

November 17, 2020

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

SUBJECT: Public Hearing to Consider Approval of the Following Two Land Conservation Act (LCA) -Related Zone Changes and Related Determinations that the Actions are Exempt from the California Environmental Quality Act: (1) Case No. PL20-0070 for the Parcels Identified as Tax Assessor's Parcel Nos. 008-0-140-105 and 008-0-150-025 from OS-160 ac (Open Space, 160-acre Minimum Parcel Size) to AE-160 ac (Agricultural Exclusive, 160-acre Minimum Parcel Size) and the Parcels Identified as Tax Assessor's Parcel Nos. 008-0-180-735 and 008-0-180-725 from OS-40 ac (Open Space, 40-acre Minimum Parcel Size) to AE-40 ac (Agricultural Exclusive, 40-acre Minimum Parcel Size), Supervisorial District No. 1; and (2) Case No. PL20-0071 for the Parcels Identified as Tax Assessor's Parcel Nos. 008-0-200-015, 008-0-200-055 and 008-0-200-095 from OS-40 ac (Open Space, 40-acre Minimum Parcel Size) to AE-40 ac (Agricultural Exclusive, 40-acre Minimum Parcel Size), Supervisorial District No. 1.

RECOMMENDED ACTIONS:

1. **CERTIFY** that your Board has reviewed and considered this Board letter and all exhibits hereto regarding the proposed zone changes for Case Nos. PL20-0070 and PL20-0071, and has considered all comments received during the public hearing process;
2. **FIND**, on the basis of the entire record and as set forth in Section B of the staff reports for the Planning Commission hearing on October 15, 2020, (Exhibits 1 and 2), that the approval of the proposed zone changes for Case Nos. PL20-0070 and PL20-0071 are exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061, subdivision (b)(3) because there is no possibility that the proposed zone changes may have a significant effect on the environment;
3. **FIND**, based on the substantial evidence set forth in Sections A, B and C of the staff reports for the Planning Commission hearing on October 15, 2020 (Exhibits 1 and 2), the public testimony received and the entire record, that the proposed zone changes for Case Nos. PL20-0070 and PL20-0071 are consistent with the Goals, Policies and Programs of the Ventura County General Plan and good zoning practices and are in the interest of public health, safety or general welfare;
4. **ADOPT** the attached ordinance for Case No. PL20-0070 rezoning the parcels identified



as Tax Assessor's Parcel Nos. 008-0-140-105 and 008-0-150-025 from OS-160 ac (Open Space, 160-acre minimum parcel size) to AE-160 ac (Agricultural Exclusive, 160-acre minimum parcel size) and the parcels identified as Tax Assessor's Parcel Nos. 008-0-180-735 and 008-0-180-725 from OS-40 ac (Open Space, 40-acre minimum parcel size) to AE-40 ac (Agricultural Exclusive, 40-acre minimum parcel size) (Exhibit 7), effective 30 days after adoption;

5. **ADOPT** the attached ordinance for Case No. PL20-0071 rezoning the parcels identified as Tax Assessor's Parcel Nos. 008-0-200-015, 008-0-200-055 and 008-0-200-095 from OS-40 ac (Open Space, 40-acre minimum parcel size) to AE-40 ac (Agricultural Exclusive, 40-acre minimum parcel size) (Exhibit 8), effective 30 days after adoption.
6. **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 the decisions are based.

FISCAL/MANDATES IMPACT:

In accordance with the Board-adopted Planning Division Fee Schedule, each applicant submitted the required \$1,000 zone change application processing deposit fee. The applicants are responsible for remitting payment of all County costs associated with the processing of the zone changes. There are no additional fiscal impacts associated with the recommended actions.

DISCUSSION:

Project Descriptions

The applicant for Case No. PL20-0070 is requesting to rezone the parcels identified as Tax Assessor's Parcel Nos. 008-0-140-105 and 008-0-150-025 from OS-160 ac to AE-160 ac and the parcels identified as Tax Assessor's Parcel Nos. 008-0-180-735 and 008-0-180-725 from OS-40 ac to AE-40 ac. The requested zone changes are required for the property owner to enter into an Land Conservation Act (LCA) contract with the County because such contracts are not permitted on property zoned "Open Space". The establishment of an LCA contract on this land requires the creation of a new Agricultural Preserve (AGP 12-16) to include the subject property. The approximately 362.96-acre property contains 243 acres of irrigated avocado trees and contains no non-agricultural development. Access to the site is provided by Casitas Pass Road and water is provided by Casitas Municipal Water District. The zone change request does not include any proposed development.

