

ORANGE COUNTY SUBDIVISION COMMITTEE MEETING
MINUTES OF OCTOBER 7, 2015

I. CALL TO ORDER

II. DISCUSSION ITEM(S)

ITEM 1: PUBLIC HEARING – VESTING TENTATIVE TRACT MAP 17522 ESPERANZA HILLS SPECIFIC PLAN AREA

The motion for Item #1 was made by Laree Brommer and seconded by Mahrooz Ilkhanipour and was unanimously approved as recommended with the additional note to add the Deviation Note on Vesting Tentative Map 17522. The approval includes the adoption of Resolution # SC 15-08.

SPECIAL NOTES:

Kevin Canning, Planner, reviewed the staff report and answered questions from the Committee. Douglas Wymore, Applicant, Yorba Linda Estates asked that the Committee approve the recommended actions. There was one guest speaker. The guest speaker spoke in opposition of various Conditions of Approvals and provided a letter that she requested be a part of the record (see attached).

III. PUBLIC COMMENTS:

None

IV. ADJOURNMENT

The October 7, 2015 meeting adjourned at 2:10 PM.

Approved:



Colby Cataldi, Chairperson
Subdivision Committee

KEVIN K. JOHNSON, APLC

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October 7, 2015

VIA HAND DELIVERY

Orange County Subdivision Committee
H. George Osborne Building, Room B-10
300 North Flower Street
Santa Ana, California 92703

Re Agenda Item 1: VTTM 17522 (Esperanza Hills)

Dear Committee Members:

This firm represents Protect Our Homes and Hills ("POHAH"), an unincorporated citizen's organization, consisting primarily of residents and taxpayers living in and around the City of Yorba Linda. POHAH and a number of other organizations have recently initiated litigation against the County of Orange (See Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, submitted by Melanie Schlotterbeck as Item 19, attached to her October 5, 2015 letter to the Subdivision Committee). The subject lawsuit challenges the prior approvals of the Board of Supervisors related to the project, including the Board's approval of the FEIR.

The Subdivision Committee is encouraged to review that Petition in detail because, along with a number of other comment letters submitted by Ms. Schlotterbeck and others, it explains how the FEIR is legally inadequate on multiple levels under several different state and local laws. The proposed project (VTTM17522) is not "covered" by the FEIR, particularly as it relates to access, nor does it satisfy the requirements of CEQA.

A recommendation to the Board of Supervisors to approve the subject map would be both premature and imprudent as the attached Findings and Conditions of Approval are not supported by substantial evidence nor were they developed in accordance with all CEQA and other legal procedural requirements.

Importantly, any recommendation to the Board of Supervisors about access routes, when the applicant has not demonstrated compliance with the six conditions contained in Section 13.3 of the Specific Plan, is inappropriate at this time. In this regard, one of the more critical defects with the FEIR is its failure to comprehensively examine the public safety issues and alternative routes associated with emergency evacuation challenges.

October 7, 2015

Page 2

In this context, condition #7, "Request for Deviations," in the proposed resolution should be deleted. The alleged need for the deviations should have been identified in the project description and avoidance and/or full mitigation measures examined in the FEIR. The public safety implications of the changes to roadway standards have not be addressed in any detail and certainly not sufficiently in the FEIR. The existing road system in the area is already very constrained and was shown during the Freeway Complex Fire to not support efficient, reliable and safe evacuation routes.

Regarding Condition 6. "Map Notes", paragraph 2, fails to address the need for detailed and reliable evacuation plans, including the likely unavailability of first responders in any fire scenario. The rationale for the requirement in paragraph 4 that all private streets be owned by the developer, successors or assigns, is not explained nor are the environmental impacts and consequences of such ownership, which will likely end up in the hands of one or more Homeowners Associations, identified and examined.

Condition 9. "Regional Drainage Studies", constitutes improper deferral of impact assessments associated with drainage, and also fails to require timely analysis of impact avoidance and/or mitigation measures. The studies should have been completed as part of the EIR process. This is particularly the case given the hundreds of acres of impervious surface that will be constructed on and around the project site.

We also note that the staff package submitted to the Subdivision Committee has the same map used in the EIR, which fails to properly identify adjacent Chino Hills State Park lands.

In sum, the Subdivision Committee should recommend to the Board of Supervisors that the Committee should not take any position on the proposed resolution until compliance with the six other conditions in Section 13.3 is assured. There is no valid reason to rush ahead with adopting fixed access routes when the full range of access options is still not known.

Thank you for your attention to these matters.

Very Truly Yours,,

KEVIN K. JOHNSON, APLC


Kevin K. Johnson

cc: Kevin Canning, County of Orange
Protect Our Homes and Hills