



## Planning Commission Staff Report – Hearing on October 15, 2020

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • [ventura.org/rma/planning](http://ventura.org/rma/planning)

### PARADISE RANCH ZONE CHANGES (CASE NO. PL20-0070)

#### A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of Land Conservation Act (LCA) - related zone changes to rezone 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 lot size) to AE-160 ac (Agricultural Exclusive, 160-acre minimum lot 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 lot size) to AE-40 ac (Agricultural Exclusive, 40-acre minimum lot size) "proposed project".

2. **Applicant/Property Owner:** Andrew Prechtel for Simple Avo – Paradise Ranch, LLC. 335 North Lantana Street #725, Camarillo, CA 93010

3. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (§ 8115-3), the Board of Supervisors is the decision-maker for the requested zone change.

Pursuant to the NCZO (§§ 8115-3.1 and -3.2), the Planning Commission must review the requested zone change. If the Planning Commission recommends approval of the requested zone change, the Planning Commission's recommendation must be forwarded to the Board of Supervisors for its consideration and action. Following a public hearing, the Board of Supervisors may approve, modify or disapprove the Planning Commission's recommendation to approve the requested zone change. However, if the Planning Commission recommends denial of the requested zone change, the Planning Commission's action is final unless an appeal to the Board of Supervisors is filed in accordance with Article 11 of the NCZO.

4. **Project Site Size, Location, and Parcel Number:** The proposed project site is located on Casitas Pass Road, in the Carpinteria area of the unincorporated area of Ventura County. The proposed project site consists of four legal lots that, cumulatively, are 362.96 acres in size. The Tax Assessor's parcel numbers for the parcels that constitute the proposed project site are 008-0-140-105, 008-0-150-025, 008-0-180-735 and 008-0-180-725 (Exhibit 2).

#### 5. Project Site Land Use and Zoning Designations (Exhibit 2):

- a. Countywide General Plan Land Use Map Designation: Open Space

- b. Zoning Designations: OS-160 ac (Open Space, 160-acre minimum lot size) and OS-40 ac (Open Space, 40-acre minimum lot size)

**6. Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	OS-160 ac	National Forest
East	OS-160 ac	Undeveloped land and agricultural crop production
South	OS-40 ac	Undeveloped land and agricultural crop production
West	AE-40 ac	Agricultural crop production

- 7. History:** Planning Division staff researched the permitting and violation history of the subject parcels and determined that the subject property consists of three legal lots as identified by Certificate of Compliance Nos. CC12-02-800 (APN 008-0-140-105), CC12-02-798, -799 and -800 (APN 008-0-150-025) and CC12-02-803 (APN 008-0-180-735) approved by the Ventura County Surveyor on April 11, 2012. The property contains one legal lot as determined by Page 4 of Parcel Map No. 3313, recorded on April 30, 1980 (APN 008-0-180-725). No records of other permits or violations were found.
- 8. Project Description:** The applicant is requesting to rezone the parcels identified as Tax Assessor's Parcel Nos. 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 LCA contract with the County because such contracts are not permitted on property zoned "Open Space". The establishment of an LCA contract requires the creation of a new Agricultural Preserve (AGP 12-16) to include the subject property.

Access to the site is provided by Casitas Pass Road and water is provided by an onsite private water well. The zone change request does not include any proposed development. An aerial photograph of the site is attached as Exhibit 2.

**B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

Pursuant to CEQA (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code of Regs., tit. 14, § 15000 et seq.), the subject application constitutes a "project" that is 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 (Cal. Code of Regs., 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 activities “[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 property to the proposed AE zone will further restrict permitted and conditionally permitted uses allowed on the property. The proposed zone change is not associated with any specific development and does not increase the development potential of the parcel being rezoned. To the contrary, the purpose of the rezone is to make the subject property eligible for an LCA contract which provides participating property owners a property tax incentive to retain the agricultural and open space character and use of the land.

Planning Division staff has determined, and recommends that your Commission find, in making its recommendation to the Board of Supervisors, that the approval of the proposed project is exempt from CEQA review pursuant to CEQA Guidelines section 15061, subdivision (b)(3) because there is no possibility that the proposed zone change may have a significant effect on the environment.

### **C. NCZO AMENDMENT FINDINGS AND SUPPORTING EVIDENCE**

The Ventura County NCZO (Article 15, § 8115-0 et seq.) authorizes the Board of Supervisors 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, the Board of Supervisors must make certain findings in order to amend the NCZO. The Board of Supervisor’s ability to make these required findings is evaluated below for your Commission’s consideration in making its recommendation to the Board.

