

March 15, 2005 (Agenda)

Board of Supervisors
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Proposed Amendments to Non-Coastal Zoning Ordinance to Implement Results of Rural Tourism Grant Project

Recommended Actions:

1. **FIND**, on the basis of the Negative Declaration (including the Initial Study, attached thereto) and any comments received and responses given, that there is no substantial evidence that the project will have a significant effect on the environment; and
2. **CERTIFY** that your Board has read and considered the information contained therein, and that it reflects the independent judgment of the County; and
3. **APPROVE** the attached Negative Declaration (Exhibit "4"); and
4. **FIND**, based on the evidence presented in this staff report and at the public hearing, that the proposed Non-Coastal Zoning Ordinance amendments as recommended by the Planning Commission (Exhibit "9") are in the interests of public health, safety, or general welfare and good zoning practice pursuant to Non-Coastal Zoning Ordinance Section 8115; and
5. **APPROVE** the proposed amendments to the Non-Coastal Zoning Ordinance as recommended by the Planning Commission and modified by County Counsel, and **ADOPT** the attached Final Non-Coastal Ordinance (Exhibit "10") approving Zoning Ordinance Amendment ZO-0014.

Fiscal Impacts/Mandates:

There is no fiscal impact associated with the recommended action.

Discussion:

The proposed amendments to the Non-Coastal Zoning Ordinance were developed under a federal grant received from the Economic Development Administration of the Department of Commerce. Staff prepared draft amendments, which were presented to the Rural Tourism Advisory Committee. The Committee comprised representatives from the farming community, civic organizations, and the supervisors' offices (please see Exhibit "5" for a list of the members). The Committee reviewed and revised the draft amendments, developing a set of final recommendations.

Your Board reviewed and considered these draft amendments and final recommendations at two previous meetings, on July 27 and November 9, 2004. Comments and recommendations made by your Board at these

meetings were incorporated into the amendments. The Planning Commission considered these amendments at its meeting of February 24, 2005 (see Exhibit "1"). The Commission recommended further changes for clarification purposes and they do not alter the intent or regulatory effect of the amendments. The new wording recommended by the Planning Commission is shown in Exhibit "8". After the Planning Commission action and based upon Planning Commission deliberations, County Counsel suggested clarifying language for Section 8107-43.2, the requirement that Bed and Breakfast Inns must be operated by the owner/occupant (Section A-1-b below). The clarifying language for Section 8107-43.2 was added to better reflect your Board's goal of having the Bed & Breakfast Inns operated by the same person or persons who own and occupy the land upon which the Bed & Breakfast Inn is located.

The revised wording is shown below, in legislative format.

Sec. 8107-43.2 – Operator, Owner and /Occupant. In areas zoned Open Space or Agricultural Exclusive, Boarding Houses and Bed and Breakfast Inns must be operated by the ~~owner/occupant of same person or family who owns and occupies~~ the property on which they are located.

The Planning Commission's recommended Final Non-Coastal Zoning Ordinance amendments, as clarified by County Counsel, are shown in Legislative format in Exhibit "9" and in Final form in Exhibit "10".

Proposed Amendments:

A. Overnight Accommodations

1. Bed and Breakfast.

- a. Current Status. Bed-and-Breakfast Inns (B&Bs) are currently allowed in the Agricultural Exclusive (AE) and Open Space (OS) zones only if they are on Cultural Heritage sites.
- b. Recommended Amendments. Bed-and-Breakfast Inns would be allowed in the AE and OS zones, with a Conditional Use Permit from the Planning Commission, subject to the following requirements:
 - 1) The B&B must be operated by the same person or family who owns and occupies the property on which it is located.
 - 2) In the OS zone, B&Bs may only be located on property that is in agricultural production.

In addition, the definition of Bed-and-Breakfast Inns has been revised to bring it into conformance with State regulations regarding Farm stays or agricultural home stays.

2. Retreats.

- a. Current Status. Retreats are now allowed in the Open Space (OS), Rural Agricultural (RA), and Rural Exclusive (RE) zones. Retreats are required to be operated by a non-profit organization.
- b. Recommended Amendment. Delete the requirement that retreats be operated by a non-profit organization.

3. Camps.

- a. Current Status. Camps are currently allowed in the RA and RE zones, but not in the AE and OS zones.
- b. Recommended Amendments. Camps would be allowed in the OS but not the AE zone. A Conditional Use Permit from the Planning Commission would be required.
 - 1) The definition of "Camps" would be amended to require a structured program of outdoor and nature oriented activities. The "Camps" use would include guest ranches, including working ranches with a guest ranch component.
 - 2) Camps would be allowed in the OS zone only if the property is in agricultural production.
 - 3) There would be a minimum site size of 50 acres in the OS zone.
 - 4) There would be an overnight population limit of 0.25 guests and staff per acre, with an absolute limit of 250 people overnight. There would be a daily population limit of 0.5 guests and staff per acre, with an absolute limit of 500 people, except for special events, as allowed by the Conditional Use Permit.

