

ORDINANCE NO. 17-006
AN ORDINANCE OF THE COUNTY OF ORANGE, STATE OF
CALIFORNIA ADOPTING THE ESPERANZA HILLS SPECIFIC PLAN AND
REZONING CERTAIN LAND FROM THE A-1 GENERAL AGRICULTURAL
AND A1(0) GENERAL AGRICULTURE/OIL PRODUCTION DISTRICTS
TO THE S 'SPECIFIC PLAN' DISTRICT

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

WHEREAS, Yorba Linda Estates, LLC, OC 33, LLC, and the Nicholas/Long Family Trusts (collectively "Applicant") have submitted Planning Application 120037 ("PA120037"), requesting, among other things, approval and adoption of an Ordinance which would approve the Esperanza Hills Specific Plan ("Specific Plan") in connection with the proposed development of Esperanza Hills project consisting of 340 single-family residential units ("Project") and Zone Change 16-05 for the Specific Plan area changing the Orange County Zoning designation from A1 "General Agricultural" and A1(O) "General Agriculture/Oil Production" to S "Specific Plan" (the "Zone Change"); and

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

WHEREAS, in compliance with the California Environmental Quality Act (California Public Resources Code, Sections 21000 *et seq.*) ("CEQA") and the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000, *et seq.*) ("CEQA Guidelines"), the County, as Lead Agency, has completed Revised Final Environmental Impact Report No. 616 ("Revised FEIR 616") to evaluate the environmental impacts of the actions and approvals requested in PA120037, including the proposed Zone Change; and

WHEREAS, Revised 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 adoption of a Specific Plan, a General Plan Amendment, a Zone Change, and related programs and entitlements, as well as the impacts anticipated from subsequent implementing steps in the chain of contemplated actions designed to carry out the final planning and development of the Project; and

WHEREAS, by separate resolution the Board of Supervisors has certified the Revised FEIR 616 as being adequate and complete and as fully complying with the requirements of

CEQA and further certified that Revised FEIR 616 is adequate and complete for PA120037 and all proposed Project actions and approvals identified in Revised FEIR 616, including but not limited to, the adoption of a General Plan Amendment, the Zone Change, and the Specific Plan; and

WHEREAS, the Board of Supervisors has reviewed and considered the information contained in Revised FEIR 616 and adopted CEQA Findings and a Statement of Overriding Considerations for PA120037, including adoption of a General Plan Amendment the Zone Change, and the Specific Plan; and

WHEREAS, consistent with the regulations set forth in Section 7-9-156 of the Orange County Zoning Code, the Specific Plan contains regulatory text and maps necessary to provide the regulations for the development, maintenance, and use of the property in compliance with the policies and programs of the General Plan, including the following:

- The Esperanza Hills Land Use Planning and Regulatory Provisions for the development of residential, parks, open space and trails.
- The Esperanza Hills Infrastructure and Quasi-Public Facilities regulations for water, sewer, streets and utilities.
- The Esperanza Hills Planning Area maps and statistical summaries for each Planning Area.
- The Esperanza Hills Circulation Plan including roadway system, trail system and entry locations.
- The Esperanza Hills Parks and Open Space Plan concept and objectives
- The Esperanza Hills Fuel Modification/Fire Protection zone statistics, fire protection system details and evacuation plans.
- The Esperanza Hills Public Services details for schools, police and fire protection, parks, libraries.
- The Esperanza Hills Infrastructure and Utilities plans for grading, water provision, sanitary sewer, drainage, solid waste, utilities and lighting.
- The Esperanza Hills Development Standards which acknowledge that the Orange County Zoning Code regulations are applicable where the Specific Plan is silent.
- The Esperanza Hills Design Guidelines providing the basic use pattern and overall design for site development.
- The Esperanza Hills Implementation Plan.

WHEREAS, on March 22, 2017, the Planning Commission issued its formal recommendation that this Board adopt, among other things, the Specific Plan and the Zone Change (see Planning Commission Resolution No. 17-01); and

WHEREAS, in accordance with the Government Code of the State of California, a legally noticed public hearing concerning the General Plan Amendment, Certification of Revised FEIR 616, adoption of the Esperanza Hills Specific Plan and Zone Change 16-05 was conducted by this Board of Supervisors on May 9, 2017; and

WHEREAS, this Board listened to and carefully considered all of the public comments and testimony presented during the public hearing identified above; and

WHEREAS, this Board has carefully reviewed and considered the comments and recommendations of the Planning Commission relative to adoption of the Specific Plan and the Zone Change; and

WHEREAS, the proposed 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; and

WHEREAS, the Specific Plan and Zone Change are consistent with the provisions of the Zoning Code applicable to the property; and

WHEREAS, the location, size, design and operating characteristics of the proposed uses allowed by 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; and

WHEREAS, implementation of the proposed Specific Plan and Zone Change will not result in conditions or circumstances contrary to the public health and safety and the general welfare; and

WHEREAS, 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.).

The Board of Supervisors of the County of Orange, California, hereby conditions the Project as follows:

- 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) Applicant shall defend with counsel approved by the County of Orange in writing, indemnify and hold harmless the County of Orange, its officers, agents and employees from any claim, action or proceeding against the County, its officers, agents or employees to attack, set aside, void, or annul any approval of the application or related decision, or the adoption of any environmental documents, findings or other environmental determination, by the County of Orange, its Board of Supervisors, Planning Commission, Zoning Administrator, Director of OC Public Works, or Director of Planning concerning this application. The County may, at its sole discretion, participate in the defense of any action, at the applicant's expense, but such participation shall not relieve applicant of his/her obligations under this condition. Applicant shall reimburse the County for any court costs and attorneys' fees that the County may be required to pay as a result of such action. The County shall promptly notify the applicant of any such claim, action or proceeding.