- 1. The proposed amendment would not be detrimental to the public health, safety or general welfare:** The proposed project is a request to change the zoning designation of the subject parcels from OS-160 ac and OS-40 ac to AE-160 ac and OS-40 ac, respectively, for the purposes of entering into an LCA contract. The current agricultural land uses on the subject property are uses that are compatible with both the OS and AE zoning designation. The proposed project is not associated with any specific development and the approval of the request will not have any significant effect on the environment, nor will it be detrimental to the public health, safety or general welfare.

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

- 2. The proposed amendment represents good zoning practice:** As discussed in Section A (above), the purpose of the proposed zone change is to accommodate a new LCA contract because LCA contracts are not permitted on property zoned

“Open Space.” The purpose of the AE zone is to “*preserve and protect commercial agricultural lands as a limited and irreplaceable resource, to preserve and maintain agriculture as a major industry in Ventura County...*,” which also is the purpose of the Land Conservation Act and the County LCA Program. There are more permitted uses in the OS zone (e.g. camps and campgrounds, golf courses and athletic fields and hazardous waste collection facilities) than in the AE zone and the terms of an LCA contract will impose more stringent land use restrictions than either zone. An LCA contract restricts land uses to those compatible with agriculture such as agricultural sales facilities and farm worker dwellings. Approximately 67 percent (243 acres) of the 362.96-acre project site is in active crop production. The proposed zone change would not impact the agricultural uses of the site and would be consistent with the Ventura County LCA Guidelines.

The proposed zoning designations (AE-160 ac and AE-40 ac) would not create the opportunity for further subdivisions as the project site is not changing the minimum acreage required by the current zoning. The adjacent zoning classifications of the project site include AE-40 ac, OS-40 ac and OS-160 ac. Approval of this proposed zone change would not create any spot zones and is consistent with good zoning practices.

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

**3. The proposed amendment is consistent with the Ventura County General Plan Policies (GPP):**

**GPP Land Use Policy LU-4.2, Zoning Consistency:** *The County shall ensure that zoning designations are consistent with the General Plan Land Use Diagrams (Figures 2-4 and 2-5) and the Zoning Consistency Matrix (Table 2-1). The County shall apply the following factors to determine the appropriate zone classification (from among those consistent with the appropriate land use designation):*

- *Recognizing the desirability of retaining existing land uses and densities on the subject land;*
- *Recognizing the desirability of accommodating anticipated uses on the subject land;*
- *Maintaining continuity with neighboring zoning, land uses and parcel sizes;*
- *Implementing the recommendations of specific zoning and land use studies of the area in question;*
- *Recognizing and addressing the presence and significance of resources and hazards; and*
- *Evaluating the ability to provide public services and facilities.*

**GPP Land Use Policy LU-9.7, Natural Resource Areas Appropriate for the Open Space Land Use Designation:** *The County shall designate areas set aside for managed production of resources as Open Space, including, but not limited to,*

*forest lands, rangeland, agricultural lands not otherwise designated Agricultural; areas required for the recharge of groundwater basins(...)*

**GGP Agricultural Land Preservation Policy AG-1.4, Land Conservation Act Contracts:** The County shall encourage Land Conservation Act (LCA) contracts on irrigated farmlands and Open Space lands.

The proposed project includes a zone change of the subject parcels from OS-160 ac and OS-40 ac to AE-160 ac and OS-40 ac, respectively, for the purposes of entering into an LCA contract. The subject property is a 362.96-acre irrigated avocado orchard with an Open Space land use designation. The AE zone is a compatible zone within the General Plan "Open Space" designation for the proposed project site. (See General Plan, (Figures 2-4 and 2-5) "Zoning Consistency Matrix; Non-Coastal Zones".)

Thus, based on the above discussion, this finding can be made.

**GPP Circulation, Transportation and Mobility Policy CTM-1.1, Vehicle Miles Traveled (VMT) Standards and CEQA Evaluation:** *The County shall require evaluation of County General Plan land use designation changes, zone changes, and discretionary development for their individual (i.e., project-specific) and cumulative transportation impacts based on Vehicle Miles Traveled (VMT) under the California Environmental Quality Act (CEQA) pursuant to the methodology and thresholds of significance criteria set forth in the County Initial Study Assessment Guidelines.*

**GPP Circulation, Transportation and Mobility Policy CTM-1.4, Level of Service (LOS) Evaluation:** *County General Plan land use designation changes and zone changes shall be evaluated for their individual (i.e., project-specific) and cumulative effects, and discretionary developments shall be evaluated for their individual effects, on Level of Service (LOS) on existing and future roads, to determine whether the project:*

