



ORANGE COUNTY
OC Public Works
 MEMORANDUM

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DATE: December 14, 2022

TO: Foothill/Trabuco Specific Plan Review Board

FROM: Justin Kirk, AICP, Planning Division Manager (714) 667-8895 or justin.kirk@ocpw.ocgov.com

SUBJECT: Potential modifications to the Foothill Trabuco Specific Plan

RECOMMENDATION

1. Receive and file the staff report; and,
2. Discuss potential modifications to the Foothill Trabuco Specific Plan and provide consensus direction on the changes requested by the Review Board.

DISCUSSION

At the September 1, 2022, regular meeting an agenda item regarding potential modifications to the Foothill Trabuco Specific Plan, with a recommendation for the Review Board to provide direction on potential changes said Specific Plan. Upon review of the minutes of the Review Board it was not inherently clear as to the action taken by the Review Board and therefore the item is coming before the Review Board a second time to get better direction as to the potential changes desired by the Review Board. Changes to Specific Plans are governed by the Government Code and the County's Zoning Code. In addition, changes to a Specific Plan are considered a project under the California Environmental Quality Act and potential impacts to the environment are required to be assessed prior to action being taken. Consultation with Native American Tribes are also required prior to action, pursuant Government Code § 65352.

Pursuant to Government Code § 65453. (a) A specific plan shall be prepared, adopted, and amended in the same manner as a general plan, except that a specific plan may be adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body. To revise the specific plan, the following steps would be required:

1. Solicit direction from the Legislative Body, i.e., the Board of Supervisors regarding any proposed amendments.
2. Upon Receiving direction to proceed with the amendment, preparation and completion of the proposed Amendment would be next. This process would be potentially managed by OC Public Works Staff in consultation with County Counsel.
3. Following the completion of the amendment, initiation and completion of SB 18 Native American Consultation would follow. SB 18 consultation is statutorily required whenever a General Plan or Specific Plan is proposed to be amended. This process consists of obtaining a list of recognized Tribes within the area of the proposed changes from the Native American Heritage Commission and requesting consultation on the proposed Amendment and is concluded upon written concurrence of the proposed Amendment by any recognized Tribe who had requested consultation.
4. Any proposed Amendment would also need to access for consistency with the California Environmental Quality Act (CEQA), minor modifications may qualify for an exemption, whereas more complex modifications may require the preparation of an Initial Study and potentially a Negative Declaration or Environmental Impact Report.

5. During the environmental review process staff would conduct several Community Outreach meetings to garner feedback and provide a resource to explain the proposed changes and answer any questions.
6. Once adequate public outreach had been concluded, the Amendment would begin the formal review consisting of review by the Foothill Trabuco Specific Plan Review Board (Recommending Body), Planning Commission (Recommending Body) and the Board of Supervisors (Decision Making Body).

While there are several procedural steps involved, once started the process works efficiently. There are numerous opportunities for public outreach to avoid potential concerns with the proposed changes. Should the Review Board provide specific direction on potential amendments to the Specific Plan, staff would then reach out to the Third District to discuss the changes and process and obtain direction on the amendments.