

RESOLUTION OF THE BOARD OF SUPERVISORS  
OF ORANGE COUNTY, CALIFORNIA  
APPROVING VESTING TENTATIVE TRACT MAP 17522

May 9, 2017

WHEREAS, Yorba Linda Estates, LLC, OC 33, LLC and the Nicholas/Long Family Trusts (collectively "Applicant") have submitted Vesting Tentative Tract Map (VTTM) 17522, requesting review and approval of the map; and

WHEREAS, VTTM 17522, if approved, would allow the creation of 340 single family lots, 5 lots for utility or community uses, and various lettered lots for private streets, open space, park and landscaped slope lots; and,

WHEREAS, the map proposes to establish the public access to the project via a private roadway from Stonehaven Drive and an emergency-only access drive to Via Del Agua; and,

WHEREAS, Section 13.3 of the Esperanza Hills Specific Plan requires that a tentative map that establishes the public access roadway configuration for the project be considered and acted upon by the Board of Supervisors; and,

WHEREAS Section 13.3 of the Esperanza Hills Specific Plan requires the Board of Supervisors to make certain specified findings in addition to those findings required by Orange County Subdivision Code sections 7-9-255 and 7-9-256 prior to approval, conditional approval, or disapproval of the map; and,

WHEREAS, the Board of Supervisors has reviewed and fully considered Revised Final EIR No.616, the General Plan Amendment, the Zone Change, Specific Plan, and VTTM 17522 and has heard and considered the public comments that were presented to it on this and has determined after review and consideration to approve VTTM 17522; and,

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors hereby approves VTTM 17522 based on the following findings and conditions of approval:

Subdivision Code Section 7-9-255 Findings:

1. GENERAL PLAN - That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.

2. DESIGN & IMPROVEMENT - That the design and improvement of the proposed subdivision are consistent with the Orange County General Plan.
3. GENERAL PLAN CONSISTENCY - That the proposed map is consistent with the Orange County General Plan.
4. PROJECT LEVEL EIR - That Revised Final EIR No. 661 satisfies the requirements of CEQA for VTTM 17522, which is a necessarily included element contemplated as part of the whole of the action.
5. DEVELOPMENT TYPE - That the proposed site is physically suitable for the proposed type of development.
6. DEVELOPMENT DENSITY - That the proposed site is physically suitable for the proposed density of development.
7. NCCP NOT SIGNIFICANT - 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 subregional Natural Communities Conservation Planning (NCCP) Program.
8. PUBLIC HEALTH - That the design of the subdivision and the type of improvements proposed are not likely to cause serious public health problems.
9. PUBLIC EASEMENTS - 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.
10. DESIGN COMPLIANCE - That the design and improvement of the proposed subdivision is suitable for the uses proposed, and the subdivision can be developed in compliance with applicable zoning regulations pursuant to OCCO section 7-9-254 of the Subdivision Code.
11. COMPATIBILITY - That the use, activity or improvement(s) proposed, subject to the specified conditions and adopted Mitigation Monitoring and Reporting Program (MMRP) is consistent with the provisions of the Zoning Code and the Esperanza Hills Specific Plan regulations applicable to the property.

12. PUBLIC FACILITIES - That the approval of the map is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).

13. SUBDIVISION AND ZONING CODE COMPLIANCE - That the proposed subdivision complies with the requirements set forth in the Orange County Subdivision Code and the Orange County Zoning Code.

14. SPECIFIC PLAN CONSISTENCY - That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the Esperanza Hills Specific Plan.

15. SEWER SYSTEM - That the discharge of waste from the proposed subdivision into the existing sewer system of the Yorba Linda Water District will not result in violations of existing requirements prescribed by the California Regional Water Quality Control Board, Santa Ana Region.

16. DEVIATION FROM STANDARD DESIGN - That the Board has individually considered the requested three deviations from County standards of design and that based upon special circumstances in this situation, specifically the site topography, the proposed private street system and the desired avoidance of excessive retaining walls finds that the deviations are acceptable.

#### Subdivision Code Section 7-9-256 Findings

1. WATER DISCHARGE – That the Board has determined that the discharge of waste from the proposed subdivision into an existing community sewer system will not would result in or add to a violation of existing requirements prescribed by the Santa Ana Regional Water Quality Control Boards.

2. COASTLINE OR PUBLIC WATERWAY – That subdivision does not front upon the coastline or a shoreline or upon a public waterway, river or stream or upon a lake or reservoir owned in part or entirely by a public agency and therefore is not subject to conformance with the requirements of Subdivision Code Sections 7-9-287 and 7-9-298.

3. DEVIATION FROM STANDARDS – That each request for a deviation from standards of design has been individually considered and found to be justified based upon specific special circumstances which apply to the property and the project.

