

EXHIBIT A

Agenda Item



AGENDA STAFF REPORT

ASR Control 12-001320

MEETING DATE: 10/02/12
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): 3
SUBMITTING AGENCY/DEPARTMENT: OC Public Works (Approved)
DEPARTMENT CONTACT PERSON(S): Ignacio Ochoa (714) 667-3213
Mike Balsamo (714) 667-8854

SUBJECT: Saddle Crest Homes Development

CEO CONCUR	COUNTY COUNSEL REVIEW	CLERK OF THE BOARD
Concur	Approved Resolution(s) and Ordinance (s)	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:** N/A**Current Fiscal Year Revenue:** N/A**Funding Source:** N/A**Prior Board Action:** N/A**RECOMMENDED ACTION(S):**

1. Read the title of the ordinance amending the Foothill/Trabuco Specific Plan.
2. Order further reading of the ordinance be waived.
3. Open the public hearing on Final EIR 661, General Plan Amendment, Foothill/Trabuco Specific Plan amendment ordinance, Planning Application for Saddle Crest Homes PA 110027 and Area Plan, take public testimony, and close the public hearing.
4. Adopt Resolution, which includes each of the following actions: adopt the Statement of Findings and Facts for EIR No.661 for Saddle Crest Homes Project; adopt Mitigation Monitoring and Reporting Program for EIR No. 661; adopt Statement of Overriding Considerations for EIR No. 661 and certifying EIR No. 661 for the Saddle Crest Homes Project (General Plan Amendment, Specific Plan Amendment and Area Plan).
5. Adopt Resolution amending the General Plan.
6. Adopt the Ordinance amending the Foothill/Trabuco Specific Plan.
7. Adopt the Resolution, approving Planning Application PA110027 for a General Plan Amendment, Specific Plan Amendment and Area Plan subject to the Findings and Conditions of Approval provided as Exhibit A.

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SUMMARY:

Adoption of the findings, program, resolutions, and ordinance will support the development of 65 single-family homes and offer to conserve over 50 acres of open space within the Upper Aliso Residential (UAR) District of the Foothill/Trabuco Specific Plan area.

BACKGROUND INFORMATION:

Rutter Santiago, L.P. (Applicant) is requesting approval of an Area Plan for the development of 65 single-family residences on an approximate 113.7-acre site located off Santiago Canyon Road, northwest of Cook's Corner. In conjunction with the development request, the Applicant is also requesting approval of amendments to three General Plan Elements and the Introduction Chapter of the General Plan, as well as 12 amendments to the Foothill/Trabuco Specific Plan (F/TSP). It should be noted that the F/TSP has many redundant regulations within the Specific Plan, as a result, even though the Applicant is requesting amending 12 provisions of the F/TSP, only five of the amendments would substantively change the development standards or procedures within the F/TSP. The remaining seven amendments relate to items in the Consistency Checklist or are to conform to other amendments.

The development of the property would occur on a phased process following the recordation of the Vesting Tentative Tract Map 17388. Mitigation to offset habitat losses resulting from the construction of the roads, building pads, and anticipated future fuel modification/brush management areas surrounding each home site would occur within the open space lots or on another site controlled by the Applicant within the Foothill/Trabuco Specific Plan area.

On July 25, 2012, the Saddle Crest Homes Project was presented to the Orange County Planning Commission, at which time the Planning Commission recommended that your Board approve and certify Final EIR No. 661 and approve Planning Application PA110027 filed by Rutter Santiago, L.P. The Findings and Conditions of Approval associated with this Project are included as Exhibit A.

The Planning Commission received a Staff Report that discussed issues raised during the public comment period for the Draft EIR. The Planning Commission Staff Report, which is included as Exhibit B, concludes that:

1. The proposed General Plan Amendment to change the traffic analysis methodology for Santiago Canyon Road would allow for a consistent traffic analysis methodology throughout the entire length of Santiago Canyon Road, including the segments of Santiago Canyon Road within the jurisdiction of the cities of Orange and Lake Forest. For the unincorporated area, the existing methodology limits additional development on Santiago Canyon Road and would result in unfairly affecting property owners in the unincorporated County area (pages 14-18).
2. Revision to the General Plan policy of requiring new development in the F/TSP area to be “rural in character” will not result in a significant change, as the first goal in the F/TSP is to “preserve the rural character of the area” (page 18).
3. The term “rural in character” does not apply to the net density of a project. Staff considers the existing Trabuco Oaks community within the F/TSP area as “rural in character” due to the nature of this development. However, the United States Census Bureau considers this community an

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“Urban Area” and this community has a higher net density compared to the proposed Saddle Crest Homes Project (Project) (pages 18-19).

4. The proposed F/TSP Amendment allowing alternative oak tree mitigation programs would likely result in mitigation practices that are more effective and more in line with current oak woodland restoration science and State Law when compared to the mitigation practices required in the F/TSP (pages 24-26).
5. The proposed alternative site development standards would likely result in projects with more contiguous open space, as projects would be clustered, and these alternative standards could only be utilized for no more than 100 new dwelling units within the UAR District, not including the proposed Saddle Crest Homes Project (pages 26-32).

The Planning Commission Staff Report also summarizes the history of development within the F/TSP area (pages 3-5), the history of the proposed Project (pages 5-6), the Draft and Final EIR (pages 6-13).

Issues discussed at the July 25, 2012 Planning Commission hearing included public noticing of the revised General Plan Amendments; traffic analysis of the intersection of Ridgeline and Santiago Canyon Roads; consistency with regional plans; concerns expressed by removing the term “rural” from the General Plan; and concerns expressed by removing the term “natural” from the UAR District open space requirements of the F/TSP. The Approved Minutes from the July 25, 2012 Planning Commission hearing are included as Exhibit C. A summary of these five main issues is provided below.

1. Public Noticing of the Revised General Plan Amendments – County staff received a draft of the revised General Plan Amendments from the Applicant on July 20, 2012. These revisions were based on comments raised during the public review period of the Draft EIR. After review with County Counsel, staff released the revised General Plan Amendments to the Planning Commission and the public on July 24, 2012. These revised General Plan Amendments are included in Exhibit D.

The public stated that the Project should be continued so that they had adequate time to review these revised Amendments. County Counsel stated that these revisions were only for clarification purposes and did not present a significant change to the Project. Furthermore, the public had until September 4, 2012 to review and comment on these revised General Plan Amendments. In the event new comments showed that the effects of the revisions may be significant, the Project would be brought back to the Planning Commission for further review. As of September 5, 2012, no new issues have been raised that would require a second review by the Planning Commission.

2. Traffic Analysis of the Intersection of Ridgeline and Santiago Canyon Roads – Several of commenters and the Planning Commission questioned why the intersection of Ridgeline and Santiago Canyon Roads was not analyzed, as this intersection is the closest intersection to the Project. The County’s Traffic Engineer responded that this intersection was not analyzed since it is not a major arterial intersection. This intersection is a minor non-signalized intersection and Ridgeline Road functions only as a minor collector road. Since this road would not have a significant impact on the traffic calculations, the County staff determined that it was not necessary to analyze this intersection. Additionally, Ridgeline Road south of Santiago Canyon Road is within the City of Lake Forest and the City did not request that the intersection be studied.
3. Consistency with Regional Plans – Some commenters stated that the Project is not consistent

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with adopted regional plans for the Area. On April 4, 2012, the Regional Council of the Southern California Association of Governments (SCAG) adopted the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Policies within this document are developed at a regional level and are not intended to be applied to an individual project. The amount of residential development predicted in the RTP/SCS includes the development allowed in General Plans for all local jurisdictions, including the County of Orange. The RTP/SCS does anticipate an increase in the number of dwelling units in the area within which the proposed Project is located. Since the proposed Project is consistent with the land use designations in the County of Orange General Plan, the Project would also be consistent with the development projected in the RTP/SCS.

4. Removal of the Term “Rural in Character” from the General Plan – Both commenters and Planning Commissioners questioned why the policy of having development in the F/TSP area be “rural in character” was being removed from the Growth Element of the General Plan. In response, the County stated that “rural” was not defined in the General Plan and could be open to different interpretations. Additionally, the language of having developments be “rural in character” is already a goal within the F/TSP, and will remain unchanged. Additionally, a Planning Commissioner added that the General Plan should be more general in nature and the F/TSP be more specific. Having the goal of all developments be “rural in character” within the F/TSP area is more appropriate to be located in the F/TSP, rather than the General Plan.
5. Removal of the Term “Natural” from the UAR District Open Space Requirements in the F/TSP – Many commenters questioned the removal of the term “natural” from the UAR District Open Space Requirements within the F/TSP. They also added that by removing this term, uses such as golf courses and commercial agricultural fields could be allowed within the required open space areas. However, recreational and commercial agricultural uses within the UAR District would be considered to be prohibited per Section III.D.8.7 of the F/TSP. This section would not prohibit the planting of agricultural trees as an accessory residential use within the open space area, with or without the proposed F/TSP amendment.

The primary purpose of removing the term “natural” from this section is to remove the ambiguity in interpretation of the term as a result of the Fourth District Court of Appeals Decision that overturned the previously approved Saddle Crest/Saddle Creek projects approved by the Board in 2003. The Court stated that this open space should be “produced or existing in nature; not artificial or manufactured.” However, the F/TSP allows river rock walls, fuel modification, and open fencing, which are not produced in nature. The proposed amendment would remove the ambiguity and also allow initial site grading within the open space area, which is consistent with historic County practice and interpretation of this section.

In the Planning Commission Staff Report, County staff recommended that required findings be added to the language of two of the proposed F/TSP Specific Plan amendments – the alternative oak tree mitigation requirements and the alternative development standards within the UAR District. County staff has included this new language in Exhibit D. Additionally, staff has added two findings supporting the use of the alternative oak tree mitigation requirements, as well as, the alternative development standards for consideration for your Board. These findings were drafted after the Planning Commission hearing and are Findings Nos. 12 and 13 in Exhibit A. Also, staff would like to clarify that standard Condition of Approval No. 2, Time Limit, in the original Planning Commission Staff Report is not necessary as the County’s Zoning Code does not apply permit expirations to amendments or Area Plans. This Condition of Approval has been removed from the conditions under consideration by your Board.

Staff recommends approving the Planning Application with the revised Findings and Conditions of

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Approval for the Project as identified in Exhibit A.

Compliance with CEQA:

The Environmental Impact Report (EIR) No. 661, SCH No. 2011081028, has been prepared and circulated for public review. The Draft EIR was posted for public review and comment from April 20, 2012 to June 4, 2012. After public comments were received on the Draft EIR, responses to comments were prepared to respond to 68 comment letters received during the public review period.

The public comments and responses to comments were distributed to commenting parties on July 12, 2012. The Final EIR was also posted for public review on the County website and distributed to the Planning Commission on the same day. On July 20, 2012, the Final EIR was voluntarily released by the Applicant soliciting comments on new issues through September 4, 2012. The Final EIR received 22 comment letters during this voluntary review period and are included as Exhibit E. Afterward, an Addendum to the Final EIR was completed, which addresses new environmental issues and questions regarding the Final EIR raised during this voluntary review period. This Addendum was posted on the County website and distributed to commenting parties more than ten days prior to this meeting.

On July 25, 2012, the Planning Commission recommended that your Board approve and certify the Final EIR. The EIR is included as Exhibit F of this Agenda Staff Report and contains all of the elements required by CEQA. It is attached for your consideration and must be certified prior to any action to approve the project. The Mitigation and Monitoring Report Program is included as Exhibit G. The Resolution to certify the Project EIR is provided as Attachment No. 1. It satisfies the requirements of CEQA. Findings related specifically to the EIR are also included as Attachment No. 1, which should be adopted to demonstrate the analytical path followed by your Board in approving the Project, if it does so.

Should your Board wish to approve the Project, a Resolution for the General Plan Amendments and an Ordinance for the Specific Plan Amendments are included as Attachments Nos. 3 and 4, respectively. This Resolution and Ordinance must be adopted prior to adopting the Resolution approving Area Plan and the proposed Project, PA110027, which is included as Attachment No. 5.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

EXHIBIT(S):

Exhibit A - Findings & Conditions of Approval

Exhibit B - Planning Commission Staff Report dated July 25, 2012

Exhibit C - Planning Commission Approved Minutes from July 25, 2012

Exhibit D - Revised General Plan and Specific Plan Amendments

Exhibit E - Public Comment Letters Received during Final EIR Comment Period

Exhibit F - EIR No. 661

Exhibit G - Mitigation and Monitoring Report Program

ATTACHMENT(S):

Attachment 1 - Resolution for EIR No. 661

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Attachment 2 - Resolution for General Plan Amendment

Attachment 3 - Ordinance for Specific Plan Amendment

Attachment 4 - Resolution for Project Approval

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RESOLUTION OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY CALIFORNIA, CERTIFYING ENVIRONMENTAL IMPACT REPORT #661; AND ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS, AND A STATEMENT OF OVERRIDING CONSIDERATIONS FOR PLANNING APPLICATION PA110027 (AREA PLAN FOR SADDLE CREST HOMES, AMENDMENTS TO THE FOOTHILL/TRABUCO SPECIFIC PLAN AND AMENDMENTS TO THE ORANGE COUNTY GENERAL PLAN)

October 2, 2012

RECITALS

I. CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT

A. Introduction.

The County of Orange ("County") as lead agency under the California Environmental Quality Act ("CEQA"), has completed Environmental Impact Report #661 (SCH No. 2011081028) for Planning Application PA110027 and Vesting Tentative Tract Map 17388 submitted for the proposed Saddle Crest Homes development. The Saddle Crest Homes development consists of 65 single-family homes on lots with an average of over 17,000 square feet on an approximately 113.7-acre site adjacent to Santiago Canyon Road, north of the junction of Live Oak Canyon Road with El Toro Road. Planning Application PA 110027 includes a proposed Area Plan ("Area Plan") for Saddle Crest Homes, proposed amendments to the Foothill/Trabuco Specific Plan, and proposed amendments to the Orange County General Plan ("Project").

