

August 13, 2004

Lorene Cleary  
Barbara Cleary  
c/o Steve Perlman  
7811 Marin Lane  
Ventura, CA 93004

Subject: Presubmittal Analysis No. AD 04-0196, Proposed Two Lot  
Subdivision of APNs 060-0-030-54 and -57 (one legal lot) in the  
Rincon Mountain area

Dear Ms. Cleary and Ms. Cleary:

The Planning Division has reviewed your request for analysis of a proposed two lot subdivision of the above referenced property in the Rincon Mountain area. This site is located south of SR-150 along Ocean View Road northwest of the City of Ventura. The two parcel numbers constitute one parcel of approximately 44.75 acres in size.

This is a Preliminary Analysis based on your submittal dated July 23, 2004. The purpose of the analysis is to provide you with information regarding County policies, regulations and constraints that may have a major effect upon your contemplated project. This information is primarily limited to Planning, and does not comprehensively address other laws or regulations related to hazards and resources listed in the General Plan and environmental Initial Study Checklist. Please review those topics and consult with other agencies and your representative before proceeding. In addition, this information may be superseded by future zone changes, ordinance changes, General Plan amendments, or policy changes by the Board of Supervisors or other agencies.

The proposed project descriptions are: **Option A:** Suffix zone change from OS-40 ac to OS-10 ac and land division to subdivide total of 44.75 acres to one 10 acre parcel and one 34.75 acre parcel, or lot line adjustment as appropriate; and **Option B:** Suffix zone change from OS-40 ac to OS-20 ac and subdivision creating two parcels each approximately 22.37 acres in area.

1. You are proposing the subdivision of Assessor Parcel Numbers (APN) 060-0-030-54 and 060-0-030-57. Together, these APNs comprise one legal lot. Lot Line Adjustment No. LLA-335 between Lots 7 and 8 of



Parcel Map 5 PM 89 created the current boundaries of the lot. Zoning of OS-40 ac was adopted with Zone Change, No. ZC-2805.

2. The lot is predominantly vacant, with a small amount of irrigated atriculture and a structure accessory to agriculture.
3. As stated, the parcel is designated Open Space by the Ventura County General Plan and zoned OS-40 ac (Open Space, 40 acre minimum lot size).
4. You are proposing the creation of two (2) lots configured as:

**Option A:** 10 acres and 34.75 acres in size, or

**Option B:** 22.37 and 22.37 acres, approximately

These proposed lot sized would be inconsistent with the existing OS-40 ac zoning. For consistency, you must apply for and obtain approval to re-zone the parcels to:

**Option A:** One lot rezoned to OS-10 ac (Open Space, 10 acre minimum lot size) and one lot rezoned to OS-20 ac (Open Space, 20 acres minimum lot size) or

**Option B:** Both lots rezoned to OS-20 ac.

The major General Plan Goals, Policies and Program Land Use considerations (Section 3.0) include Section 3.1.2.2 stating the following factors shall apply when determining the appropriate zone and subzone designations:

- Recognize the desirability of retaining existing uses and densities on the subject land;
- Recognizing the desirability of accommodating anticipated uses on the subject land;
- Maintaining continuity with neighboring zoning, land uses, and parcel sizes;
- Implementing the recommendations of any specific zoning and land use studies of the area in question;
- Recognizing and addressing the presence and significance of resources and hazards; and
- Evaluating the ability to provide public service and facilities.

On the basis of the information you provided, the Planning Division believes there is no General Plan inconsistency with either **Option A** or **Option B**, as presented. ✓

Ultimately, the Board of Supervisors will determine the desirability of retaining existing uses and densities. Parts of the subject property are in a high fire history hazard area. Upon filing of an application, the Fire Department will prepare an Initial Study. Ultimately, the Board will decide whether increasing density is desirable under the circumstances.

The Board will determine the desirability of accommodating anticipated uses. The anticipated use currently includes one primary dwelling unit and potentially a second dwelling unit. Other allowed uses are listed in the Non-Coastal Zoning Ordinance Use Matrix for Open Space zoning. The Board will decide whether doubling the number of dwelling units that could be built on two lots, as opposed to one, is desirable. Please review the information below with respect to the Initial Study assessment of growth inducement.

The Board will determine whether the proposal maintains continuity with neighboring zoning. Based on the concept drawing submitted, **Option A**, the proposed 34.75 acre lot would not offend General Plan policy (3.2.2-5(7)) requiring Open Space properties contiguous to land designated "Agricultural" to be a minimum 20 acres in size, because the parcel to the south is designated "Open Space" rather than "Agricultural." Further, the boundaries of the proposed OS-10 lot do not touch this parcel. For **Option B**, policy 3.2.2-5(7) is inapplicable because the proposed lots are over 20 acres each. Under **both Options**, all proposed parcel configurations would share boundaries with neighboring parcels currently zoned OS-20 ac. Applicable to **Option A**, the proposed parcel to be zoned OS-10 ac shares a common boundary with an existing parcel zoned OS-10 ac to the northwest. Additionally, other parcels zoned OS-10 ac are in the vicinity. These facts tend to support a finding that two lots zoned OS-10 ac and OS-20 ac (**Option A**) would be compatible with the provisions of the General Plan land use section, as would the **Option B** proposal. ✓

With respect to zoning and land use studies, the Board of Supervisors has included as part of a limited update to the General Plan, a study to consider changing the minimum lot size in the Open Space designation from 10 acres to 20 acres. The item is preliminary. No study has commenced and the date of a hearing on the subject is unknown. Please note, however, the Board typically puts a stay on new applications that are inconsistent with proposed changes to the General Plan when an amendment is being prepared. For your Option A proposal, please monitor this information. ✓

The only hazard depicted on County's GIS mapping is fire history hazard. The County Fire Protection District will assess the hazard impact and it will be



evaluated by the Board of Supervisors within the context of the proposal to increase density to OS-10 ac and/or OS-20 ac.

