

September 10, 2022

Ventura County Board of Supervisors

**Privately-Initiated General Plan
Amendment and
Non-Coastal Zoning Ordinance Text
Amendment Screening**

Case No. PL23-0014

Item No. 67

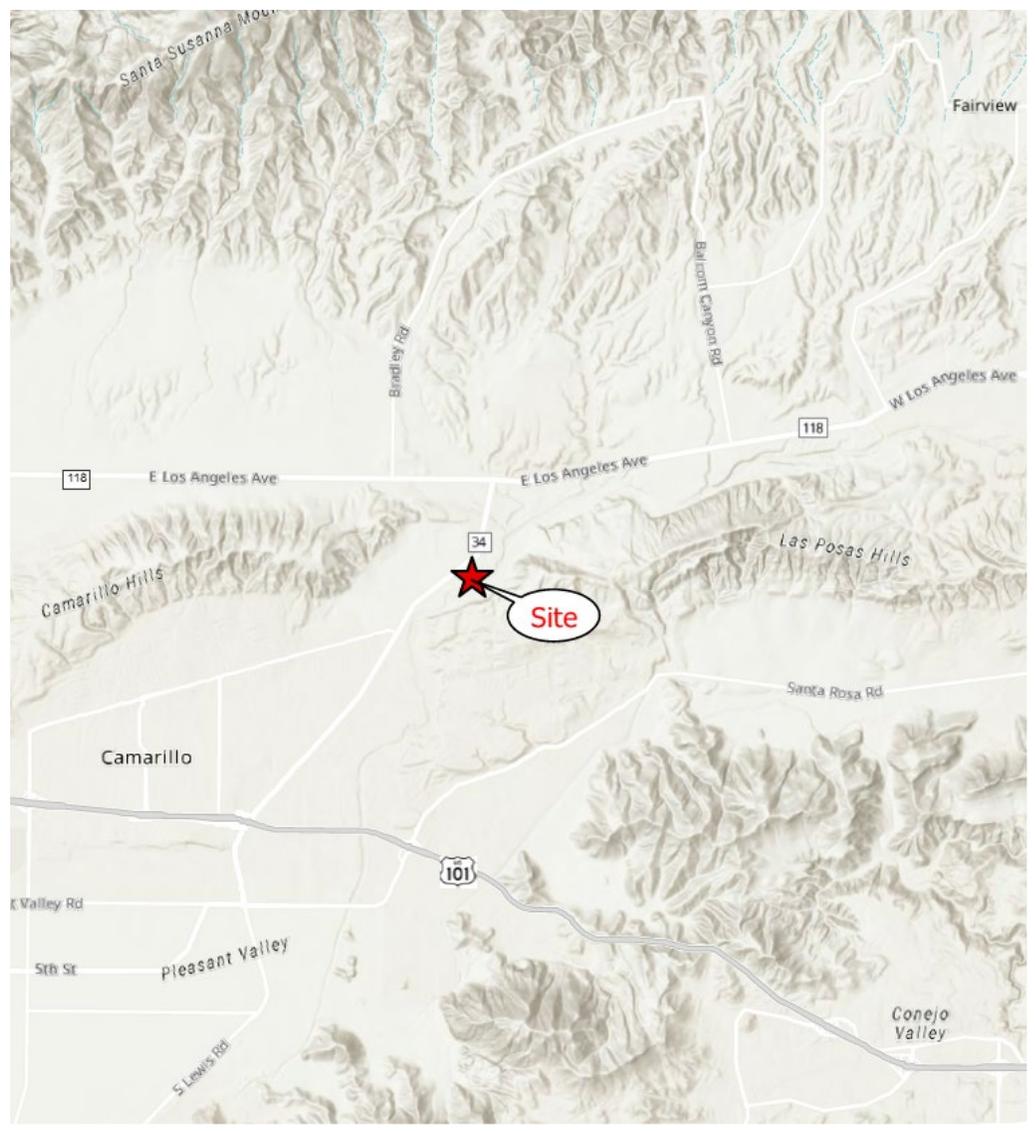


**Resource Management Agency, Planning Division
John Oquendo, Case Planner**

