



Planning Commission Staff Report – Hearing on May 2, 2024

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • www.vcrma.org/divisions/planning

SUBJECT: Public Hearing to Consider County-Initiated Amendments to the Ventura County General Plan Land Use and Community Character Element and the Ventura County General Plan Background Report to Include Additional Designated Disadvantaged Communities (DDCs); and Consider a Finding that Adoption of the Proposed Amendments is Not a Project Under the California Environmental Quality Act (CEQA) and is Further Exempt from CEQA Pursuant to CEQA Guidelines Section 15061(b)(3); Supervisorial Districts 1, 3, and 5 (Case No. PL23-0033).

A. PROJECT INFORMATION

1. **Applicant:** County of Ventura

2. **Location:** Unincorporated areas of Ventura County, specifically near the cities of Ventura, Santa Paula and Oxnard.

3. **Recommended Actions:** Planning Division staff requests that your Commission: 1) review this staff report and its attachments; and 2) adopt a resolution (Exhibit 1) recommending that the Board of Supervisors (Board) take the recommended actions set forth in Section E of this staff report, including adoption of the following proposed amendments to the General Plan and General Plan Background Report (“Background Report”) (Exhibit 3 and 5):

- a) Make minor revisions to existing text in Section 2.5 of the General Plan Land Use and Community Character Element;
- b) Amend Figure 2-6 in the General Plan;
- c) Add Figures 2-6a, 2-6b, and 2-6c to the General Plan;
- d) Make minor revisions to existing text in Section 4.4 of the Background Report;
- e) Amend Figure 4-13 in the Background Report;
- f) Add a new subsection titled “Designation of Additional Disadvantaged Communities Through General Plan Program LU-Q” to Section 4.4 of the Background Report;
- g) Add Figures 4-14, 4-14A, 4-14B, and 4-14C to the Background Report; and
- h) Add Appendix 4.A to Chapter 4 of the Background Report.

Throughout the remainder of this staff report, these amendments are collectively referred to as the “Proposed Amendments.” A legislative (strike-out) version of the Proposed Amendments to the General Plan and Background Report, with staff explanations, is also included as Exhibits 3 and 5.

4. Review/Decision-Making Authority: Pursuant to Government Code Section 65353 and 65354, the Planning Commission is required to review, conduct a public hearing on, consider, and make recommendations to the Board regarding the Proposed Amendments. The Board, at a subsequent public hearing, will consider your Commission's recommendations and decide whether to adopt, not adopt, or adopt with modifications the Proposed Amendments.

5. Introduction and Background: Currently, designated disadvantaged communities¹ (DDCs) in the Ventura County General Plan include the areas of Saticoy, El Rio/Del Norte (including Nyeland Acres), and Piru. The General Plan Land Use and Community Character Element also includes Implementation Program LU-Q (in compliance with Senate Bill (SB) 1000, as codified in Government Code section 65302(h)) which requires that counties and cities adopt an environmental justice element, or related goals, policies, and objectives integrated into other elements, that identifies disadvantaged communities within the area covered by the general plan of the county or city, if the county or city has a disadvantaged community.

Program LU-Q requires that the County research the southwestern and northwestern Oxnard Planning Area² and along Ventura Avenue in the Ventura Planning Area using CalEnviroScreen³ to identify DDCs and consider amending the General Plan to include any additional designated disadvantaged communities as a result of staff's research. In order to implement Program LU-Q, Planning Division staff prepared the *Study of Additional Potential Disadvantaged Community Designations* (Study), which includes detailed analysis of potentially disadvantaged communities based on CalEnviroScreen data as well as County data, public comments received during public engagement conducted in March 2023, and options explored to identify potential disadvantaged communities. Staff's research concluded that the unincorporated area near the City of Santa Paula includes areas that scored high in several environmental pollution indicator categories and contains low-income households. Thus, the unincorporated Santa Paula area was included in the Study.

¹ The Ventura County General Plan defines designated disadvantaged communities as areas within census tracts that score 75 percent or greater as identified in CalEnviroScreen, or areas with median household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093.

² Planning Areas are defined in the General Plan as geographic subareas of the county that are coterminous to Areas of Interest established by the Local Agency Formation Commission. They reflect zones within the county historically used by the Ventura County Transportation Commission for countywide transportation planning.

³ CalEnviroScreen is an online interactive mapping tool developed by the Office of Environmental Health Hazard Assessment within the California Environmental Protection Agency (CalEPA) to identify areas of high environmental pollution throughout the state.

