



AGENDA STAFF REPORT

Control: 26001033

MEETING DATE: 05/05/2026

LEGAL ENTITY TAKING ACTION: Board of Supervisors

BOARD OF SUPERVISORS DISTRICT(S): District 3

SUBMITTING AGENCY/DEPARTMENT: OC Public Works

DEPARTMENT CONTACT PERSON(S): Justin Kirk, 714-667-1627
Nicole Walsh, 714-834-6257

SUBJECT: Appeal of PA23-0119 for Saddleback Meadows Use Permit

CEO CONCUR	COUNTY COUNSEL REVIEW	CLERK OF THE BOARD
Concur	No Legal Objection	PUBLIC HEARINGS 3 Votes Board Majority

Budgeted: N/A	Current Year Cost: N/A	Annual Cost: N/A
Staffing Impact: No		Sole Source: No
Current Fiscal Year Revenue: N/A	Funding Source: N/A	County Audit in Last 3 years: No

Levine Act Review Completed? N/A

Prior Board Action: 6/24/2025 #14, 11/5/2002 #101, 12/8/1998 #75

RECOMMENDED ACTION(S):

1. Receive appeal of Planning Application PA23-0119 from Shute, Mihaly & Weinberger on behalf of the Saddleback Canyons Conservancy and the Rural Canyons Conservation filed on February 12, 2026.
2. Open the public hearing on the appeal of the Planning Commission approval of PA23-0119 for a Use Permit to establish residential development standards for the Saddleback Meadows development through a Planned Development combining district, receive public testimony as appropriate, close the public hearing.
3. Deny the appeal and take the following actions:
 - a. Find that the project is considered in Revised Subsequent Environmental Impact Report (RSEIR) No. 566, certified by the Board on November 5, 2002, RSEIR No. 566 Addendum No. 1 administratively approved on August 11, 2004, and RSEIR No. 566 Addendum No. 2, administratively approved on September 26, 2022, which adequately addressed the effects of the proposed project; and,
 - b. Approve Planning Application PA23-0119 for a Use Permit to establish residential development standards for Saddleback Meadows development through a Planned Development combining district subject to the attached Findings and Conditions of Approval contained within the Planning Commission Resolution No. 26-01.

SUMMARY:

Consideration and denial of the appeal from Saddleback Canyons Conservancy and the Rural Canyons Conservation will uphold the Planning Commission’s January 28, 2026, approval of Planning Application PA23-0119 establishing residential development standards for Saddleback Meadows development.

BACKGROUND INFORMATION:

On January 28, 2026, following a public hearing, the Planning Commission approved Planning Application PA23-0119 (Attachments B and C). The Planning Commission approved a Use Permit to establish residential development standards for Saddleback Meadows development through a Planned Development combining district (Project Approval) to facilitate development of an approved 181-unit development (Project). The Project is located on the Eastern side of El Toro Road, approximately one-half mile south of the intersection of Santiago Canyon Road (El Toro Road) and Live Oak Canyon Road, in Unincorporated Orange County within the Third Supervisorial District (Project Site). The Project is zoned as Bridlewood Residential District (BWR) under the Foothill/Trabuco Specific Plan (F/TSP) Section III.D.3. Site development standards are established pursuant to the Residential Estates (Planned Development) District Regulations, currently codified in Zoning Code Sections 7-9-31.3 (Residential Estates - E4) and 7-9-48 (formerly Sections 7-9-68 and 7-9-110 as stated in the F/TSP).

