

ORDINANCE NO. 17-012
AN UNCODIFIED ORDINANCE OF THE COUNTY OF ORANGE, STATE OF
CALIFORNIA ADOPTING ZONE CHANGE 16-04 AND
REZONING CERTAIN LAND FROM THE AR-20000 AGRICULTURAL RESIDENTIAL
DISTRICT TO THE AR-10000(PD-10000) AGRICULTURAL RESIDENTIAL DISTRICT
WITH PLANNED DEVELOPMENT OVERLAY DISTRICT

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

WHEREAS, Sheldon Development, LLC, (“Applicant”) has submitted Planning Application 160051 (“PA160051”), requesting approval of a residential planned development consisting of 21 single-family residential planned development units including adoption of a Zone Change (ZC 16-04), approval of a Use Permit, and certification of an Environmental Impact Report (“EIR”) (collectively, the “Project”); and

WHEREAS, Applicant requests approval and adoption of an ordinance, attached hereto as Exhibit A, which would approve a change of zone from AR-20000 “Agricultural Residential” District with a 20,000 square foot minimum building site area to AR-10000 (PD-10000) “Agricultural Residential” District with a 10,000 square foot minimum building site area with a Planned Development overlay with a 10,000 square foot average lot area, and an associated Use Permit to establish the development standards for the development of the property at 9922 Newport Avenue (APN 503-581-03, 04, 05, 06 and 08), Santa Ana (“Project”); and

WHEREAS, the County of Orange (“County”) has prepared the Zone Change (attached hereto as Exhibit A) to apply the AR-10000 (PD-10000) zoning regulations to the Project; and

WHEREAS, pursuant to California Government Code Section 65000, *et seq.*, the County has adopted the 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”) and 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 a Final Environmental Impact Report No. 629 (FEIR 629); and

WHEREAS, FEIR 629 addressed the potentially significant environmental impacts associated with the Project, including Zone Change and Use Permit, and related programs and entitlements,

Ordinance No. 17-012, Item No. 43
Zone Change 16-04
Date: 12/12/17

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, based on the Initial Study and FEIR 629, it has been determined that the type of development proposed by the Zone Change is within the scope of FEIR629; and

WHEREAS, based on the Initial Study for Zone Change 16-04, PA 160051 and FEIR629, 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; and

WHEREAS, on November 8, 2017, the Planning Commission issued its formal recommendation that this Board adopt, among other things, the Zone Change (see Planning Commission Resolution No. 17-05); 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 Zone Change; and

WHEREAS, this Board has carefully reviewed and considered all of the environmental documentation prepared to evaluate the Project, including all elements of FEIR 629 and the recommendations of the Planning Commission; and

WHEREAS, this Board has found FEIR 629 is complete and adequate in that it addresses all environmental effects of the Project and fully complies with the requirements of CEQA, the CEQA Guidelines and the County's environmental analysis procedures; and

WHEREAS, the proposed Zone Change is 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 location, size, design and operating characteristics of the uses allowed by the 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 Zone Change will not result in conditions or circumstances contrary to the public health and safety and the general welfare; and

WHEREAS, the Zone Change are in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (i.e., fire station, library, sheriff, etc.); and

WHEREAS, the Board of Supervisors has determined that FEIR 629 adequately addresses the proposed Zone Change based upon the following findings:

- a) FEIR 629 is adequate to satisfy the requirements of CEQA for approval by the Board of Supervisors.
- b) The approval of FEIR 629 reflects the independent judgment of the Lead Agency; and

WHEREAS, 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) 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

