

VENTURA COUNTY PLANNING COMMISSION HANDBOOK



Last Revised in August, 2010

Planning Commission Handbook
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COUNTY PLANNING COMMISSION

Authority

The State Planning Act of 1937 and the State Government Code, (Planning and Zoning Law, Division 1, Chapter 3, Article 1, Section 65100) authorizes the legislative body of each county and city to establish a planning agency and a planning commission by ordinance. As a result, on June 13, 1939, the Ventura County Board of Supervisors adopted Ordinance No. 334 creating the Ventura County Planning Commission. Section 65101 provides that a planning commission shall have a minimum of five (5) and members.

Section 65103 requires that the planning agency (Board of Supervisors, Planning Commission and/or Planning Department) shall perform all of the following functions:

- A. "Prepare, periodically review and revise as necessary the General Plan.
- B. Implement the general plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances.
- C. Annually review the capital improvement program of the city or county and the local public works projects of other local agencies for their consistency with the general plan.
- D. Endeavor to promote public interest in, comment on, and understanding of the general plan and regulations relating to it.
- E. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens generally concerning the implementation of the general plan.
- F. Promote the coordination of local plans and programs with the plans and programs of other public agencies.
- G. Perform other functions as a legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title."

Additionally, as required by State law, the planning agency is required to review and act upon subdivision maps in accordance with procedures set forth in State law, including making findings that the subdivision is consistent with the adopted general plan.

Background and Purpose

Planning Commissioners are appointees who do not necessarily have a background in planning or related areas, but many have had some relevant experience. The Commissioners do not have a staff, but instead rely upon members of various County agencies for information. The Planning Division of the Resource Management Agency plays the principal role in this regard. The Director of the Planning Division serves as the Secretary of the Planning Commission, scheduling items for hearings, carrying out directives from the Commission, providing information and recommending appropriate courses of action. The philosophy behind the relationship of the Commission and the Planning Division staff is that the staff provides legal, technical and professional information and evaluations, but the Planning Commission adds to the staff recommendations the view of the ordinary citizen as to how the County will be developed and maintained.

On legislative matters, including amendments to the General Plan, amendments to the Zoning and Subdivision Ordinances, changes of zone, and adoption or amendment of Specific Plans and Development Agreements, the Commission performs as an advisory agency to the Board. The Commission conducts public hearings, considers the proposals and the information presented by the Planning Division staff, applicants, and members of the public, and reviews the recommendations of the staff. The Planning Commission then makes a formal recommendation to the Board as to the action which the Commission feels is most appropriate. Under State law, final action for these matters must be made by the Board.

However, State law allows certain functions to be delegated to the Commission by the Board of Supervisors. It is in the area of administering the Zoning Ordinance that the Commission acts as a quasi-judiciary body. The Planning Commission has the authority to grant or deny requests for Conditional Use Permits, Residential Planned Development Permits and Zoning Variances. Also, the Commission acts as an appeal body for administrative actions of the Planning Director. Any action of the Commission may be appealed to the Board within ten days. If there is no appeal, the decision of the Commission becomes final.

Meetings and Membership

The Commission meets as needed on Thursday at 8:30 a.m. in the Board of Supervisors' hearing room in the Government Center. All meetings are open to the public. In accordance with County Ordinance Number 334, each Supervisor nominates a lay member of the public to represent that supervisorial district on the Commission and the appointment is confirmed by the Board. Since there are five (5) members of the Board of Supervisors, there are also five (5) Planning Commissioners. Appointments are for four (4) years or for the completion of their Supervisor's term of office, whichever occurs first.

Rules Governing the Conduct of Meetings

As provided by State law, on February 24, 1976, the Board of Supervisors by Resolution adopted rules for the conduct of zoning and planning hearings for itself and the Planning Commission. The rules set forth the standards of conduct regarding continuances, agenda priorities, presentation of evidence and decision-making.

These rules are necessary due to the constantly increasing complexity of land use matters and because of court interpretations. The rules govern the conduct of all land use hearings, including, but not limited to, zone changes, subdivisions, variances, conditional use and other permit applications and appeals. Appendix A provides a complete copy of the Board Resolution, including an explanatory cover letter from the County Counsel. Appendix B is a general summary prepared by the Planning Division specifically for the Planning Commission "*Public Hearing Procedures and Guidelines.*"

In addition, the general conduct of meetings is governed by the Brown Act. A helpful summary of the Brown Act is available from the County Counsel's Office.

Bylaws

After being established by Ordinance No. 334, June 13, 1939, bylaws were adopted and have been revised periodically. The Bylaws set out the requirements for the officers, meetings, quorum and voting rules, the Order of Business, committees as needed, minutes, the scope of activity, etc. (See Appendix C).

ADVISORY BODIES TO THE PLANNING PROCESS

Environmental Quality Advisory Committee (EQAC)

The County Administrative Supplement to the State Guidelines for the implementation of the California Environmental Quality Act (CEQA) created EQAC. The primary purpose of this Committee is to oversee the administration of the County's program for the implementation of CEQA. In addition, EQAC is responsible for the following:

1. Making recommendations to the Board regarding any changes to the County supplement that are found necessary as a result of new legislation, court action, local experience, or other reasons.
2. Approving procedures and provisions developed by staff agencies for their internal use as specified by the Administrative Supplement.

The Committee meets on an as-needed basis, and consists of three members: the Chief Executive Officer, the Director of the Public Works Agency, and the Director of the Resource Management Agency. The Planning Division acts as staff to EQAC.

Agricultural Policy Advisory Committee (APAC)

This Committee was authorized by the Board of Supervisors on August 31, 1976, and is responsible for reviewing, processing and making recommendations to the Planning Director, Planning Commission and Board of Supervisors on agricultural matters. In addition to its general review authority, this Committee specifically reviews and makes recommendations on applications for Land Conservation Act contracts and attendant permits.

The membership is comprised of representatives of the farming community appointed by the Board of Supervisors (1 per Supervisor). The Agricultural Commissioner and Farm Advisor are ex officio members of this committee. In July 1996, the responsibility for staffing this committee was transferred from the Planning Division to the Agricultural Commissioner's Office.

El Rio Municipal Advisory Council (MAC)

Created by resolution of the Board of Supervisors on May 6, 1975, the Council is authorized to "review matters of public health, safety, welfare, public works, and

planning, including significant environmental reports, that relate to the Council area.” The Council is advisory to the Board of Supervisors for the subject matters.

The El Rio Municipal Advisory Council (MAC) is composed of nine members, representing each of the nine neighborhoods in the "El Rio/Nyeland Acres/Strickland community." The appointments are made by the 5th District Supervisor with concurrence of the Board of Supervisors, based upon recommendations of the citizens in the area. The terms of the appointments are four years. Unlike the other MACs, alternate Council members are also appointed.

Oak Park Municipal Advisory Council (MAC)

The Oak Park MAC was created by resolution of the Board of Supervisors on June 3, 1975, and subsequently amended on March 9, 1976. The duties of the Oak Park MAC are identical to those of the El Rio MAC.

Five members are elected from the Council area by district, and serve four-year terms.

Ojai Valley Municipal Advisory Council (MAC)

The Ojai Valley MAC, originally formed as the Ventura River Valley MAC, was created by resolution of the Board of Supervisors on July 23, 1974, and subsequently amended on several occasions (the last in the mid-1990's to add the east Ojai Valley. Its powers are likewise identical to those of the El Rio and Oak Park MACs.

The Ojai Valley MAC is divided into five geographic divisions for election purposes, and the Council is composed of one member elected from each of the five divisions. Terms of the representatives are four years.

Piru Neighborhood Council

This organization differs from other advisory committees in that it was not formed by action of the Board of Supervisors. The original Piru Neighborhood Council was formed February 1, 1975, to facilitate coordination between the residents of Piru and the County to deal with sewer installation and hookups to the treatment plant system. The Council was incorporated on February 1, 1977. Membership is extended to all residents of Piru, including the surrounding community area. Officers of the Council are elected by the membership. The Council also operates the Community Center. Land use entitlements and general planning issues affecting the Piru Sphere of Interest are referred to the Neighborhood Council, as it constitutes a public review forum. The Council reviews and comments upon these items, but without a specific charge from the Board of Supervisors. The Council also coordinates with the County regarding filming activities within the community.

Illegal Land Division Advisory Agency

This committee acts as the hearing body for challenges to determinations as to whether parcels have been illegally subdivided. The committee consists of the County Surveyor, Planning Director, and RMA Enforcement Officer. Decisions of this committee are not appealable to either the Planning Commission or the Board of Supervisors.

THE PLANNING FRAMEWORK IN VENTURA COUNTY

Overview of State Planning Laws

"The legal basis for land-use and planning regulations is the police power of the city and county to protect the public health, safety and welfare of its residents." (Curtin, California Land Use and Planning Law, 1989, p. 1). More specifically, the legal basis for land use planning and regulation is derived from the Federal and State Constitutions, and laws enacted by the State.