Staff's research and the Study were presented to your Commission on October 5, 2023.⁴ Staff requested that your Commission make a recommendation to the Board to select Option 3 as outlined in the Study to identify additional DDCs. Your Commission voted 3-1 to recommend that the Board select Option 3 for purposes of identifying additional DDCs in the unincorporated areas of the County, with a modification to include the farmworker housing located at Limoneira Company Headquarters on Cummings Road in the designations made under Option 3. Your Commission also recommended further consideration of the Planning Division's suggestion for buffer areas to be evaluated as a potential future tool to implement General Plan goals, policies, and programs applicable to DDCs.

On October 10, 2023, the Board office of District 1 received correspondence from a local resident within the Ortonville neighborhood in the Ventura Study Area, who requested that additional homes in Ortonville along Mill Drive, Orchard Drive, and the Ventura River Bike Trail north of Shell Road be included under Option 3. The correspondence described the environmental pollution burdens experienced by the Ortonville neighborhood, including air and dust pollution from vehicles traveling along Highway 33, surrounding oil wells, automotive and industrial operations, and agricultural activities.

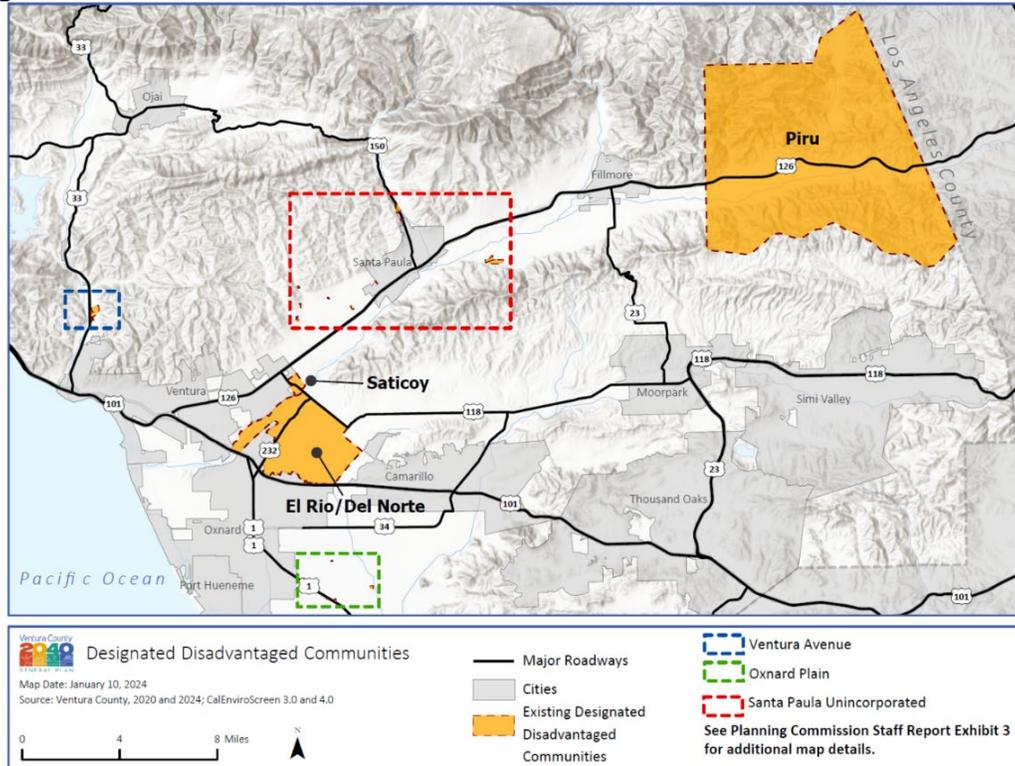
Staff presented the Study, your Commission's recommendations, and an Amended Option 3 (to include the homes in Ortonville within the boundary of the proposed DDC in the Ventura Study Area) to the Board on December 5, 2023. The Board voted 4-1 to direct Planning staff to process a General Plan amendment to update the maps and low income and disadvantaged communities in the General Plan to include the disadvantaged communities identified in Amended Option 3, with the exception of the Valley Vista neighborhood in the Ventura Study Area, and limiting the designations of farmworker housing in the Santa Paula and Oxnard Study Areas to only include farmworker dwelling structures and not the entire lot on which the farmworker housing is located.

Following the Board meeting in December 2023, staff prepared a General Plan amendment to implement the Board's direction and conducted public engagement to collect community input on the proposed General Plan amendment (further discussed on page 5 of this staff report).

