



Planning Commission Staff Report-Hearing on October 7, 2021

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • www.vcrma.org/divisions/planning

NOBLE RANCH ZONE CHANGES (CASE NO. PL20-0075)

A. PROJECT INFORMATION

1. **Request:** The applicant requests a zone change to rezone the parcel identified as Tax Assessor's Parcel No. (APN) 108-0-121-080 from OS-160 ac (Open Space, 160-acre minimum lot size) to AE-160 ac (Agricultural Exclusive, 160-acre minimum lot size) "proposed project". This rezone is necessary as part of the applicant's request for a Land Conservation Act (LCA) contract.
2. **Applicant/Property Owner:** Dennis and Xiaoyu Noble – Noble Ranch, 10195 Stockton Road, Moorpark, CA 93021
3. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (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 160.01-acre project site is located at 10195 Stockton Road in Moorpark, near the intersection of Stockton Lane and Stockton Court, in the unincorporated area of Ventura County. The APN number for the parcel that constitute the project site is 108-0-121-080 and 108-0-170-050 (Exhibit 2).
5. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Designation: Open Space and Agricultural
 - c. Zoning Designation: OS-160 ac/MRP (Open Space, 160 acre minimum lot size, Mineral Resource Protection), AE-40 ac/MRP (Agricultural Exclusive 40 acre minimum, Mineral Resource Protection), AE-40 ac (Agricultural Exclusive 40 acre minimum), and OS-160 ac (Open Space 160 acre minimum).

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	OS-160 ac/MRP (Open Space 160-acre minimum, Mineral Resource Protection)	Vacant Land
East	OS-160 ac (Open Space 160 acre minimum)	Agricultural Farm (chicken houses)
South	OS-20 ac (Open space 20 acre minimum)	Single-Family Residence
West	AE-160 ac/MRP (Agricultural Exclusive 160 acre minimum)	Single-Family Residence, Farmworker dwelling, and Agricultural (horse keeping)

- 7. History:** Planning Division staff researched the permitting and violation history of the subject parcel and determined that the existing structures are permitted and the property consisting of 160.01-acres (APN 108-0-121-080 and 108-0-170-050) is one legal lot previously identified as (APN 108-0-121-060) with a legal lot determination (LLD 0363) dated October 24, 2002 which determined that the lot was created by a deed recorded on August 7, 1952 in Book 1082, Page 92 of Official Records, prior to regulation by the Subdivision Map Act.

- 8. Project Description:** The Applicant is requesting to rezone the parcel identified as APN 108-0-121-080 from OS-160 ac to AE-160 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 requires the expansion of an existing Agricultural Preserve (AGP 51-21) to include the entirety of the subject property.

Access to the site is provided by Stockton Road and water service is provided by Ventura County Waterworks District 1. The zone change request does not include any proposed development. An aerial photograph of the site is attached in Exhibit 2.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

Pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, Section 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, Section 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 change 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 on the parcel being rezoned, since the minimum parcel is 160 acres and the subject parcel is 161 acres. 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 parcel from OS-160 ac to AE-160 ac, 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 proposed 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 53 percent (85.18 acres) of the 160.01-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 designation (AE-160 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-160 ac, 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 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 northwest portion of the subject parcel from OS-160 ac to AE-160 ac for the purposes of entering into an LCA contract. The subject property is a 160.01-acre lot with 85.18 acres of irrigated orchards with a portion of the property designated as Open Space. The AE zone is a compatible zone

within the General Plan “Open Space” designation for the proposed project site. (See General Plan, Land Use and Community Character Element (Figures 2-1 and 2-4) “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 stated in Section B (above) the general rule exemption set forth in the CEQA Guidelines (Cal. Code of Regs., tit. 14, Section 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. Additionally, the approval of the proposed zone change would result in rezoning the property from OS to AE, which is a more restrictive zoning classification and no development is proposed. 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 53 percent (85.18 acres) of the 160.01-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-160 ac, 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 public notice regarding the Planning Commission hearing in accordance with the Government Code (Section 65091), Ventura County NCZO (Section 8111-3.1). On September 22, 2021, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On September 27, 2021, the Planning Division placed a legal ad in the *Ventura County Star*. As of the date of this document, no comments have been received.

E. 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 your Planning Commission reviewed and considered this staff report and all exhibits hereto regarding the proposed zone change for Case No. PL20-0075, 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 change for Case No. PL20-0075 is 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 change is consistent with the Goals, Policies and Programs of the Ventura County General Plan and good zoning practices and is in the interest of public health, safety or general welfare;
 - c. **ADOPT** the attached ordinance rezoning the parcel identified as Tax Assessor's Parcel Nos.108-0-121-080 from OS-160 ac (Open Space, 160-acre minimum lot size) to AE-160 ac (Agricultural Exclusive, 160-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 change, the Planning Division intends to schedule Case No. PL20-0075 for a public hearing before the Board of Supervisors on Tuesday, November 9, 2021 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 Angela Georgeff at (805) 654-5097 or angela.georgeff@ventura.org.

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EXHIBITS¹

- Exhibit 2 Maps
- Exhibit 3 Proposed Ordinance Amendment

¹ Within the Board of Supervisors letter, this Planning Commission staff report will be included as Exhibit 1.