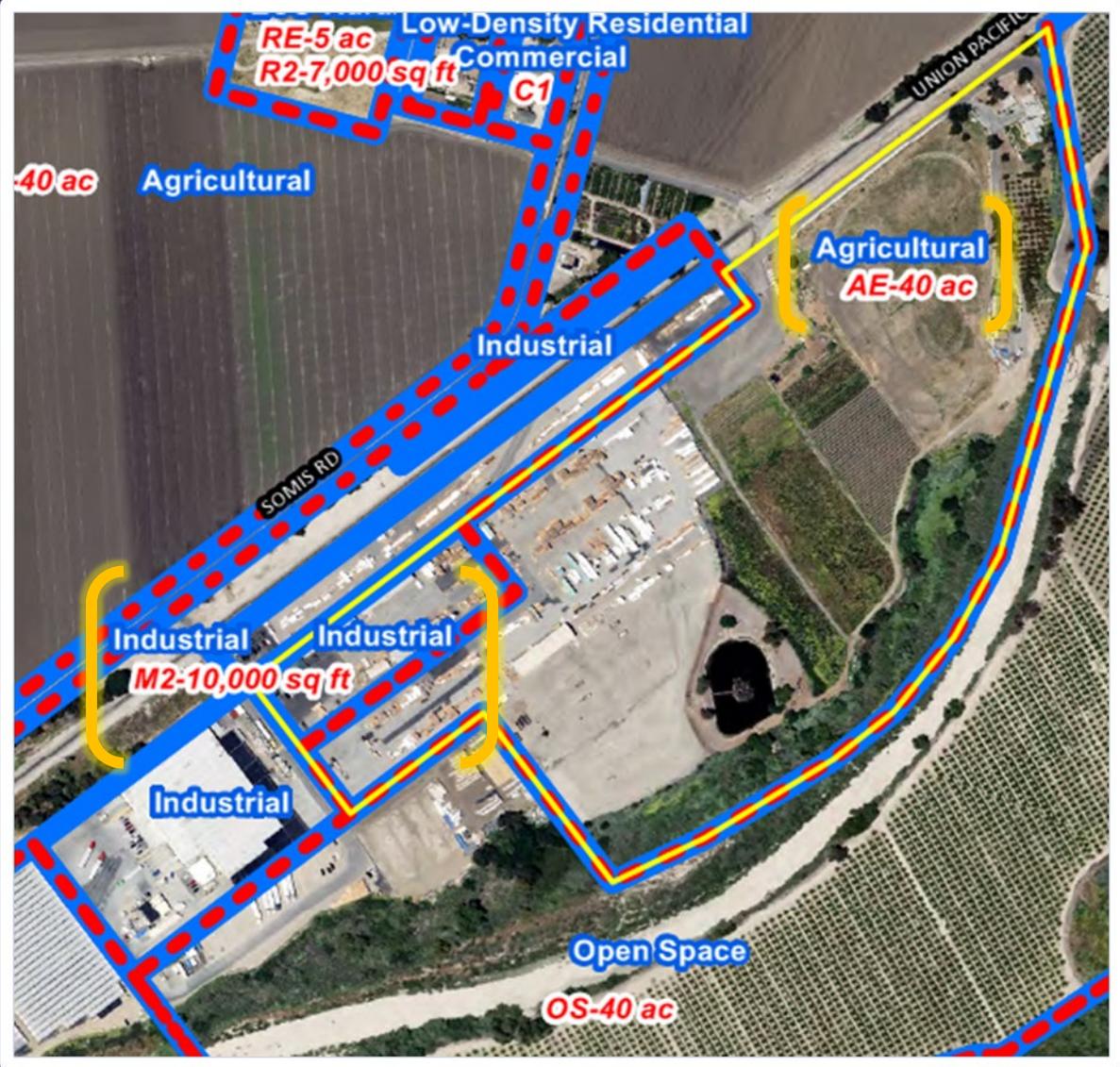


Project Location

Vicinity Map / Site Location



Site Location



General Plan: Agricultural, Industrial
Zoning Designation: AE-40 ac,
Agricultural Exclusive 40 Acre
Minimum Lot Size and M2-10,000 sq. ft.,
Limited Industrial 10,000 sq. ft.
minimum lot size