The Use Permit implements the following Planned Development standards for the Project:

Development Standard	F/TSP – Bridlewood Residential District (BWR) - Residential Estates District Regulations	BWR Planned Development (BWR PD) - Proposed by Use Permit
Maximum Building Height	35 feet	35 feet*
Front Setback from Property Line Abutting Street Right-of-Way (ROW)	40 feet	10 feet
Side Setback from Property Line Abutting Street ROW	10% of average ultimate net width of building site – Maximum 20 feet	10 feet
Rear Setback from Property Line Abutting Street ROW	25 feet	10 feet
Side Setback from Property Line Not Abutting Street ROW	10% of average ultimate net width of building site – Maximum 20 feet	5 feet
Rear Setback from Property Line Not Abutting Street ROW	25 feet or In computing the depth or a rear setback from any building where such setback opens on alley, private street, public park or public beach, one-half (0.5) of the width of such alley, street, park or beach may be deemed to be a portion of the rear setback, except that under this provision, no rear setback shall be less than fifteen (15) feet.	10 feet
Maximum Building Site Coverage (% of Site)	35%	N/A
Minimum Building Site Area Per Unit (square feet)	20,000 square feet	4,000 square feet (previously established in the approved Area Plan 98-2 and Final Vesting Tract Map (FVTM) 15230)

Accessory Uses and Structures		
Patios	Accessory structures, which are within the required setback areas shall be limited to 12 feet in height, unless sited within 3 feet of a property line, in which case it shall be limited to 8 feet in height.	No attached or detached covered patio shall be located closer than 3 feet to a property line except the street side property line of a corner lot, in which case a minimum distance of 8 feet shall be maintained.
Projections into required setbacks	The building face of any detached accessory structure shall be at least three (3) feet from the building face any other structure and the eaves or projections of any structures shall not be closer than two (2) feet apart. Accessory structures within the required front setback area are permitted by a Use Permit approved by the Zoning Administrator.	Eaves, cornices, chimneys, outside staircases, balconies, and other similar architectural features may project a maximum of 4 feet into any required front, rear, or side setback within 1 foot of the property line, whichever is the least projection into the required setback. Porches may encroach up to 3 feet into a front yard setback, but in no case shall be located closer than 7 feet from the front property line. Setbacks shall comply with applicable fire and building codes, including the required separation between structures.
Detached, enclosed structures	Accessory structures, which are within the required setback areas shall be limited to 12 feet in height, unless sited within 3 feet of a property line, in which case it shall be limited to 8 feet in height.	Accessory structures that are detached from a main building that are enclosed and are over 8 feet in height, shall not be allowed within any required setback.
*Architectural features appropriately screened mechanical units and chimneys which do not exceed 10% of the roof area, nor exceed the height limit by more than 10 feet will be permitted.		

Project history preceding the approval of Use Permit PA23-0119

In 1980, the Board of Supervisors (Board) zoned the Project Site "Saddleback Meadows Planned Community." In 1988, Tract Map 10692 was recorded to subdivide the Project Site. Tract Map 10692 provided for the development of 705 residential lots, primarily intended for small lot mobile home or manufactured housing units, and 1.5 acres for local commercial development.

In 1991, the Board adopted the F/TSP, which classified the Project Site as the BWR. The BWR regulations incorporated the development entitlements for the subject property that were existing prior to the adoption of the F/TSP, stated that the property was "exempt from all of the Regulations and Guidelines included in this Specific Plan..." and further specified that a Specific Plan Amendment would be required if future development on the site deviated from the existing, already recorded approval. Similarly, the F/TSP recognized three other sites within its boundaries with recorded maps as being exempt from the specific plan due to previously recorded maps.

In 1998, applicants proposed a project that "deviated from the existing approval" – for 705 residential lots – as recognized by the F/TSP. In 1998, the proposed project included 299 single family lots. As required by the F/TSP, the new 299 residential lot alternative was submitted to the County of Orange (County) and reviewed as an amendment to the F/TSP. In addition to the necessary Specific Plan Amendment (ZC 98-3), an Area Plan (AP 98-2),

Tentative Tract Map 15230 and Subsequent Environmental Impact Report (SEIR) 566 Addendum No. 1 (Attachment D) were approved by the Board on December 8, 1998.

