

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

CLERK OF THE BOARD OF SUPERVISORS

AND WHEN RECORDED MAIL TO:

CLERK OF THE BOARD OF SUPERVISORS  
COUNTY OF ORANGE  
333 W. SANTA ANA BLVD.  
10 CIVIC CENTER PLAZA  
SANTA ANA, CALIFORNIA 92702-0687

Recorded in Official Records, Orange County  
Hugh Nguyen, Clerk-Recorder



NO FEE

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THIS SPACE FOR RECORDER'S USE ONLY

TITLE:

Certified  
Resolution No. 17-112

EXEMPT RECORDING REQUESTED  
PER GOVT CODE 27383

Agenda Date: 9-12-17

Item #: 38

File No.:

11  
25  
NP  
ICF

ORANGE COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

September 12, 2017

Submitting Agency/Department: OC PUBLIC WORKS

Public Hearing to consider adopting resolution approving Vesting Tentative Tract Map 17341 for the Cielo Vista Project; and consider application of Final Environmental Impact Report No. 615 and other findings - District 3

**The following is action taken by the Board of Supervisors:**

APPROVED AS RECOMMENDED ☒ OTHER ☐

**Unanimous** ☒ (1) DO: Y (2) STEEL: Y (3) SPITZER: Y (4) NELSON: Y (5) BARTLETT: Y

*Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order*

**Documents accompanying this matter:**

☒ Resolution(s) 17-112

☐ Ordinances(s)

☐ Contract(s)

Item No. 38

Special Notes: 9-14-17

Copies sent to:  
OCPW: Wendy Brown  
Eric Swint  
Laree Alonso



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.  
Robin Stieler, Clerk of the Board

By: Cathryn Faye  
Deputy

## Agenda Item



## AGENDA STAFF REPORT

ASR Control 17-000636

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2017 AUG 23 PM 2:41

CLERK OF THE BOARD  
ORANGE COUNTY  
BOARD OF SUPERVISORS

RECEIVED

MEETING DATE: 09/12/17  
 LEGAL ENTITY TAKING ACTION: Board of Supervisors  
 BOARD OF SUPERVISORS DISTRICT(S): 3  
 SUBMITTING AGENCY/DEPARTMENT: OC Public Works (Approved)  
 DEPARTMENT CONTACT PERSON(S): Shane Silsby (714) 667-9700  
 Colby Cataldi (714) 667-8860

SUBJECT: Approval of Vesting Tentative Tract Map 17341 for the Cielo Vista Project

CEO CONCUR  
ConcurCOUNTY COUNSEL REVIEW  
Approved Resolution to FormCLERK OF THE BOARD  
Public Hearing  
3 Votes Board Majority

Budgeted: N/A

Current Year Cost: N/A

Annual Cost: N/A

Staffing Impact: No

# of Positions:

Sole Source: No

Current Fiscal Year Revenue: N/A

Funding Source: N/A

County Audit in last 3 years: No

Prior Board Action: 05/09/2017 #56, 12/13/2016 #63

## RECOMMENDED ACTION(S):

1. Conduct a Public Hearing on Vesting Tentative Tract Map 17341 for the Cielo Vista Project and take public testimony.
2. Find that Final Environmental Impact Report No. 615 previously certified by the Board of Supervisors on December 13, 2016, reflects the independent judgment of the County of Orange and satisfies the requirements of CEQA for Vesting Tentative Tract Map 17341 for the Cielo Vista Project, which is a necessarily included element contemplated as part of the whole of the action.
  - a. The circumstances of the project are substantially the same as described in Environmental Impact Report No. 615 which 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 Environmental Impact Report No. 615 was adopted has become known and no further environmental review is required.
  - b. Environmental Impact Report No. 615 is adequate to satisfy the requirements of CEQA for Vesting Tentative Tract Map 17341 for the Cielo Vista Project.

- c. All mitigation measures are fully enforceable pursuant to CEQA (Public Resources Code) Section 21081.6(b) and have either been adopted as conditions, incorporated as part of the project design, or included in the procedures of project implementation.

3. Adopt Resolution approving Vesting Tentative Tract Map 17341 for the Cielo Vista Project.

**SUMMARY:**

Approval of Vesting Tentative Tract Map 17341 for the Cielo Vista Project will allow for the creation of 80 lots for residential single family units and various lettered lots for utility uses, landscaping, open space and private streets on approximately 42.1 acres and to preserve the remaining 42.7 acres for permanent open space in the unincorporated area of Orange County within the sphere of influence of the City of Yorba Linda.

**BACKGROUND INFORMATION:**

On March 4, 2010, the Cielo Vista Project (Project) applicant, North County BRS Project LLC (Applicant), submitted Planning Application PA100004 for the Project.

On December 13, 2016, the Board of Supervisors (Board) approved the Project and associated documents. The Project approval included adoption and certification of Environmental Impact Report (EIR) No. 615, adoption of Zone Change (ZC 15-1) and Uncodified Ordinance for an Area Plan with a maximum of 83 lots for residential single-family units. The approved Area Plan (PA100004) allows for construction of an overall density of 0.98 dwelling units per acre. The Area Plan identified that, once developed, approximately 51% of the Project site will be preserved open space which includes fuel modification zones. The Uncodified Ordinance included an alternate approval procedure related to the initial Vesting Tentative Tract Map (VTTM) which is discussed below.

The Project's 84-acre site is located on an undeveloped site within the unincorporated area of Orange County north of the State Route 91 freeway off Yorba Linda Boulevard, southwest of Chino Hills State Park and adjacent to the existing residential development located in the City of Yorba Linda (City). Immediately east of the Project site is the Esperanza Hills Residential Project/Esperanza Hills Specific Plan (PA120037), which was approved by the Board on May 9, 2017.

