

RESOLUTION NO. 15-03
RESOLUTION OF THE PLANNING COMMISSION OF
ORANGE COUNTY, CALIFORNIA
RECOMMENDING ADOPTION OF AN ORDINANCE
APPROVING THE ESPERANZA HILLS SPECIFIC PLAN AND
ZONE CHANGE 14-01 FOR THE ESPERANZA HILLS PROJECT

_____, 2015

On Motion of Commissioner _____, duly seconded and carried, the following Resolution was adopted:

WHEREAS, Yorba Linda Estates, LLC, OC 33, LLC and the Nicholas/Long family trusts (collectively "Applicant") have submitted Planning Application 120037 ("PA120037"), requesting approval and adoption of an ordinance, attached hereto as Exhibit A, and incorporated herein, by the Orange County Board of Supervisors, which would approve the Esperanza Hills Specific Plan ("Specific Plan") in connection with the proposed development of the Esperanza Hills consisting of 340 single-family residential units ("Project"), and Zone Change 14-01 for the Specific Plan area changing the Orange County Zoning Code designation from A1 "General Agricultural" and A1(O) "General Agriculture/Oil Production" to S "Specific Plan" ("Zone Change"); and

WHEREAS, the County of Orange ("County") has prepared the Zone Change (as attached to Exhibit A, attached hereto) to apply Specific Plan zoning regulations to the Project; and

WHEREAS, pursuant to California Government Code Section 65000, *et seq.*, the County has an adopted General Plan and Zoning Code that meet all of the requirements of California State law; and

WHEREAS, in accordance with the California Environmental Quality Act (California Public Resources Code, Sections 21000 *et seq.*) ("CEQA"), the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 *et seq.*) ("CEQA Guidelines") and the County's CEQA Procedures Manual, the County, as Lead Agency, has prepared an Initial Study and Draft Environmental Impact Report #616 ("DEIR #616"); and

WHEREAS, DEIR #616 addressed the potentially significant environmental impacts associated with the Project, including a General Plan Amendment, Zone Change, Specific Plan adoption and related programs and entitlements, as well as the impacts anticipated from

subsequent implementing steps in the chain of contemplated actions designed to carry out the final planning and development of the Project; and

WHEREAS, Esperanza Hills Final EIR No. 616 (“FEIR #616”) is in compliance with CEQA and the CEQA Guidelines and is a Project EIR as defined by CEQA Guidelines Section 15161, and as such addressed the potentially significant environmental impacts associated with the Project, including the approval of a Specific Plan, a General Plan Amendment, a Zone Change, a Vesting Tentative Tract Map and related programs and entitlements, as well as the impacts anticipated from subsequent implementing steps in the chain of contemplated actions designed to carry out the final planning and development of the Project; and

WHEREAS, the subsequent actions addressed in FEIR #616 include, but are not limited to, County approval of a Vesting Tentative Tract Map and site development permits; and

WHEREAS, based on the Initial Study and DEIR #616, it has been determined that the development proposed by the Specific Plan and Zone Change is within the scope of FEIR #616; and

WHEREAS, based on the Initial Study for PA 120037 and DEIR #616, it has been determined that environmental impacts related to the Project have been reduced to less than significant with the incorporation of mitigation measures and conditions of approval with the exception of Greenhouse Gas Emissions, Noise and Traffic impacts; and

WHEREAS, a Statement of Overriding Considerations will be adopted to identify impacts which remain significant and unavoidable; and

WHEREAS, on _____, 2014, this Planning Commission conducted a public hearing regarding FEIR #616, the draft Specific Plan and the Zone Change; and

WHEREAS, the Planning Commission has reviewed and fully considered FEIR #616, the Specific Plan and the Zone Change and has heard and considered the public comments that were presented to it on this Project and has determined after review and consideration to recommend approval the Specific Plan and Zone Change.

