4.9 LAND USE AND PLANNING

INTRODUCTION

This section analyzes the Project's consistency with applicable land use plans, policies or regulations with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect. This section includes an evaluation of potential conflicts with zoning for an agricultural use. However, the Project site does not include forestry or agricultural-related uses, Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and thus, these issues are not addressed. Please refer to Section 6.0, Other Mandatory CEQA Considerations, for a discussion of why further evaluation of these issues in this section was not warranted. In addition, consistency analyses with General Plan Elements relevant to other environmental issues are contained in other sections of this EIR.

1. **ENVIRONMENTAL SETTING**

a. Regulatory Framework

There are no federal or State land use regulations pertinent to the Project. The following describes the applicable local plans and regulations that are applicable to the Project.

(1) Local

(a) County of Orange General Plan

California State law requires each County to adopt a comprehensive, long-range General Plan for its own physical development and for any land outside its boundaries related to its planning activities. The Orange County General Plan (General Plan) was adopted in 2005 and was last revised in 2011 to reflect adopted General Plan amendments to the Safety and Housing elements. The General Plan is organized into nine elements: Land Use, Transportation, Public Services and Facilities, Resources, Recreation, Noise, Safety, Housing, and Growth Management. Seven of these elements are required by State law (i.e., Land Use, Transportation, Resources, Noise, Safety, Recreation, and Housing) and the remaining two (i.e., Public Services and Facilities and Growth Management) are either mandated by regional requirements or are optional elements addressing issues relevant to the development in the county. A brief description of each General Plan element is provided below.

Land Use Element. The Land Use Element describes objectives, policies, and land use patterns for all unincorporated Orange County territory. Land use categories are used to depict the general distribution, location, and extent of public and private uses of land. This element also establishes development criteria and standards, including population density and building intensity. The General Plan identifies the following land use designations within the Project area:

Suburban Residential (1B). The existing General Plan designates approximately 41 acres of the project site as Suburban Residential 1B. This area is generally located on the southern half of the site (Planning Area 1 of the Project). This designation allows for a wide range of housing types, from estates on large lots to attached dwelling units (e.g., townhomes, condominiums, and clustered arrangements), and allows 0.5 to 18 du/ac (i.e., 1 unit/0.05 to 2 acres); 2.59 Persons/DU; and 1-47

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persons/ac. The Project's proposed single-family residential uses are permitted under this land use designation.

Open Space (5). The existing General Plan designates approximately 43 acres of the project site as Open Space (5) (includes Planning Area 2 and the open space areas north of Planning Area 1 of the Project). This designation provides for limited land uses that do not require a commitment of significant urban infrastructure and are consistent with the open space character of the area, such as agriculture; low-intensity high-technology; industrial; research and development; office and educational uses; and child care facilities. The Project's proposed single-family residential uses are not permitted under this zoning designation. The Open Space (5) category indicates the current and near-term use of the land, most of which is zoned agricultural. It is not necessarily an indication of a long-term commitment to specific uses, except where an overlay category may apply.

Transportation Element. The Transportation Element contains the County's overall transportation system plan. It develops a strategy for planning, developing, and maintaining a surface transportation system to serve existing and planned land uses in the unincorporated areas of Orange County. The potential for traffic impacts are discussed in Section 4.14, *Traffic/Transportation*, of this EIR.

Resources Element. The Resources Element identifies the County's goals, policies, and actions for six key areas: open space, natural resources, energy resources, water resources, air resources, and cultural/historic resources. The Element also provides an assessment of resource needs and identifies problems impeding the development, management, preservation, or conservation of County resources. The Resources Element identifies the project site as a "Wildlife Habitat Area" and it states that the site is located in the Yorba Linda -Eastern Puente Hills paleontology sensitive area. The potential for impacts relating to biology and cultural resources are discussed in Section 4.3, Biological Resources, and Section 4.4, Cultural Resources, respectively, of this EIR.

Noise Element. The purpose of the Noise Element is to provide a statement of public policy and a decision framework for the maintenance of a quiet environment. The Noise Element identifies the sources of noise; analyzes the extent of the noise intrusion; and estimates the potential impact of noise on the County. This identification process, in turn, provides the basis for goals, policies, and implementation programs designed to preserve, where possible, a quiet environment in Orange County. A noise analysis has been conducted for the Project and is included in Section 4.10, *Noise*, of this EIR.

Safety Element. The Safety Element was updated in 2011. It is the primary document for identifying hazards that impact persons and property in the unincorporated areas of Orange County. The Element focuses on fire, flood, and geologic hazards; other hazards are that are locally relevant to safety issues are also discussed. The project site is identified as being located within a "Very High Fire Hazard Severity Zone." The potential for seismic hazards on the project site is discussed in Section 4.5, Geology and Soils, and wildfires in the project area are discussed in Section 4.7, Hazards and Hazardous Materials, of this EIR.

Housing Element. The Housing Element was updated and adopted in 2011. The purpose of the Housing Element is to ensure the County establishes policies, procedures, and incentives in its land use planning and development activities that will result in the maintenance and expansion of the housing supply to adequately meet local and regional trends. Housing is discussed in Section, 4.11, *Population and Housing*, of this EIR.

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Public Services and Facilities Element. The Public Services and Facilities Element sets forth a comprehensive strategy for the planning, management, and implementation of public facilities that are necessary to meet Orange County's existing and future demands. This element focuses on publicly managed services and facilities which have a direct influence on the distribution and intensity of development that can be accommodated through the utilization of existing technologies and assumptions that are used to determine adequate service levels. These services include flood control, waste management, water and wastewater, transportation, and community services (including but not limited to fire protection, library, and sheriff patrol). Public services and utilities in the project area are discussed in Section 4.8, *Hydrology and Water Quality*; Section 4.12, *Public Services*; and Section 4.15, *Utilities and Service Systems*.

Recreation Element. The Recreation Element contains policies pertaining to the acquisition, development, operation, maintenance, and financing of the County's varied recreation facilities, which include regional recreation facilities, local parks, and riding and hiking trails. Recreation is discussed in Section, 4.13, *Recreation*, of this EIR.