The specific planning framework for cities and counties rests upon four primary state legislative supports: general plan, zoning, subdivision and environmental laws. Other significant laws include those governing air quality, water quantity and quality, mineral resources, endangered species, agricultural land conservation, cultural and historic resources, coastal resources, earthquake and geologic hazards, fire hazards, hazardous materials and waste, noise, annexations, housing, nuisances, outdoor advertising, transportation/congestion management, waste treatment and disposal, public utilities, school facilities, etc.

The General Plan

Since 1947, counties and general law cities have been required to have a General Plan. Section 65300 of the California Government Code states; "Each planning agency shall prepare, and the legislative body of each county and city shall adopt, a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning." Further, as stated in Section 65300.5 of the Government Code, it is the intent of the State Legislature "that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency." Specifically, the General Plan must include the following elements: land use, circulation, housing, conservation, open space, noise and safety. Optional elements can include any other topic related to the physical development of the County that the Board of Supervisors wishes, and can be organized in any format as long as the State requirements are met.

The Board of Supervisors adopted a comprehensive update to the County General Plan on May 24, 1988. Ventura County has found that preparing a General Plan in the form of separate "elements" creates a General Plan which is disjointed, awkward to use, and redundant. Furthermore, much of the General Plan consists of background information and data which is necessary for the understanding of the subject matter and serves as justification for specific goals, policies and programs, but is generally not needed for the day-to-day administration and implementation of the General Plan's goals, policies, and

programs. Lastly, because Ventura County is so large and diverse, it is impossible to prepare a single, countywide General Plan of sufficient detail to cover all areas adequately.

Because of these concerns, Ventura County has formatted its General Plan in a manner that is logical and usable, while meeting the requirements of the Government Code. Specifically, the County General Plan consists of:

- Countywide *Goals, Policies and Programs* containing four chapters (Resources, Hazards, Land Use, and Public Facilities and Services),
- Four Appendices (Resources, Hazards, Land Use, and Public Facilities and Services) which contain background information and data in support of the Countywide *Goals, Policies and Programs*, and
- Several Area Plans which contain specific goals, policies and programs for specific geographical areas of the County. The adopted Area Plans are as follows:

Ahmanson Ranch Area Plan
Coastal Area Plan
El Rio/Del Norte Area Plan
Lake Sherwood/Hidden Valley Area Plan
North Ventura Avenue Area Plan
Oak Park Area Plan
Ojai Valley Area Plan
Piru Area Plan
Saticoy Area Plan
Thousand Oaks Area Plan

In accordance with State law, all other local laws and actions by a local agency must be consistent with the local general plan.

By reference, the General Plan includes the “*Guidelines for Orderly Development.*” First adopted in 1969, these guidelines have been used to maintain the consistent theme that urban development should be located within cities. The overarching general policy of the guidelines reads, “Urban development should occur, whenever and wherever practical, within incorporated cities which exist to provide a full range of municipal services and are responsible for urban land use planning.” This general policy is supported by more specific policies regarding development within city Spheres of Influence and Areas of Interest. A complete copy of the guidelines is included in Appendix D.

In 1998, Ventura County voters passed a ballot measure establishing the “Save Open Space and Agricultural Resources (SOAR) ordinance. Stated simply, this ordinance requires that a change in the general plan land use designation from Agricultural, Open Space or Rural to a more development-intensive designation must be approved by the

voters. Appendix E includes the complete text of the general plan provisions of the SOAR ordinance.

The Zoning Ordinance

The zoning authority of cities and counties is derived from the State Constitution and the California Government Code. Allowable regulations cited in State Zoning Law include:

- (a) Regulate the use of buildings, structures and land as between industry, business, residents, and other purposes;
- (b) Regulate signs and billboards;
- (c) Regulate location, height, bulk, number of stories and size of buildings and structures; the size and use of lots, yards, courts and other open spaces; the percentage of a lot that may be occupied by a building or structure; the intensity of land use;
- (d) Establish requirements for off-street parking and loading;
- (e) Establish and maintain building setback lines;
- (f) Create civic districts around civic centers, public parks, public buildings or public grounds and establish regulations therefore.

Furthermore, the County is authorized to divide the unincorporated area into zones of the number, shape and area that it decides are best suited to carry out State Zoning Law. In Ventura County, the zoning responsibilities are carried out through a Non-Coastal Zoning Ordinance and a Coastal Zoning Ordinance. The administrative zoning functions of the Planning Division are described briefly later in this report.

Subdivision Regulation

California first adopted the Subdivision Map Act in 1907 and has substantially revised it since that time. The law was created to encourage orderly community development and to prevent fraud in real estate dealings. The Ventura County Board of Supervisors has also adopted a local Subdivision Ordinance (Sec. 8201 et seq). The Ordinance ensures appropriate subdivision standards, such as lot design and street patterns are met, and basic services such as drinkable water and proper access are provided. It also guarantees that areas dedicated to the public are properly improved so as not to become an undue burden upon the general taxpayer.

A wide variety of projects are regulated by the State Subdivision Map Act and the County's Subdivision Ordinance. In addition to the common perception of subdivisions

as “lot splits,” the Act and Ordinance regulate tract maps, parcel maps, lot line adjustments, large lot subdivisions, lot mergers, determination of legal/illegal lot status and remedies for illegally created lots. These are discussed in more detail below in “Land Use Actions and Entitlements.”

Important issues in considering dividing land include (but are not limited to):

- (a) Consistency of the request with the County General Plan and Zoning requirements;
- (b) Compliance with County design and layout standards;
- (c) The presence of sufficient water quantity and quality for domestic use and fire protection;
- (d) The presence of a sewer system or the suitability of the site for septic systems;
- (e) The suitability of the site’s topography for development and location of geological hazards such as earthquake faults and landslides;
- (f) Compatibility of the project with nearby existing and proposed land use; and
- (g) Identification of environmental impacts due to the proposed project.

Environmental Review

In 1970 the California Environmental Quality Act (CEQA) was enacted by the State legislature. CEQA declares that it is the State's intent "to develop and maintain a high quality environment now and in the future, and to take all action necessary to protect, rehabilitate and enhance the environmental quality of the State" (Sec. 21001). The Act requires Ventura County to identify the significant impacts of projects on the environment, and to show how the significant impacts can be mitigated.

The State Resources Agency has adopted guidelines for the implementation of CEQA. These CEQA Guidelines contain procedures for the orderly evaluation of projects and the preparation of environmental documents (e.g., Initial Studies, Negative Declarations (ND), Mitigated Negative Declarations (MND), and Environmental Impact Reports (EIR).

Ventura County has adopted its own Administrative Supplement to the State CEQA Guidelines. Per State law, the Administrative Supplement includes objectives, criteria and specific procedures for the County to use in its administration of CEQA. The Supplement establishes procedures for conducting Initial Studies, preparing draft and final environmental documents, responding to comments, filing of documents and providing time periods for performing functions under CEQA.

Land Use Actions and Entitlements

The State Planning and Zoning Law, State Subdivision Map Act and other State laws, County Ordinance Codes, and County Environmental Guidelines, etc. all set down finite rules and regulations that define the land use process for Ventura County. The Planning Division processes approximately 1,800 permits per year. Almost 1,500 of these permits are “ministerial” and do not require a public hearing. Most of the remaining permits require public hearings before the Planning Director (or his designee). Some require action by the Planning Commission while still fewer require action by the Board of Supervisors. The following is a description of each of the major actions (all code section references are to the Ventura County *Non-Coastal Zoning Ordinance* unless otherwise noted).

General Plans and Amendments. The General Plan is the comprehensive, long-term plan that shapes the physical development of the County. The General Plan consists of goals, policies and programs that guide development. The last comprehensive update of the General Plan was completed in 1988. Amendments are periodically necessary to keep them current and reflective of present values, conditions and policies. There may be no more than four amendments per year (Government Code Sec. 65358), although any given amendment may contain a number of separate components.

Ordinance Text Amendments. The revision or deletion of existing sections, or the addition of new sections to the Coastal or Non-Coastal Zoning Ordinances or Subdivision Code requires an ordinance amendment acted on by the Planning Commission and Board of Supervisors.

Zone Changes. These entitlements consist of a change in the zoning designation for a particular piece of property. There are numerous zones within the County, and each is designed to allow and control certain land uses which would be compatible with the physical characteristics of the land, the surrounding land uses, and general plans (Sec. 8115-1). State law requires zoning to be consistent with the General Plan. If an applicant desires a change in zone that is not considered to be consistent with the existing general plan land use designation, the zone change would require a companion General Plan amendment. Zone changes require the approval of both the Planning Commission and the Board of Supervisors.