NOW, THEREFORE, BE IT RESOLVED THAT this Planning Commission makes and adopts the following findings:

1. General Plan: The Specific Plan and Zone Change are consistent with the objectives, policies and general land uses and programs specified in the General Plan for the Project area, which General Plan was adopted pursuant to the State Planning and Zoning Law.

2. Zoning: The Specific Plan and Zone Change are consistent with the provisions of the Zoning Code applicable to the property.
3. Compatibility: The location, size, design and operating characteristics of the proposed uses allowed by the Specific Plan and Zone Change will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.
4. General Welfare: Implementation of the Specific Plan and Zone Change will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
5. Public Facilities: The Specific Plan and Zone Change are in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (*i.e.*, fire station, library, sheriff, etc.)
6. EIR: The Planning Commission has determined that FEIR #616 adequately addresses the proposed Specific Plan and Zone Change based upon the following findings:
 - a) FEIR #616 is adequate to satisfy the requirements of CEQA for approval by the Planning Commission; and
 - b) The additions, clarifications and/or changes to the original CEQA documentation addressed in the Responses to Comments for DEIR #616 do not involve new or more severe significant environmental effects which were not addressed by FEIR #616 and none of the other conditions described in CEQA Guidelines Section 15088.5 calling for the recirculation of the EIR have occurred; and
 - c) The approval of FEIR #616 reflects the independent judgment of the Lead Agency.
7. The following Conditions of Approval are applicable to the Project:
 - A. 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 of approval of the Project regarding any other applicable ordinance, regulation or requirement.
 - B. The Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this approval. The Applicant shall further reimburse the County for any court costs and attorney's fees that the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve the Applicant of his/her obligations under this condition.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the ordinance attached hereto as Exhibit A, to approve the Esperanza Hills Specific Plan and Zone Change 14-01 for the Project.

The foregoing resolution was carried by the following vote:

Ayes:

Noes:

Absent:

I HEREBY CERTIFY that the foregoing Resolution No. ____ was adopted on _____, _____, _____, by the Orange County Planning Commission.

ORANGE COUNTY PLANNING COMMISSION

By:

Exhibit A

ORDINANCE NO. _____
AN ORDINANCE OF THE COUNTY OF ORANGE,
STATE OF CALIFORNIA, ADOPTING THE
ESPERANZA HILLS SPECIFIC PLAN AND AMENDING
THE ORANGE COUNTY ZONING MAPS COVERING THE ESPERANZA
HILLS SPECIFIC PLAN AREA FROM THE A-1
GENERAL AGRICULTURAL AND A1(O) GENERAL
AGRICULTURE/OIL PRODUCTION DISTRICTS TO THE
S “SPECIFIC PLAN” DISTRICT

The Board of Supervisors of the County of Orange, California, ordains as follows:

SECTION 1. The Esperanza Hills Specific Plan, attached hereto as Exhibit A and incorporated herein, and Planning Area Statistic Table, attached hereto as Exhibit B and incorporated herein, are hereby adopted in accordance with Section 7-9-156 of the Codified Ordinances of the County of Orange.

SECTION 2. The Orange County Zoning Map is hereby amended in accordance with Section 7-9-48, 7-9-49, 7-9-155 and 7-9-156.2(c) of the Codified Ordinances of the County of Orange by rezoning the property covered by the Esperanza Hills Specific Plan from the A-1 “General Agricultural” District and A-1(O) “General Agriculture/Oil Production” Districts to S “Specific Plan” per Zone Change 14-01, as set forth on Exhibit C, attached hereto and incorporated herein.

SECTION 3. This Ordinance shall take effect and be in full force thirty (30) days from and after its passage, and before the expiration of fifteen (15) days after the passage thereof shall be published once in an adjudicated newspaper in the County of Orange.

