



ATTACHMENT A

Findings

TPM 2021-131

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- 1 **MITIGATED NEGATIVE DECLARATION** **TPM 2021-131** **CUSTOM**
- That Final Mitigated Negative Declaration No. PA150046, previously approved by Board of Supervisors on September 27, 2016, reflects the independent judgment of the County of Orange and is adequate to satisfy the requirements of CEQA for Tentative Parcel Map 2015-119 based on the following additional findings:
- a. The circumstances of the project are substantially the same and Mitigated Negative Declaration No. PA150046 adequately addressed the effects of the proposed project. No substantial changes have been made in the project, no substantial changes have occurred in the circumstances under which the project is being undertaken and no new information of substantial importance to the project which was not known or could not have been known when the previous Mitigated Negative Declaration No. PA150046, was adopted had become known; therefore no further environmental review is required.
- b. Mitigated Negative Declaration No. PA150046 is adequate to satisfy the requirements of CEQA for Tentative Parcel Map 2021-131.
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- 3 **NCCP PROGRAM** **TPM 2021-131**
- That the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and, therefore, will not preclude the ability to prepare an effective Sub regional Natural Communities Conservation Planning (NCCP) Program.
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- 4 **GENERAL WELFARE** **TPM 2021-131**
- That the proposed map will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
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- 5 **GENERAL PLAN CONSISTENCY** **TPM 2021-131**
- That the proposed map is consistent with the Orange County General Plan.
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- 6 **DESIGN & IMPROVEMENT** **TPM 2021-131**
- That the design and improvement of the proposed subdivision are consistent with the Orange County General Plan.
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- 7 **DEVELOPMENT TYPE** **TPM 2021-131**
- That the proposed site is physically suitable for the proposed type of development.
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- 8 **DEVELOPMENT DENSITY** **TPM 2021-131**
- That the proposed site is physically suitable for the proposed density of development.
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- 9 **ENVIRONMENTAL DAMAGE** **TPM 2021-131**
- That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.

10	PUBLIC HEALTH	TPM 2021-131
<p>That the design of the subdivision and the type of improvements proposed are not likely to cause serious public health problems.</p>		
11	PUBLIC EASEMENTS	TPM 2021-131
<p>That the design of the subdivision and the type of improvements proposed will not conflict with easements of record or established by court judgment acquired by the public-at-large for access through or use of property within the proposed subdivision.</p>		
12	SUBDIVISION / ZONING CODE CONSISTENCY	TPM 2021-131
<p>That the proposed subdivision, as conditioned, complies with the requirements set forth in the Orange County Subdivision Code and the Orange County Zoning Code.</p>		
13	ZONING CONSISTENCY	TPM 2021-131
<p>That the design and improvement of the proposed subdivision are suitable for the uses proposed, and the subdivision can be developed in compliance with applicable zoning regulations pursuant to Section 7-9-254 of the Subdivision Code.</p>		
14	SEWER SYSTEM	TPM 2021-131
<p>That the discharge of waste from the proposed subdivision into the existing sewer system of the Water District will not result in violations of existing requirements prescribed by the California Regional Water Quality Control Board, Santa Ana Region.</p>		
15	NATURAL HEATING AND COOLING	TPM 2021-131
<p>That the design of the subdivision and its improvements do provide, to the extent feasible, for future passive or natural heating or cooling opportunities as specified in Section 66473.1 of the Government Code (Subdivision Map Act).</p>		
16	EXPIRATION OF MAPS	TPM 2021-131
<p>That because of non-participation in fee programs for off-site improvements, this project will not qualify for consideration under Section 66452.6 of the Subdivision Map Act.</p>		
17	LOCAL PARK CODE	TPM 2021-131
<p>That the Local Park Code requirement can be met by the payment of in-lieu fees at the time of building permit issuance.</p>		
18	APPEAL OF EXACTIONS	TPM 2021-131
<p>That the applicant is hereby provided notice that the fees, dedications, reservations or other exactions imposed on this project are as described in this approval as well as the reports and actions accompanying this approval and that the 90-day approval period in which the applicant may protest pursuant to Government Code Section 66020 has begun.</p>		



ATTACHMENT B

Conditions of Approval

TPM 2021-131

1 PERIOD OF VALIDITY TPM 2021-131

Tentative Parcel Map 2021-131 is valid for a period of thirty-six (36) months from the date of the Subdivision Committee’s approval. An extension of time for the map to be recorded may be requested pursuant to the Orange County Subdivision Code Section 7-9-258.

