



September 10, 2024

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

SUBJECT: Public Hearing Screening of a Privately Initiated General Plan Amendment and Ordinance Text Amendment (Case No. PL23-0014) to Authorize for Further Processing: (1) an Ordinance Text Amendment to the Non-Coastal Zoning Ordinance Establishing Lumber Storage as an allowed use subject to a Conditional Use Permit in the Open Space (OS) Zone, and (2) Redesignating and Rezoning of 10.57 Acres of Land from Agriculture/Agricultural Exclusive (AE-40 ac) - 40 Acre Minimum Lot Size to Open Space/ Open Space (OS-40 ac) 40 Acre Minimum Lot Size (APN: 163-0-010-795 (Portion)); Supervisorial District No. 2 and County-Wide.

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 1 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** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura CA 93009 as the custodian and location of the documents and materials that constitute the record and proceedings upon which these decisions are based.

FISCAL/MANDATES IMPACT:

There is no fiscal impact associated with this Board item. To date, staff costs to prepare the item was funded by the applicant. The applicant would likewise be required to fund the processing of the proposed General Plan Amendment (GPA) if this screening is supported by your Board.

FY 2024-25 Budget Projection for Planning – Division 2910				
	Adopted Budget	Adjusted Budget	Projected Actual	Estimated Savings/(Deficit)
Appropriations	\$ 10,249,870	\$ 11,415,833	\$ 11,415,833	\$ -
Revenue	\$ 4,466,653	\$ 4,466,653	\$ 4,466,653	\$ -
Net Cost	\$ 5,783,217	\$ 6,949,180	\$ 6,949,180	\$ -

STRATEGIC PLAN:

The proposed request supports the County Strategic Plan including:

Healthy, Safe, and Resilient Communities under the goal of promoting community resilience and strength of Ventura County's ability to withstand and recover from disaster. As discussed below, the proposed project would allow for the development a lumber storage use supporting an existing whole lumber yard. The modification of the Ventura County Non-Coastal Zoning Ordinance (NCZO), and the proposed GPA would support the availability materials related to the construction trade which would support resiliency and disaster recovery.

Additionally, the proposed project also supports the *Fiscal Responsibility and Economic Vitality* under the goal of creating a business-friendly environment while stimulating entrepreneurship and industry growth. The proposed project would support appropriate diversification of commerce within the unincorporated areas, allowing for the development of the proposed storage land use providing building materials for our local housing and businesses.

EXECUTIVE SUMMARY:

This Board letter (1) describes the proposed General Plan Amendment and text amendment to the Non-Coastal Zoning Ordinance (NCZO); (2) provides background regarding the request and the subject property; (3) provides a brief explanation of the Board of Supervisors General Plan Screening Guidelines (Screening Guidelines); (4) provides analysis of the request pursuant to the Screening Guidelines; and (5) provides a determination pursuant to the California Environmental Quality Act (CEQA).

Section 8115-1.1(d) of the Non-Coastal Zoning Ordinance (NCZO) allows an interested person, property owner or the owner's representative to file an application for a NCZO text amendment. Additionally, the Ventura County General Plan states that "the County

shall require that all privately initiated General Plan Amendments are screened by the Board of Supervisors to determine if the amendment is appropriate for further processing.” Staff recommends your Board authorize the requested General Plan Amendment and Ordinance Text Amendment for further processing.

PROPOSED PROJECT:

General Plan Amendment

The proposed GPA would change the General Plan land use designation and zoning of a 10.57-acre portion of the subject property from Agricultural/Agricultural Exclusive (AE-40 ac) - 40 Acre Minimum Lot Size to Open Space/ Open Space (OS-40 ac) 40 Acre Minimum Lot Size) (see Exhibit 2).

APN 163-0-010-790

Total Acreage:	42.23 acres
Presently Agricultural, Zoned AE-40 ac	39.18 acres
Presently Industrial, Zoned M2	3.05 acres
Area to be changed to Open Space/OS-40 ac	10.57 acres
Area to remain Agricultural, AE-40 ac	28.61 acres
Area to remain Industrial, Zoned M2	3.05 acres

Please see the applicant’s justification letter for the requested changes included as Exhibit 4. The applicant states that the rezoning and redesignation are needed to accommodate changes in the lumber industry, a regional change in the demand for lumber, and the need for storage of various fire rated lumber products.

