

March 18, 2008

HOUSING POLICY  
DEVELOPMENT, HCD

MAR 18 2008

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

**SUBJECT: VENTURA COUNTY GENERAL PLAN 2008 ANNUAL REPORT -  
RECEIVE AND FILE**

**RECOMMENDED ACTION:**

Receive and file the attached 2008 annual report on the status of the County General Plan.

**FISCAL/MANDATES IMPACTS:**

There is no fiscal impact associated with this report except for the report preparation costs that occur annually. State law requires the preparation and filing of an annual report on the status of the General Plan with the legislative body (your Board), the Governor's Office of Planning and Research, and the State Department of Housing and Community Development.

**DISCUSSION:**

The attached 2008 Annual Report provides a review of the General Plan Amendments that were approved in 2007, and an overview of General Plan Amendments that are currently in process. In addition, as required by State law, a discussion regarding Ventura County's progress in fulfilling its share of the regional housing needs and local efforts to remove government constraints to the maintenance, improvement, and development of housing is included. Lastly, a discussion of new State laws and recent court decisions that may affect the General Plan and its implementation is also included.

This report has been reviewed by the offices of the County Executive Officer, Auditor-Controller, and County Counsel. If you have any questions regarding this matter, please contact Bruce Smith at (805) 654-2497.

  
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Kimberly Rodriguez  
Planning Director

Attachment "A": 2008 Annual Report

cc: Governor's Office of Planning and Research  
California Department of Housing and Community Development  
Ventura County Planning Commission (5)





# 2008 ANNUAL REPORT

## VENTURA COUNTY GENERAL PLAN

California Government Code Section 65400(b) requires an annual report on the status of the General Plan and progress in its implementation, including the progress in meeting its share of regional housing needs, which must be submitted to the Board of Supervisors, the Office of Planning and Research and the Department of Housing and Community Development (HCD) on or before April 1<sup>st</sup> of each year.

This report is organized as follows:

- A. A review of the General Plan Amendments that occurred since the last Annual Report;
- B. A review of privately-initiated and County-proposed General Plan Amendments and related Zoning Ordinance amendments that are currently in process or waiting to be processed;
- C. A review of Ventura County's progress in meeting the housing objectives of the General Plan;
- D. A review of local efforts concerning improvement and development of housing;
- E. A review of new State laws and court decisions that may affect the General Plan and its implementation; and
- F. A review of the County General Plan for degree of consistency with State General Plan Guidelines.

### **Recently Completed General Plan Amendments**

Since January 1, 2007, two General Plan Amendments (GPAs) were approved by the Ventura County Board of Supervisors (Board), which are described below.

- **Cabrillo Racquet Club (Saticoy)**

On December 4, 2007 the Board approved a GPA to the Saticoy Country Club Existing Community Map that re-designated an eight acre site from "Commercial" to "Residential" at 20,000 square feet per parcel, allowing for the creation of 8 single-family parcels.

- **Martin Gramckow (Ojai Valley Area)**

On February 5, 2008 the Board approved a GPA to the Ojai Valley Area Plan that re-designated an 11.01 acre portion of a 28.07 acre parcel from Open Space 40-acre minimum (OS-40) to Open Space 10-acre minimum (OS-10). The zoning was concurrently changed from "OS-40ac" to "OS-10ac." The purpose of the amendment was to accommodate a lot-line adjustment for a single-family home site.

## Pending General Plan and related Zoning Ordinance Amendments

The following summarizes the GPA's and related Zoning Ordinance amendments that are currently in process:

### ***Privately Initiated Requests:***

#### ○ **John Rieder (Piru)**

This July 2001 screening-approved GPA request is for a five acre site to change the General Plan designation from "Agriculture" to "Urban" and to amend the Piru Area Plan to permit residential development 49 townhouse units and a one-acre park are proposed at a density of 9.8 dwellings per acre. The Board of Supervisors has directed that a portion of the total dwelling units on the site be considered for lower-income households. The applicant has filed GPA, Zone Change and Tentative Tract Map applications. The EIR has been approved by ERRC. (Estimated Board hearing date: *Spring 2008* / Case Planner: *Dennis Hawkins*)

#### ○ **Don Jensen (Piru) – formerly filed by Dana Levy**

This February 2003 screening-approved GPA request is to re-designate a 16.5 acre parcel from "Agricultural" to "Urban" and to amend the Piru Area Plan to permit development of up to 92 dwelling units averaging 5.6 dwelling units per acre (53 single-family detached residential units, six duplex units and 33 triplex units). The Board of Supervisors has directed that a portion of the total dwelling units on the site be considered for lower-income households. The applicant has filed GPA, Zone Change and Tentative Tract Map applications and an EIR has been approved by ERRC. The tract map application is currently incomplete pending redesign of a proposed sound attenuation berm and wall. (Estimated Board hearing date: *Spring 2008* / Case Planner: *Dennis Hawkins*).

#### ○ **James Finch (Piru)**

This July 2004 screening-approved GPA is to re-designate a 32.81± acre area from "Agricultural" to "Urban", to allow for the construction of up to 175 dwelling units in a mix of single-family, duplex and multi-family development, averaging 5.4 dwelling units per acre. The Board of Supervisors has directed that a portion of the total dwelling units on the site be considered for lower-income households. The applicant has filed GPA, Zone Change and Tentative Tract Map applications and an EIR has been approved by ERRC. (Estimated Board hearing date: *Spring 2008* / Case Planner: *Dennis Hawkins*)

#### ○ **Colton Lee Communities (Santa Susana Knolls)**

This July 2004 screening-approved GPA was to re-designate a 23.67± area from Existing Community - Rural Exclusive, "RE-5 ac", "RE-1 ac", and "RE-20,000 sq ft" to Existing Community - Residential Planned Development, "RPD-11 du/ac." The GPA was to allow the construction of a 150-250 unit apartment complex, with 20% of the units as lower income units. The Board approved the post-screening processing of the GPA with a 20% lower income requirement, but limited the density to 8 du/ac, or the actual average density of the "RE-10,000 sq

ft" zoned portion of the Santa Susana Existing Community, whichever is less. The current project description differs from the original GPA Screening request since it consists of a request for 100 manufactured housing units, 10 percent of which would be affordable, at a density of 5.14 du/ac. The application is complete and on January 22, 2008, the Resource Management Agency, Planning Division determined that an Environmental Impact Report (EIR) is required for the project. (Estimated Board hearing date: *Winter 2009* / Case Planner: *Dan Klemann*)