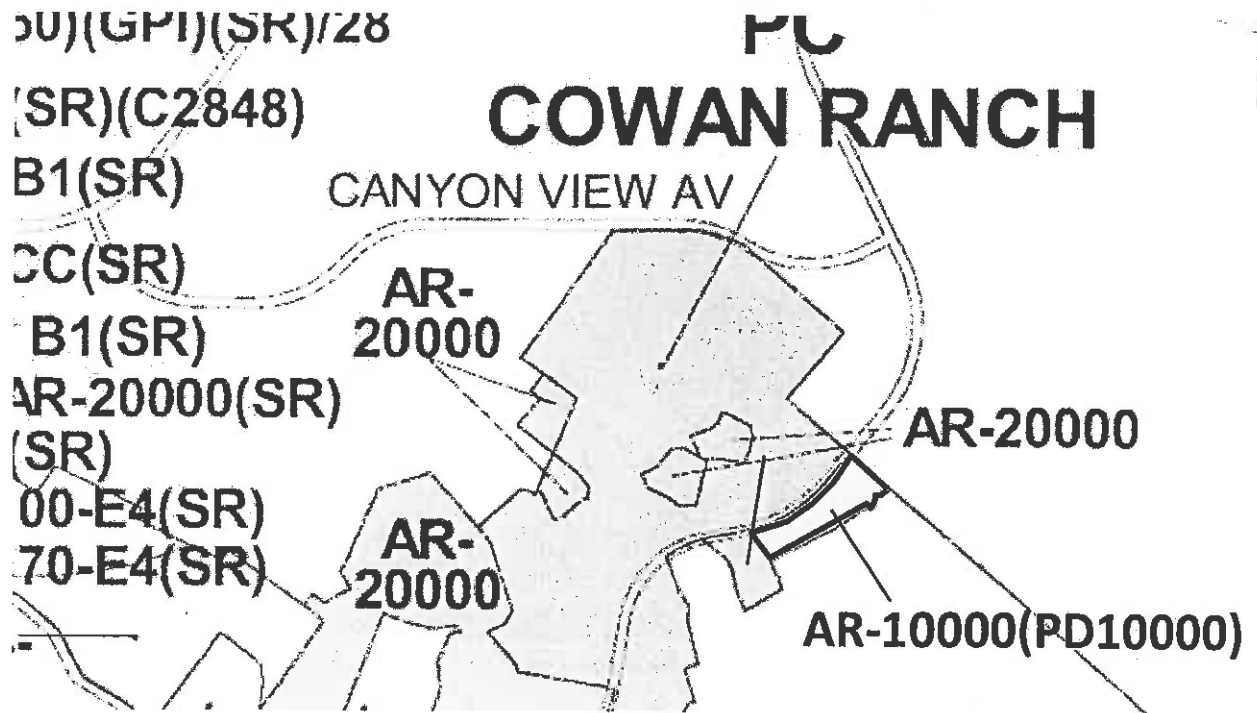
The Board of Supervisors of the County of Orange, California, ordains as follows:

SECTION 3. Zone Change 16-04, on file with OC Development Services and incorporated herein, is hereby adopted in accordance with Section 7-9-156 of the Codified Ordinances of the County of Orange.

SECTION 3. 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 Zone Change 16-01 from AR-20000 "Agricultural Residential" District with a 20,000 square foot minimum building site area to AR-10000 (PD-10000) "Agricultural Residential" District with a 10,000 square foot minimum building site area with a Planned Development overlay with a 10,000 square foot average building site area per Zone Change 16-04, as set forth on Exhibit A, 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



This ordinance shall take effect and be in full force thirty days from and after its passage. This ordinance shall be published once in an adjudicated newspaper in the County of Orange within fifteen days of its passage.

THE FOREGOING was **PASSED** and **ADOPTED** by the following vote of the Orange County Board of Supervisors on December 12, 2017, to wit:

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

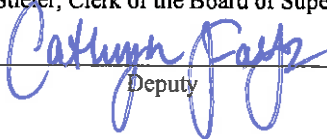


Ordinance No.: 17-012
Agenda Date: 12/12/2017
Item No.: 43



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 Stieler, Clerk of the Board of Supervisors.

By: 

Deputy