentives available in "Transit Priority Areas," as identified in SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) may include density and intensity (FAR) bonuses for TOD and infill development, pedestrian amenities, and employer-provided bicycle facilities. Walking,

biking, and transit riding can be facilitated and encouraged through integrated physical planning, reduced fares for eligible riders, pedestrian-oriented street-level design, and street design features, such as protected bike lanes, wide shoulders, and street trees. Reduced parking may be approved in transit-served areas and in centers offering common and shared parking facilities, or providing bike or car sharing locations.

The incorporation of Vehicle Miles Traveled (VMT) into the Transportation Impacts analysis for California Environmental Quality Act review, through SB 743, promotes infill development, encourages multimodal transportation networks, and reduces GHG emissions.

4. HOUSING DENSITIES

To provide a variety of residential densities which permit a mix of housing opportunities affordable to the county's labor force.

The purpose of the Housing Densities Policy is to provide a wide range of housing densities within the unincorporated County that will permit a mix of housing opportunities, including both rental and ownership housing. The mix of densities is intended to make it possible to develop housing which is affordable to the County's labor force and offer those who work here a reasonable choice of living accommodations. In addition, transit-oriented development and projects designed to promote walkability and transportation choices may be supported through housing density bonuses.

SB 743, which adopted VMT for Transportation Impact CEQA analysis encourages density bonuses as a potential mitigation strategy. In particular, a density bonus shall be allowed if a project includes both residential and employment land uses, and if a project includes affordable housing.

5. LAND USE/TRANSPORTATION INTEGRATION

To plan an integrated land use and transportation system that accommodates travel demand for all modes of transit.

The purpose of the Land Use/ Transportation Integration Policy is to ensure that transportation planning is assimilated into the land use planning process. The transportation

system should support the land use plan as a whole, and individual circulation links should be in balance with localized land uses in order to provide an adequate transportation system for the County with diverse transportation choices enabling safe, comfortable and attractive access for all users. When local or regional imbalances occur or when safety is an issue, development should be deferred until appropriate improvements to the circulation system can be provided or adequate project mitigation measures can be developed (e.g., improvements for public safety, such as better lighting, sidewalks and crosswalks, and traffic calming, public transit, employee housing programs, pedestrian and bicycle connections, and Safe Routes to Schools improvements undertaken by the County in partnership with local jurisdictions and local transportation agencies). Design principles that will guide implementation of this policy are shown on the following page. Also, the “2020 Updated Transportation Implementation Manual” includes an attachment that provides examples of potential mitigation. It is not an exhaustive list of feasible mitigation measures that may be applied to a project. As in previous CEQA practice, the applicant/project proponent will be required to identify mitigation measures to reduce, avoid, or offset the specific project-related impacts identified in an individual environmental document.

6. COMMERCIAL AND INDUSTRIAL CENTERS/TRANSPORTATION ACCESS

To locate major commercial and industrial centers in areas that are easily accessible to existing or planned major transportation facilities.

The purpose of the Commercial and Industrial Centers/Transportation Access Policy is to ensure that major commercial and industrial centers are convenient and accessible to existing or planned major transportation facilities, bicycle and pedestrian circulation, and the County’s transit systems. These centers act as traffic attractors. Accessibility should be enhanced by intensive corridors and increased public transit, incentives for employer-provided bicycle facilities, coordinated parking management, and improved local and regional connections to bike and trail systems as well as pedestrian connections between neighborhoods and commercial centers, schools and parks. Promoting common and shared parking will support a “park once” strategy, enabling people to walk to uses within centers once they arrive at them. Reduced parking may be approved in transit-served locations.

Land Use/Transportation Integration: Design Principles for Accommodating Transit, Bicycle and Pedestrian Travel

The following design principles will govern implementation of the County's Policy for Land Use/Transportation Integration to meet state and federal requirements for accommodating transit and bicycle and pedestrian travel.