The applicant for Case No. PL20-0071 is requesting to rezone the parcels identified as Tax Assessor's Parcel Nos. 008-0-200-015, 008-0-200-055 and 008-0-200-095 from OS-40 ac to AE-40 ac. The requested zone change is required for the property owner to enter into an LCA contract with the County because such contracts are not permitted on

property zoned "Open Space". The establishment of an LCA contract on this land requires the expansion of an existing Agricultural Preserve (AGP 12-5) to include the subject property. The approximately 42.33-acre property contains 26 acres of irrigated avocado trees and contains no non-agricultural development. Access to the site is provided by Casitas Pass Road and water is provided by Casitas Municipal Water District. The zone change request does not include any proposed development.

Decision-Making Authority and Planning Commission Recommendation

Pursuant to Ventura County Non-Coastal Zoning Ordinance (NCZO) section 8115-3, your Board is the decision-making authority for the requested zone changes. At its October 15, 2020 hearing, the Planning Commission considered, and, by a vote of 5 to 0, recommended that your Board take the recommended actions for both cases set forth on page one above, as stated in Planning Commission Resolution Nos. R-20-13 (Exhibit 5) and R-20-14 (Exhibit 6). The staff reports for the October 15, 2020 Planning Commission hearing (Exhibits 1 and 2) contain the factual record assembled by staff for the requested zone changes.

Environmental Review

Pursuant to the California Environmental Quality Act (CEQA) (Pub. Res. Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code of Regs., tit. 14, § 15000 et seq.), the subject rezones constitute "projects" that are subject to environmental review.

The CEQA Guidelines list certain types of projects that are exempt from environmental review. As stated in the general rule exemption set forth in the CEQA Guidelines (California Code of Regulations, tit. 14, §15061, subd. (b)(3)), "The 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." The proposed zone changes from OS to AE are actions "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment" (Ibid). Rezoning the subject properties to the proposed AE zone will further restrict permitted and conditionally permitted uses allowed on the properties. The proposed zone changes are not associated with any specific development and do not increase the development potential of the parcels being rezoned. To the contrary, the purpose of both rezones is to make the properties eligible for LCA contracts which provide participating property owners a property tax incentive to retain the agricultural and open space character and use of the land.

Assuming that your Board agrees with the conclusions of the environmental analysis set forth in the discussion above, your Board should take the recommended action on page one above to find that the approval of the proposed projects are exempt from CEQA review pursuant to CEQA Guidelines section 15061, subdivision (b)(3), because there is no possibility that the proposed zone changes may have a significant effect on the environment.

Project Evaluation and Findings

The NCZO authorizes your Board to change or amend the zoning ordinance (which includes zone changes) "whenever the public health, safety, or general welfare, good zoning practice, and consistency with the General Plan justify such action..."

Pursuant to NCZO section 8115-0, your Board must make certain findings in order to amend the NCZO. For the reasons set forth in the staff reports for the Planning Commission hearing on October 15, 2020 (Exhibit Nos. 1 and 2, §§ C.1 through C.3), Planning staff recommends that your Board find that the public health, safety, general welfare, good zoning practice, and consistency with the General Plan justify the proposed zone changes for the subject properties.

PUBLIC AND JURISDICTIONAL REVIEW:

The Planning Division mailed notification of this hearing to property owners within 300 feet of the boundaries of the proposed projects and all interested parties. The notices of hearing for the proposed projects were also published in the *Ventura County Star* (countywide circulation).

To date, the Planning Division has not received any public comments on the proposed projects. Planning Division staff will submit any comments that Planning Division staff receives after publication of this Board letter to your Board at the public hearing on November 17, 2020.

This Board Letter has been reviewed by the County Executive Office, Auditor Controller's Office, and County Counsel. Questions concerning this Board Letter should be directed to Justin Bertoline, Case Planner, at justin.bertoline@ventura.org or (805) 654-2466.



Dave Ward, AICP, Director
Ventura County Planning Division

Attachments:

- Exhibit 1 – Staff Report for PL20-0070 for the October 15, 2020 Planning Commission Hearing
- Exhibit 2 – Staff Report for PL20-0071 for the October 15, 2020 Planning Commission Hearing
- Exhibit 3 – Maps
- Exhibit 4 – Planning Commission PowerPoint Presentation
- Exhibit 5 – Planning Commission Resolution No. 20-13 for PL20-0070
- Exhibit 6 – Planning Commission Resolution No. 20-14 for PL20-0071
- Exhibit 7 – Proposed Ordinance Amendment for PL20-0070 (NCZO § 8118-2.1372)
- Exhibit 8 – Proposed Ordinance Amendment for PL20-0071 (NCZO § 8118-2.1373)