- **Karolina and Jeff Pengilley (Camarillo Heights)**

This February 2006 screening-approved GPA would amend the General Plan land use designation for a 3.21-acre site from "RE-20,000" (Rural Exclusive, 20,000 sq. ft. minimum lot size) to "RE-13,000" (Rural Exclusive, 13,000 sq. ft. minimum lot size) to create seven single-family residential lots. The GPA, Zone Change, and Tentative Tract Map applications were deemed incomplete on August 30, 2007, and are pending the submittal of additional information from the applicants in order to resume processing. (Estimated Board hearing date: *none scheduled* / Case Planner: *Dan Klemann*)

- **Dennis Nickerson (Channel Island Harbor Area)**

This July 2003 screening-approved GPA is to re-designate two approximately 10,000 square foot parcels from "Commercial" to "Residential High" (6.1 to 36 dwelling units per acre), to allow construction of 10 to 16 apartments (25% of which would be for lower-income households). The applicant has not yet filed the required post-screening applications. (Estimated Board hearing date: *none scheduled* / Case Planner: *not assigned*)

- **Trigg Schaeffer (Silver Strand Coastal Area)**

This February 2006 screening-approved GPA would amend the Local Coastal Area Plan from the "Commercial" land use designation to the "High Residential" (6.1-36 du/acre) designation on a 5,227 square foot parcel, for the purpose of constructing two single-family homes. The Board screened this item through with a condition that the applicant submit market study that evaluates the viability of future commercial uses in the Silver Strand/Hollywood-by-the-Sea commercial district. The applicant has not yet filed all of the required post-screening applications. (Estimated Board hearing date: *none scheduled* / Case Planner: *not assigned*)

- **Nathan Borin (Lake Sherwood)**

This February 2008 screening-approved GPA is to amend the water and sewer policies of the Lake Sherwood/Hidden Valley Area Plan allowing extension of water and sewer service to existing lots contiguous to the Lake Sherwood Community. A sphere of influence expansion study will be required for LAFCO. (Estimated hearing date: *none scheduled* / Case Planner: *Daniel Klemann*)

### **County-Initiated Proposals:**

- **Piru Area Plan Update (Piru Community)**

This project is an update to the Piru Area Plan to re-designate approximately 62-acres north of Hwy 126, south of the citrus packing plant, east of Warring Wash, and west of the United Water District spreading grounds from "Agricultural" to various residential and commercial land use designations. This GPA will also involve changes to several Piru Area Plan goals, policies and programs and would expand the Piru Community Design Guidelines to include guidelines for residential development. This update is in conjunction with the privately-initiated GPAs for Reider, Jensen, and Finch as noted above. (Estimated Board hearing date: *Spring 2008* / Project Planner: *Dennis Hawkins*)
- **Housing Element Update – State Mandated (Countywide)**

The next State-mandated update to the Housing Element of the County General Plan is due June 30, 2008. On January 29, 2008 the Board of Supervisors conceptually approved a draft update of the Housing Element (*Land Use Appendix and Goals, Policies and Programs*) of the County General Plan. The draft update is undergoing review by HCD, and will be subsequently scheduled for Planning Commission and Board hearings. (Estimated Board hearing date: *June 2008* / Project Planner: *Shelley Sussman*)
- **Jobs/Housing Linkage Fee (Countywide)**

On January 25, 2005, the Board directed staff to prepare a work program for Board consideration to amend General Plan policy 3.4.2-8 and the County Initial Study Assessment Guidelines to eliminate project-by-project assessment of the indirect housing impacts generated by new commercial/industrial uses and substitute a programmatic approach (i.e., jobs/housing linkage fee). This program is included in the draft Housing Element as a FY2008-2009 program. (Estimated hearing date: *not scheduled* / Project Planner: *Kari Finley*)
- **Administrative Guidelines/Enabling Ordinances for Inclusionary Housing Resale/Rent Control (Countywide)**

In August of 2007, the Board (acting as the County Redevelopment Agency) conceptually approved a Housing Plan for Piru, which included development of policy guidelines and enabling ordinances to implement the Affordable Housing Program. This program is included in the draft Housing Element as a FY2008-2009 program, and would also apply to GPAs where the Board imposes inclusionary housing requirements. (Estimated Board hearing date: *not scheduled* / Project Planner: *Shelley Sussman*)
- **Update of the Density Bonus Provisions of the Zoning Ordinance – State Mandated (Countywide)**

On January 25, 2005 the Board postponed consideration of a program to update the Density Bonus provisions of the County Zoning Ordinance to be consistent with recent changes to State law, and directed staff to report back to the Board at such time as the State legislature considers cleanup legislation. SB 435 was

passed and became effective on January 1, 2006 (see Legislation/Court Decisions below). There was no further cleanup legislation in either the 2006 or 2007 legislative sessions. This program is included in the draft Housing Element as a FY2008-2009 program. (Estimated Board hearing date: not scheduled / Project Planner: Kari Finley and Shelley Sussman)

- **Scenic Resource Protection Overlay Zone Amendment and Related Amendments to the Ojai Valley and Thousand Oaks Area Plans**

During budget hearings in June 2007, the Board directed staff to amend the General Plan and Zoning Ordinance to strengthen SRP Overlay Zone in the Ojai Valley and Thousand Oaks areas. The Planning Division prepared a work program that would 1) combine the SRP and SHP Overlay zones and update the protection standards, and 2) amend the Ojai Valley Area Plan and Thousand Oaks Area Plan to expand the SRP areas. The Phase 1 work is underway and draft preliminary amendments have been prepared; work on the grading/development criteria will begin shortly. (Estimated Board hearing date: *not scheduled* / Project Planner: *Dennis Hawkins*)

