

January 9, 2024

Board of Supervisors Hearing

# General Plan and Non-Coastal Zoning Ordinance Amendments for Open Space-Parks and Recreation Zone

**Case No. PL22-0057**

**Item No. 40**



Resource Management Agency, Planning Division

Joel Hayes, Case Planner

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# Presentation Overview

1. Project Background
2. Summary of General Plan Amendments
3. Summary of NCZO Amendments
4. CEQA & Public Noticing
5. Recommended Actions



# Project Background & Description

# Project Background



- July 2018 – During a General Plan work session, Board of Supervisors directed staff to develop new zone to limit uses in open space and enhance open space preservation.
  - Oak Park MAC Letter (Exhibit 1, PC-6)
- September 2020 – Board of Supervisors adopted 2040 General Plan
  - Created Open Space – Parks and Recreation Zone (OS-REC)
  - Public Facilities, Service, and Infrastructure Element Program N
- October 2023 – Planning Commission Review

# Project Description



- General Plan amendment for completion of Program PFSI-N
  - *Program PFSI-N: 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*
- Non-Coastal Zoning Ordinance (NCZO) amendments to incorporate new OS-REC zone

# Project Description



- Add new distinct **Open Space-Rec zone** in NCZO
- Fewer uses allowed than OS zone i.e. *No Correctional Institutions, Shooting Ranges, Mineral Resource Development, etc.*
- Provides another tool for conservation, and may complement the following:
  - Homeowner's association greenbelts
  - Parkland and open space dedications
  - Land Conservation Act Program
  - Conservation and floodplain easements