Growth Management Element. The Growth Management Element mandates that growth and development of the County be based on its ability to provide an adequate circulation system; adequate sheriff, fire, paramedic, and library services and other necessary facilities all while ensuring that natural resources and the natural environment is protected. The Growth Management Element presents policies and programs for traffic improvement phasing as well as facility and development phasing plans; it also provides guidance for future facility implementation plans for the County.

The applicable goals and policies of each of the above-listed elements are referenced and analyzed in the appropriate sections of this EIR. The Project's consistency with the applicable goals and policies related to land use is discussed in the impact analysis below.

(b) Codified Ordinances of the County of Orange (Zoning)

The project site is zoned as A1 (0) - General Agriculture with Oil Production Overlay per the Orange County Zoning Map. The purpose and permitted uses in these zones are discussed below.

<u>A1 General Agriculture</u>. The A1 zone was established to provide for agriculture, outdoor recreational uses, and those low-intensity uses that have a predominately open space character; it is also intended as an interim zone in those areas which the General Plan may designate for more intensive urban uses in the future. The Project's proposed single-family residential uses are not permitted under this zoning designation.

<u>Oil Production Overlay (O)</u>. The Oil Production (O) overlay zone allows drilling and production of oil, gas and other hydrocarbon substances, subject to the regulations of the Orange County Oil Code (Sec. 7-8-1 through 7-8-53).

(c) Yorba Linda General Plan

The Yorba Linda General Plan provides goals, policies, and programs which promote the preservation and enhancement of a high quality of living in a suburban community by guiding land use, development, and revitalization decisions into the twenty-first century, thereby providing a high quality of life for the City's

residents. The General Plan also promotes an overall vision for the City as a community with the following components:

- A high quality suburban community that has good schools and parks;
- A comfortable place in which to raise a family;
- A place where you feel safe anytime, anywhere;
- A place where a high quality of life is maintained; and
- A place where high levels of service are provided for residents.

While the Project is not located in the City, but is located within the City's sphere of influence, representing an area which may be annexed in the future, this EIR evaluates the Project's consistency with applicable Yorba Linda General Plan goals and policies.

The City's General Plan includes similar elements to the County's General Plan. Each element includes goals and policies regarding their respective issues. The City's General Plan consists of the following elements: Land Use, Circulation, Recreation and resources, Noise, Safety, Growth Management and Housing. Compared to the County General Plan, the goals and policies of the City's General Plan appropriately focus on development within the City of Yorba and its Sphere of Influence. The applicable goals and policies of each of the above-listed elements are referenced and analyzed in the appropriate sections of this EIR. The Project's consistency with the applicable goals and policies related to land use is discussed in the impact analysis below.

The City of Yorba Linda Land Use Map identifies the project to be within Area Plan C – Murdock Property. The Murdock property land use designation, inclusive of the project site, is Low Density residential with a range of 0-1.0 dwelling unit per acre.

(d) City of Yorba Linda Zoning

Per the City Zoning Maps, the project site is designated as UNC – Unincorporated Area. Although no specific development standards are identified with the Unincorporated zoning designation, the Project's consistency with the City of Yorba Linda's Hillside Development Zoning Code Regulations is described in Section 4.1, *Aesthetics*, of this EIR. As concluded therein, the Project would not substantially conflict with the Hillside Development Zoning Code Regulations.

b. Existing Conditions

(1) Project Site

The majority of the 84-acre project site is vacant, with the exception of several operational and abandoned oil wells and various dirt roadways and trails which traverse the site (see Figure 2-2 in Section, 2.0, *Project Description*, for an aerial photograph of the project site). The project site has been subject to a mineral lease for oil production as part of the Esperanza Oil Field. Oil production facilities within the project site include four operational wells, one abandoned well, one idle well and tank batteries, unimproved oil field service roads, and unimproved drill pad sites scattered throughout the site. A Southern California Gas Company easement of approximately 100 feet in width crosses the northwesterly edge of the project site. Also, a Metropolitan Water District (MWD) easement is located at the southern boundary within the project site.

As indicated above, the Orange County General Plan designates approximately 41 acres of the project site as Suburban Residential "1B" and approximately 43 acres of the project site as Open Space (5). The entire project site is zoned A1(0) – General Agriculture with Oil Production Overlay, per the Orange County Zoning Map.

(2) Surrounding Land Uses

The Casino Ridge single-family residential community abuts the project site on the north, and established single-family residential neighborhoods abut the project site on the south and west. An undeveloped parcel known as Esperanza Hills abuts the project site on the east. Figure 2-2 in Section 2.0, *Project Description*, provides an aerial view of the site and surrounding uses.

2. ENVIRONMENTAL IMPACTS

a. Methodology

The analysis of land use and planning considers the consistency of the Project with adopted plans and policies that regulate land use in the County that relate specifically to the site, surrounding areas, and the characteristics of the Project as a single-family residential project. Inconsistencies with applicable plans are considered significant if they are tied to significant physical impacts on the environment.

b. Thresholds of Significance

Appendix G of the CEQA Guidelines and the County of Orange Environmental Analysis Checklist include questions that are used in this EIR as thresholds for determining whether the Project would have a significant environmental impact on land use and planning. In addition, this section analyzes the Project's potential for conflicts with the existing zoning for agricultural use. This analysis is included under the "Agricultural and Forestry Resources" section of the CEQA Checklist, however, as this subtopic pertains to agricultural zoning, it has been included in this section for analysis. Based on the size and scope of the Project and the potential for land use and planning impacts, the thresholds of significance identified below are used to assess potential impacts regarding land use and planning, including conflicts with agricultural zoning. Please refer to Section 6.0, *Other Mandatory CEQA Considerations*, for a discussion of other issues associated with the evaluation of land use and planning and agricultural/forestry resources where the characteristics of the Project made it clear that effects would not be significant and further evaluation in this section was not warranted.