In summary, the General Plan amendment will add several discrete DDC locations within the unincorporated areas of Ventura Avenue, Oxnard Plain, and Santa Paula, as depicted in Figure 1 below and in Exhibit 3.

⁴ Materials prepared for the meeting are available at the following link:
<https://ventura.primegov.com/Portal/Meeting?meetingTemplateId=17573>

Figure 1. Overview of Additional DDCs to be Included in the General Plan



6. Project Description: Planning Division staff has reviewed the Land Use and Community Character Element in the General Plan and Chapter 4 (*Health and Well-Being*) of the General Plan Background Report to determine appropriate amendments to incorporate the Board’s direction related to identifying additional DDCs, as further described below.

a. General Plan Land Use and Community Character Element

Within the General Plan Land Use and Community Character Element, Section 2.5 (*Environmental Justice*) includes a description of state regulations that govern the identification of disadvantaged communities by local governments, including SB 1000 and SB 244, as well as goals and policies that specifically address environmental justice issues. This section includes a figure that depicts DDCs identified pursuant to SB 1000 during the General Plan Update project in 2020. In addition, Section 2.5 includes a reference to Section 3.11 (*Environmental Justice and Disadvantaged Communities*) of the Background Report, which includes detailed discussions on disadvantaged unincorporated communities identified pursuant to SB 244. Note that although Section 2.5 contains eight policies that specifically apply to DDCs, several other goals, policies, and programs throughout the General Plan also address environmental pollution and socioeconomic burdens, specifically in DDCs.

Staff is recommending minor revisions to Section 2.5 of the General Plan Land Use and Community Character Element, an amendment to Figure 2-6, and inclusion of new figures

to support Figure 2-6. Staff's recommended amendments to the General Plan are summarized as follows (see Exhibit 3):

- Text revisions in Section 2.5 to clarify and include a reference to General Plan Background Report Section 4.4 (*Active and Healthy Living*), which includes detailed discussions on DDCs identified pursuant to SB 1000.
- Amended Figure 2-6 to clearly identify the boundaries of the existing DDCs, remove census tract boundaries, and include the additional DDCs identified by the Board in December 2023. Removing census tract boundaries from Figure 2-6 clarifies the figure's intended purpose of depicting boundaries of the County's DDCs.
- Due to the limited geographic scale of the additional DDCs identified by the Board, new figures denoted as Figures 2-6a, 2-6b, and 2-6c are proposed to be added to better depict the boundaries of those additional DDCs.

b. General Plan Background Report

The Background Report provides context and supporting information for policy decisions in the General Plan. It covers a wide range of topics, such as demographic and economic conditions, land use, public facilities, and environmental resources. Chapter 4 of the Background Report (*Health and Well-Being*) discusses various factors that contribute to the health and well-being of a community, particularly related programs and data specific to Ventura County. Within Chapter 4, Section 4.4 (*Active and Healthy Living*) discusses environmental hazards and pollution experienced by disadvantaged communities in unincorporated areas of the County.

Staff's recommended amendments to the Background Report are summarized as follows (see Exhibit 5):

- Fix grammatical conventions for the use of acronyms and provide clarification for information compiled during the General Plan Update project.
- The intended purpose of Figure 4-13 is to depict DDCs identified during the General Plan Update project. However, the figure currently depicts incorrect boundaries of the existing DDCs⁵ and contains Planning Area boundaries. Staff is proposing to amend Figure 4-13 to depict the correct boundaries of the existing DDCs and remove the Planning Area boundaries. The depiction of Planning Areas is unrelated to depicting DDCs in unincorporated Ventura County and thus, its removal will not impact the figure's intended purpose.
- A new subsection, "*Designation of Additional Disadvantaged Communities Through General Plan Program LU-Q*," is proposed to be added to Section 4.4 to

⁵ Figure 4-13 currently depicts the boundaries of the existing DDCs using census tract boundaries. However, the boundaries of the existing DDCs are coterminous with the boundaries of the Saticoy, El Rio/Del Norte, and Piru Area Plans, not census tracts.

provide context and supporting information specifically for the additional DDCs identified by the Board in December 2023. The new subsection will briefly summarize staff's research pursuant to Program LU-Q, the Board's direction to incorporate additional DDCs into the General Plan, and each of the additional DDCs that were identified. The subsection will also include a reference to the new Appendix 4.A, which will include the Study.