- **Natural Resource Conservation Overlay Zone for Open Space (Countywide)**

On July 27, 2004, at the request of Supervisor Parks, the Board directed the Planning Division, when staff resources become available, to initiate a "Natural Resource Conservation Overlay Zone" as part of the County General Plan and Coastal and Non-Coastal Zoning Ordinances in order to designate National and State Parks in Ventura County for natural resource protection and passive parkland uses. Timing of this project is dependent upon other project priorities and staff availability, and further direction from the Board. (Estimated hearing date: *not scheduled* / Project Planner: *not yet assigned*)

- **Rezoning and Zoning Ordinance Amendments for Consistency with the General Plan – State Mandated (Countywide)**

State law requires that Zoning Ordinances be consistent with the general plan. Since the County's rezoning program in the mid-1980s, it has been discovered that several hundred parcels of land do not have zoning that is consistent with the County General Plan (e.g., Rocketdyne, North Half). In addition, there have been some significant changes to the General Plan over the last decade that has resulted in seeming inconsistencies in the zoning ordinances. For example, the minimum parcel size for rural-designated land was increased from one acre to two acres; however, the RA (Rural Agricultural) and CR (Coastal Rural) zones still specify a one-acre minimum. Similarly, the RE (Rural Exclusive) zone has a 10,000 square foot minimum and the CRE (Coastal Rural Exclusive) zone has a 20,000 square foot minimum. (Estimated hearing date: *not scheduled* / Project Planner: *not yet assigned*)

- **Update to the Resources Chapter of the General Plan (Countywide)**

The SEIR for the focused update of the County General Plan in 2005 illuminated the need to update many of the sections within the Resources Chapter and Appendix, some of which have not been updated since the early 1980's.

Specifically, the Water Resources, Biological Resources, Farmland Resources and Scenic Resources sections are in need of updating. Although the Planning Division has received Federal and State grants to inventory and improve environmental review regarding biological resources, update of the Resources Chapter/Appendix has not been funded or programmed. (Estimated hearing date: *not scheduled* / Project Planner: *not yet assigned*)

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

The County has adopted 10 Area Plans that specifically regulate land uses and discretionary development in specific geographical communities/areas within the unincorporated area of the County. Attachment 3 lists each of the Area Plans and the date of adoption or last major amendment. The Piru Area Plan is the only Area Plan that is being updated at the present time. Timing of updates to the other Area Plans is dependent upon other project priorities and staff availability.

- **Greenbelt Agreements**

The Board of Supervisors has directed that the existing Greenbelt Agreements be incorporated into ordinance format. In addition, Program 3.1.3 of the *Goals, Policies and Programs* of the General Plan states that the following additional greenbelt agreements should be considered by the County and appropriate cities for the following areas:

- Las Posas Valley
- Hidden Valley
- Upper Ojai
- Between Moorpark and Simi Valley north of Hwy 118.

Budget reductions in FY2004 effectively eliminated the planner position responsible for overseeing the greenbelt agreement program. Thus, the timing of this project is dependent upon other project priorities and staff availability.

## **Ventura County Housing Objectives Progress Report**

### **Housing Objectives**

The 2001 amendment to the Population and Housing Section of the County General Plan set forth the County's (unincorporated areas) housing objectives for a seven and one-half year planning period from January 1, 1998, to June 30, 2005. During that period the County completed 95 percent of the dwellings needed for the "upper-income" category, 123 percent of the dwellings needed for the "moderate-income" category, 201 percent of the dwellings needed for the "low-income" category, and 77 percent of the dwellings needed for the "very low-income" category. Overall, the County completed 1,882 dwelling units or 112 percent of the total dwelling units needed.

The Southern California Association of Governments (SCAG) has adopted a Regional Housing Needs Allocation Plan (RH NAP) for all jurisdictions within the region for the

period from January 1, 2006 to July 1, 2014. The Government Code was amended effective January 1, 2007 to require Housing Elements to also account for a new income category (extremely low-income). The RHNAP dwelling unit (DU) numbers by income category for the unincorporated area of Ventura County (including extremely low-income) are shown in the following table:

**Table 1  
2006-2014 RHNAP for Unincorporated Ventura County**

Income Category	SCAG's Regional Housing Need Allocation Plan 1/2006 - 6/2014 (DUs)	Approximate Annual Housing Need (DUs)
Upper (>120% median)	558	66
Moderate (>80%-<120% median)	291	34
Low (>50%-<80% median)	250	29
Very Low (>30%-<50% median)	153	18
Extremely Low (<30% median)	152	18
Totals	1,404	165

**Ventura County's Progress in Meeting Housing Needs**

The following table illustrates the housing units that have been completed within the unincorporated area by dwelling unit type between January 1, 2006 and December 31, 2007.

**Table 2  
Housing Completions by Dwelling Unit Type (1/06-12/07)**

Dwelling Unit Type	1/06-12/06 (DUs)	1/07-12/07 (DUs)	Total DUs	Percent of Total%
Single Family Dwellings	169	115	284	40%
Mobile Homes	29	24	53	7%
Second DU's	36	28	64	9%
Apartments	130	58	188	27%
Townhomes	114	6	120	17%
Totals	478	231	709	100%

Of the 231 dwelling units completed in 2007, 25 percent were located within the California State University Channel Island campus, 8 percent were located in the Las Posas Valley, 7 percent were located within the Ojai Valley area, 6 percent were

located within the Lake Sherwood area, 5 percent were located in Bell Canyon, and 5 percent were located within the Santa Rosa Valley. The remaining 44 percent was scattered throughout the unincorporated area of the County.

In order to categorize housing allocation by affordability, assessed property value, number of bedrooms, and square footage of the property and dwelling unit must be collected from the County Assessors Office "Closed Role". The Ventura County Assessors Office releases their annual Closed Role report on July 1<sup>st</sup> of each year; however the information contained in those reports is only for the previous calendar year. Therefore, the information necessary to determine the affordability category of the dwelling units completed in 2007 will not be available until July 1 of 2008. Therefore, it is not possible to comply with the State's April 1<sup>st</sup> deadline to report the affordability category of dwelling units completed in the previous calendar year.