The population limits are not applicable to employees of working ranches/farms who are engaged solely in working ranch activities. For an employee who is engaged in both working ranch/farm and camp activities, the employee shall count as 0.5 staff.
 - 5) Current regulations limit structures for overnight accommodations to 200 square feet per overnight guests and staff. All other roofed structures or buildings are limited to 100 square feet per daily on-site population.

A provision would be added stating that the square footage limits are not applicable to buildings of working ranches/farms which are used solely for working ranch activities.

There would be a maximum limit of 25,000 square feet for a single building, and 50,000 square feet for all buildings combined. For buildings that are used for both working ranch/farm and camp activities, one-half of the building's area shall count against the camp limits.
 - 6) To address the issue of the use of motorized vehicles, there would be a requirement that the project description cover transportation to and from and within the site, including the types of vehicles and road and trail locations.
 - 7) The existing requirement that 60% of the total site remain in its natural state or be landscaped, would be revised to require that 60% of the total site remain in its natural state or be in agriculture. The requirement that only passive recreational uses be allowed would be deleted.

B. Structures and Facilities

1. Botanic Gardens and Arboreta.

- a. Current Status. Botanic gardens and arboreta are currently allowed only in the Commercial Planned Development (CPD) zone.

- b. Recommended Amendments. These uses would be allowed in the OS zone, with a Conditional Use Permit from the Planning Commission.
 - 1) A definition for Botanic Gardens and Arboreta would be added to the appropriate section.
 - 2) The minimum permit area in the OS zone would be 50 acres. There would be no minimum permit area in the CPD zone. A minimum of 80% of the area must be planted.
 - 3) Botanic Gardens would be limited to one gift shop per site, with a maximum area of 1,000 square feet. Items sold in the gift shop would be limited to plant related items, except that up to 20% of the inventory could be pre-prepared snack items.
 - 4) Roofed structures would be limited to 500 square feet per acre, with a maximum limit of 25,000 square feet. Types of structures would be limited to information centers/kiosks, administrative offices, restrooms, a gift shop, and maintenance/storage facilities. These limitations would not apply to hothouses/greenhouses.
 - 5) Specific regulations would require that the design and landscaping of botanic gardens and arboreta minimize impact on natural habitats and prevent the spread of invasive species.

C. Activities and Events

1. Festivals and Similar Events, Temporary Outdoor.

- a. Current Status. "Festivals and Similar Events, Temporary Outdoor" are allowed in the AE and OS zones with a Conditional Use Permit from the Planning Director. Based on the definition of "temporary," festivals could occur for up to 30 calendar days, but this limit could be extended through the conditions of the use permit.
- b. Recommended Amendments. The definition of Festivals and Similar Events would be revised slightly to include such events as harvest festivals, historic re-enactments, and weddings. In addition, the 30-day limit per calendar year would become fixed, so that it would no longer be possible to allow additional days through CUP permit conditions.

D. Sign Ordinance Revision

1. Attached signs in the AE, OS, and R zones.

- a. Current Status. The sign regulations limit attached signs in the AE, OS, and R zones to a maximum area of 20 square feet. While this standard is appropriate in most situations, there are cases where, for example, an agricultural packing house may have a wall length of 100 feet or more. On this wall surface, a 20 square foot sign would be disproportionately small.

- b. Recommended Amendments. Attached signs could have an area of one square foot per two linear feet of wall length, applicable to principal structures related to agriculture (except for shade/mist structures). The Planning Director could approve additional sign area up to 120 square feet, as part of a complete Sign Program for the site.

Planning Commission Hearing:

The Planning Commission held a public hearing on February 24, 2005. Three members of the public spoke at the hearing; Craig Underwood of Underwood Ranch and Tierra Rejada Farms, Tim Cohen of Rancho Temescal and the Heritage Valley Tourism Bureau, and Rex Laird of the Farm Bureau. All three of the speakers were members of the Rural Tourism Advisory Committee. In addition, Ms. Shirley Spitler, President of the Heritage Valley Tourism Bureau, submitted a statement card.

Mr. Underwood emphasized the importance of the income obtained through these activities, in helping his farm operations remain profitable. He requested that the Planning Commission make three changes to the amendments.