- New figures denoted as Figures 4-14, 4-14A, 4-14B, and 4-14C are proposed to be added to the new subsection, "*Designation of Additional Disadvantaged Communities Through General Plan Program LU-Q*," to depict the locations and boundaries of the additional DDCs that were identified by the Board in December 2023.
- A new Appendix 4.A, "*Study of Additional Potential Disadvantaged Community Designations*," is proposed to be added to the end of Chapter 4. This document provides detailed analyses of the areas staff researched to identify disadvantaged communities pursuant to Program LU-Q.

c. Public Engagement

Planning Division staff held a virtual public meeting on February 22, 2024 to collect community input on the Proposed Amendments. Notice of the meeting was mailed to properties near the additional DDCs. A press release was posted on the County's news webpage as well as distributed to local media outlets. Meeting notices were also posted on the County's social media networks. In addition, notices were emailed to interested parties and stakeholders, as well as those who requested notification of General Plan updates. Meeting notices and materials were provided in English and Spanish, and live Spanish interpretation was available for the meeting.

Twenty public comments were shared during the meeting related to topics such as grant funding opportunities and grant application processes, collaboration opportunities with community-based organizations, examples of public services and infrastructure projects that could benefit DDCs, and Implementation Program LU-R⁶. The comments and individual responses to those comments are summarized in Exhibit 7. No comments were received regarding the proposed locations of the DDCs.

The Planning Division has maintained a project website at vcrma.org/ddcstudy, which includes up-to-date project information, much of which is available in both English and Spanish. Bilingual recordings of the most recent public engagement meeting held on February 22, 2024 are posted on the website.

⁶ Implementation Program LU-R requires the County to re-evaluate DDCs every five years. The first review is scheduled in 2025 and will include consideration of updated environmental pollution and income data, changes in state policies (if any) related to DDCs, buffer areas around DDCs, and whether DDCs in the General Plan or other unincorporated areas qualify, or continue to qualify for DDC status.

d. Tribal Consultation

Pursuant to Government Code Section 65352.3 (often referred to as “Senate Bill (SB) 18 tribal consultation”), prior to the adoption of or amendment to its general plan, a county is required to conduct consultations with California Native American tribes that are on a list maintained by the Native American Heritage Commission (NAHC). Planning staff obtained the NAHC contact list in December 2023 and formally contacted the 14 tribes included on the list on January 4, 2024 to notify them of the consultation opportunity on the Proposed Amendments pursuant SB 18. Tribes are given 90 days to formally request consultation with the County upon receipt of the notice. Out of the 14 tribes that staff contacted, two tribes did not respond, two other tribes provided comments, and the remaining 10 tribes declined to comment or deferred consultation to the tribes that provided comments. Communications between staff and the tribes that provided comments are provided in Exhibit 6 (redacted pursuant to Government Code Section 65352.3(b)).

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

The Proposed Amendments do not constitute a project as defined in Public Resources Code Section 21065. The Proposed Amendments merely identify additional DDCs in the unincorporated areas of Ventura County by amending figures and text in the General Plan and its Background Report to depict the boundaries of such communities. No physical action is being taken upon the environment, either directly or indirectly, and no direct or indirect physical change will occur to the environment as a result of the Proposed Amendments. Accordingly, the amendments do not constitute a project under CEQA.

Moreover, even if the Proposed Amendments were considered a project (which they are not), the Proposed Amendments are further exempt from CEQA review pursuant to CEQA Guidelines section 15061(b)(3), which states that a project is exempt from CEQA when “[t]he activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” As explained above, the Proposed Amendments simply define boundaries for where additional DDCs are located based upon research conducted by staff, and these proposed designations do not cause any change to the existing environment. Furthermore, the proposed designations are intended to protect the identified disadvantaged communities from further environmental pollution and harm. Thus, it can be seen with certainty that the Proposed Amendments will not have a significant effect on the environment.

C. CONSISTENCY WITH THE GENERAL PLAN, GOOD ZONING PRACTICE, AND PUBLIC HEALTH AND SAFETY

Pursuant to Government Code section 65358, the local legislative body may amend all or part of an adopted general plan if it deems it to be in the public interest. In addition, Government Code section 65300.5 and 65359 require that proposed general plan amendments be internally consistent with the existing plan.

The Proposed Amendments have been analyzed and determined to be consistent with all applicable General Plan goals, policies, and implementation programs. As explained above, the Proposed Amendments were developed in consideration of the Study conducted pursuant to Program LU-Q, which requires that the County research the unincorporated Oxnard and North Ventura Avenue areas to identify DDCs, and if any DDCs are identified, consider updating the General Plan and Background Report to designate such DDCs.