Would the Project:

- Threshold 1: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (refer to Impact Statement 4.9-1).
- Threshold 2: Conflict with the existing zoning for agricultural use, or a Williamson Act Contract (refer to Impact Statement 4.9-1).

c. Project Design Features

With regard to the proposed interim oil operations, a 1.8-acre parcel located in Planning Area 1 is proposed to be zoned R-1(0) and can be designated for interim continued oil operations including consolidation of wells relocated from the rest of the project site and slant drilling of new wells below ground. An operating well is currently located within the designated drill site area. Section 4.7, Hazards and Hazardous Materials, of this EIR contains the PDFs associated with oil operations. Please see PDF 7-1 through PDF 7-7 in that section.

Section 2.0, Project Description, of this EIR contains detailed information regarding the site design, which includes a number of Project Design Features (PDFs). PDFs regarding site design and the provision of open space are provided in Section 4.1, Aesthetics, of this EIR. Please see PDF 1-1 through PDF 1-8 for features related to the overall design.

Implementation of the Project would require, but may not be limited to, the following approvals:

County of Orange

- General Plan Amendment by the County of Orange Board of Supervisors for 6.4 acres of the site from Open Space (5) to Suburban Residential (1B).
- Zone Change by the County of Orange Board of Supervisors for Planning Area 1 from A1(0) to R-1 and R-1(0) and a zone change for Planning Area 2 from A1(0) to R-1, Single Family Residence District, permitting development of single family detached residential dwellings on minimum 7,500 square foot lots.
- Area Plan approval.
- Vesting Tentative Tract Map (VTTM) from the County of Orange Subdivision Committee
- Grading, excavation, and building permits from the County of Orange Public Works Department.

US Army Corps of Engineers

Clean Water Act (CWA) 404 permit(s) for impacts to wetlands.

California Department of Fish and Wildlife (CDFW)

Section 1602 Streambed Alteration Agreement for impacts to streams.

Santa Ana Regional Water Quality Control Board (RWQCB)

- Section 401 Water Quality Certification for impacts to surface water quality.
- National Pollutant Discharge Elimination System (NPDES) Permit.
- General Construction Activity Storm Water Permit.

California Division of Oil, Gas, Geothermal (CalDOGGR)

Well abandonment compliance procedures.

OC Health Care Agency

Approval of site remediation plans.

US Fish and Wildlife

 Section 7 Consultation for impacts to sensitive biological resources (i.e., sensitive species and critical habitat).

Yorba Linda Water District (YLWD)

Connection to the YLWD potable water supply.

Orange County Fire Authority

• Fuel Modification Plan and Fire Master Plan.

City of Yorba Linda

- Encroachment and grading permits for roads and utilities, if necessary.
- Pre-Annexation agreement, should the Project be annexed.

d. Analysis of Project Impacts

CONSISTENCY WITH APPLICABLE LAND USE PLAN, POLICY, OR REGULATION/COMPATIBILITY WITH SURROUNDING USES

Threshold	Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
Threshold	Would the project conflict with the existing zoning for agricultural use, or a Williamson Act Contract?

4.9-1 Implementation of the Project, with approval of the requested discretionary actions, would be consistent with the applicable goals, objectives and policies within the County's General Plan and Zoning Code. Further, the analysis conducted in this EIR has concluded that with implementation of the prescribed mitigation measures, the Project would not result in significant and unavoidable physical impacts on the environment. As such, less than significant impacts would occur regarding the potential for physical impacts due to inconsistencies with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project, including conflicts with the existing zoning for agricultural use.

As indicated above, applicable plans and regulations that pertain to the project site include the Orange County General Plan and the Codified Ordinances of the County of Orange (Zoning). The Project's consistency with these plans and regulations is discussed below. In addition, the project site is located in the

City of Yorba Linda's Sphere of Influence. As such, a comparative consistency analysis with applicable City general plan and zoning designations is also provided below.

(1) County of Orange General Plan

The General Plan designates approximately 41 acres of the project site as Suburban Residential (1B) and approximately 43 acres of the project site as Open Space (5). The proposed residential uses are permitted in the Suburban Residential (1B) designated area of the site and not permitted per the Open Space (5) land use designation. Thus, the Project Applicant is requesting approval of a General Plan Amendment (GPA) changing the General Plan land use designation for 6.4 acres designated as Open Space (5) to Suburban Residential (1B). Per the General Plan, the Open Space (5) category indicates the current and near-term use of the land, most of which is zoned agricultural. Areas identified Open Space (5) are not necessarily committed to permanent open space uses. Certain property within the Open Space categories is committed, through public or private ownership, to remain as open space, but other property, may ultimately be developed in other ways due to market conditions to serve a growing County population. With this change in land use designation, the Project would retain 36.3 acres as permanent open space.

The portion of the project site currently designated for Suburban Residential (1B) uses allows residential uses to be developed between 0.5 to 18 dwelling units per acre. Thus, with 41 acres of the project site designated as "Suburban Residential" (1B) in the General Plan Land Use Element, up to approximately 738 dwelling units would be allowed under this land use designation. The Project is proposing to develop 95 residential single family dwellings at a density of 2.3 dwelling units per acre within approximately 41.3 acres of the project site designated on the County General Plan as Suburban Residential (1B) (0.5 to 18.0 du/acre) and preservation of open space within 36.3 acres of the project site designated as Open Space (5). Pursuant to approval by the County of the requested GPA, development of 17 single family residential dwellings within the 6.4 acres would occur at a density of approximately 2.7 dwelling units per acre and would be consistent with the Suburban Residential (1B) land use designation with the approval of a General Plan Amendment. Overall, the Project's residential land uses would occur at a gross density of 1.3 dwelling units per acre. Thus, the proposed density would be well below the maximum density allowed for the entire project site and consistent with the Suburban Residential (1B) land use designations.

The Project's consistency with applicable goals and policies in the County of Orange General Plan is included below in **Table 4.9-1**, *Project Consistency with Orange County General Plan*. As demonstrated therein, the Project with approval of its requested discretionary actions would be consistent with the applicable goals and policies in the General Plan.

