



Legislation Text

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Development Services Department recommending the Board give direction on the General Plan Review, Mitigation and Implementation Monitoring Program, including:

- 1) Review the Plan Assumptions;
- 2) Identify known policy and land use map issues;
- 3) Discuss mitigation monitoring;
- 4) Review other topics related to the General Plan that have been raised; and
- 5) Discuss additional information. (Refer 4/13/10, Item 24)

General Plan Review, Mitigation and Implementation Monitoring Program

Introduction: The purpose of this special meeting is to outline the issues intended to be addressed in the General Plan review, including 1) review the Plan Assumptions, 2) identify known policy and land use map issues, 3) discuss mitigation monitoring, 4) review other topics related to the General Plan that have been raised, and 5) discuss additional information.

Background: On April 13, 2010 the Board of Supervisors set a special meeting to discuss the upcoming General Plan review, which was one of the priority work products that the Development Services Department identified in its 12-month action plan. General Plan monitoring and review is required by Policy 2.9.1.2 which reads:

Two years following the adoption of the General Plan and thereafter every five years, the County shall examine the results of the monitoring process for the previous period. If the results of this monitoring process indicate that the distribution of growth varies significantly from the major assumptions of this Plan, the County shall make appropriate adjustments to the Plan's development potential by General Plan amendment. Five year adjustments in the development potential may include either additions to or subtractions from this land supply and may result in policy changes.

Additional policies under Goal 2.9 require annual monitoring of land inventory, population and employment growth, and other useful indicators; amending the development potential based on the findings in the review, including amending the Community Region and Rural Center boundaries; and monitoring the mitigation measures identified in the EIR and assessing their effectiveness. The full text of these policies is provided in Attachment B.

Discussion: This discussion stems from the Department's agenda item of March 22, 2010 seeking approval by the Board of the Department's 12-month work program. On that date the Board carried over to April 13, 2010 the work program to coordinate it with the on-going budget and staffing issues, deferred General Plan monitoring to a later date, and directed staff to work with the Economic Development Advisory Committee (EDAC) to identify projects on which that committee could provide assistance. In addition to setting this meeting on the General Plan review and monitoring on April 13, the Board reiterated its direction to work with EDAC to identify the issues and potential solutions.

Since the adoption of the General Plan in 2004, its ratification by the voters in March 2005, and the Court decision discharging the writ in September 2005, the County has identified a number of policy concerns that were not adequately addressed in the Plan. Some of these have been dealt with through policy interpretations and amendments, such as application of the agricultural buffers, changing the floor area ratio requirements, the provisions for mixed uses, and the re-authorization of and modifications to Measure Y. But a number of other areas of concern have been identified that have yet to be resolved. A part of this review is to identify and prioritize those issue areas.

Equally important, and the basis of the policy, is that a general plan is intended to be a working document, with regular review and assessment to determine if it is meeting the purposes for which it was adopted. Policy 2.9.1.1 directs the County to review its land use inventory and determine if adjustments need to be made to accommodate changes. Additionally, by reviewing the success of the mitigation measures and implementation measures, we can see if the policies are accomplishing what they were intended to do, or if additional adjustments are necessary. Changes in circumstances, such as the current recession, are also important to consider when reviewing the Plan.

Plan Assumptions: The first step in the process will be to review the basic assumptions of the plan, as set forth in its Introduction. (See Attachment A.) The Board reviewed these a year ago and found that the seven assumptions were still valid, but that we particularly needed to pay close attention to the continued viability of the timber industry (Assumption 4) and the costs of housing (Assumption 6.) Additional concerns have been expressed by members of EDAC regarding the prolonged recession and its impact on housing, commercial development, and the County's economy in general. At this juncture, staff feels that those assumptions are still valid, but as a part of the review process would like to focus some effort on what, if anything, the County can do through its General Plan to ensure the timber industry remains viable, and to the question of the effect of the recession on land use inventory.

Assumption 3 recognizes that other agencies will exercise significant policy control over lands in the county. State legislation is one of those areas, and the passage of SB375 and AB32 have the potential to alter the land use pattern in the Community Regions of the county. However, until the California Air Resources Board (CARB) develops its greenhouse gas emission targets, and SACOG develops its sustainable community strategy, there is no clear mandate regarding what those changes will be. Staff suggests that it would be speculative to try to pre-suppose what will be the result of those targets and strategies. At such time that they are developed and released, it would be prudent to respond at that time, but that it would be premature to try to modify policies or land use designations trying to anticipate what might occur.

Policy Issues and Concerns: The main focus of the review will be to look closely at the policies and the land use map, and to identify the known problem areas or issues of concern. We will then develop the data necessary to make an informed decision on whether the problem is caused by the Plan language or land use designation, or some other cause. Once the information has been gathered and reviewed, the Board can then make the determination if a policy needs to be amended to correct the problem, and decide which amendments have the highest priority. We may also find early in the process that resolution of the issue does not require a General Plan amendment, and the Board can direct staff to proceed with any other necessary fixes, such as ordinance amendments or procedural changes.