Esperanza Hills Specific Plan Section 13.3 Findings:

1. THAT PERMISSION TO GAIN ACCESS ACROSS LAND AREA NOT OWNED BY THE PROJECT APPLICANT HAS BEEN SECURED OR IT IS REASONABLY ASSURED THAT ACCESS RIGHTS WILL BE SECURED. The applicant has presented evidence that all legal entitlements for the proposed access to public roads are in place and are based on two easements documents. The first, for the proposed main access road to Stonehaven Drive, was granted to David H. Murdock, the predecessor in interest to the Esperanza Hills property, as a perpetual easement for non-exclusive use of any roads or roadways now or hereafter located on or within the adjacent Ahmansen Development, Inc. (ADI) property (Lot A of both Tracts 12850 and 12877) for ingress and egress from all or any portion of the Esperanza Hills property. The easement for the proposed emergency access-only road (and utility corridor), lies within a fifty foot wide easement for roadway and utility purposes granted by virtue of the Carrillo Partition Judgment action by the Orange County Superior Court in 1958. The existence of the easement was confirmed by an Orange County Superior Court judgment in October 2014 (No. 30-2013-00650665-CU-OR-CJC dated October 6, 2014), and was confirmed on appeal by the California Court of Appeals in December 2015, and is now final. Copies of these documents are on file with OCPW-Development Services.

2. THAT PERMISSION TO ALLOW FOR OFF-SITE GRADING HAS BEEN SECURED OR IT IS REASONABLY ASSURED THAT PERMISSION WILL BE SECURED. All grading necessary for the full access off-site road connection is allowed by the ADI easement across Tracts 12850 and 12877 noted in Finding 1 above. Also as noted in Finding 1, the emergency access easement confirmed by the Court allows for the easement to be used for road and utility purposes across the Richards Trust property, which is part of the Cielo Vista project, and then south to Stonehaven. Cielo Vista challenged the scope of the easement in the prior litigation, but the Court determined that any such challenge was premature until the respective projects were entitled, and this decision was upheld on appeal. Permission for off-site grading in the northwest area of the project site has been secured by a Borrow and Fill Agreement from Bridal Hills Estates LLC in May 2008. Copies of these documents are on file with OCPW-Development Services.

3. A FINDING OF CONSISTENCY WITH REVISED FINAL ENVIRONMENTAL IMPACT REPORT NO. 616. The Board has considered Revised Final EIR 616, the Specific Plan's Access and the California Environmental Quality Act

Additional Environmental Analysis Memorandum dated February 21, 2017 and finds VTTM 17522 to be consistent with those documents.

4. A FINDING OF CONSISTENCY WITH REVISED FINAL ENVIRONMENTAL IMPACT REPORT NO. 616 MITIGATION MONITORING AND REPORTING PROGRAM. The Board has considered Revised Final EIR 616 Mitigation Monitoring and Reporting Program and finds VTTM 17522 to be consistent with that document.

5. FINDINGS OF CONSISTENCY WITH THE SPECIFIC PLAN, THE ORANGE COUNTY ZONING CODE, THE ORANGE COUNTY SUBDIVISIONS CODE, AND APPLICABLE LAWS AND REGULATIONS. The Board has considered the Esperanza Hills Specific Plan, Zoning Code, Subdivision Code and other applicable laws and regulations and finds VTTM 17522 to be consistent with those regulations.

Conditions of Approval for VTTM 17522:

1. BASIC/ZONING REGULATIONS - This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Subdivision and Zoning Codes and any other applicable zoning regulations, as amended. Approval does not include any action or finding as to compliance of approval of the project regarding any other ordinance, regulation or requirement.
2. BASIC/TIME LIMIT - This approval is valid for a period of 36 months from the date of final determination, unless an extension is otherwise allowable by State law. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.
3. BASIC/COMPLIANCE - Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Subdivision Committee.
4. INDEMNIFICATION - 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.

5. BASIC APPEAL/EXACTIONS - 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.

6. MAP NOTES - Prior to recordation of any subdivision map (except maps for financing and conveyance purposes only), the following notes shall be placed on the map in a manner meeting the approval of the Manager, OC Planning:

- A. The subdivider/property owner is advised that the Mitigation Measures, Project Design Features and Conditions of Approval of Revised FEIR 616 Mitigation Monitoring and Reporting Program (MMRP) shall be satisfied.
- B. The property lies within a Fire Hazard Severity Zones within State Responsibility Areas (SRA) and within a Very High Fire Hazard Severity Zones within the Local Responsibility Areas (LRA), and advising that all structures will be required to demonstrate compliance with all requirements of Chapter 47 and Chapter 7A or shall have and approved Fire Protection Plan which provides protection equivalent to the risk for the site and structure.
- C. The property lies within a Major Thoroughfare and Bridge Fee Program, specifically the Foothill/Eastern Transportation Corridor and applicable fees pursuant to this program will be assessed at the issuance of building permits.
- D. The private streets constructed within this map shall be owned, operated and maintained by the developer, successors or assigns. The County of Orange shall have no responsibility therefore unless pursuant to appropriate sections of the Streets and Highways Code of the State of California the said private streets have been accepted into the County Road System by appropriate resolution of the Orange County Board of Supervisors.