While the Project applicant is requesting a General Plan amendment, as discussed above, a request for a discretionary action to amend the General Plan does not in fact establish that the Project would be in conflict with the General Plan such that a substantial adverse impact to the environment would occur. County staff would determine project scheduling so that the maximum number of general plan amendments per year is not exceeded. As demonstrated through the analyses provided in other sections of Section 4 of this EIR, with implementation of prescribed mitigation measures, the potentially significant impacts associated with the proposed uses and associated land use designations would be reduced to a less than significant level.

Table 4.9-1 Project Consistency with Orange County General Plan

Goals, Objectives and Policies	Project Consistency		
Land Use Element			
General Plan's Major Land Use Element Policies Policy 1 Balanced Land Use. To plan urban land uses with a balance of residential, industrial, commercial, and public land uses.	Consistent. The Project would introduce up to 112 single-family homes in an area designated for suburban residential land uses.		
Policy 2 Phased Development. To phase development consistent with the adequacy of public services and facilities within the capacity defined by the General Plan.	Consistent. As discussed in Section 4.12, <i>Public Services</i> , impacts regarding public services and facilities would be less than significant with implementation of the prescribed mitigation measures. Also, payment of development fees by the Project applicant and taxes by future Project residents would be utilized by affected government services and facilities to offset the incremental increase in service demands created by the Project.		
Policy 3 Housing Densities . To provide a variety of residential densities which permit a mix of housing opportunities affordable to the county's labor force?	Consistent. The Project would introduce up to 112 single-family homes in an area designated for suburban residential land uses, which would contribute to the ability of the County to meet demands for housing, particularly single-family homes.		
	The Regional Housing Needs Assessment (RHNA) most recently adopted and approved by the SCAG Regional Council on July 12, 2007, includes an assessment of regional housing needs for very low income, low income, moderate income, and above moderate income groups for the planning period from January 2006 through June 2014. According to the RHNA, the housing needs for unincorporated County of Orange includes a total of 7,978 dwelling units, of which 1,777 would be very low income, 1,445 low income, 1,597 moderate income, and 3,159 above moderate income housing. The Project contributes to meeting this need at either the moderate or above moderate income levels identified as between 81-120% of area median income, respectively. A total of 4,756 of the 7,978 units are allocated to these categories. Because Project housing price points are yet to be defined, the income subcategory for the Project's residences is to be determined.		
Policy 4 Land Use/Transportation Integration. To plan an integrated land use and transportation system that accommodates travel demand.	Consistent. As discussed in Section 4.14, <i>Traffic/Transportation</i> , the Project's proposed traffic improvements of the transportation system along with implementation of the prescribed mitigation measures would accommodate Project traffic.		
Policy 6 New Development Compatibility . To require new development to be compatible with adjacent areas.	Consistent. As discussed in Section 4.1, <i>Aesthetics</i> , the Project would be designed to complement and blend with the character of existing residential neighborhoods located adjacent to the project site within the City of Yorba Linda.		

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Table 4.9-1 (Continued)

Project Consistency with Orange County General Plan

Goals, Objectives and Policies	Project Consistency		
	Landscaped areas or natural open space areas would be provided adjacent to residential development areas to serve as natural buffers between existing residential neighborhoods and planned development of new homes. The Project would include 36.3 acres as permanent open space which would preserve a large portion of the site's natural, physical environment. Primary access to and from the project site is proposed through connections to existing improved local streets. In addition, the consolidation of oil production-related uses within the project site outside of available public views would further improve compatibility with adjacent residential areas.		
Policy 7 Creative Design Concepts. To encourage	Consistent. Consistent with this policy, the Project's land		
innovative concepts which contribute to the solution of land use problems?	Consistent. Consistent with this policy, the Project's land use plan would be responsive to the physical site development constraints found within and surrounding the project site. The retention of existing open space is a key Project element leading to the creation of the land use plan for the Project. The Project provides for the preservation of 36.3 acres as permanent open space. Precisely 47.7 acres of the project site are planned for development of residential land uses incorporating the following design elements: Homes designed with opportunities for home offices allowing people to work from home reducing driving time and vehicle emissions. Incorporation of native plant materials or drought tolerant plant materials into the landscaping of public spaces. Homeowners would be encouraged to utilize drought tolerant plant materials in private yard areas. Equipping residences with currently available technology for internet access allowing residents to shop and work on-line, helping to reduce vehicle trips to employment centers and shopping. Reducing energy demands for heating and cooling through the use of passive solar design and construction materials and techniques. Use of "night sky friendly" outdoor lighting within streets, private outdoor spaces, and public gathering spaces. A design responsive to the physical setting by preserving existing natural drainages within the project site. Reduce fire hazards through the implementation of a fuel modification plan as well as appropriate buffering of land uses with an OCFA approved plant palette. Implementation of a plant palette which includes canopy trees to achieve natural ventilation and cooling.		

Table 4.9-1 (Continued)

Project Consistency with Orange County General Plan

Goals, Objectives and Policies

Policy 8 Enhancement of Environment. To guide development so that the quality of the physical environment is enhanced.

Project Consistency

Consistent. The purpose of this policy is to ensure that land use activities seek to enhance the physical environment, including the air, water, sound levels, landscape, and plant and animal life. This policy does not mean that environmental enhancement precludes development. It recognizes the need to improve both the manmade and natural environments. Where aspects of the natural environment are deemed to be truly important, this policy requires measures be taken to preserve these aspects. Consistent with this policy, natural features would be preserved to the extent practical within the permanent open space land use areas of the project site which include a main westerly draining course and canyon bisecting the project site. The Project would include 36.3 acres of permanent open space which would serve to preserve a substantial portion of the natural, physical environment. In addition, the consolidation of oil production-related uses within the project site outside of available public views would further improve the aesthetic character of the area and enhance the compatibility with adjacent residential areas.