The Applicant is requesting approval of VTTM 17341, to allow for the creation of 80 lots for residential single-family units and various lettered lots for utility uses, landscaping, open space and private streets on approximately 42.1 acres and to preserve the remaining 42.7 acres for permanent open space. The proposed lots will vary in size from approximately 7,500 square feet to 32,000 square feet. The VTTM will also establish the main Project access configuration connecting to Via Del Agua and maintain an existing 50-foot-wide road and utility easement connecting Via Del Agua to the shared boundary with the Esperanza Hills Specific Plan.

The property currently has a General Plan designation of Suburban Residential (1B) and is Zoned A1-O "General Agriculture" with Oil Production Overlay and R1 Single-Family Residence District and R1-(O) Single-Family Residential with Oil Production Overlay. In consideration of annexation of the property to the City, the Project was reviewed for consistency with the Yorba Linda General Plan. The approved Area Plan and proposed VTTM 17341 is consistent with the City's General Plan, which provides for the

development of low-density residential housing that averages 1.0 dwelling units per acre over the entire area. The City's General Plan anticipates that Project access will be provided by Via Del Agua.

**Alternate Approval Procedure for VTTM**

Consistent with the procedure used for the adjacent Esperanza Hills Specific Plan regarding the initial tentative subdivision map(s), an alternate procedure for approval to that established by the Orange County Subdivision Code (Orange County Codified Ordinances sections 7-9-251) was developed and approved. This procedure is an Uncodified Ordinance that established the Subdivision Committee as the recommending authority and the Board as the approval authority for the initial tentative subdivision map(s).

On August 9, 2017, the Public Hearing for VTTM 17341 was held by the Subdivision Committee. Public notices for this hearing were mailed to residents within a 2,000-foot radius of the Project site, in a manner consistent with City noticing standards and which exceeds the County standard requirement of a 300-foot radius. Additionally, a notice was published in the OC Register, posted on the OC Public Works website and posted at the Project site which meets the County public noticing requirements. The Subdivision Committee heard presentations from OC Public Works staff, the Applicant and members of the public.

Key issues discussed at the Subdivision Committee Public Hearing were comments from the City of Yorba Linda (Attachment L) in regards to the following topics: 1) Access Road 2) Public Trails 3) Park Fees 4) Traffic Signal 5) Landscape Maintenance Assessment District and 6) Library District. The Applicant's representative addressed the comments from the letter received by the City of Yorba Linda and indicated that he would meet with the City of Yorba Linda prior to the Board meeting. The Community Development Director with the City of Yorba Linda provided a summary of the letter and concurred with continued collaboration with the Applicant. County staff confirmed that stipulated mitigation measures are in place to address the topics.

After consideration, the Subdivision Committee voted unanimously to adopt a resolution recommending that the Board approve VTTM 17341 filed by the Applicant for the development of the 84-acre site to allow for a maximum of 83 lots for residential single-family units.

**Compliance with CEQA:** The VTTM is a necessarily included element of the project considered in Final EIR No. 615, certified by the Board on December 13, 2016, which adequately addressed the effects of VTTM. 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 Final EIR No. 615 was certified has become known; therefore no further environmental review is required.

**FINANCIAL IMPACT:**

N/A

**STAFFING IMPACT:**

N/A

**ATTACHMENT(S):**

Attachment A - Subdivision Committee Staff Report from August 9, 2017 (without attachments)  
Attachment B - Subdivision Committee Minutes from August 9, 2017  
Attachment C - Subdivision Committee Resolution 17-04 Recommending VTTM 17341  
Attachment D - Board Resolution to approve Vesting Tentative Tract Map 17341  
Attachment E - Vesting Tentative Tract Map 17341  
Attachment F - Final Environmental Impact Report 615 (on file with Clerk of the Board),  
<http://www.ocpublicworks.com/ds/planning/projects/cielo>  
Attachment G - Board Resolution for Certification of Final EIR 615 dated May 10, 2016  
Attachment H - Uncodified Ordinance dated May 10, 2016  
Attachment I - Board Resolution for Cielo Vista Alternative 5 Area Plan  
Attachment J - Project Location Map  
Attachment K - Orange County Codified Ordinances Code Section 7-9-251  
Attachment L - Comment Letter from the City of Yorba Linda  
Attachment M - Public Resource Code Section 21081.6(b)

RESOLUTION OF THE BOARD OF SUPERVISORS OF  
ORANGE COUNTY, CALIFORNIA  
September 12, 2017

WHEREAS, on behalf of Amos A. Travis and Virginia Richards Revocable Intervivos Trust ("Landowner"), North County BRS Project, LLC ("Applicant") submitted Vesting Tentative Tract Map (VTTM) 17341, requesting review and approval of the map; and

WHEREAS, VTTM 17341, if approved, would allow the creation of 80 single-family lots and various lettered lots for utility uses, landscaping, open space, and private streets on approximately 42.1 acres and preserve the uppermost remaining lots (42.7 acres) for permanent open space ("Project"); and,

WHEREAS, the map establishes access to the project via a new roadway extending approximately 150 feet north from Via Del Agua to the southerly boundary of the site; and,

WHEREAS, on December 13, 2016, the Board of Supervisors adopted Uncodified Ordinance 16-025 to establish an alternative procedure for approval of the Project's initial VTTM than that contained in the Orange County Subdivision Code, Orange County Codified Ordinances section 7-9-251; and

WHEREAS, the Project consists of the development of a maximum of 80 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; and