Although information is not yet available to categorize the dwelling units completed in 2007 by income, staff has been able to categorize the dwelling units completed between 1/1/06 and 12/31/06 by income. This information is depicted in the following table and compared to the housing need by income category depicted in Table 1 above. The assumptions and methodology for how the units were categorized is described in the Housing Affordability Assumption/Methodology (Attachment 1).

**Table 3**  
**Dwelling Unit Completions vs. Housing Need by Income Category**

<b>Income Category</b>	<b>Completed DUs 1/1/06 to 12/31/06</b>	<b>Housing Need 2006 - 2014 (DUs)</b>	<b>Remaining Need for 2007 - 2014 (DUs)</b>
Upper	127	558	431
Moderate	251	291	40
Low	98	250	152
Very Low	37	153	116
Extremely Low	11	152	141
<b>Total</b>	<b>524</b>	<b>1404</b>	<b>880</b>

Table 4 shows a comparison of the dwelling units completed in 2006 and the *annual* housing needs for the 2006-2014 SCAG RHNAP by income category depicted in Table 1 above.

**Table 4**  
**Annual Dwelling Unit Completions vs. Housing Need by Income Category**

Income Category	Completed DUs 1/1/06 to 12/31/06	Annual Housing Need (DUs)	% of Need Being Met on Annual Basis
Upper	127	66	192%
Moderate	251	34	738%
Low	98	29	338%
Very Low	37	18	206%
Extremely Low	11	18	61%
Total	524	165	318%

As is evidenced in Table 4 above, Ventura County exceeds the annual housing needs goals in all income categories except the extremely low.

### **Local Assistance Efforts for Maintenance, Improvement and Development of Housing**

Every year, the County prepares a plan that identifies the unmet needs for affordable and supportive housing, community development programs, social service programs and economic development opportunities for low-income residents. The Consolidated Plan which covers the period 2005-2008, addresses the unincorporated area of the county and the cities of Fillmore, Moorpark, Port Hueneme, Ojai and Santa Paula. In addition, the Consolidated Plan must be approved by the Department of Housing and Urban Development in order for the County to receive a variety of Federal grants including the Community Development Block Grant (CDBG), the Emergency Shelter Grant (ESG) and the HOME Investment Partnership Act (HOME) grant. The *Ventura County 2007-08 Annual Plan*, which outlines the programs to be implemented in the third year of the Consolidated Plan, was presented to the Board on May 8, 2007. Major programs and projects are summarized below.

#### **Housing Assistance Programs:**

The County is involved in housing assistance programs for various needy groups. The following programs, projects and activities illustrate the County's effort to meet identified housing needs for the forthcoming fiscal year:

- o Habitat for Humanity (3 units);
- o Housing Preservation, Mobilehome Program (16 units);
- o Corporation for Better Housing - Santa Paula, increase the availability of affordable rental housing (41 units);
- o WAV, PLACE; Downtown Ventura – mixed-use, mixed income development (69 low-income units);

- Palm Gardens Apartments, Piru - rehabilitate the Palms complex for affordable rental housing (15 units);
- CEDC – Homebuyer Program, increase home-ownership options for first-time, low and moderate-income homebuyers (5 units);
- Winter Warming Shelter, assist previously homeless persons with housing and/or services (335 persons);
- RAIN Operations, assist previously homeless persons with housing and/or services (165 persons);
- Turning Point – Our Place Shelter, assist previously homeless persons with housing and/or services (60 persons);
- HCA, Behavioral Health, assist previously homeless persons with housing and/or services (100 persons);
- Project Understanding – Food Pantry, assist previously homeless persons with housing and/or services (3,000 persons);
- Project Understanding – Rent Assistance, assist previously homeless persons with housing and/or services (150 households); and
- HSA, Homeless Services Program, assist previously homeless persons with housing and/or services (1,300 persons).

**Resource Management Agency Activities and Programs:**

The County Resource Management Agency has been actively encouraging additional affordable housing in the unincorporated portion of the County through the use of processing assistance and Zoning Ordinance Amendments. These activities, current Zoning Ordinance topics and programs include:

- *Affordable/Elderly Housing Developments:* Article 16 of the County’s Zoning Ordinance provides density bonuses and other incentives to encourage housing for lower income and elderly households. On January 25, 2005, the Board postponed consideration of a program to update the Density Bonus provisions of the County Zoning Ordinance to be consistent with recent changes to State law, and directed staff to report back to the Board at such time as the State legislature considers cleanup legislation. SB 435 was subsequently passed and became effective on January 1, 2006 (see Legislation/Court Decisions below). This project will commence in Spring 2008 (see section “B” above).
- *Condominium Conversions:* Article 19 of the County’s Zoning Ordinance concerns condominium conversions, and now provides incentives for rental projects converted to moderate- and lower-income home ownership.
- *Mobilehome Park Closures:* The County of Ventura has adopted Article 17 of the County Zoning Ordinance to regulate mobilehome park closures. The County recognized that mobilehome parks offer affordable ownership housing to the citizens of Ventura County particularly to residents over the age of 62; many of whom are on fixed, limited incomes. Mobilehome parks are a relatively low

intensity land use, and in growing urban areas, older parks are coming under economic pressure to redevelop to more profitable uses. In these urban areas throughout the County, vacant mobilehome park spaces are usually rare. Park residents evicted because of change of use of the park may be unable to find space in other parks, or cannot afford the move even if a space were available. For these reasons, it was deemed necessary to protect the owners of mobilehomes from unreasonable evictions and undue financial hardship from a mobilehome park closure, while at the same time recognizing the rights of the park owners to pursue changes in land use. Persons who own mobilehomes in parks being closed are eligible for relocation assistance and/or compensation for their homes.