# Passive Park Examples



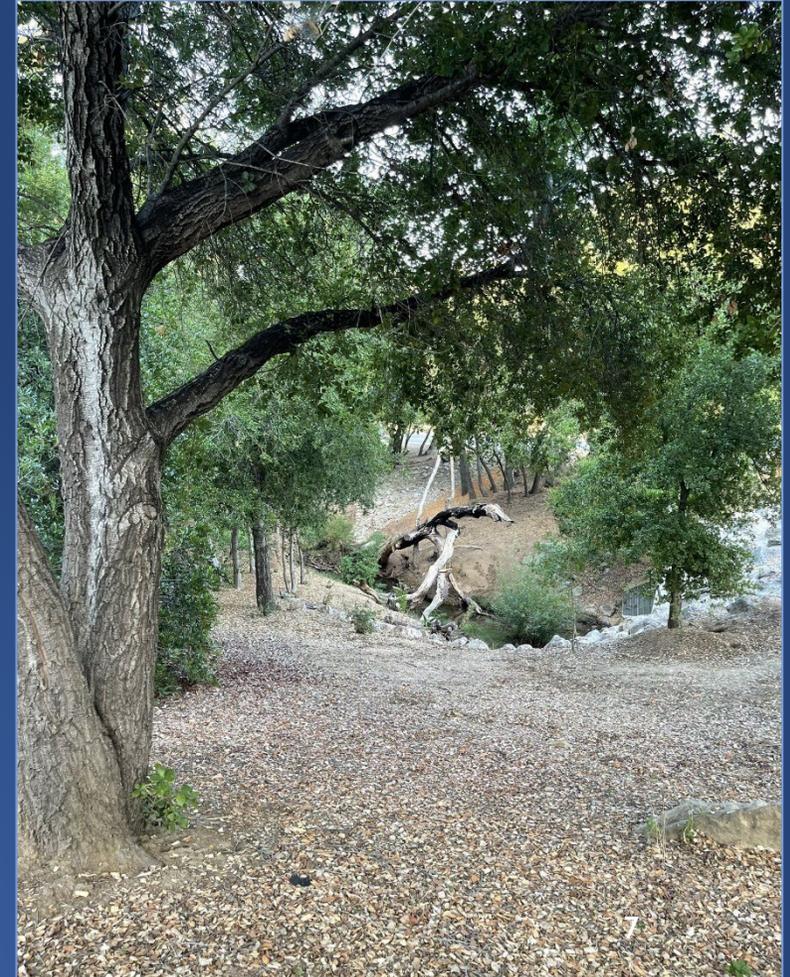
Las Virgenes Canyon  
Bell Canyon



Ojai Meadows Preserve  
Ojai



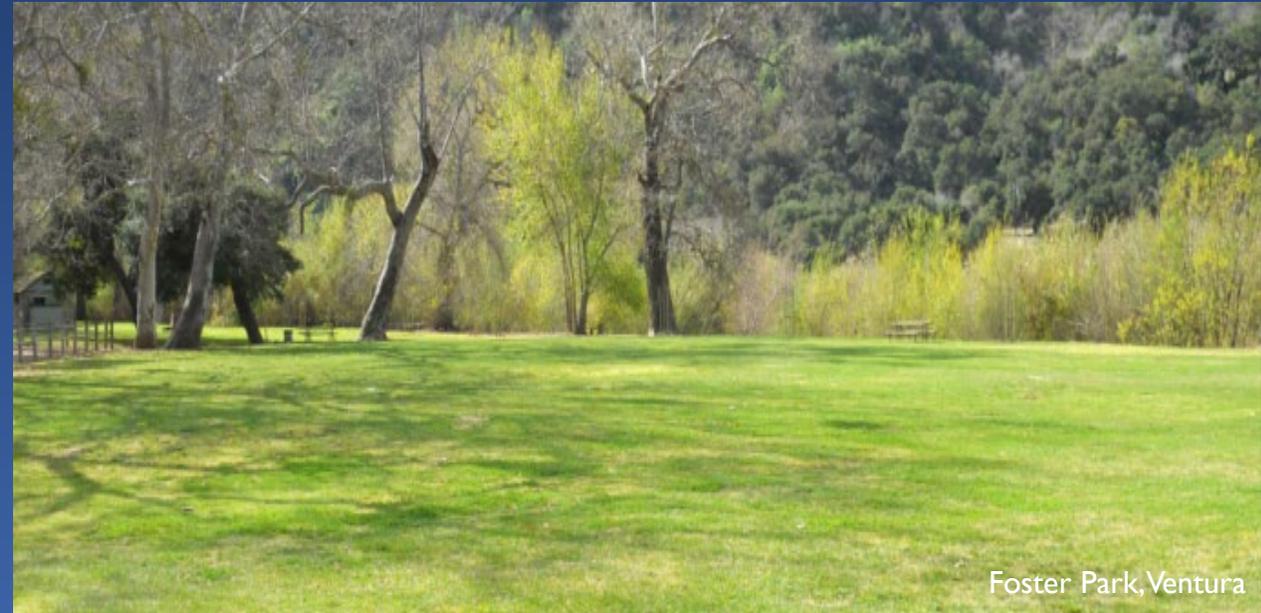
Medea Creek  
Oak Park



# Project Description



- Applicants could voluntarily re-zone to new OS-REC designation
- Staff would conduct outreach to:
  - HOAs with greenbelts
  - Conservation agencies
- Board can direct staff to re-zone





# Summary of General Plan Amendment

# General Plan Amendments



## Update Public Facilities, Service and Infrastructure Element Program N to reflect this amendment

- Focus is on passive parks and recreation
- Limit types of uses allowed in the new zone
- No parcels assigned this designation, but staff would conduct outreach

Programs	Implements Which Policy(ies)	Responsible		2020 – 2025
		Supporting Department(s)		
<b>N Open Space Zone for Parks and Recreation</b>  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.  <u>The County shall process an amendment to the Non-Coastal Zoning Ordinance to create a new Open Space-Parks and Recreation zone to help preserve parks and recreational uses by limiting the uses allowed within the new zone. If the new Open Space-Parks and Recreation zone is adopted, the County will coordinate with the cities, other agencies, land conservancies, and private property owners throughout the unincorporated county that are interested in voluntarily rezoning their lands to the new zone.</u>	PFS-10.1 PFS-10.4 PFS-10.6 PFS-10.7	RMA <hr/> GSA		■