Also, run-off from the developed areas of the project site would be collected in a storm drainage system within local streets and routed through best management practices (BMPs) features to be constructed as part of the Project. The BMP features would serve to mitigate the increased flow anticipated from the increased impervious surface created with the development and would also decrease pollutants in the runoff. Prior to the issuance of a grading permit, a final Water Quality Management Plan (WQMP) would be developed for implementation by the Home Owners Association (HOA), the entity owning and maintaining the water quality and drainage BMP features. The WQMP would provide guidelines to the HOA for the proper maintenance of the BMPs and water quality basin. The WQMP also identifies a host of other structural and non-structural BMPs to be implemented by the Project that would reduce pollution levels in stormwater discharge in compliance with applicable water quality standards. Section 4.8, Hydrology and Water Quality, of this EIR includes a detailed discussion of the drainage and water quality treatment features to be implemented by the Project. Additionally, a Conceptual WQMP has been prepared and is included as an appendix to the EIR.

Resources Element

Energy Resources

Policy 7 Solar Access. To support and encourage voluntary efforts to provide solar access opportunities in new developments.

Consistent. The site has been designed to accommodate solar access. As such, residential roofs which would receive an adequate amount of sunlight to support the use of solar panels could be designed to accommodate the

Table 4.9-1 (Continued)

Project Consistency with Orange County General Plan

Goals, Objectives and Policies	Project Consistency		
	installation of photovoltaic panels or other current solar power technology.		
Housing Element			
Strategy 5a Encourage the use of energy conservation features in residential construction, remodeling and existing homes. Action: Continue to require new construction and remodeling projects to meet energy conservation requirements.	 Consistent. Residential development as part of the Project would conform to Title 24 energy requirements. Other energy conserving features incorporated as part of the Project include: Builder-installed indoor appliances, including dishwashers, showers and toilets, would be low-water use. Drought-tolerant, native landscaping would be used in public common areas to reduce water consumption. Smart Controller irrigation systems would be installed in all public and common area landscaping. Community landscape areas would be designed on a "hydrozone" basis to group plants according to their water and sun requirements. 		

Source: PCR Services Corporation, 2012.

Therefore, based on the analysis contained in this EIR, with approval of the requested discretionary actions, the Project would not result in conflicts with the County's General Plan such that a significant physical impact on the environment would occur. Further, while a portion of the site's existing General Plan designation does not directly match the Project's proposed uses, if approved, the General Plan Amendment would result in the Project being fully consistent with the General Plan. Therefore, impacts regarding consistency with the County's General Plan would be less than significant.

(2) Codified Ordinances of the County of Orange (Zoning Code)

The entire project site is zoned A1(0) – General Agriculture with Oil Production Overlay, per the Orange County Zoning Map. While the A1 (General Agriculture) zoning designation was established to provide for agriculture, outdoor recreational uses, and those low-intensity uses that have a predominately open space character; it is also intended as an interim zone in those areas which the General Plan may designate for more intensive urban uses in the future. The Project's proposed single-family residential uses are not permitted under this zoning designation.

The Project would require approval of a zone change for Planning Area 1 from A1(0) to R-1, Single-Family Residence District and R-1(0) and a zone change for Planning Area 2 from A1(0) to R-1, Single Family Residence District, (Oil Production) permitting development of single family detached residential dwellings on minimum 7,500 square foot lots and continued oil production on a portion of the property. The County

General Plan designates approximately 41 acres of the project site as Suburban Residential (1B) and approximately 43 acres of the project site as Open Space (5). Per the Suburban Residential (1B) land use designation, the existing General Plan would allow the development of up to approximately 738 dwelling units on the project site. As indicated above, the A1 designation is in part intended as an interim zone in those areas which the General Plan may designate for more intensive urban uses in the future. Accordingly, although the proposed low-density single-family residences would represent a more intensive urbanized use on certain portions of the site relative to existing zoning, the A1 designation allows for such a zone change. Also, as the project site is currently within a (0) permitted oil production area, the zone change in Planning Area 1 from A1(0) to R-1(0) would not result in a conflict with the current zoning designation. It is also acknowledged that impacts associated with the current and future oil production activities have been analyzed throughout this EIR. In particular, Section 4.7, Hazards and Hazardous Materials, evaluates potential hazardous impacts regarding past and future oil production activities. As concluded therein, with implementation of the prescribed mitigation measures and compliance with applicable regulatory requirements, less than significant hazardous materials impacts would occur. Furthermore, given the fact that no agricultural uses occur on the project site, as well as no Williamson Act Contract being applicable to the project site, no loss of existing agricultural uses would occur as a result of the proposed zone change.

The Project's proposed residences would be built in accordance with the noise compatibility standards for R-1 single family residences. Pursuant to Section 7-9-74.8 - Site Development Standards of the Codified Ordinances of the County of Orange, the following standards would apply to the Project: 1) Building site area shall be at least 7,200 square feet; 2) Building heights shall not exceed 35-feet; 3) Building setbacks shall be consistent with Sections 7-9-127, 7-9-128, and 7-9-137 of the Municipal Code (variable setback distances based on type of structure location of structure relative to front, back or side yard; and 4) All lights shall be designed and located so that direct light rays shall be confined to the premises. In accordance with these development standards, all residences would have a site area of at least 7,500 square feet, be less than 35-feet tall, have setbacks consistent with the requirements of the Codified Ordinances of the County of Orange, and include lights designed and located so that direct light rays are confined to the premises. As part of standard Plan Check procedures with the County, the final site plan for the Project would be reviewed by County Staff to ensure compliance with the applicable R-1 development standards.

In conclusion, as demonstrated throughout this EIR analysis, with implementation of the prescribed mitigation measures, all identified potentially significant impacts associated with the proposed uses and zoning designations would be reduced to a less than significant level. Therefore, based on the analysis contained in this EIR, with approval of the requested discretionary actions, the Project would not result in conflicts with the County's Zoning Code (Chapter 7-9 of the Codified Ordinances of the County of Orange) such that significant physical impacts on the environment would occur. Therefore, impacts regarding consistency with the County's Zoning Code would be less than significant.