2 INDEMNIFICATION TPM 2021-131

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 Deputy Director of OC Development Services concerning this application. The County may, at its sole discretion, participate in the defense of any action, at the applicant’s expense, but such participation shall not relieve applicant of his/her obligations under this condition. The County may, at its sole discretion, require the Applicant to post a bond, enter into an escrow agreement, obtain an irrevocable letter of credit from a qualified financial institution, or provide other security, to the satisfaction of the County, in anticipation of litigation and possible attorney’s fee awards. Applicant shall reimburse the County for any court costs and attorney’s fees that the County may be required to pay as a result of such action. The County shall promptly notify the applicant of any such claim, action or proceeding.

3 BASIC/APPEAL EXACTIONS TPM 2021-131

Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

4 MITIGATION MONITORING PROGRAM PA150046 TPM2015-119

Prior to the recordation of a final map, the applicant shall place a note on the face of the map that the map is subject to conditions of approval and the mitigation measures contained within Mitigated Negative Declaration No. PA150046.

The applicant shall comply with all mitigation measures which shall be applied as conditions of approval due at the development milestone applicable at the time of recordation of a final map or permit issuance, as stated within the mitigation measure. These mitigation measures, which shall be applied as conditions of approval, are incorporated herein by reference as contained in the Mitigated Negative Declaration PA150046.

4 ROAD FEE PROGRAM TPM 2021-131

Prior to the recordation of the final map, a note shall be placed on the face of the map that residential construction on Parcels 1 and 2 will be required to pay applicable fees for the Major Thoroughfare and Bridge Fee Program listed below, in a manner meeting the approval of the Manager, Permit Services.

- A. Foothill/Eastern Transportation Corridor, Zone B
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6 IN-LIEU LOCAL PARK FEES TPM 2021-131

Prior to the recordation of the final map, a note shall be placed on the face of the map that residential construction will be required to pay the in-lieu park fee in effect at the time of permit issuance. The property is located within Community Analysis Area (CAA) 43.

7 BIOLOGICAL RESOURCES TPM 2021-131

A. Prior to the issuance of a grading permit or the recordation of the final map, whichever occurs first, the Project Applicant or Developer shall submit a biological resources survey prepared by a qualified biologist in accordance with the Orange County Natural Community Conservation Plan/Habitat Conservation Plan and submitted to the Manager, OC Development Services/Planning for review and approval. The biological resources survey shall survey the entire site and map all conserved vegetation along with a calculation of the number of acres of each conserved habitat type that would be impacted. Based on the results of the biological resources survey, the Project Applicant or Developer shall do the following:

- Impacted conserved habitat shall be restored or replaced onsite/offsite at a ratio to be determined by the Wildlife Agencies/County of Orange in compliance with the mandatory obligations of the Natural Community Conservation Plan/Habitat Conservation Plan Central Coastal Subregion.

B. Prior to the release of the grading bond the Project Applicant or Developer shall obtain approval of the archaeologist’s follow-up report from the Manager, OC Development Services/Planning. The report shall include the period of inspection, an analysis of any artifacts found and the present repository of the artifacts. The archaeologist shall prepare excavated material to the point of identification. The Project Applicant or Developer shall offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, Permit Services. The Project Applicant or Developer shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of presentation of the materials to the County of Orange or its designee, all in a manner meeting the approval of the Manager, Permit Services.

8 ARCHEOLOGICAL RESOURCES TPM 2021-131

Prior to the issuance of a grading permit or the recordation of the final map, whichever occurs first, the Project Applicant or Developer shall provide written evidence to the Manager, OC Development Services/Planning, that Project Applicant or Developer has retained a County-certified archaeologist, to observe grading activities and salvage and catalogue archaeological resources as necessary. The

archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the Project Applicant or Developer, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the Project Applicant or Developer, for exploration and/or salvage.

Prior to the release of the grading bond the Project Applicant or Developer shall obtain approval of the archaeologist's follow-up report from the Manager, OC Development Services/Planning. The report shall include the period of inspection, an analysis of any artifacts found and the present repository of the artifacts. The archaeologist shall prepare excavated material to the point of identification. The Project Applicant or Developer shall offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, Permit Services. The Project Applicant or Developer shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of presentation of the materials to the County of Orange or its designee, all in a manner meeting the approval of the Manager, Permit Services.

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PALEONTOLOGICAL RESOURCES**TPM 2021-131**

- A. Prior to the issuance of a grading permit or the recordation of the final map, whichever occurs first, the Project Applicant or Developer shall provide written evidence to the Manager, OC Development Services/Planning, that Project Applicant or Developer has retained a County certified paleontologist to observe grading activities and salvage and catalogue fossils as necessary. The paleontologist shall be present at the pre-grade conference, shall establish procedures for paleontological resource surveillance, and shall establish, in cooperation with the Project Applicant or Developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If the paleontological resources are found to be significant, the paleontologist shall determine appropriate actions, in cooperation with the Project Applicant or Developer, to ensure proper exploration and/or salvage.
 - B. The Project Applicant or Developer shall submit the paleontologist's follow up report for approval by the Manager, OC Development Services/Planning. The report shall include the period of inspection, a catalogue and analysis of the fossils found, and the present repository of the fossils. Project Applicant or Developer shall prepare excavated material to the point of identification, and offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to approval by Manager, Permit Services. Project Applicant or Developer shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of presentation of the materials to the County of Orange or its designee, all in a manner meeting the approval of the Manager, Permit Services.
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GEOTECHNICAL REPORT**TPM 2021-131**