B. Description of Environmental Impact Report.

A Draft Environmental Impact Report ("Draft EIR") prepared for the Project was released for public and agency review and comment on April 20, 2012.

The Draft EIR assesses the potential environmental effects of implementing the Project, identifies Project Design Features and Mitigation Measures to eliminate or reduce potential adverse impacts, evaluates a range of alternatives to the Project, and evaluates a "Non-Clustered Scenario" which provides an analysis of the environmental impacts of developing the Saddle Crest site in a manner that would not require amendment of the of the existing Foothill/Trabuco Specific Plan.

A Final Environmental Impact Report was completed, was posted on the County's Web Site, and was made available to the public on July 12, 2012. The Final Environmental Impact Report ("Final EIR") is made up of the Draft EIR; Appendices A-N of the Draft EIR; the comments on the Draft EIR submitted by public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; and additions, clarifications and corrections to the text of the Draft EIR made in response to comments and to other information.

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A Notice of Availability (“Notice of Availability”) of the Final EIR for public review was published and distributed on July 20, 2012. The Notice of Availability requested comments on the following subjects: (1) the adequacy of the responses to comments contained in the Final EIR in addressing significant environmental issues raised in the comments on the Draft EIR; (2) corrections and additions to the Draft EIR contained in the Final EIR; and (3) the adequacy of the discussion in the Final EIR of the environmental impacts of the proposed General Plan and Foothill/Trabuco Specific Plan amendments.

An Additional Responses to Comments document (“Additional RTC”) was prepared and released in September 2012. It addresses questions about various substantive environmental issues which arose after completion of the Final EIR, including several issues identified in comments on the Final EIR.

The Final EIR together with the Additional RTC make up the “Environmental Impact Report” that is certified by this Resolution, and will hereafter be referred to as the Final EIR.

C. Certification of Environmental Impact Report.

The Board of Supervisors of the County of Orange (“Board”) certifies that it has been presented with the Environmental Impact Report and that it has reviewed and considered the information contained in the Environmental Impact Report prior to making the certifications set forth below, making the findings set forth in Section II, adopting this Resolution, and adopting the Project actions and approvals..

Pursuant to CEQA Guidelines Section 15090 (Title 14 of the California Code of Regulations, Section 15090), the Board certifies that the Environmental Impact Report has been completed in compliance with the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines. The Board certifies the Environmental Impact Report is adequate and complete for all proposed Project actions and approvals, including but not limited to, the proposed amendment to the Orange County General Plan, the proposed amendments to the Foothill Trabuco Specific Plan, the Saddle Crest Homes Area Plan, and Vesting Tentative Tract Map 17388.

The Board further certifies that the Environmental Impact Report reflects the independent judgment and analysis of the County of Orange.

II. FINDINGS

Having received, reviewed, and considered the Environmental Impact Report and other information in the record of proceedings, the Board hereby adopts the following findings:

Part A: Findings regarding the environmental review process and the contents of the Environmental Impact Report.

Part B: Findings regarding the environmental impacts of the Project and the Project Design Features and Mitigation Measures for those impacts identified in the Environmental Impact Report and adopted as conditions of approval.

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Part C: Findings regarding alternatives, including the reasons such alternatives are rejected.

Part D: Statement of Overriding Considerations determining that the benefits of the Project outweigh the significant unavoidable environmental impacts that will result and therefore justify approval of the Project despite such impacts.

The Board certifies that these findings are based on full appraisal of all viewpoints, including all comments received, concerning the environmental issues identified and discussed in the Environmental Impact Report. The Board adopts the findings and the statement in Parts A through D for the actions and approvals that are referred to in Section I.C.

Part E: Describes the Mitigation Monitoring and Reporting Program for the Project.

Part F: Identifies the custodian and location of the record of proceedings, as required by CEQA.

A. Environmental Review Process

1. Preparation of the EIR

On August 8, 2011, the County issued a Notice of Preparation announcing the intended preparation of the Draft EIR and describing its proposed scope. The County held a public scoping meeting on August 31, 2011 to provide opportunities for interested parties to learn about the proposed Saddle Crest Homes development and provide input. Comment cards and copies of documents describing the proposed development were made available to the public, the Applicant presented the development proposal and its objectives, and a diagram of the proposed development was displayed and discussed. County staff was available for questions.

The Draft EIR was completed on April 20, 2012, and beginning on that date County made the Draft EIR available for review and comment. A Notice of Availability was published and the period for receipt of comments on the Draft EIR remained open until close of business on June 4, 2012.

The Applicant presented the Project to the Foothill/Trabuco Specific Plan Review Board on March 14, 2012. The Foothill/Trabuco Specific Plan Review Board conducted meetings on April 18, 2012 and on May 9, 2012 to review the Project. Both verbal and written comments were received at the Foothill/Trabuco Specific Plan Review Board meetings. The F/TSP Review Board did not recommend approval of the project. The Regional Recreational Trails Advisory Committee reviewed the Project at their meeting of May 21, 2012. A public workshop was conducted with the Planning Commission on May 23, 2012 to receive written and oral comments on the Project and the Draft EIR.

The Final EIR was completed and made available for review by public agencies and members of the public on July 12, 2012. On July 20, 2012 the Notice of Availability of the Final EIR was published.

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A Planning Commission public hearing was conducted on July 25, 2012. Both verbal and written comments were received at the Planning Commission hearing. By a vote of 5-0, the Planning Commission recommended to the Board that the EIR be certified as in compliance with CEQA. By a vote of 4-1, the Planning Commission recommended that the proposed Area Plan and the proposed General Plan Amendments and Foothill/Trabuco Specific Plan Amendments be approved.

2. Adequacy of Responses to Comments on Draft EIR

The Board finds and determines that the Final EIR (including the Additional Responses to Comments) provides adequate, good faith, reasoned responses to all comments on the Draft EIR and the voluntarily recirculated Final EIR raising significant environmental issues.

3. Absence of Significant New Information

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the applicant declines to implement. CEQA Guideline Section 15088.5 provides examples of significant new information under this standard. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The Board recognizes that the Final EIR includes information that augments the information in the Draft EIR and the recirculated Final EIR and contains additions, clarifications, and modifications to information in those documents. With respect to this information, the Board finds as follows:

Changes to Project Design Features and Mitigation Measures. As described in Section 4 of the Final EIR (“Revisions to the Draft EIR”), the following Project Design Features and Mitigation Measures were modified: PDF-6, PDF-47, MM 3.3-1A, MM 3.3-1C, MM 3.3-4 and MM 3.4-2. In addition, the following Project Design Features were added to the Final EIR: PDF-51 and PDF-52. The Board finds that these changes to the Project Design Features and Mitigation Measures strengthen the effectiveness of the proposed Project Design Features and Mitigation Measures, provide additional mitigation, and enhance clarity, but do not cause any new or more severe environmental impacts and do not constitute significant new information.

Other Changes to Draft EIR. Various minor changes and edits have been made to the text, tables, and figures of the Draft EIR, as described in the Additional RTC document and in Section 4 of the Final EIR. These changes are generally of an administrative nature such as correcting typographical errors, making minor adjustments to the data, and adding or changing certain phrases to improve clarity and do not constitute significant new information.

Comments and Responses to Comments on the Draft EIR. The Final EIR includes comments from agencies, organizations and the public together with responses to those

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comments. The Board finds that this additional information does not constitute significant new information. Specifically, the Board finds that the additional information including the comments and responses to those comments do not show that: a new significant environmental impact would result from the Project or from a new Project Design Feature or Mitigation Measure proposed to be implemented; a substantial increase in the severity of an environmental impact would result unless Mitigation Measures are adopted that reduce the impact to a level of insignificance; a feasible alternative to the Project or Mitigation Measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the Applicant declines to adopt it; or the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The Board further finds that new information provided in the responses to comments clarifies and amplifies the information in an adequate Draft EIR, and does not constitute significant new information which would require that the Draft EIR be recirculated for further public review and comment under CEQA Guideline Section 15088.5.

Contents of Additional RTC. Changes were made in the level of significance findings related to Air Quality Impacts 3.2.2 and 3.2.3 and Mitigation Measures MM 3.2.1 through 3.2.3 and related to Traffic and Transportation Impacts 3.14.1 – 3.14.2 and Mitigation Measures MM 3.14.1 – 3.14.4. Having also reviewed the information contained in the comments on the Final EIR and in the Additional RTC, the Board further finds that no significant new information as defined by CEQA Guideline section 15088.5 is contained in the Additional RTC.

4. Differences in Opinion Regarding the Impacts of the Project

In making its determination to certify the Environmental Impact Report and to approve the Project, the Board recognizes that disagreements exist regarding some of the environmental issues addressed in the EIR and that a range of technical and scientific opinion exists with respect to several of those issues. The Board has acquired an understanding of the range of this technical and scientific opinion by its review of the Environmental Impact Report together with testimony and comments by members of the public, reports and testimony by various experts, including the consultants who prepared the Environmental Impact Report and County staff, and other evidence and information submitted regarding the Environmental Impact Report and the Project. The Board has reviewed and considered, as a whole, the evidence and analysis presented in the Environmental Impact Report together with this evidence and information and has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. In turn, this understanding has enabled the Board to make its decisions after weighing and considering the various viewpoints on these important issues and to make its findings based on the evidence relating to those environmental issues. Expert and other evidence was presented by project opponents shortly before and at the Hearing on the project and the EIR. Responses to this information were provided by Staff, the applicant and the project traffic consultant who prepared the analysis in the EIR. The Board has considered all of this information and accepts the responses and analysis presented by Staff, the applicant and the project traffic consultant over the evidence presented by the project opponents in resolving the dispute among experts for the reasons stated by Staff, the applicant and the project traffic consultant.

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B. Impacts and Mitigation Measures

These findings provide the written analysis and conclusions of the Board regarding the environmental impacts of the Project and the Mitigation Measures, including Project Design Features, which are adopted by the Board as conditions of its approval of the Area Plan.

In making these findings, the Board has considered the comments of members of the public, including the comments which disagree with the standards of significance used in the Environmental Impact Report. The Board finds that the significance standards used in the Environmental Impact Report are supported by substantial evidence in the record, including but not limited to the expert opinion of the preparers of the Environmental Impact Report and County staff, and that those significance standards provide reasonable and appropriate standards for assessing the significance of the adverse environmental effects of the Project. The Board further finds that the Environmental Impact report has identified all significant impacts of the Project and that it serves as adequate and appropriate environmental documentation for Planning Application PA110027 and the Project.

1. Findings on the Project's Environmental Impacts.

Exhibit A attached to these findings, and incorporated herein by reference, summarizes the environmental determinations of the Environmental Impact Report about the Project's impacts before and after mitigation. This exhibit does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, Exhibit A provides a summary description of each impact, describes the applicable Project Design Features and Mitigation Measures identified in the EIR and incorporated in the conditions of approval, and identifies the significance of each impact after imposition of the adopted Project Design Features and Mitigation Measures. An explanation of each of these environmental determinations and conclusions is set forth in the Environmental Impact Report and these findings hereby incorporate by reference the discussion and analyses in the Environmental Impact Report relating to the Project's impacts and the Project Design Features and Mitigation Measures that address those impacts. In making these findings, the Board ratifies, adopts, and incorporates the analyses and explanation in the Environmental Impact Report, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Environmental Impact Report relating to environmental impacts and Project Design Features and Mitigation Measures.

2. Adoption of Project Design Features and Mitigation Measures as Conditions of Approval.

As set forth as resolved below, the Board will adopt, and incorporate as conditions of approval of the Project, the Project Design Features and Mitigation Measures set forth in the Mitigation Monitoring and Reporting Program attached to these findings as Exhibit B. These Project Design Features and Mitigation Measures will be adopted and incorporated as conditions of approval to reduce or avoid the potentially significant and significant impacts of the Project, as well as certain less-than-significant impacts. In adopting these Project Design Features and Mitigation Measures, the Board intends to adopt each of the Project Design Features and Mitigation Measures recommended for approval by the Environmental Impact Report. Accordingly, in the event a Project Design Feature or Mitigation Measure recommended in the Environmental Impact Report has inadvertently been omitted from Exhibit B, any such Project Design Feature or Mitigation Measure is hereby adopted and incorporated in Exhibit B by reference. In addition, in the event the language describing a Project Design Feature or Mitigation Measure set forth in Exhibit B fails to accurately reflect the Project

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Design Features and/or Mitigation Measures in the Environmental Impact Report due to a clerical error, the language of the Project Design Feature or Mitigation Measure as set forth in the Environmental Impact Report shall control, unless the language of the Project Design Feature or Mitigation Measure has been specifically and expressly modified by these findings.