Exhibit A



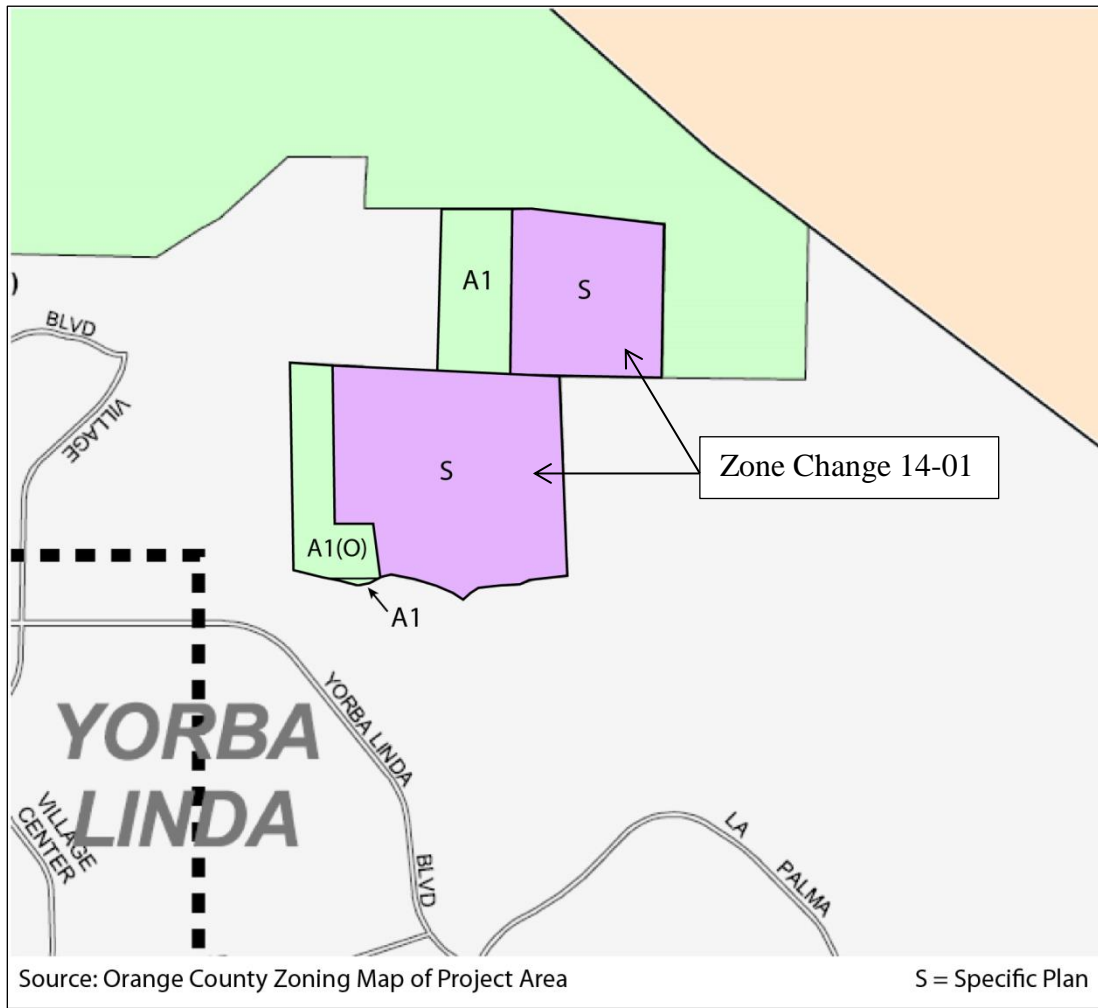
Exhibit B

Esperanza Hills Specific Plan

Planning Area Statistics Table

Development	Gross Area (acres)	Dwelling Units per Acre	Number of Lots (DU)	Trails (feet)	Parks (acres)	Landscaped Slopes (acres)	Fuel Modification (acres)
Planning Area 1	310.00	0.71	218	28,116	5.37	81.77	34.39
Planning Area 2	158.90	0.76	122	7,740	6.81	45.6	49.12
Esperanza Hills	468.90	0.73	340	35,856	12.18	126.6	140.0

Exhibit C



Zone Change 14-01