Project Background and Description

Background



Operational History

- Applicant operates a wholesale lumber yard under Planned Development Permit (Case No. DP244-4).
- Pursuant to Non-Coastal Zoning Ordinance (NCZO) Section 8105-5, Lumber and Wood Products and Processes is permitted in the Industrial Zones (M2 and M3).
- Between 1992 and 2005, the applicant incrementally placed imported fill and paved an 11-acre area located outside of the permit boundary, onto property designated Agricultural.



Operational History (continued)

- Presently under Compliance Agreement I 9-0002 to continue operating until December 5, 2024 with the option to amend the contract.
- If the proposed General Plan Amendment and NCZO Text amendment does not move forward, the Applicant can elect to proceed with their Parent Project (Case No. PL15-0014) which proposes a more substantial General Plan Amendment.
- If the proposed General Plan Amendment and NCZO Text amendment moves forward, the Parent Application will still require conformance with General Plan Circulation , Transportation and Mobility Policy CTM-1.3 and Level of Service standards for State Routes (SR) 34 and 118.

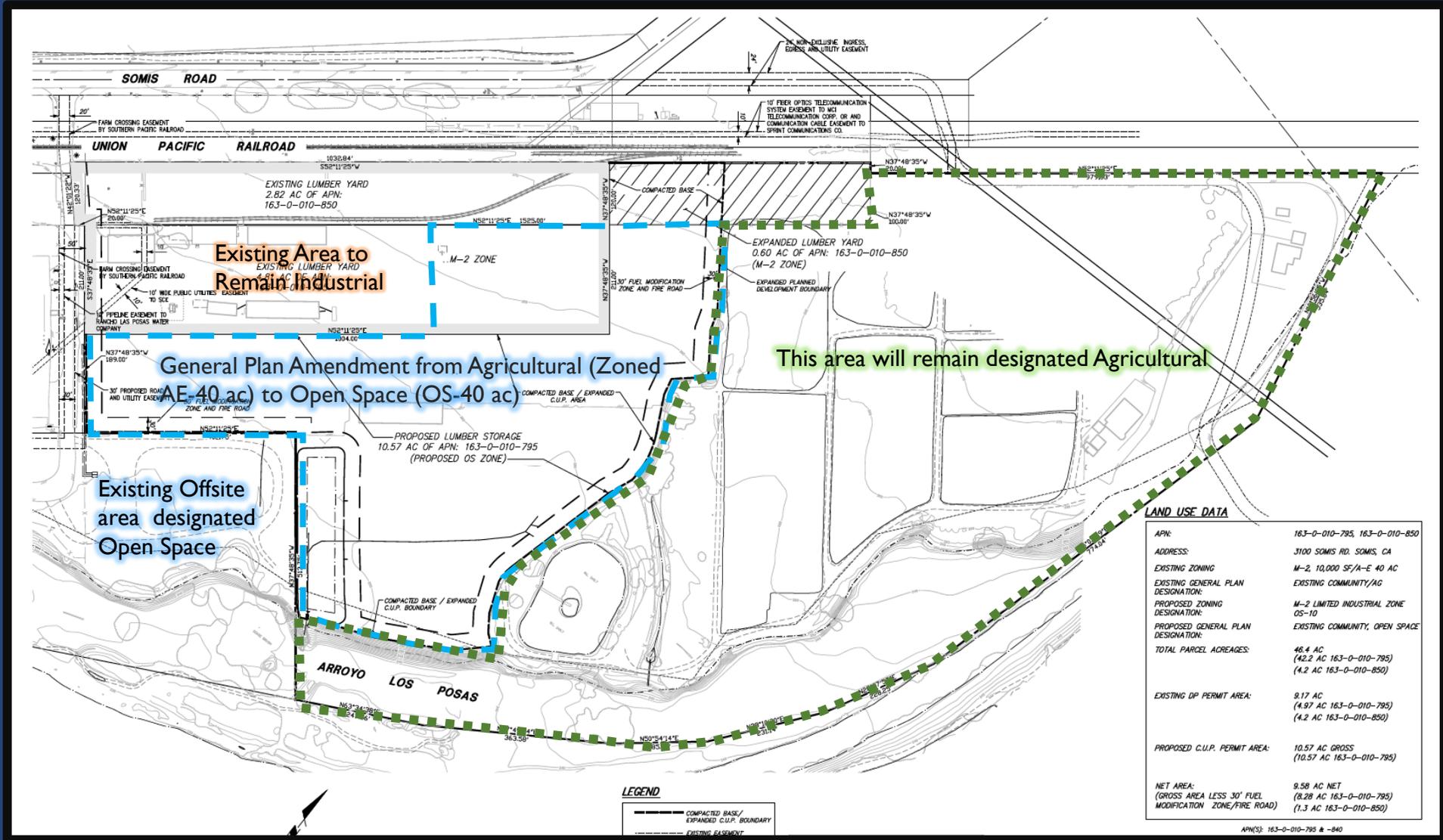
Project Description



Board Screening request for the following:

- General Plan Amendment changing approximately a portion of the subject property from Agricultural/ AE 40-ac to Open Space/OS-40ac
- Text Amendment to the NCZO adding a new use “Lumber Storage” and permitting “Lumber Storage” as a land use in the Open Space zone

Site Plan – General Plan Amendment



NCZO Text Amendment



NCZO Article 2 Definitions (New Text Show in Underline)

Lumber - Raw wood and finished lumber goods.

Lumber Storage – The placement or keeping of lumber held for short duration pending processing and shipment to final destinations, regardless of where such wood is grown. Sales, manufacturing and processing activities are specifically excluded.

