



Planning Commission Staff Report - Hearing on October 17, 2024

County of Ventura • Resource Management Agency

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

SUBJECT: Public Hearing to Consider County – Initiated Proposed Amendments to the Ventura County General Plan; and Consider a Finding that Adoption of the Proposed Amendments is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Sections 15061(b)(3) and 15301; All Supervisorial Districts (Case No. PL22-0041)

A. PROJECT INFORMATION

1. **Request:** Planning Division staff requests that your Commission review this staff report and its attachments, and adopt a resolution (Exhibit 5) recommending that the Board of Supervisors (Board) take the recommended actions set forth in Section F of this staff report, including adoption of the proposed amendments to the Ventura County General Plan (General Plan) and finding that adoption of the proposed amendments is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15061(b)(3) and 15301.

The proposed General Plan amendments (GPA) are reflected in Exhibits 3 and 4 in both legislative and clean formats, respectively. Summaries of the specific GPA text, table, and figure revisions are included in Exhibit 2a (Proposed GPA Text Changes), Exhibit 2b (Proposed GPA Table Changes), and Exhibit 2c (Proposed GPA Figure Changes).

2. **Applicant:** County of Ventura, 800 S. Victoria Avenue, Ventura, CA 93009
3. **Location:** The proposed changes to the General Plan would apply to all coastal and non-coastal unincorporated areas of Ventura County.
4. **Review/Decision-Making Authority:** In accordance with Government Code sections 65353 and 65354, the Planning Commission is required to review, conduct a public hearing on, consider, and make recommendations regarding the proposed GPA to the Board. 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 GPA.
5. **Project Description:** The primary objectives of the proposed GPA are to:
 - a) Provide clarity, correct typographical, formatting, and grammatical errors and revise formatting, including errors and omissions to General Plan figures.
 - b) Incorporate updated references from the County's Hazard Mitigation Plan most recently revised and adopted in 2022, which include: adding required links

within the Hazards and Safety Element as required by state law, (i.e., Assembly Bill 2140); updating the reference to the official name of the hazard mitigation plan (i.e., "Ventura County Multi-Jurisdictional Hazard Mitigation Plan"); and removing references to proposed actions that were not part of the final approved Ventura County Multi-Jurisdictional Hazard Mitigation Plan.

- c) Incorporate the requirements of Ventura County Measure O, regarding commercial cannabis, as approved by a vote of the people on November 3, 2020. This includes amending the Land Use and Community Character Element of the General Plan to add Policy LU-8.6 (*Commercial Cannabis Activity*). (See policy language in Exhibit 2a – Page 44)
- d) Consistent with General Plan program LU-G, remove two policies from the Conservation and Open Space Element of the General Plan (i.e., COS-2.5 and COS-2.11) because they are included in the Coastal Area Plan.¹ General Plan policies COS-2.5 (*Shoreline Protective Structure Design*) and COS-2.11 (*Dune Vegetation*) are specific to the coastal zone and several existing Coastal Area Plan policies provide functional equivalency. Therefore, to avoid duplication, the General Plan policies are proposed for removal.
- e) Reformat building lot coverage development standards included in the Land Use and Community Character Element of the General Plan to match the format for building lot coverage development standards in the Non-Coastal Zoning Ordinance (NCZO). For purposes of building lot coverage development standards, the unincorporated area is divided into three geographic subsets:
 - Lots subject to an Area Plan;
 - Lots within a Mapped Existing Community Designated Area Boundary and not subject to an Area Plan; and
 - Lots outside of a Mapped Existing Community Designated Area Boundary and not subject to an Area Plan.

The proposed amendment includes the addition of Table 2-3 (Maximum Building Lot Coverage Development Standards for Lots Not Subject to an Area Plan) to align the General Plan building lot coverage standards with how they are presented in the NCZO. The NCZO standards were unanimously approved by the Board of Supervisors on July 25, 2023. Building lot coverage development standards for lots subject to an Area Plan are still maintained in their respective Area Plan.

- f) Over the last year, the VCCEC has focused on providing input and recommendations for new subprograms and policies proposed by County departments and agencies. Accordingly, an amendment to Program COS-LL is

¹ Applicable Coastal Area Plan policies include Hazards Goal 2/Policy 2; Beach Erosion Goal 1/Policy 2; ESHA Goal 1; Coastal Dunes and Other Shoreline Resources, 6.1 Coastal Dune Habitats.

proposed to reflect that the VCCEC may advise on recommended subprograms in addition to developing recommended subprograms. This amendment is proposed to allow the VCCEC to continue to develop proposals but also to advise on subprograms and policies recommended by other entities.