WHEREAS, Uncodified Ordinance 16-025 establishes the Subdivision Committee as the recommending authority and the Board of Supervisors as the approval authority for the initial VTTM for the Project; and

WHEREAS, on August 9, 2017 the Subdivision Committee considered the map at a public hearing, pursuant to the Orange County Subdivision Code, Orange County Codified Ordinances (OCCO) Subarticle 5 (Processing Procedures for Tentative Maps) and California Government Code Section 65000, *et seq.*; and,

WHEREAS, Final Environmental Impact Report ("EIR") No. 615 was certified on December 13, 2016 as being in compliance with the California Environmental Quality Act ("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 all approvals required to implement the Project, including but not limited to, Zone Change 15-01, the Cielo Vista Area Plan, the VTTM, 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 Project; and

WHEREAS, based on the analysis set forth in Final EIR No. 615 the Board of Supervisors determined that all environmental impacts related to the Preferred Project have been reduced to less than significant with the incorporation of mitigation measures and conditions of approval

and that no Statement of Overriding Considerations is required since the Preferred Project does not have any Unavoidable Adverse Significant Impacts; and

WHEREAS, the Subdivision Committee has reviewed and fully considered Final EIR No. 615, the Cielo Vista Area Plan, and the Zone Change and has heard and considered the public comments that were presented to it on this Project and has determined after review and consideration to recommend that the Board find that Final EIR No. 615 satisfies the requirements of CEQA for VTTM 17341 and approve VTTM 17341; and,

WHEREAS, as required by Uncodified Ordinance 16-025, the Subdivision Committee has forwarded its written recommendation on VTTM 17341 in the form of adopted Subdivision Committee Resolution No. 17-04 recommending findings and conditional approval of VTTM 17341.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors hereby approves VTTM 17341 based on the following findings and conditions of approval:

Subdivision Code Sections 7-9-255 and 7-9-256 Findings:

1. ENVIRONMENTAL IMPACT REPORT - Find that Final EIR No. 615, previously certified by the Board of Supervisors on December 13, 2016 reflects the independent judgment of the County of Orange and satisfies the requirements of CEQA for VTTM 17341 for the Cielo Vista Project, which is a necessarily included element contemplated as part of the whole of the action.
  - a. The circumstances of the project are substantially the same as described in EIR No. 615 which 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 EIR No. 615 was adopted has become known, and no further environmental review is required.
  - b. EIR No. 615 is adequate to satisfy the requirements of CEQA for VTTM 17341.
  - c. All mitigation measures are fully enforceable pursuant to CEQA (Public Resources Code) Section 21081.6(b) and have either been adopted as conditions, incorporated as part of the project design, or included in the procedures of project implementation.
2. GENERAL PLAN CONSISTENCY - That the use, project, and map 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.

3. AREA PLAN CONSISTENCY - VTTM 17341 has been found to be consistent with the Cielo Vista Project Alternative 5 Area Plan (the preferred project).
4. SUBDIVISION CODE CONSISTENCY - That the proposed subdivision, as conditioned, complies with the requirements set forth in the Orange County Subdivision Code.
5. ZONING CONSISTENCY - That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.
6. COMPATIBILITY - That the location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.
7. GENERAL WELFARE - That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
8. PUBLIC FACILITIES - That the approval of the permit application is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).
9. NUMBER OF DWELLING UNITS - That the number of dwelling units permitted by VTTM 17341 is compatible with existing and planned infrastructure facilities.
10. FISH & GAME - SUBJECT - That pursuant to Section 711.4 of the California Fish and Game Code, this project is subject to the required fees as it has been determined that potential adverse impacts to wildlife resources may result from the project.
11. 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.
12. DESIGN & IMPROVEMENT - That the design and improvement of the proposed subdivision are consistent with the Orange County General Plan.
13. DEVELOPMENT TYPE - That the proposed site is physically suitable for the proposed type of development.
14. DEVELOPMENT DENSITY - That the proposed site is physically suitable for the proposed density of development.

15. ENVIRONMENTAL DAMAGE - 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.

16. PUBLIC HEALTH - That the design of the subdivision and the type of improvements proposed are not likely to cause serious public health problems.

17. 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.

18. SEWER SYSTEM - 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.

19. NATURAL HEATING AND COOLING - 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).

20. FEE PROGRAMS - That the following determinations apply to fees required by Sections 7-9-700 through 713, Codified Ordinances of Orange County and fees as deemed appropriate to the City of Yorba Linda:

- a. Purpose of fees: Fire protection, paramedic, law enforcement, library, and general County services.
- b. Use of fees: Construction of new fire station, sheriff substation, library, and general County facilities in newly developing areas which have inadequate service.
- c. Relationship between use of fees and type of development: Dwelling units and commercial/industrial structures and their occupants require fire protection, paramedic, law enforcement, library, and general County services.
- d. Relationship between need for facilities and type of project: Project is located in newly developing area which has inadequate fire protection, paramedic, library services, and sheriff substation and general County facilities.
- e. Relationship between amount of fees and cost of the portion of the facilities attributable to the development: Fees represent project's pro rata share of the cost of the fire station, sheriff substation, library, and general County facilities.

21. LOCAL PARK CODE - That the Local Park Code Requirement can be met by the payment of in-lieu fees.
22. ENVIRONMENTAL MONITORING - That the monitoring requirements of Public Resources Code Section 21081.6 (AB 3180) will be considered as having been met in that the design of the subject project, the satisfaction of the requirements of the County's building, grading, fire, and other codes and ordinances and the satisfaction of the conditions of approval applied to the project will implement the mitigation measures contained in EIR No. 615.
23. APPEAL OF EXACTIONS - 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.
24. FOOTHILL/EASTERN TRANSPORTATION CORRIDOR - That the subject project lies within the area of benefit of the Foothill/Eastern Transportation Corridor Zone B. In order to find this project consistent with the General Plan and to ensure that the traffic impacts have been adequately mitigated, it is necessary to adopt a condition requiring the developer to participate in the fee program adopted by the Board of Supervisors.