The additional DDCs that would be included in the General Plan as a result of the Proposed Amendments would benefit from several General Plan policies and programs that specifically focus on increasing governmental support and resources for DDCs in several ways. These policies and program address a variety of topics such as siting and development of new discretionary projects, public engagement, public services and infrastructure, and policymaking and programming of county services. Such policies and programs, (examples of which are provided below), are intended to protect DDCs from further environmental pollution burdens, and improve and enhance the quality of life within DDCs. Thus, the Proposed Amendments are consistent with good planning practices and are in the interest of public health, safety and general welfare.

Example of General Plan policies related to DDCs:

- **Policy LU-17.1: Providing Equitable Public Services.** Within designated disadvantaged communities, the County shall consider environmental justice issues as they relate to the equitable provision of public services and infrastructure such as parks, recreational facilities, community gardens, public safety facilities, and other beneficial uses that improve the overall quality of life.
- **Policy LU-17.2: Siting of Uses.** Within designated disadvantaged communities, the County shall consider environmental justice issues as they relate to potential health impacts associated with land use decisions to reduce the adverse health effects of hazardous materials, industrial activities, and other uses that may negatively impact health or quality of life for affected county residents.
- **Policy LU-18.2: Input on Proposed Planning Activities.** Within designated disadvantaged communities, the County shall facilitate opportunities for community members and stakeholders to provide meaningful and effective input on proposed planning activities early on and continuously throughout the public review process.

- **HE-1.1: Ensure Housing Meets Basic Standards.** The County shall support its Code Compliance Division in responding to complaints and ensuring that existing housing meets public health, safety, fire and other applicable development codes and standards, with priority given to designated disadvantaged communities.
- **HAZ-5.2: Hazardous Materials and Waste Management Facilities.** The County shall require discretionary development involving facilities and operations which may potentially utilize, store, and/or generate hazardous materials and/or wastes be located in areas that would not expose the public to a significant risk of injury, loss of life, or property damage and would not disproportionately impact Designated Disadvantaged Communities.

D. PLANNING COMMISSION HEARING NOTICE AND PUBLIC OUTREACH

The Planning Division provided a public notice regarding the Planning Commission hearing in accordance with Government Code section 65090. The Planning Division placed a legal advertisement providing notice of this public hearing in the *Ventura County Star* on April 19 and in Spanish in *Vida* on April 18. A bilingual notice of the meeting was also emailed to interested parties and stakeholders, as well as those who requested notification of General Plan updates.

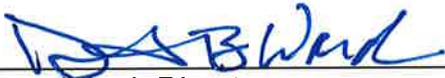
E. RECOMMENDED ACTIONS

Based upon the analysis and information provided above, Planning Division staff recommends that the Planning Commission take the following actions:

1. **CERTIFY** that the Planning Commission has reviewed the staff report and all exhibits hereto, and has considered all other materials and public comments received during the public comment and hearing process;
2. **ADOPT** a resolution attached as Exhibit 1 recommending that the Board of Supervisors take the following actions regarding the proposed amendments to the General Plan:
 - a. **CERTIFY** that the Board has reviewed and considered the Board Letter and all exhibits hereto, and has considered all other materials and public comments received during the public comment and hearing processes;
 - b. **FIND**, on the basis of the entire record and as set forth in Section B of the Planning Commission Staff Report, that adoption of the proposed amendments to the General Plan and Background Report (Exhibits 2 and 4) is not a project under CEQA and, even if it were, the adoption of the proposed amendments is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed amendments will have a significant effect 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 Background Report (Exhibits 2 and 4) are consistent with the goals, policies, and programs of the 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; and
- e. **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 these decisions are based.

This staff report was reviewed by County Counsel. If you have any questions concerning the information above, please contact Jessica Nguyen, Project Manager, at (805) 654-5037 or by email at JessicaT.Nguyen@ventura.org. You may also contact Shelley Sussman, General Plan Implementation Section Manager at (805) 654-2493 or at Shelley.Sussman@ventura.org.



Dave Ward, Director
Ventura County Planning Division

EXHIBITS

- Exhibit 1 – Planning Commission Resolution to the Board of Supervisors
- Exhibit 2 – Clean Version of Proposed Amendments to the General Plan, Land Use and Community Character Element
- Exhibit 3 – Legislative Version of the Proposed Amendments to the General Plan, Land Use and Community Character Element
- Exhibit 4 – Clean Version of Proposed Amendments to the Background Report for the General Plan
- Exhibit 5 – Legislative Version of Proposed Amendments to the Background Report for the General Plan
- Exhibit 6 – Comments Received Pursuant to SB 18 Tribal Consultation
- Exhibit 7 – Public Comments Received at Virtual Public Meeting on February 22, 2024