With an understanding that the basic Plan Assumptions are still valid, or have not changes so drastically that we need to reconsider those at this time, staff is requesting that the Board begin to identify the problem areas or issues that staff should focus on. Attachment C is a list of known areas of concern, applicable policy numbers, and possible options to address that concern, referred to as the Issue Matrix. This is a work in progress, and is expected to be completed as we work through the review process during the upcoming year. These issues have come forward through a variety of venues; some brought up by the Board or Planning Commission, others by EDAC's Regulatory Reform subcommittee, and others by individual applicants or the general public as a result of review of development applications. Additionally, staff has identified certain policies that have created difficulties in the day-to-day operations of the County. Staff has worked with EDAC, as directed, to identify some of the priority issues, and is expecting to work closely with them to identify options to resolve the concern and develop recommendations for Board consideration. After the review is complete, the Board will have the option of undertaking a single plan amendment addressing multiple concerns, taking separate actions on each issue, or a combination of the two. These will then need to be prioritized as a part of the next 12-month action plan.

Mitigation Monitoring: Another component of the review is mitigation monitoring, and seeing if those measures also have succeeded in reducing the environmental impact associated with implanting the General Plan. Attachment D identifies each of the mitigation measures set forth in the EIR and adopted with the Plan. This document will be important when considering amendments to policies. A change to a policy that was established as mitigation for an identified impact may necessitate a different type of CEQA review than a change to a policy that was not intended to mitigate impacts. This does not mean that the policy cannot be changed, only that the effect of that change must be analyzed in light of what it was intended to accomplish. The mitigation monitoring plan (MMP) will be reviewed in more detail to review the effectiveness of the measures, and be brought back to the Board at a later date. It is the intent of staff to provide a report to be received and filed unless the Board directs further action as a result of this review.

It is the intent of staff to provide a thorough analysis of growth trends, land use absorption, and other economic indicators to allow the Board to make an informed decision regarding changes to the plan. We intend to continue to work closely with EDAC and other interested members of the public to determine what data should be reviewed. In addition, staff will review data related to oak woodlands, rare plants, and other resources related to the mitigation measures. Staff requests that the Board provide direction at this time if there are certain areas that we should focus on as we begin this analysis. The data that staff intends to consider are:

- Land use absorption by commercial, industrial, and residential categories
- Employment data
- Housing data
- Natural resources data

Other Issues: There are also a number of concerns that have been raised by Board members as well as the public that need to be addressed that are not directly related to General Plan policies or the review. These include suggested changes to the grading ordinance (raising the threshold from 50 cubic yards to 250) and allowing grading of a site prior to approval of a project. Additionally, some implementation measures, such as amending the Agricultural District boundaries could proceed regardless of the scheduled review, but could be affected by the review if it is determined that significant changes in the assumptions or land use absorption have occurred. Although these are

contained in the list of issues (Exhibit C), they are not necessarily General Plan issues and could be pulled for immediate action if the Board so desires.

Zoning Ordinance Update: Some of the concerns raised by the Board in previous hearings and by the public are intended to be addressed in the zoning ordinance update. Included in these are vacation home rentals, riparian setbacks, ranch marketing, and many of the General Plan implementation requirements. Staff has spent several months working with EDAC and other parties to review an administrative draft and plans to bring a series of policy questions to the Board in June or July. This will set the stage for developing the project description, beginning the CEQA work necessary for adoption, and hopefully conclude by the end of the year. Included in this effort will be the county-wide rezoning to bring the zoning into conformance with the General Plan. During the course of the review of the maps, staff has identified a number of anomalies, or simply errors made during the General Plan mapping. Staff will be bringing forth a proposed resolution to amend the land use maps to correct these errors as we proceed with the mapping. The Board may, however, want to broaden the scope of General Plan mapping issues to address other concerns relating to land use supply, which is one of the topic areas of the Issue Matrix.

Recommendation: The Development Services Department recommends that the Board of Supervisors provide direction to staff regarding the content of the 2011 General Plan Review, Mitigation and Implementation Monitoring Program as follows:

1. Accept at this time that the Plan Assumptions are still valid.
2. Review the Issue Matrix (Attachment C) for the following:
 - a. Identify any additional items that staff should address;
 - b. Delete those that are determined to be unimportant at this time; and
 - c. Identify the top priorities.
3. Direct staff to bring back for action any items on the Issue Matrix that should be processed separately from the General Plan Review.
4. Direct staff to identify, through the course of the review, mitigation measures that are either not working as expected, confusing, or otherwise considered problematic and may be appropriate for General Plan amendment (via appropriate CEQA review and processing.)
5. Identify additional information needed for Board consideration of previously listed issues.

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