Description of NCZO Text Amendment Request

The proposed text amendment, which is included as Exhibit 5, would make two changes to the NCZO. The first change would modify the NCZO Use Matrix (§8105-1) to allow “Lumber Storage” in the OS zone, subject to a Director-level Conditional Use Permit (CUP) and subject to proposed standards for Lumber Storage. The precise language of the NCZO text amendment is subject to revision during further staff processing.

Specifically, the proposed changes would add the following new definitions to Article 2 Definitions of the NCZO:

“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.”

Next, the proposed text amendment would create a new land use category in the NCZO Use Matrix (§8105-1) for “Lumber and Wood Products and Processes. The existing land use category “Firewood Operations,” currently listed separately, would become a subcategory under Lumber and Wood Products and Processes, and a new subcategory, “Lumber Storage” would be added as a use permitted in the OS zone, subject to approval of a Planning Director-approved Conditional Use Permit.

	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								
Lumber Storage (3, 12)*		CUP										

**New subcategory created under Section 8105-4 Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones*

These proposed changes would be accompanied by a new section to be added to NCZO Article 7 (Standards for Specific Uses) that would establish the following proposed development standards and findings required for approval of a Lumber Storage use in the OS zone:

“Sec. 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.*
- 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.”*

“Sec. 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.”*

“Sec. 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.”

DISCUSSION

Background

The applicant currently operates a wholesale lumber yard on land located within the Somis Existing Community, which is zoned M2 (Limited Industrial). The applicant also operates a Christmas tree farm on an adjacent parcel that is zoned AE and designated Agricultural by the General Plan.

Between 1992 and 2005, Hagle Lumber incrementally paved approximately 11 acres of Agricultural-designated/AE-zoned land and expanded its wholesale lumber yard operations in violation of both the NCZO and the conditions of Hagle Lumber’s

discretionary entitlement (Planned Development Permit No. DP-244-1).

Following County zoning enforcement actions on these violations, Hagle Lumber is now subject to a Compliance Agreement (CA19-0002), which is attached as Exhibit 3, to abate violations involving the illegal expansion of the commercial lumber yard on AE zoned land. Pursuant to this Compliance Agreement, Hagle Lumber must restore the paved-over 11 acres to farmable condition; however, Hagle Lumber may resolve the violation if its application for a modification to the underlying Planned Development Permit with a concurrently filed General Plan Amendment and to allow the paved-over area to remain are both approved by your Board.

The proposed General Plan Amendment and NCZO text amendment screening request before your Board is the applicant's attempt to remedy the zoning and land use entitlement violations by concurrently amending the underlying zoning for the violation area and changing permissible uses in the OS zone to allow for a new use "Lumber Storage" with proposed development standards as identified in the project description above. The applicant is in good standing with the terms of the Compliance Agreement working with County Staff, though its expiration date will require extension regardless of the outcome of the Board's screening review.

Planning Division Staff Analysis of Proposed NCZO Text Amendment and General Plan Amendment and Rezoning Request

Privately initiated General Plan Amendment (GPA) applications must be presented in a pre-screening hearing at which the Board considers whether to authorize further processing of the request. It is entirely within your Board's discretion to direct that processing cease or continue. Your Board is not required to make findings in support of its decision; however, your Board has adopted GPA Screening Guidelines (Exhibit 1) which set forth criteria by which proposed GPA amendments are to be evaluated. Such applications are also reviewed for consistency with current General Plan and Area Plan policies. The current proposal is evaluated below.

GPA Screening Guidelines:

The following criteria are to be used by the Board of Supervisors in **denying** the processing of GPA requests:

1. When the proposed amendment request shares significant similarities with other amendments located in the same general area which have been previously considered and denied by the Board of Supervisors within the last 24 months.

Staff Analysis: This criterion does not apply because the Board has not denied a similar GPA Screening request during the past 24 months.

2. When the proposed amendment request site is located in an area where the Board has directed the preparation of a land use study scheduled for a public hearing within the next 18 months.

Staff Analysis: This criterion does not apply because the Board has not directed preparation of a land use study in the area where the proposed site is located.

3. When the proposed amendment request is located in an area where a newly adopted plan or similar land use policy document has been in effect for less than 12 months.

Staff Analysis: This criterion does not apply because the 2040 General Plan was adopted in September 2020 and has been in effect for more than 12 months.