3. Findings on Additional Suggested Mitigation Measures.

In several comments on the Draft EIR, various actions were suggested by commenters as proposed additional Mitigation Measures or modifications to the Mitigation Measures identified by the EIR. As explained in Section 4 of the Final EIR and in the Additional RTC, some of the Project Design Features and/or Mitigation Measures described in the Draft EIR were modified in response to such comments and those modified measures have been included in the conditions of approval and the Mitigation Monitoring and Reporting Program.

Other comments requested minor modifications in Mitigation Measures identified in the Draft EIR, requested Mitigation Measures for impacts that were less than significant, or requested additional Mitigation Measures relating to impacts that are covered by Mitigation Measures or Project Design Features in the Draft EIR that would reduce the identified impact to a less-than-significant level. Because no further mitigation of these impacts is necessary, these requests are declined.

With respect to any additional Project Design Features and/or Mitigation Measures suggested in comments on the Draft EIR that were not incorporated as recommended measures in the Final EIR, the Board hereby adopts and incorporates by reference the reasons set forth in the responses to comments contained in the Environmental Impact Report as its grounds for rejecting adoption of these Mitigation Measures.

4. Further Findings on the Environmental Impacts of the Amendments to The County of Orange General Plan and Foothill/Trabuco Specific Plan.

Amendment to the Orange County General Plan. Planning Application 110027 requests an amendment to the County of Orange General Plan to: add a new section to the Introduction entitled “Interpretation and Implementation of the General Plan and Specific Plans;” amend the Growth Management Element (Policies, Transitional Areas for Rural Communities) and to Major Land Use Policy # 6 (New Development Compatibility) of the Land Use Element; and amend the Transportation Implementation Manual contained in Appendix IV-1 to the Transportation Element, Growth Management Plan to provide for use of the V/C methodology, rather than the HCM methodology, to forecast traffic levels of service on Santiago Canyon Road links. This amendment and its revisions as set forth above are described in proposed Resolution 12-148. For the reasons set forth in the Environmental Impact Report, the Board finds that the impacts of these amendments are less than significant and that, as a result, no mitigation is required.

Amendments to the Foothill/Trabuco Specific Plan. Planning Application 110027 requests amendments to the Foothill/Trabuco Specific Plan to: Acknowledge certain changes that have occurred since adoption of the Foothill/Trabuco Specific Plan; add an objective to recognize that the Foothill/Trabuco Specific Plan provides for alternative approaches to grading in order to reduce certain environmental impacts; modify and modernize standards governing transplantation of oak trees; amend the Upper Aliso Residential District Regulations to give the County authority to approve alternative Site Development Standards relating to building site area

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and grading if the development plan would result in greater overall protection of environmental resources; and amend the open space provision of the Upper Aliso Residential District Regulations to clarify what types of open space are considered in the open space dedication requirement and that grading is allowed during initial development in areas that would be designated as open space after completion of development. These amendments are described in proposed Ordinance No. 12-031. For the reasons set forth in the Environmental Impact Report, the Board finds that the impacts of these amendments are less than significant and that, as a result, no mitigation is required.

C. Basis for the Board's Decision to Approve the Project Instead of One of the Alternatives to the Project

1. Summary of Discussion of Alternatives in the Environmental Impact Report

The Environmental Impact Report evaluates a number of potential alternatives to the Project. The Environmental Impact Report examines the environmental impacts of each alternative in comparison with the Project and the relative ability of each alternative to satisfy project objectives. In addition, the EIR evaluates the "Non-Clustered Scenario" to provide an analysis of the environmental impacts associated with the alternative of developing the project site in a non-clustered manner as provided by the existing Foothill/Trabuco Specific Plan.

The Environmental Impact Report also summarizes the criteria used to identify a range of reasonable alternatives for review in the EIR and describes proposals that the County concluded did not merit additional, more-detailed review either because they did not present viable alternatives to the Project or they are simply variations on the alternatives that are evaluated in detail in the Environmental Impact Report.

2. Findings Regarding Adequacy of Range of Alternatives.

The Board finds that the range of alternatives evaluated in the Environmental Impact Report together with the review of the Non-Clustered Scenario, reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing some of the Project's environmental effects, while accomplishing most but not all of the basic Project objectives. The Board finds that the alternatives analysis discusses a range of alternatives sufficient to inform the Board and the public regarding the tradeoffs between the degree to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives could attain the various Project objectives. The Board thus finds that the Environmental Impact Report contains a reasonable range of alternatives. The Board also finds that the detailed discussion and analysis in the Environmental Impact Report of these provides information sufficient to understand the advantages and disadvantages of various potential variations on, and combinations of, the alternatives examined in the Environmental Impact Report.

3. Findings Regarding Decision to Approve the Project Rather than One of the Proposed Alternatives to the Project

EXHIBIT A

In making these findings, the Board certifies that it has independently reviewed and considered the information on alternatives provided in the EIR. The Environmental Impact Report's discussion and analyses of these alternatives (including of the Non-Clustered Scenario) is not repeated in these findings, but the discussion and analyses of the alternatives in the EIR is incorporated in these findings by reference.

As set forth in Section B, above, the Board has incorporated in the conditions of Project approval Project Design Features and Mitigation Measures that mitigate most of the significant environmental effects of the Project. As explained in Section D of these findings, while these Project Design Features and Mitigation Measures will not mitigate all Project impacts to a less-than-significant level, they will mitigate those impacts to a level that the Board finds is acceptable. The Board further finds that, on balance, none of the alternatives have environmental advantages over the Project that are sufficiently great to justify approval of such an alternative instead of the Project, when considering the extent of each alternative's ability to satisfy the project objectives in comparison with the Project. In making this determination, the Board finds that when compared to the alternatives described and evaluated in the Environmental Impact Report, the Project, as mitigated, provides a reasonable balance between fully satisfying the project objectives and reducing potential environmental impacts to an acceptable level as is explained below.

The key objectives of the Project are:

- To develop a residential community that is consistent with the goals of the Foothill/Trabuco Specific Plan.
- To incorporate advances in environmental planning, including biology and hydrology, that have occurred since the adoption of the Foothill/Trabuco Specific Plan.
- To provide for development at the density allowed by the Foothill/Trabuco Specific Plan in a manner that maximizes protection of significant biological resources.
- To mitigate impacted resources through on-site and/or off-site Mitigation Measures to the satisfaction of the County of Orange, and federal and state agencies with authority to issues permits and other approvals for the project.
- To implement a mitigation program for biological impacts designed to achieve long-term success and biological viability.
- To respond to regulatory changes and changes in regulatory review authority that have occurred since the adoption of the Foothill/Trabuco Specific Plan.
- To implement a residential development that is not only compatible with, but also complementary to, the development that characterizes the area.
- To build a residential project that incorporates and implements a fire-safe design which protects the proposed homes and future residents from wildland fire.

The Board's specific findings on each of the alternatives are as follows:

EXHIBIT A

No Project/No Build Alternative. Under CEQA, a “No Project Alternative” compares the impacts of proceeding with a proposed project with the impacts of not proceeding with the proposed project. The No Project/No Build Alternative describes the environmental conditions in existence at the time the Notice of Preparation was published and considers conditions that would reasonably be expected to occur in the foreseeable future if the Project were not approved based on current plans and consistent with available infrastructure and community services.

The No Project/No Build Alternative entails maintaining the existing environmental setting, and no development would occur. The project site would continue in its current state as vacant land that is intermittently used for grazing. Additionally, the No Project/No Build Alternative would not include any amendments to the Foothill/Trabuco Specific Plan or the County of Orange General Plan. This alternative would avoid all the environmental impacts associated with the Project, but would not attain any of the Project objectives. The Board finds that the environmental benefits that might be achieved with this alternative do not justify its approval instead of the Project due to its inability to achieve any of the Project objectives.

Reduced Project Alternative (Alternative 2). Under Alternative 2, the Project site would be developed with 28 residential units. The layout of development on the site would be similar to that in the proposed Area Plan for the Project, with the development clustered along Santiago Canyon Road. This alternative would attain most of the Project objectives, but would not achieve key objectives of developing at the density allowed by the Foothill/Trabuco Specific Plan in a manner that maximizes protection of significant biological resources. This alternative is considered to be the environmentally superior alternative under CEQA. This alternative would reduce most of the environmental impacts associated with the Project, with the exception of impacts associated with aesthetics and land use. However, Alternative 2 would not eliminate the significant impacts associated with the Project that remain after mitigation, including: air quality impacts associated with construction activities and traffic impacts to area intersections. Alternative 2 would require infrastructure similar to that of the Project, resulting in all the impacts, disturbance and costs associated with installation of that infrastructure but without providing the housing benefits that would be provided by the Project. The Board finds that the environmental benefits of the alternative do not justify its approval instead of approval of the Project due to its inability to obtain the Project objective of developing the Project at the density allowed by the Foothill/Trabuco Specific Plan.

Alternative Site/Density Transfer (Alternative 3). Under Alternative 3, the Project’s 65 residential units would be developed on another site that is under the control of the Applicant. The alternative site would be the Sky Ranch site located in the northeastern portion of the Foothill/Trabuco Specific Plan area. Implementation of this alternative would include the development of a total of 113 residential units (48 allowed under the Foothill/Trabuco Specific Plan for the Sky Ranch site in addition to the 65 residential units transferred from the Project site). This alternative would attain some of the Project objectives, but would not provide development that is not only compatible with, but also complementary to, development that characterizes the area. This alternative would result in many of the environmental impacts associated with the Project; and several impacts would be greater. Land use impacts of this alternative would be similar to those associated with the Project. Alternative 3 would not eliminate the significant impacts associated with the Project that remain after mitigation, including: air quality impacts associated with construction activities and traffic impacts to area

EXHIBIT A

intersections. For the forgoing reasons, this Board finds that the environmental benefits of the alternative do not justify its approval instead of approval of the project because it does not offer significant environmental advantages in comparison with the proposed Project.

Alternative Use (Alternative 4). Under this alternative, the Project site would be developed with religious institutional uses including a 1,000-seat sanctuary, education buildings, social hall, administrative offices and parking for approximately 400 cars. The sanctuary would include a tower with a maximum height of 120 feet. This alternative is based on a similar project, for which an application was previously submitted to the County (although this project did not proceed), for a site adjacent to the project site. This alternative would reduce some of the environmental impacts associated with the Project, but there would be a greater level of impacts associated with aesthetics, greenhouse gasses, land use, and noise. Traffic impacts would be similar to those of the Project. Further, Alternative 4 would not significantly reduce the Project's remaining significant impacts, including: air quality impacts associated with construction activities and traffic impacts to area intersections. This alternative is not environmentally superior to the Project. .

This alternative also would not satisfy several of the Project objectives: it would not develop a residential community, would introduce a new land use adjacent to residential communities and would not be as compatible with or complementary to the development that characterizes the area as would the Project. For the forgoing reasons, this Board finds that the environmental benefits of the alternative do not justify its approval instead of approval of the Project because it does not offer significant environmental advantages in comparison with the proposed Project while at the same time would not achieve important Project objectives.

Non-Clustered Scenario. Under the Non-Clustered Scenario, the Project site would be developed with 65 home sites, as with the proposed Project. However, the Non-Clustered Scenario establishes housing sites and open space distributed across the entire site. This alternative would not require amendments to the Foothill/Trabuco Specific Plan.

This alternative would allow development of the site consistent with the density allowed by the Foothill/Trabuco Specific Plan. Under this alternative, none of the environmental impacts associated with the Project would be significantly reduced, except for the land use and planning impacts associated with the proposed Project. Rather, under this alternative, most of the environmental impacts would be greater than the impacts of the proposed Project, including impacts associated with aesthetics, biology, geology and soils, hazards and hazardous materials, and hydrology and water quality. Further, the Non-Clustered Scenario would not reduce the Project's remaining significant impacts, including: air quality impacts associated with construction activities and traffic impacts to area intersections. This alternative would not achieve important Project objectives: to incorporate advances in environmental planning relating to biology and hydrology; to provide for development at the density allowed by the Foothill/Trabuco Specific Plan in a manner that maximizes protection of significant biological resources; and to build a residential project that incorporates a fire-safe design. For the forgoing reasons, this Board finds that the Project is environmentally superior to this alternative and that this alternative would not achieve important Project objectives, and accordingly, approval of this alternative rather than the Project is not justified.

EXHIBIT A

Conclusions Relating to Alternatives. For all of the foregoing reasons, the Board has concluded that the alternatives to the project are infeasible, within the meaning of that term under CEQA, and decided to approve the Project instead of one of the foregoing alternatives to the Project.

