

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.