Subdivisions. A subdivision is any division of land into two or more legal parcels. Specifically, a division of land into four or fewer lots (with some exceptions) is a Parcel Map; a division of land into five or more lots (with some exceptions) is a Tentative Tract Map (County Subdivision Ordinance Sec. 8200). Parcel Map Waivers regulate Lot Line Adjustments, Lot Mergers and Large Lot Subdivisions (County Subdivision Ordinance Sec. 8211). Most subdivisions require approval by the Planning Director or the Planning Commission.

Conditional Use Permits. This entitlement is for a land use which is not necessarily compatible with other uses within a zone, but which can be made compatible through the design and conditioning of the use. The design is regulated through the

determination and application of conditions with which the use must comply. CUPs are not allowed as a matter of right (Sec. 8111-1.2.1.b) and require a public hearing before being approved. Most CUP's are approved by the Planning Director or the Planning Commission.

Planned Development Permits. These permits allow for the review of residential, commercial and industrial land uses normally allowed by right to ensure that the design and operation of the land use will be compatible with surrounding land uses. These are also subject to plan review and appropriate conditions (Sec. 8111-1.2.1.a). Most PD's are approved by the Planning Director or the Planning Commission.

Variance. A variance is a permitted deviation from a numeric standard in the code, such as setbacks, height, lot coverage, lot area and width, signs, off-street parking, landscaping and walls, fencing and screening standards. Variances cannot authorize a use that the Zoning Ordinance does not already authorize. "The sole purpose of any variance shall be to enable a property owner to make reasonable use of his or her property in the manner in which other property of like character in the same vicinity and zone can be used." (Sec. 8111-1.2.2.1) "Before any variance may be granted, the applicant must establish, and the decision-making authority must determine, that all of the following standards are met:

- (1) That there are special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography, location or surroundings, which do not apply generally to comparable properties in the same vicinity and zone; and
- (2) That granting the requested variance will not confer a special privilege inconsistent with the limitations upon other properties in the same vicinity and zone; and
- (3) That strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations; and
- (4) That the granting of such variance will not be detrimental to the public health, safety or general welfare, nor to the use, enjoyment or valuation of neighboring properties."

It is issued only in cases of practical difficulty or hardship related to the physical aspects of the property when the intent and purpose of those requirements will still be complied with. A variance requires approval of either the Planning Director (Administrative Variance), if the applicant requires relief to the applicable standard to the degree of 20% or less, or the Planning Commission in all other cases (Sec. 8111-1.2.2.2). In addition to variances to the Zoning Ordinance, applications for General Plan variances may also be processed. General Plan variances must meet the same standards and require Planning Commission review and approval.

Zoning Clearances. The issuance of a zoning clearance is a ministerial action at the Public Counter indicating that the specified land use is in conformance with the County Zoning Ordinance (and by extension the General Plan). Such a clearance is required prior to the start up of uses of land or the building of structures, including any activity authorized by a permit or subdivision. (Sec. 8111-1.1.1).

Tree Permit. Applicable to the alteration, felling or removal of protected trees. Some protected trees (e.g. oaks, sycamores) require permits in all zones, while other species (e.g. alder or maple) require permits only within specific zones, such as the Scenic Resource Protection Overlay Zone. There are both ministerial and discretionary tree permits, both of which require Planning Director approval (Sec. 8107-25).

Major and Minor Modifications. These are discretionary actions that authorize the modification of existing permits. If the modification is not considered a substantial or fundamental change, it will be processed through a Permit Adjustment or Minor Modification and acted upon by the Planning Director. A substantial modification is processed through a Major Modification and must be acted upon by the decision-making authority that approved the original permit (Sec. 8111-6).

Emergency Use Authorization. This is a Planning Director permit to allow immediate initiation of a proposed land use. Such a permit is rarely issued and can only be authorized in an emergency situation where delay would be detrimental to the health, safety, life or property of the applicant or the public. They are valid only for 180 days (Sec. 8111-2.1.1.c) and the normally-required permit must have been applied for.

Conditional Certificate of Compliance. A document and special parcel map that legalizes an illegally created lot for purposes of subsequent sale, lease, or finance. A "CC of C" identifies the conditions that must be met prior to any development of the lot. A "CC of C" is processed by the Planning Division and recorded in the County Recorder's Office. The process is similar to that of a subdivision map (Ca. Subdivision Map Act, Sec. 66499.35).

Summary of Project Processing Procedures

All the land use entitlements cited above are subject to the process described below (except Emergency Use Authorization's, Zoning Clearances, legal lot determinations, time extensions, temporary uses, film permits and tree permits).

Step 1 – Pre-submittal Process. The pre-submittal process takes two forms. First, an applicant appears at the Planning Division's public counter and discusses the proposed project with the pre-submittal planner and is informed of the general process, potential flaws in the proposal and suggestions regarding which County departments and agencies may have concerns regarding the proposed project. Application forms and

general processing and timing information are provided. The second process is more formalized with the applicant filling out a pre-submittal application form, submitting a site plan, elevations, or additional related materials, and paying a deposit. The pre-submittal application is reviewed in detail by a case planner and a written reply is provided to the applicant regarding site history, General Plan, Area Plan, summary of data base information, zoning designation(s) and other information collected (including GIS data layers) as part of the project analysis. Pre-submittal discussions are regularly required where permits are required to correct violations/

Step 2 – Formal Application Submittal. At this time, the applicant submits a fee, a completed application form, Environmental Assessment Form, Pre-Submittal letter, fee reimbursement agreement, site plans, elevations, cross-sections (as applicable), all required technical data reports, and any additional information as required by the Planning Division or as requested by other County departments / agencies. This application material is reviewed only to determine if all requested information is included, and not to determine if the material is adequate for processing.

Step 3 – Case Distribution. The case planner assigned to the project distributes an application package to appropriate review agencies indicated on the Distribution List. This distribution can include adjacent cities, potentially affected special districts, State and Federal agencies. Reviewing departments and agencies that respond, must indicate whether the application is “complete” and transmit their CEQA Initial Study comments (where applicable) and recommended conditions of approval. . Within the 30 days of receipt of the case or resubmittal of new information, the applicant must be notified whether his application is complete or incomplete. Should the application be deemed “incomplete” the reviewing agency must provide information to the applicant giving specifics as to what is required which will make the application complete for processing. If the application is determined to be incomplete for processing, the case planner advises the applicant in writing. The applicant has up to 180 days to resubmit the requested information. Once resubmitted, the case planner resubmits the new information to the affected County departments and agencies for their second review. This process of resubmitting applicants revised materials continues until the application is deemed “complete”.

Step 4 – New Case Committee: Initial Review. During the initial 30-day review period (which begins once the application is deemed complete), the application is scheduled for review at the twice-weekly New Case Committee meeting. At this meeting the case planner briefly states the essential characteristics of the project, and discloses any outstanding problems for management direction. After discussing the application, the New Case Committee sometimes determines whether the project is exempt from the California Environmental Quality Act (CEQA), or if an Initial Study should be conducted to determine the appropriate environmental document to be prepared.

Step 5 – Conducting Initial Studies. Upon direction by the New Case Committee, the case planner will conduct an Initial Study of the project. The method of conducting this Initial Study will include referencing all existing maps and technical documents dealing

with environmental factors in Ventura County. The primary source documents used to conduct the Initial Study analysis is the County of Ventura Administrative Supplement to State CEQA Guidelines and the Ventura County Initial Study Assessment Guidelines. The Initial Study process starts after the project has been determined to be complete.

Step 6 – Application Completeness and Environmental Determination. After completion of the Initial study, the case planner reviews the findings of the Initial Study, the recommended conditions identified by the support departments and agencies and the evaluation of application completeness with a Section Manager. Based upon the findings the Section Manager may direct the matter be brought to the New Case Committee to determine if the application requires a Negative Declaration (or Mitigated Declaration) to be prepared and processed, or if the application may have significant environmental impacts and requires an Environmental Impact Report (EIR).

Step 7 – Public Hearing. Most land use entitlement applications require a public hearing before the Planning Director, Planning Commission or Board of Supervisors. Prior to a Planning Director’s hearing the case planner prepares the public CEQA documents, draft conditions of approval (no staff report) and displays all applicable exhibits considered for approval. Prior to hearings before the Planning Commission or Board of Supervisors, a staff report, exhibits, draft conditions and public CEQA documents are prepared and sent to the decision body in advance of the public hearing. All public hearings notices are published in the newspaper and mailed to surrounding property owners within 300 ft. radius of the subject site at least 10 days prior to the hearing. CEQA documents are posted with the County Clerk either 20, 30 or 45 days in advance of the public hearing as required by the status of the project.

Step 8 – Case Close Out and Time Accounting. All work on an applicant’s application is billable. Following the decision regarding an application, the case planner notifies the applicant of the decision and advises what actions are required prior to the issuance of a zoning clearance. At the time of case close out certain documents are

scanned for electronic storage, and a memo is sent to Administrative Services so that a final billing can be provided to the applicant.