In 2002, following a challenge to the 1998 approvals by a neighboring property owner and environmental groups, based on a court decision, Revised SEIR (RSEIR) No. 566 was prepared and analyzed a similarly designed 299-lot project. On November 5, 2002, the Board certified RSEIR No. 566 (Attachment E & F) and approved one of the project alternatives discussed in RSEIR No. 566 for the development of 283 residential lots. Also approved at the same time was Vesting Tentative Tract Map 15230, Area Plan 98-2 (283 lots), and Zone Change Ordinance 02-008. The 2002 approvals, including the issue as to the project's consistency with F/TSP, were also challenged by the Vedanta Society of Southern California, Endangered Habitats League and Sea and Sage Audubon Society.

In 2004, in accordance with a settlement entered on May 6, 2004, to resolve the 1998 and 2002 litigations between the applicant, the Vedanta Society, and other Plaintiffs and Defendants, including the County, the applicant reduced the project from 283 to 266 residential lots, in addition to other project modifications to address the concerns of the litigants. The settlement agreement acknowledged the project's consistency with the F/TSP and required ongoing review between the project proponents and all defendants regarding any potential future modifications and review of subsequent engineering and design plans.

On August 11, 2004, in accordance with the settlement agreement, the Director of Planning approved a Changed Plan CP040022, which included a Revised Vesting Tentative Tract Map 15230, Revised Area Plan 98-2 (266 lots) and RSEIR No. 566 Addendum No. 1 (Attachment G), that modified the project to 266 dwelling units.

In 2022, following additional engineering studies, arbitrations with Vedanta Society pertaining to the applicants' ability to change the plans approved in 2004, among other matters, the applicant further reduced the proposed project from 266 residential lots to 181 residential lots. On September 26, 2022, the Deputy Director, OC Development Services/Planning, approved a Changed Plan CP170051, which included a Second Revised Vesting Tentative Tract Map 15230, RSEIR No. 566 Addendum No. 2 (Attachment H) and revised Area Plan 98-2 (181 lots) (Attachment I).

On June 24, 2025, the Board approved FVTM 15230 (Attachment J) which reflects the Project, including 181 numbered lots for residential development and 32 lettered lots for landscaping, fuel modification, environmental protection and other non-residential uses in substantial conformance with the Second Revised Vesting Tentative Tract Map 15230.

Appeal

On February 12, 2026, Shute, Mihaly & Weinberger on behalf of the Saddleback Canyons Conservancy and the Rural Canyons Conservation (Appellants) filed an appeal of the Planning Commission's Project Approval of the Use Permit (Appeal) (Attachment A). The Use Permit and the use of prior environmental documentation to support the Use Permit are the only appealable decisions.

Orange County Codified Ordinances (OCCO) Section 7-9-125.10(a) provides that matters originally heard by the Planning Commission shall be appealable to the Board.

OCCO Section 7-9-125.10(d) provides that on appeal, the Board may take any of the following actions:

1. Approve or disapprove the appeal;
2. Approve or disapprove the original application;
3. Add, modify or delete conditions of the original application;
4. Approve a modified application submitted by original applicant;
5. Refer the application back to the Planning Commission with directions for action by the approving authority or for recommendations or reports to the Board.

The Appeal alleges:

1. The Project threatens Public Safety.

The Appellants argue the County's prior environmental documentation fails to appropriately assess the impact of 181 "new residential units" in a Very High Fire Hazard Severity Zone, claiming that the prior environmental documentation failed to provide evacuation modeling, roadway capacity and traffic modeling under emergency conditions along with the new homes that now surround the Project Site located in a Very High Fire Hazard Severity Zone.

2. The Project Approval is Inconsistent with the Zoning Code and F/TSP.

The Appellants argue that approval of the Use Permit violates the County's Zoning Code and F/TSP as the average net development area of 20,000 square feet per unit and the setbacks required by the Residential Estates zoning district are not met. The Appeal further alleged the Use Permit is inconsistent with the overall goals and objectives of the F/TSP, including the goal of preserving rural character and providing a buffer between urban development and the Cleveland National Forest (Goal 1.0-a) and preserving significant landform, biological and scenic resources (Goal 1.0-b). Additionally, the Appellants argue that the F/TSP Review Board (F/TSPRB) was never consulted prior to the approval of the Area Plan and Vesting Tentative Tract Map for the development and that the Planning Commission did not consider any of the recommended modifications to the Use Permit from the F/TSPRB.

