



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

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TO: DRP Staff

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**SUBJECT: Subdivision & Zoning Ordinance Interpretation No. 02-2007
Interpretation of Antelope Valley Area Plan Provisions Regarding
Non-Residential Uses in Non-Urban Areas**

1. Consistency

The Antelope Valley Area Plan contains language pertaining to non-residential uses in non-urban areas on pages VI-4 through VI-6. This language is contained within the legend of the Land Use Policy Map and is separate from language pertaining to commercial, industrial, and public facilities map designations. Non-urban map designations are considered to be residential in nature. In part, the Area Plan states:

Non-residential uses requiring, or appropriate for, remote locations may be allowed in Non-urban areas...

Subject to compliance with the General Conditions for Development, (Section D of this Chapter) non-residential uses can include:

- (a) Local and highway oriented commercial and industrial uses to serve the needs of local residents and travelers;*
- (b) Manufacturing activities requiring remote or secluded locations for product testing, development and storage, including storage of volatile/hazardous substances*
- (c) Public and semi-public uses typically located in non-urban environs, such as solid and liquid waste disposal sites, utility and communication installations, and schools and other public facilities necessary to serve the Non-urban populations. In the case of proposals for waste disposal and mineral extraction facilities and uses, and other appropriate proposals, approved site restorations shall be required at the termination of such use.*

...

- (d) Private and commercial recreational uses and specialized activities such as nature study centers, scientific research and educations camps, lodges and retreats, and visitor accommodations services and*

facilities when designed in a manner compatible with and sensitive to surrounding scenic and natural resources.

- (e) Agricultural activities including live-stock grazing, bee-keeping, orchards and vineyards.*
- (f) Mineral extraction uses such as quarries and oil and gas fields.*

Since non-urban map designations are considered to be residential in nature and there is separate language pertaining to the commercial, industrial, and public facilities map designations, the cited language indicates that non-residential uses can be established in non-urban map designations without changing the map designation, i.e. without a Plan Amendment. However, these non-residential uses must conform to the criteria (a) through (f) cited above.

2. Standards

In addition, there are "general guidelines" for non-residential uses in non-urban areas. In part, the Area Plan states:

The application process for a non-residential use in a non-urban residential area shall involve the public hearing process and appropriate conditioning of the design of the project such that the negative impacts on adjacent land uses will be minimized.

All applications for environmentally sensitive uses including waste disposal facilities, mining operations, quarries, airports or other similar uses shall require a full environmental analysis to identify potential negative impacts.

This language indicates that non-residential uses can be established in non-urban map designations without changing the map designation but require discretionary review, including applicable review under the provisions of the California Environmental Quality Act (CEQA).

It should also be noted that pages VI-6 and VI-7 make reference to "Unmapped Highway Oriented Commercial" and "Unmapped Neighborhood Commercial" uses that are not shown on the Land Use Policy Map. If these "Unmapped" uses are located within a non-urban area, the Plan requires compliance with either the "Unmapped Highway Oriented Commercial Conditions for Development" or "Unmapped Neighborhood Oriented Commercial Conditions for Development" in addition to the "General Conditions for Development" required of all non-residential uses in non-urban areas.

3. Legal Non-Conforming Uses

The standards discussed above apply to new non-residential uses in non-urban areas, provided that they conform to the criteria (a) through (f) cited above. However, it is probable that some non-residential uses were established in non-urban areas prior to adoption of the Area Plan. While many of these pre-existing uses conform to the criteria

(a) through (f) cited above, others may not, and the Area Plan includes language concerning those non-conforming uses:

It is the express intent of the Plan that these legally established non-conforming uses and developments may be allowed to operate throughout the time-frame covered by the Plan if they are found to be operated in full compliance with applicable codes and ordinances and can be shown to fill an important social or economic need within the area. However, while normal maintenance and repair is to be allowed, expansion or intensification of these uses will not be permitted (except as noted below) except through the Plan Amendment process.

4. Relationship to Zoning and Title 22 Provisions

New Uses

New non-residential uses within the non-urban map designations of the Area Plan may be deemed consistent with the Area Plan only if they conform to the criteria (a) through (f) cited above and meet the Area Plan standards for development cited above. While a Plan Amendment may not be required for these uses, they must still be located in an appropriate zoning designation and comply with all applicable provisions of Title 22.

In most cases, new non-residential uses within the non-urban map designations will require a zone change. In order to meet the Area Plan standards for development, such zone change must be to a Development Program (DP) designation (see Part 2 of Chapter 22.40), which requires a Conditional Use Permit for any new use to be established. The requirement of a zone change and Conditional Use Permit will meet the Area Plan's requirement that new non-residential uses in non-urban areas be established through a discretionary review process, including applicable review under the provisions of CEQA.

However, in some instances new non-residential uses within the non-urban map designations will not require a zone change, as they will occupy a vacant parcel of land or a parcel of land previously occupied by a different use. It is probable that many of these uses will require a Conditional Use Permit under the provisions of the underlying zoning. In those instances, the requirement of a Conditional Use Permit will meet the Area Plan's requirement that new non-residential uses in non-urban areas be established through a discretionary review process, including applicable review under the provisions of CEQA.

Rare circumstances may exist in which new non-residential uses within the non-urban map designations will not require a zone change or a Conditional Use Permit under the provisions of the underlying zoning. However, the Area Plan requires that they be established through a discretionary review process and be conditioned "such that the negative impacts on adjacent land uses will be minimized." This can only be accomplished through a Conditional Use Permit (see Section 22.56.010). Therefore, a Conditional Use Permit should be required for these uses even if they are typically permitted "by right" within the underlying zoning.

Existing Uses

Existing non-residential uses that were legally established prior to the adoption of the Area Plan may be deemed consistent with the non-urban map designations of the Area Plan only if they conform to the criteria (a) through (f) cited above. If they do not conform to the criteria, they may be maintained in perpetuity but cannot be expanded or intensified without a Plan Amendment.

If an existing use does conform to the criteria (a) through (f) cited above, expansion or intensification may be permitted without a Plan Amendment but may require a zone change, Conditional Use Permit, or other discretionary review subject to the provisions of Title 22. Site plans for expansion or intensification should be submitted to ensure compliance with Title 22 if a zone change, Conditional Use Permit, or other discretionary review is not required.

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