4. When the proposed amendment request would create an “island” or spot land use designation inconsistent with the intent and policies of the General Plan, and density or land uses of surrounding properties.

Staff Analysis: This criterion does not apply because the proposed GPA would not create an “island” or spot land use designation inconsistent with the intent and policies of the General Plan, and density or land uses of surrounding properties. The selection of Open Space as the prospective General Plan Land Use Designation for the area is appropriate as discussed below.

The General Plan defines the Open Space Designation as the following:

The Open Space designation encompasses land, as defined under Section 65560 of the Government Code, as any parcel or area of land or water which is essentially unimproved and devoted to an open-space use as defined in this section and which is designated on a local, regional or State open space plan as any of the following:

- Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.*
- Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands not designated agricultural; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.*
- Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.*

- Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality. (purpose of underlining this text explained below)
- Open space to promote the formation and continuation of cohesive communities by defining the boundaries and by helping to prevent urban sprawl.
- Open space to promote efficient municipal services and facilities by confining urban development to defined development areas.

The site has been preliminarily determined by Planning Division Staff as appropriate because of its location next to an existing large tract of existing Open Space/OS-40ac. The site is bounded to the south and east by the Open Space designation; these Open Space parcels are being used for row crop and orchard planting, as well as the location of Arroyo Las Posas (Calleguas Creek). Sites to the north and west are designated Agricultural; these sites contain row crop planting, a nursery, and are separated from the subject property by the Union Pacific Railroad line.

The proposed redesignation could be found consistent with the Open Space Designation as indicated above (underlined) under the provisions related to public health and safety. The subject property is within the designated boundary of the State Responsibility Area - Very High Fire Hazard Severity Zone¹ (Ventura County Geographic Information System 2024) and is partially in the special flood hazard area (Federal Emergency Management Agency, Flood Rate Insurance Map Panel 06111C0813E eff. 01/20/2010). Further, Air Quality policies, including the Air Pollutant Reduction Policy (HAZ10-1), are organized under the Hazards and Safety Element of the General Plan as air quality is “an important natural resource that influences public health and welfare, the economy, and quality of life.” Reclassification from Agricultural to Open Space could allow for management of both hazards and safety categories: Fire Hazards and Air Quality.

The rail spur adjacent to APN 163-0-010-795, is connected to the regional rail network and is used to transport inbound shipments of lumber products by rail car. In 2023, approximately two-thirds of all lumber products received at Hagle Lumber arrived by rail (263 railcar deliveries) which resulted in a carbon emission savings of 1,690 Metric Tons of Carbon Dioxide CO₂ Equivalent. The applicant's proposal to redesignate to Open Space/OS and to change the appropriate code provisions to allow for lumber storage could allow the applicant to increase rail deliveries to the site, since the 10-acre area would be used for lumber storage, and result in a reduction in air pollutants in support of the established General Plan Hazards and Safety Policies. Additionally,

¹ The California Department of Forestry and Fire Protection (CAL FIRE) designates the Fire Severity Zone, State responsibility area is legal term defining the area where the State has financial responsibility for wildfire protection.

Open Space and the OS Zoning are appropriate because the OS allows for similar open storage uses such as Firewood Operations, Open Storage to a Use Requiring a PD Permit or CUP, Agricultural Contractors' Service and Storage Yards and Buildings, and Energy Production from Renewable Sources and Energy Storage, uses which have been deemed appropriate for Open Space partly because of considerations like flood and fire hazards. These existing permitted uses are of a similar intensity as the proposed Lumber Storage, and the proposed changes could be determined to further public safety considerations via air pollutant reduction, minimization of fire hazards risk, and minimization of property damage from flooding.

Based on the analysis above, this criterion does not apply.

5. When the proposed amendment request involves land which, according to the Guidelines for Orderly Development, should be annexed to a City.

Staff Analysis: The subject property is not located within the sphere of influence or area of influence of the City of Camarillo and therefore not subject to the recommendation for annexation. The city limits and the corresponding limits of the Sphere of Influence are located 0.75 miles on SR 34 to southwest of the subject property.

6. When the proposed amendment request would increase residential density permitted by the Ojai Valley Area Plan.

Staff Analysis: This criterion does not apply as the project site is not located within the boundaries of the Ojai Valley Area Plan.

The following criteria will be used by the Board of Supervisors in **approving** the processing of GPA Requests:

1. When the proposed amendment request has a potential for conformity with all applicable goals and policies of the General Plan.