NCZO Section 8105-4 Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones

	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<u>LUMBER AND WOOD PRODUCTS AND PROCESSES</u>												
Firewood Operations (3, 12)		CUP	CUP	CUP								
<u>Lumber Storage (3, 12)*</u>		CUP										

NCZO Text Amendment (cont.)



Section 8107-51.2– Limitations

The storage of lumber in the OS zone shall only be allowed in connection with a permitted lumber processing operation on an adjacent or contiguous M-2 zone property, subject to the following limitations:

- a. The lumber processing operations and lumber storage must be contained on land held under common ownership.
- b. The storage shall be limited to lumber held for short duration pending shipment to final destinations.
- c. The lumber may be stored within covered structures provided that the lot coverage of such structures does not collectively exceed 5% of the total OS zoned parcel.
- d. The lumber shall not be stored above the lesser of 15 feet or the height prescribed for accessory structures in the OS zone.

NCZO Text Amendment (cont.)



- e. The area of land devoted to lumber storage shall not exceed a total of 15 acres.
- f. No fabrication, manufacturing or retail activities shall be allowed in connection with lumber storage on the property.
- g. The lumber storage must occur in connection with a permitted lumber processing operation on an adjacent or contiguous M-2 zoned property that contains an active rail spur, subject to the following requirements:
 - I. It must be reasonably evident that the rail spur is used to transport the lumber permitted to be stored on the land.
 - II. The rail spur must be prioritized for lumber product transport over lumber product transport by truck.”

NCZO Text Amendment (cont.)