D. Findings Regarding Significant Impacts and Adoption of Statement of Overriding Considerations for the Saddle Crest Homes Development

1. Remaining Significant Impacts of the Saddle Crest Homes Development

The Board has found that the following impacts of the Saddle Crest Homes Development remain significant after adoption and implementation of the Project Design Features and Mitigation Measures described in Exhibit B:

Number	Environmental Impact
3.2.2	Air quality standards related to NOx and PM10 would be violated during project construction activities.
3.2.3	Because air quality standards related to NOx and PM10 would be violated during construction activities, a cumulatively considerable increase in non-attainment criteria pollutants would result.
3.14.1 3.14.2	A substantial increase in traffic in relation to existing traffic load and capacity would result at two intersections within the City of Lake Forest and this significant impact would remain unmitigated. Although the Environmental Impact Report describes circulation system improvements to two intersections within the City of Lake Forest, and the Mitigation Measures require that the project pay its fair share of the cost of such improvements, the impact to the level of service at those intersections is presumed to remain significant because Orange County does not have jurisdiction over the circulation system improvements proposed at those two intersections because they are within the City of Lake Forest, Lake Forest has not put a mitigation fee program for these intersections in place, and as a result there is no assurance that the proposed intersection improvements will be implemented

2. Overriding Considerations Justifying Approval of the Saddle Crest Homes Development

In accordance with CEQA Guidelines Section 15093, the Board has, in determining whether or not to approve the Project, balanced the economic, social, technological, and other Project benefits against its significant adverse environmental impacts, and finds that each of the benefits of the Project set forth below outweigh the remaining significant adverse environmental effects set forth in section D-1 above. This Statement of Overriding Considerations is based on the Board's review of the Environmental Impact Report and other information in the Record of Proceedings. Each of the benefits identified below provides a separate and independent basis for

EXHIBIT A

overriding the significant environmental effects of the Project. The benefits of the Project are as follows:

It will result in development of 65 single family homes on the Project site in a manner that is consistent with the goals of the Foothill/Trabuco Specific Plan and the Orange County General Plan. It will thus realize the County's long-term goals for development of the site.

It will implement County policy favoring balanced land uses by developing residential uses in an area appropriate for such uses and compatible with surrounding development.

It will provide housing opportunities that the County determined, when it adopted its General Plan and the Foothill/Trabuco Specific plan, were necessary and appropriate, and will do so by implementing a development plan that is suitable and appropriate for the site's location.

It is designed to incorporate dedicated open space and thus will be developed in a manner that enhances the environment by preserving open space. Dedication of land outside the development area will create a permanent open space buffer for the Cleveland National Forest. It will implement a modernized and more viable oak tree mitigation plan. It is designed to maximize the utility of adjacent wildlife corridors and open space areas, protects the natural stream bed and increases fire protection for new residents. It furthers the goals this Board has adopted through the approval of the Central/Coastal and Southern Natural Communities Conservation Plans and Habitat Conservation Plans. Based on the foregoing findings and the evidence and other information contained in the Record of Proceedings, it is hereby determined that all significant effects on the environment due to approval of the Project have been eliminated or substantially lessened where feasible and the significant effects on the environment found unavoidable are acceptable due for the reasons set forth in this Statement of Overriding Considerations.

E. Mitigation Monitoring and Reporting Program

In accordance with CEQA and the CEQA Guidelines, the Board must adopt a mitigation monitoring and reporting program to ensure that the mitigation measures are implemented. The Mitigation Monitoring and Reporting Program, attached to this Resolution as Exhibit B containing the Project Design Features and Mitigation Measures which will be adopted upon approval of the Area Plan for Saddle Crest Homes.

F. Record of Proceedings

The Environmental Impact Report and other documents and materials constitute the Record of Proceedings upon which the Board bases these findings and the approvals referred to in these findings. The location and custodian of these documents and materials is: the County of Orange, OC Community Development, 300 North Flower Street, Santa Ana, California 92703. .

EXHIBIT A

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED THAT:

A. The Environmental Impact Report is certified as set forth in the Recitals, Section I, above.

B. The Recitals set forth above and all findings therein are hereby incorporated into this Resolution and the Board's findings by reference.

C. The Mitigation Monitoring Plan attached as Exhibit B shall be adopted concurrent with approval of the Area Plan for Saddle Crest Homes and the Project Design Features and Mitigation Measures contained in Exhibit B shall be included in the conditions of approval adopted for the Area Plan.

D. The Board hereby adopts these findings in their entirety as its findings for the actions and approvals relating to Planning Application PA 110027, which includes a proposed Area Plan for Saddle Crest Homes, proposed amendment to the Foothill/Trabuco Specific Plan, and proposed amendment to the County of Orange General Plan.

E. The Board hereby directs the Manager, OC Planning, or designee, to file a Notice of Determination with the County Clerk upon the Board's approval of any of the actions identified in paragraph D.

EXHIBIT A

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 October 02, 2012, to wit:

AYES: Supervisors: BILL CAMPBELL, JOHN M. W. MOORLACH, JANET NGUYEN
SHAWN NELSON, PATRICIA BATES

NOES:

EXCUSED:

ABSTAINED:

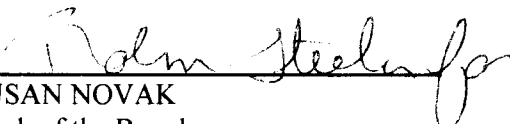


CHAIRMAN

STATE OF CALIFORNIA)
) ss:
COUNTY OF ORANGE)

I, SUSAN NOVAK, 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.



SUSAN NOVAK
Clerk of the Board.
County of Orange, State of California

Ordinance No.: 12-031
Agenda Date: 10/02/2012
Item No.: 24



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

Susan Novak, Clerk of the Board of Supervisors

By: 

Deputy

EXHIBIT A

RESOLUTION 12-148 OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA AMENDING THE COUNTY OF ORANGE
GENERAL PLAN
October 2, 2012

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, Rutter Santiago, L.P. ("Rutter") has submitted Planning Application PA110027 requesting approval of this General Plan Amendment (GPA12-02), approval of amendments to the Foothill/Trabuco Specific Plan ("F/TSP") and approval of an Area Plan in connection with the proposed development of Saddle Crest Homes, a 65 single family dwelling unit residential community; and

WHEREAS, GPA12-02 proposes specific revisions and modifications to individual elements of the County of Orange General Plan, namely:

- Introduction - A revision to the Introduction to add a new section entitled "Interpretation and Implementation of the General Plan and Specific Plans".
- Growth Management Element/Land Use Element – Revisions to Growth Management Element (Policies, Transitional Areas for Rural Communities) and to Major Land Use Policy # 6 (New Development Compatibility) of the Land Use Element.
- Transportation Element - A revision to Appendix IV-1 of the Transportation Element (Growth Management Plan, Transportation Implementation Manual, Section IV, Santiago Canyon Road "G").

WHEREAS, in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 *et seq.*) and the State CEQA Guidelines (California Code of Regulations Section 15000 *et seq.*) the County has completed an Environmental Impact Report (EIR No. 661) ("the Environmental Impact Report") to evaluate the environmental impacts of the actions and approvals requested in Planning Application PA110027, including the proposed General Plan Amendment; and

WHEREAS, in accordance with the Government Code of the State of California, a legally noticed public hearing concerning GPA 12-02 (included with Planning Application PA110027) and the Environmental Impact Report was conducted concurrently by the Orange County Planning Commission ("Commission") on July 25, 2012; and

EXHIBIT A

WHEREAS, at the conclusion of its hearing the Commission recommended that the Board of Supervisors ("Board") certify the Environmental Impact Report as complete, adequate and in full compliance with the requirements of CEQA and the State CEQA Guidelines; and

WHEREAS, on July 25, 2012 the Orange County Planning Commission conducted a public hearing and after review and due consideration the Orange County Planning Commission recommended to this Board to approve Planning Application PA110027, including GPA12-02, as well as the Specific Plan Amendment to the F/TSP and the Saddle Crest Homes Area Plan;

WHEREAS, the Board of Supervisors held a duly noticed hearing, on October 2, 2012, as required by Government Code sections 65350-65358, for the purpose of considering the Environmental Impact Report and Planning Application PA110027, including the proposed amendment to the County of Orange General Plan, the proposed amendments to the F/TSP, and the Saddle Crest Homes Area Plan; and

WHEREAS, by separate resolution (Resolution No. 12-147), the Board of Supervisors has certified the Environmental Impact Report as being adequate and complete and as fully complying with the requirements of the California Environmental Quality Act and further certified that that the Environmental Impact Report is adequate and complete for all proposed Project actions and approvals identified in the Environmental Impact Report, including but not limited to, the proposed amendment to the County of Orange General Plan, the proposed amendments to the F/TSP, the Saddle Crest Homes Area Plan, and Vesting Tentative Tract Map 17388; and

WHEREAS, the Board of Supervisors has reviewed and considered the information contained in the Environmental Impact Report and adopted California Environmental Quality Act Findings and a Statement of Overriding Considerations for approval of the proposed amendment to County of Orange General Plan, amendments to the F/TSP, and the Saddle Crest Homes Area Plan, as set forth in Resolution 12-147, which resolution is incorporated herein by reference;

WHEREAS, the Board has reviewed and considered the recommendations of the Planning Commission and also carefully considered the public comments that were presented to it at the public hearing held on the Planning Application; and

WHEREAS, in addition to all other information, comments and data prepared and presented in relation to the Project, the Board has specifically and fully considered and reviewed all elements of the proposed GPA12-02; to wit: (i) proposed revision to the Introduction to the General Plan, (ii) proposed revision to the Growth Management Element, (iii) proposed revision to the Land Use Element and (iv) proposed revision to the Transportation Element;

EXHIBIT A

NOW, THEREFORE BE IT RESOLVED THAT the Board of Supervisors approves GPA 12-02 and amends the Introduction to the General Plan, the Growth Management Element, the Land Use Element and the Transportation Element as follows:

1. Introduction - Amendment to the Introduction (p. I-3, before section entitled "History of the County of Orange General Plan") to add a new section entitled "Interpretation and Implementation of the General Plan and Specific Plans" as follows:

"The Board of Supervisors ("Board") as the legislative body of the County of Orange, has adopted the General Plan and supporting Specific Plans. As such, the Board retains authority to interpret the General Plan and supporting Specific Plans and all of their constituent provisions, including their goals, objectives, policies and implementation measures, such as programs, regulations, standards and guidelines. The provisions of the General Plan and each Specific Plan are to be interpreted in a manner that harmonizes their goals, objectives, policies and implementation measures in light of the purposes of those plans.

It is recognized that in determining plan consistency, no action is likely to be entirely consistent with each and every goal and objective contained in the General Plan or a Specific Plan and that the Board may give greater weight to some goals and objectives over other goals and objectives in determining whether an action is in overall harmony with the General Plan and any applicable Specific Plan in light of the plan's purpose.

In its decisionmaking, the Board shall also consider the environmental consequences associated with a proposed action in applying provisions of the General Plan or a Specific Plan and whether the action will protect resources in a manner it determines best advances that plan's goals relating to environmental resources."

2. Growth Management Element - Amendment to the Growth Management Element (p. XI-11, Policy #6, "Transitional Areas for Rural Communities") as follows:

"New development within the Silverado-Modjeska Specific Plan planning area shall be rural in character and shall comply with the policies of that plan in order to maintain a buffer between urban development and the Cleveland National Forest."

3. Land Use Element - Amendment to the Land Use Element (p. III-32 "Major Land Use Element Policies", Policy # 6, "New Development Compatibility") as follows:

EXHIBIT A

"The purpose of the New Development Compatibility Policy is to ensure that new development is compatible with adjacent areas and that it provides either a land use buffer or transition to reduce the effects of one land use on the other.

Sensitive treatment is required where one urban use transitions to another and where an urban use is introduced into an essentially undeveloped area.

New development within the Foothill-Trabuco Specific Plan planning area shall be designed to maintain a buffer between urban development and the Cleveland National Forest, to be compatible with the area, and to reflect the goals and objectives of that Plan."

4. Transportation Element - Amendment to Appendix IV-1 of the Transportation Element (Growth Management Plan, Transportation Implementation Manual, Section IV, Santiago Canyon Road "G", p. 19) as follows:

"SANTIAGO CANYON ROAD For Growth Management Element traffic analyses of Santiago Canyon Road, the traffic level of service policy shall be implemented by evaluating peak hour volumes in relation to the physical capacity of the roadway, using the Volume-to-Capacity methodology. A lane volume of 1,360 vehicles per hour, which is 0.80 times the maximum directional lane capacity of 1,700 vehicles per hour, represents Level of Service "C". These lane capacity guidelines shall be used to ensure that the Level of Service "C" capacity of 1,360 vehicles per hour per lane will be maintained".

The Director of O.C. Planning and O.C. Planning staff are hereby directed to amend the appropriate General Plan documents to make them consistent with the Board's intent in approving the General Plan amendment set forth in this Resolution.