Staff Analysis: Under Government Code section 65860², a jurisdiction's zoning ordinance must be consistent with its General Plan. Thus, in order for the proposed land use redesignation /rezoning and text amendment to be approvable by your Board, it must not conflict with the purpose of the Open Space use designation, or any other relevant policies set forth in the General Plan. Analysis of potential consistency with the Open Space is presented above under Screening Denial Item 4. Additionally, Planning Staff have selected 12 Ventura County General Plan Policies for analysis of this screening request. The consistency analysis with the selected Ventura County General Plan Policies is presented in attached Exhibit 7. Staff has determined that

² "County or city zoning ordinances shall be consistent with the general plan of the county or city ..." (Government Code section 65860, subdivision (a))

the proposed screening request conforms to the applicable policies of the General Plan.

A consistency statement with the Save Openspace and Agricultural Resources (SOAR) Ordinance is also provided below, separate analysis is provided as Exhibit 8.

Application of SOAR Ordinance

The Save Open Space and Agricultural Resources (SOAR) Ordinance was adopted by the countywide electorate on November 8, 2016 and is incorporated as a part of the General Plan. SOAR is intended to protect the County's agricultural, rural, and open space lands, strengthen the agricultural economy and preserve the County's quality of life. As part of its provisions, SOAR requires a vote of the countywide electorate for any redesignation of land designated Agricultural, Open Space and Rural by the General Plan. However, Agricultural designated properties may be designated to Open Space if certain findings are made. This privately initiated NCZO text amendment and redesignation request have been analyzed for compliance with SOAR (see Exhibit 8) and the redesignation could be found consistent with the SOAR provisions not requiring a vote of the people.

Your Board could approve further processing of the proposed Zoning Ordinance text amendment and redesignation request. Therefore, this privately initiated NCZO text amendment and redesignation request are consistent with the purpose of the OS zone, the identified goals policy requirements of the Ventura County General Plan and SOAR.

Therefore, your Board may affirm the GPA screening criterion for conformity with all applicable goals and policies of the General Plan.

2. *When the proposed amendment request has a potential for compatibility with either existing or planned uses in the area.*

Staff Analysis: The proposed GPA and NCZO amendment have the potential for conformance with the existing (surrounding open space, agriculture, residential, and industrial uses) and planned uses in the area. The proposed change would revise the text of the NCZO and potentially permit the development of the subordinate storage use of the property. The proposed development standards could ensure that future development is compatible with the Open Space classification as the standards limit the use of land to storage, and restrict any manufacturing and any sales projects specifically demonstrate compatibility with any adjacent agriculture.

Therefore, the proposed GPA and NCZO amendment have the potential to be found compatible with the existing and planned uses in the area.

3. *When the proposed amendment request is in conformity with other Board of Supervisors adopted policies*

Staff Analysis: All relevant policies adopted by the Board of Supervisors are incorporated into this report and are discussed above. No conflicts have been identified in staff's preliminary analysis.

California Environmental Quality Act

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

NOTICE AND PUBLIC COMMENTS

The Planning Division provided public notice of the Board hearing on this matter in conformance with the requirements of Government Code Section 65091 and Ventura County NCZO Section 8111-3.1. On August 29, 2024, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located, posted a notice on the Planning Division website and placed a legal ad in the *Ventura County Star*. Notice was also sent, by email correspondence and regular mail, to interested persons who previously notified the Planning Division of their desire to be notified of County actions regarding the subject application. The owners of 15 parcels were notified.

This letter was reviewed by the County Executive Office, the Auditor-Controller's Office, and the County Counsel's Office. If you have any questions regarding this item, please contact me at (805) 654-2481, or John Oquendo, Residential Permit Section, (805) 654-3588, or via email at John.Oquendo@ventura.org.



Dave Ward, AICP, Director
Ventura County Planning Division

Attachments:

- Exhibit 1: General Plan Amendment Screening Guidelines
- Exhibit 2: Plan Depicting Proposed General Plan Amendment and Zone Change
- Exhibit 3: Compliance Agreement CA19-0002
- Exhibit 4: Applicant Justification Letter, Dated April 10, 2024

Exhibit 5 Proposed Text Amendment

Exhibit 6 Maps

Exhibit 7 General Plan Policy Consistency Analysis

Exhibit 8 SOAR Policy Consistency Analysis