Uncodified Ordinance No. 16-025 Findings:

1. FINDING OF CONSISTENCY WITH FINAL EIR NO. 615 – The proposed map design implements the development of 80 single-family residential units (three less than then the 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 Project Alternative 5 Area Plan and in substantial conformance with the Preferred Project analyzed in final EIR No. 615.
2. FINDING OF CONSISTENCY WITH FINAL EIR NO. 615 MITIGATION MONITORING AND REPORTING PROGRAM – VTTM 17341 has been found to be consistent with Final EIR No. 615 Mitigation Monitoring and Reporting Program.
3. FINDING OF CONSISTENCY WITH THE PREFERRED PROJECT'S AREA PLAN, THE ORANGE COUNTY ZONING CODE, THE ORANGE COUNTY SUBDIVISION CODE, AND APPLICABLE LAWS AND REGULATIONS – VTTM 17341 has been found to be consistent with the Cielo Vista Project Alternative 5 Area Plan, Zoning Code, Subdivision Code, and other applicable laws and regulations.

Recommended Conditions of Approval for VTTM 17341:

1. BASIC/ZONING REGULATIONS - 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 or approval of the project regarding any other applicable ordinance, regulation or requirement.

2. BASIC/TIME LIMIT - This approval is valid for a period of 36 months from the date of final determination. 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 Planning Commission.

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. OFF-SITE IMPROVEMENTS - Prior to the issuance of any grading permit and/or Final Map approval, applicant shall provide plans and written documentation demonstrating applicant has secured any required approvals for construction, including construction staging, for all off-site improvements (roadway, drainage, etc.). Construction, including construction staging, for all off-site improvements shall be contained within existing public right-of-way/temporary construction easement areas for the related improvements.

7. AUTHORIZATION FROM THE CITY OF YORBA LINDA - Prior to the issuance of grading permit(s) the applicant shall obtain written authorization from the City of Yorba Linda allowing the Project to connect into the City of Yorba Linda storm drain system south of the Project boundary.

8. METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA – Prior to the issuance of any grading permit the applicant shall obtain approval from the Metropolitan Water District of Southern California (MWD) for construction that will impact any MWD easement(s) or facilities. Access to MWD fee properties and/or easement(s) shall be provided at all times during construction to maintain their rights-of-way and access to their facilities, in order to repair and maintain the current condition of those facilities. Design plans for any activity in the area of MWD's pipelines or facilities shall be submitted to and approved by MWD, designed in accordance with the "Guidelines for Developments in the Area of Facilities, Fee Properties, and/or Easement of The Metropolitan Water District of Southern California".

9. ROAD FEE PROGRAM - Prior to the issuance of building permits, the applicant shall 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

10. GRAVITY FED WATER DISTRIBUTION SYSTEM - No grading permits shall be issued for the Cielo Vista Project until YLWD affirms that water service to the Project will be gravity-fed from one or more reservoirs in the 1000 Zone or higher.

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

- a. Mitigation Measures, Project Design Features, and Conditions of Approval of Final EIR 615 Mitigation Monitoring and Reporting Program (MMRP) shall be satisfied.
- b. The property lies within 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.

12. **AESTHETICS** - Prior to the recordation of a subdivision map, the Project shall provide approximately 43 acres of undeveloped open space which can be offered for dedication to a public agency or an appropriate land conservation/trust organization. Or, the open space shall be owned and maintained by the Project HOA.

13. **GEOLOGY AND SOILS** - Prior to the recordation of a subdivision map or issuance of any grading permits, whichever comes first, unless otherwise agreed to by County's engineering geologist, the Project Applicant/developer shall submit a final site specific, design-level geotechnical investigation prepared by a California-licensed professional engineering geologist to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee and the County's engineering geologist for review, approval and implementation pursuant to the final site specific, design-level geotechnical investigation as outlined below. The investigation shall comply with all applicable State and local code requirements, including the current building code in effect at the time of precise grading permit issuance.

14. **HAZARDS AND HAZARDOUS MATERIALS** - Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only, per OCFA requirements, show on improvement plans fire hydrants spaced at 600 feet or less and minimum fire access requirements being met or exceeded (28-foot minimum road width, 17-foot inside and 38-foot outside turning radius) consistent with the approved Fire Master Plan and Fuel Modification Plan. Improvement plans shall be reviewed and approved by OCFA.

15. **HYDROLOGY AND WATER QUALITY** - Prior to recordation of the subdivision map, the Project would implement a Water Quality Management Plan (WQMP) and a Storm Water Pollution Prevention Plan (SWPPP). The WQMP shall include detailed sizing parameters for the basins and shall provide guidelines for the proper maintenance of the water quality basins. The WQMP and SWPPP shall identify the BMPs to be implemented by the Project that would reduce pollution levels in stormwater discharge in compliance with applicable water quality standards. These plans shall be reviewed and approved by the Manager, OC Development Services.

16. **OPERATION IMPACTS** - Prior to the recordation of a subdivision map, all local streets proposed by the Project shall meet the minimum street design and size standards of the County of Orange.

17. **OPERATION IMPACTS** - Prior to the recordation of a subdivision map, the intersection sight distance at Via del Agua and the proposed Street 'A' shall meet or exceed the County's Standard Plan No. 1117 requirements for intersection sight distance.