This requested change to Program COS-LL comes from the County Sustainability Officer, who acts as staff to the VCCEC. (See Exhibit 7, letter from Ms. Alejandra Tellez.)

- g) Implement previous Board direction regarding Thousand Oaks Area Plan policies for wireless communication facilities. At the September 26, 2023, Board meeting, the Board directed the Planning Division to prepare an amendment to Thousand Oaks Area Plan Policy TO-22.3 (*Wireless Communications Facility Height Restrictions*) to exempt certain existing wireless communication facilities from height restrictions if they are necessary for public safety. Consistent with Board direction, the proposed GPA includes an area plan policy that exempts existing wireless communication facilities at their height as of the effective date of the proposed GPA from the height restrictions of the Thousand Oaks Area Plan, provided such wireless communication facility is necessary for public safety.

This proposed revision represents a policy change for the Thousand Oaks Area Plan, which currently does not include an exception of height restrictions for existing wireless communication facilities that are necessary for public safety.

Except for the policy changes reflected in subsections (f) and (g) above, the proposed GPA otherwise consists of non-substantive and clarifying revisions, as noted above.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

The proposed GPA is 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 described above, the proposed GPA includes changes to the General Plan to provide clarity, correct typographical and grammatical errors, and incorporate references to the County’s Hazard Mitigation Plan and commercial cannabis provisions set forth in the County’s zoning ordinance. These changes do not have the potential to cause a significant effect on the environment.

The policy change to the Thousand Oaks Area Plan regarding existing wireless communication facilities necessary for public safety is exempt from CEQA pursuant to the Class 1 categorical exemption for existing facilities (CEQA Guidelines Section 15301). The Class 1 categorical exemption “consists of the operation, repair, maintenance, permitting, leasing, or minor alteration of” existing facilities, including privately owned communication utilities, involving negligible or no expansion of use. The existing wireless communication facilities necessary for public safety that are the subject of the policy

change are proposed to be exempted from the area plan height restriction at their permitted height as of the effective date of the proposed GPA. Therefore, the subject wireless communication facilities are part of the existing environmental setting, and no expansion of use is proposed by this project. The Planning Division has determined that no unusual circumstances or other exception set forth in CEQA Guidelines 15300.2 precludes use of this categorical exemption.

Regarding all other project components, none of the proposed General Plan changes could conceivably result in significant effects on the environment, individually or cumulatively, as they are all administrative in nature. The proposed GPA is therefore exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3). This section 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."

C. GENERAL PLAN AMENDMENT FINDINGS AND SUPPORTING EVIDENCE

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; no mandatory element of a general plan, however, may be amended more frequently than four times during any calendar year, except as specified in Government Code section 65358. In addition, Government Code sections 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 described above, the proposed amendments consist of clarifying or other reformatting edits, with the exceptions being the amendment to the Thousand Oaks Area Plan regarding the height of public safety wireless communication facilities and the change to the Climate Emergency Council procedures included in Program COS-LL. These two changes are proposed at the request of the Board and the County's Sustainability Officer, respectively. No County plan, applicable to the unincorporated areas, will require amending to be consistent with the General Plan, as a result of the proposed amendments. As such, the proposed amendments support an integrated, internally consistent, and compatible General Plan.

Staff's analysis of the required findings and supporting evidence are as follows:

1. The legislative body must deem that the proposed General Plan amendment is in the public interest (Government Code §65358(a)).

The proposed GPA provides clarity, corrects typographical and grammatical errors, and incorporates references to the County's Hazard Mitigation Plan and commercial cannabis provisions set forth in the County's zoning ordinance. Together, these changes ensure

that the General Plan is as accurate and clear as possible for the public. Further, the proposed amendment will bring the General Plan into compliance with state mandates regarding the Hazards and Safety Element and improve alignment between the Land Use and Community Character Element and the NCZO regarding the format of building lot coverage development standards, allowing for greater consistency and improved readability.

The amendment to the Thousand Oaks Area Plan regarding the height of public safety wireless communication facilities is consistent with Board direction to preserve the reliability of the critical public safety network. Given the important public safety purpose of the existing public safety wireless communication facilities, it is in the public's interest to allow for their exemption from height requirements in the Thousand Oaks Area Plan to maintain their continued operation.

Based on the above discussion, this finding can be made.

2. No mandatory element of a general plan shall be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time, as determined by the legislative body. Each amendment may include more than one change to the general plan (Government Code §65358(b)).

