



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 – Land Use Element, and Proposed Ordinance Amending Articles 2, 3, 5, 7, 8, and 19 of the Ventura County Non-Coastal Zoning Ordinance to Include a Definition, Lot Area Exception, Use Category, and Development Standards for Urban Parks; Find that Adoption of the Proposed Amendments is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15168(c)(2); All Supervisorial Districts (Case No. PL 22-0056).

## 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 2, BH-1 and BH-3 is exempt from CEQA pursuant to CEQA Guidelines section 15168(c)(2) because adoption of the proposed ordinance is a later activity within the scope of the certified Ventura County 2040 General Plan Final Environmental Impact Report (EIR) and does not require a subsequent EIR;
- 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 2, BH-1 and BH-3) are consistent with the goals, policies and programs of the Ventura County General Plan and good planning practices and in the interest of public health, safety and general welfare;
- d. **ADOPT** a resolution approving the proposed amendments to the General Plan (Exhibit 2, BH-1);
- e. **ADOPT** the proposed ordinance amending Articles 2, 3, 5, 7, 8, and 19 of the NCZO (Exhibit 2, BH-3); 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:**

	<b><u>FY 2023-24</u></b>	<b><u>FY 2024-25</u></b>
Revenues:	\$0	\$0
Costs:		
Direct	\$33,180	\$0
Indirect-Agency/Dept.	\$ -	\$ -
Indirect-County CAP	\$ -	\$ -
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 support urban parks.

<b>FY 2023-24 Budget Projection for Planning – Division 2910</b>				
	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 support the County Strategic Plan Priorities – *Healthy, Safe, and Resilient Communities* and *Reliable Infrastructure and Sustainability* because the amendments will facilitate the provision of new parks and recreation facilities, thereby enhancing the surrounding neighborhoods and serving the health and recreational needs of the County’s diverse communities, including potential new parks located in the designated disadvantaged communities of El Rio and Nyeland Acres, Piru, and Saticoy.

## **B. EXECUTIVE SUMMARY**

On September 15, 2020, the Board of Supervisors adopted the 2040 General Plan which contained a new Parks and Recreation land use designation and a new Recreation (REC) zone that was intended to allow more flexibility when establishing park and recreational facility uses on vacant land within Existing Communities. No lands received the designation at the time of the General Plan adoption and the REC zone has not been incorporated into the County's zoning ordinance. For an applicant to propose a new park with the land use designation and zoning district they would have to first submit a General Plan amendment screening to the Board of Supervisors for preliminary direction to support or reject the amendment for processing; then secondly, apply for a formal General Plan amendment, Area Plan amendment (if applicable), and zone change in addition to apply for the applicable permits, which can be a costly and lengthy process.

To provide parks and recreation facilities that serve all residents of Ventura County and fulfill the General Plan directive while also considering applicant processing time and costs for rezoning, Planning staff recommends the repeal the Parks and Recreation land use designation and REC zone in the General Plan, and amendment of the NCZO to establish instead a new urban parks use category to allow the development of new parks with a Planned Development Permit and without the need for applicants to pursue a rezone or General Plan amendment. The Permitted Uses tables in Sections 8105-4 and 8119-1 of the NCZO are also proposed to be updated to change the Conditional Use Permits for "County-initiated recreation projects", "athletic fields", and "natural parks" to Planned Development Permits, which typically do not have permit expiration dates. This modification will also reduce permitting costs for parks projects because the permits will not need to be renewed.

## **C. BACKGROUND AND DISCUSSION**

### **Project Background**

During a General Plan Update Work Session on November 6, 2018, the Board of Supervisors directed Planning staff to allow more flexibility when establishing park and recreational facility uses on vacant land within Existing Communities. On September 15, 2020, the Board adopted the 2040 General Plan which contained a new Parks and Recreation land use designation and a new REC zone that, according to the Compatibility Matrix in Table 2-1 of the Land Use Element, are only compatible with each other. In the General Plan's Public Land Use Element, the purpose of the Parks and Recreation land use designation is to provide for parks and recreation facilities and associated recreational uses characterized by open spaces and a limited number of buildings. These facilities typically include sports fields, playground equipment, picnic areas, sitting areas, natural areas, trails, and even concession businesses and golf courses. Policy LU-12.1 also supports the development of urban parks: "The County shall support the development of parks and recreation facilities within areas designated as Existing Community, Area Plans, or Areas of Interest."

While the adoption of the 2040 General Plan established a new Parks and Recreation land use designation and REC zone, no lands received the designation at the time of the General Plan's adoption and the REC zone has not been incorporated into the County's zoning ordinance. The amendments for this project commenced in 2022 and the project is included in the June 2023 Board directed Three-Year Work Plan Forecast.