- *Mobile Home Park Ownership Conversions:* The County of Ventura is considering amendments to both the Non Coastal Zoning Ordinance and the Ventura County Subdivision Ordinance in order to outline the application requirements for mobile home park ownership conversions. Ventura County's current zoning and subdivision ordinances lack specific guidance on how to process applications for conversions of mobile home parks to resident ownership under Subdivision Map Act Sec. 66427.5, and as recently interpreted by the courts and further amended by the Legislature. Local zoning and subdivision provisions do not inform staff how to harmonize such conversions with the goals, policies, and programs of the County's General Plan and how to best implement Sec. 66427.5's provisions. It is in this context that the Board requested the proposed ordinance amendments. The proposed amendments also attempt to provide, to the extent permitted by law, measures to prevent any potential loss of affordable housing such conversions might otherwise cause within the unincorporated areas of the County, in keeping with the established goals, programs, and policies of the County's General Plan and related provisions of State law.
- *Farmworker Housing:* In May 2003, the County Zoning Ordinance was streamlined to allow farm worker housing that met certain criteria, to be ministerially approved over the counter. On an annual basis, the landowner (or permittee) is required to submit a standard Farmworker Dwelling Declaration to verify that the persons residing in the farmworker dwellings are principally employed for farm work. In addition, the Zoning Ordinance was amended to allow Farmworker Housing Complexes in the AE and OS zones by Planned Development Permit rather than a Conditional Use Permit.

In 2005, the Board of Supervisors amended the General Plan to exempt Farmworker Housing Complexes from the building coverage standards and traffic policies of the General Plan, but declined to allow the approval of creation of new sub-standard sized lots for Farmworker Housing Complexes.

County staff is currently seeking Federal, State and private grant monies to develop farmworker housing countywide.

From June 5, 2003, (operative date of the ordinance amendment) to December 31, 2007, Zone Clearances have been issued for 48 farmworker/animal

caretaker dwelling units. In 2007 alone, there were 10 Zone Clearances issued for farmworker dwelling units.

- *Second Dwelling Units:* Second dwelling units provide an important source of lower income rental housing. In May 2003, the Board of Supervisors adopted revisions to the Non-Coastal Zoning Ordinance for second dwelling units. The allowable size for second dwelling units was increased in most unincorporated areas, discretionary approval was changed from a lengthy planned development permit to ministerial “over-the-counter” approval in accordance with State law, and revisions were made to allow second dwelling units in more zoning districts.

Between June 2003 and December 2007, there were 137 second dwelling units completed in the unincorporated area of the county, with 28 of those units constructed between January 1, 2007 to December 31, 2007.

- *Modification of County Zoning and Development Standards:* To promote housing opportunities by reducing development costs. Several zoning and development standards have been modified over the years:
  - The requirement for two garage parking spaces per dwelling unit has been amended to allow two covered spaces in lieu of a garage.
  - Second dwelling units now only require a single open parking space.
  - Mobile and manufactured homes are now allowed as a single-family residence in zones where single-family residences are allowed.
  - Affordable housing projects allow for reduced front yard setback from 20 feet to 15 feet.
- *Inclusionary Housing Policy:* In January 2005, County Planning Division staff presented inclusionary housing background information and policy options for unincorporated areas to the Board of Supervisors. The Board voted not to pursue a Countywide ordinance or policy at that time. However, the Board did direct that new residential development in Piru (see pending private and public General Plan Amendments above) would be held to the same inclusionary housing standards as projects within the Piru Redevelopment Agency area (15% of units for moderate/lower-income households, with 40 percent of these units for very low-income households).

Although the County does not have a formal Inclusionary Housing Policy, new residential projects that require a General Plan Amendment have been consistently required to provide a percentage of the units affordable to moderate and lower income households. Since 2001, this form of inclusionary housing has been provided either voluntarily by the developer or been required as a condition of approval on all residential General Plan Amendments screenings. It's anticipated that this requirement will continue to be applied on a case-by-case basis to land entitlements that require legislative approval.

- *Jobs/Housing Linkage Fee:* County Planning Division staff has been directed to prepare a work program and analysis on a potential jobs/housing linkage fee for

consideration by the Board of Supervisors. Background information and policy options for unincorporated areas will be presented. If adopted by the County, such a fee would function similar to a mitigation fee and require significant employment generating uses to contribute to the provision of affordable housing for lower income households. This project is anticipated to begin in FY 2008-2009.

### **California State University, Channel Islands:**

Over the past five years, the California State University, Channel Islands campus (CSUCI) has completed three phases of housing units totaling 658 dwelling units (apartments, townhomes and SFD's). Of those units, 193 (29%) were classified for low and very low-income households.

### **Legislation/Court Decisions**

The following is a summary of State legislation and advisory guidelines enacted in 2007, which may affect the County General Plan and its implementation:

- AB 162, Wolk.- Land use: water supply. This bill requires the land use element of the General Plan to identify and annually review those areas that are subject to flooding as identified by flood plain mapping prepared by the Federal Emergency Management Agency or the Department of Water Resources. The bill also requires, upon the next revision of the housing element, on or after January 1, 2009, the conservation element of the general plan to identify rivers, creeks, streams, flood corridors, riparian habitat, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management. By imposing new duties on local public officials, the bill creates a state-mandated local program.
- AB 212, Fuentes - General plan amendments: zoning change application. This bill provides that a local government may not deny an application for a zoning change that was consistent with the general plan at the time that the application was made on the basis that the applicant has subsequently received notice from the local government that a proposed amendment to the general plan conflicts with the zoning change application. The bill also provides that an application for a zoning change may only be denied because of a pending amendment to a general plan if the proposed amendment to the general plan was filed prior to the date of the zoning change application and public notice of the proposed general plan amendment was made pursuant to specified provisions of law.
- AB 704, Eng - Local government: land use: Resident Advisory Commission on the Environment Act. This bill authorizes the legislative body of each city, county, and city and county to establish a Resident Advisory Commission on the Environment. The Resident Advisory Commission on the Environment would be charged with advising the legislative body on various matters related to the environment, as specified. The bill also makes legislative findings and declarations regarding environmental concerns.