The foregoing was passed and adopted by the following vote of the County of Orange Board of Supervisors on October 2, 2012, to wit:

EXHIBIT A

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on October 02, 2012, to wit:

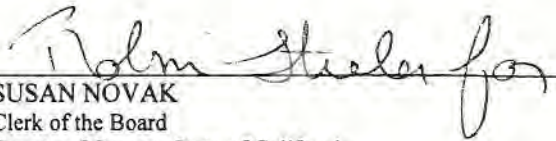
AYES:	Supervisors:	BILL CAMPBELL, JOHN M. W. MOORLACH, JANET NGUYEN SHAWN NELSON, PATRICIA BATES
NOES:	Supervisor(s):	
EXCUSED:	Supervisor(s):	
ABSTAINED:	Supervisor(s):	


CHAIRMAN

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

I, SUSAN NOVAK, 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.


SUSAN NOVAK
Clerk of the Board
County of Orange, State of California

Resolution No: 12-148
Agenda Date: 10/02/2012
Item No: 24



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

Susan Novak, Clerk of the Board of Supervisors

By: 

Deputy

EXHIBIT A

ORDINANCE NO. 12-031

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE, CALIFORNIA AMENDING THE FOOTHILL/TRABUCO SPECIFIC PLAN

WHEREAS, the Board of Supervisors of the County of Orange is authorized by Government Code Section 65850 to adopt ordinances amending the County's zoning codes and ordinances and is authorized by Government Code Section 65453 to amend Specific Plans that it has previously adopted; and

WHEREAS, Rutter Santiago, L.P. (the "Applicant") filed Planning Application PA110027 in connection with the property located at 18682 Santiago Canyon Road, within an unincorporated area in the County of Orange (the "Property"); and

WHEREAS, Planning Application PA110027 requests, among other things, amendments to the Foothill/Trabuco Specific Plan (the "F/TSP Amendments"); and

WHEREAS, the F/TSP Amendment application included in PA110027 was filed together with other applications in Planning Application PA110027 which, together, would permit the development of a 65 single family dwelling unit residential community on the Property (the "Project"); and

WHEREAS, the County has complied with the requirements of Government Code sections 65453 and 65853-65856 relating to amendment of specific plans and zoning ordinances.

WHEREAS, the Board of Supervisors held one duly advertised hearing, on October 2, 2012, for the purpose of considering the Project, including the F/TSP Amendments, upon the Property described as follows:

PARCEL 1:

THAT PORTION OF FRACTIONAL SECTION 32, TOWNSHIP 5 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF THE RANCHO CANADA DE LOS ALISOS AS SHOWN ON A MAP RECORDED IN BOOK 3, PAGES 290 AND 291, MISCELLANEOUS RECORDS OF LOS ANGELES COUNTY, CALIFORNIA, WITH THE CENTER LINE OF MODJESKA ROAD AS CONVEYED TO THE COUNTY OF ORANGE BY DEED RECORDED MARCH 24, 1932 IN BOOK 546, PAGE 164 OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA; THENCE NORTH 29° 13' 30" WEST 1355.38 FEET ALONG THE NORTHEASTERLY LINE OF SAID RANCHO CANADA DE LOS ALISOS TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO CHARLES PANTER AND WIFE BY DEED RECORDED

EXHIBIT A

JANUARY 22, 1942 IN BOOK 1127, PAGE 46, OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA; THENCE NORTH 89° 51' 20" EAST 977.33 FEET ALONG THE SOUTHERLY LINE OF SAID LAND CONVEYED TO PANTER TO AN ANGLE POINT THEREIN; THENCE SOUTH 0° 05' 20" EAST 332.54 FEET ALONG THE WESTERLY LINE OF SAID LAND CONVEYED TO PANTER TO AN ANGLE POINT THEREIN; THENCE SOUTH 14° 18' 08" WEST 962.32 FEET TO A POINT IN THE CENTER LINE OF SAID MODJESKA ROAD, SAID POINT BEING ON A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 700.00 FEET, A RADIAL LINE AT SAID POINT BEARS SOUTH 46° 01' 04" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 0° 32' 34" A DISTANCE OF 6.63 FEET TO A POINT IN A LINE TANGENT; THENCE NORTH 44° 31' 30" WEST 105.16 FEET ALONG THE CENTER LINE OF SAID MODJESKA ROAD TO THE POINT OF BEGINNING.

APN: 858-011-06

PARCEL 2:

THAT PORTION OF LOT 7 OF RANCHO CANADA DE LOS ALISOS, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP THEREOF RECORDED IN BOOK 3, PAGES 290 AND 291, MISCELLANEOUS MAPS, RECORDS OF LOS ANGELES COUNTY, CALIFORNIA DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF MODJESKA ROAD AS DESCRIBED IN A DEED TO THE COUNTY OF ORANGE, RECORDED JULY 3, 1945, IN BOOK 1322, PAGE 254, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY, WITH THE NORTHEASTERLY LINE OF SAID RANCHO CANADA DE LOS ALISOS, AS SAID INTERSECTION IS SHOWN ON A MAP OF SURVEY RECORDED IN BOOK 16, PAGE 19 RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY; THENCE NORTH 44° 31' 30" WEST 521.81 FEET ALONG THE CENTER LINE OF SAID MODJESKA ROAD TO THE BEGINNING OF A TANGENT CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 700 FEET AND A CENTRAL ANGLE OF 7° 25' 00"; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 90.61 FEET; THENCE TANGENT TO SAID CURVE NORTH 51° 56' 30" WEST 428.65 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 350 FEET; THENCE LEAVING SAID CENTER LINE NORTH 51° 56' 30" WEST 45.61 FEET TO THE POINT OF INTERSECTION OF THE TANGENTS OF SAID CURVE; THENCE NORTH 13° 55' 14" EAST 512.30 FEET TO THE NORTHEASTERLY LINE OF SAID RANCHO CANADA DE LOS ALISOS; THENCE SOUTH 29° 13' 17" EAST 1400.00 FEET TO THE POINT OF BEGINNING.

APN: 858-011-07

PARCEL 3:

EXHIBIT A

THAT PORTION OF FRACTIONAL SECTION 32, TOWNSHIP 5 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT FILED IN THE DISTRICT LAND OFFICE, MAY 20, 1875, DESCRIBED AS FOLLOWS:

BEGINNING AT AN ANGLE POINT IN THE WESTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO CHARLES PANTER AND WIFE BY DEED RECORDED JANUARY 22, 1942 IN BOOK 1127, PAGE 46 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA, SAID POINT BEING THE NORTHERLY TERMINUS OF THAT CERTAIN LINE DESCRIBED AS "NORTH 51° 55' 20" WEST, 708.85 FEET"; RUNNING FROM SAID POINT OF BEGINNING, SOUTH 51° 55' 20" EAST 708.85 FEET ALONG THE SOUTHWESTERLY LINE OF SAID LAND CONVEYED TO PANTER; THENCE SOUTH 89° 54' 40" WEST 106.95 FEET; THENCE SOUTH 7° 57' 10" WEST 916.68 FEET; THENCE SOUTH 0° 05' 20" EAST 315.03 FEET ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID FRACTIONAL SECTION 32, TO A POINT IN THE CENTERLINE OF MODJESKA ROAD, AS CONVEYED TO THE COUNTY OF ORANGE BY DEED RECORDED MARCH 24, 1932 IN BOOK 546, PAGE 164 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA, SAID POINT BEING ON A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1000.00 FEET, A RADIAL LINE AT SAID POINT BEARS NORTH 29° 08' 05" EAST; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 25° 01' 35" A DISTANCE OF 436.78 FEET; THENCE NORTH 30° 39' 39" WEST 328.45 FEET ALONG THE CENTERLINE OF SAID MODJESKA ROAD, TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 700.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 13° 19' 26", A DISTANCE OF 162.78 FEET; THENCE NORTH 14° 18' 08" EAST 962.32 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, THE LAND DESCRIBED IN THE DEED TO THE COUNTY OF ORANGE, RECORDED IN BOOK 85801 PAGE 322 OF OFFICIAL RECORDS OF SAID ORANGE COUNTY.

APN: 858-011-08

PARCEL 4:

THAT PORTION OF FRACTIONAL SECTION 32, TOWNSHIP 5 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF THE EAST LINE OF FRACTIONAL SECTION THIRTY-TWO (32) TOWNSHIP FIVE (5) SOUTH, RANGE SEVEN (7) WEST, SAN BERNARDINO MERIDIAN WITH THE NORTH LINE OF THE LAND DESCRIBED AS PARCEL ONE IN THE DEED TO FRANCISCO J. SERRANO RECORDED MAY 28, 1937 IN BOOK 887, PAGE 506 OFFICIAL RECORDS, SAID POINT BEING DISTANT NORTH 0° 05' 20" WEST 2078.26 FEET FROM THE POINT OF INTERSECTION OF SAID EAST LINE WITH THE NORTHEASTERLY LINE OF THE RANCHO CANADA DE LOS ALISOS, AS SHOWN ON A MAP THEREOF RECORDED IN BOOK 3, PAGES

EXHIBIT A

290 AND 291 OF MISCELLANEOUS RECORDS OF LOS ANGELES COUNTY, CALIFORNIA; THENCE SOUTH 89° 54' 40" WEST ALONG THE NORTH LINE OF PARCEL ONE AS DESCRIBED IN SAID DEED 53.05 FEET TO A POINT; THENCE NORTH 51° 55' 20" WEST 708.85 FEET TO A POINT; THENCE NORTH 0° 05' 20" WEST PARALLEL TO THE EAST LINE OF SAID FRACTIONAL SECTION 32, 332.54 FEET TO A POINT; THENCE WESTERLY PARALLEL TO THE NORTH LINE OF SAID FRACTIONAL SECTION 32, 977.10 FEET TO A POINT IN THE NORTHEASTERLY LINE OF SAID RANCHO CANADA DE LOS ALISOS; THENCE NORTH 29° 13' 30" WEST ALONG SAID NORTHEASTERLY LINE 700.36 FEET TO A POINT WHICH IS SOUTH 29° 13' 30" EAST 1247.40 FEET FROM THE INTERSECTION OF SAID NORTHEASTERLY LINE OF THE RANCHO CANADA DE LOS ALISOS WITH THE NORTH LINE OF SAID FRACTIONAL SECTION 32, SAID POINT BEING THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN PARCEL ONE IN THE DEED TO EDSON P. KITTLE RECORDED DECEMBER 29, 1936 IN BOOK 857, PAGE 446, OFFICIAL RECORDS; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL 1928.46 FEET TO A POINT IN THE EAST LINE OF SAID FRACTIONAL SECTION 32; THENCE SOUTH 0° 05' 20" EAST ALONG SAID EAST LINE 1383.23 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM AN UNDIVIDED ONE-HALF OF OIL, GAS, MINERALS AND OTHER HYDROCARBONS, BELOW A DEPTH OF 500 FEET, WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED IN THE DEED RECORDED OCTOBER 26, 1960 AS INSTRUMENT NO. 188698, IN BOOK 5480, PAGE 579, OFFICIAL RECORDS.

A PORTION OF SAID LAND IS SHOWN ON A MAP FILED IN BOOK 6, PAGE 46, IN BOOK 7, PAGE 24 AND IN BOOK 11, PAGE 49, ALL OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 858-011-09

PARCEL 5:

THAT PORTION OF THE NORTHWEST QUARTER OF FRACTIONAL SECTION 33, TOWNSHIP 5 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF OF SAID LAND FILED IN THE DISTRICT LAND OFFICE FEBRUARY 23, 1882, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE WEST LINE OF SAID NORTHWEST QUARTER NORTH 0° 05' 20" WEST 2840.43 FEET FROM THE POINT OF INTERSECTION OF SAID WEST LINE WITH THE NORTHEASTERLY LINE OF THE RANCHO CANADA DE LOS ALISOS, AS SHOWN ON A MAP RECORDED IN BOOK 3, PAGE 291, OF MISCELLANEOUS RECORDS OF LOS ANGELES COUNTY, CALIFORNIA, AND RUNNING THENCE FROM SAID POINT OF BEGINNING NORTH 0° 05' 20" WEST ALONG THE WEST LINE OF SAID SECTION 33, 1712.88 FEET TO THE NORTHWEST CORNER OF SAID SECTION 33; THENCE SOUTH 89° 47' 20" EAST, ALONG THE NORTH LINE OF SAID SECTION 33, 1207.36 FEET TO A POINT; THENCE SOUTH 0° 05' 20" EAST, PARALLEL TO THE WEST LINE OF SAID SECTION 33, 1712.88 FEET TO A POINT; THENCE NORTH 89°

EXHIBIT A

47' 20" WEST, PARALLEL TO THE NORTH LINE OF SAID SECTION 33,
1207.36 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE SOUTH 615.94 FEET OF THE EAST 500
FEET THEREOF.

ALSO EXCEPTING THEREFROM ONE-HALF OF ALL MINERAL AND OIL
RIGHTS, AS RESERVED IN THE DEED FROM CHARLES PANTER AND
WIFE, RECORDED SEPTEMBER 29, 1955 IN BOOK 3227, PAGE 393 OF
OFFICIAL RECORDS.