Prior to the issuance of a grading permit or the recordation of the final map, whichever occurs first, the Project Applicant or Developer shall submit a geotechnical report to the Manager, OC Development Services/Planning and County Engineering Geologist, for approval. The report shall include the information and be in the form as required by the 2015 OC Grading Code and Grading

Manual and a determination if a fault is located on or in close proximity to the site. The County Engineering Geologist shall also specify recommendations required for implementation,

11 LIQUIFACTION REPORT TPM 2021-131

Prior to the issuance of a grading permit or the recordation of the final map, whichever occurs first, the Project Applicant or Developer shall submit a site-specific liquefaction report to the Manager, OC Development Services/Planning and County Engineering Geologist, for approval. The report shall be based on the California Geological Survey, Special Publication 117A - Guidelines for Evaluating and Mitigating Seismic Hazards in California. The County Engineering Geologist shall also specify recommendations required for implementation.

12 SWPPP TPM 2021-131

Prior to the issuance of a grading permit or the recordation of the final map, whichever occurs first, the Project Applicant or Developer shall demonstrate compliance with California’s General Permit for Stormwater Discharges Associated with Construction Activity by preparing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and submitting this to the Manager, OC Development Services/Planning. A copy of the current SWPPP shall be kept at the site and be available for County review upon request.

13 DRAINAGE STUDY TPM 2021-131

Prior to the recordation of a subdivision map or prior to the issuance of any grading permits, whichever comes first, the following drainage studies shall be submitted to and approved by the Manager, Permit Services

- A. A drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; and
 - B. When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and
 - C. Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.
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14 DRAINAGE FACILITIES TPM 2021-131

Prior to issuance of grading or building permits, drainage studies that demonstrate the following shall be submitted to and approved by Manager, Permit Services:

1. All surface runoff and subsurface drainage directed to the nearest acceptable drainage facility, as determined by the Manager, Permit Services.2. Drainage facilities discharging onto adjacent property shall be designed to imitate the manner in which runoff is currently produced from the site and in a manner meeting the satisfaction of the Manager, Permit Services,. Alternatively, the project applicant may obtain a drainage acceptance and maintenance agreement, suitable for recordation, from the owner of said adjacent property. All drainage facilities must be consistent with the County of Orange Grading Ordinance and Local Drainage Manual.

15 DRAINAGE IMPROVEMENTS TPM 2021-131

- A. Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only) or prior to the issuance of any grading permits, whichever comes first, the applicant shall in a manner meeting the approval of the Manager, Permit Services:
- 1) Design provisions for surface drainage; and
 - 2) Design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and
 - 3) Dedicate the associated easements to the County of Orange, if determined necessary.
- B. Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only) or prior to the approval of final inspection, whichever occurs first, said improvements shall be constructed, or provide evidence of financial security (such as bonding), in a manner meeting the approval of the Manager, Inspection.

16 FIRE MASTER PLAN TPM 2021-131 (CUSTOM)

- A. Prior to the issuance of a grading permit or recordation of a final map, whichever occurs first, the applicant must provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), indicating that a Fire Master Plan has been prepared that complies with Fire Code Chapter 5 and Guideline B-09.
- B. Prior to the issuance of any grading permit, the applicant shall provide the Manager, Permit Services with a clearance from OCFA indicating that a Fire Master Plan has been prepared that complies with Guideline B-09 including identification of access to and within the project area. *Note- refer to the OCFA website to obtain a copy of Guideline B-09 for information regarding the submittal requirements.
- C: LUMBER DROP: The Fire Master Plan shall require that prior to the issuance of a building permit, the applicant must provide the Manager, Permit Services with a clearance from OCFA allowing the introduction of combustible materials into the project area.
- D: The Fire Master Plan shall require that prior to the approval of final inspection, the applicant must provide the Manager, Permit Services with a clearance from OCFA confirming that the approved fuel modification plan has been installed and completed.

17 SIGHT DISTANCE TPM 2021-131

Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance per Standard Plan 1117 at all street intersections, in a manner meeting the approval of the Manager, Permit Services. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the Manager, Permit Services.