- AB 1019, Blakeslee - Land use: annexation: housing. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 authorizes local governments to annex portions of territory to other local governments, as specified. The Planning and Zoning Law requires local governments to adopt a housing element as part of the General Plan. The Department of Housing and Community Development is required to assist Councils of Government and local governments in the allocation of the regional housing needs. Existing law also authorizes a city or county to transfer a percentage of its share of the regional housing needs to another city or county, as specified. Existing law requires each city, county, and city and county to revise its housing element on specified dates, in accordance with a specified schedule, and not less often than once every 5th year after that revision. Existing law requires, during the period between adoption of a final regional housing needs allocation and the due date of the housing element update, that the council of governments or HCD, whichever assigned the county's share, reduce the share of regional housing needs of a county if certain conditions are met. If an incorporation of a new city occurs after the council of governments, or HCD for areas with no council of governments, has made its final allocation under these provisions, the city and county are authorized to reach a mutually acceptable agreement on a revised determination of regional housing needs, to reallocate a portion of the affected county's share of regional housing needs to the new city, and report the revision to the council of governments and the department, or to the department for areas with no council of governments. This bill would authorize a similar mutually acceptable agreement on a revised determination of regional housing needs if an annexation of unincorporated land to a city occurs after the council of governments, or HCD for areas with no council of governments, has made its final allocation.
- AB 1338, Huffman - Public resources: local coastal programs: nonpoint source pollution. The California Coastal Act of 1976 establishes procedures for the preparation, approval, and certification of local coastal programs. Under the act, a local government with a certified local coastal program, among other things, assumes review and permitting authority over coastal land and resources in the coastal zone, as defined. This bill enacts the California Coastal Protection Act of 2007. Every local coastal government when preparing and adopting a local coastal program for certification by the California Coastal Commission would be required to include a nonpoint source pollution prevention element within its local coastal program. A local coastal government submitting to the commission major amendments to a certified local coastal program *also* would be required to submit with those amendments a nonpoint source pollution prevention element. The bill would specify what a nonpoint source pollution prevention element shall include. These provisions would not be applicable to a local government with a local coastal program approved prior to January 1, 2008, that contains water quality elements. By imposing these requirements, the bill imposes a state-mandated local program. The commission is required to assist local

- governments in obtaining grant funds to help defray the costs associated with the preparation of that nonpoint source pollution prevention element.
- AB 1358, Leno - Planning: circulation element: transportation. This bill requires, commencing January 1, 2010, that the legislative body of a city or county, upon any revision of the circulation element of the general plan, modify the circulation element to accommodate the safe and convenient travel of users of streets, roads, and highways, defined to include motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and users of public transportation , in a manner that is suitable to the rural, suburban, or urban context of the general plan . By requiring new duties of local officials, this bill imposes a state-mandated local program.
  - SB 2, Cedillo - Local planning. The State Planning and Zoning Law requires the housing element of the general plan of a city or county to contain, among other things, an assessment of housing needs, including an inventory of land suitable for residential development, and a program with a 5-year schedule of actions that the local government is undertaking or intends to undertake to implement the goals and objectives of the housing element. This program is also required to identify adequate sites with zoning that permits owner-occupied and multifamily residential use by right, including the development of farmworker housing for low- and very low income households. This bill adds emergency shelters to these provisions, as specified, and would add provisions to the housing element that would require a local government to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The bill also authorizes a local government to satisfy all or part of this requirement by adopting and implementing a multijurisdictional agreement, as specified, and would delete multifamily residential use from these provisions. By increasing the duties of local public officials, the bill creates a state-mandated local program.
  - SB 640, Simitian - Circulation and transportation element. This bill renames the “circulation element” of the General Plan to the “circulation and transportation element” and makes other technical and conforming changes.

The following is a summary of court decisions in 2007 that may affect a County's General Plan:

- **Fonesca v. City of Gilroy (2007) 148 Cal.App.4th 1174**  
 Current amendments to the housing element statutes require identification and analysis of available housing and land inventory by specific site.  
 Low income residents of Gilroy sued to set aside the City's general plan for failure to satisfy housing element law. The standard applied by the court was whether the housing element substantially complied with the statutory requirements; not whether the programs adopted were adequate to meet the stated objectives. Fonesca attacked the City's 2001 housing element on four

grounds: (1) it failed to contain an inventory and proper analysis of available residentially zoned land identified by parcel; (2) it failed to identify housing sites to meet the City's allocated share of housing; (3) it failed to zone enough multi-family residential by right; and (4) it violated the Least Cost Zoning Law by failing to zone at appropriate densities.

In rejecting the Fonseca's claims, the court upheld the housing element under the statutes in effect prior to the 2004 amendments finding that the former statutes did not require as high of a level of specificity as does present law. The court noted that under current law, land inventory of vacant sites and sites available for development must now be site specific, not just an aggregate inventory. It also pointed out that current law requires site identification to accommodate the regional housing needs and that program actions must be taken during the planning period as opposed to simply being in accordance with a five year schedule of actions. Finally, the court rejected Fonseca's argument that rezoning at higher densities required immediate action concluding the City need only act within the planning period to meet regional housing needs.

- **Friends of Lagoon Valley v. City of Vacaville (2007) 154 Cal.App.4th 807**

A development project may be consistent with the general plan when there is any rational basis to find the project furthers the goals and policies of the general plan.

The Lower Lagoon Valley ("LLV") Policy Plan Implementation Project ("Project") proposed to develop 443 acres of open space. Friends challenged that the City's finding that the Project was consistent with the General Plan (GP) and the Lower Lagoon Valley (LLV) Policy Plan. Friends first argued that the traffic impact mitigation fee was not consistent with the GP which prohibited development that created an unacceptable level of service without an acceptable mitigation program. The court found the traffic impact fee was acceptable mitigation and thus consistent with the GP.

Second, Friends argued the reduced office park development proposed by the Project (700,000 sq. ft) was inconsistent with the LLV Policy Plan's designated 4 million square feet. The court found the project consistent because the GP allowed for balancing policies and did not require achievement of maximum density. Therefore, the difference in square footage did not constitute an inconsistency.

Third, Friends argued that the increased residential density of the Project was inconsistent. In rejecting this, the court noted the flexibility the local officials have in implementing their policies.

## **Consistency with State General Plan Guidelines**

Section 65400 of the Government Code requires jurisdictions to include the degree to which the approved General Plan complies with the State of California *General Plan Guidelines (Guidelines)*. Planning staff reviewed the State's *General Plan Guidelines*

and determined that Ventura County's General Plan meets the mandatory requirements described therein.

