



January 9, 2024

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Public Hearing to Consider County-Initiated Amendment to the Ventura County General Plan – Public Facilities, Services, and Infrastructure Element, and Proposed Ordinance Amending Articles 3, 4, 5, 6, and 9 of the Ventura County Non-Coastal Zoning Ordinance to create a new Open Space – Parks and Recreation Zone; Find that Adoption of the Proposed Amendments is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3), 15307, and 15308; All Supervisorial Districts (Case No. PL 22-0057).

A. RECOMMENDED ACTIONS:

- a. **CERTIFY** that your Board has reviewed and considered the Board Letter, and all exhibits hereto, the Planning Commission staff report and all exhibits thereto, and has considered all other materials and public comments received during the public comment and hearing process;
- b. **FIND**, on the basis of the entire record and as set forth in Section B of the Planning Commission staff report (Exhibit 1), that adoption of the proposed amendments to the General Plan and Non-Coastal Zoning Ordinance (NCZO) shown in (Exhibits BH-1 and BH-4) is exempt from CEQA pursuant to CEQA Guidelines sections 15061(b)(3), 15307, and 15308 because adoption of the proposed ordinance is categorically exempt and will cause no significant effects on the environment;
- c. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C, and D of the Planning Commission staff report, that the proposed amendments to the General Plan and NCZO (Exhibits BH-1 and BH-4) are consistent with the goals, policies and programs of the Ventura County General Plan and good planning practices and are in the interest of public health, safety and general welfare;
- d. **ADOPT** a resolution approving the proposed amendments to the General Plan (Exhibit BH-1);
- e. **ADOPT** the proposed ordinance amending Articles 3, 4, 5, 6, and 9 of the NCZO (Exhibit BH-4); and
- f. **SPECIFY** that the Clerk of the Board of Supervisors is the custodian, and 800 South Victoria Avenue, Ventura, CA 93009 is the location of the documents and

materials that constitute the record of proceedings upon which this decision is based.

FISCAL IMPACTS/MANDATES:

Mandated: No
Source of Funding: General Fund
Funding Match Required: None
Impact on Other Departments: None

Summary of Revenues and Costs:

	<u>FY 2023-24</u>	<u>FY 2024-25</u>
Revenues:	\$0	\$0
Costs:		
Direct	\$33,180	\$0
Indirect-Agency/Dept.	\$ -	\$ -
Indirect-County CAP	<u>\$ -</u>	<u>\$ -</u>
Total Costs	\$33,180	\$0
Net Costs:	\$33,180	\$0
Recovered Indirect Costs:	\$ -	\$ -

The proposed amendments can be completed with existing Planning Division staff and within the existing Planning Division budget allocation. Staff time will also be used to complete post-adoption tasks such as codification of the approved ordinance, staff training and information, and notification to agencies and organizations that may have an interest in voluntarily rezoning land to the proposed Open Space – Parks and Recreation Zone.

FY 2023-24 Budget Projection for Planning – Division 2910				
	Adopted Budget	Adjusted Budget	Projected Actual	Estimated Savings/Deficit
Appropriations	\$ 10,415,656	\$ 11,014,918	\$ 11,014,918	\$ -
Revenue	\$ 4,371,381	\$ 4,371,381	\$ 4,371,381	\$ -
Net Cost	\$ 6,044,275	\$ 6,643,537	\$ 6,643,537	\$ -

Strategic Plan

These amendments align with County Strategic Plan Priority *Reliable Infrastructure and Sustainability* goals 2 and 3 because the project would help to maintain, and potentially enhance, the health and resilience of the County by preserving open space and recreational uses in the unincorporated County.

B. EXECUTIVE SUMMARY

On September 15, 2020, the Board of Supervisors adopted the 2040 General Plan which established a new Parks and Recreation land use designation and an Open Space – Parks and Recreation Zone (OS-REC) zone. Additionally, the General Plan Public Facilities, Service, and Infrastructure Element, Program “N” (PFSI-N) directs the County to amend the NCZO to include a new zone that is limited to parks and recreational uses. This amendment is before your Board today.

The proposed amendments do not include any actions to rezone land. If the amendments are adopted by your Board, Planning staff will conduct outreach to inform public agencies, conservancies, and private land stewards about the new OS-REC zone and the option to voluntarily rezone their land.