3. The Project fails to comply with CEQA.

The Appellants argue that the Planning Commission's approval of the Use Permit does not comply with CEQA as a subsequent EIR was not prepared and certified even though there have been substantial changes in circumstances and new information for the project since RSEIR No. 566 was certified by the Board on November 5, 2002. The Appellant further argues that the 2022 addendum to the RSEIR No. 566 was not provided to the public for review and comment or certified by the Board or Planning Commission.

4. The Use Permit's Findings are not supported.

The Appellants argue that the findings regarding compatibility, general welfare and consistency with the F/TSP that were adopted by the Planning Commission are erroneous and not supported by substantial evidence. Additionally, the Appellants argue that the Planning Commission's separate finding that the project does not require additional environmental review is erroneous.

5. The Board is not legally required to approve the Project.

The Appellants argue the Planning Commission was incorrectly led to believe that the Settlement Agreement between the developer and the Vedanta Society compels the County approve the Use Permit. Additionally, the Appellants argue that the Applicant has no vested right to develop this Project as development rights vest only when all building permits have been issued and the Applicant has performed substantial work based on those permits. The Appellants further argue that because the Applicant has not received all required discretionary permits and has not started construction, the County retains full discretion to deny the Project Approval – Use Permit – and that as the Lead Agency, the County has broad authority to deny the Use Permit due to the Project's environmental impacts.

Response to Appeal

1. The Project threatens Public Safety.

RSEIR 566 Addendum No. 2, approved in 2022, was prepared pursuant to CEQA Guidelines Section 15164 and analyzed whether the 181-unit development would result in new significant impacts that were not previously analyzed. The appeal period for Addendum No. 2, and whether an addendum was appropriate to approve the Change

Plan and Area Plan that reduced the development from 266 to 181 units, has passed as the approval occurred in 2022. The current appeal may only challenge the Project Approval – the Use Permit development standards – and whether RSEIR Addendum No. 2 and the prior environmental documents (RSEIR and Addendum No. 1) are sufficient to implement the development standards approved through the Use Permit.

Despite the issue being challenged by Appellants being outside the scope of what they can timely appeal, contrary to Appellants’ assertion, the County has examined whether the current infrastructure can handle the cumulative traffic from nearby developments. RSEIR 566 Addendum No. 2 evaluated data from the Orange County Transportation Analysis Model (OCTAM) to determine future (2040) daily traffic volume forecasts on El Toro Road from south of Live Oak Canyon Road to north of Glenn Ranch Road. The cumulative traffic volume forecast was lower than previous forecasted volumes. As a result, there is no new significant or increased environmental impact as to traffic or transportation due to the Use Permit or the previously approved reduced development, and the roadway capacity is sufficient to handle the project plus cumulative traffic in the event of an emergency. Moreover, there is no support for the assertion that the County is required by CEQA or caselaw to conduct an evacuation study or develop an evacuation plan specific to this community to comply with its CEQA disclosure requirements for fire or hazards.

Instead, as required by law, the Orange County Fire Authority (OCFA) has reviewed and approved the Second Revised Vesting Tentative Tract Map 15230 and FVTM 15230 as well as the Fire Master Plan, Fire Protection Plan, and Conceptual Fuel Modification Plan for the 181-unit development. OCFA’s approval of these plans signifies that the development meets current Fire Code requirements. Specifically, OCFA reviews Guideline B-01 contained in its “Community Risk Reduction: Fire Master Plans for Commercial & Residential Development” Guidelines as part of the approval of the Fire Master Plan. Guideline B-01, Section 2.2.21, requires developments of the size of the Project to have two evacuation points: “[s]upplementary access points shall be located to facilitate evacuation and emergency operations and minimize congestion or obstruction during an emergency incident. At least two of the access points shall be separated by a distance of at least one-half of the longest dimension, as measured between the two points of the development that are furthest from one another, when any of the following conditions exist....A minimum of two vehicle access points is required for any area containing 150 or more residential dwelling units, including new and existing dwelling units.” Moreover, on December 16, 2025, the Board adopted an updated Unified Emergency Operations Plan that sets forth the Orange County Sheriff-Coroner Department’s responsibilities related to evacuation during emergencies.