18. **DRAINAGE IMPROVEMENT** - 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:

- a. Design provisions for surface drainage; and
  - b. Design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and
  - c. Dedicate the associated easements to the County of Orange, if determined necessary.
  - d. 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.
19. DRAINAGE OFFSITE - Prior to the recordation of a subdivision map or prior to the issuance of any grading permit, whichever comes first, and if determined necessary by the Manager, Permit Services, the applicant shall record a letter of consent, from the upstream and/or downstream property owners permitting drainage diversions and/or unnatural concentrations. The form of the letter of consent shall be approved by the Manager, Permit Services prior to recordation of the letter.
20. EASEMENT SUBORDINATION - Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only), or prior to the final inspection approval, 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.
21. FIRE MASTER PLAN –
- a. TENTATIVE TRACT MAP: Prior to the recordation of a subdivision map or issuance of a grading permit, whichever occurs first, the applicant shall provide the Manager, Permit Services an approved conceptual Fire Master Plan 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. SITE ACCESS: Prior to the issuance of any grading permit (with the exception of initial mass grading of a large scale project), 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: Prior to the issuance of a building permit, the applicant shall provide the Manager, Permit Services with a clearance from OCFA allowing the introduction of combustible materials into the project area.
- d. Prior to the approval of final inspection, the applicant shall provide the Manager, Permit Services with a clearance from OCFA confirming that the approved fuel modification plan has been installed and completed.

22. CROSS LOT DRAINAGE - Prior to the recordation of a subdivision map or prior to the issuance of any grading permit, whichever comes first, and if determined necessary by the Manager, Permit Services, the applicant shall record a letter of consent from the affected property owners permitting offsite grading, cross lot drainage, drainage diversions and/or unnatural concentrations. The applicant shall obtain approval of the form of the letter of consent from the Manager, Permit Services before recordation of the letter.

23. OPEN SPACE DEDICATIONS AND SCENIC/RESOURCE PRESERVATION EASEMENT(S) –

- a. Prior to the recordation of each applicable subdivision map, the subdivider shall reserve open space lot(s) J, K, and L for granting in fee to a homeowner's association, or conservation organization, who shall be responsible for their maintenance and upkeep in a manner meeting the approval of the Manager, OC Parks.
- b. Prior to the recordation of an applicable subdivision map which creates building sites, the subdivider shall dedicate an easement for scenic/resource preservation purposes over Lot(s) J, K, and L to the County of Orange or its designee in a manner approved by the Manager, OC Parks. The subdivider shall not grant any easement(s) over the property subject to the resource preservation easement unless such easement(s) are first reviewed and approved by the Manager, OC Parks. Maintenance of the resource preservation easement area shall be the responsibility of the subdivider or assigns and successors and shall not be included in said easement offer.
- c. Prior to the recordation of a subdivision map, the subdivider shall note limitations and restrictions for said easement by a reference on the final map to a previously recorded document or by a reference to a separate document recorded concurrently with the subject map in a manner meeting the approval of the Manager, OC Parks.
- d. Prior to recordation of any applicable subdivision map or as determined by the Manager OC Parks, the subdivider shall survey and monument all

scenic/resource preservation easement dedications. The subdivider shall monument the property line of the dedication area(s) with durable, long lasting, high visibility markers at all angle points and line of sight obstructions to the satisfaction of the Manager, OC Parks.

24. RESIDENTIAL NOISE - The applicant shall sound attenuate all residential lots and dwellings against present and projected noise (which shall be the sum of all noise impacting the project) so that the composite interior standard of 45 dBA CNEL for habitable rooms and a source specific exterior standard of 65 dBA CNEL for outdoor living areas is not exceeded. The applicant shall provide a report prepared by a County-certified acoustical consultant, which demonstrates that these standards will be satisfied in a manner consistent with Zoning Code Section 7-9-137.5, as follows:

- a. Prior to the recordation of a subdivision map or prior to the issuance of grading permits, as determined by the Manager, Permit Services, the applicant shall submit an acoustical analysis report to the Manager, Permit Services for approval. The report shall describe in detail the exterior noise environment and preliminary mitigation measures. Acoustical design features to achieve interior noise standards may be included in the report in which case it may also satisfy "B" below.
- b. Prior to the issuance of any building permits for residential construction, the applicant shall submit an acoustical analysis report describing the acoustical design features of the structures required to satisfy the exterior and interior noise standards to the Manager, Permit Services for approval along with satisfactory evidence which indicates that the sound attenuation measures specified in the approved acoustical report have been incorporated into the design of the project.
- a. Prior to the issuance of any building permits, the applicant shall show all freestanding acoustical barriers on the project's plot plan illustrating height, location and construction in a manner meeting the approval of the Manager, Permit Services.

25. GUARANTEED ACCESS -

- a. Prior to the recordation of each subdivision map the subdivider shall obtain the approval of the Manager, OC Planning of a procedure or method that will insure that each proposed building site has a guaranteed right of vehicular and pedestrian ingress and egress access to a publicly maintained street. The applicant shall show or note the approved procedure or method on the subdivision map in a manner meeting the approval of the Manager, OC Planning.

- b. Prior to the issuance of any building permits, the applicant shall produce evidence acceptable to the Manager OC Planning that legal, practical access exists from the development site to a publicly maintained street.

