CHAPTER 2.0
INTRODUCTION AND BACKGROUND

2.1 Purpose of the Draft SEIR

2.1.1 Authority

This Environmental Impact Report (EIR) was prepared pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations Section 15000 et seq.). This EIR assesses the potential impacts associated with the proposed Amendment to the Coto de Caza Specific Plan. The County of Orange is the Lead Agency for the proposed project, which is located in unincorporated south Orange County, and the various discretionary actions identified below and described in Chapter 3.0 (Project Description).

An EIR is an informational document prepared pursuant to CEQA. It provides decision-makers, public agencies, and the public in general with detailed information about the potentially significant environmental effects of a proposed project. It also lists the ways in which the significant effects of a project might be minimized and addresses alternatives to the project. CEQA requires that an EIR contain at a minimum, certain specific information, including but not limited to a clear, concise project description; environmental settings; discussion of environmental impacts; effects found not to be significant, and cumulative impacts. This information is required pursuant to Sections 15120 through 15132 of the State CEQA Guidelines. In cases where a project would have potentially significant environmental impacts, CEQA expressly grants lead agencies the authority to either approve or disapprove such projects and so, does not usurp local land use decision-making discretion. Section 15042 of the CEQA Guidelines provides that "*A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.*" However, Section 15043 of the CEQA Guidelines states that "*A public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision…*"

2.1.2 Supplemental EIR

This EIR is a Supplemental EIR, which has been prepared in accordance with Section 15163 of the State CEQA Guidelines (Supplement to an EIR). Pursuant to the Section 15163(a)(2), the lead agency, may prepare a supplement to a (certified) EIR when "[O]nly minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation." Because the changes proposed to the Coto de Caza Specific Plan, which was previously evaluated in EIR No. 401 (SCH No. 1981112705), have been characterized as "minor" by the lead agency (County of Orange) and, therefore, would not require the preparation of a subsequent EIR as stipulated in Section 15162 of the State CEQA Guidelines, a Supplemental EIR has been prepared. The analysis presented in this Supplemental EIR thoroughly evaluate the changed circumstances the proposed project and/or environmental conditions. Finally, as required by Section 15163(c), notification of the Supplemental EIR has complied with Section 15087.

2.1.3 Incorporation by Reference

As permitted by Section 15150 of the CEQA Guidelines, this Draft SEIR has referenced several technical studies, analyses, and reports. Information from the documents that has been incorporated by reference

has been briefly summarized in the appropriate section(s) that follow and the relationship between the incorporated part of the referenced document and the Draft SEIR has been described. The documents and other sources, which have been used in the preparation of this Draft SEIR, are identified in Chapter 9.0 (Bibliography). In accordance with Section 15150(b) of the State CEQA Guidelines, the location where the public may obtain and review these referenced documents and other sources used in the preparation of the Draft SEIR is also identified in Chapter 9.0. Several Elements of the Orange County General Plan and the Coto de Caza Specific Plan (Amendment No. 3) have been used extensively in the preparation of the Draft SEIR. Where appropriate and necessary, one or more of those elements have been incorporated by reference as permitted by CEQA and the State CEQA Guidelines. The information and analysis incorporated by reference have been summarized in the appropriate sections of this document.

2.1.4 Intended Uses of the Draft SEIR

Pursuant to the requirements of CEQA, the Draft SEIR is intended to provide information regarding the environmental consequences of, mitigation measures for, and alternative land use to, the proposed Coto de Caza Specific Plan Amendment and related entitlements (e.g., Tentative Tract Map, Area Plan, etc.). It is also meant to facilitate discussions with other agencies regarding implementation of mitigation measures. CEQA is specific about providing disclosure where "the EIR is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action … " (State CEQA Guidelines Section 15003 [d]). CEQA also requires consideration of the whole or entirety of an action or project. With these guiding principles in mind, the intended uses of this EIR are to:

- Inform the decision-makers, public, and agencies about the project;
- Analyze the environmental impacts of the proposed Coto de Caza Specific Plan Amendment;
- Provide notice to Responsible/Trustee Agencies regarding required permits; and
- Incorporate analysis related to the requirements of these laws to allow responsible agencies to make findings pursuant to this Draft SEIR.

Although this Draft SEIR will also be necessarily specific in the depth of analysis (i.e., project-level analysis), this document, along with the supporting existing setting, General Plan and related long-range planning documents, provides environmental documentation for the implementation of each of the elements proposed by the project applicant in the proposed development. It provides project level environmental documentation for individual project elements that are consistent with the goals, concepts, and strategies of the Orange County General Plan.