- a. Would cause existing roads within the Regional Road Network or County-maintained roadways that are currently functioning at an acceptable LOS to function below an acceptable LOS;*
- b. Would add traffic to existing roads within the Regional Road Network or County-maintained roadways that are currently functioning below an acceptable LOS; and*
- c. Could cause future roads planned for addition to the Regional Road Network or County maintained roadways to function below an acceptable LOS.*
- d. The Level of Service (LOS) evaluation shall be conducted based on methods established by the County.*

As discussed in Section B (above) approval of the proposed zone change will result in the property rezone from OS to AE, which is a more restrictive zoning

classification. The allowable uses of the AE zone will not cause an increase in traffic or change the current Level of Service (LOS) for the existing road network.

Thus, based on the above discussion, this finding can be made.

Additionally, the Ventura County General Plan sets forth factors that must be considered when determining the appropriate zone for a parcel (Land Use Policy LU-4.2). These factors include:

1. Recognizing the desirability of retaining existing land uses and densities on the subject land;
2. Recognizing the desirability of accommodating anticipated uses on the subject land;
3. Maintaining continuity with neighboring zoning, land uses and parcel sizes;
4. Implementing the recommendations of specific zoning and land use studies of the area in question;
6. Recognizing and addressing the presence and significance of resources and hazards; and evaluating the ability to provide public services and facilities.

Approximately 67 percent (243 acres) of the 362.96-acre project site is in active crop production. The proposed zone change would not impact the agricultural uses of the site or adjoining parcels. The adjacent zoning classifications of the project site include AE-40 ac, OS-160 ac and OS-40 ac.

Thus, based on the above discussion, this finding can be made.

#### **D. PLANNING COMMISSION HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS**

The Planning Division provided notice of the Planning Commission hearing on this matter in accordance with the NCZO (§ 8111-3.1). On October 5, 2020, the public hearing notice was published in the *Ventura County Star* (countywide circulation). On September 30, 2020, the Planning Division also mailed hearing notices to: (1) the applicant/owner of the subject property; (2) owners of properties within a 300-foot radius of the boundaries of the proposed project; and (3) interested parties. As of the date of distribution of this staff report, the Planning Division did not receive any written comments on the proposed project. At the public hearing on this matter, the Planning Division will provide your Commission with any comments that the Planning Division receives after the publication of this staff report.

#### **E. RECOMMENDED ACTIONS**

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

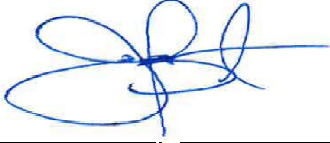
1. **CERTIFY** that your Planning Commission reviewed and considered this staff report and all exhibits hereto regarding the proposed zone changes for Case No. PL20-0070, as described in Section A.8, and considered all comments received during the public comment process;
2. **ADOPT** a resolution recommending that the Board of Supervisors take the following actions:
  - a. **FIND**, on the basis of the entire record and as set forth in Section B of this Planning Commission staff report, that the approval of the proposed zone changes for Case No. PL20-0070 are exempt from 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;
  - b. **FIND**, based on the substantial evidence set forth in Sections A, B and C of the Planning Commission staff report, the public testimony received and the entire record, that the proposed zone changes 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;
  - c. **ADOPT** the attached ordinance 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 lot size) to AE-160 ac (Agricultural Exclusive, 160-acre minimum lot 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 lot size) to AE-40 ac (Agricultural Exclusive, 40-acre minimum lot size ("proposed project")). (Exhibit 3), effective 30 days after adoption; and
3. **SPECIFY** that the Clerk of the Planning Commission 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 this decision is based.

**F. OTHER PUBLIC HEARINGS**

If the Planning Commission recommends approval of the requested zone changes, the Planning Division intends to schedule Case No. PL20-0070 for a public hearing before the Board of Supervisors on Tuesday, November 17 at 11:30 a.m. in the Board of Supervisors Hearing Room, Administration Building, 800 South Victoria Avenue, Ventura, California.

If you have any questions concerning the information presented above, please contact Justin Bertoline at (805) 654-2466 or [justin.bertoline@ventura.org](mailto:justin.bertoline@ventura.org).

Prepared by:



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Justin Bertoline, Case Planner  
Commercial/Industrial Permits Section  
Ventura County Planning Division

Reviewed by:



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Mindy Fogg, Manager  
Commercial/Industrial Permits Section  
Ventura County Planning Division



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Dave Ward, AICP  
Planning Director  
Ventura County Planning Division

#### EXHIBITS

- Exhibit 2 – Maps
- Exhibit 3 – Proposed Ordinance Amendment