- **Serve all Users.** All land use and transportation improvements are planned, designed, constructed, operated and maintained to support safe and convenient access for all users, and increase mobility for walking, bicycling and transit use, wherever possible and appropriate, while promoting safe, efficient and accessible operations for all users.
- **Context Sensitivity.** The planning and implementation of transportation improvements will reflect and respond to the land use characteristics for the areas and communities served, as represented in this General Plan and in community plans, whether the area is residential, commercial, industrial, public or open space, or urban, suburban or rural, or a planned community. Planning for both public and private projects should include working with residents, merchants, property owners, and other stakeholders to ensure that a sense of place is maintained and the goals of the General Plan are met.
- **Street Network/Connectivity.** The goal of the General Plan is to have a transportation system that provides a connected network of facilities accommodating all modes of travel that is integrated with planned land use. Achieving this goal includes a variety of public and private improvement enabling new streets and sidewalks, trails and bike paths to connect to existing streets and sidewalks, trails and bike paths, enabling construct of bus stops and shelters, where appropriate and needed, identifying and filling sidewalk gaps, promoting walkability, and looking for opportunities to repurpose public and private rights-of-way to enhance connectivity for cyclists, pedestrians, and transit users, particularly to schools, parks, employment centers, and shopping districts.

7. NEW DEVELOPMENT COMPATIBILITY

To require new development to be compatible with adjacent areas.

The purpose of the New Development Compatibility Policy is to ensure that new development is compatible with adjacent areas and the character of local streets and that it provides either a land use buffer or transition to reduce the effects of one land use on the other.

Sensitive treatment is required where one urban use transitions to another and where an urban use is introduced into an essentially undeveloped area.

New development within the Foothill-Trabuco Specific Plan planning area shall be designed to maintain a buffer between urban development and the Cleveland National Forest, to be compatible with the area, and to reflect the goals and objectives of that Plan.

Within airport planning areas, all new development will comply with Orange County Airport Environs Land Use Plan compatibility criteria.

8. CREATIVE DESIGN CONCEPTS

To encourage innovative concepts which contribute to the solution of land use problems.

The purpose of the Creative Design Concepts Policy is to encourage the use of innovative planning ideas that give variety to the character of development and solve certain site development, parking and site access problems. New design concepts can facilitate environmentally sensitive development, access by all modes of transit, coordinated parking management, and the economic and efficient provision of services and facilities. They can also reduce development costs and enhance property values.

9. ENHANCEMENT OF ENVIRONMENT

To guide development so that the quality of the physical environment is enhanced.

The purpose of the Enhancement of Environment Policy is to ensure that all 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 significant, this policy requires measures be taken to preserve these aspects.



10. EMPLOYMENT DEVELOPMENT

To encourage development of employment land uses to achieve balanced phasing of development.

The purpose of the Employment Development Policy is to accelerate development of employment uses in unincorporated Orange County. The unincorporated County areas that are designated for employment uses have not developed as rapidly as its residential areas. Implementation of accelerated employment development is essential to achieving balanced land use and resolving the inefficient usage of the transportation system.

Annual Monitoring Reports (AMRs) identify the phasing of development and infrastructure needs in planned communities on an annual basis.

Development of employment land uses should continue to be monitored through the AMR process to determine if the employment to dwelling units ratio is improving.

11. CHILDCARE IMPROVEMENT

To encourage and facilitate provision of childcare facilities to address the growing County demand.

The purpose of the Childcare Improvement Policy is to develop measures that will encourage establishment of childcare facilities within Orange County. Due to changing demographic trends, there exists a countywide shortfall, in meeting childcare demand that is expected to increase significantly over the next decade.

In order to address this current shortfall, it is necessary to examine three components of childcare needs. Infant care refers to childcare for children 0-2 years old; Preschool care is primarily for children 2-5 years old; and Extended Day care is for school age children after and/or before normal school hours.

Provision of sites for the first two types of childcare should be encouraged in concentrated employment areas for ease of access for working parents (however, some communities may have sufficient demand in residential areas for childcare sites); Extended Day care facilities are more appropriate near residential areas and school facilities.

Implementation of a Childcare Improvement Policy is essential to achieve a balance between supply and demand of the various types of childcare facilities.

12. HAZARDOUS WASTE MANAGEMENT FACILITIES

To protect the health and welfare of the public and quality of the environment, while preserving the economic vitality of Orange County through a comprehensive countywide program and to ensure the safe and efficient management of hazardous wastes.

The purpose is to provide for sufficient and appropriate treatment and transfer facilities to accommodate and manage Orange County's fair share of the hazardous waste management burden, in accordance with identified facility needs and public safety considerations and to encourage private sector development of needed hazardous waste management facilities.

Siting criteria for offsite hazardous waste facilities have been established for use by facility developers in locating suitable facility sites and designing appropriate facilities, and for use by city and county land use authorities and local communities in evaluating proposed sites and facility projects for local permits. These criteria are identified in the Regional Hazardous Waste Management Plan maintained by the County of Orange Health Care Agency, Environmental Health Division.

