

Oak Tree/Canopy Review Issues Related to Ministerial Development on Existing Parcels

| Issues | Actions taken to Resolve to Date | Actions Underway/New Actions |
|---|--|---|
| Scope of review for ministerial permits unclear. | Planning Commission adopted Interim Guidelines in November 2006 to clarify pending OWMP. | Further policy direction from Board may occur through OWMP process. |
| Definitions not clear or not provided. | Interim Guidelines provide definitions pending OWMP. | OWMP will review and finalize. |
| Methods/Options for replacement of oak canopy not specified. | Interim Guidelines specify replacement methods (canopy, acorn, trees) and provide replacement options (on-site, off-site, off-site conservation). | OWMP will review and finalize. |
| Exceptions to policies unclear. | Clarified in Interim Guidelines Adopted by Planning Commission. | Further consideration will be given to exceptions as part of OWMP process. |
| Identification and mapping of priority protection areas not complete or available for online use. | Included in Scope of Work for the OWMP. Various options developed and under review by Planning Commission. | Board to consider mapping issues and provide direction at June 25 special meeting. |
| Option B/mitigation fee currently not available until OWMP completed. | Fee study/ordinance included in scope of work for the OWMP. Draft Fee options/variables reviewed with Planning Commission. | Planning Commission Recommendations scheduled for Board review in July. |
| Additional requirements per General Plan in environmentally sensitive areas not specified. | Interim Guidelines required preparation of a biology report and Planning Commission review for projects in or adjacent to designated environmentally sensitive areas (IBC, EP, etc). | OWMP and INRMP will address. Future implementing ordinances for INRMP and IBC will provide further specifics. |
| Relationship between oak tree canopy policies and landmark/heritage oak protection policies unclear. | Draft Ordinance being prepared by staff. | Planning Commission will begin review this summer. |

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| No process for variances or relief to oak canopy retention requirements to ensure reasonable use. | Interim Guidelines, as recently amended, provide staff with authority to reduce canopy retention by up to 50% if needed for reasonable use. Additional reductions can be considered by the Planning Commission. As of June 1, permit center staff report that 5 building permit applications are under review with unresolved oak issues. | New process to provide “self-certification” for reasonable use related to oak tree canopy issues for properties located outside of environmentally sensitive areas to be finalized in June and will be in effect until OWMP/Option B completed. |
| No procedures/forms to implement review process. | Site Assessment form prepared. Oak issues included in online checklist. Procedures for monitoring developed in Interim Guidelines. Streamlined process for existing lot development prepared. | Conservation Easement document and monitoring/maintenance agreement under review. Online checklist being updated. Oak process flow chart being prepared. |
| No explanation for what biology reports need to include and who is qualified to prepare. | Guidelines for preparation of biology reports completed. | |
| Training (internal/external) needed. | Internal Staff training sessions have occurred. | Additional internal and external training for public/professionals planned when all key forms/documents are completed. |
| Policy Interpretations lacking. | Policy interpretations memorandum provided to the Planning Commission in April for consideration. | Further Planning Commission and Board review will be occurring this summer as part of OWMP process. |