# Summary of NCZO Amendments



## Sec. 8103-7 Limitations on Zoning of OS-Rec Parcels

- The zone shall not apply:
  - within the **mineral resource protection overlay zone**
  - within areas subject to an **active permit authorizing oil and gas exploration and production**
  - to parcels identified in **Housing Element Sites of Inventory**
  - to parcels within a fully urbanized “**census designated places**”



## **Sec. 8105-4 Permitted Uses and Structures by Zone**

- Purpose to provide for, maintain and enhance the protection of lands for open space preservation and encourage parks and recreation-related uses
- Zone would further same purposes of OS zone, except for mineral resource production (e.g. mining, oil and gas exploration and production)
- Allows some uses required by state and federal regulations: housing mandates, and wireless communication facilities

# NCZO Amendments

## Sec. 8105-4 Proposed Uses in New OS-REC Zone

- Allowed uses are more limited and for passive recreation compared to Open Space zone
- Allows modest commercial uses and accessory uses
- Intensive uses associated with agriculture and animal keeping excluded

	<u>OS-REC</u>	OS	AE	RA	RE
Agricultural Sales Facilities * (16, 19)					
Small facilities: up to 500 sq. ft., meeting standards established by Section 8107-6.2 (25)	<u>ZC</u>	ZC	ZC	ZC	
Meeting standards of Sections 8107-6.2.1, 8107-6.2.2, and 8107-6.3.4 (25)		CUP	CUP	CUP	
Large facilities: over 500 to 2,000 sq. ft. (25)		CUP	CUP	CUP	
Large facilities: over 2,000 to 5,000 sq. ft. (25)		CUP	CUP	CUP	
Wholesale nurseries for propagation: with sales facilities up to 500 sq. ft. (26, 34)	<u>ZC</u>	ZC	ZC	ZC	
with sales facilities of over 500 to 2,000 sq. ft. (26, 34)		CUP	CUP	CUP	
with sales facilities of over 2,000 to 5,000 sq. ft. (26, 34)		CUP	CUP	CUP	
with sales of non-agricultural items or materials not propagated on site. (26, 34)		CUP	CUP	CUP	
Agricultural Shade/Mist Structures * (16, 25, 34)					

# NCZO Amendments

## Sec. 8 | 05-4 Proposed Uses in New OS-REC Zone

- Excluded Dwelling Units
  - Except employee housing for agricultural employees
  - Park caretakers can use RVs and buildings in parks

	<u>OS-REC</u>	OS	AE	RA	RE
Cultural Heritage Sites with Ordinance Deviations (29)		Pursuant to Article 7 a			
Historic Repository (29) (40)				CUP	CUP
Interpretive Centers (29)	<u>CUP</u>	CUP	CUP	CUP	CUP
<b>DWELLINGS (43)</b>					
Dwellings, Single-Family * (Mobilehomes - See Sec. 8107-1.3)		ZC	ZC	ZC	ZC
Mobilehome, Continuing Nonconforming (15)		CUP	CUP	CUP	CUP
Dwellings, Two-Family, Or Two Single-Family Dwellings					
Dwellings, Multi-Family (42)(43)(44)					
Accessory Dwellings					
Accessory Dwelling Unit (ADU)* (2, 11, 15, 33, 47, 58)					P
Junior Accessory Dwelling Unit (JADU)* (58)					P
Employee Housing (55)					S
Agricultural Employee Housing					
Maximum of 4 dwelling units	<u>ZC</u>	ZC	ZC	ZC	
More than 4 dwelling units or not meeting standards established by Sec. 8107-26.3	<u>PD</u>	PD	PD	PD	

# NCZO Amendments

## Sec. 8105-4 Proposed Uses in New OS-REC Zone

- A few intensive recreation and parks uses also excluded
  - Golf courses, geothermal spas, motocross/off-highway vehicle parks, and outdoor shooting ranges