The *Guidelines* provide a definitive interpretation of State statutes and case law as they relate to planning. In addition, the *Guidelines* outline the general framework for preparation and revision of a General Plan, Attorney General Opinions, and the relationship of the General Plan to State CEQA requirements. Finally, the *Guidelines* describe elements that are mandatory for all General Plans (e.g., Housing Element, Land Use Element, Circulation Element, etc.). In general, however, the State's *Guidelines* are advisory rather than prescriptive, thus preserving opportunities for local jurisdictions to address contemporary planning topics in a locally appropriate manner.

Staff believes that the Ventura County General Plan is consistent with the requirements of the *Guidelines*. To illustrate this, Attachment 2 details the way in which the uniquely structured Ventura County General Plan integrates these mandatory elements into various chapters and appendices. Attachment 3 lists adoption dates of the most recent revisions to various chapters of the General Plan and associated Area Plans.

**Attachments:**

Attachment 1 – Housing Affordability Assumptions/Methodology

Attachment 2 – Ventura County General Plan Compliance with State of California General Plan Guidelines

Attachment 3 – Last Amendment Date of Ventura County General Plan and Area Plans

## Attachment 1 Housing Affordability Assumptions/Methodology

In order to assess the County's progress in meeting housing needs, affordability characteristics of new units must be determined. Reporting affordability of new housing units is dependent on information regarding family income, number of bedrooms, and the sales price/construction cost or rental amount of newly constructed housing units. As stated previously, the County Assessor Roles for 2007 will not be closed until July 2008; therefore, 2007 affordability characteristics will be reported in next year's annual report. The following affordability characteristics were generated in 2006.

### Median Family Income

According to the Department of Housing and Urban Development, median family (four persons) income for Ventura County in FY 2006 was \$79,500. Utilizing the County median income, the gross income for the four income categories can be calculated as reflected in the following table:

**Table A**

Income Category	Annual Income	Monthly Income
<b>Upper</b> (>120% of median)	Over \$95,400	Over \$7,950
<b>Moderate</b> (>80% - <120% of median )	\$63,600 to \$95,400	\$5,300 to \$7,950
<b>Low</b> (>50% - <80% of median)	\$39,750 to \$63,600	\$3,313 to \$5,300
<b>Very Low</b> (>30% - <50% of median)	\$23,850 to \$39,750	\$1,988 to \$3,313
<b>Extremely Low</b> (<30% of median) *	Up to \$23,850	Up to \$1,988

\* Extremely low category added to report in 2008 (for 2007 reporting)

### Maximum Affordable Housing Costs by Income Category

The following table indicates estimates of the ability of households to pay for housing based on 2006 income categories. The maximum affordable monthly housing payment assumes that up to 30 percent of a household's gross income is devoted to rent or home loan payment. Maximum affordable unit cost is the maximum cost of a for-sale residential unit, assuming a 20% down payment with 30 percent maximum gross monthly income payment and a fixed 6.00 percent APR for a 30-year loan.

**Table B**

<b>Income Category</b>	<b>Maximum Monthly Affordable Housing Payment</b>	<b>Maximum Affordable For-Sale Unit Cost</b>
<b>Upper</b> (>120% of median)	Over \$2,385	Over \$497,300
<b>Moderate</b> (>80% - <120% of median)	\$1,590 to \$2,385	\$331,550 to \$497,300
<b>Low</b> (>50% - <80% of median)	\$994 to \$1,590	\$207,250 to \$331,550
<b>Very Low</b> (>30% - <50% of median)	\$596 to \$994	\$124,300 to \$207,250
<b>Extremely Low</b> (<30% of median)	Up to \$596	Up to \$124,300

The maximum housing affordability may vary depending upon household size. Household size can be correlated with the number of bedrooms a dwelling has. The following assumptions are made with regard to the number of bedrooms and household size:

**Table C**

<b>Number Of Bedrooms</b>	<b>Household Size</b>
Studio/Single Room Occupancy (SRO)	1 person
1 bedroom	2 persons
2 bedrooms	3 persons
3 bedrooms	4 persons <sup>1</sup>
4 bedrooms	5 persons
5 bedrooms	6 persons
6 bedrooms	7 persons

Based upon these assumptions, housing affordability ranges can be more precisely determined by target household size. The following table illustrates the estimated household income (2006), based upon family size:

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<sup>1</sup> Median household size

**Table D**

Income Category	Household Income Based Upon Number of Persons in Family (in 2006 Dollars) <sup>2</sup>							
	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
<b>Upper</b>	Over 66,780	Over 76,320	Over 85,860	Over 95,400	Over 103,030	Over 110,670	Over 118,300	Over 125,930
<b>Moderate</b>	44,520 to 66,780	50,880 to 76,320	57,240 to 85,860	63,600 to 95,400	68,690 to 103,030	73,780 to 110,670	78,870 to 118,300	83,950 to 125,930
<b>Low</b>	27,830 to 44,520	31,800 to 50,880	35,780 to 57,240	39,750 to 63,600	42,930 to 68,690	46,110 to 73,780	40,290 to 78,870	52,470 to 83,950
<b>Very Low</b>	16,700 to 27,830	19,080 to 31,800	21,470 to 35,780	23,850 to 39,750	25,760 to 42,930	27,670 to 46,110	29,580 to 49,290	31,490 to 52,470
<b>Extremely Low</b>	Under 16,700	Under 19,080	Under 21,470	Under 23,850	Under 25,760	Under 27,670	Under 29,580	Under 31,490

Source: FY 2005 HUD Income Limits Briefing Material, Family Size Adjustments.