26. INTERNAL CIRCULATION –

- a. Prior to the recordation of a subdivision map or the issuance of any building permits, whichever occurs first, the subdivider shall provide plans and specifications meeting the approval of the Manager, Permit Services, for the design of the following improvements:
  - 1. Internal street common private drive system.
  - 2. Entrance to the site to emphasize that the development is private by use of signs and other features.
- b. Prior to the recordation of a subdivision map, the applicant shall construct, or provide evidence of an acceptable form of financial security, the above improvements in a manner meeting the approval of the Manager, OC Planning.
- c. Prior to the issuance of any building permits, the subdivider shall provide plans meeting the approval of the Manager, Permit Services, for the design of the internal pedestrian circulation system within the development.

27. STREET IMPROVEMENTS - Prior to the recordation of a subdivision map, the subdivider shall design and construct, or provide evidence of an acceptable form of financial security, the following improvements in accordance with plans and specifications meeting the approval of the Manager, Permit Services:

- a. Streets, bus stops, on-road bicycle trails, street names, signs, striping and stenciling. All underground traffic signal conduits (e.g., signals, phones, power, loop detectors, etc.) and other appurtenances (e.g., pull boxes, etc.) needed for future traffic signal construction, and for future interconnection with adjacent intersections, all in accordance with plans and specifications meeting the approval of the Manager, Permit Services.
- b. The water distribution system and appurtenances that shall also conform to the applicable laws and adopted regulations enforced by the County Fire Chief, or other Local Fire Agency (if applicable).
- c. Underground utilities (including gas, cable, electrical and telephone), streetlights, and mailboxes.

28. TRAFFIC SIGNAL - Prior to the recordation of a subdivision map, or prior to the issuance of any building permits, whichever comes first, the applicant shall (design and

construct or enter into an agreement with the County of Orange and the City of Yorba Linda to provide a cash deposit for a proportionate share in combination with Esperanza Hills development) a traffic signal at the intersection of Via del Agua Street and Yorba Linda Boulevard, in a manner meeting the approval of the Manager, Permit Services.

29. SUBDIVISION MAPS - Prior to recordation of a final map to allow development of building sites, delineated open space areas, both undisturbed and disturbed, will be placed within an open space easement for permanent preservation of the open space areas. The maintenance of the open space easement shall be the responsibility of either the Project's Homeowner Association (HOA), an appropriate public or quasi-public State agency, or a land conservation/trust organization. Funding for the permanent stewardship of the open space may be accomplished through an Assessment District.

Open space easements will be of a type to permit fuel modification. Except for necessary connections to off-site infrastructure and public service facilities, such as, but not limited to, fire roads, utility lines, grading for purposes of stabilizing slopes, water storage, flood control, and privately owned water quality/urban runoff facilities, any other development in open space areas will be of an open space or habitat restoration nature, compliant with any easement(s) recorded on the property.

30. PROJECT PHASING AND FINANACING - Prior to map recordation the Tentative Map shall establish development phasing and the methods of financing of construction operation, and maintenance of public facilities, infrastructure improvements, and services for Cielo Vista to the satisfaction of the Manager, OC Development Services. The Tentative Map shall also establish the plan for the compliance of the Project with County requirements for dedication of park land or payment of in-lieu fees. Phasing of development will be determined by the developer and the County. Appropriate levels of infrastructure, community facilities, and fuel modification shall be installed and public services shall be available to serve each phase of development as it occurs pursuant to the conditions of approval for the Tentative Map.

31. PRIVATE STREET NOTIFICATION - Prior to the issuance of any grading permit and/or Final Map approval, applicant shall provide plans and written documentation demonstrating applicant has secured any required approvals for the proposed improvements at Stonehaven Drive and "A" Street.

Prior to recordation of a subdivision map, the subdivider shall provide proof of approval from the City of Yorba Linda for the design of the portion of 'A' Street between Via Del Agua and the tract boundary, in a manner meeting the approval of the manager, Development Support Division.

32. OFF-SITE MITIGATION - Any off-site mitigation measures required will be addressed by the City of Yorba Linda prior to map recordation or pursuant to timing set forth in the approved MMRP.

33. TRAIL ALIGNMENT - Prior to issuance of grading permits, the applicant shall coordinate with the City of Yorba Linda Parks and Recreation Department and OC Parks in order to identify potential planned trail alignments through the project site, as identified in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Once the trail alignments are defined by the City and/or County, the alignments shall be dedicated by the applicant, to the City or the County either in fee or by an access and maintenance easement.

34. FUEL MODIFICATION EASEMENTS - Prior to the recordation of a subdivision map, fuel modification easements for maintaining the fuel modification areas must list the OCFA as an authorized user.

35. BIOLOGICAL RESOURCES - Prior to the recordation of a subdivision map or the issuance of a grading permit, whichever comes first, the Project Applicant shall be required to obtain regulatory permits by way of a CWA Section 404 permit, a CWA Section 401 Water Quality Certification, and/or a California Fish and Game Code Section 1602 Streambed Alteration Agreement for impacts to jurisdictional features regulated by the USACE, RWQCB, and/or CDFW and provide documentation of same to the OC Development Services Manager. The following measures may be required by the Agencies, unless required otherwise by the Agencies:

- a. On- and/or off-site replacement of USACE/RWQCB jurisdictional "waters of the U.S." / "waters of The State" at a ratio no less than 2: 1 for permanent impacts, and for temporary impacts, restore impact area to pre-project conditions (i.e., pre-project contours and revegetate). Off-site replacement may include the purchase of mitigation credits at an agency-approved off-site mitigation bank.
- b. On- and/or off-site replacement of CDFW jurisdictional streambed and associated riparian habitat at a ratio no less than 2: 1 for permanent impacts, and for temporary impacts, restore impact area to pre-project conditions (i.e., pre-project contours and revegetate). Off-site replacement may include the purchase of mitigation credits at an agency-approved off-site mitigation bank.