(3) City of Yorba Linda General Plan

As proposed by the Project, the County Land Use Element (LUE) designation is 1B, Suburban Residential, which permits a density range of between 0.5 and 18 dwelling units per acre. The Yorba Linda Land Use Element designation for the project site is Low Density residential with a range of 0-1.0 dwelling unit per acre. The current Yorba Linda General Plan would allow up to a maximum 84 dwelling units on the Project site, compared to a maximum of 738 dwelling units allowed under the County General Plan land use designation. The gross density of the Project would be 1.33 dwelling units per acre. While this density

exceeds the City's density range, the use and character of this development would complement the existing residential community and be compatible with these existing neighborhoods to the west and south. The City's LUE envisions low-density residential uses, as does the lower end of the County's LUE designation by allowing for "large lot estates" to increasing suburban density. The City's LUE requires hillside area density to account for slope severity and stability, topographic conditions and natural resources protection, and to preserve open space areas and natural drainage areas. Based on the County's LUE, while not having corresponding explicit requirements, development in hillside areas is generally bound by the same constraints both to preserve the natural terrain and contours, as feasible, which is also addressed in the County's Resource Element. Therefore, consistent with both LUEs, the Project would preserve 36.3 acres (43 percent) of the project site as open space. It would preserve the most visually and physically prominent canyons, generally retain the topographical character of the site, preserve an expansive area of natural vegetation and drainage courses within the open space, and the Project also would cluster houses away from landslide areas and seismic fault zones. Clustering also has the effect of lessening grading in the Project's hillside locale.

The Project's consistency with applicable goals and policies in the City of Yorba Linda General Plan is included below in **Table 4.9-2**, *Project Consistency with Yorba Linda General Plan*. As demonstrated therein, the Project with approval of its requested discretionary actions would be potentially consistent with the applicable goals and policies in the General Plan. The notation of "Potentially Consistent" is in deference to the City's authority for making such determinations for projects located within the city limits.

Table 4.9-2
Project Consistency with Yorba Linda General Plan

Goals, Objectives and Policies	Project Consistency	
Land Use Element		
Goal 1. A mixture of land uses that meet the housing, commercial, educational, industrial, recreational, cultural and social needs of the existing residents and future population growth.	Potentially Consistent. The Project would consist of 112 single family homes on approximately 84 acres of which approximately 36 acres would be preserved for open space and passive recreation, including trail access to be identified by the City. This portion of the city's sphere of influence is not designated for commercial, educational, industrial, or cultural uses in the City's General Plan. The Project is a residential subdivision and does not propose these other enumerated uses. Single-family residential use is consistent with the City's long range plan for the unincorporated project area.	
Policy 1.1 Maintain within the City limits the average 2.8 dwelling unit per base acre low density residential character of the community through General Plan land use designations, and ensure that appropriate residential densities are included in future residential projects. At no time should the City average density exceed 2.8 dwelling units per acre, although individual residential developments may vary in density.	units per acre, the Project would be at a density well below the City's average density limit of 2.8 dwelling units pe base acre. As such, the Project would not contribut toward exceedance of this limit, and is therefor potentially consistent with this limit.	
Policy 1.2 Designate the currently undeveloped Shell and Murdock properties in the	Potentially Consistent. The Project is being developed at a gross residential density of 1.3 dwelling units per acre.	

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Table 4.9-2 (Continued)

Project Consistency with Yorba Linda General Plan

Goals, Objectives and Policies	Project Consistency		
Sphere of Influence as Area Plans. Permit development at an average density of 1.0 dwelling units per base acre for the Murdock property; permit development of an average density not to exceed 2.8 dwelling units per base acre for the Shell property, supportive of the overall low density character of the Community.	This is similar to existing subdivisions to the west and south which range in density between 1.03 and 1.96 dwelling units per gross acre. The Project's density is closer to the lower end of this range. However, arithmetically, the Project exceeds the maximum gross density of one dwelling unit per acre for this 84-acre area of the City's sphere of influence. The Project's 84 acres is part of a larger area designated as the Murdock/Travis Property in the Land Use Element. This property consists of 547 acres and it is planned as an area of land to accommodate 536 dwelling units (according to the language of the City's existing General Plan). Current planning for this area consists of the Project and the adjacent Esperanza Hills Project which together consist of 452 dwelling units. Therefore, at this time without additional development being proposed on the Murdock/Travis Property, the Project could potentially be found to be consistent with the City's approach regarding the maximum number of dwelling units allowed for this area of the City's sphere of influence. Because there are two other privately held parcels that are not presently planned for development, as well as a pending General Plan update which may affect the number of dwelling units permitted in the City's sphere of influence, this determination of potential consistency is only made at the time of processing of the Cielo Vista Project.		
Goal 3 Compatible relationships between land uses provided in the community.	Potentially Consistent. At a gross density of 1.33 dwelling units per acre, the Project would be a natural extension of existing single family communities to the west and south which average 1.24 dwelling units per acre, with individual project densities somewhat below and above this average. In addition, it is anticipated that the types and character of the proposed residential subdivision would also be similar to the homes in the project area.		
Policy 3.4 Provide land use compatibility through appropriate community design and development policies.	Potentially Consistent. Construction of the Project's 112 residences would be undertaken by a merchant builder(s). The density of the Project would be similar to the existing residential neighborhood to the west and south. While project design is not being addressed at this time, for the purpose of successful marketing and the preference of future residents, project design would be similar to and compatible with those of adjacent residences.		
Goal 7 New development opportunities offered by large undeveloped properties located in the sphere of influence.	Potentially Consistent. The Cielo Vista project area is located within the City's northeast sphere of influence with new development being proposed at a gross residential density of 1.33 dwelling units per acre. The residential characteristics and density proposed are		

Table 4.9-2 (Continued)