A discretionary approval is an action taken by a government agency that calls for the exercise of judgment in deciding whether to approve or how to carry out a project. For this project, the government agency is the Orange County Board of Supervisors. To approve and implement the proposed Coto de Caza Specific Plan, the following specific discretionary approvals by the Orange County Board of Supervisors are needed:

- Specific Plan Amendment
- Tentative Tract Map.
- Area Plan
- Amendment to an existing Grant of Easement

In accordance with Section 15161 of the State CEQA Guidelines, this document is intended to serve as a "project" EIR that examines the environmental impacts of the aforementioned discretionary approvals, which have been requested to implement the proposed Coto de Caza Specific Plan Amendment. The analysis contained in this document will focus on the changes in the environment that will result from the development of the proposed improvements identified by the applicant, Khalda Development.

This SEIR will be used, along the Final EIR No. 401 prepared and certified by the Orange County Board of Supervisors for the Coto de Caza Specific Plan in the review of the proposed improvements and the adoption of and approval of any of the following project implementation activities that may be necessary:

- Approval of development plans, including zoning and other related permits; and
- Issuance of permits and other approvals necessary for implementation of the proposed project including any Resource Agency permits.

2.1.5 Related Approvals

This SEIR may be used by the following public agencies in the adoption of the proposed Coto de Caza Specific Plan improvements and approval of implementation activities thereunder (refer to Table 2-1);

- Orange County Planning Commission;
- Orange County Board of Supervisors;
- Departments of the County of Orange that must approve implementation activities undertaken in accordance with the Specific Plan, Area Plan, Tentative Tract Map, and related discretionary actions;
- Santa Margarita Water District
- U.S. Army Corps of Engineers
- California Regional Water Quality Control Board (San Diego Region);
- South Coast Air Quality Management District (SCAQMD);
- California Department of Fish and Game;
- U.S. Fish & Wildlife Service;
- All other public agencies that may approve implementation activities undertaken in accordance with the requested entitlements.

2.1.6 Agencies Having Jurisdiction

The principal agency having jurisdiction over the proposed project is the County of Orange because the project site is located in the unincorporated area within Orange County. Nonetheless, the proposed project includes a series of possible actions over which a number of agencies may have authority. Table 2-1 lists potential state, regional, and local approvals that may occur during the course of implementation of the proposed project and identifies the agencies with potential jurisdiction over these permits and/or approvals.

Table 2-1

List of Potential Responsible Agencies/Project Approvals
Coto de Caza Specific Plan Amendment

Agency	Permit/Approval
Local Agencies	
County of Orange	Specific Plan Amendment Area Plan Tentative Tract Map Building, Grading and Ancillary Permits
Regional Agencies	
Orange County Sanitation District	Sewage Collection and Treatment Connection Permit
OC Public Works/OC Planning	SWPPP and WQMP related to NPDES Storm Water Permit
Santa Margarita Water District	Sewer and Water Connections/Service
Orange County Fire Authority	Fuel Modification Program
State Agencies	
San Diego Regional Water Quality Control Board	National Pollution Discharge Elimination System (NPDES) Storm Water Permit NPDES Construction Permit Section 401 Certification
California Department of Fish and Game	Section 1603 Agreement
Federal Agencies	
U.S. Fish and Wildlife Service	Section 7 Permit
U.S. Army Corps of Engineers	Section 404 Permit

2.1.7 Notice of Preparation

The County of Orange has complied with Sections 15063 and 15082 of the CEQA Guidelines by preparing and issuing a Notice of Preparation of a Draft SEIR. The County distributed a Notice of Preparation (NOP) of a Supplemental EIR for the proposed Coto de Caza Specific Plan Amendment on June 2, 2010 for a 30-day review period. The NOP was distributed to the State Clearinghouse Office of Planning and Research, public agencies, utility and service providers, Orange County Clerk/Recorder, and adjacent jurisdictions interested parties in the project area. Copies of the NOP and the distribution list are provided in Appendix A of this SEIR.

The County received four (4) written responses to the NOP (refer to Appendix B). Table 2-2 summarizes those responses and indicates where in the Draft SEIR each environmental issue raised in these comment letters is located. The initial study responses and NOP comments were used to establish the scope of the issues addressed in this Draft SEIR. Appendix A contains a copy of the NOP comment letters that were received during the comment period.