Step 9 – Final Approval and Recordation. For certain projects, the applicant is required to fulfill particular conditions before final approval to initiate the use or effectuate the land division. Specific conditions may also have to be fulfilled prior to the issuance of a Zoning clearance, a Building Permit or Occupancy Permit by Building & Safety, and/or final map recordation. All applicants must record a “Notice of Land Use Entitlement” to advise future buyers of the property.

All land divisions take effect only after the recordation of a final map or map waiver. Except for final recordation of parcel map waivers, (approved by the Planning Division), final recordation of land divisions is the responsibility of the Public Works Agency.

The steps outlined above are summarized in the flow chart attached as Appendix F.

Planning Director Hearing

For applications requiring Planning Director approval, the Planning Director Hearing constitutes the final public hearing. Applications approved by the Planning Director (or his/her designee) typically include Parcel Map Waivers, Parcel Maps, Conditional Certificates of Compliance, Coastal and Non-Coastal Planned Development Permits and most Conditional Use Permits.

Legal notices announcing the hearing are published in a newspaper of general circulation, sent to property owners within 300 feet of the application boundary and all interested parties. Hearings are generally conducted by the case planner, and following the meeting the Planning Director approves or denies the project and imposes any necessary conditions. Decisions of the Planning Director are appealable to the Planning Commission.

For applications which must be decided by the Planning Commission or Board of Supervisors, the Planning Director Hearing serves as a “prehearing meeting” to enable staff, the applicant and any interested parties to discuss the conditions which have been prepared by staff prior to the final public hearing before the Planning Commission and/or Board of Supervisors. No decision on approval or denial of applications is made at the meeting, nor is a legal notice published or sent for prehearing meetings.

Planning Division Organization

The Planning Division is within the County’s Resource Management Agency (RMA). Other line divisions within RMA include the Building & Safety Division, the Environmental Health Division, and the Division of Weights & Measures. The Planning Division itself is divided into five sections; these include the General Plans, Commercial/Industrial Permits, Residential Permits, Zoning Administration/Code Enforcement, and Regional Programs Sections. The functions and primary activities of each section are described below.

General Plans Section

This section is primarily responsible for the administration of the County’s General Plan. Specific activities in this area include staffing the general plan amendment screening process, the processing of general plan amendments, preparation of the state-required general plan annual report, preparing general plan updates, preparing and processing Area Plan amendments and updates, and providing public information.

Other areas of responsibility for the general plans section include administration of housing programs, conducting environmental reviews for CDBG programs, census data management and the preparation of population, housing and employment forecasts, and coordinating County review of outside environmental documents.

Commercial/Industrial Permits Section

This section processes permits for commercial, industrial and other non-residential uses. Primary land use entitlements associated with this activity include conditional use permits, planned development permits, variances and major and minor modifications. In addition to the land use entitlement, the permit planner is responsible for the preparation of the associated environmental documents. Notable permits processed through this section include permits for mining operations and solid waste disposal.

Other areas of responsibility for this section include the processing and issuance of tree permits, the review of landscape plans, and the processing of film permits.

Residential Permits Section

This section processes requests for permits related to residential uses. Primary land use entitlements associated with this activity include conditional use permits, planned development permits, variances and major and minor modifications. In addition to the land use entitlement, the permit planner is responsible for the preparation of the associated environmental documents. There are often subdivision issues associated with residential projects. As such, this section is also responsible for processing new subdivisions, tract maps and parcel maps, and making determinations as to mergers and illegal land divisions. As with the permit activities, these actions also have associated environmental documents.

Other areas of responsibility for this section include administration of the Land Conservation Act program, Legal Lot Determinations, and presubmittal reviews (process where those considering submitting a full application can obtain a preliminary review of their project so that issues can be identified very early in the process).

Zoning Administration/Code Enforcement Section

The primary function of this section is to enforce the provisions of the zoning ordinance. These “code enforcement” activities involve responding to citizen complaints, and where a violation is confirmed to exist, initiating and carrying out the administrative process established to bring about compliance with the zoning ordinance. The code enforcement staff does not actively look for violations but rather respond to written complaints. In addition, this section is responsible for our “condition compliance program.” This program consists of pro-actively reviewing active permits, and conducting project reviews and site visits, to determine if all permit conditions are being complied with.

Other areas of responsibility for this section include local administration of the Surface Mining and Reclamation Act (SMARA) program, as well as the operation of the division’s Public Counter.

Regional Programs Section

This section is responsible for administering and coordinating the division's grant-funded programs as well as a number of other countywide or regional programs. Current grant-funded programs include preparation of growth visioning scenarios, a livable communities incentives system, and a transit/mixed-use strategies report. The section's largest grant-funded program at this time is a study of wetlands/watersheds in Ventura County and developing proposals for further protection of these resources.

Other areas of responsibility for this section include staffing for the Cultural Heritage Board and the Mobile Home Rent Review Board, as well as work toward the establishment of an Open Space District and the administration of the County's greenbelt agreements.

APPENDICES

- A. Resolution Adopting Procedures for the Conduct of Land Use Hearings
- B. Public Hearing Guidelines and Procedures
- C. Planning Commission Bylaws
- D. Guidelines for Orderly Development
- E. SOAR Ordinance Provisions of the General Plan
- F. The Discretionary Permit Process

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CITY COUNSEL

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COUNTY COUNSEL

COURTHOUSE
VENTURA, CALIFORNIA 93001
TELEPHONE (805) 648-6131

February 24, 1976

Board of Supervisors
County of Ventura
501 Poli Street
Ventura, California 93001

Re: Procedural Rules for the Conduct of Land Use
Hearings

Gentlemen:

California Government Code section 65804 requires that local agencies "develop and publish procedural rules for [the] conduct of their [zoning and planning] hearings so that all interested parties shall have advance knowledge of procedures to be followed" in such hearings. The ideal method of complying with this requirement would be to completely update, revise and consolidate Articles 43 and 44 and all other sections in Division 8 of the Ventura County Ordinance Code which address the subject of land use hearings. Recognizing, however, that budgetary and manpower limitations would not allow such comprehensive revisions at this time, we have prepared the attached resolution as an alternate measure to clarify and supplement existing Code provisions.

In order to determine the procedures most commonly employed in land use hearings throughout the State, we contacted all California counties and some cities. The majority of those jurisdictions contacted responded with copies of pertinent ordinances and resolutions or letters explaining their procedures. (Respondents included the cities of Thousand Oaks, Oxnard, Simi Valley and Los Angeles; and the counties of Amador, Contra Costa, Fresno, Glenn, Humboldt, Imperial, Kings, Lake, Los Angeles, Modoc, Napa, Orange, Placer, Plumas, Riverside, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou,

Solano, Tehama, Tulare, Tuolumne, Yolo, and Yuba.)

The attached resolution represents an attempt to compile, refine and adapt for use by the Board of Supervisors and Planning Commission the primary procedural rules observed in land use hearings throughout the State, while ensuring compliance with all applicable statutory and judicial requirements. Upon adoption, the resolution would govern the conduct of all land use hearings before the Planning Commission and the Board of Supervisors. Other County officers and committees occasionally holding land use related hearings (e.g., ERRC on CEQA issues or the Planning Director on Administrative Clearances) could pattern their procedures after those set forth in the resolution where feasible.

It is recommended that the Board of Supervisors adopt the attached resolution regulating procedures for the conduct of hearings on land use matters.

Sincerely,

DOROTHY L. SCHECHTER, County Counsel

By R. Thomas Harris
R. THOMAS HARRIS
Assistant County Counsel

DLS:RTH:lf
Attachment

cc: Lin Koester
Victor Husbands

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF VENTURA ADOPTING PROCEDURES FOR THE
CONDUCT OF HEARINGS ON LAND USE MATTERS BEFORE
THE PLANNING COMMISSION AND THE BOARD OF
SUPERVISORS

No. 222 / 240

WHEREAS, California Government Code section 65804 requires that the County develop and publish procedural rules for the conduct of zoning and planning hearings so that all interested parties shall have advance knowledge of procedures to be followed in such hearings; and

WHEREAS, California Government Code sections 65901 and 65902 authorize the adoption of all rules and procedures necessary or convenient for the conduct of variance, conditional use and other permit hearings before a planning commission performing the functions of a board of zoning adjustment; and

WHEREAS, California Government Code sections 65903 and 65904 authorize the Board of Supervisors to provide by ordinance its procedures for determining appeals from variance, conditional use and other permit hearings; and

WHEREAS, the Board of Supervisors has provided certain procedures for appeals from Planning Commission actions on zone change, variance, conditional use and other permit applications and administrative decisions in Division 8, Chapter 1, Articles 43 and 44 of the Ventura County Ordinance Code; and