APN'S: 858-021-16 AND 858-021-17

PARCEL 5A:

A NON-EXCLUSIVE EASEMENT FOR ROAD PURPOSES AS PROVIDED IN
AN AGREEMENT RECORDED MARCH 21, 1940 IN BOOK 1029, PAGE 582
OF OFFICIAL RECORDS, OVER A STRIP OF LAND 5 FEET ON EACH SIDE
OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF THE MOST
NORTHERLY 15-ACRE PARCEL OF LAND AS SURVEYED FOR FRANCISCO
J. SERRANO AND SHOWN ON A MAP RECORDED IN BOOK 8, PAGE 9 OF
RECORD OF SURVEYS IN THE OFFICE OF THE COUNTY RECORDER OF
ORANGE COUNTY, CALIFORNIA, SAID POINT BEING NORTH 89° 47' 20"
WEST 87.33 FEET FROM THE NORTHEASTERLY CORNER OF SAID 15
ACRE PARCEL AND RUNNING THENCE FROM SAID POINT OF BEGINNING
SOUTH 16° 17' 40" WEST 311.27 FEET; THENCE SOUTH 10° 13' 40" WEST
252.93 FEET; THENCE SOUTH 40° 00' 00" WEST 463.86 FEET; THENCE
SOUTH 9° 26' 00" WEST 415.23 FEET; THENCE SOUTH 50° 54' 00" WEST
130.21 FEET; THENCE SOUTH 1° 28' 00" WEST 253.20 FEET; THENCE
SOUTH 35° 36' 40" WEST 82.90 FEET TO A POINT IN A LINE PARALLEL TO
AND DISTANT 5 FEET EASTERLY MEASURED AT RIGHT ANGLES FROM
THE WESTERLY LINE OF THAT CERTAIN 16.42-ACRE PARCEL OF LAND,
AS SHOWN ON A MAP RECORDED IN BOOK 10, PAGE 19 OF RECORD OF
SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE
COUNTY, CALIFORNIA; THENCE SOUTH 0° 05' 20" EAST ALONG SAID
PARALLEL LINE 235.00 FEET, MORE OR LESS, TO AN INTERSECTION
WITH THE NORTHERLY RIGHT OF WAY LINE OF THAT CERTAIN PUBLIC
HIGHWAY, COMMONLY KNOWN AS MODJESKA ROAD, DESCRIBED IN
DEED TO ORANGE COUNTY IN BOOK 546, PAGE 164 OF OFFICIAL
RECORDS, WHICH LINE IS THE CENTERLINE OF SAID ROADWAY.

PARCEL 5B:

BEING PORTIONS OF FRACTIONAL SECTIONS 32 AND 33, TOWNSHIP 5
SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, AS PER OFFICIAL
PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, FEBRUARY 23,
1882, BEING ALSO A STRIP OF LAND 20.00 FEET WIDE LYING 5.00 FEET
SOUTHEASTERLY AND 15.00 NORTHWESTERLY OF THE FOLLOWING
DESCRIBED CENTERLINE:

EXHIBIT A

COMMENCING AT A POINT IN THE WEST LINE OF SAID FRACTIONAL SECTION 33, SAID POINT BEING NORTH 0° 05' 20" WEST, 2131.21 FEET MEASURED ALONG SAID WEST LINE FROM THE POINT OF INTERSECTION OF SAID WEST LINE WITH THE NORTHWESTERLY LINE OF THE RANCHO CANADA DE LOS ALISOS, AS SHOWN ON A MAP THEREOF RECORDED IN BOOK 3, PAGES 220 AND 291 OF MISCELLANEOUS RECORDS OF LOS ANGELES COUNTY, CALIFORNIA, SAID POINT BEING SOUTH 0° 05' 20" EAST 709.22 FEET ALONG SAID WEST LINE FROM THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN PARCEL 2 OF DEED TO BENNIE V. CARISOZA AND LOUIE M. CARISOZA, RECORDED OCTOBER 21, 1937 IN BOOK 912, PAGE 419, OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA; THENCE PARALLEL WITH THE NORTH LINE OF SAID SECTION 33, SOUTH 89° 47' 20" EAST, 105.25 FEET TO THE TRUE POINT OF BEGINNING; THENCE

1. SOUTH 40° 00' 00" WEST 254.27 FEET; THENCE
2. SOUTH 09° 26' 00" WEST 324.64 FEET TO A POINT ON THE NORTHERLY LINE OF THE SOUTHERLY 15.00 ACRES AS SHOWN ON A MAP RECORDED IN BOOK 8, PAGE 9 OF RECORD OF SURVEYS, SAID POINT BEING SOUTH 89° 47' 20" EAST, 113.03 FEET ALONG SAID NORTHERLY LINE FROM THE WESTERLY TERMINATION THEREOF.

THE SIDELINES OF SAID 20.00 FOOT STRIP SHALL BE PROLONGED OR FORESHORTENED SO AS TO TERMINATE IN SAID PARALLEL LINE AND IN SAID NORTHERLY LINE.

PARCEL 5C:

BEING A PORTION OF FRACTIONAL SECTION 33, TOWNSHIP 5 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, AS PER OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, FEBRUARY 23, 1882, BEING ALSO A STRIP OF LAND 20.00 FEET WIDE LYING 5.00 FEET SOUTHEASTERLY AND 15.00 NORTHWESTERLY OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT A POINT IN THE WEST LINE OF SAID FRACTIONAL SECTION 33, SAID POINT BEING NORTH 0° 05' 20" WEST, 2131.21 FEET MEASURED ALONG SAID WEST LINE FROM THE POINT OF INTERSECTION OF SAID WEST LINE WITH THE NORTHEASTERLY LINE OF THE RANCHO CANADA DE LOS ALISOS, AS SHOWN ON A MAP THEREOF RECORDED IN BOOK 3, PAGES 290 AND 291 OF MISCELLANEOUS RECORDS OF LOS ANGELES COUNTY, CALIFORNIA; THENCE CONTINUING ALONG SAID WEST LINE NORTH 0° 05' 20" WEST, 709.22 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN PARCEL 2 OF DEED TO BENNIE V. CARISOZA AND LOUIE M. CARISOZA, RECORDED OCTOBER 21, 1937 IN BOOK 912, PAGE 419, OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA; THENCE PARALLEL WITH THE NORTH LINE OF SAID SECTION 33, SOUTH 89° 47' 20" EAST, 373.32 FEET TO THE TRUE POINT OF BEGINNING; THENCE

EXHIBIT A

1. SOUTH 16° 17' 40" WEST, 311.27 FEET; THENCE
2. SOUTH 10° 13' 40" WEST, 252.93 FEET; THENCE
3. SOUTH 40° 00' 00" WEST, 209.59 FEET TO A POINT IN A LINE PARALLEL WITH THE NORTH LINE OF SAID SECTION 33.

THE SIDELINES OF SAID 20.00 FOOT STRIP SHALL BE PROLONGED OR FORESHORTENED SO AS TO TERMINATE AT THE HEREINABOVE DESCRIBED PARALLEL LINES.

PARCEL 6:

THE SOUTH 615.94 FEET OF THE EAST 500 FEET OF THE FOLLOWING:

BEGINNING AT A POINT IN THE WEST LINE OF FRACTIONAL SECTION 33, TOWNSHIP 5 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, SAID POINT BEING DISTANT NORTH 0° 05' 20" WEST 2840.43 FEET FROM THE POINT OF INTERSECTION OF SAID WEST LINE WITH THE NORTHEASTERLY LINE OF THE RANCHO CANADA DE LOS ALISOS, AS SHOWN ON A MAP RECORDED IN BOOK 3, PAGE 291, OF MISCELLANEOUS RECORDS OF LOS ANGELES COUNTY, CALIFORNIA, AND RUNNING THENCE FROM SAID POINT OF BEGINNING NORTH 0° 05' 20" WEST ALONG THE WEST LINE OF SAID SECTION 33, 1712.88 FEET TO THE NORTHWEST CORNER OF SAID SECTION 33, THENCE SOUTH 89° 47' 20" EAST, ALONG THE NORTH LINE OF SAID SECTION 33, 1207.36 FEET TO A POINT; THENCE SOUTH 0° 05' 20" EAST, PARALLEL TO THE WEST LINE OF SAID SECTION 33, 1712.88 FEET TO A POINT; THENCE NORTH 89° 47' 20" WEST, PARALLEL TO THE NORTH LINE OF SAID SECTION 33, 1207.36 FEET TO THE POINT OF BEGINNING.

APN: 858-021-02

PARCEL 6A:

A NON-EXCLUSIVE EASEMENT FOR ROAD PURPOSES AS PROVIDED IN AN AGREEMENT RECORDED MARCH 21, 1940 IN BOOK 1029, PAGE 582 OF OFFICIAL RECORDS OVER A STRIP OF LAND 5 FEET ON EACH SIDE OF A LINE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHERLY LINE OF THE MOST NORTHERLY 15-ACRE PARCEL OF LAND AS SURVEYED FOR FRANCISCO J. SERRANO AND SHOWN ON A MAP RECORDED IN BOOK 8, PAGE 9 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA, SAID POINT BEING NORTH 89° 47' 20" WEST 87.33 FEET FROM THE NORTHEASTERLY CORNER OF SAID 15-ACRE PARCEL AND RUNNING THENCE FROM SAID POINT OF BEGINNING SOUTH 16° 17' 40" WEST 311.27 FEET; THENCE SOUTH 10° 13' 40" WEST 252.93 FEET; THENCE SOUTH 40° 00' 00" WEST 463.86 FEET; THENCE SOUTH 9° 26' 00" WEST 415.23 FEET; THENCE SOUTH 50° 54' 00" WEST 130.21 FEET; THENCE SOUTH 1° 28' 00" WEST 253.20 FEET; THENCE SOUTH 35° 36' 40" WEST 82.90 FEET TO A POINT IN A LINE PARALLEL TO AND DISTANT 5 FEET EASTERLY MEASURED AT RIGHT ANGLES FROM THE WESTERLY LINE OF THAT CERTAIN 16.42-ACRE PARCEL OF LAND, AS SHOWN ON A MAP

EXHIBIT A

RECORDED IN BOOK 10, PAGE 19 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA; THENCE SOUTH 0° 05' 20" EAST ALONG SAID PARALLEL LINE 235.00 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF THAT CERTAIN PUBLIC HIGHWAY, COMMONLY KNOWN AS MODJESKA ROAD, DESCRIBED IN DEED TO ORANGE COUNTY IN BOOK 546, PAGE 164 OF OFFICIAL RECORDS, WHICH LINE IS THE CENTERLINE OF SAID ROADWAY.

EXCEPTING THEREFROM ONE-HALF OF ALL OIL AND MINERAL RIGHTS, AS RESERVED IN THE DEED FROM CHARLES PANTER AND WIFE, RECORDED SEPTEMBER 29, 1955 IN BOOK 3227, PAGE 393 OF OFFICIAL RECORDS.

PARCEL 6B:

AN EASEMENT FOR INGRESS AND EGRESS 10 FEET WIDE OVER LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF FRACTIONAL SECTION 33, TOWNSHIP 5 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, SAID POINT BEING DISTANT NORTH 0° 05' 20" WEST 2840.43 FEET FROM THE POINT OF INTERSECTION OF SAID WEST LINE WITH THE NORTHEASTERLY LINE OF THE RANCHO CANADA DE LOS ALISOS, AS SHOWN ON A MAP RECORDED IN BOOK 3, PAGE 291, OF MISCELLANEOUS RECORDS OF LOS ANGELES COUNTY, CALIFORNIA, AND RUNNING THENCE FROM SAID POINT OF BEGINNING NORTH 0° 05' 20" WEST ALONG THE WEST LINE OF SAID SECTION 33, 1712.88 FEET TO THE NORTHWEST CORNER OF SAID SECTION 33; THENCE SOUTH 89° 47' 20" EAST, ALONG THE NORTH LINE OF SAID SECTION 33, 1207.36 FEET TO A POINT; THENCE SOUTH 0° 05' 20" EAST, PARALLEL TO THE WEST LINE OF SAID SECTION 33, 1712.88 FEET TO A POINT; THENCE NORTH 89° 47' 20" WEST, PARALLEL TO THE NORTH LINE OF SAID SECTION 3, 1702.26 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT TO FOLLOW AS NEARLY AS PRACTICABLE THE SOUTH LINE OF THE ABOVE DESCRIBED LAND AND THE NORTHERLY LINE OF THE CREEK BED INTERSECTING THE ABOVE DESCRIBED LAND IN THE SOUTHERLY PORTION THEREOF.