A summary of topics addressed by the siting criteria are as follows:

- a) Protect the residents of Orange County
- b) Ensure the structural stability of the facility
- c) Protect surface and groundwater quality
- d) Protect air quality
- e) Protect environmentally sensitive areas
- f) Ensure safe transportation of hazardous waste
- g) Protect the social and economic goals of the community

13. RECYCLING/MATERIALS RECOVERY

To encourage and facilitate establishment of recycling/materials recovery facilities to address the State mandate given through the California Integrated Waste Management Act of 1989 (AB 939).

The purpose of the Recycling/Materials Recovery Policy is to develop measures that will help facilitate the establishment of recycling and materials recovery facilities within Orange County. The California Integrated Waste Management Act of 1989 (AB 939) requires that local jurisdictions reduce their waste going to landfills by 25 percent by 1995 and 50 percent by the year 2000. AB 939 further mandates that each jurisdiction prepare a Source Reduction and Recycling Element (SRRE) in which specific program alternatives are identified, evaluated, and selected to achieve AB 939 diversion mandates.

The County's OC Waste and Recycling is charged with the development and implementation of the County's SRRE document and is responsible for compliance with its provisions. Procedures and guidelines are in place in the Orange County Zoning Code in order to facilitate establishment of recycling or materials recovery facilities within Orange County. Enhancing coordination between the County's OC Waste and Recycling and the California

Integrated Waste Board Management (CIWMB) will continue to be a priority in order to address the mandate of AB 939.

14. URBAN AND STORM RUNOFF REGULATIONS

To guide physical development within the County while protecting water quality through required compliance with urban and stormwater runoff regulations.

The purpose of the policy is to address urban runoff and stormwater pollution associated with development and redevelopment activities. Protection and preservation of water resources in the United States is governed by the Federal Clean Water Act (CWA). Passage of the 1987 Water Quality Act established National Pollution Discharge Elimination System (NPDES) permit application requirements for municipal and industrial dischargers of stormwater. In California, the State Water Resources Control Board and nine associated Regional Water Quality Control Boards ensure compliance with the CWA under the auspices of the U.S. Environmental Protection Agency.

Since 1990, operators of municipal separate storm sewer systems (MS4s) are required to develop a stormwater management program designed to prevent harmful pollutants from impacting water resources via storm water runoff. As an MS4 operator, Orange County must obtain and implement NPDES permits from both the Santa Ana (SAR) and San Diego (SDR) Regional Water Quality Control Boards. OC Watersheds, a division with the OC Public Works Department, is lead on water quality compliance. The OC Development Services website (ocds.ocpublicworks.com) provides access to current stormwater management requirements and programs.

The following policies establish a framework for managing urban and stormwater runoff in compliance with applicable regulations. Additional policies are also provided in the Resources Element.

Encourage, support, and require all new development and redevelopment projects to identify opportunities for implementation of Low Impact Development (LID) principles in the early stages of the development planning process.

Promote, support, and require innovative site planning and development techniques that allow for implementation of LID principles while taking into consideration specific hydrology and geology conditions.

Encourage, support and require the use of LID as part of an overall strategy to mitigate stormwater impacts from new development and redevelopment projects consistent with current NPDES permit requirements.

Encourage and support, where applicable, the use of buffer zones to protect natural water bodies, including but not limited to, wetlands and riparian corridors. Where infeasible, require other measures to protect natural water bodies.

Identify and evaluate potential changes to land use development regulations to support and promote stormwater management techniques and ensure regulations do not inhibit compliance with current NPDES permit requirements.

15. AIRPORT LAND USE PLANS

To ensure consistency between proposed development and Airport Environs Land Use Plans (AELUPS) for Orange County airports.