Project Consistency with Yorba Linda General Plan

Goals, Objectives and Policies	Project Consistency	
	similar to the 1.24 average dwelling unit residential density in the adjacent neighborhoods.	
Policy 7.1 Seek the annexation of Shell, Murdock and other undeveloped properties within the northern sphere of influence based upon development plans that ensure access, infrastructure and land use concepts which are acceptable to the City.	Potentially Consistent. The Project Applicant recognizes that the City may be interested in annexing the property in the future and has initiated discussions that could lead to City approval of a pre-annexation agreement. Such an agreement would establish the framework and process for annexation. Certain aspects of that framework would include discretionary approvals on the part of the City. For example, if annexation would require a change to either the City's General Plan or zoning designation, this EIR to be certified by the County, which evaluates project impacts, would likely be the foundation analyzing environmental project impacts emanating from such changes, with the EIR being amended or supplemented by the City. If the City or the Project Applicant chooses not to pursue annexation at this time, the residents of the future Cielo Vista community can petition for annexation, or the City can initiate a future annexation through the Local Agency Formation Commission by adopting a resolution of intent.	
Policy 7.3 Designate the Shell and Murdock properties for an Area Plan designation and require that a Specific Plan, Planned Community (PC) or Planned Residential Development (PRD) development plan process, or other similar regulatory mechanisms acceptable to the City be prepared to implement the intent of the Area Plans as primarily low density residential communities.	Cielo Vista Project are provided, discussed, and analyzed in the Project's Area Plan being processed through the County.	
Policy 7.4 Permit development at an average density of 1.0 dwelling units per base acre for the Murdock property; permit development at an average density not to exceed the City's target density of 2.8 dwelling units per base acre for the Shell property.	Potentially Consistent. Please see responses to Policy 1.1 and Policy 1.2	

Source PCR Services Corporation, 2013.

(4) City of Yorba Linda Zoning

On the City Zoning Maps, the project site is designated as UNC - Unincorporated Area. As stated above, the proposed County zoning designation for the site is R-1, Single Family Residence District, permitting development of single family detached residential dwellings on minimum 7,500 square foot lots. The closest corresponding City designation to the R-1 District is the Residential urban (R-U) Zone. The RU zoning

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designation includes a minimum lot size of 7,500 square feet, as compared to 7,200 square foot lot size permitted by the R-1 zoning designation. However, site development standards for the R-1 District and R-U zone are the same or similar with respect to building height, setbacks, and parking. With a 7,500 square foot minimum lot size, the Project would be essentially consistent with the City's R-U zone with the residential units to be constructed being indistinguishable regardless of which jurisdiction's minimum square footage standard is applied.

Also, included in Section 4.1, *Aesthetics*, is a consistency analysis of the Project with the City of Yorba Linda's Hillside Development Zoning Code Regulations. As concluded therein, the Project would not substantially conflict with the Hillside Development Zoning Code Regulations.

With regard to the compatibility of the residential development with the proposed interim oil production facilities, various sections of this EIR provide detailed analyses. (See Section 4.1, Aesthetics, Section 4.7, Hazards and Hazardous Materials, and Section 4.10, Noise and Vibration, for discussions regarding the proposed interim oil production facilities.) All new wells drilled in the 1.8-acre "oil drilling pad" parcel located in Planning Area 1 would be located within a cellar and drilled per applicable requirements (PDF 7-4). In addition, in accordance with applicable regulatory requirements, no new residences would be developed within 150 feet of any surface operational oil well or within 50 feet of a subsurface pumping unit/well enclosed within a concrete vault, or as otherwise approved by the Director, OC Planning within the oil drilling pad (PDF 7-2). The oil drilling pad would not be accessible to the public and plantings, barriers, signage, and information would be provided where necessary to ensure public safety (PDF 7-5). Plantings would be provided around this area to screen most, if not all, of the oil-related facilities at this location (PDF 1-8). The consolidation of oil production-related uses within the project site outside of available public views would improve compatibility with adjacent residential areas. Finally, with the implementation of Mitigation Measure 4.10-4, no significant noise and vibration impacts would occur. Therefore, with implementation of PDFs and mitigation measures in the section references above, as well as compliance with applicable regulatory requirements, the operation of the future oil production facilities within the drilling island would not be incompatible with the proposed or adjacent residential uses.

(5) Other Approvals

It is noted that the other land use related approvals requested as part of the Project include, but are not limited to, the following: Area Plan approval; VTTM from the County of Orange Subdivision Committee; grading, excavation, and building permits from the County of Orange Public Works Department; encroachment permits for roads and utilities, if necessary, from the City of Yorba Linda; and a preannexation agreement from the City of Yorba Linda, should the project be annexed. None of these approvals would conflict with an applicable land use plan (i.e. County or City General Plan), policy or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect. These approvals have been assessed as part of the Project throughout this EIR evaluation.

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A cellar is used to capture drilling fluids and drainage water during the drilling process and to accommodate the blow-out preventer and ultimately the wellhead equipment.

Conclusion

Based on the analysis above, with approval of the requested discretionary actions, the Project would be consistent with the applicable General Plan and Zoning provisions of the County of Orange. As demonstrated in this EIR analysis, with implementation of the PDFs and prescribed mitigation measures, all identified potentially significant impacts associated with the proposed uses and land use designations would be reduced to a less than significant level. Therefore, with approval of the requested discretionary actions, the Project would not result in conflicts with the County's General Plan or applicable Zoning provisions such that significant physical impacts on the environment would occur.

(5) Compatibility with Adjacent Neighborhoods

This EIR addresses the Project's relationship/compatibility to existing and planned land uses. For purposes of this analysis, compatibility is defined by the characteristics of different uses or activities that permit them to be located near each other in harmony and without substantial conflict. Elements affecting compatibility include: intensity of occupancy, pedestrian or vehicular traffic generated, and environmental effects (e.g., air pollution, glare, hazardous materials, noise, vibration, etc.). Therefore, land use incompatibility can occur where differences between nearby uses result in significant noise levels and significant traffic levels, among other factors, such that significant unavoidable direct and indirect impacts impede use of the existing land uses as they were intended. As discussed throughout this EIR, the Project would not result in any significant and unavoidable environmental impacts.