Section 8107-51.3 – Findings

In addition to the findings required by NCZO Section 8111-1.2.1.1, a Conditional Use Permit shall not be approved unless the decision-making body having permit jurisdiction is able to make the following findings:

- a. Lumber storage, as conditioned, is compatible with open space land, including but not limited to such factors as water pollution; erosion; dust; introduction of pests and diseases; and the potential for trespassing, pilferage or vandalism; as well as conflicts between open space and non-open space uses including but not limited to vehicular traffic.
- b. Extenuating circumstances exist that warrant or provide good cause for allowing lumber storage on OS zoned land including attributes specific to the project site including, but not limited to, the presence of a rail spur to reduce heavy vehicle traffic and a lack of natural attributes on the land itself that would contribute to a reasonable public desire to preserve the land as open space.

NCZO Text Amendment (cont.)



Section 8107-51.4 – Termination

The storage of lumber on the property shall immediately cease upon occurrence of any or all of the following:

- a. Termination of the permitted lumber processing operation in association with the lumber storage;
- b. The lumber processing operation property and the lumber storage property are no longer held under common ownership;
- c. Violation of the terms and conditions of the Conditional Use Permit.

Within 180 days of revocation, expiration or surrender of the Conditional Use Permit, or abandonment of the use, the permittee shall restore and revegetate the premises to as nearly its original condition as is practical.



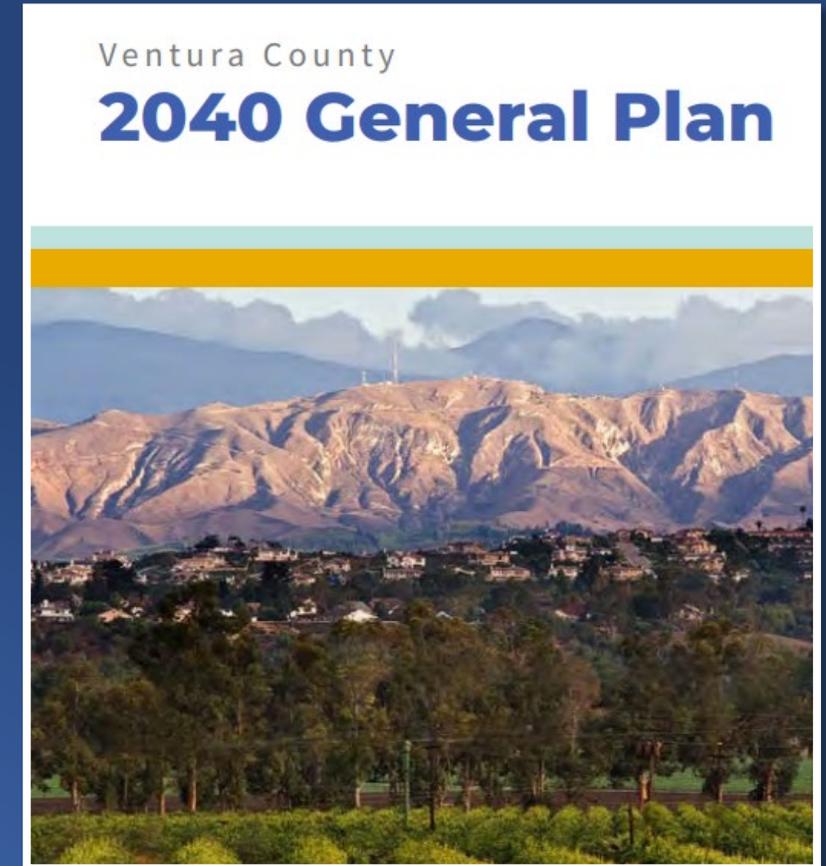
Findings and Consistency Analysis

General Plan Amendment Screening Guidelines



Screening request:

- Rejects the Six Denial Criteria
- Affirms the Three Approval Criteria
 - Approval Criteria Item One - Affirms “the proposed amendment request has the potential for conformity with all applicable goals and policies of the General Plan”
 - Exhibit 8 Consistency with Save Open Space and Agricultural Resources