This is the sixth General Plan amendment to be proposed during calendar year 2024. A summary of General Plan amendments completed to date in 2024 is included in the 2024 General Plan Amendment Summary (Exhibit 8). As shown, no mandatory element of the General Plan has been amended more than four times thus far during calendar year 2024.

Therefore, this finding can be made.

D. TRIBAL CONSULTATION

Pursuant to Government Code Section 65352.3 (often referred to as "Senate Bill 18 consultation"), prior to the adoption of or amendment to its General Plan, the 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 contacted NAHC in early March 2022 to obtain the most current tribal contact list. On March 10, 2022 and April 14, 2022, Planning staff contacted the tribal representatives on the NAHC contact list (Exhibit 6) to notify them of the opportunity to request a consultation on the Proposed GPA pursuant to Senate Bill 18.

Of the 18 tribes contacted, only the Fernandeño Tataviam Band of Mission Indians contacted Planning staff and requested formal consultation. On April 21, 2022, Planning staff initiated consultation with Mr. Jairo Avila, Tribal Historic and Cultural Preservation Officer, and Environmental Project Assistant Kristina Kreter on the Proposed GPA. During project development, the point of contact for consultation transitioned from Mr. Avila to

Ms. Sarah Brunzell, Manager of the Cultural Resources Management Division. On May 30, 2023, the County met with Ms. Brunzell to discuss the project scope and address remaining questions. Planning staff notified Ms. Brunzell of this Planning Commission hearing, noting the availability of the staff report and exhibits. To date, no tribal comments have been received. Planning staff will inform the Board of Supervisors of the results to conclude tribal consultation.

E. PLANNING COMMISSION HEARING NOTICE AND PUBLIC COMMENTS

The Planning Division provided public notice regarding the Planning Commission hearing in accordance with the Government Code Section 65091. On October 7, 2024, the Planning Division placed a legal ad in the *Ventura County Star*. As of the date of this document, no public comments have been received.

F. 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 and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment and hearing process;
2. **ADOPT** a resolution in the form attached as Exhibit 5 recommending that the Board of Supervisors take the following actions regarding the proposed amendments to the General Plan:
 - i. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter, 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;
 - ii. **FIND**, on the basis of the entire record and as set forth in the Planning Commission Staff Report, that adoption of the proposed amendments to the General Plan (Exhibit 4) is exempt from CEQA pursuant to the following CEQA Guidelines sections: (1) section 15061(b)(3) because there is no possibility the proposed amendments may have a significant effect on the environment, and (2) section 15301 (Class 1, Existing Facilities) because, in so far as the proposed amendments include revisions to policies relating to wireless communication facilities subject to the Thousand Oaks Area Plan, such revisions relate to existing facilities and involve negligible or no expansion of an existing use, and no unusual circumstances or other exceptions set forth in CEQA Guidelines section 15300.2 precludes use of this categorical exemption;

- iii. **FIND**, on the basis of the entire record and as set forth in the Planning Commission staff report, that the proposed amendments to the General Plan (Exhibit 4) are in the public interest, do not result in an amendment to a mandatory element of the General Plan more frequently than four times during the calendar year, and are consistent with the goals, policies, and programs of the General Plan;
- iv. **ADOPT** a resolution approving the proposed amendments to the General Plan (Exhibit 4); and
- v. **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 of proceedings upon which these decisions are based.

The Board of Supervisors hearing to consider the proposed General Plan amendment is anticipated for December 17, 2024.

This Staff Report has been reviewed by County Counsel. If you have any questions concerning the information presented above, please contact Todd Davis at (805) 654-2498 or todd.davis@ventura.org.

Prepared by:



*Todd Davis, AICP, Case Planner
General Plan Implementation Section
Ventura County Planning Division*

Reviewed by:



*Dave Ward, AICP, Planning Director
Ventura County Planning Division*

EXHIBITS

- Exhibit 2a Proposed General Plan Text Changes
- Exhibit 2b Proposed General Plan Table Changes
- Exhibit 2c Proposed General Plan Figure Changes
- Exhibit 3 Proposed General Plan, Legislative Version
- Exhibit 4 Proposed General Plan, Clean Version
- Exhibit 5 Draft Planning Commission Resolution to the Board of Supervisors
- Exhibit 6 Native American Heritage Commission Tribal Consultation Contact List
- Exhibit 7 Sustainability Division Recommendation to Modify Language of General Plan Program COS-LL
- Exhibit 8 2024 General Plan Amendment Summary