

1. Introduction

Pursuant to *California Public Resources Code* §21082.1, the County of Orange (County) has independently reviewed and analyzed information contained in this Draft Environmental Impact Report (DEIR) prior to its distribution as a Draft EIR. Conclusions and discussions contained herein reflect the independent judgment of the County as to those issues known at the time of publication.

1.1 Purpose of the DEIR

This DEIR has been prepared as a Project EIR on behalf of the County of Orange to evaluate the environmental consequences, the mitigation measures and the project alternatives associated with the proposed Esperanza Hills residential development project. The Proposed Project requires the following discretionary actions:

- General Plan Amendment to change the Land Use designation from Open Space (5) to Suburban Residential (1B) to allow for residential development
- Specific Plan adoption to replace the existing A1 (General Agriculture) and A1(O) (General Agriculture/Oil Production) zoning designations and to regulate and guide development of the property
- Approval of vesting tentative tract maps
- Potential annexation to the City of Yorba Linda
- Pre-Annexation and Municipal Services Agreement

It is intended that this DEIR be considered in the decision-making process for this project, along with other information presented on the project such as at public proceedings on the project. Pursuant to California Environmental Quality Act (CEQA) Guidelines §15200, this DEIR will serve the following purposes of review:

1. Sharing expertise,
2. Disclosing agency analyses,
3. Checking for accuracy,
4. Detecting omissions,
5. Discovering public concerns, and
6. Soliciting counter proposals.

1.2 Statutory Authority

This DEIR has been prepared in accordance with the CEQA statutes, as amended (*Public Resources Code* §21000, et seq.). In accordance with the CEQA Guidelines §15146, the degree of specificity required in an EIR must correspond to the actions sought to be covered by the EIR. In accordance with CEQA Guidelines §15050, the County of Orange is the Lead Agency for this DEIR.

The DEIR identifies and discusses every significant impact, mitigation measure, and project alternative with relationship to this project, using best efforts to forecast, while incorporating requests by the public and responsible agencies for consideration of specific mitigation measures and/or alternatives.

The mitigation measures included in this DEIR are designed to avoid or reduce the environmental impacts described herein. Mitigation measures are structured in accordance with §15370 of the CEQA Guidelines. This section refers to effects on the physical environment, as opposed to other types of effects (e.g. economic and social effects) that may arise as a result of this project or that may be of interest to the public and decision makers generally. Accordingly, the mitigation measures have been structured to meet the following criteria:

- Avoiding the impact altogether by not taking a certain action or parts of an action
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation
- Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action
- Compensating for the impact by replacing or providing substitute resources or environments

1.3 CEQA Process

CEQA requires agencies to prepare EIRs and other environmental documentation “as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment” (CEQA Guidelines §15004(b)). The first step in this CEQA process is the preparation of an Initial Study (IS). This document, along with a Notice of Preparation (NOP), was prepared and distributed for review and comment on December 21, 2012 and is provided as Appendix A. Time limits mandated by state law required a 30-day review period. However, the comment period for the IS/NOP was extended to 42 days due to the holiday season and ended on February 1, 2013. The purpose of the NOP was to provide public information and

to elicit responses on matters to be studied in the EIR. The comment letters are included in this DEIR as Appendix B. The NOP was filed with the Orange County Clerk-Recorder, posted on the Project Site, posted on the County’s website, and sent via U.S. mail to approximately 800 public agencies, adjacent residences and interested parties.

In addition, a Public Scoping Meeting was held on January 31, 2013, in the City of Yorba Linda (City) to allow local residents and interested persons an opportunity to review the Proposed Project and provide input on issues to be addressed in the EIR. At that meeting, the process for commenting on the Draft EIR was described and attendees were notified that a public meeting would be held by the County Board of Supervisors to consider the EIR.

The Scoping Meeting was attended by approximately 120 individuals, along with representatives from the City of Yorba Linda and Chino Hills State Park. Comments were solicited from the meeting attendees. Agencies, cities, and individuals expressed similar comments during the IS/NOP review and scoping meeting. A summary of the main comments provided during the scoping meeting is included in Table 1-3-1 below, along with a notation of where the issue is addressed in the DEIR.