7. REQUEST FOR DEVIATIONS - Prior to the recordation of a subdivision map, the subdivider shall place a note on the map, in a manner that meets the approval of the Manager, OC Planning that states the following:

- (1) A deviation from Orange County Highway Design Manual, Section 204.3 to allow grades on streets with residential driveway access to be greater than 10% but equal to or less than 12% grades for the following street:
  - a. "A" Street – adjacent to Lots 36 to 38
  - b. Esperanza Hills Parkway
  
- (2) A deviation from Orange County Highway Design Manual, Section 204.3 to allow grades on streets without residential driveway access to be greater than 10% but equal to or less than 12% grades for the following streets:
  - a. "X" Street
  
- (3) A deviation from Orange County Highway Design Manual, Section 203.2(2) to allow a centerline of less than 550' for the following street:
  - a. Esperanza Hills Parkway – 250' radius

8. PRIVATE LOCAL PARK –

A. Prior to the recordation of an applicable subdivision map, the subdivider shall make an irrevocable offer to dedicate an easement over Lot(s) E, H, K, N, MM, NN, TT, VV, and NNN or any other proposed park lot for private local park purposes to the County of Orange in a form approved by the Manager, OC Planning. The subdivider shall not grant any other easement over the private park easement which is inconsistent with the local park uses, unless that easement is made subordinate to said local park easement in a manner meeting the approval of the Manager, OC Planning.

B. Prior to the recordation of the first final subdivision map, the subdivider shall submit a Local Parks Implementation Plan (LPIP) for review and approval by the Subdivision Committee. The LPIP shall address estimated creditable park land, conceptual improvements and park phasing commensurate with housing occupancies.

Note: The irrevocable offer of dedication (IOD) may be satisfied per the appropriate designation (notes and delineation) on the subject final subdivision map.

9. REGIONAL DRAINAGE STUDIES - 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, a final drainage report shall be submitted to and approved by the County Manager, Permit Services. The final drainage report shall address Condition of Approval COA-1 as contained within the MMRP and include detailed engineering analyses/calculations demonstrating:

- 1) Proposed mitigation basins shall, to extent feasible, reduce post-development runoff to pre-development levels, and

- 2) Post development impacts to downstream Esperanza Channel (OCFCD Facility No. E06) are mitigated to a level of insignificance.

Engineering analyses/calculations shall conform to the criteria and standards set forth in the 1986 Orange County Hydrology Manual and its Addendum No. 1, Orange County Flood Control Design Manual, Orange County Local Drainage Manual, and other appropriate County of Orange criteria.

10. EASEMENT SUBORDINATION - Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only), the applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the County of Orange or the Orange County Flood Control District, unless such easements are expressly made subordinate to the easements to be offered for dedication to the County. Prior to granting any of said easements, the subdivider shall furnish a copy of the proposed easement to the Manager, Permit Services, for review and approval. Further, a copy of the approved easement shall be furnished to the Manager, Permit Services, prior to the final inspection approval.


11. ZONING CONFORMITY – Prior to the recordation of a subdivision map, the Change of Zone ZC 16-05 and adoption of the Esperanza Hills Specific Plan shall be effective.

12. ESPERANZA HILLS PARKWAY - Prior to the recordation of a final map or issuance of permits for street improvements for Esperanza Hills Parkway (entry segment), whichever occurs first, street improvements plans including a signage and striping plan, shall be reviewed and approved by OCPW-Traffic Engineering.



The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on May 09, 2017, to wit:

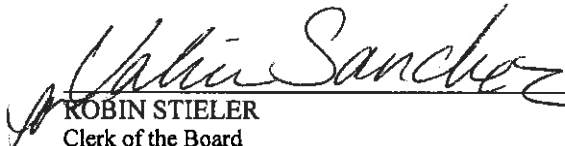
AYES: Supervisors: ANDREW DO, LISA A. BARTLETT, SHAWN NELSON  
MICHELLE STEEL  
NOES: Supervisor(s): TODD SPITZER  
EXCUSED: Supervisor(s):  
ABSTAINED: Supervisor(s):

  
\_\_\_\_\_  
CHAIRMAN

STATE OF CALIFORNIA )  
                                  )  
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 Resolution 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

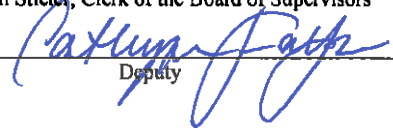


Resolution No: 17-054  
Agenda Date: 05/09/2017  
Item No: 56



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

Robin Stieler, Clerk of the Board of Supervisors

By:   
\_\_\_\_\_  
Deputy