Using the same methodology as above, the maximum monthly rental/mortgage payment can be calculated for each income category based upon the number of bedrooms in the housing unit, which is reflected in the following table:

<sup>2</sup> Rounded to the nearest \$50.00

**Table E**

Income Category	Maximum Monthly Housing Payment Based Upon Number of Bedrooms in Housing Unit (in 2006 Dollars)						
	SRO	1 BDR.	2 BDRS.	3 BDRS.	4 BDRS.	5 BDRS.	6 BDRS.
<b>Upper</b>	Over 1,855	Over 2,120	Over 2,385	Over 2,650	Over 2,862	Over 3,074	Over 3,286
<b>Moderate</b>	1,237 to 1,855	1,413 to 2,120	1,590 to 2,385	1,767 to 2,650	1,908 to 2,862	2,049 to 3,074	2,191 to 3,286
<b>Low</b>	773 to 1,237	883 to 1,413	994 to 1,590	1,104 to 1,767	1,193 to 1,908	1,281 to 2,049	1,369 to 2,191
<b>Very Low</b>	464 to 773	530 to 883	596 to 994	663 to 1,104	716 to 1,193	769 to 1,281	822 to 1,369
<b>Extremely Low</b>	Up to 464	Up to 530	Up to 596	Up to 663	Up to 716	Up to 769	Up to 822

Likewise, using the same methodology and information as above, the maximum housing unit cost can be calculated for each income category based upon the number of bedrooms in the housing unit, which is reflected in the following table:

**Table F**

Income Category	Maximum Housing Unit Cost Based Upon Number of Bedrooms in Housing Unit (in 2006 Dollars) <sup>3</sup>						
	SRO	1 BDR.	2 BDRS.	3 BDRS.	4 BDRS.	5 BDRS.	6 BDRS.
<b>Upper</b>	Over 386,800	Over 442,050	Over 497,300	Over 552,550	Over 596,750	Over 640,950	Over 685,150
<b>Moderate</b>	386,800 to 257,950	442,050 to 294,600	497,300 to 331,550	552,550 to 368,450	596,750 to 397,850	640,950 to 427,250	685,150 to 456,650
<b>Low</b>	257,950 to 161,200	294,600 to 184,100	331,550 to 207,250	368,450 to 230,200	397,850 to 248,550	427,250 to 266,900	456,650 to 285,450
<b>Very Low</b>	161,200 to 96,750	184,100 to 110,500	207,250 to 124,250	230,200 to 138,250	248,550 to 149,300	266,900 to 160,350	285,450 to 171,400
<b>Extremely Low</b>	Up to 96,750	Up to 110,500	Up to 124,250	Up to 138,250	Up to 149,300	Up to 160,350	Up to 171,400

<sup>3</sup> Rounded to the nearest \$50.00

In order to complete the County's annual housing objectives progress report, staff collected appropriate data from the files of the County Assessor, the Building and Safety, and the Planning Division. In instances where complete or consistent information is not available, staff assigns affordability categories based on the size of the dwelling unit, parcel location and other known characteristics. For example, a dwelling unit between 1,500 and 2,000 square feet is assumed to have three bedrooms. Likewise, where Assessor's land valuation information is not available, the average value of surrounding parcels of like size is utilized.

## Attachment 2

### Ventura County General Plan Compliance with State General Plan Guidelines

State Requirements	Ventura County General Plan Chapters And Appendices			
	Resources	Hazards	Land Use	Public Facilities and Services
<b>Land Use Element:</b>				
Housing			X	
Business			X	
Industry			X	
Open Space	X	X	X	X
Agriculture	X		X	
Scenic Beauty	X			
Education				X
Public Buildings & Grounds				X
Solid & Liquid Wastes		X		X
Population Density/Building Intensity			X	
Flooding		X		X
Timberland Production	X		X	
<b>Circulation Element:</b>				
Major Thoroughfares				X
Transportation Routes				X
Terminals				X
Utilities				X
<b>Housing Element</b>			X	
<b>Conservation Element:</b>				
Water	X			X
Hydraulic Force		X		X
Forests	X			
Soils	X			
Rivers	X	X		X
Harbors				X
Fisheries	X			
Wildlife	X			
Minerals	X			
<b>Open Space Element</b>	X		X	
<b>Noise Element</b>		X		
<b>Safety Element</b>		X		X

### Attachment 3 Last Amendment Date of Ventura County General Plan and Area Plans

Document Title	Date adopted or last amended
<b>Countywide General Plan:</b>	
Goals, Policies and Programs <sup>4</sup>	12-06-05
Resources Appendix	09-19-00
Hazards Appendix	11-15-05
Land Use Appendix	11-15-05
Public Facilities and Services Appendix	11-15-05
<b>Area Plans:</b>	
Ahmanson Ranch Area Plan <sup>5</sup>	12-15-92
Coastal Area Plan <sup>6</sup>	11-20-01
El Rio/Del Norte Area Plan <sup>7</sup>	11-15-05
Lake Sherwood/Hidden Valley Area Plan <sup>8</sup>	11-15-05
North Ventura Avenue Area Plan <sup>9</sup>	12-11-90
Oak Park Area Plan <sup>10</sup>	11-15-05
Ojai Valley Area Plan <sup>11</sup>	11-15-05
Piru Area Plan <sup>12</sup>	11-15-05
Saticoy Area Plan <sup>13</sup>	12-10-96
Thousand Oaks Area Plan	11-15-05

<sup>4</sup> Revisions to the Housing and Population Chapter of the General Plan have been submitted to the California Department of Housing and Community Development for review.

<sup>5</sup> Ahmanson Ranch Area Plan should be rescinded when Development Agreement expires (2017).

<sup>2</sup> Updating the Coastal Area Plan, and its companion Coastal Zoning Ordinance, is a major project, which will require State funding.

<sup>3</sup> There will be pressure to increase residential densities once sewers are constructed (2009).

<sup>4</sup> Over the past decade, Sherwood Development Company has initiated necessary amendments to the Area Plan.

<sup>5</sup> City of Ventura recently updated their General Plan; Ventura Avenue Area Plan is in need of updating.

<sup>6</sup> Oak Park is largely built-out and an update is not necessary.

<sup>7</sup> The Ojai Valley Area Plan is not in immediate need of updating.

<sup>8</sup> Piru Area Plan is currently being updated.

<sup>9</sup> City of Ventura is preparing a land use plan for the Wells Road/Saticoy Area; Saticoy Area Plan is in need of updating.