Table 2-2

Summary of NOP Comments
Coto de Caza Specific Plan Amendment

Agency/Organization/Individual	Summary of Comment(s)	Section in Draft SEIR Where Issue is Evaluated
California Department of Fish & Game	Minimizing potential impacts on important biological resources, including coastal sage scrub habitat, the coastal California gnatcatcher, and effects on the NCCP/HCP.	Section 4.3
Native American Heritage Commission	Potential impacts to important cultural resources, including consultation with Native American representatives.	Chapter 5.0
OC Public Works/Flood Control	Post-development hydrology, increased runoff, and effects of sedimentation and scour on natural drainages on the subject property.	Section 4.2
Rancho Mission Viejo Company	Consistency with the adopted NCCP/HCP.	Section 4.1/Section 4.3

2.1.8 Availability of the Draft SEIR

The Draft SEIR has been distributed directly to numerous public agencies and to interested organizations, including the State Clearinghouse, etc., for review and comment. The Draft SEIR and all related technical studies are also available for review at the County of Orange Public Works Department (General Land Use Planning). The Draft SEIR and related documents may also be reviewed on the County's website (**http://ocplanning.net/SEIR 608.project.aspx**) and at the Orange County Public Library located at 30903 La Promesa Drive in the City of Rancho Santa Margarita. A public review copy of the Draft SEIR is also maintained at the General Land Use Planning counter at the County of Orange offices located at 300 North Flower Street (First Floor) in Santa Ana.

Agencies, organizations and individuals are invited to comment on the information presented in the Draft SEIR during the 45-day public review period. Specifically, comments are requested on the scope and adequacy of the environmental analysis. Commenters may also provide or identify additional environmental information that they think is germane to the analysis of the project. Following the public review period, a response to all CEQA-related environmental issues that are raise in the comments will be prepared and compiled into a Final EIR. The Final SEIR will be considered by the Orange County Board of Supervisors for certification.

2.1.9 Opportunities for Public Input and the EIR Process

Written comments on the Draft SEIR will be addressed in the Responses to Comments section of the Final SEIR for consideration by the County's decision-making body and would be made available to all commenters 10 days prior to the public hearing to certify the SEIR in accordance with Section 15088(b)of the State CEQA Guidelines. The Responses to Comments Appendix will be available for public review at the County of Orange located at 300 North Flower Street (First Floor) in Santa Ana.

2.1.10 Certification of the EIR

After the circulation of the Draft SEIR, the County of Orange will prepare responses to all written comments received on the environmental analysis presented in that document and will prepare the Final SEIR. The Final SEIR will consist of the Draft SEIR, revised as appropriate based on comments received during the public comment period, the EIR Appendices and the Responses to Comments Appendix.

The Orange County Planning Commission will review the SEIR for adequacy and make recommendations to the Board of Supervisors regarding certification of the Final SEIR. The Board of Supervisors will consider the information in the Final SEIR prior to its certification, should the Board of Supervisors find the document adequate. The Board of Supervisors will be required to certify the SEIR in order to approve the various planning-related applications and to implement the improvements proposed by the project applicant for the Coto de Caza Specific Plan Amendment.

2.2 Methodology

2.2.1 Existing Conditions

This introductory section describes the existing environmental conditions related to each issue analyzed in the Draft SEIR. In accordance with Section 15125 of the State CEQA Guidelines, both the local and regional settings are discussed as they exist prior to implementation of the Proposed Project.

2.2.2 Impact Significance Criteria

Section 15126 of the CEQA Guidelines requires that an EIR "identify and focus on the significant environmental effects" of a proposed project. "Effects" and "impacts" mean the same under CEQA and are used interchangeably within this Draft SEIR. A "significant effect" or "significant impact" on the environment means *"a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project . . ."* (Section 15382 of the CEQA Guidelines).

In determining whether an impact is "significant" within CEQA's definition, emphasis has been given to the basic policies of CEQA with respect to a particular subject matter, as well as to specific criteria for significance found in the CEQA Guidelines (refer to Appendix G to the CEQA Guidelines). An effort has been made to avoid overly subjective significance criteria that are not based in specific CEQA policies and/or generally accepted thresholds upon which significance can be determined. For each subject area addressed within this Draft SEIR, significance criteria are identified that have been applied in analyzing the potential effects of the Proposed Project.

2.2.3 Standard Conditions

The Proposed Project will incorporate, where necessary or required, standard conditions as required by the County and/or other responsible agencies. For analytical purposes, compliance with these regulatory requirements is not considered mitigation. Where an otherwise significant impact is avoided, in whole or in part, due to the application of standard regulatory requirements or project features, the text will note that an issue of environmental concern exists and that it is addressed by a standard regulatory requirement. The requirement has been identified and the manner in which it addresses the environmental issue is also identified. This precludes the use of mitigation measures that are mere repetitions of common practice, County planning/approval procedures, or laws that are applicable to the Proposed Project.

2.2.4 Impact Analysis

The impact analysis presented in the Draft SEIR identifies specific project-related impacts. As described above, the significance criteria provide the basis for distinguishing between impacts that are determined to be significant (i.e., impact exceeds the threshold of significance) and those that are less than significant. The existing environmental setting (i.e., existing conditions) is the basis for documenting the nature and extent of impacts anticipated to result from project implementation. As prescribed by the State CEQA Guidelines, the "baseline" conditions are established on the date the NOP is distributed. Potential

impacts presented in the Draft SEIR will be based on the project's effects compared to that baseline condition.

