

ORDINANCE NO. 16-025

AN UNCODIFIED ORDINANCE OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA,  
ADOPTING AN ALTERNATIVE PROCEDURE FOR APPROVAL OF THE INITIAL VESTING  
TENTATIVE TRACT MAP FOR THE CIELO VISTA PROJECT

WHEREAS, North County BRS Project, LLC (“Applicant”) submitted Planning Application 100004 (“PA100004”) requesting approval of a residential development consisting of 112 single-family residential units including adoption of a General Plan Amendment, Zone Change, Area Plan, and certification of an Environmental Impact Report (“EIR”) (collectively, the “Proposed Project”); and

WHEREAS, in compliance with the California Environmental Quality Act (California Public Resources Code, Sections 21000 *et seq.*) (“CEQA”) and the State CEQA Guidelines (California Code of Regulations Section 15000 *et seq.*), the County completed Final Environmental Impact Report No. 615 (“Final EIR No. 615”) to evaluate the environmental impacts of the actions and approvals requested in PA 100004 for the Proposed Project, including the Zone Change (“Zone Change 15-01”) and Area Plan; and

WHEREAS, the Board of Supervisors selected Alternative 5 of Final EIR No. 615, which was identified in Final EIR No. 615 as the environmentally superior alternative, which consists of the development of a maximum of 83 single-family residential units on 84 acres (with 42.7 acres of open space) in Planning Area 1 as identified in the Cielo Vista Area Plan (“Preferred Project”); and

WHEREAS, this Uncodified Ordinance establishes an alternate procedure for approval of the Preferred Project’s initial Vesting Tentative Tract Map (“VTTM”) than that contained in the Orange County Subdivision Code, Orange County Codified Ordinances sections 7-9-251; and

WHEREAS, the County Board of Supervisors has considered the information contained in Final EIR No. 615 as well as the findings of fact and mitigation measures associated with same and, by separate resolution, the Board of Supervisors has determined that Final EIR No. 615 is in compliance with the requirements of CEQA, the State CEQA Guidelines, and the County’s environmental analysis procedures and has certified Final EIR No. 615 as being adequate and complete for all actions and approvals identified in Final EIR No. 615 required to implement that Preferred Project, including but not limited to, Zone Change 15-01, the Cielo Vista Area Plan, and related programs and entitlements, including subsequent implementing steps in the chain of contemplated actions designed to carry out the final planning and development of the Preferred Project; and

WHEREAS, Under Section 15092 of the State CEQA Guidelines, the County cannot decide to approve or carry out a project for which an EIR was prepared unless it determines that the project would not have a significant effect on the environment or that such impacts are addressed pursuant to Section 15091 of the State CEQA Guidelines; and

WHEREAS, although adoption of the uncodified ordinance was not identified as an action or approval required to implement the Proposed Project or Preferred Project in Final EIR No. 615, it does set forth procedures pertaining specifically to the County's consideration of the vesting tentative map for the Preferred Project, which vesting tentative map was identified in Final EIR No. 615 as a subsequent implementing discretionary approval required for the Preferred Project; and

WHEREAS, on March 9, 2016, the Planning Commission adopted Resolution No. 16-04 which recommended that this Board approve the uncodified Ordinance (see Planning Commission Resolution No. 16-04); 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 uncodified ordinance; and

WHEREAS, this Board has carefully reviewed and considered all of the environmental documentation prepared to evaluate the Preferred Project, including all elements of Final EIR No. 615, and the recommendations of the Planning Commission; and

WHEREAS, implementation of the uncodified ordinance will not result in conditions or circumstances contrary to the public health and safety and the general welfare, will not be inconsistent with the Orange County General Plan or Zoning Code, and will not result in any new or unexamined environmental impacts beyond those addressed and examined in Final EIR No. 615.

NOW, THEREFORE, the Board of Supervisors of the County of Orange, California, recommends the Board of Supervisors of the County of Orange ordain as follows:

**SECTION 1. Uncodified Ordinance for Alternative Procedure for Initial Vesting Tentative Tract Map.**

- (a) An alternate procedure for approval than that established by the Orange County Subdivision Code, Orange County Codified Ordinances sections 7-9-251 shall apply to the initial Vesting Tentative Tract Map approval to implement the development of a maximum of 83 single-family residential units on 84 acres (with 42.7 acres of open space) in Planning Area 1 as identified in the Cielo Vista Area Plan. Adoption of the Area Plan for the 83 unit development and the Zone Change ("ZC 15-01") constitutes the Preferred Project.
- (b) Once the VTTM application has been deemed complete by the Planning Director within the time frames established by the Permit Streamlining Act (Government Code §§ 65920-65964), unless those time frames are waived, the Subdivision Committee shall, via adopted resolution, provide its recommended findings to the Board of Supervisors containing its recommendations concerning findings (including those outlined in Orange County

- Subdivision Code section 7-9-255 and 7-9-256), and its recommendation for approval, conditional approval, or disapproval of the VTTM. This resolution shall be adopted by the Subdivision Committee within the time frame established by Government Code section 66452.1(c), unless otherwise waived.
- (c) If the Subdivision Committee recommends denial of the VTTM, the Applicant may request that Board of Supervisors' consideration of the VTTM be delayed until issues are resolved. Following any Applicant-requested delay, the Subdivision Committee shall within 30 days submit an alternate resolution to this Board detailing whether the issues have been resolved and outlining its recommendations. This Board shall schedule a hearing on the VTTM within 30 days after its next regular meeting (following receipt of the Subdivision Committee's resolution) and must approve, conditionally approve, or disapprove the VTTM within that 30-day period pursuant to Government Code section 66452.2(a), unless the time period is waived by the Applicant.
  - (d) There shall be no further administrative appeals of the VTTM under this alternative procedure; the Board's decision shall be final. Orange County Subdivision Code sections 7-9-259 and 7-9-260 are inapplicable to this Board's decision to approve, conditional approve, or disapprove the initial VTTM.
  - (e) VTTM approval or conditional approval may be made by this Board subject to the following findings or conditions in addition to those recommended by the Subdivision Committee:
    - 1. Finding of consistency with Final EIR No. 615.
    - 2. Finding of consistency with Final EIR No. 615 Mitigation Monitoring and Reporting Program.
    - 3. Findings of consistency with the Preferred Project's Area Plan, the Orange County Zoning Code, the Orange County Subdivision Code, and applicable laws and regulations.

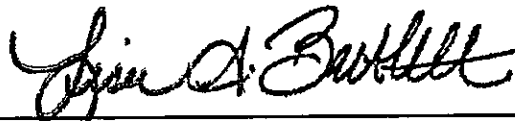
SECTION 2. This Ordinance shall take effect and be in full force thirty (30) days from and after its final passage, and before the expiration of fifteen (15) days after the passage thereof shall be published once in an adjudicated newspaper in the County of Orange.

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 December 13, 2016, to wit:

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

NOES:  
EXCUSED:  
ABSTAINED:

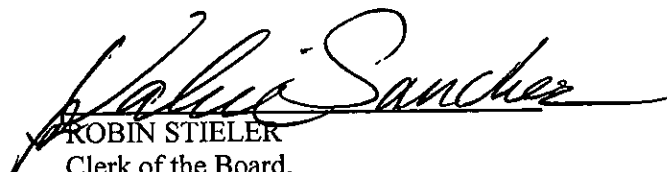


CHAIRWOMAN

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.: 16-025  
Agenda Date: 12/13/2016  
Item No.: 63



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