Cielo Vista would be designed to be compatible with its adjacent neighborhoods. It is bordered on the west and south by tracts built in the 1980's. Lots in these neighborhoods are a minimum of 7,500 square feet with larger lots on the peripheries and slopes, with predominantly two-story homes ranging from 2,700 square feet to over 4,000 square feet. Cielo Vista would follow a similar pattern. Casino Ridge on the north is comprised of larger lots and is buffered by Cielo Vista's open space and an elevation difference of about 140 feet. The similarity in lot sizes yields similarity in net densities. However, the gross density of Cielo Vista is much lower than the existing residential development in the project area because approximately 36 acres of the site is preserved in open space.

The Cielo Vista project site consists of approximately 84 acres at a gross density of approximately 1.3 dwelling units per acre. This compares favorably with the build-out of adjacent and nearby tracts which have an average gross density of 1.24 dwelling units per acre as shown in **Table 4.9-3**, *Density Comparison*.

Existing residences typically front on local streets, with garages and driveways facing the streets. Cielo Vista residences would be designed in a similar manner on lots which can also accommodate private recreational amenities. Cielo Vista and the existing communities are served by either single or double loaded streets with minimal through traffic. Additionally, existing and future streets follow and would follow hillside contours to the maximum extent feasible resulting in the preservation of prevalent hillside features.

Based on the above, when evaluating the Project as a whole, the Project would be considered generally compatible with the existing off-site land uses.

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Table 4.9-3 Density Comparison

	Number of		
Tract	Lots	Acres	Gross Density
9813 (San Antonio Road)	134	129.1	1.04
10517 (Dorinda and San Antonio)	29	21.4	1.36
10519 (Dorinda Road)	27	13.8	1.96
10455 (Via del Agua)	53	38.5	1.38
13800 (Stonehaven/Blue Mtn.)	33	19.3	1.71
Total:	276	222.1	1.24
<u> </u>			

Source: County of Orange, Planning Department, 2013.

3. **CUMULATIVE IMPACTS**

4.9-2 The build-out of the project in combination with cumulative development projects would result in less than significant cumulative land use impacts.

As indicated in Section 3.0 of this EIR, there are 18 related projects in the project vicinity. The related projects mostly consist of infill development and redevelopment of existing uses, with only a few of the projects proposing new land development. Notably, Related Project No. 1 is immediately adjacent to the east of the project site.

As previously identified above, when evaluating the Project as a whole, the Project would be considered generally compatible with the existing off-site land uses as it expands analogous large lot single-family uses to the east and north of existing neighborhoods. The Cielo Vista Project and all "projects" under CEQA are subject to the City's environmental review process which includes project-specific environmental review under CEOA, including mitigation of significant impacts as needed to the extent feasible. It is anticipated that future growth within parts of the City of Yorba Linda and the County would result in infill development and growth on the outer reaches of currently developed areas as is proposed by the Project. This development can occur through construction on vacant parcels, conversion of vacant land to urban uses, and intensification of development. It is assumed that present and probable future projects would generally promote the adopted general plans of the respective jurisdictions, as well as zoning requirements. These present and probable future projects would be developed in compliance with CEQA review, mitigation requirements, and often design review. Therefore, it can be assumed that through these requirements, future development would be substantially compatible with existing land uses. For this reason, cumulative impacts on land use as a result of incompatibilities between existing and future development would be less than significant. The contribution of the Project to such potential cumulative land use impacts is less than significant and is thus not cumulatively considerable because the Project is considered generally compatible with present and reasonably foreseeable future land uses that surround it.

Although other changes in land use plans and regulations may have occurred with past and present projects in the area and may be necessary for individual future projects, such changes have been, and would be required to demonstrate consistency with applicable City and/or County General Plan policies such that no

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significant adverse cumulative impact has occurred or would occur from such changes. Given that the Project would be consistent (or "potentially consistent") with the land use policies of the applicable plans, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause a significant adverse cumulative land use impact based on a conflict with a plan or policy. Any associated physical impacts are covered in the individual topic sections and within the Cumulative Impacts analyses of the respective EIR sections. It is also anticipated that regional growth would be subject to review for consistency with adopted land use plans and policies by the County of Orange, City of Yorba Linda, and other cities in the County, in accordance with the requirements of CEQA, the State Zoning and Planning Law, and the State Subdivision Map Act, all of which require findings of plan and policy consistency prior to approval of entitlements for development. Therefore, no significant cumulative impacts associated plans and policies are anticipated. In addition, the contribution of the Project to any such cumulative impacts would be less than significant because present and probable future projects are anticipated to be generally consistent with applicable plans, policies, and regulations. In the case of the Esperanza Hills Project, per the Notice of Preparation issued in December 2013, that project would requires a General Plan Land Use designation amendment from Open Space (5) to Suburban Residential (1B) to allow for 340 residential units on 468.9 acres. Adoption of a Specific Plan would replace the existing A1 General Agriculture and A1(0) General Agriculture/Oil Production designations. Approval of the General Plan amendment and Specific Plan would result in project consistency with applicable land use plans. That project would be at a density of 0.73 dwelling units per acre and as such, would be consistent with the density allowed for that site in the County's General Plan Land Use Element and the greater the Murdock/Travis Property in the Land Use Element of the City of Yorba Linda General Plan. Also, as discussed in the analysis of the Project impacts above, the Project's density when combined with the Esperanza Hills Project would be consistent with the overall density for the Murdock/Travis Property in the Land Use Element of the City of Yorba Linda General Plan. Based on the consideration above, the Project would not substantially contribute to any cumulative impacts associated with plan or policy inconsistency.

4. **REFERENCES**

City of Yorba Linda General Plan. Adopted 1993.

City of Yorba Linda Municipal Code. Various Sections. http://library.municode.com. Updated through June 5, 2012.

County of Orange General Plan. Updated through March 22, 2011.

County of Orange Municipal Code. http://library.municode.com. Various Sections as updated through December 13, 2011.

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