C. BACKGROUND AND DISCUSSION

Project Background

During a General Plan Update Work Session on July 31, 2018, and in response to a letter from the Oak Park Municipal Advisory Council (Exhibit PC-6), the Board directed Planning staff to develop an OS-REC zone that would limit allowed uses to parks and recreational purposes and would apply only to publicly owned parcels. The directive also requested identification of the types of uses that would be eligible to be included in this new zone (e.g., parks), but it did not expressly direct Planning staff to initiate the process to rezone those areas. The 2040 General Plan includes PFSI-N, which states, “the County shall amend the Non-Coastal Zoning Ordinance to create a new Open Space zone for public lands that will be limited to parks and recreational uses”. The proposed amendments would fulfill this program and also require staff to conduct outreach to property owner interests who may choose to utilize the zone.

Generally, the proposed amendments will provide a regulatory tool for public agencies, conservancies, and private land stewards who seek to preserve public recreational areas and conserve open space. Rezoning existing open space land to the OS-REC zone would require a zone change and be subject to environmental review.

The OS-REC zone, according to the Compatibility Matrix in Table 2-1 of the Land Use Element, is only compatible with the General Plan land use designations of Open Space and Existing Community-Open Space Exhibit BH-4). To establish the new OS-REC zone, the purpose, allowable uses, and types of permits are proposed to be added to the NCZO and are based on the Open Space (OS) zone standards. An amendment to the General Plan is also proposed to encourage the use of the new zone, as described further below.

Please note that an additional park-related project consisting of County-initiated amendments to the General Plan and NCZO to create a new “urban parks” use category and related development standards (PL22-0056) is also before your Board today. Since both projects include amendments to Article 5, Section 8105-4, Permitted Uses in Open Space, Agricultural, Residential, and Special Purpose Zones the combined changes are

shown in legislative format in Exhibit BH-3 for reference only. The amendments for this project commenced in 2022 and the project is included in the June 2023 Board directed Three-Year Work Plan Forecast.

Proposed Amendments

This section provides a summary of the proposed General Plan and NCZO amendments that establish the OS-REC zone. A more detailed explanation of each amendment is included within the Planning Commission staff report in Exhibit 1. The proposed amendments in legislative format are shown for the General Plan in Exhibit BH-2 and the NCZO in Exhibit BH-3. A clean version of the General Plan amendments are shown in Exhibit BH-1 and the NCZO amendments in Exhibit BH-4.

Specifically, the proposed amendments before your Board consist of the following:

General Plan Amendment

General Plan Program PFSI-N would be amended to describe that uses allowed in the zone should be focused on preserving parks and recreational uses. It also directs staff to coordinate with landowners who may be interested in voluntarily rezoning their land.

NCZO Amendments

- (1) *Article 3 – Establishment of Zones, Boundaries and Maps:* The OS-REC zone is proposed to be added as a distinct and separate zone from the Open Space (OS) zone in Section 8103-0, Purpose and Establishment of Zones and Minimum Lot Areas. Since the General Plan allows one dwelling unit per 10 acres in OS, the proposed amendment would retain the same minimum lot area for this new zone. Section 8103-7, Limitations on Zoning of Parcels as Open Space – Parks and Recreation would also be amended to exclude lands identified for mineral resource extraction and housing.
- (2) *Article 4 – Purposes of Zones:* A purpose statement of the OS-REC zone is proposed to be added to Section 8104-1.3 that substantially matches the purpose of the existing OS zone with the exception of excluding from the purpose the managed production of resources, specifically mineral resource production and extraction because such lands are generally not suitable for open space preservation or public recreation.
- (3) *Article 5 – Uses and Structures by Zone:* An entirely new column dedicated to the OS-REC zone is proposed for inclusion in the use matrix in Section 8105-4 of Article 5, as shown in Exhibit BH-3. The General Plan intends for this zone to focus on the conservation of open space and public recreational areas and therefore the allowed uses are more limited than those allowed in the OS zone. In addition to a focus on passive recreation, the allowed uses in the proposed OS-REC zone are characteristic of rural land in the county, would allow utilities, fire stations, and wireless communications facilities for public safety and well-being, and are necessary for consistency with federal and state laws. Many of the more intensive

uses allowed in the OS zone were excluded from the proposed OS-REC zone because they were not supportive of land conservation or recreation. As described above, potential rezones requesting the OS-REC zone would be public agencies, conservancies, and private land stewards who seek to preserve public recreational areas and conserve open space.