Applicants should explore with other County agencies the ability to obtain public services and facilities such as water, septic systems, and secondary access for firefighting, etc. The Board will evaluate impacts to all the resources, services and facilities as part of finalizing the environmental document for a proposed subdivision and zone change.

5. Other General Plan policies relevant to the subject proposals are Policy 3.1.2-5 and 3.1.2-6 (also 3.2.2-5(6) stating the building intensity at 1 dwelling unit per 10 acres and the minimum lot size for Open Space zoning at 10 acres. No inconsistencies are present, currently, under **Option A or Option B.**
6. For **Option A or Option B** concurrent processing of a Parcel Map and Zone Change is required. The Planning Director acts on Parcel Maps. The Board of Supervisors, upon recommendation by the Planning Commission, acts on zone Changes. Please be advised that submittal of applications for the Parcel Map and Zone Change do not confer or imply final approval of either entitlement.
7. For Parcel Map processing, all provisions of the Ventura County Subdivision Ordinance must be met. Among other items, the applicant will have to prove to the Public Works Agency and the Environmental Health Division, through the appropriate analyses and reports that each proposed lot will have adequate potable water, sanitation and road access.
8. Public Works violation Case V99-479 for illegal grading and subterranean structures must be resolved prior to approval of any entitlements. A preliminary grading plan will be required from the Public Works Agency and all proposed grading must be shown on the tentative map.
9. All County Fire Department requirements must be met including, potentially, compliance with the Department's Private Road Guidelines if required for a second means of access. As stated above, GIS mapping indicates the subject lot has fire hazard history. The Fire Department will assess this potential impact as part of an Initial Study following application for entitlements.
10. The proposed Parcel Map is subject to environmental review, and selection of the appropriate environmental document is based on an Initial Study by various County agencies. Typical issues include project and cumulative traffic issues, biological impacts, impacts to water quality and quantity.

Initial Study Guideline 2a is Community Character. Significance is determined on a case by case basis. The threshold criteria state that rezoning to higher density could be significant depending on the predominant parcel sizes of existing parcels in the area. The Planning Division will analyze the proposed creation of an additional lot and whether community character would be significantly impacted by the addition of a lot 10 acres in size (**Option A**) or 20 + acres in size (**Option B**). Please review the Ventura County Initial Study Assessment Guidelines for the list of issues to be reviewed, the threshold criteria and the methodology.

Initial Study Guideline 2c is Growth Inducement. Growth inducement is any action that would eliminate or remove an impediment to growth in an area. Significance is determined on a case by case basis. The threshold criteria include:

- How much added growth would be accommodated by removing the impediment and setting a precedent for similar actions in the future,
- Whether that growth is consistent with the planned land use of an area (See guidelines regarding Community Character), and
- The physical impacts of said growth (secondary impacts).

The methodology to be used in determining significant growth inducement involves ascertaining whether or not the project would:

- Result in or necessitate the expansion of critical public facilities (e.g. roads, water supply, sewers, flood control facilities), or
- Be counter to or substantially amend an adopted policy of the County, thereby setting a precedent or an accommodation for further growth. [ ]

As part of the Initial Study for the environmental document, the Planning Division will assess the amount of growth that would be added by the addition of one additional lot and the potential growth resulting from similar actions by other property owners in the area.

11. On the tentative map, you must identify:

- A. How access to the newly created parcel will be provided (i.e., a Title Report is required on submittal); and,
- B. The size and location of the proposed building pads; and
- C. All other requirements as outlined in *Article 3* of the Ventura County Subdivision Ordinance.

12. The payment of various fees, including Traffic Impact Mitigation Fees and School Facilities Fees, will be required at different stages in the

subdivision/recordation process. The application processing fee for the Parcel Map is \$2000.00 (deposit) plus additional fees for legal notices and maps. The Environmental Health Division has its own separate application and fee for project review which must be paid prior to application submittal. The Public Works Agency, Transportation Department can inform you of the Traffic Impact Mitigation Fee amount.

Other issues may be discovered during actual processing of the subdivision. The Initial Study Checklist and Subdivision Ordinance detail the items that the applicant should examine and pursue at the outset.

For your inspection, the Ventura County General Plan, the Subdivision Ordinance, the Non-Coastal Zoning Ordinance and the Initial Study Guideline are all located on the Planning Division's website located at [www.ventura.org/planning](http://www.ventura.org/planning).

If you decide to apply for the Parcel Map and Zone Change, please see Craig Malin at the Planning Counter to obtain and discuss the required application packet materials. If you have any questions concerning the content of this letter, please feel free to contact Rita Graham at [rita.graham@mail.co.ventura.ca.us](mailto:rita.graham@mail.co.ventura.ca.us) or by phone at (805) 654-2467.

Sincerely,



Nancy Butler Francis, Manager  
Land Use Permits Section

C: Rita Graham  
Craig Malin