WHEREAS, the Board of Supervisors has provided for certain applications and appeals on subdivision matters to be heard before the Planning Commission and the Board of Supervisors in Division 8, Chapter 2 of the Ventura County Ordinance Code; and

WHEREAS, procedures for the organization and conduct of business by the Ventura County Planning Commission have been established in the "Bylaws of the Ventura County Planning Commission," adopted on October 23, 1968; and

WHEREAS, because of the increasing complexity of land use matters coming before the Board of Supervisors and Planning Commission and because of recent judicial interpretations regarding legal requirements imposed upon hearing bodies in land use matters, it has become necessary for the conduct of an orderly and legally sufficient land use review process to supplement existing ordinance and bylaw provisions regarding the conduct of hearings before the Planning Commission and the Board of Supervisors in land use matters; and

WHEREAS, pursuant to the requirements of the aforesaid sections of the California Government Code and consistent with the provisions of the aforesaid Articles of the Ventura County Ordinance Code, the Board of Supervisors desires to specify the procedural rules which shall govern the conduct of hearings on all land use matters, including but not limited to zone changes, subdivision requests,

variance, conditional use and other permit applications, and appeals of administrative decisions;

NOW, THEREFORE, BE IT RESOLVED that the following procedural rules shall, insofar as consistent with applicable State laws and County ordinances, govern the conduct of all land use hearings before the Planning Commission and Board of Supervisors of Ventura County:

A. CONTINUANCES, PRIORITY AND COMBINATION OF HEARINGS

1. Continuances: When more than one item has been set for hearing at a particular time, the Chairman, at the time set for such hearings, shall inquire of the Planning Division staff and the audience as to whether continuances are being requested on any of such items, and may order the hearing on any such item to be continued to a specified date and time; provided, however, that upon request of any member of the hearing body, continuance decisions shall be made by roll call vote of all members present.

Priority: It shall be the policy in land use hearings to take up those items first which are of interest to the greatest number of persons present. When more than one item has been set for hearing at a particular time, the Chairman, at the time set for such hearings, shall ascertain the number of persons present on each item, and may direct

that such items be heard in an order different from that specified on the hearing body's agenda; provided, however, that upon request of any member of the hearing body, decisions as to the priority of items shall be made by roll call vote of all members present.

3. Combination of Agenda Items: At the discretion of the Chairman, matters set for hearing at the same hour may be heard and considered together and decided by one combined motion provided that (a) no member of the hearing body objects to such combination, (b) there is no one present to present public testimony on any of the matters to be combined, (c) a written staff report has been prepared and filed for each of the matters to be combined, and (d) all of the matters involve the same type of land use action (e.g., zone changes or Land Conservation Act contracts). A separate resolution shall be prepared for each matter decided by any such combined motion.

B. PRESENTATION OF EVIDENCE

1. Recording: All hearings on land use matters shall be recorded by electronic device. Any person desiring to have a hearing recorded by a stenographic reporter at his own expense may do so, provided that he consults the hearing body's secretary or clerk to arrange facilities for such

reporting prior to commencement of the hearing and advises the clerk or secretary of the full name and business address and telephone number of the reporter being used.

2. Statement of Legal Principles: The Chairman of the hearing body may, in his discretion, request that the County Counsel make a brief statement of applicable legal principles and requirements for the information of members of the audience or hearing body prior to the opening of the hearing. The statement may include a summary of the statutory and judicial requirements applicable to the hearing body's decision on the specific type of land use matter (e.g., conditional use permit, variance, etc.) to be heard.

3. Order of Procedure: Unless the Chairman in his discretion shall direct otherwise, the order for presentation of evidence on particular land use items shall be as follows:

- a. Presentation of staff report;
- b. Presentation of applicant or appellant;
- c. Presentations of persons in favor of requested action;
- d. Presentations of persons in opposition to requested action;
- e. Rebuttals;
- f. Closing comments by staff.

4. Swearing of Witnesses: Witnesses will not ordinarily be sworn unless a specific request therefor is made and granted prior to the taking of any testimony. The Chairman may, upon request of any member of the hearing body or advice of County Counsel, require that all witnesses be sworn before giving testimony in a particular matter. Witnesses may be sworn as a group prior to the presentation of the staff report.

5. Rules of Evidence: The hearing need not be conducted according to technical judicial rules of evidence, but statutory and judicial rules regarding inferences and presumptions in civil litigation shall be applicable. Any relevant evidence may be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The Chairman may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings while ensuring basic fairness and a full airing of the issues involved. Evidentiary objections shall be waived unless timely made to the hearing body.

6. Burden of Proof: The burden of proof of all legal prerequisites to the granting of the relief or action sought shall be upon the party requesting such relief or action.

7. Exhibits and Staff Reports:

- a. Subject to the conditions stated below, all exhibits, including documentary materials such as photographs, slides, drawings, maps, charts, letters, petitions and other physical evidence presented at a land use hearing shall be retained in the Planning Division file as part of the record of the hearing.
- b. All exhibits presented to the hearing body will be marked for purposes of identification. Exhibits presented by County staff personnel will be marked in order numerically. Exhibits presented by persons other than County staff personnel will be marked in order alphabetically. Each exhibit shall also be marked so as to indicate the number of the case, the date upon which it is presented, and the name of the person by whom it is presented.
- c. Any written staff report presented to the hearing body shall be marked as "Exhibit 1" and shall be made available to the public prior to, or at the beginning of, the hearing.
- d. Any staff exhibit (e.g., a general plan or

- area map) which has been or will be used in other land use hearings need not be retained in a particular case file, but shall be preserved by the Planning Division for future reference and a notation indicating its location shall be made in the case file in any matter in which it has been used.
- e. Scale models and other physical exhibits which cannot be conveniently retained in case files may be photographed at the expense of, and then released to, the person submitting them. The photograph shall be entered in the file in place of the original exhibit, and a notation shall be made on the photograph as to where the original exhibit may be located.
 - f. Any person referring to an exhibit during testimony shall indicate the number or letter designation assigned to such exhibit.
 - g. Upon timely objection in nonlegislative hearings, petitions and letters signed by persons not present at the hearing for questioning as to their contents shall be received by the hearing body only for the limited purpose of showing the names of the persons protesting or supporting the action under consideration.

8. Oral Evidence: Any person desiring to speak must first be recognized by the Chairman. All comments must be made clearly and distinctly into a microphone, and all speakers must first state their full names and addresses and the names of any persons in whose behalf they are appearing.

9. Time Limits and Number of Witnesses: In order to expedite the conduct of the hearing, the Chairman may limit the amount of time which a person may use in addressing the hearing body. The Chairman may also limit the number of speakers or amount of testimony upon a particular issue in order to avoid repetitious and cumulative evidence. Except when necessary for immediate clarification of a particular point, no person shall be allowed to speak a second time until all others wishing to speak have had an opportunity to do so.

10. Questioning of Speakers: Any person desiring to direct a question to a speaker or staff member shall submit the question to the Chairman, who shall determine whether the question is relevant to the subject of the hearing and whether or not it need be answered by the speaker or staff member. Direct questioning of speakers or staff members may be allowed at the discretion of the Chairman.

11. Information Obtained Outside Public Hearing:

- a. No member of the hearing body shall, after an application thereon has been filed, solicit or receive evidence outside of the public hearing on a matter for which a public hearing is required by State law or County ordinance; provided, however, that this prohibition shall not apply to procedural aspects of the hearing process or to matters, such as major general plan proposals or amendments to zoning ordinances involving definitions of words or uses in an entire zone, which have broad application throughout the County as distinguished from specific application to individual parcels of property.
- b. Members of the hearing body shall avoid personal contacts, correspondence and telephone calls concerning substantive issues relating to an agenda item outside of the public hearing and shall inform persons contacting them to make their information or objections known at the public hearing.
- c. Any member of the hearing body who has received evidence outside of the public hearing or has viewed the subject property,

or is familiar with the subject property, shall disclose at the hearing such evidence and his observations and familiarity with the property so that all interested persons may be aware of the information upon which he is relying and have an opportunity to respond to such information.

12. Field Investigations: The hearing body may take field trips to view property or for other purposes relevant to the hearing. All field trips shall be taken as part of a regular, adjourned or special meeting of the hearing body, and all interested persons shall be afforded the opportunity to be present to view the property and hear any reports or comments. A record of the field trip shall be entered into the minutes so the hearing record will indicate that the field trip was taken into consideration as evidence.

13. Study Sessions: The hearing body may hold a study session as part of a regular, adjourned or special meeting. When a matter is set for a study session, public testimony may be barred or limited to particular persons at the discretion of the Chairman. Persons speaking at study sessions may be questioned pursuant to Rule B(10), above. Public notice for study sessions on specific matters for which public hearings are anticipated in the future shall be

given in the same manner as that required for public hearings and a record of such study sessions shall be entered into the minutes of any such future public hearings so that the hearing records will indicate whether any information received at the study sessions was taken into consideration as evidence at the subsequent public hearings.

