



COMMUNITY DEVELOPMENT SERVICES

LONG RANGE PLANNING

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Date: October 10, 2017

To: Board of Supervisors

From: Anne Novotny, Principal Planner

Subject: General Plan Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance Final Environmental Impact Report and Project Adoption

PURPOSE

The purpose of this memo is to recommend the Board continue this matter to October 24, 2017 and to hold a limited public hearing to receive public comment only on the proposed modifications to the proposed General Plan Amendment and Ordinance that were considered by the Planning Commission on September 28, 2017 (Legistar File 17-0937). The Planning Commission's recommendation is required to be included in a public hearing notice published at least 10 days prior to the Board hearing (CA Government Code Sections 65090 and 65094). Due to the 10-day noticing requirement, staff is recommending this matter be continued to October 24, 2017.

BACKGROUND

On April 27, 2017, the Planning Commission held a public hearing on the proposed Project and Environmental Impact Report (EIR). The Planning Commission received public comments and approved Planning staff's recommended actions for the Board's consideration, including six additional recommendations for the Board to consider.

On July 18, 2017 (Item 44), the Board held a public hearing to receive public comments on the proposed Project and EIR, and to consider the Planning Commission's additional recommendations. The Board opened the public hearing, took comments from the public, closed the public hearing, deliberated, and voted to approve certain changes and additions recommended by Planning staff. The Board also gave direction to Planning staff on several items including, but not limited to, revisions to the definition of Heritage Tree to exclude Live Oaks (Oak Resources Management Plan, Section 6.0), and to the personal use exemption (Oak Resources Management Plan, Section 2.1.10). The Board further directed Planning staff to return on September 12, 2017, with the directed changes incorporated into final documents for consideration of approval.

The Planning Commission public hearing on the Project was closed on April 27, 2017. The Board public hearing on the Project was closed on July 18, 2017. The public hearings on the overall Project remain closed.

After the July 18th Board hearing, a minor change was made to General Plan Measure CO-K and several modifications were made to the proposed Oak Resources Conservation Ordinance including adding an In-Lieu Fee Appeals section.

Any modifications to a proposed General Plan Amendment or proposed ordinance that were not previously considered by the Planning Commission are required to be referred back to the Commission for recommendation before final Board approval, pursuant to Sections 65356 (General Plan Amendments) and 65857 (Zoning Amendments) of the California Government Code.

On September 12, 2017 (Item 27), Planning staff recommended to the Board that the proposed changes made to General Plan Measure CO-K and to the proposed ordinance be referred back to the Planning Commission on September 28, 2017, and that this matter be continued to October 10, 2017. Staff also presented the Board with new information regarding two of the Board's directions given on July 18, 2017. The Board redirected staff to remove two Board initiated proposed changes (exclusion of Live Oaks from the definition of Heritage Trees and modification of the personal use exemption) from the Project, and to continue this matter to October 10, 2017. Refer to Attachment 25A (Revised Staff Memo based on New Information BOS 9-12-17) for additional information.

On September 28, 2017, the Planning Commission recommended approval to the Board of the proposed modification to General Plan Measure CO-K and the modifications to the proposed Oak Resources Conservation Ordinance presented by staff (Legistar File 17-0937, Attachment 2D) with additional modifications (underlined) to Section 130.39.050(J), Exemption for Personal Use: "Removal of a native oak tree, other than a Heritage Tree or individual valley oak trees and valley oak woodlands..."

STAFF RECOMMENDATION

Planning and Building Department (Planning) staff is recommending that the Board continue this Item to October 24, 2017 and to hold a limited public hearing to receive public comment only on the proposed modifications to the proposed General Plan Amendment and Ordinance that were considered by the Planning Commission on September 28, 2017 (Legistar File 17-0937). After the close of the limited public hearing, staff recommends the Board consider the following:

- 1) The Planning Commission's recommendation from September 28, 2017 regarding the additional modifications to the proposed Ordinance;
- 2) Certifying the EIR; making California Environmental Quality Act (CEQA) Findings of Fact; adopting a CEQA Statement of Overriding Considerations; and approving the Mitigation Monitoring and Reporting Program;
- 3) Adopting a General Plan Amendment to the biological resources policies, objectives, and implementation measures in the General Plan;
- 4) Adopting an Oak Resources Management Plan;
- 5) Approving the establishment of an in-lieu fee to mitigate impacts to Oak Woodland Areas and Individual Oak Trees; and
- 6) Approving an Oak Resources Conservation Ordinance.