	OS-REC	OS	AE	RA	RE	RO	R1	R2
<b>RECREATION AND PARKS</b>								
Botanic Gardens and Arboreta* (35)	CUP	CUP						
Camps * (8) (35)	CUP	CUP		CUP	CUP			
Campgrounds * (8)	CUP	CUP		CUP	CUP			
Fields, athletic	PD	PD			PD	PD	PD	PD
With Night Lighting					PD	PD	PD	PD
Geothermal Spas with or without accessory commercial eating facilities (7)		CUP						
Golf Courses And/Or Driving Ranges, Except Miniature Golf (15)		CUP		CUP	CUP	CUP	CUP	CUP
Motocross/Off-Highway Vehicle Parks* (17)		CUP						
Parks, Natural (6)	ZC	ZC	PD	ZC	ZC	ZC	ZC	ZC
Buildings (within <i>natural parks</i> )	PD	PD	PD	PD	PD	PD	PD	PD
Parks, Urban*					PD	PD	PD	PD
Gymnasium (within <i>urban parks</i> )					CUP	CUP	CUP	CUP
Periodic Outdoor Sporting Events (7)	CUP	CUP						
Recreational Vehicle Parks *	CUP	CUP		CUP	CUP			
Recreation Projects, County-Initiated (5)	PD	PD	PD	PD	PD	PD	PD	PD
Caretaker Recreational Vehicle, Accessory * (5)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
Retreats, Without Sleeping Facilities * (8)	CUP	CUP		CUP	CUP			
With Sleeping Facilities (8)	CUP	CUP		CUP	CUP			
Shooting Ranges And Outdoor Gun Clubs (4)		CUP						

# NCZO Amendments



## Sec. 8106-1 Standards for Specific Uses, and Sec. 8103-0 Purpose and Establishment of Zones

- Utilizes existing Open Space zone development standards
- If located in Dark Sky Overlay, the lighting standards would also apply (Sec. 8109-4.7)

Zone	Minimum Lot Area <sup>1</sup>	Maximum Percentage of Building Coverage	Required Minimum Setbacks <sup>2</sup>				Maximum Structure Height <sup>3</sup>		
			Front	Side		Rear	Principal Structure	Exceptions (Principal Structure)	Accessory Structure
				Interior and Corner Lots, Except Reverse Corner	Reverse Corner Lots: Street Side				
OS - REC	10 acres	See Section 8106-1.4. <i>Building lot coverage depends on lot location.</i>	20 ft	10 ft	20 ft	15 ft	25 ft	Height may be increased above 25 ft (to maximum 35 ft) if each side yard is at least 15ft or as specified by permit	15 ft, except as noted in Section 8106-7.4
OS	10 Acres			5 ft	10 ft				
AE	40 acres								
RA	1 acre								
RE	10,000 sq. ft.								
RO	20,000 sq. ft.								
R1	6,000 sq. ft.		20 ft <sup>5</sup>						
R2	7,000 sq. ft. <sup>4</sup>								
RHD	0.80 acre <sup>6</sup>		From adjacent street	Interior Side Yard	Rear Lot Line	35 ft	35 ft		
RPD	As specified by permit <sup>7</sup>		10 ft	5 ft	10 ft	35 ft	As specified by permit		
RES R/MU	As specified in the Old Town Saticoy Development Code (Article 19)								

# Summary

## Sec. 8105-4 Permitted Uses and Structures by Zone

- Consistent with proposed Urban Parks project
- Subject to PL22-0056 being approved by the Board