C. DECISION

1. Voting:

- a. Approval of any request or appeal brought before the hearing body shall require the affirmative vote of no less than three of its members.
- b. Voting upon a motion may, at the discretion of the Chairman, and shall, upon request of any member, be by roll call. When voting is not by roll call, the Chairman may, in the absence of objection by any member of the hearing body, declare an item to be unanimously approved.
- c. A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and

execution of all actions recommended in the staff report on file in the matter.

d. A member who is absent from any portion of a hearing conducted by the hearing body may vote on the matter at the time it is acted upon by the hearing body provided that he (1) has listened to the tape recording made of any portion of the hearing from which he was absent, (2) has examined all of the exhibits presented during any portion of the hearing from which he was absent, and (3) states for the record prior to voting that he deems himself to be as familiar with the record and with the evidence presented at the hearing as he would have been had he personally attended the entire hearing.


2. Findings: On any matter for which State laws or County ordinances require the preparation of written findings, the staff report submitted on the matter shall contain findings proposed for adoption by the hearing body. Any motion directly or impliedly rejecting such proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable amount of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the decision which is anticipated.

D. CONSTRUCTION AND EFFECT

1. These procedural rules shall be construed and applied so as to ensure a full and fair hearing of relevant evidence which is offered on a land use matter and to facilitate an orderly analysis of evidence and issues by the hearing body in such matters.

2. Adoption and implementation of these rules shall in no way be construed to constitute a waiver of the provisions of California Government Code section 65801.

Upon motion of Supervisor Flynn,
seconded by Supervisor Grandsen, and duly
carried, the foregoing resolution was adopted on February
24, 1976.


Chairman, Board of Supervisors

ATTEST:

ROBERT L. HAMI, County Clerk,
County of Ventura, State of Cali-
fornia, and ex officio Clerk of
the Board of Supervisors thereof.

By Rebeka Rodriguez
Deputy Clerk



Item 9A
2/24/76

APPENDIX B

County of Ventura - Planning Commission Public Hearing Procedures and Guidelines

The Chair has some leeway, as noted below, in how to conduct public hearings within the general parameters of Board Resolution No. 222/240 which outlines the procedural rules for the conduct of public hearings.

Agenda: Usually the agenda order is followed unless a change is requested and granted by the full Commission.

Consent Calendar: Items on the consent portion of the agenda are those that staff feels are minor and non-controversial in nature. However, any Commissioner or member of the public can request that an item be removed and discussed. The Commission can request either a full or an abbreviated presentation by staff, or merely ask questions.

Public Hearings - Presentation of Evidence: The Chair may direct otherwise, but usually the order during the public hearing is as follows:

- a. Presentation of staff report
- b. Disclosures by Commissioners (**See note below)
- c. Questions of staff by Commission
- d. Opening of the public hearing
- e. Presentation of applicant or appellant
- f. Presentation of persons in favor of requested action
- g. Presentation of persons in opposition of requested action
- h. Rebuttal by applicant or appellant
- i. Closing comments by staff

Speaker Time Limits: The Chair may impose time limits on speakers. Generally, no limits are placed on staff or the applicant/appellant, although on hearings which will obviously be very long, a 20-so minute time limit may be placed on applicants/appellants.

Usually a five minute limitation is placed on speakers either in favor or opposed to the project.

Close of Hearing: The public hearing should be closed after staff's closing remarks, unless any Commissioner has questions of staff, the applicant, appellant, or any member of the public. The Chair, usually with the concurrence of the Commission, may reopen the public hearing at any time.

Deliberations: After the close of the public hearing, the Commission then discusses and deliberates on the evidence presented during the hearing. The Chair can either ask for a motion and a second to begin deliberations, or a motion can be made after deliberations are completed.

** Disclosure Note: The following statement is to be read by the Chairman at this time:

"At this time, I would like to ask each Planning Commissioner to state on the record whether or not he or she has received any oral or written *ex parte* communication regarding this agenda item that is not already contained in the record before us on this matter. Please disclose the substance of that information only if that information is not contained in the record before us on this matter."

APPENDIX C

BYLAWS OF THE VENTURA COUNTY PLANNING COMMISSION

**Adopted October 23, 1968
Revised June 24, 2004**

ARTICLE I. TITLE

Section 1. The Ventura County Planning Commission was established by Ordinance No. 334, adopted by the Board of Supervisors on June 13, 1939. The official title of this Commission shall be the “Ventura County Planning Commission.”

ARTICLE II. OFFICERS

Section 1. The officers shall be:

A Chairman, who shall preside at all meetings, call all special meetings, appoint committees, and perform all other duties of a presiding officer.

A Vice-Chairman, who shall, in the absence of the Chairman or his inability to act, preside at meetings and perform all other duties of the Chairman.

A Secretary, who shall keep a written record of all business transacted by the Commission, notify members of meetings, and keep the official records of the Commission. The Secretary shall be named as the Director of the Planning Division.

A Recording Secretary, who shall keep a written record of all business transacted by the Commission, notify members of meetings, and keep the official records of the Commission at the direction of the Secretary.

Section 2. The Chairman and Vice-Chairman shall be members of the Commission. They shall be elected at the annual meeting of the Commission or an adjournment of that meeting and shall hold office for a period of one year or until their successors are elected, whichever is earlier. A vacancy in the office of Chairman or Vice-Chairman shall be filled for the balance of the unexpired term at the meeting succeeding the date upon which the vacancy occurred.

A special meeting may be called by not less than three members of the Commission for the purpose of recalling the Chairman or Vice-Chairman, or both, and a vacancy created in any such office by a recall shall be filled at said meeting.

ARTICLE III. MEETINGS

Section 1. The annual meeting of the Commission shall be the first regular meeting of the calendar year.

Section 2. The regular meetings of the Commission shall be held as needed but in no case less frequent than once every quarter year. At each annual meeting the Commission shall fix the time, date and place for regular meetings for that year.

Section 3. By a majority vote of those present and voting, a meeting may be adjourned until a time fixed but not later than the next regular meeting of the Commission. Special meetings may be held at the call of the Chairman or a majority of the members of the Commission in the manner provided by the Brown Act Open Meeting Law (Government Code Section 54950 et seq.).

Section 4. In the event that both the Chairman and Vice-Chairman either cannot or are unable to attend a duly noticed Planning Commission meeting, the members in attendance shall elect a Commissioner to serve as the Chairman for that meeting.

Section 5. A special meeting may be called at any time by the Chairman of the Commission or by a majority of the members of the Commission in accordance with Government Code Section 54956.

Section 6. The Secretary shall notify each member of the time, place and date of each regular meeting by a written notice mailed to the last known address of each member not less than three days previous to the date set for the meeting. Sufficient notice shall be given each member of other meetings called by the Chairman.

ARTICLE IV. QUORUM AND VOTING

Section 1. Unless otherwise provided by law, three members constitute a quorum for any meeting or hearing of the Commission and a finding, decision or order requires the concurrence of at least a majority of its total voting members. A person may be elected to the office of Chairman or Vice-Chairman by not less than a concurrence of at least three members, and a person may be recalled from the office of Chairman or Vice-Chairman or Vice-Chairman by not less than a concurrence of at least three members.

Section 2. Unless otherwise required by law, deliberation of action on any matter may be postponed to a specified meeting by a concurrence of a majority of those present and voting.

ARTICLE V. ORDER OF BUSINESS

Section 1. The order of business for regular meetings shall be:

Roll call
Minutes of previous meeting
Reports

Section 2. The order of business for the annual meeting shall be:

Roll call
Election of Chairman
Taking of chair by new Chairman
Election of Vice-Chairman
Fixing of time for regular monthly meetings

Subsequent order of business shall be the same as for regular meetings.

Section 3. Robert's Rules of Order, Latest Edition, except where inconsistent with express provisions of law, these Bylaws or other resolutions of the Board of Supervisors, shall govern conduct of meetings of this Commission.

ARTICLE VI. COMMITTEES

Section 1. There shall be such committees appointed by the Chairman as shall be deemed necessary by him for determining the policies and procedures of the Commission and executing its orders. The members of such committees shall serve for one year or until successors are appointed or the committee is discharged.

ARTICLE VII. RECORDS OF PROCEEDINGS

Section 1. All papers involving official acts of the Commission shall be transmitted to the Board of Supervisors in accordance with applicable state law and Board of Supervisors resolutions.

Section 2. Routine correspondence, communications or certifications may be signed by the Secretary as the administrative officer of the Commission, or the Assistant Secretary in the absence of the Secretary.

Section 3. The Secretary shall keep a record of the resolutions, transactions, findings, and determinations in the manner provided by law and by the Commission.

ARTICLE VIII. SCOPE OF ACTIVITY

Section 1. The Commission shall make such investigations, studies, reports, and recommendations regarding the general plan, zoning, subdivisions, and any matter relating to the planning and development of the county, as it deems in the best interests of the County of Ventura and for the proper discharge of its duties and responsibilities.