2. The Project Approval is Inconsistent with the Zoning Code and F/TSP.

The F/TSP amendment (Ordinance 02-008), approved by the Board in 2002, specified updated BWR development standards consistent with a Residential Estates (RE) (Planned Development) District pursuant to the County Zoning Code Sections 7-9-31 and 7-9-48. The BWR standards adopted in 2002 allow flexibility in developing a project that would maintain the character of development envisioned by the F/TSP while providing that specific development standards would be developed through a use permit process for the Project Site.

As allowed by the F/TSP land use regulations for BWR, the site development standards proposed through a Planned Development (PD) Combining District are compliant with Zoning Code Section 7-9-48. Additionally, under the applicable RE zoning designation, a use permit to establish site development standards is permitted under the PD combining district.

The development standards established by the Use Permit implement approved Area Plan 98-2 and approved FVTM 15230. Consistent with the Area Plan and FVTM, the development standards establish a minimum building site area per unit of 4,000 square feet. The Area Plan 98-2 and FVTM 15230 were determined to be consistent with the BWR regulations and the F/TSP. The time to appeal the Area Plan and FVTM has passed.

It should also be noted that the County Board of Supervisors found that the prior minimum lot size of 5,000 sf (and average lot size of 6,672 sf) in 2002, and minimum lot size of 4,500 sf (and average lot size of 6,843 sf) in 2004

reflected in Vesting Tract Map 15230 were consistent with the General Plan and Area Plan, and implemented the settlement reached among all parties, including the County.

The Use Permit development standards reflect the clustered development and increased protection of open space on the site approved in the Area Plan and Vesting Tract Map 15230. The open space includes a 42.7-acre Scenic Preservation Area and 143.9-acre Natural Resource Protection Area (over which a Conservation Easement will be granted to the California Department of Fish and Wildlife for long term management and protection), that provides the following benefits: (1) decreased impacts on the existing landform, (2) maintenance of a buffer between urban development and the Cleveland National Forest to the north and east and (3) reduced visual impacts from surrounding areas, all of which are consistent with the F/TSP goal of preserving the rural character of the area and providing a buffer between urban development and the Cleveland National Forest to preserve landforms, and biological and scenic resources.

Approved Area Plan 98-2 included a comprehensive biological resource mitigation plan that expands the wildlife movement corridor and restoration/enhancement areas incorporated into the design of the project, thus enhancing the physical environment, including plant and animal life. In addition, it includes comprehensive storm water quality management program, designed to minimize or eliminate water quality impacts to Aliso Creek, thus addressing urban runoff and stormwater pollution associated with development and redevelopment activities.

Moreover, the development standards established by Use Permit PA23-0119 are consistent with development standards already permitted in nearby residential communities. For example, the F/TSP requires similar setback requirements and a minimum building site area of 4,000 square feet in the Portola Bluff Residential District (PBR) located northwest of the Saddleback Meadows development project. Other examples of nearby residential communities with comparable development standards (Attachment K) were considered by the Planning Commission at their January 28, 2026, meeting.

The F/TSPRB reviewed Use Permit PA23-0119 in October 2023 and provided recommendations on 15-foot side setbacks, 20-foot front and rear setbacks and maximum building height of 30 feet. Due to the approved Area Plan 98-2 and FVTM 15230 that allowed a minimum lot size of 4,000 square feet, the recommendations from F/TSPRB did not align with development standards permitted in other nearby residential districts with similar minimum lot size to facilitate residential development within the approved lot size. Per the Bylaws of the F/TSPRB, the recommendations are advisory only and not binding to any County agency, the Planning Commission or the Board.

Based on the above stated reasons, the Use Permit PA23-0119 approved by the Planning Commission is consistent with the County Zoning Code and F/TSP.