PARCEL 6C:

BEING A PORTION OF FRACTIONAL SECTION 33, TOWNSHIP 5 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, AS PER OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, FEBRUARY 23, 1882, BEING ALSO A STRIP OF LAND 20.00 FEET WIDE LYING 10.00 FEET ON EACH SIDE AT THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SAID FRACTIONAL SECTION 331 WITH THE NORTHEASTERLY LINE OF THE RANCHO CANADA DE LOS ALISOS, AS SHOWN ON A MAP THEREOF

EXHIBIT A

RECORDED IN BOOK 3, PAGES 290 AND 291 OF MISCELLANEOUS RECORDS OF LOS ANGELES COUNTY, CALIFORNIA; THENCE ALONG SAID WEST LINE NORTH 0° 05' 20" WEST 2840.43 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN PARCEL 2 OF DEED TO BENNIE V. CARISOZA AND LOUIS M. CARISOZA, RECORDED OCTOBER 21, 1937 IN BOOK 912, PAGE 419, OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA; THENCE ON A LINE PARALLEL WITH THE NORTH LINE OF SAID SECTION 33, SOUTH 89° 47' 20" EAST, 357.71 FEET TO A POINT NORTH 89° 47' 20" WEST 102.94 FEET FROM THE NORTHEAST CORNER OF SAID PARCEL 2; THENCE LEAVING SAID PARALLEL LINE NORTH 0° 12' 40" EAST 10.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE ON A LINE PARALLEL WITH SAID NORTH LINE.

1. SOUTH 89° 47' 20" EAST 109.38 FEET; THENCE
2. NORTH 78° 54' 00" EAST 234.53 FEET TO A LINE PARALLEL WITH SAID WEST LINE; THENCE ALONG SAID PARALLEL LINE
3. SOUTH 0° 05' 20" EAST 56.00 FEET TO A POINT ON A LINE PARALLEL WITH THE NORTH LINE OF SAID SECTION 33, SAID POINT BEING SOUTH 89° 47' 20" EAST 236.71 FEET ALONG SAID PARALLEL LINE FROM THE NORTHEAST CORNER OF SAID PARCEL 2.

THE SIDELINES OF SAID 20.00 FOOT STRIP SHALL BE PROLONGED OR FORESHORTENED SO AS TO INTERSECT WITH EACH OTHER AND TO TERMINATE AT SAID PARALLEL LINE.

PARCEL 6D:

BEING PORTIONS OF FRACTIONAL SECTIONS 32 AND 33, TOWNSHIP 5 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, AS PER OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, FEBRUARY 23, 1882, BEING ALSO A STRIP OF LAND 20.00 FEET WIDE LYING 5.00 FEET SOUTHEASTERLY AND 15.00 NORTHWESTERLY OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT A POINT IN THE WEST LINE OF SAID FRACTIONAL SECTION 33, SAID POINT BEING NORTH 0° 05' 20" WEST, 2131.21 FEET MEASURED ALONG SAID WEST LINE FROM THE POINT OF INTERSECTION OF SAID WEST LINE WITH THE NORTHWESTERLY LINE OF THE RANCHO CANADA DE LOS ALISOS, AS SHOW ON A MAP THEREOF RECORDED IN BOOK 3, PAGES 290 AND 291 OF MISCELLANEOUS RECORDS OF LOS ANGELES COUNTY, CALIFORNIA, SAID POINT BEING SOUTH 0° 05' 20" EAST, 709.22 FEET ALONG SAID WEST LINE FROM THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN PARCEL 2 OF DEED TO BENNIE V. CARISOZA AND LOUIE M. CARISOZA RECORDED OCTOBER 21, 1937 IN BOOK 912, PAGE 419, OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA; THENCE PARALLEL WITH THE NORTH LINE OF SAID SECTION 33, SOUTH 89° 47' 20" EAST, 105.25 FEET TO THE TRUE POINT OF BEGINNING; THENCE

1. SOUTH 40° 00' 00" WEST 254.27 FEET; THENCE

EXHIBIT A

2. SOUTH 09° 26' 00" WEST 324.64 FEET TO A POINT ON THE NORTHERLY LINE OF THE SOUTHERLY 15.00 ACRES AS SHOWN ON A MAP RECORDED IN BOOK 8, PAGE 9 OF RECORD OF SURVEYS, SAID POINT BEING SOUTH 89° 47' 20" EAST, 113.03 FEET ALONG SAID NORTHERLY LINE FROM THE WESTERLY TERMINATION THEREOF.

THE SIDELINES OF SAID 20.00 FOOT STRIP SHALL BE PROLONGED OR FORESHORTENED SO AS TO TERMINATE IN SAID PARALLEL LINE AND IN SAID NORTHERLY LINE.

PARCEL 6E:

BEING A PORTION OF FRACTIONAL SECTION 33, TOWNSHIP 5 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, AS PER OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, FEBRUARY 23, 1882, BEING ALSO A STRIP OF LAND 20.00 FEET WIDE LYING 5.00 FEET SOUTHEASTERLY AND 15.00 FEET NORTHWESTERLY OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT A POINT IN THE WEST LINE OF SAID FRACTIONAL SECTION 33, SAID POINT BEING NORTH 0° 05' 20" WEST, 2131.21 FEET MEASURED ALONG SAID WEST LINE FROM THE POINT OF INTERSECTION OF SAID WEST LINE WITH THE NORTHEASTERLY LINE OF THE RANCHO CANADA DE LOS ALISOS, AS SHOWN ON A MAP THEREOF RECORDED IN BOOK 3, PAGES 290 AND 291 OF MISCELLANEOUS RECORDS OF LOS ANGELES COUNTY, CALIFORNIA; THENCE CONTINUING ALONG SAID WEST LINE NORTH 0° 05' 20" WEST, 709.22 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN PARCEL 2 OF DEED TO BENNIE V. CARISOZA AND LOUIE M. CARISOZA, RECORDED OCTOBER 21, 1937 IN BOOK 912, PAGE 419, OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA; THENCE PARALLEL WITH THE NORTH LINE OF SAID SECTION 33, SOUTH 89° 47' 20" EAST, 373.32 FEET TO THE TRUE POINT OF BEGINNING; THENCE

1. SOUTH 16° 17' 40" WEST, 311.27 FEET; THENCE
2. SOUTH 10° 13' 40" WEST, 252.93 FEET; THENCE
3. SOUTH 40° 00' 00" WEST, 209.59 FEET TO A POINT IN A LINE PARALLEL WITH THE NORTH LINE OF SAID SECTION 33.

THE SIDELINES OF SAID 20.00 FOOT STRIP SHALL BE PROLONGED OR FORESHORTENED SO AS TO TERMINATE AT THE HEREINABOVE DESCRIBED PARALLEL LINES.

WHEREAS, in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 *et seq.*) and the State CEQA Guidelines (California Code of Regulations Section 15000 *et seq.*) the County has completed an Environmental Impact Report (EIR No. 661) ("the Environmental Impact Report") to evaluate the environmental impacts of the actions and approvals requested in Planning Application PA110027, including the proposed F/TSP Amendments; and

EXHIBIT A

WHEREAS, on July 25, 2012 the Orange County Planning Commission conducted a public hearing and after review and due consideration the Orange County Planning Commission recommended to this Board to approve Planning Application PA110027, including the F/TSP Amendments, as well as the General Plan Amendment and the Saddle Crest Homes Area Plan;

WHEREAS, the Board of Supervisors held a duly noticed hearing, on October 2, 2012, for the purpose of considering the Environmental Impact Report and Planning Application 110027, including the proposed amendments to the Orange County General Plan, the F/TSP Amendments, and the Saddle Crest Homes Area Plan; and

WHEREAS, by separate resolution (Resolution No. 12-147 the Board of Supervisors has certified the Environmental Impact Report as being adequate and complete and as fully complying with the requirements of the California Environmental Quality Act and further certified that that the Environmental Impact Report is adequate and complete for all proposed Project actions and approvals identified in the Environmental Impact Report, including but not limited to, the proposed amendments to the Orange County General Plan, the proposed amendments to the Foothill Trabuco Specific Plan, the Saddle Crest Homes Area Plan, and Vesting Tentative Tract Map 17388; and

WHEREAS, the Board of Supervisors has reviewed and considered the information contained in the Environmental Impact Report and adopted California Environmental Quality Act Findings and a Statement of Overriding Considerations for approval of the proposed amendments of the Orange County General Plan, the proposed F/TSP Amendments, and the Saddle Crest Homes Area Plan, as set forth in Resolution 12-147, which Resolution is incorporated herein by reference; and

WHEREAS, the Board has reviewed and considered the recommendations of the Planning Commission and also carefully considered the public comments that were presented to it at the public hearing held on the Planning Application; and

WHEREAS, in addition to all other information, comments and data prepared and presented in relation to the Planning Application, the Board has specifically and fully considered and reviewed all elements of the proposed amendments to the Foothill/Trabuco Specific Plan ,

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE DOES ORDAIN AS FOLLOWS:

SECTION I:

The Foothill/Trabuco Specific Plan is hereby amended as follows:

EXHIBIT A

1. Amend Section I.A., Introduction, Authorization and Purpose (p. I-1) to read as follows:

“In August 1988, the Orange County Board of Supervisors directed the Environmental Management Agency (EMA) to convert the then-existing, policy-level Foothill/Trabuco Feature Plan into a regulatory, zoning-level Specific Plan. The purpose of the Specific Plan effort was to set forth goals, policies, land use district regulations, development guidelines, and implementation programs in order to preserve the area’s rural character and to guide future development in the Foothill/Trabuco area.

Since the adoption of the Foothill/Trabuco Specific Plan, advances in scientific and technical information relating to oak tree mitigation/restoration, fire management, preservation of biological resources, hydrology and hydromodification, as well as changes in state laws, have led to the development of environmentally superior methods to protect resources and reduce potential environmental impacts associated with the implementation of projects within the Foothill/Trabuco Specific Plan area. Additionally, since the adoption of the Foothill/Trabuco Specific Plan, the County has undergone certain changes, including the elimination of the potential for the development of several large parcels anticipated by buildout in the Foothill/Trabuco Specific Plan area, as well as other changes.”

2. Amend Section I.C.2.a.2, Introduction, Goals and Objectives, Specific Plan Objectives, Area-wide Objectives, Resource Preservation (p. I-6) to add a new objective to read as follows:

“f) Provide for alternative approaches relating to grading in order to reduce impacts to biological resources, increase on-site open space, and/or further the Plan’s goal of providing a buffer between urban development and the Cleveland National Forest, while ensuring that significant landforms (defined as major ridgelines and major rock outcroppings) are preserved as provided in the Resources Overlay Component.”

3. Amend Section II.C.3.3, Specific Plan Components, Resources Overlay Component, Oak Woodlands, Tree Management/Preservation Plan (p. II-17) to read as follows:

- a. “Any oak tree removed which is greater than five (5) inches in diameter at 4.5 feet above the existing grade shall be transplanted. If any oak tree over 5 inches in diameter is either in poor health or would not survive transplantation, as certified by an arborist, said tree shall be replaced either according to the replacement scale indicated below or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation. If any oak tree dies within five years of the initial transplantation, it shall also be replaced according to the replacement

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scale indicated below or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation. In the event that a proposal includes an alternative oak tree replacement mitigation, the Approving Authority shall make the following additional finding prior to approval of the Tree Management and Preservation Plan:

- 1) The oak tree replacement mitigation proposed in the Tree Management and Preservation Plan is more extensive and effective than if oak trees were to be replaced at a 15-gallon minimum size and by using the "Tree Replacement Scale" indicated below.
4. Amend Section III.D.8.8, Land Use Regulations, Land Use District Regulations, Upper Aliso Residential (UAR) District Regulations, Site Development Standards (p. III-53) to add a new subsection "n" to read as follows:

"n. Alternative Site Development Standards

1) Alternatives to the Site Development Standards in section 8.8(a) (building site area) and section 8.8 (h) (grading standards) may be approved for an Area Plan if the Area Plan would result in greater overall protection of environmental resources than would be provided through compliance with those standards. Such alternatives may be approved if it is determined that the Area Plan or other plan for development implements the Foothill/Trabuco Specific Plan's goals relating to protection of biological resources, preservation of open space, provision of a buffer between development and the Cleveland National Forest, and protection of significant land form features in a manner that would provide greater overall environmental protection than would compliance with the Site Development Standards in sections 8.8(a) and 8.8(h). Approval of such alternative standards shall not be subject to the provisions of section III G 2.0 d.

2) To the extent that alternative site development standards relating to building site area and grading are approved for an Area Plan as provided in subsection (1), above, those alternative site development standards shall serve as the development and design guidelines for the development in place of the Development and Design Guidelines in section IV C that would otherwise apply.

3) In the event that a proposal utilizes the Alternative Site Development Standards within this Section, the Approving Authority shall make the following additional finding prior to approval of the Area Plan:

- a) The alternative site development standards result in greater overall protection of environmental resources than would be the case if the proposal fully complied with the Site Development Standards in sections 8.8(a) and 8.8(h)."

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5. Amend Section III.D.8.8.i., Land Use Regulations, Upper Aliso Residential (UAR), Site Development Standards (p. III-52) to read as follows:

“Each individual project proposal (excluding building sites of one (1) acre or less which were existing at the time of Specific Plan adoption) shall preserve a minimum of sixty-six (66) percent of the site in permanent open space which shall be offered for dedication in fee or within preservation easements to the County of Orange or its designee... No grading, structures (including stables and corrals), walls (except for river rock walls not to exceed three feet), fences (except open fencing) or commercial agricultural activities shall be permitted in the open space area. Fuel modification shall be permitted within said open space areas if required by the Fire Chief in conjunction with an approved Fuel Modification Plan; however, the development should be designed so that fuel modification impacts to open space areas are minimized. This provision does not prohibit grading during site development within areas that will remain as open space after development is completed.”