Section 2. The duties and responsibilities of the Commission include, but are not limited to, the following:

- a. Prepare and revise as necessary the General Plan.
- b. Implement the General Plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances.
- c. Perform other functions as the Board of Supervisors provides, including conducting studies and preparing plans other than those required or authorized by state law.
- d. Review and act upon subdivision maps in accordance with procedures set forth in state law.
- e. Act as an appeal body for administrative actions of the Planning Director.
- f. Make recommendations to the Board of Supervisors on matters related to the general plan, zoning, subdivisions and other matters related to planning.

Section 3. Any expenditure by the Commission in excess of five hundred dollars (\$500) must have the prior approval of the Chairman and the Secretary.

ARTICLE IX. AMENDMENT OF BYLAWS

Section 1. These bylaws may be changed or added to from time to time by the affirmative vote of not less than three members at a regular meeting. No change or addition to these bylaws shall be made unless notice in writing shall be filed with the Secretary at the regular meeting next preceding the meeting at which the motion to change is to be made.

Section 2. Said notice shall state explicitly what change is to be proposed, or shall be accompanied by a draft of the proposed change. The Secretary shall notify each member at least ten (10) days before the date of the next meeting of the wording of the proposed change or addition.

ARTICLE X. ADOPTION

Section 1. These bylaws were adopted on October 23, 1968 and became effective upon adoption. These bylaws were amended on June 24, 2004 and became effective upon adoption.



Public Information

County of Ventura • Resource Management Agency • Planning Division

800 South Victoria Avenue, Ventura, CA 93009 • 805 654-2488 • <http://www.ventura.org/rma/planning>

Guidelines for Orderly Development

The “Guidelines for Orderly Development” have been adopted by the Board of Supervisors, all City Councils within Ventura County and the Local Agency Formation Commission (LAFCO). They refine the guidelines originally adopted in 1969 and maintain the consistent theme that urban development should be located within incorporated cities whenever or wherever practical.

The revision of these Guidelines in December 1996 culminated an effort during the year by the County, Cities and LAFCO to improve the clarity of relationships between local agencies with respect to urban development projects.

Intent of Guidelines

- Clarify the relationship between the Cities and the County with respect to urban planning
- Facilitate a better understanding regarding development standards and fees
- Identify the appropriate governmental agency responsible for making determinations on land use requests

Jurisdictional Framework

The Guidelines are a unique effort to encourage urban development to occur within Cities; enhance the regional responsibility of County government; and facilitate the orderly planning and development of Ventura County by:

- Providing a framework for cooperative intergovernmental relations.
- Allowing for urbanization in a manner that will accommodate the development goals of the individual communities while conserving the resources of Ventura County.
- Promoting efficient and effective delivery of community services for existing and future residents.
- Identifying in a manner understandable to the general public the planning and service responsibilities of local governments providing urban services within Ventura County.

General Policies

- Urban development should occur, whenever and wherever practical, within incorporated cities which exist to provide a full range of municipal services and are responsible for urban land use planning.
- The Cities and the County should strive to produce general plans, ordinances and policies which will fulfill these Guidelines.

Policies Within Spheres of Influence

- Applicants for land use permits or entitlements for urban uses shall be encouraged to apply to the City to achieve their development goals and discouraged from applying to the County.
- The City is primarily responsible for local land use planning and providing municipal services.
- Prior to being developed for urban purposes or to receiving municipal services, land should be annexed to the City.
- Annexation to the City is preferable to the formation of new or expansion of existing County service areas.
- Land uses allowed by the County without annexation should be equal to or more restrictive than land uses allowed by the City.
- Development standards and capital improvement requirements imposed by the County for new or expanding developments should not be less than those that would be imposed by the City.

Policies Within Areas of Interest Where a City Exists

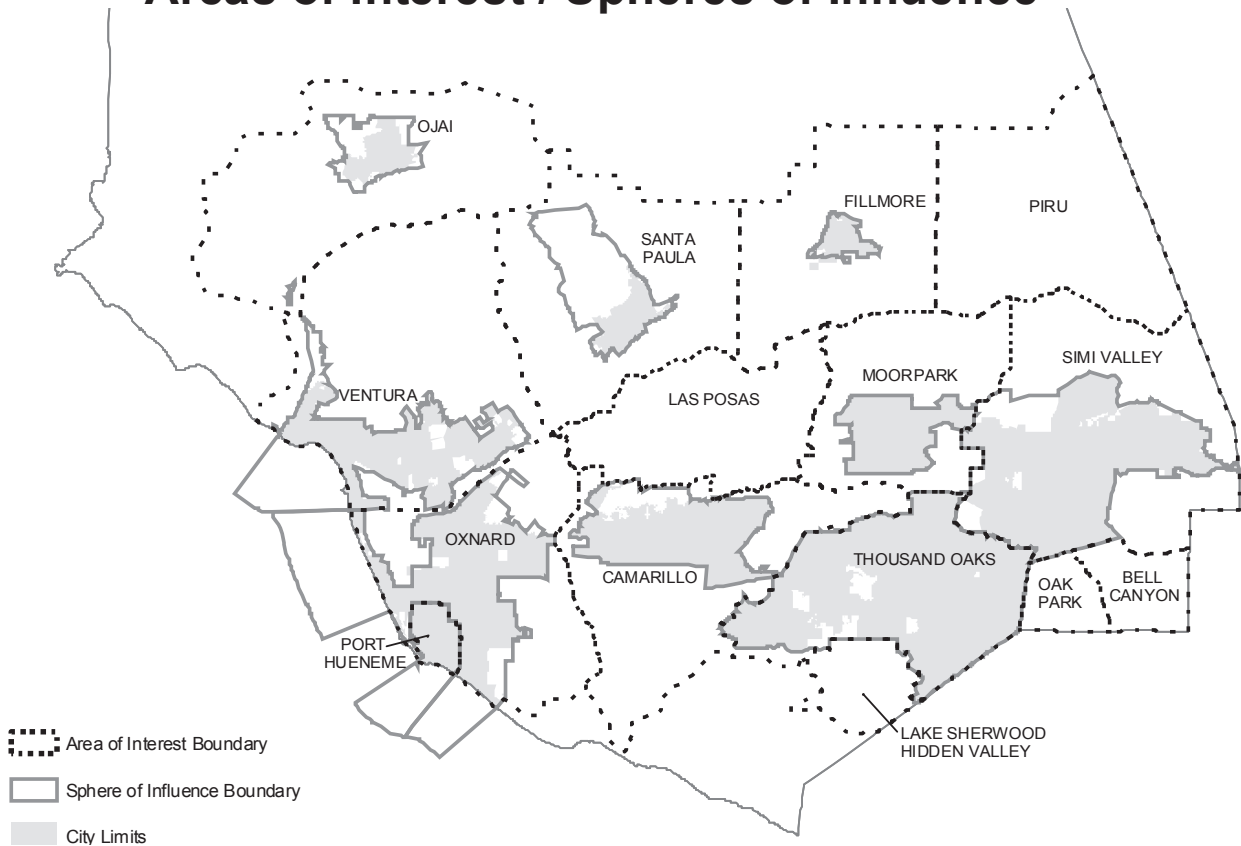
(outside that City's Sphere of Influence)

- Applications for discretionary land use permits or entitlements shall be referred to the City for review and comment. The County shall respond to all comments received from the City.
- The County is primarily responsible for local land use planning, consistent with the general land use goals and objectives of the City.
- Urban development should be allowed only within Existing Communities as designated on the County General Plan.
- Existing Communities as designated on the County General Plan should financially support County-administered urban services which are comparable to those urban services provided by the Cities.

Policies Within Areas of Interest Where No City Exists

- The County is responsible for land use planning and for providing municipal services.
- Urban development should only be allowed in Unincorporated Urban Centers or Existing Communities as designated in the County General Plan.
- Urban development in Unincorporated Urban Centers should only be allowed when an Area Plan has been adopted by the County, to ensure the proposed development is consistent with the intent of the Guidelines.

Areas of Interest / Spheres of Influence



Definitions

AREAS OF INTEREST- A plan adopted by LAFCO which divides the County into major geographic areas reflective of community and planning identity. Within each Area of Interest, there is to be no more than one city (but there will not necessarily be a city in each Area). Areas of Interest also serve as planning referral boundaries of the County Planning Division.

DEVELOPMENT STANDARDS- Local regulations which determine the provision of essential services and infrastructure within designated land use districts or jurisdictions and which control the architectural and engineering design of buildings, structures and roadways.

EXISTING COMMUNITY- A land use designation of the County General Plan which identifies existing urban residential, commercial or industrial enclaves located outside Urban designated areas (i.e., cities or Unincorporated Urban Centers).