1. Buildings and structures shall not penetrate Federal Aviation Regulation (FAR) Part 77 Imaginary Obstruction Surfaces for John Wayne Airport unless found consistent by the Airport Land Use Commission (ALUC). Additionally, in accordance with FAR Part 77, applicants proposing buildings or structures that penetrate the 100:1 Notification Surface shall file a Form 7460-1 Notice of Proposed Construction or Alteration with the Federal Aviation Administration (FAA). A copy of the FAA determination shall be submitted to ALUC and the applicant shall provide the County with FAA and ALUC responses.
2. Development projects that include structures higher than 200 feet above existing grade shall be submitted to the ALUC for review. In addition, projects that exceed a height of 200 feet above existing grade shall file Form 7460-1 with the Federal Aviation Administration (FAA).
3. Applicants for County approval of a heliport or helistop shall provide evidence that the proposed heliport or helistop complies fully with State of California permit procedures and with any and all conditions of approval imposed by the Federal Aviation Administration

(FAA), the Airport Land Use Commission for Orange County (ALUC), and by the Caltrans Division of Aeronautics.

LAND USE ELEMENT INTERPRETIVE POLICIES

1. TRANSITIONAL USE POLICY

Transitional uses that are not specifically permitted by LUE land use categories may still be deemed appropriate under certain circumstances and, therefore, may not require LUE amendments. The following are examples of circumstances under which transitional uses may be considered for specific sites:

- a) Where a conflict exists between the LUE land use category and policies contained within other General Plan elements.
- b) Where a conflict exists between the LUE land use category and a major LUE policy.
- c) Where environmental conditions, such as high noise levels, traffic levels, or site configuration, render the site no longer suitable for the uses permitted by the LUE land use category.

2. LAND USE CATEGORY BOUNDARY INTERPRETATIONS

The LUE map shows boundaries that appear to follow topographic or manmade features. In certain instances these boundaries may require interpretation in order to respond to existing conditions. Boundary interpretation may be utilized as the basis for a LUE consistency determination for certain projects if both of the following conditions exist:

- a) The proposed use would be compatible with and connected to, as appropriate, the uses identified in the LUE for the surrounding area.
- b) No significant environmental, transportation or public service impacts will be created as a result of the boundary interpretation.

IMPLEMENTATION PROGRAMS

This section establishes eight land use programs that directly implement Land Use Element policies. These programs are necessary to effectuate the intent and purpose of the LUE policies. Future development in the County will be reviewed for compliance with the LUE policies through the following programs.

1. GROWTH MANAGEMENT PROGRAM

Policy Mandate:

- 1) Phased Development Policy
- 2) Land Use/Transportation Integration Policy

Program Implementation Schedule: On-going

Responsible Agency: OCPW/OC Development Services.

Discussion:

This program implements the Phased Development and Land Use/ Transportation Integration policies of the LUE through a requirement that developers of major projects submit annual reports projecting deficiencies in infrastructure and stating mitigation measures.

All major development proposals will be reviewed on the basis of the infrastructure analysis contained in their annual monitoring reports. Projects which would create infrastructure imbalances or deteriorate service capabilities will be recommended for modification or deferred until services are adequate.

Necessary Action:

None necessary at this time.

The County has instituted annual monitoring report (AMR) requirements for all major development projects and developed guidelines for their preparation and review. The projects subject to this requirement include:

- All developments presently required to submit an AMR as a condition of approval;
- All future LUE amendments;
- All major revisions to planned communities with more than 100 acres and/or 25 percent vacant land remaining;
- All zone changes and other applications for residential projects cumulatively larger than 100 units, or commercial/ employment projects of 100,000 square feet or more.

Projects for which the applicant has demonstrated a balance between public services and the proposed development, and for which conditions have been applied to ensure such balance, should be exempt from the requirement of an annual monitoring report.

Guidelines for the preparation and evaluation of these annual monitoring reports have been prepared by OCPW/OC Development Services.

For a more detailed discussion of this program see Appendix III-2.

2. HOUSING DENSITY BONUS PROGRAM

Policy Mandate: Housing Densities Policy.

Program Implementation Schedule: On-going program.

Responsible Agency: OCPW/OC Development Services.

Discussion:

The Density Bonus Program is an incentive provided to residential developers to facilitate housing affordable at all income levels. The purpose is to permit an increase in residential density in order to reduce development costs and thereby selling prices or rental rates. The program is tied to the Land Use Element since the computation of a bonus is based upon permitted density ranges.

Necessary Action:

No action is necessary at this time. On December 10, 2013, the Board of Supervisors adopted Ordinance 13-008, which established density bonus incentives intended to facilitate the production of affordable housing, senior citizen housing and child care facilities. The County's density bonus incentive program is consistent with State Density Bonus Law (Government Code Section 65915 - 65918).