Table 1-3-1 Summary of Scoping Meeting Comments

Comment	Where Comment Is Addressed in DEIR
Insufficient access roads	Chapter 4 - Project Description; Section 5.14 - Transportation and Traffic (beginning on page 5-543); Chapter 6 -Alternatives Analysis
Increased traffic	Section 5.14 - Transportation and Traffic (beginning on page 5-543)
Aesthetics - views of hills/ridgelines	Section 5.1 - Aesthetics (beginning on page 5-1)
Loss of habitat for wildlife/biological resources	Section 5.3 - Biological Resources (beginning on page 5-91)
Construction noise	Section 5.10 - Noise (beginning on page 5-459)
Construction impacts to air quality	Section 5.2 - Air Quality (beginning on page 5-65)
Safety concerns due to wildfire potential/evacuation	Section 5.7 - Hazards and Hazardous Materials (beginning on page 5-275)
Change in land use from open space to residential	Section 5.9 - Land Use and Planning (beginning on page 5-395)
Impacts to schools, parks from additional residents	Section 5.12 - Public Services (beginning on page 5-493); Section 5.13 - Recreation (beginning on page 5-511)
Water pressure/availability during fires	Section 5.7 - Hazards and Hazardous Materials (beginning on page 5-275); Section 5.8, Hydrology and Water Quality (beginning on page 5-341)
Consistency with Yorba Linda General Plan/policies	Chapter 3 - Project History and Background; Section 5.9 - Land Use and Planning (beginning on page 5-395)
Future annexation to Yorba Linda	Section 5.9 - Land Use and Planning (beginning on page 5-395)
Danger from existing utility transmission lines	Section 5.7 - Hazards and Hazardous Materials (beginning on page 5-275)
Cumulative impacts from adjacent projects	Cumulative Impacts - Sections 5.1 through 5.15
Gated community excludes neighboring residents	Section 5.13 - Recreation (beginning on page 5-511)
Protection of/connection to existing trails	Section 5.13 - Recreation (beginning on page 5-511)
Provision of additional trails	Section 5.13 - Recreation (beginning on page 5-511)
Inconsistent with ridgeline protection policies	Section 5.1 - Aesthetics (beginning on page 5-1)

This Draft EIR will be distributed to affected agencies, surrounding cities and interested parties for a 45-day review and comment period in accordance with CEQA Guidelines §15087. Upon completion of the 45-day public review period, written responses will be prepared to all comments received on the Draft EIR during the public review period. These comments and responses, along with the Mitigation Monitoring and Reporting Program for the project, will constitute the Final EIR for the project. The Final EIR will be considered for certification by the Board of Supervisors of Orange County. In accordance with CEQA Guidelines, written responses to comments from public agencies will be made available to those agencies at least ten days prior to the public hearing with the Board of Supervisors, at which time certification of the Final EIR would be considered.

It should be noted that the environmental impacts of a project may not always be mitigated to a less than significant level. When this occurs, impacts are considered significant unavoidable impacts. If a public agency approves a project that has significant unavoidable impacts, the Lead Agency shall state in writing the specific reasons for approving the project based on the Final EIR and any other information in the public record for the project. This is termed a “Statement of Overriding Considerations” in accordance with CEQA Guidelines §15093, and is used to explain the specific reasons the benefits of the Proposed Project make its significant unavoidable impacts acceptable. The Statement of Overriding Considerations is prepared after the Final EIR has been completed, but before action to approve the project has been taken.

1.4 Incorporation by Reference

Certain documents are to be incorporated by reference into this EIR pursuant to CEQA Guidelines §15150. Where a document is incorporated by reference, its pertinent sections will be briefly summarized and referenced in the relevant sections in this DEIR. The following documents are among those incorporated by reference herein:

- County of Orange General Plan (2005)
- County of Orange Zoning Code (2005)
- 2010 Urban Water Management Plan, Municipal Water District of Orange County
- South Coast Air Quality Management District’s “CEQA Air Quality Handbook (1993)”
- City of Yorba Linda General Plan (1993)
- Chino Hills State Park General Plan (1999)
- OCFA Fire Protection Regulations
- Orange County Fire Ready, Set, Go! Program
- Yorba Linda Water District 2010 Sewer Master Plan Update

Copies of all documents incorporated by reference are available for public review at the County of Orange, Public Works Department, 300 N. Flower Street, 1st Floor, Santa Ana, California.

1.5 Areas of Controversy/Issues to be Resolved

CEQA Guidelines §§15123(b)(2) and (3) require that the EIR summary identify areas of controversy known to the lead agency, issues raised by agencies and the public and issues to be resolved, including the choice among alternatives and whether or how to mitigate significant impacts.