When the General Plan and NCZO were reviewed for this assignment, Planning staff assessed that the new General Plan designation and zoning framework were not as supportive of new parks projects as originally intended. For an applicant to propose a new park with the new land use designation and zoning district they would have to submit first a General Plan amendment screening to the Board of Supervisors for preliminary direction to support or reject the amendment for processing; then secondly, apply for a formal General Plan amendment, Area Plan amendment (if applicable), and zone change in addition to apply for the applicable permits, which can be a costly and lengthy process.

To provide parks and recreation facilities that serve all residents of Ventura County and fulfill the Board's directive while also considering applicant processing time and costs for rezoning, Planning staff recommends repealing the Parks and Recreation land use designation and REC zone in the General Plan and amend the NCZO to establish a new "urban parks" use category to encourage the development of new parks without the need for applicants to pursue a rezone or General Plan amendment. This action is feasible because to date, no requests have been submitted for a General Plan amendment or rezone of any parcel to the Parks and Recreation land use designation and REC zone.

In addition to the new "urban parks" use category, the Permitted Uses tables in Sections 8105-4, 8105-5, and 8119-1 for "County-initiated recreation projects", "athletic fields", and "natural parks" would be amended to replace the Conditional Use Permit requirement with Planned Development Permit requirement, which typically do not have permit expiration dates. This modification will also reduce permitting costs for parks projects because the permits will not need to go through the permit renewal process, which takes approximately 6-12 months and are subject to environmental review.

These amendments would also move the General Plan text describing the Parks and Recreation land use designation to become a new policy in the Land Use Element. NCZO amendments would also include changes to the definitions in Article 2, an exception to the minimum lot size in Section 8103-2, new development standards under Article 7, and minor modifications to the parking requirements for parks uses in Section 8108-4.

### **Proposed Amendments**

This section provides a summary of the General Plan and NCZO amendments that would support the development of urban parks and recreation facilities within the unincorporated areas of the County. A more detailed explanation of each amendment is included within the Planning Commission staff report in Exhibit 1. The proposed General Plan and NCZO amendments are included in both the clean version (Exhibits 2, BH-1 and BH-3) and in legislative format (Exhibits 2, BH-2 and BH-4).

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

General Plan Amendments to Land Use and Community Character Element, Section 2.2

The following General Plan amendments would support elimination of the need for an applicant for an Urban Park to conduct a General Plan amendment and zone change.

- (1) *General Plan Land Use Designations and Zoning Compatibility Matrix in Table 2-1 and Land Use Designation General Development Standards in Table 2-2:* the Parks and Recreation Land Use Designation and the Recreation Zone are proposed to be removed from these tables.
- (2) *Land Use Goals and Policies:* Goal LU-12 and Policy LU-12.1, which apply to the Parks and Recreation Land Use Designation and “support the development of parks and recreation facilities within areas designated as Existing Community, Area Plans, or Areas of Interest” would be removed from this section. This language about supporting parks in existing communities would be moved to another section that is not tethered to the land use designation. Goal LU-16 would be amended, and Policy LU-16.11 would be added in the Character and Design section to include the goal and policy language.

NCZO Amendments

- (1) *Article 2 – Definitions:* A new definition is proposed to distinguish “urban parks” from the existing “parks” definition by allowing parks that contain less than 75% landscaping and natural areas. The existing “parks” definition and use category would also be modified to “natural parks” to further distinguish between the two types of parks.
- (2) *Article 3 – Establishment of Zones, Boundaries, and Maps:* An exception to the minimum lot area is proposed to allow urban parks to be located on lots within existing communities that do not meet the minimum lot size requirements, on remnant parcels, or as part of new subdivisions. This exception encourages the development of small pocket parks and parks on legal lots that are too small for other types of development.

Subsequent to the Planning Commission hearing, this proposed amendment was renumbered to NCZO Section 8103-2.3 instead of 8103-2.8 in order to utilize a section number that was previously deleted.

