



July 26, 2022

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

**SUBJECT: Second Reading and Public Hearing Regarding Adoption of the Proposed Ordinance Repealing and Reenacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, Beginning at Section 1360, Addressing the Regulation of the County's Cultural Heritage; and Find that Adoption of the Ordinance is Exempt from the California Environmental Quality Act ("CEQA"); All Supervisorial Districts.**

**RECOMMENDED ACTIONS:**

1. **CERTIFY** that the Board of Supervisors has reviewed and considered this Board letter and the July 12, 2022 Board letter (Exhibit 1) and all exhibits thereto and has considered all comments received during the public comment process;
2. **FIND** on the basis of the entire record and as set forth in this Board letter and the July 12, 2022 Board letter (Exhibit 1) that the adoption of the proposed ordinance (Exhibit 3) repealing and reenacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing the regulation of the County's cultural heritage, is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the project may cause a significant effect on the environment, and CEQA Guidelines section 15308 because the ordinance consists of regulations intended to benefit the environment, and that no substantial evidence exists precluding the use of the categorical exemption based on the presence of unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2;
3. **FIND** based on the substantial evidence set forth in the July 12, 2022 Board letter (Exhibit 1), any public testimony received, and the entire record that the proposed ordinance repealing and reenacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, is consistent with the Goals, Policies and Programs of the Ventura County General Plan and good planning practice and is in the interest of public health, safety, or general welfare;

4. **ADOPT** the proposed ordinance (Exhibit 3) repealing and reenacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing the regulation of the County's cultural heritage;
5. **DIRECT** the Clerk of the Board to publish the ordinance with the names of the members of your Board voting for and against it within 15 days in accordance with subdivision (a) of Section 25124 of the Government Code; and
6. **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.

**FISCAL/MANDATES IMPACTS:**

Mandated: No  
Source of Funding: General Fund  
Funding Match Required: None  
Impact on Other Departments: None

A portion of this work effort was funded by a \$5,000 grant from the State Historic Preservation Office in FY2020-21 as well as Planning Division staff time in FY 2021-22 and FY 2022-23. The remaining recommended actions can be completed with existing staff and within the FY 2022-23 Planning Division budget allocations. Implementing the recommended actions is expected to take an additional 80 hours of staff time and is included in the Planning Division's adopted budget. This time will be used to complete post-adoption tasks such as codification of the approved ordinance, revising procedures and forms, and training of Planning Division staff.

<b>FY 2022-23 Budget Projection for Planning – Division 2910</b>				
	Adopted Budget	Adjusted Budget	Projected Actual	Estimated Savings/(Deficit)
Appropriations	\$ 10,382,005	\$ 10,382,005	\$ 10,382,005	\$ -
Revenue	\$ 5,195,406	\$ 5,195,406	\$ 5,195,406	\$ -
Net Cost	\$ 5,186,599	\$ 5,186,599	\$ 5,186,599	\$ -

**DISCUSSION:**

At the first reading of the proposed ordinance on July 12, 2022, your Board set this ordinance for a second reading and adoption hearing on July 26, 2022 at 1:30 p.m. During the first reading, your Board opened the public hearing, received Planning staff's presentation on the proposed amendments to the ordinance and public comments, directed County Counsel to prepare a summary of the proposed ordinance, and directed the Clerk of the Board to publish the ordinance. The materials presented to your Board at the July 12, 2022, hearing are attached hereto as Exhibits 1, 2, 3, and 4.

The proposed amendments to the Cultural Heritage Ordinance will modernize the existing ordinance, last updated in 2000. It will also clarify review procedures for ministerial projects proposed on County Cultural Heritage Sites to incorporate best practices. These amendments include minor revisions to restructure/reformat the ordinance, the addition of new definitions and terminology commonly used in the field of historic preservation, a list of preservation incentives available, and, finally, clarification of the County's process for reviewing land use projects at designated and eligible historic properties. Since the restructuring and reformatting affects many sections of the ordinance and tracking changes would be difficult, the repeal and replace action in this Board letter was selected to provide clarity to the public and your Board. In addition, in response to your Board's previous direction on February 1, 2022, the proposed amendments revise the method of appointing the two At-Large members of the Cultural Heritage Board.

The proposed ordinance, if adopted, would become effective and operative on August 25, 2022.

#### **ENVIRONMENTAL REVIEW:**

Planning Division staff has determined, and recommends that your Board find, that the adoption of the proposed ordinance, which would repeal Ordinance No. 4225 and reenact provisions of that ordinance with modifications, is exempt from CEQA review pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility the proposed ordinance will cause a significant effect on the environment, and CEQA Guidelines section 15308 (Actions by Regulatory Agencies for the Protection of the Environment) as an action taken by a regulatory agency to ensure the "maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." Today's actions qualify under these provisions because the proposed ordinance seeks to clarify and promote more effective implementation of County regulations to protect cultural resources.

Planning Division staff has also determined, and recommends that your Board also find, that no substantial evidence exists precluding the use of the above categorical exemption based on the presence of unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2.

#### **PUBLIC NOTICE:**

The Planning Division provided public notice regarding this Board of Supervisors hearing. A one-eighth page notice of the hearing, along with a summary of the ordinance was published in English in the *Ventura County Star* on July 19, 2022 and in Spanish in the *Vida Newspaper* on July 14, 2022.

This letter was reviewed by the County Executive Office, the Auditor-Controller's Office, and County Counsel's Office. If you have any questions regarding this item, please contact me at (805) 654-2481, or Tricia Maier, Planning Programs Manager, at (805) 654-2464 or via email at [Tricia.Maier@ventura.org](mailto:Tricia.Maier@ventura.org) or Dillan Murray, Project Planner, at (805) 654-5042 or via email at [Dillan.Murray@ventura.org](mailto:Dillan.Murray@ventura.org).



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Dave Ward, AICP, Director  
Ventura County Planning Division

**ATTACHMENTS:**

- Exhibit 1: Board of Supervisors Board Letter and all exhibits thereto, dated July 12, 2022
- Exhibit 2: Legislative version of the proposed Ventura County Cultural Heritage Ordinance
- Exhibit 3: Clean version of the proposed Ventura County Cultural Heritage Ordinance
- Exhibit 4: Board of Supervisors PowerPoint Presentation, dated July 12, 2022