3. The Project fails to comply with CEQA.

The purpose of Use Permit PA23-0119 is to establish residential development standards through a PD Combining District to facilitate development of the previously approved 181-unit development.

Compliance with CEQA for approval of the 181-unit Saddleback Meadows development was addressed through RSEIR 566 Addendum No. 2 (referred to as the most recent addendum by the Appellant). The appeal period for Addendum No. 2, and whether an addendum was appropriate to approve the Change Plan that reduced the development from 266 to 181 units, has passed as the approval occurred in 2022. The current appeal may only challenge whether Addendum No. 2 and the prior environmental documents are sufficient to implement the development standards approved through the Use Permit.

Based on the analysis in RSEIR 566 Addendum No. 2, implementation of the 181-unit development through the development standards established by the Use Permit will not result in any new significant adverse impacts on the environment that have not been previously analyzed and will not substantially increase the severity of any previously identified environmental impacts. With application of the mitigation measures contained in certified RSEIR 566,

impacts to all environmental resources (except for cumulative air quality impacts) will continue to be less than significant. No additional mitigation measures were proposed in Addendum No. 2 beyond those mitigation measures adopted in connection with the certification of RSEIR 566 and RSEIR 566 Addendum No. 1. Approval of the development standards through the Use Permit, which effectuate the 181-unit development, will not have any more severe or additional significant adverse effects on the environment that were not considered in RSEIR No. 566, certified by the Board on November 5, 2002, RSEIR No. 566 Addendum No. 1 administratively approved on August 11, 2004, and RSEIR No. 566 Addendum No. 2, administratively approved on September 26, 2022.

4. The Use Permit's Findings are not supported.

The findings related to compatibility, general welfare and consistency with the F/TSP and CEQA are supported by the evidence in the record and as set forth in response numbers 1-3, above.

5. The Board is not legally required to approve the Project.

The Planning Commission and Board have discretion whether to approve the development standards as proposed in the Use Permit.

Compliance with CEQA: The development standards approved through the Use Permit do not have any more severe or additional significant adverse effects on the environment that has not been considered in RSEIR No. 566, certified by the Board on November 5, 2002, RSEIR No. 566 Addendum No. 1 administratively approved on August 11, 2004, and RSEIR No. 566 Addendum No. 2, administratively approved on September 26, 2022, which adequately addressed the effects of the proposed project. No substantial changes have been made in the project, no substantial changes have occurred in the circumstances under which the project is being undertaken and no new information of substantial importance to the project which was not known or could not have been known when the RSEIR No. 566 was certified and the Mitigation Monitoring and Reporting Program was adopted, RSEIR No. 566 Addendum No.1 was administratively approved and RSEIR No. 566 Addendum No. 2 was administratively approved. No additional mitigation measures have been proposed in Addendum No. 1 and Addendum No. 2 beyond those mitigation measures adopted in connection with the certification of RSEIR No. 566; therefore, no further environmental review is required.

FINANCIAL IMPACT:

There is no Financial Impact associated with the Recommended Actions of this Agenda Staff Report.

STAFFING IMPACT:

N/A

REVIEWING AGENCIES/DEPARTMENTS:

N/A

ATTACHMENTS:

Attachment A - Appeal Letter from Shute, Mihaly & Weinberger on behalf of the Saddleback Canyons Conservancy and the Rural Canyons Conservation dated February 12, 2026

Attachment B - Planning Commission Staff Report with Attachments dated January 28, 2026

Attachment C - Planning Commission Minutes, January 28, 2026

Attachment D - Subsequent Environmental Impact Report 566 Addendum No. 1

Attachment E - Revised Subsequent Environmental Impact Report 566 Statement of Overriding Considerations

Attachment F - Revised Subsequent Environmental Impact Report

Attachment G - Revised Subsequent Environmental Impact Report 566 Addendum No. 1

Attachment H - Revised Subsequent Environmental Impact Report 566 Addendum No. 2

Attachment I - Area Plan 98-2 approved September 2022
Attachment J - Final Vesting Tract Map 15230
Attachment K - Development Standards Comparison Table