1. Delete the requirement that B&Bs in the AE and OS zone be operated by the owner/occupant.
2. Delete the requirement that B&Bs and Camps located in the OS zone be in agricultural production.
3. Delete the requirement that "Festivals, Animal Events and Similar Events, Temporary Outdoor" be limited to 30 calendar days per year.

Mr. Underwood noted that, based on his experience with obtaining a Conditional Use Permit for Agricultural Promotional Uses, the controls available through this process were sufficient to address any problems that might arise with individual projects. Mr. Cohen, of Rancho Temescal, and Mr. Laird, of the Ventura County Farm Bureau and co-chair of the Rural Tourism Advisory Committee, concurred with the recommendations listed by Mr. Underwood.

During and after the public hearing, Commissioners stated their concern about the potential impact of some activities, specifically citing the use of motorized off-road vehicles, that might occur in connection with B&Bs and Camps/Guest Ranches. To address this issue, an additional Specific Regulation, Section 8107-17.12, was proposed and it states as follows:

"The Camp facility project description shall address transportation to and from and within the project site, including the types of vehicles, and road and trail locations."

The Commissioners also recommended revised wording to clarify how a buildings' square footage and the employees' time, respectively, shall be applied to the regulatory limits on overall, allowable square footage and camp population. Finally the Commissioners revised the wording of the regulations designed to prevent impacts from Botanic Gardens on adjacent natural habitats. These regulations were reworded to make them more understandable.

Commissioners expressed concern about Environmental Health regulations that would or might require B&Bs and Guest Ranches to be connected to a sewer system or package treatment plant. Commissioner Bartels pointed out that the ability of local farmers to initiate agritourism uses would be significantly restricted by this requirement.

Staff has reviewed this issue with Environmental Health staff, who have provided the following information.

The Los Angeles Regional Water Quality Control Board (Regional Board) is the governmental agency with regulatory responsibility over the disposal of sewage in Ventura

County. The Regional Board through a Memorandum of Understanding approved by the Board of Supervisors allows the Environmental Health Division oversight authority for the siting, design, and installation of on-site sewage disposal systems (septic systems) in Ventura County through enforcement of the County Building Code. These requirements were adopted by the Board of Supervisors to protect public health, the environment, and groundwater supplies from sewage contamination. Additional requirements for on-site sewage disposal systems are set forth in the Ventura County Sewer Policy, Ventura County General Plan, and the Los Angeles Regional Water Quality Control Board Basin Plan.

The design standards for on-site sewage disposal systems adopted by the Board of Supervisors are specific to the type and volume of sewage generated from a single-family dwelling. Regional Board staff have indicated that sewage generated from commercial developments, including commercial kitchens that may be constructed as a result of this ordinance amendment, will require a level of treatment beyond what septic systems can provide.

In the fall of 2005, the Environmental Health Division will present to your Board an analysis of the State regulations currently under development for the design, installation, and monitoring of on-site sewage disposal systems; and requirements for on-site waste water treatment systems (advanced treatment systems).

In addition to the sewage issue raised by Commissioner Bartels, Environmental Health staff wanted to alert your Board that the type of development that may result from the proposed ordinance amendments will likely require a water supply conforming with State drinking water standards and permitted by the State Department of Health Services.

The Planning Commission voted 3-0 to approve the recommended amendments, revised as suggested by the Commission. The Commissioners recognized the points made by the speakers related to the three specific changes they requested. However, the Commissioners pointed out that their role is to interpret the regulations, not to make policy, and that the decision on these matters should be left to your Board.

Public Review:

A one-eighth page legal notice of the Board of Supervisors public hearing was published on March 5, 2005 in the Ventura County Star. Prior to the Planning Commission hearing, staff received two letters, from the Heritage Valley Tourist Bureau and the Santa Paula Chamber of Commerce. These are attached as Exhibits "6" and "7."

This item has been reviewed by the Auditor-Controller, County Counsel and the County Executive Office. If you have any questions concerning this report, please contact me at extension 2481 or Deborah Millais at extension 5037.

Christopher Stephens
Planning Director

Attachments:

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- Exhibit "1" Planning Commission Staff Report from Planning Commission meeting of February 24, 2005.
- Exhibit "2" Proposed Amendments, Legislative Format
- Exhibit "3" Proposed Amendments, Final Format
- Exhibit "4" Negative Declaration
- Exhibit "5" Committee Membership
- Exhibit "6" Letter from Heritage Valley Tourism Bureau
- Exhibit "7" Letter from Santa Paula Chamber of Commerce
- Exhibit "8" Planning Commission Resolution
- Exhibit "9" Planning Commission Recommended Amendments, Legislative Format
- Exhibit "10" Final Non-Coastal Ordinance for Adoption