36. DRAINAGE STUDY - 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 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.
37. DRAINAGE FACILITIES - Prior to issuance of grading permits or recordation of a subdivision map, whichever comes first, drainage studies that demonstrate the following shall be submitted to and approved by Manager, Permit Services:
- a. All surface runoff and subsurface drainage directed to the nearest acceptable drainage facility, as determined by the Manager, Permit Services.
  - b. 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.
38. MASTER PLAN OF DRAINAGE PARTICIPATION - Prior to the issuance of any building permits, or prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only), whichever comes first, the applicant shall participate in the applicable Master Plan of Drainage in a manner meeting the approval of the Manager, Permit Services, including payment of fees and the construction, or provide evidence of financial security (such as bonding), of the necessary facilities.
39. FLOOD PLAIN DELINEATION - Prior to the issuance of any grading permits or recordation of a subdivision map, whichever comes first, applicant shall delineate on the grading plan the floodplain which affects the property, in a manner meeting the approval of the Manager, Permit Services.
40. COASTAL SAGE SCRUB - Prior to the issuance of a grading permit or the initiation of any activity that involves the removal/disturbance of Coastal Sage Scrub (CSS) habitat, including clearing, grubbing, mowing, dicing, trenching, grading, fuel modification, or any other construction-related activity, whichever occurs first, the applicant shall obtain the approval of the Manager, OC Planning, that all requirements of any Natural Community Conservation Plans or Habitat Conservation Plan have been satisfied or adequately addressed.
41. UNDERGROUND TANKS - Prior to issuance of any grading permit, the applicant shall provide a plan showing the placement of underground storage tanks for the review and approval by the Manager, Permit Services. Further, a copy of the final plans for installation approved by the Health Care Agency for underground storage tank

usage shall be on file at the site at all times and shall be available for inspection by representatives of OC Planning.

42. FUEL MODIFICATION PLAN –

- a. Prior to the recordation of a subdivision map (except for conveyance purposes) or the issuance of a preliminary grading permit, whichever occurs first, the applicant shall provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), demonstrating approval of a conceptual or precise fuel modification plan.
- b. Prior to the issuance of a precise grading permit, the applicant shall provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), demonstrating approval of a precise fuel modification plan.

43. HAZARDOUS MATERIAL - Prior to the recordation of a subdivision map, the subdivider shall submit, a "Hazardous Materials Assessment" and a "Disclosure Statement" covering the property (both fee and easement) which will be offered for dedication or dedicated to the County of Orange or the Orange County Flood Control District, for review and approval by the Manager, Permit Services.

44. PUBLIC LANDSCAPING - If applicable, any areas/lots to be dedicated or irrevocably offered to the County in fee or easement shall be landscaped, equipped for irrigation, and improved in accordance with an approved plan as stated below:

- a. Agreement and Surety: Prior to the recordation of a subdivision map (except maps for financing and conveyance only), the subdivider shall enter into an agreement and post financial security guaranteeing installation and maintenance of landscape improvements.
- b. Preliminary Plan: Prior to recordation of a subdivision map, the subdivider shall obtain approval from the Manager, Permit Services of a preliminary landscape plan showing major plant material and uses, and a cost estimate for the landscape improvements. Said plan shall take into account the previously approved landscape plan for Cielo Vista Project Alternative 5 Area Plan, the County Standard Plans for landscape areas, adopted plant palette guides, applicable scenic and specific plan requirements, water conservation measures contained in the County of Orange Landscape Code (Ord. No. 09-010).
- c. Detailed Plan: Prior to the issuance of any building permits(s) (except for model sites), the applicant shall submit a detailed landscape plan showing the detailed irrigation and landscaping design for approval to the Manager, Permit Services.

- d. Installation Certification: Prior to approval of final inspection and the release of the financial security guaranteeing the landscape improvements, the applicant shall install said improvements and have the installation certified by a licensed landscape architect or licensed landscape contractor, as having been installed in accordance with the approved detailed plans.
- e. Prior to final inspection approval, the applicant shall furnish said installation certification, including an irrigation management report for each landscape irrigation system, and any other required implementation report determined applicable, to the Manager, Construction, and the Manager, Permit Services.