With respect to each potential project-related adverse environmental effect, an analysis has been conducted to determine if, in fact:

- The project produces the identified "effect"; and
- The effect produces a substantial, or potentially substantial, change in the physical conditions within the area affected by the project (i.e., "significant") when compared to the "baseline" conditions; and
- The changed conditions are "adverse."

Where the investigation of a potential effect concludes the effect is too speculative for evaluation, that conclusion is noted and the discussion of that effect is ended. Where the investigation demonstrates a potential effect does or may (without undue speculation) occur, but is beneficial, that conclusion is noted. Where the investigation demonstrates a potential effect is not significant or not adverse, that conclusion is noted.

2.2.5 Mitigation Measures

Where the analysis described in Section 2.2.4 above demonstrates that a potential effect does or may (without undue speculation) occur and is found to have a substantial or potentially substantial **and** adverse impact on physical conditions within the area affected by the project, that conclusion is noted and:

- Mitigation measures are provided which will minimize or avoid the significant effects and, in most cases, reduce them to less than significant levels; and/or
- Where feasible mitigation measures are not identified which can reduce or avoid the significant effect(s) to less than significant levels, the significant effect will be identified as one that will result in "significant unavoidable adverse impacts".

2.2.6 Unavoidable Significant Impacts

Unavoidable significant adverse impacts (i.e., those effects that either cannot be mitigated or they remain significant even after mitigation) will be identified in this section the Draft SEIR if the mitigation measures prescribed cannot reduce the significant impacts to a less than significant level (or the mitigation measures are infeasible, or their implementation cannot be guaranteed because they are the responsibility of another public agency). Prior to approval of the Proposed Project, the Orange County Board of Supervisors will be required to adopt a Statement of Overriding Considerations that identifies and describes the public benefit(s) associated with project implementation that offset any potentially significant unavoidable adverse impacts, if any.

2.3 Format of the Draft SEIR

As noted above, this Draft SEIR focuses on the analysis of those environmental parameters that may experience significant adverse impacts as a result of the proposed Coto de Caza Specific Plan Amendment. This analysis is documented in this Draft SEIR as follows:

Section 1.0 – Executive Summary. This section includes the executive summary, which summarizes the proposed project and the project alternatives. In addition, a table is included in this section that summarizes the potential environmental impacts, mitigation measures and level of significance after mitigation.

Section 2.0 – Introduction and Background. This section provides relevant, information, context and background on the CEQA process and the proposed project.

Section 3.0 – Project Description. This section includes a brief description of the environmental setting, provides a detailed project description (including each discretionary approval that will be necessary to implement the proposed project), enumerates the project objectives, and identifies implementation/phasing associated with the proposed project.

Section 4.0 – Environmental Analysis. This section describes the existing conditions, the thresholds of significance, the analytical methodology, the impacts of the proposed projects, mitigation measures, if necessary to reduce or avoid any significant adverse impacts, and the level of significance of the impacts after mitigation for each of the environmental parameters evaluated in the document.

Section 5.0 – Impacts Determined to be Less than Significant. This section summarizes the environmental impacts found not to be significant based on the analysis provided of the proposed project.

Section 6.0 – Significant Unavoidable Adverse Impacts. This section will summarize the potentially significant unavoidable adverse impacts anticipated as a result of project implementation. These are impacts that either cannot be mitigated to a less than significant level or those that cannot be feasibly mitigated.

Section 7.0 – Alternatives to the Proposed Project. This section summarizes the potential significant impacts that would be anticipated as a result of implementing the Hunt Club on the subject property. Because a range of "open space": uses would be permitted (on the subject property, this analysis will evaluate a "worst case" development scenario of this alternative land use that would be permitted under the existing agreement between the property owner and the County of Orange. In addition, other alternatives that are evaluated in this section include "No Project/No Development," an "Alternative Design," and a "Golf Course," which would also be permitted by the existing agreement.

Section 8.0 – Organizations and Persons Consulted. This section lists the County of Orange staff and/or departments and other persons/organizations consulted during the preparation of the Draft SEIR as well as consultant personnel who were consulted during or responsible for the preparation of this Draft SEIR.

Section 9.0 – Bibliography. This section lists the references used in the preparation of this Draft SEIR.

Section 10.0 – Glossary of Terms. This section provides a comprehensive glossary of terms and acronyms used in the EIR.

Appendices. The Appendices to this Draft SEIR include the NOP, the responses to the NOP and technical reports prepared to analyze the potential impacts of the proposed project. Technical studies prepared for the proposed project, which include: (1) biological resources assessment; (2) hydrology/hydraulic analysis; (3) cultural/scientific resources assessment; and (4) preliminary soils and geologic assessment.