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

SECTION 1. The Esperanza Hills Specific Plan, on file with OC Development Services and incorporated herein, and Planning Area Statistic Table, attached hereto as Exhibit A 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 16-05, as set forth on Exhibit B, 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.

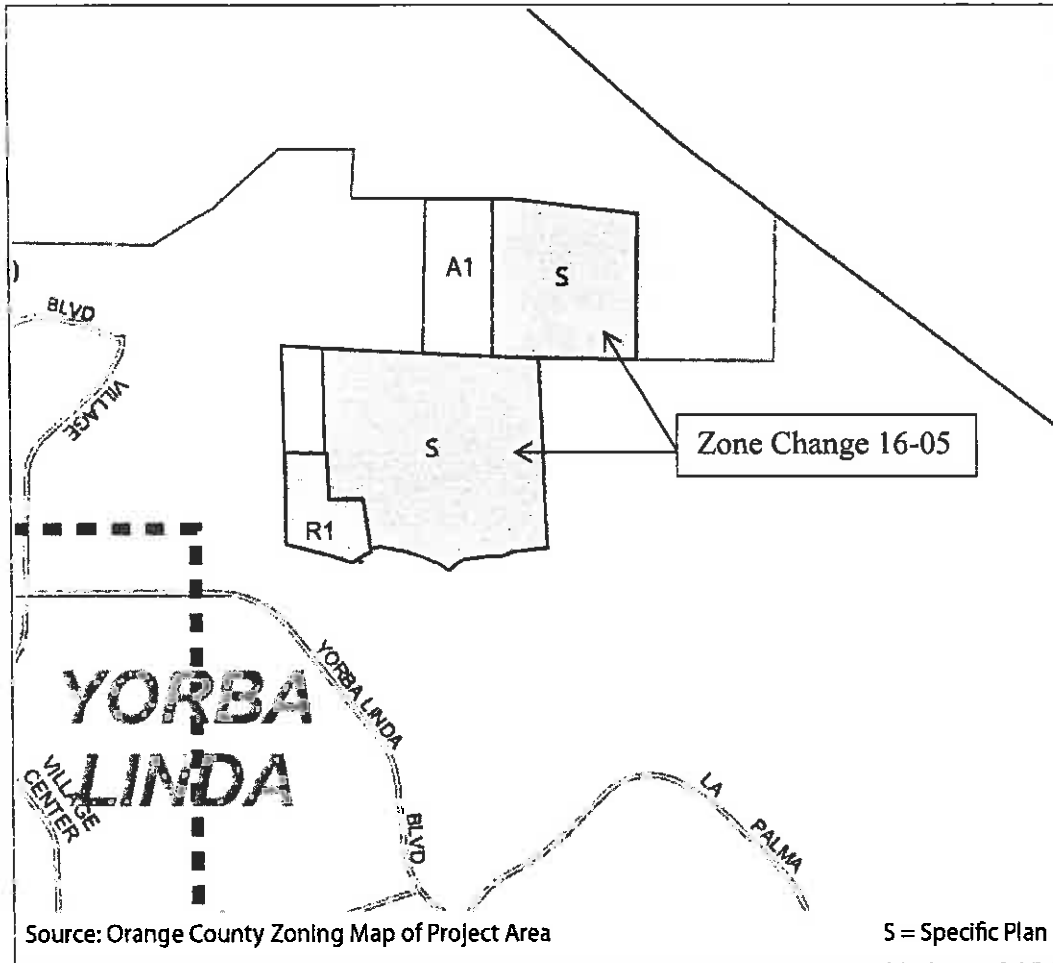
Exhibit A

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 B

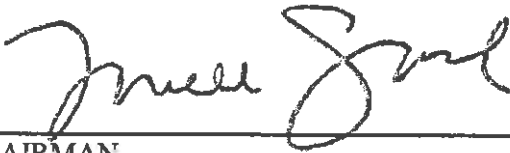


Zone Change 16-05

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.

THE FOREGOING was **PASSED** and **ADOPTED** by the following vote of the Orange County Board of Supervisors on May 09, 2017, to wit:

AYES: Supervisors: ANDREW DO, LISA A. BARTLETT, SHAWN NELSON
MICHELLE STEEL
NOES: TODD SPITZER
EXCUSED:
ABSTAINED:




CHAIRMAN

STATE OF CALIFORNIA)
) ss:
COUNTY OF ORANGE)

I, ROBIN STIELER, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Ordinance was duly and regularly adopted by the Orange County Board of Supervisors.

IN WITNESS WHEREOF, I have hereto set my hand and seal.



ROBIN STIELER
Clerk of the Board.
County of Orange, State of California

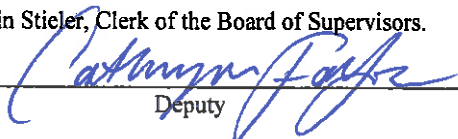


Ordinance No.: 17-006
Agenda Date: 05/09/2017
Item No.: 56



I certify that the foregoing is a true and correct copy of the Ordinance adopted by the Board of Supervisors, Orange County, State of California

Robin Stiel, Clerk of the Board of Supervisors.

By: 

Deputy