

# DRAFT FOR DISCUSSION

## OUTLINE OF PROPOSED SETTLEMENT AGREEMENT BETWEEN THE COUNTY OF VENTURA AND THE CITY OF OXNARD REGARDING CERTAIN PROJECTS IN CHANNEL ISLANDS HARBOR

In recognition of the City's longstanding desire to more fully participate in the processing of significant projects in the County's Channel Islands Harbor (CIH), and despite the fact that the County's property holdings, and the CIH Public Works Plan (PWP) are not subject to the City's General Plan, local ordinances and programs, etc., the County offers the following outline of the terms of a proposed settlement agreement.

Upon approval by the parties' governing parties of an agreement to settle all disputes regarding the County's proposed PWP amendment for the Fisherman's Wharf replacement project, but no later than July 25, 2017, the following would apply to CIH projects within the City limits requiring a Local Coastal Plan Amendment:

- For all future Channel Island Harbor projects requiring PWP amendments that also require changes to the City's LCP:
  - The first public outreach session regarding the project's concept would be held before the City Council at a regular Council meeting;
  - City Council's input would be identified separately at each subsequent Board of Supervisors meeting on the project;
  - County staff would report back to City Council staff regarding when the project is to be submitted to the Coastal Commission;
  - As required by law, all final project approvals would continue to occur at the Coastal Commission, not the City Council or the Board of Supervisors;
  - County staff would continue meeting with City staff regarding issues affecting the City, such as fire access, police protection, roadway ingress and egress, traffic, encroachment permits, and similar issue throughout the process.
  - These procedures would not apply to repairs, maintenance and renovation or ministerial projects.
  
- To settle the parties' disputes regarding processing an LCP amendment for Fisherman's Wharf project that permits residential use at the site:
  - City agrees to immediately give notice of its intent to hold a hearing on an LCP amendment that states that, after Coastal Commission approval of the project, development at the site will be done through the Coastal Act's Notice of Impending Development (NOID) process and be reviewed solely by the Coastal Commission;
  - City will base adoption of its LCP amendment for the site on the plans previously provided by the County, as well as the development standards and Consideration of Environmental Factors previously submitted by the County to Coastal and City staff, as modified upon review, and use the same, along with all CEQA documentation completed for the City's 2030 General Plan Update;

- City will accept all documentation submitted for the project to date as constituting a “specific plan” satisfying its December 2017 General Plan amendment;
- City Council will immediately schedule a hearing on such specific plan in order to approve an LCP amendment activating the Urban Village designation for the Fisherman’s Wharf site, with a final decision by September 26, 2017;
- City agrees to waive any fees for processing the specific plan and LCP amendment in recognition of the enhanced tax revenue it will receive from the projects; and
- Failure to approve an LCP amendment activating the Urban Village designation previously adopted by the City for the site for purposes of having the Coastal Commission determine whether and under what conditions the project moves forward voids any agreement regarding review of any other projects at Channel Island Harbor.

Upon entering into a formal agreement to carry out the terms set forth above, County would agree to withdraw the Dispute Resolution currently scheduled for Coastal Commission hearing in August, and agree to remove any threat of litigation, including by the County and the developer, who would join the agreement as to Fisherman’s Wharf terms and conditions of review.

Should the proposal fail and the Coast Commission refuse to approve the current project, the County and City recognize that development criteria within the current Public Works Plan and Local Coastal Plan (without the proposed amendment) are likely to drive the next project at the site, which will be selected at the County’s option from any of the currently approved uses:

These uses include “passive recreation, lodging, dining, fast food and shopping in chandleries, gift shops and boutiques, motels, restaurants, convenience stores, gas stations, fire stations, community centers/meeting places, yacht clubs, park areas, marine museums, marine oriented research facilities including a Boating Instruction and Safety Center....”