	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<b>RECREATION AND PARKS</b>												
Botanic Gardens and Arboreta* (35)	CUP	CUP										
Camps * (8) (35)	CUP	CUP		CUP	CUP							
Campgrounds * (8)	CUP	CUP		CUP	CUP							
Fields, athletic	PD	PD			PD	PD	PD	PD	PD			
With Night Lighting					PD	PD	PD	PD	PD			
Geothermal Spas with or without accessory commercial eating facilities (7)		CUP										
Golf Courses And/Or Driving Ranges, Except Miniature Golf (15)		CUP		CUP	CUP	CUP	CUP	CUP	CUP			
Motocross/Off-Highway Vehicle Parks* (17)		CUP										
Parks, Natural (6)	ZC	ZC	PD	ZC	ZC	ZC	ZC	ZC	PD			
Buildings (within natural parks)	PD	PD	PD	PD	PD	PD	PD	PD	PD			
Parks, Urban*					PD	PD	PD	PD	PD	PD		
Gymnasium (within urban parks)					CUP	CUP	CUP	CUP	CUP	CUP		
Periodic Outdoor Sporting Events (7)	CUP	CUP										
Recreational Vehicle Parks *	CUP	CUP		CUP	CUP							
Recreation Projects, County-Initiated (5)	PD	PD	PD	PD	PD	PD	PD	PD	PD			
Caretaker Recreational Vehicle, Accessory * (5)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			
Retreats, Without Sleeping Facilities * (8)	CUP	CUP		CUP	CUP							
With Sleeping Facilities (8)	CUP	CUP		CUP	CUP							
Shooting Ranges And Outdoor Gun Clubs (4)		CUP										

# Planning Commission Recommendation



- Voted 4-0-1 to support staff's recommendation
  - No modifications.





# CEQA & Public Noticing

# California Environmental Quality Act (CEQA)



- Exempt from CEQA Under Section 15061(b)(3)
  - No significant affect on the environment
  - Proposed amendments are programmatic
- Categorically Exempt under Sections:
  - 15307 (Class 7, Actions by Regulatory Agencies for Protection of Natural Resources)
  - 15308 (Class 8, Actions by Regulatory Agencies for Protection of the Environment)

# Public Noticing



- December 28, 2023 – Placed a legal ad in the Vida Newspaper (in Spanish) and in the Ventura County Star (in English)
- January 5, 2024 – Emailed General Plan’s interested parties list (1,150 recipients)
- As of January 8, 2024 at 12:00 noon, received no public comments



# Recommended Actions

# Recommended Actions



1. **CERTIFY** that your Board has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process; and
2. **ADOPT** a resolution in the form attached as (Exhibit 2, BH-1) recommending that the Board of Supervisors take the following actions regarding the proposed amendments to the General Plan (Exhibit 2, BH-1) and Non-Coastal Zoning Ordinance (Exhibit 2, BH-3):
  - a. **CERTIFY** that the Board has reviewed and considered the Board Letter and all exhibits thereto, 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 processes;

# Recommended Actions



3. **ADOPT** a resolution in the form attached as (Exhibit 2, BH-1) recommending that the Board of Supervisors take the following actions regarding the proposed amendments to the General Plan (Exhibit 2, BH-1) and Non-Coastal Zoning Ordinance (Exhibit 2, BH-3):
  - 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 NCZO amendments as shown in Exhibits 2, BH-1 and BH-3 is exempt from CEQA pursuant to CEQA Guidelines sections 15061(b)(3) because it can be seen with certainty that there is no possibility the project may cause a significant effect on the environment; **FIND** that because the project consists of regulations for the benefit and protection of natural resources and the environment, it is also exempt from CEQA pursuant to CEQA Guidelines sections 15307 and 15308; and **FIND** that no substantial evidence exists precluding the use of the above categorical exemptions based on the presence of unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2;

# Recommended Actions



4. **ADOPT** a resolution in the form attached as Exhibit 2, BH-1 recommending that the Board of Supervisors take the following actions regarding the proposed amendments to the General Plan and Non-Coastal Zoning Ordinance (Exhibits 2, BH-1 and BH-3):
  - 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 (Exhibit 1), that the proposed amendments to the General Plan and NCZO as shown in Exhibits 2, BH-1 and BH-3 are consistent with the goals, policies and programs of the 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 3, 4, 5, 6, and 9 of the NCZO (Exhibit 2 BH-3); and
  - f. **SPECIFY** that the Clerk of the Board of Supervisors is the custodian, and 800 S. 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.

January 9, 2024

Board of Supervisors Hearing

Staff is Available for Questions:

Joel Hayes, Assistant Planner

Donald Nielsen, Senior Planner

Aaron Engstrom, Planning Manager

Dave Ward, Planning Director

Jeff Barnes, Chief Assistant County Counsel