18 NPDES TPM 2021-131

- Prior to the issuance of a grading permit or the recordation of the final map, whichever occurs first, the Project Applicant or Developer shall demonstrate compliance with the County’s NPDES Implementation Program in a manner meeting the satisfaction of the Manager, OC Development Services/Planning, including:
- A. Demonstrate that all structural Best Management Practices (BMPs) described in the BMP Exhibit from the Project’s approved Water Quality Management Plan (WQMP) have been

implemented, constructed and installed in conformance with approved plans and specifications.

- B. Demonstrate that the Project Applicant or Developer has complied with all non-structural BMPs described in the Project's WQMP.
- C. Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs (the O&M Plan shall become an attachment to the WQMP).
- D. Demonstrate that copies of the Project's approved WQMP (with attached O&M Plan) are available for each of the initial occupants.
- E. Agree to pay for a Special Investigation from the County of Orange for a date twelve (12) months after the issuance of a Certificate of Use and Occupancy for the Project to verify compliance with the approved WQMP and O&M Plan.
- F. Demonstrate that the Project Applicant or Developer has recorded with the Orange County Recorder one of the following:
 - 1) The CC&R's (that must include the approved WQMP and O&M Plan) for the Project's Home Owner's Association;
 - 2) A water quality implementation agreement that has the approved WQMP and O&M Plan attached; or
 - 3) The final approved WQMP and O&M Plan.

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WATER QUALITY MANAGEMENT PLAN**TPM 2021-131**

Prior to the issuance of a grading permit or the recordation of the final map, whichever occurs first, the Project Applicant or Developer shall submit for review and approval by the Manager, OC Development Services/Planning, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. The Project Applicant or Developer shall utilize the Orange County Drainage Area Management Plan (DAMP), Model WQMP, and Technical Guidance Manual for reference, and the County's WQMP template for submittal. This WQMP shall include the following:

- A. Detailed site and Project description
- B. Potential stormwater pollutants
- C. Post-development drainage characteristics
- D. Low Impact Development (LID) BMP selection and analysis
- E. Structural and Non-Structural source control BMPs
- F. Site design and drainage plan (BMP Exhibit)
- G. GIS coordinates for all LID and Treatment Control BMPs
- H. Operation and Maintenance (O&M) Plan that: 1) describes the long-term operation and maintenance requirements for BMPs identified in the BMP Exhibit; 2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; and 3) describes the mechanism for funding the long-term operation and maintenance of the referenced BMPs. The BMP Exhibit from the approved WQMP shall be included as a sheet in all plan sets submitted for plan check and all BMPs shall be depicted on these plans. Grading and building plans must be consistent with the approved BMP exhibit.

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NOTICE OF INTENT**TPM 2021-131**

Prior to the issuance of a grading permit or the recordation of the final map, whichever occurs first, the Project Applicant or Developer shall demonstrate compliance with California's General Permit or Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number; or other proof of filing in a manner meeting the satisfaction of the Manager, OC Development Services/Planning.

Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the site and be available for County review on request.

21 ESCP TPM 2021-131

Prior to the issuance of a grading permit or the recordation of the final map, whichever occurs first, the Project Applicant or Developer shall Prior to recordation of TPM 2021-131, the Project Applicant or Developer shall submit an Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, OC Development Services/Planning, to demonstrate compliance with the County’s NPDES Implementation Program and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, waste, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall be updated as needed to address the changing circumstances of the site. A copy of the current ESCP shall be kept at the site and be available for County review on request.

22 BASE FLOOD ELEVATION TPM 2021-131

Prior to the issuance of a grading permit or the recordation of the final map, whichever occurs first, the Project Applicant or Developer shall submit an Elevation Certificate to the Manager, OC Development Services/Planning, identifying the base flood elevation and certifying that the planned elevation of the lowest floor, including basements, is at least one (1) foot above the Base Flood Elevation (BFE). (NOTE: To eliminate FEMA requirements for flood insurance, the lowest elevation of any part of the structure, not only the lowest floor, must be above the BFE.)

Prior to the final inspection approval for any building, the Project Applicant or Developer shall complete Section "E" of the Elevation Certificate, identifying the Base Flood Elevation (BFE) and certifying that the as-built lowest floor, including basements, as constructed, is at least one (1) foot above the BFE, in a manner meeting the approval of the Manager, OC Development Services/Planning. (NOTE: To eliminate FEMA requirements for flood insurance, the lowest elevation of any part of the structure, not only the lowest floor, must be above the BFE.)

23 CONSTRUCTION NOISE TPM 2021-131

Prior to the issuance of a grading permit or the recordation of the final map, whichever occurs first, the Project Applicant or Developer shall produce evidence acceptable to the Manager, OC Development Services/Planning, that:

- (1) All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.
 - (2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
 - (3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.
 - (4) Notations in the above format, appropriately numbered and included with other notations on the front sheet of the Project’s permitted grading plans, will be considered as adequate evidence of compliance with this condition.
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