6. Amend Section I.E., Relationship to General Plan, Transition Areas for Rural Communities (p. I-12) to read as follows:

“New development within the Silverado/Modjeska Specific Plan planning area shall be rural in character and shall comply with the policies of that plan in order to maintain a buffer between urban development and the Cleveland National Forest.

New development within the Foothill/Trabuco Specific Plan planning area shall be designed to maintain a buffer between urban development and the Cleveland National Forest, to be compatible with adjacent areas, and to reflect the goals of that Plan.

It is recognized that additional plans may be established which provide a transition area between urban development and major open space areas.”

7. Amend Section II.F.1.a, Specific Plan Components, Phasing Component, Circulation Phasing, Growth Management Plan (p. II-43) to read as follows:

“All applicants of project proposals which are not exempt from the GMP requirements shall be required to prepare a traffic report, in accordance with the requirements of the GMP Transportation Implementation Manual, as amended, to demonstrate compliance with the GMP Traffic Level of Service Policy. Individual project proposals will be reviewed on a case-by-case basis and shall be phased to ensure consistency with the GMP requirements.”

8. Amend Section III.E.1.c.3, Land Use Regulations, Landscaping and Fuel Modification Regulations, Landscaping Regulations, Tree

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Management/Preservation, Tree Transplantation/Replacement (p. III-77) to read as follows:

"All oak trees exceeding five inches in diameter at 4.5 feet above the existing grade removed in accordance with an approved Tree Management/Preservation Plan shall be transplanted. If any oak trees over 5 inches in diameter are either in poor health or would not survive transplantation, as certified by an arborist, said tree shall be replaced either with minimum 15-gallon trees according to the replacement scale below or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation. The replacement scale indicated is the minimum number of replacement trees required (other than as specified in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation); however, additional replacement trees may be required on a case-by-case basis."

9. Amend Appendix A: Foothill/Trabuco Specific Plan Project Consistency Checklist, IV, Grading, to add a new subsection 8 (p. A-4) to read as follows:

"8. For projects located within the Upper Aliso Residential District, alternatives to Site Development Standards relating to building site area and grading apply based on a determination of greater overall protection of environmental resources as provided in section III 8.8 n."

10. Amend Appendix A: Foothill Trabuco Specific Plan Project Consistency Checklist, IV, Grading (p. A-4) to read as follows:

"B. Each individual project proposal within the Upper Aliso Residential and Trabuco Canyon Residential Districts (excluding building sites of one (1) acre or less which were existing at the time of Specific Plan adoption) shall preserve a minimum of sixty-six (66) percent of the site in permanent, natural open space which shall be offered for dedication in fee or within preservation easements to the County of Orange or its designee...No grading, structures (including stables and corrals), walls (except for river rock walls not to exceed three feet), fences (except open fencing) or commercial agricultural activities shall be permitted in the natural open space area, except as provided by applicable District regulations. Fuel modification shall be permitted within said open space areas if required by the Fire Chief in conjunction with an approved Fuel Modification Plan; however, the development should be designed so that fuel modification impacts to the open space areas are minimized."

11. Amend Appendix A: Foothill/Trabuco Specific Plan Project Consistency Checklist V, Resources Overlay Component, B., Oak Woodlands, 2, Tree Management/ Preservation Plan (p. A-9) to read as follows:

b. "Any oak tree removed which is greater than five (5) inches in diameter at 4.5 feet above the existing grade shall be transplanted. If any oak tree over 5

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inches in diameter is either in poor health or would not survive transplantation, as certified by an arborist, said tree shall be replaced either according to the Tree Replacement Scale in the Resources Overlay Component or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation. If any oak tree dies within five years of the initial transplantation, it shall also be replaced according to the Tree Replacement Scale or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation.”

12. Amend Appendix A: Foothill/Trabuco Specific Plan Project Consistency Checklist VI, Landscaping and Fuel Modification (p. A-13) to read as follows:

“C. Any oak tree exceeding five (5) inches in diameter at 4.5 feet above the existing grade removed in accordance with an approved Tree Management/Preservation Plan shall be transplanted. If any oak tree over 5 inches in diameter is either in poor health or would not survive transplantation, as certified by an arborist, said tree shall be replaced either with minimum 15 gallon trees according to the Tree Replacement Scale included in the Landscaping Regulations or as provided in an approved Tree Management and Preservation Plan designed to provide more extensive and effective mitigation.”

SECTION II:

The proposed F/TSP Amendments described in Section I are reasonably related to the public welfare and are consistent with the County of Orange General Plan.

SECTION III:

The Board of Supervisors makes and adopts, and hereby incorporates by reference, the findings and determinations contained in Resolution 12-147 as its findings and determinations pursuant to the provisions of the California Environmental Quality Act for approval of the F/TSP Amendments.

SECTION IV:

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the Office of the County Clerk at least five (5) days prior to the Board of Supervisors’ meeting at which this Ordinance is adopted. A summary of this Ordinance shall also be published once within fifteen (15) days after this Ordinance’s passage in a newspaper of general circulation, published, and circulated in the County of Orange. The County Clerk shall post in the Office of the County Clerk a certified copy of the full text of this Ordinance along with the names of

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those Supervisors voting for and against the Ordinance in accordance with Government Code Section 36933. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

EXHIBIT A

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on October 02, 2012, to wit:

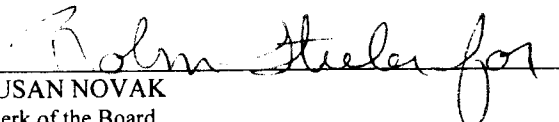
AYES:	Supervisors:	BILL CAMPBELL, JOHN M. W. MOORLACH, JANET NGUYEN SHAWN NELSON, PATRICIA BATES
NOES:	Supervisor(s):	
EXCUSED:	Supervisor(s):	
ABSTAINED:	Supervisor(s):	


CHAIRMAN

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

I, SUSAN NOVAK, 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.


SUSAN NOVAK
Clerk of the Board
County of Orange, State of California

Resolution No: 12-147
Agenda Date: 10/02/2012
Item No: 24



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

Susan Novak, Clerk of the Board of Supervisors

By: 

Deputy

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RESOLUTION NO. 12-149

RESOLUTION OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY, CALIFORNIA

October, 2, 2012

WHEREAS, Rutter Santiago, L.P. (the "Applicant") filed Planning Application PA110027 ("the Planning Application") in connection with the property located at 18682 Santiago Canyon Road, within the unincorporated area in the County of Orange (the "Property"); and

WHEREAS, Planning Application PA110027 includes a request for approval of (1) amendments to the County of Orange General Plan; (2) amendments to the Foothill/Trabuco Specific Plan ; and (3) the Saddle Crest Homes Area Plan; and

WHEREAS, the Applicant has proposed the development of a 65 single-family dwelling unit residential community at the Property as described in the Saddle Crest Homes Area Plan; and

WHEREAS, in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 *et seq.*) and the State CEQA Guidelines (California Code of Regulations Section 15000 *et seq.*) the County has completed an Environmental Impact Report (EIR No. 661)("the Environmental Impact Report") to evaluate and disclose the environmental impacts of the actions and approvals requested in Planning Application PA110027, including development pursuant to the Saddle Crest Homes Area Plan; and

WHEREAS, on July 25, 2012 the Orange County Planning Commission conducted a public hearing and after review and due consideration the Orange County Planning Commission recommended to this Board of Supervisors to certify EIR No. 661 as adequate under the California Environmental Quality Act and to approve Planning Application PA110027 and the General Plan Amendment, Specific Plan Amendment to the Foothill/Trabuco Specific Plan, and Area Plan ;

WHEREAS, the Board of Supervisors held a duly noticed hearing, on October 2, 2012, for the purpose of considering the Environmental Impact Report No. 661 and Planning Application PA 110027, including the proposed amendments to the Orange County General Plan, the proposed amendments to the Foothill/Trabuco Specific Plan, and the Saddle Crest Homes Area Plan;

WHEREAS, by separate resolution (Resolution No. 12-147) the Board of Supervisors has certified the Environmental Impact Report as being adequate and

EXHIBIT A

complete and as fully complying with the requirements of the California Environmental Quality Act and further certified that that the Environmental Impact Report is adequate and complete for all proposed actions and approvals identified in the Environmental Impact Report, including but not limited to, the proposed amendments to the Orange County General Plan, the proposed amendments to the Foothill/Trabuco Specific Plan, the Saddle Crest Homes Area Plan, and Vesting Tentative Tract Map 17388; and

WHEREAS, the Board of Supervisors has reviewed and considered the information contained in the Environmental Impact Report and adopted California Environmental Quality Act Findings and a Statement of Overriding Considerations for approval of the proposed amendments to the Orange County General Plan, the proposed amendments to the Foothill/Trabuco Specific Plan, and the Saddle Crest Homes Area Plan, as set forth in Resolution No. 12-147, which Resolution is incorporated herein by reference;

NOW, THEREFORE BE IT RESOLVED THAT:

This Board of Supervisors finds that

1. Approval of the Saddle Crest Homes Area Plan ("Area Plan") is in compliance with the requirements of the California Environmental Quality Act.
2. The Area Plan is consistent with the objectives, policies and general land uses and programs of the General Plan.
3. The Area Plan is consistent with the Transportation Element of the General Plan, as amended, including, but not limited to, the Level of Service policy and Scenic Highways viewscape corridor component applicable to Santiago Canyon Road
4. The Area Plan is consistent with the Goals and Objectives of the Foothill/Trabuco Specific Plan, including, but not limited to the goals and objectives relating to preservation of the rural character of the area, the provision of a buffer between urban development and the Cleveland National Forest, the preservation of significant landform, biological and scenic resources.
5. The Area Plan is in compliance with all applicable Foothill/Trabuco Specific Plan Components and Regulations, as amended.
6. The Area Plan complies with the Foothill/Trabuco Specific Plan Upper Aliso Residential District regulations, as amended, and is consistent with the purpose and intent of the Upper Aliso Residential District regulations.

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7. The Area Plan is inconsistent with some of the Foothill/Trabuco Specific Plan Guidelines, but is in over all compliance with the Foothill/Trabuco Specific Plan Guidelines.
8. The uses, activities and improvements proposed, subject to the specified conditions of approval, are consistent with the provisions of the Zoning Code and the Foothill/Trabuco Specific Plan regulations applicable to the property.
9. The location, size, design and operating characteristics of the use proposed in the Area Plan will not create conditions or situations that may be incompatible with other permitted uses in the vicinity.
10. Approval of the Area Plan will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
11. The Area Plan is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities.
12. The Mitigation Monitoring and Reporting Program approved and adopted as part of Resolution No. 12-147 certifying EIR No. 661 establishes a mechanism and procedures for verifying the implementation of, and compliance with, the Project Design Features and Mitigation Measures that will apply, in accordance with Public Resources Code Section 21081.6, to development pursuant to the Area Plan.
13. Pursuant to Section 711.4 of the California Fish and Game Code, development pursuant to the Area Plan is subject to the required fees as it has been determined that potential adverse impacts to wildlife resources may result from the project. With incorporation of the project's Project Design Features and Mitigation Measures, the impact will be less than significant.
14. Development pursuant to the Area Plan will not preclude the ability to implement either of the subregional Natural Communities Conservation Planning Programs.

BE IT RESOLVED THAT the Board of Supervisors hereby:

1. Approves the Area Plan for Saddle Crest Homes contained in Planning Application PA 110027.
2. Adopts the conditions of approval contained in Exhibit A attached to this resolution as conditions of its approval of the Area Plan.
3. Affirms the Mitigation Measures and Project Design Features adopted pursuant to Resolution 12-147, and incorporates them as additional conditions of its approval of the Area Plan.

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4. Affirms its adoption of and commitment to the Mitigation Monitoring Program set forth as part of Resolution 12-147 to certify Environmental Impact Report No. 661.

EXHIBIT A

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on October 02, 2012, to wit:

AYES:	Supervisors:	BILL CAMPBELL, JOHN M. W. MOORLACH, JANET NGUYEN SHAWN NELSON, PATRICIA BATES
NOES:	Supervisor(s):	
EXCUSED:	Supervisor(s):	
ABSTAINED:	Supervisor(s):	

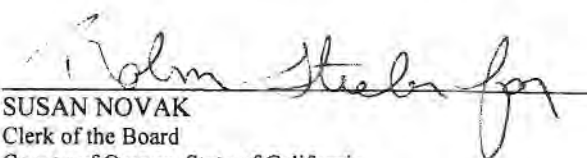


CHAIRMAN

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

I, SUSAN NOVAK, 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.




SUSAN NOVAK
Clerk of the Board
County of Orange, State of California

Resolution No: 12-149
Agenda Date: 10/02/2012
Item No: 24



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

Susan Novak, Clerk of the Board of Supervisors

By: 

Deputy