- (3) *Article 5 – Uses and Structures by Zone:* Both the Open Space, Agricultural, Residential, and Special Purpose Zones Use Matrix in Section 8105-4 and the Commercial and Industrial Zones Use Matrix in Section 8105-5 would be modified as follows:
  - The “Recreational, Sport, and Athletic Facilities” category in Section 8105-4 is proposed to be renamed to “Recreation and Parks” so that it is more inclusive of the various types of recreation uses that are allowed within this category, such as “botanic gardens” and “golf courses”;

- The permit type would change from a Conditional Use permit to a Planned Development permit for the “athletic fields,” “natural parks and “County-initiated recreation projects” because Planned Development permits do not have expiration dates, reducing costs to the permittee;
  - In Sections 8105-4 and 8105-5 The “urban park” use is proposed to be allowed within the Rural Exclusive (“RE”), Single Family Estate (“RO”), Single Family Residential (“R1”), Two-Family Residential (“R2”), Residential Planned Development (“RPD”), Residential High Density (“RHD”), Commercial Office (CO), Neighborhood Commercial (C1), and Commercial Planned Development (CPD) with the approval of a Planned Development Permit authorized by the Planning Director.; and
  - A supporting “gymnasium” use is proposed to be allowed within urban parks but with a Conditional Use Permit authorized by the Planning Director in order to address neighborhood compatibility and renewal because of higher intensity uses associated with gymnasiums.
- (4) *Article 7 – Standards for Specific Uses:* A new subsection, Section 8107-48, includes standards for “urban park” uses, including setback, safety, lighting, signage, and application requirements. The new standards will ensure consistent, safe, and high-quality design to limit potential incompatible impacts to surrounding land uses.
- (5) *Article 8 – Parking and Loading Requirements:* Parking standards would apply to principal buildings that are within parks and open to the public. If a proposed park is 1-acre or less, then no automobile parking is required because the park would primarily serve the surrounding neighborhood accessing by foot or bicycle and is not intended to be a regional park destination where automobile parking demand would be generated. However, the number of bicycle parking spaces would be determined by the decision maker depending on the proposed park size and amenities.
- (6) *Article 19 – Specific Standards for Area Plans:* The Old Town Saticoy Development Code table in Section 8119-1 is proposed to be amended for consistency with the proposed amendments described above for Article 5.

#### **D. PLANNING COMMISSION HEARING**

On October 5, 2023, the Planning Commission approved Resolution 23-05 which recommends the Board of Supervisors approve the proposed amendments to the General Plan and NCZO. The Planning Commission resolution, staff report and associated exhibits from the hearing are included hereto as Exhibit 1. The Planning Commission voted 4-0-1 (District No. 5 with Commissioner Kestly absent) to approve staff’s recommendations with one suggested modification to ensure that the lighting fixture regulations are not limited to bollard style lighting and also accounts for varies types of elevated lighting, including security lighting, light poles, and timing preferences. In

response to this recommendation, Section 8107.48.2.6 – Urban Parks Lighting was modified by including specific language regarding lighting styles and times to allow for flexibility and changing technologies. These changes are marked with a double underline in Exhibit 2, BH-4.

## **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

The proposed amendments are a “project” as defined by the California Environmental Quality Act (“CEQA”) (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, title 14, §15000 et seq.).

As identified in the Planning Commission staff report (Exhibit 1) the proposed amendments are exempt pursuant to Section 15168(c)(2) because they are a later activity within the scope of the General Plan EIR. The establishment of the Parks and Recreation land use designation and REC zone was included in the General Plan EIR. Mitigation measure for Impact 4.15-5 states that the construction of new or expanded parks and recreation facilities could result in the types of potential adverse physical changes to the environment are already identified, evaluated, and mitigated throughout the Final EIR.

The related impacts of additional parks development on the environment are also consistent with the adopted land uses accounted for in the General Plan over a 20-year planning horizon. The proposed amendments would only apply within the geographic area analyzed in the General Plan EIR. Like the General Plan EIR, the proposed amendments are programmatic, and the analysis is not intended to examine individual projects that may be implemented. Individual projects will also be reviewed for environmental impacts through the discretionary approval process.

Therefore, staff has determined that adoption and implementation of the proposed amendments would not result in substantial changes to the allowable land use, geographic area analyzed for environmental impacts, and covered infrastructure, as allowed in the unincorporated area of Ventura County under the General Plan.

## **F. PUBLIC NOTICE AND PROCESS**

Public notice 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’s Office, the General Services Agency, and the County Executive Office. If you have any questions regarding this matter, please contact Case Planner Donald Nielsen at (805) 650-4047 or [donald.nielsen@ventura.org](mailto:donald.nielsen@ventura.org), or Planning Manager Aaron Engstrom at (805) 654-2936 or [aaron.engstrom@ventura.org](mailto:aaron.engstrom@ventura.org).



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Dave Ward, AICP, Director  
Ventura County Planning Division

**Exhibits:**

- Exhibit 1: Planning Commission staff report dated October 5, 2023, including Exhibits PC-1 – PC-5 (Exhibits shown with prefix “PC” below for “Planning Commission”)
- Exhibit PC-1 - Planning Commission Resolution 23-05
  - 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 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, Clean Version for Final Adoption
  - Exhibit BH-4 - Proposed NCZO Amendments, Legislative Version with Staff Explanations