The density bonus program may be expanded to include developments that promote transit access, bikeability and walkability. Under SB 743, density bonuses may also be encouraged as a potential mitigation strategy. In particular, a density bonus shall be allowed if the project includes both residential and employment land uses, and if the project includes affordable housing.

3. INFILL AND TRANSIT-ORIENTED DEVELOPMENT

Policy Mandate: Infill and Transit-Oriented Development Policy.

Program Implementation Schedule: On-going program.

Responsible Agency: OCPW and OC Development Services.

Discussion:

The Infill and Transit-Oriented Development Program provides guidance at the corridor level to implement County policy with infill incentives tied to transit access and support for all modes of transportation. It may include the following initiatives:

- Establish zoning regulations and development standards for preferential parking for car pools/van pools, for shared or common parking, for bike parking, and for reduced parking in transit-served areas.
- Investigate the feasibility of establishing minimum residential density standards along with reduced parking standards and mixed use development incentives in transit-served corridors to achieve General Plan goals.
- Offer incentives for preferential parking for car pools/van pools, for shared or common parking, for bike parking, for reduced parking in transit-served areas, for mixed use development in Transit Priority Areas, for qualifying infill development, as defined in State law, and for land dedication for transit facilities, bikeways or pedestrian ways.
- Fund public right of way safety improvements in infill areas for all modes to make these

- areas more attractive for development.
- Ensure compliance with the Americans with Disabilities Act (ADA) in pedestrian precincts and Transit Priority Areas for persons with disabilities.
 - Establish a partnership program with local transportation agencies and transit operators to improve bus stops and shelters, particularly in unincorporated disadvantaged communities and in Transit Priority Areas.
 - Establish a partnership program with local transportation agencies and local jurisdictions to refine and implement a countrywide bicycle/pedestrian circulation system, with priority given to investing in projects located in, or serving, Transit Priority Areas.
 - Establish a partnership program with local transportation agencies and local jurisdictions to expand Active Transportation and Safe Routes to Schools programs, focusing particularly on those programs supporting infill and transit-oriented development.
-
- Under SB 743, projects within 0.5 mile (mi) of a Transit Priority Area (TPA) or an HQTAs (High Quality Transit Area) are encouraged, since they may result in a less than significant impact to transportation and circulation, and thus may be screened out from VMT analysis.

Necessary Action:

Development of implementation documents, partnerships and funding.

4. COMMUNITY PLANNING

Policy Mandate: New Development Compatibility Policy.

Program Implementation Schedule: On-going program.

Responsible Agency: OCPW/OC Development Services

Discussion:

The Community Planning Program provides guidance at the community level that formalizes County policy uniquely appropriate to certain areas through the preparation of specific plans, redevelopment plans, rehabilitation plans, local coastal plans, planned community zoning, neighborhood plans, partnerships for Active Transportation and Safe Routes to Schools programs, parking management plans and provisions for reduced parking

in transit-served areas and infill incentive priorities tied to transit access and support for all modes.

Necessary Action:

None is necessary at this time. Community Planning is an existing OCPW/OC Development Services function.

5. ENVIRONMENTAL REVIEW PROCESS

Policy Mandate: Enhancement of the Environment Policy.

Program Implementation Schedule:

On-going program.

Responsible Agency: OCPW/OC Development Services

Discussion:

This program minimizes environmental impacts of development through the County's environmental review procedure. This program implements state and federal environmental protection laws in Orange County.

Necessary Action:

Technical amendments related to transportation impact analysis and streamlining opportunities. Environmental review is an existing OCPW/OC Development Services function. In 2013, California Environmental Quality Act (CEQA) was amended through SB 743 to provide an alternative to Level Of Service (LOS) for evaluating transportation impacts. In the past, LOS standards discouraged infill development and construction of infrastructure for transit, cycling, and walking, as these typically increase population and potential traffic in a given area. Alternative criteria to measure impacts include vehicle miles traveled (VMT), automobile trips generated or other similar performance measures. Statewide implementation for SB 743 began July 1, 2020, and the County of Orange will utilize its own guidelines to assist applicants and County agencies with the evaluation of projects within unincorporated Orange County. The County continues to apply the Level of Service (LOS) analysis or other traditional metrics to determine traffic impacts for operational level assessment as appropriate; however, these LOS metrics may no longer constitute the sole basis for determining transportation impacts under CEQA for projects within Transit Priority Areas (TPAs). In addition, the County will seek to implement a

streamlined CEQA process in TPAs consistent with the streamlined CEQA process available to cities. CEQA streamlining can provide time certainty, cost and benefits needed by infill and transit-oriented development. Eligible projects must contain at least 50 percent of residential use, have a minimum net density of 20 units per acre, and be located within half a mile of a major transit stop of high-quality transit corridor.