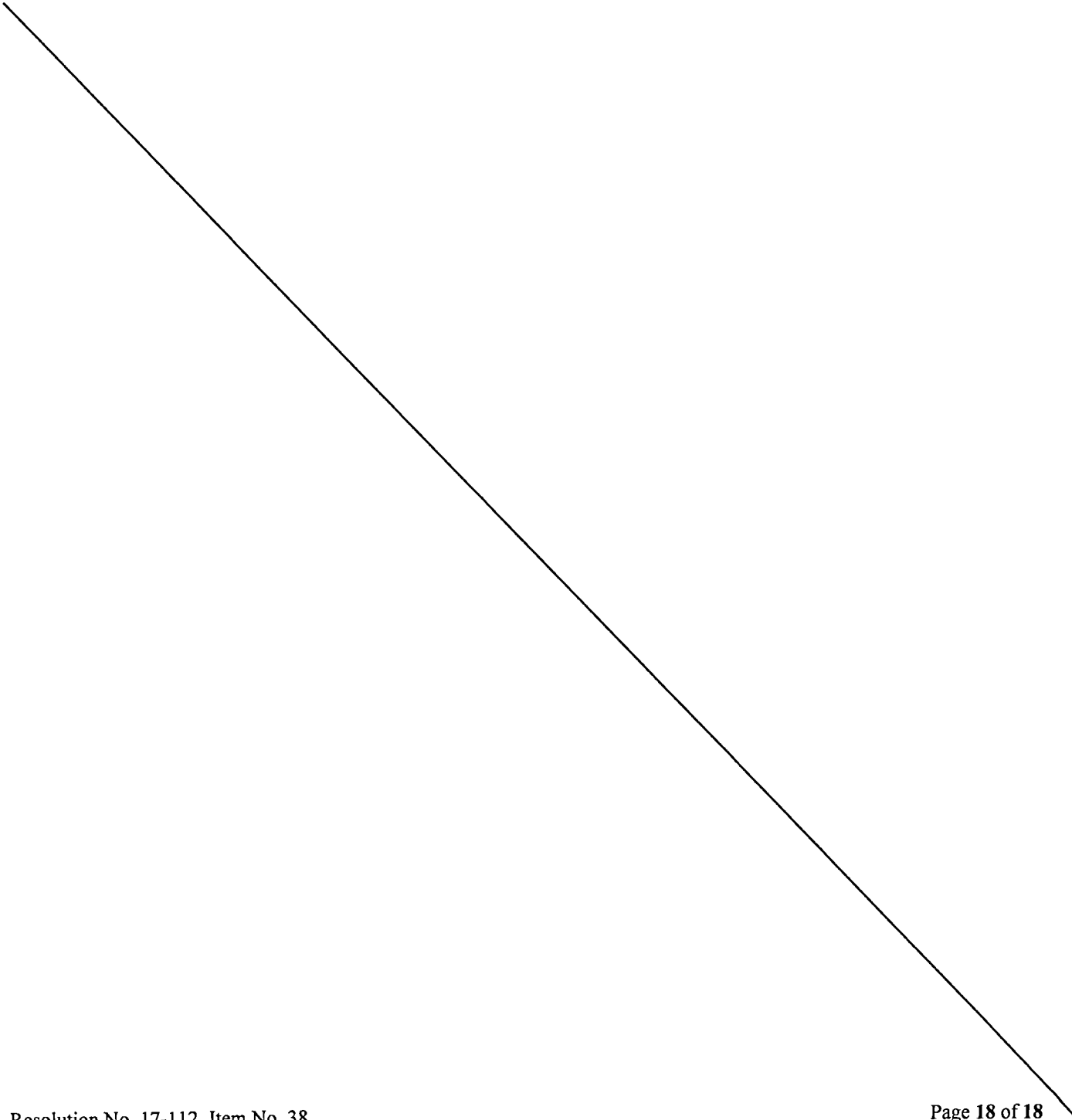
45. RESIDENTIAL NOISE - The applicant shall sound attenuate all residential lots and dwellings against present and projected noise (which shall be the sum of all noise impacting the project) so that the composite interior standard of 45 dBA CNEL for habitable rooms and a source specific exterior standard of 65 dBA CNEL for outdoor living areas is not exceeded. The applicant shall provide a report prepared by a County-certified acoustical consultant, which demonstrates that these standards will be satisfied in a manner consistent with Zoning Code Section 7-9-137.5, as follows:

- a. Prior to the recordation of a subdivision map or prior to the issuance of grading permits, as determined by the Manager, Permit Services, the applicant shall submit an acoustical analysis report to the Manager, Permit Services for approval. The report shall describe in detail the exterior noise environment and preliminary mitigation measures. Acoustical design features to achieve interior noise standards may be included in the report in which case it may also satisfy "B" below.
- b. Prior to the issuance of any building permits for residential construction, the applicant shall submit an acoustical analysis report describing the acoustical design features of the structures required to satisfy the exterior and interior noise standards to the Manager, Permit Services for approval along with satisfactory evidence which indicates that the sound attenuation measures specified in the approved acoustical report have been incorporated into the design of the project.
- c. Prior to the issuance of any building permits, the applicant shall show all freestanding acoustical barriers on the project's plot plan illustrating height, location and construction in a manner meeting the approval of the Manager, Permit Services.

46. WATER QUALITY MANAGEMENT PLAN - Prior to the issuance of any grading permits or prior to the recordation of a subdivision map, whichever comes first, the applicant shall submit for review and approval by the Manager, Permit Services, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. The applicant 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.

47. COMPLIANCE WITH THE NPDES IMPLEMENTATION PROGRAM - Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate compliance with the County's NPDES Implementation Program in a manner meeting the satisfaction of the Manager, OC Inspection



The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on September 12, 2017, to wit:

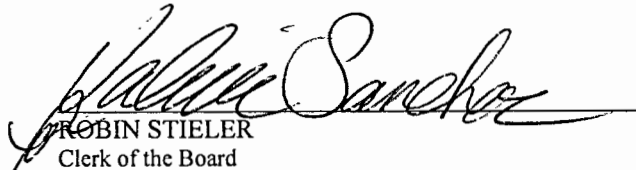
AYES: Supervisors: TODD SPITZER, SHAWN NELSON, ANDREW DO  
LISA A. BARTLETT, MICHELLE STEEL  
NOES: Supervisor(s):  
EXCUSED: Supervisor(s):  
ABSTAINED: Supervisor(s):

  
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.

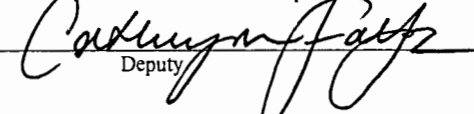
  
ROBIN STIELER  
Clerk of the Board  
County of Orange, State of California

Resolution No: 17-112  
Agenda Date: 09/12/2017  
Item No: 38



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 Stiel, Clerk of the Board of Supervisors

By:   
Deputy