

Background: The 2004 General Plan was adopted on July 19, 2004, and confirmed by referendum on March 8, 2005. Policy 2.2.5.20 required a General Plan consistency finding for development permits such as building permits and grading permits.

On March 29, 2005, the Board of Supervisors adopted Urgency Ordinance No. 4666 imposing a 45-day moratorium on building and grading permits unless the permits were reviewed through a new General Plan Consistency Review process.

On May 10, 2005, the Board adopted Interim Ordinance No. 4669 extending the moratorium for 320 days, to March 29, 2006. The ordinance was extended one final year, to March 29, 2007, through Ordinance No. 4690.

These ordinances were anticipated to be replaced by a comprehensive updating of the Zoning Ordinance to incorporate the Policies of the 2004 General Plan.

On February 8, 2007, the Commission adopted Resolution of Intention 2007-01 to consider these amendments.

Discussion: The Zoning Ordinance update process is underway but will require a substantial amount of time to complete. In order to avoid the environmental impacts identified in the 2004 General Plan Environmental Impact Report and implement Policy 2.2.5.20, the attached General Plan Consistency Ordinance amendment is recommended for adoption.

The General Plan Consistency Ordinance will modify the current site plan review process to incorporate a formal General Plan Policy review for ministerial development, including building and grading permits, much like the previous urgency and interim ordinances. The site plan review process is ministerial, has a Board approved fee schedule, and is an established process in the Department.

By adopting this Ordinance, the County will be assured that the General Plan will be implemented in a fair and reasonable manner until the comprehensive Zoning Ordinance is updated to include all the implementation measures of the 2004 General Plan.

The adoption of this ordinance is consistent with the General Plan Final EIR and implements a mitigation measure from that Final EIR. The planned development process, referenced in this ordinance, is a separate discretionary process that would require separate environmental analysis on a case by case basis.

RECOMMENDATION:

Forward a recommendation to the Board of Supervisors to:

1. Certify that the amendment is consistent with the General Plan FEIR (SCH 2001082030); and
2. Approve Ordinance Amendment OR07-0002, as provided in Exhibits A and B.

ATTACHMENTS:

Attachment 1	Findings
Exhibit A	Draft Ordinance
Exhibit B	Draft Modifications to Site Plan Review (Exhibit A to Draft Ordinance)
Exhibit C	Existing Ordinance 4690

OR07-0002

Findings

1.0 CEQA Finding

1.1 Ordinance OR07-0002 is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because it has no potential for resulting in physical changes to the environment, directly or indirectly.

2.0 Legislative Findings

1.1 Ordinance OR07-0002 is consistent with Section 17.10 of the County Zoning Ordinance (Amendments) because the Planning Commission initiated the amendment through a resolution of intention pursuant to Section 17.10.010 (C), and hearings were conducted in accordance with 17.10.040.

1.2 Ordinance OR07-0002 is consistent with the 2004 General Plan adopted on July 19, 2004. The Ordinance amendment specifically implements Policy 2.2.5.20 that was a mitigation measure of the General Plan FEIR (SCH 2001082030).