Relevant Ventura County General Plan Goals and Policies



The Board Letter includes analysis of various General Plan Policies:

- Staff Analysis finds the site is potentially suitable for Open Space Classification due to Public Safety Considerations requiring special management
- **Policy AG-1.2 Agricultural Land Use Designation** – The site was designated with classified agricultural soils however site-specific considerations warrant the change to Open Space (Parent Project will require analysis).
- **Policies CTM-4.1 Reduce Vehicle Miles Traveled (VMT), CTM 4.2 Alternative Transportation, & CTM 6.1 Routine Use of Alternative Transportation Options** – The presence and use of rail spur for the delivery of stock via Union Pacific Rail Line.
- **Policy LU-5.1 General Plan Amendments** – Tied to the Vision and Guiding Principles enhancing compatibility with the redesignation.
- **Policies EV-4.2 Sustainable Business Development, & EV-4.3 Sustainable Business Development** – Related to the appropriate and compatible enhancement of commerce, advancing environmental quality and economic sustainability and promoting the resiliency of Ventura County.

Save Openspace and Agricultural Resources (SOAR)



SOAR generally requires a vote of the people when the goals, policies or other provisions of the General Plan relating to Agricultural, Open Space and Rural land use designations are amended.

However, amendments to the land use designations may be authorized by your Board, without a vote of the people, if findings are made pursuant to SOAR Ordinance subsection (f), permitting Amendments from an Agricultural to an Open Space designation.

SOAR Subsection (f)



- (i) The land proposed for redesignation has not been used for agricultural purposes in the past 2 years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions or other physical reasons;
- (ii) The land proposed for redesignation is immediately adjacent to areas developed in a manner compatible with the uses allowed under Open Space;
- (iii) Adequate public services and facilities are available and have the capacity and capability to accommodate the Open Space uses allowed;

SOAR Subsection (f) (cont.)



- (iv) The proposed redesignation is compatible with agricultural uses, does not interfere with accepted agricultural practices, and does not adversely affect the stability of land use patterns in the area; and
- (v) The land proposed for redesignation does not exceed 40 acres for any one landowner in any calendar year, and one landowner may not obtain redesignation pursuant to this subdivision (f) more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.

California Environmental Quality Act (CEQA)



The potential action by your Board to authorize the further processing of a GPA and NCZO Text Amendment application is not a “project” under CEQA as it would not involve any final land use decision or any physical change in the environment pursuant to CEQA Guidelines Section 15378(b)(4).

Should your Board authorize further processing, the environmental effects of the proposal, including future development of the redesignated lot, would be evaluated by Planning Division staff and the appropriate CEQA document prepared.



Recommended Actions

Recommended Actions



1. **CERTIFY** that your Board has reviewed and considered this Board letter and all exhibits hereto and considered all public comments received;
2. **FIND** that the privately initiated General Plan Amendment (Case No. PL23-0014) meets the criteria set forth in the General Plan Amendment Screening Guidelines (Exhibit 1) to warrant its further processing by the Planning Division;
3. **APPROVE** for further processing the privately initiated General Plan amendment and related Non-Coastal Zoning Ordinance amendment (Case No. PL23-0014) amending the text of Division 8, Chapter I of the Ventura County Ordinance Code Articles 2 (Definitions) 5 (Uses and Structures by Zone) and Article 7(Standards for Specific Uses) and amending the General Plan Land Use Designation (General Plan Land Use Diagram Figures 2-4 and 2-5) and Official Zoning Data (Article 18) for the subject property (Exhibit 2); and
4. **SPECIFY** that the Clerk of the Board is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the administrative record of proceedings upon which the foregoing decisions are based.

Questions?



- Planning Staff Available for Questions

- Available with a Presentation:
 - Ralph and Mary Hagle
 - Lisa Woodburn (Jensen Design)
 - Pat Loughman (Lowthorp Richards)