Areas of public controversy and issues to be resolved that are known or have been called to the attention of the County during the Initial Study/NOP process are noted below. Because each issue to be resolved involves some degree of public controversy, the distinction between the area of public controversy and an issue to be resolved is not critical. Areas of public controversy raised during the scoping meeting and the IS/NOP review period are:

- Increased traffic due to additional residential development
- Noise from construction activities
- Air quality impacts from construction activities
- Greenhouse gas emissions
- Removal of vegetation and wildlife habitat
- Obstruction/loss of scenic views and ridgelines; light/glare impacts
- Increased storm water runoff
- Fire hazard/fire protection
- Inadequate water supply and water pressure for fire fighting
- Inadequate roads to accommodate emergency evacuation of new and existing development
- Landslides/unstable soils due to grading activity, geologic impacts (e.g., earthquakes – Whittier Fault)
- Impacts to public services including schools, fire/police services, recreation facilities
- Infrastructure improvements (e.g., water distribution system, sewers, utility transmission lines)
- Historic resource preservation
- Water quality/hydrology
- Wetland/stream protection
- Loss of open space/trails
- Conflicts regarding land use related to the Yorba Linda General Plan
- Impact to mineral resources, including existing oil wells on-site
- Limited (gate guarded) access to recreational amenities for the general public

- Equestrian, pedestrian, bike trail connections/linkages
- Consistency with the Chino Hills State Park General Plan
- Alternatives analysis for reduced project size, annexation to Yorba Linda
- Add additional roadway ingress/egress

It is recognized that other issues may be raised during the review and hearing process that were not and could not have been known at the time of the publication of this Draft EIR. These will be addressed to the extent required by law in the preparation of the Final EIR and in the deliberation process.

1.6 Disagreement among Experts

This Draft EIR contains substantial evidence to support all of the conclusions presented herein. That is not to say that there will not be disagreements with these conclusions. The CEQA Guidelines and more particularly, case law, clearly provide the standards for treating disagreement among experts. Where evidence and opinions of experts conflict on an issue concerning the environment, and the agency knows of these controversies in advance, the EIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision-makers to take intelligent account of the environmental consequences of their action.

It is also possible that evidence will be presented during the Draft EIR review that might create disagreement. This evidence is considered by the decision-makers during the public hearing process. In rendering a decision on a project where there is disagreement among experts, the decision-makers are not obligated to select the most conservative or environmentally protective option. They may give more weight to one expert than another, and resolve a dispute among experts through the exercise of their collective good faith judgment. In their proceedings, they must consider the comments received and address objections, but need not follow said comments or objections so long as they state the basis for their decision and that decision is supported by substantial evidence.

1.7 Thresholds of Significance

The state does not require that local agencies adopt their own thresholds of significance. In this regard, the County relies on the state's CEQA Environmental Checklist. In addition, in some areas, the County relies on its General Plan, codes and ordinances as thresholds of significance.

1.8 Project Alternatives

Chapter 6, Alternatives Analysis, presents alternatives that have been designed to alleviate identified environmental impacts. These alternatives consist of the No Project Alternative, the Option 2A Alternative, the Reduced Density Alternative, and the City of Yorba Linda General Plan Alternative. Each of the alternatives has been measured against the stated objectives of the Proposed Project and in accordance with CEQA Guidelines §15126.6, the alternatives must be able to attain most of the basic objectives of the project.

The alternatives focus on approaches capable of eliminating significant environmental impacts associated with the Proposed Project including, but not limited to, air quality, aesthetics, and biological resources, or reducing them to a level of insignificance. Consistent with CEQA Guidelines §15126.6, an EIR need only address those alternatives that are actually capable of reducing or eliminating one or more significant physical environmental effects brought on by the project, as proposed. A comprehensive analysis of project alternatives, including the identification of the environmentally superior alternative, is provided in Chapter 6, Alternatives Analysis.

1.9 Availability of Draft EIR, Technical Appendices, and Administrative Record

The Draft EIR, Technical Appendices, and the Administrative Record for the Proposed Project are available at the County of Santa Ana, Public Works/OC Planning, 300 N. Flower Street, 1st Floor, Santa Ana, California.

This Draft EIR may be viewed on the County's website at:

<http://www.ocplanning.net/CurrentProjects.aspx>.

Reference copies are available for review at the Yorba Linda City Library, 18181 Imperial Highway.