6. NATURAL COMMUNITIES CONSERVATION PLANNING PROGRAM (NCCP)

Policy Mandate: Enhancement of the Environment Policy.

Program Implementation Schedule:

On-going Program

Responsible Agency: OCPW/OC Development Services.

Discussion:

The NCCP established a 38,000-acre habitat reserve system (Central-Coastal Sub-region) for native habitats found in Orange County, including coastal sage scrub, chaparral, grassland, riparian, woodland, and forest. The focus of the Program is to protect “target” species: the California gnatcatcher, coastal cactus wren and orange-throated whiptail lizard. Work continues on development of a habitat reserve system for the County’s Southern Sub-region.

Necessary Action:

None is necessary at this time. NCCP is an existing OCPW/OC Development Services responsibility.

7. ANNUAL LAND USE ELEMENT REVIEW

Policy Mandate:

Creative Design Concepts Policy; Employment Centers/Transportation Access Policy.

Program Implementation Schedule:

On-going program.

Responsible Agency: OCPW/OC Development Services

Discussion:

This program provides a review of the policies, land use categories, and programs of the Land Use Element on an annual basis to make modifications in light of the previous year's experience and to facilitate innovative planning concepts.

Necessary Action:

Identify minor or major changes to the Land Use Element that will rectify inequities, clarify ambiguities, speed processing and otherwise refine and improve the element on an annual basis.

Review areas subject to flooding to ensure consistency between flood-related maps in the Land Use Element and current FEMA and DWR flood maps. Revisions to flood-related maps in the Land Use Element will be completed as necessary.

8. CHILDCARE IMPROVEMENT PROGRAM

Policy Mandate: Childcare Improvement Policy.

Program Implementation Schedule:

On-going, upon adoption of Childcare Improvement Policy.

Responsible Agency: OCPW/OC Development Services

Discussion:

The purpose of this program is to ensure that childcare facilities are accommodated in areas of greatest need. In order to adequately address childcare needs, it is necessary to examine three components of childcare.

Infant care refers to childcare for children 0-2 years old; Preschool care is primarily for children 2-5 years old; and Extended Day Care is for school age children after and/or before normal school hours.

Provision of sites for the first two types of childcare should be encouraged in concentrated employment areas for ease of access for working parents (however, some communities may have sufficient demand in residential areas); Extended Day Care facilities are more appropriate near residential areas and school facilities.

This program also provides coordination between the County and school districts and/or private agencies that provide childcare services. School district/private agency services include before and after school programs located at local schools.

Necessary Action:

New developments will participate in the Childcare Improvement Program through conditions placed on projects in the unincorporated South County area. Appropriate coordination will also be encouraged between the County, school districts, community programs, and developers.

9. RECYCLING/MATERIALS RECOVERY PROGRAM

Policy Mandate:

Recycling/Materials Recovery Policy

Program Implementation Schedule:

On going, upon adoption of Recycling/Materials Recovery Policy

Responsible Agency:

- OC Waste and Recycling
- OCPW/OC Development Services

Discussion:

The purpose of this program is to ensure that recycling and/or materials recovery facilities

are accommodated in areas of greatest need.

OC Waste and Recycling is charged with the preparation and implementation of a Source Reduction and Recycling Element (SRRE) in which specific program alternatives are identified, evaluated, and selected to achieve AB 939 diversion mandates.

One option that is being facilitated through the County's discretionary permit process involves the next generation of technologies, the Materials Recovery Facility (MRF). A "MRF" is a central solid waste facility where waste materials, either source separated or mixed, are sorted and processed for sale to end users. OCPW/OC Development Services, upon submittal of new requests, is charged with the review, analysis, and processing proposed recycling or materials recovery facilities.

Areas in which these uses would be most appropriate are urban activity centers, employment areas, lands designated for public facilities, solid waste facility districts, and open space areas (when such development would be consistent with the open space character).

Necessary Action:

New development requests for recycling/materials recovery facilities will be reviewed and processed by OCPW/OC Development Services.

Appropriate coordination will be encouraged between the County, applicant, community, and appropriate State agencies.