The allowed uses in the proposed OS-REC zone include agricultural uses and most types of animal keeping because these uses are characteristic of open space lands. Equestrian centers, small agricultural sales facilities, small wineries, and other small accessory commercial uses also were retained because agriculture occurs in the OS zone and because these uses are characteristic of agriculture, may provide opportunities for public recreation, and generate financial support for landowners. Most housing types would not be allowed in the OS-REC zone due to the focus on open space conservation and passive recreation; however pursuant to state law, agricultural employee housing would be allowed.

Please see Exhibit BH-3 to view the complete list of uses allowed in the OS-REC zone column proposed in Section 8105-4, Permitted Uses table. The OS-REC zone uses would require the same types of permits as required for those same uses in the OS zone.

- (4) *Article 6 –Lot Area and Coverage, Setbacks, Height, and Related Provisions:* The OS-REC zone is proposed to be added to the table in Section 8106-1.1, Development Standards for Uses and Structures and the standards are the same as those that apply to the OS zone.
- (5) *Article 9 –Standards for Specific Zones and Zone Types:* A reference to the OS-REC zone is proposed to be added to Section 8109-4.7, Dark Sky Overlay Zone (DKS) because Table 1 identifies the qualitative light trespass limits for each zone, and OS zoned lands within in the overlay may be rezoned to the OS-REC zone.

D. PLANNING COMMISSION HEARING

On October 5, 2023, the Planning Commission approved Resolution 23-06 which recommends the Board of Supervisors approve the proposed amendments to the General Plan and NCZO. The Planning Commission voted 4-0-1 (District No. 4 Commissioner Kestly absent) to approve staff's recommendations. The Planning Commission resolution, staff report and associated exhibits from the hearing are included hereto as Exhibit 1.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

The proposed amendments are exempt pursuant to Section 15061(b)(3) because it can be seen with certainty that there is no possibility the proposed ordinance may cause a significant effect on the environment. (2) the project is categorically exempt under Sections 15307 (Class 7, Actions By Regulatory Agencies For Protection Of Natural Resources) and 15308 (Class 8, Actions By Regulatory Agencies For Protection Of The Environment) as a regulatory action to assure the maintenance and protection of the

environment; and (3) no unusual circumstances or other exception set forth in CEQA Guidelines section 15300.2 preclude application of the Class 7 and Class 8 exemptions.

The project's effects on the environment will be beneficial since it will increase protections for open space and environmental resources. The project will not have a significant impact on the environment because, for example, (a) the project itself proposes no new development and (b) the new zone when compared to existing zones, is more restrictive in terms of the types of allowed uses.

F. PUBLIC NOTICE AND PROCESS

Public notices for the Board hearing were provided in accordance with Government Code section 65090 and NCZO Section 8111-3.1 et seq. The Planning Division emailed approximately 1,150 notices of the Board of Supervisors hearing to the General Plan's interested parties list and to responsible and affected public agencies, e.g. all incorporated cities. The Planning Division placed a legal notice in the Vida Newspaper (in Spanish) and the Ventura County Star (in English) on December 28, 2023.

This Board letter was reviewed by County Counsel, the Auditor Controller, and the County Executive Office. If you have any questions regarding this matter, please contact Case Planner Joel Hayes at (805) 654-2834 or joel.hayes@ventura.org, or Planning Manager Aaron Engstrom at (805) 654-2936 or aaron.engstrom@ventura.org.



Dave Ward, AICP, Director
Ventura County Planning Division

Exhibits:

Exhibit 1: Planning Commission staff report dated October 5, 2023, including Exhibits 1-6 (Exhibits shown with prefix "PC" below for "Planning Commission")

Exhibit PC-1 - Planning Commission Resolution 23-06

Exhibit PC-2 - Proposed Board Resolution with Clean Version of Proposed General Plan Amendment

Exhibit PC-3 - Proposed General Plan Amendment in Legislative Format

Exhibit PC-4 - Clean Version of Proposed NCZO Ordinance Amendments

Exhibit PC-5 - Proposed NCZO Ordinance Amendments in Legislative Format

Exhibit PC-6 - Oak Park Municipal Advisory Council Letter

Exhibit 2: Board of Supervisors Packet dated January 9, 2024, including Exhibits 1-4 (Exhibits shown with prefix "BH" below for "Board Hearing")

Exhibit BH-1 - Board of Supervisors Resolution with Clean Version of Proposed General Plan Amendment

Exhibit BH-2 - Proposed General Plan Amendment in Legislative Format

Exhibit BH-3 - Proposed NCZO Amendments, Legislative Version with Staff Explanations

Exhibit BH-4 - Proposed NCZO Amendments, Clean Version for Final Adoption