An Existing Community may include uses, densities, building intensities and zoning designations which are normally limited to Urban designated areas but do not qualify as Unincorporated Urban Centers.

This designation has been established to recognize existing land uses in unincorporated areas which have been developed with urban building intensities and urban land uses; to contain these enclaves within specific areas so as to prevent further expansion; and to limit the building intensity and land use to previously established levels.

LOCAL AGENCY FORMATION COMMISSION (LAFCO)- A regulatory commission empowered by State law to coordinate logical and timely changes in local government boundaries; conduct special studies which review way to reorganize, simplify and streamline

government structure; and prepare Spheres of Influence for each city and special district.

SPHERES OF INFLUENCE- Plans adopted by LAFCO which designate the probable boundaries of each city and special district. The adoption of Spheres of Influence is required by Section 56425 of the Government Code.

UNINCORPORATED URBAN CENTER- A term of the County General Plan which refers to an existing or planned urban community which is located in an Area of Interest where no city exists. The Unincorporated Urban Center represents the focal center for community and planning activities within the Area of Interest, and may be a candidate for future incorporation.

URBAN DEVELOPMENT- Development shall be considered urban if it meets any of the following criteria:

1. It would require the establishment of new community sewer systems or the significant expansion of existing community sewer systems
2. It would result in the creation of residential lots less than two (2) acres in area; or
3. It would result in the establishment of commercial or industrial uses which are neither agriculturally-related nor related to the production of mineral resources.

APPENDIX E

"SOAR" PROVISIONS OF THE VENTURA COUNTY GENERAL PLAN

"LIMITATIONS ON GENERAL PLAN AMENDMENTS RELATING TO AGRICULTURAL, OPEN SPACE AND RURAL DESIGNATIONS

Pursuant to the provisions of the SAVE OPEN-SPACE and AGRICULTURAL RESOURCES (S.O.A.R.) ORDINANCE, the following shall obtain until December 31, 2020:

- a) The provisions setting forth the Agricultural, Open Space and Rural land use designations, and the goals and policies as they specifically apply to those land use designations in Sections 3.1 and 3.2 of this General Plan shall not be further amended unless such amendment is approved by vote of the people or by the Board of Supervisors pursuant to the procedures set forth herein.
- b) Those lands designated as Agricultural, Open Space or Rural on the "General Land Use Maps" adopted by the Board of Supervisors for Ventura County on May 24, 1988, and amended through September 16, 1997 shall remain so designated unless redesignated to another general plan land use category by vote of the people, or redesignated by the Board of Supervisors pursuant to the procedures set forth herein.
- c) The Board of Supervisors, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may place any amendment to land use designations of Agricultural, Open Space or Rural, or any provision, goal or policy as set forth in subsection "a", above, on the ballot pursuant to the mechanisms provided by State Law.
- d) The Board of Supervisors without a vote of the people may reorganize, reorder, or renumber individual provisions of the General Plan, as well as the provisions herein, in the course of ongoing updates of the General Plan in accordance with the requirements of state law. Additional technical, non-substantive language modifications may be made to the General Plan with reference to Agricultural, Open Space or Rural designations for clarification and internal consistency provided such modifications are consistent with the Findings and Purpose of the ordinance creating these provisions.

- e) The Board of Supervisors, without a vote of the people, may redesignate Rural designated properties to either Agricultural or Open Space, or may redesignate Open Space to Agriculture pursuant to the provisions for making such amendments set forth in state law and Board adopted policies.
- f) The Board of Supervisors, without a vote of the people, may redesignate Agricultural designated properties to Open Space if the Board of Supervisors makes all of the following findings supported by substantial evidence:
 - i) The land proposed for redesignation has not been used for agricultural purposes in the past 2 years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions or other physical reasons;
 - ii) The land proposed for redesignation is immediately adjacent to areas developed in a manner compatible with the uses allowed under Open Space;
 - iii) Adequate public services and facilities are available and have the capacity and capability to accommodate the Open Space uses allowed;
 - iv) The proposed redesignation is compatible with agricultural uses, does not interfere with accepted agricultural practices, and does not adversely affect the stability of land use patterns in the area; and
 - v) The land proposed for redesignation does not exceed 40 acres for any one landowner in any calendar year, and one landowner may not obtain redesignation pursuant to this subdivision (f) more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.
- g) The Board of Supervisors, without a vote of the people, may redesignate Agricultural, Open Space or Rural properties provided the Board complies with the following two conditions:
 - i) The Board makes a finding based upon the advice of the County Counsel that the designation of the property effects an unconstitutional taking of the landowners' property; and
 - ii) In permitting the redesignation, the Board allows a less restrictive designation to be applied to the property only to the extent necessary to avoid the unconstitutional taking of the landowner's property.
- h) The Board of Supervisors, without a vote of the people, may amend the provisions of the General Plan which apply to the Agricultural, Open

Space or Rural designations, as set forth in subsection "a", above, for the express purpose of further protecting and preserving resources identified in the General Plan, provided that said amendment(s) are consistent with the Findings and Purpose of the ordinance adopting these provisions of the General Plan.

- i) In recognition of the urban nature of the Piru community and to provide essential flexibility to the Board of Supervisors to address the special needs of that community, the Board of Supervisors, without a vote of the people, may amend the land use designations on the General Land Use Map, as set forth in subsection "b", above, for land located within the Piru Redevelopment Area or land described by the following Assessor Parcel Numbers.

056-0-180-01	056-0-180-08
056-0-180-02	056-0-190-05
056-0-180-06	056-0-190-06
056-0-180-07	056-0-190-09

The total land represented by this subsection "i" is set forth on Exhibit "A"

- j) The Board of Supervisors, without a vote of the people, may amend the land use designations on the General Land Use Map, as set forth in subsection "b", above, to any Existing Community designation for land which, prior to the effective date of the ordinance setting forth these provisions, is found to contain lawfully established urban building intensities or urban land uses, to the minimum extent necessary to validate such pre-existing uses consistent with the Findings and Purpose of the ordinance adopting these provisions of the General Plan.
- k) Following December 31, 2020, redesignations of then existing General Plan designations may be occasioned by the Board of Supervisors without a vote of the people. Until then, approval by a vote of the people is accomplished when a General Plan amendment is placed on the ballot through any procedure provided for in the Election Code, and a majority of the voters vote in favor of it. Whenever the Board of Supervisors adopts an amendment requiring approval by a vote of the people pursuant to the provisions of this subsection, the Board's action shall have no effect until after such a vote is held and a majority of the voters vote in favor of it."



Public Information

County of Ventura • Resource Management Agency • Planning Division

800 South Victoria Avenue, Ventura, CA 93009 • 805 654-2488 • <http://www.ventura.org/rma/planning>

Discretionary Permit Process

Discretionary Permits

Discretionary permits require:

- Approval from a decision-making authority (Board of Supervisors, Planning Commission, Planning Director)
- Environmental review for potential impacts
- Public hearing

Public hearings allow the applicant and all interested parties to present their testimony and position on the requested use. Such permits can be approved, denied, or approved with conditions, and the decision can be appealed (10 days following date and decision).

Permit adjustments don't require a public hearing. For more information about: any individual type of discretionary permit; the materials and information required for application submittal; processing time, filing fees, etc.

Please review www.ventura.org/planning or call 805-654-2488

Ministerial Permits

Ministerial permits are granted if a project meets all established standards set forth in the County Non-Coastal or coastal zoning ordinance.

Conversely, such permits are automatically denied if all statutes cannot be met. No public hearing is required for ministerial permits.

A zoning clearance is an example.

Permits Involving Discretionary Decisions

The following types of applications are subject to discretionary decisions:

- General Plan Amendments
- Ordinance Amendments
- Zone Changes
- Variances
- Conditional Use Permits
- Planned Development Permits
- Tract Maps
- Parcel Maps
- Parcel Map Waivers (some exceptions)
- Conditional Certificates of Compliance
- Modifications to above Entitlements
- Appeals
- Revocations of Land Use Permits
- Permit Adjustments

Other Agencies Reviewing Discretionary Permits

Planning staff will distribute your application to other County agencies (Public Works, Watershed Protection District, Environmental Health, APCD, Fire Department, Sheriff, General Services, etc.) and may request input from neighboring cities, LAFCO, special districts, Local Municipal Advisory Councils (MACs) and homeowners associations.

It is requested that you contact these agencies prior to submitting your application to obtain their requirements and/or comments.

How Long Will it Take to Process a Discretionary Permit?

Once an application has been determined to be complete, State law requires that a decision be made within either 6 months or 1 year depending on the type of environmental document prepared for the project.

In Ventura County, most discretionary permits take 5-8 months to process from the date the application is deemed complete.

Coastal Permits

Coastal permits generally follow the typical path as other discretionary applications. However, for some applications prior to becoming final, County decisions are sent to the California Coastal Commission for their review and required appeal period.

APPENDIX F
The Discretionary Permit Process

