

county of ventura

December 11, 2012

Board of Supervisors
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Adoption of Resolution to Accept California Coastal Commission Modifications to County Coastal Zoning Ordinance (CZO), ZN12-0002, Text Amendments

Recommended Actions:

1. **CERTIFY** that your Board has independently reviewed and considered this CZO and Local Coastal Plan (LCP) amendment matter and the record properly presented to this Board on this matter;
2. **APPROVE and ADOPT** the attached Resolution acknowledging receipt of, accepting, and approving the California Coastal Commission's resolution of certification and suggested modifications (LCP Amendment No. MAJ-2-12 (Phase I Update)) to Coastal Zoning Ordinance text amendment ZN12-0002;
3. **DIRECT** RMA-Planning Director or her designee to transmit your Board's Resolution to the Executive Director of the California Coastal Commission for a legal adequacy determination before the Coastal Commission's final certification order on this CZO and LCP text amendment; and
4. **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 this decision is based.

Fiscal/Mandate Impact:

This item has no immediate fiscal impact on the County General Fund, nor does it involve any Federal or State mandates or modify any local mandates.

Discussion:

A. Initial Board Action on CZO Text Amendments

On July 31, 2012, your Board approved amendments to the Ventura County Coastal Zoning Ordinance (CZO), including minor revisions to the language, organization and format of the CZO that are intended to help coastal residents and businesses more clearly understand County regulations that may affect development on private land located within the Coastal Zone. The amendments



included changes to address grammatical, typographical, and punctuation errors throughout the ordinance, changes to ordinance language that clarify existing regulations, updates to local regulations required for consistency with changes to federal or State laws or standards, and minor policy changes throughout the ordinance to address changes in technology and County procedures. Your Board's action was subsequently transmitted to the California Coastal Commission (CCC) for its review and certification pursuant to Public Resources Code section 30514, title 14, California Code of Regulations, §§ 13542 and 13544, and CZO section 8184-5.2.

B. California Coastal Commission Action on CZO Text Amendments

At its November 15, 2012 hearing, the CCC approved the proposed County text amendments to the CZO/LCP with three suggested modifications:

1. Editorial notes: Remove the term "editorial note" "explanatory note" and "editor's note" from several footnotes, incorporate those editorial notes into the ordinance as official certified text within the CZO;
2. References in Land Use Matrix: The land use matrix has been restructured and reorganized to clarify and correctly identify where exemptions and categorical exclusions to the coastal development permit may apply as well as provide cross-references to the applicable exemption criteria to reflect relevant provisions of the Coastal Act, Coastal Commission regulations, and the County's certified Categorical Exclusion Order. Three typographical errors were found in the land use matrix indicating an incorrect section of the CZO and more specific language was added regarding appeals of "Planned Development Permit, Principally-Permitted" land uses to be consistent with the Public Resources Section 30603(a); and
3. Definition of "lot": Reject the County's proposed amendments to the definition of "lot," which were intended to clarify the way the term is currently applied in the CZO.

Exhibit 1 shows the suggested CCC modifications in ~~double-strikeout~~/underline format. For the sake of simplicity and clarity, Exhibit 1 only features the changes to the County Coastal Zoning Ordinance in legislative format and does not include those portions of the CZO that are not being altered or amended. This paper-saving approach is still compliant with County Administrative Policy Manual, Chapter II-11, Rule 25.

RMA-Planning Staff has reviewed the CCC's suggested modifications and has determined that they do not affect the meaning or intent of the CZO and as such agrees with the typographical corrections and to remove reference to editorial notes. Staff does not oppose the Coastal Commission's changes to the term "lot",

which were originally proposed in the CZO amendment by staff to clarify the way the term is currently applied in the Coastal Zone. Removing the additional language added to the definition of "lot" does not affect the regulatory meaning of the term or its enforceability. Further, the definition of the term "lot" will now be a subject of review and possible change as part of Phase 2 of the CZO amendment project, which is funded through the Coastal Impact Assistance Program.

C. Proposed Board Action on CZO Text Amendments Following Coastal Commission's Resolution of Certification.

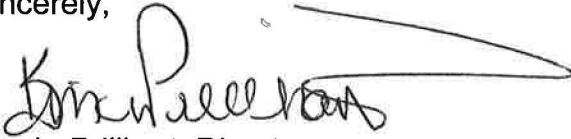
Your Board has the option of taking one of the three following actions:

1. Reject the suggested CCC modifications entirely. A revised CZO amendment would not be submitted to the California Coastal Commission, and none of the CZO amendments adopted by your Board at its July 31, 2012 hearing would become certified and effective;
2. Change the suggested CCC modifications, or approve only a portion of the modifications. This would require the County to revise its submitted amendments and thus start the CZO amendment approval process over in order for the CZO amendments to be certified.
3. Approve all of the suggested CCC modifications. A revised CZO amendment would be submitted to the California Coastal Commission's Executive Director, who must determine that your Board's actions are legally adequate per Public Resources Code section 30514 and title 14, California Code of Regulations, §§ 13542 and 13544, and submit the determination to the CCC for their concurrence. If the Executive Director finds your Board's actions legally adequate and the CCC concurs with this finding, the revised CZO amendments adopted by your Board at its December 11, 2012 hearing would become certified and effective. This is primarily a procedural requirement, and if your Board accepts all the suggested CCC modifications, Planning Division staff has no reason to believe that the CZO amendments will not be certified and thus effective.

Given the minor nature of the modifications suggested by the CCC, the Planning Division strongly recommends that your Board approve the CCC's modifications as proposed (Option 3 above). This would allow the CZO amendments, adopted unanimously by your Board at its July 31, 2012 meeting, to be certified by the California Coastal Commission and take effect in the Coastal Zone. Should your Board approve the proposed modifications, it is anticipated that they would be presented to the California Coastal Commission for its final certification at its January or February 2013 meeting.

This item was reviewed by the County Executive Office, the Auditor-Controller's Office and County Counsel. If you have any questions regarding this item, please contact me at (805) 654-2481 or Rosemary Rowan at (805) 654-2461.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Prillhart", with a long horizontal flourish extending to the right.

Kim L. Prillhart, Director
Ventura County Planning Division

Attachments:

- Resolution Accepting Coastal Commission Modifications
Ordinance for Adoption as Revised
- Exhibit 1: California Coastal Commission Proposed Modifications
- Exhibit 2: Coastal Commission Action Letter (dated November 20, 2012)
Coastal Commission Staff Report (dated November 1, 2012)
- Exhibit 3: Ordinance 4451 adopted on July 31, 2012