



**Ventura County Coalition of
Labor, Agriculture and Business**

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Mr. Henry Gonzales – Agricultural Commissioner
Ms. Korinne Bell – Deputy Agricultural Commissioner
Please circulate to APAC members

Via email to henry.gonzales@ventura.org and korinne.bell@ventura.org

**RE: Comments to the Agricultural Policy Advisory Committee (APAC) per the LAFCo
Agricultural Mitigation Workshop and Agricultural Mitigation Policy Consideration**

CoLAB, Ventura County is a non-profit organization with over 400 members, of which 85% are farm and ranch families and related agricultural businesses throughout the County. We are representing our member stakeholders on a consideration by LAFCo to add specific agricultural mitigation policies to the existing four pages of agricultural preservation policy language in the current LAFCo Commissioner's Handbook. We believe that any policy language developed by LAFCO should be presented to the Agricultural Commissioner and APAC for consideration prior to adoption.

The existing agricultural preservation policy language is enclosed as Attachment 1, part of a 1-21-15 staff report prepared by LAFCo analyst, Andrea Ozdy. Ozdy reported that the language is the result of "several meetings in 2006 and 2007, as well as an agricultural policy workshop sponsored by Ventura LAFCo". Ultimately the Commission adopted the policy language requiring agricultural proposals to "include specific supplemental information regarding the effects of the proposal on maintaining the physical and economic integrity of agricultural lands".

On 11-19-14 the LAFCo Commission directed staff to conduct initial research regarding the agricultural mitigation policies of other California LAFCo's to consider adopting specific agricultural mitigation policies for Ventura County.

On 9-10-15 LAFCo conducted an Agricultural Mitigation Workshop at the Camarillo Public Library to consider the possible development of policies pertaining to the conversion of land to non-agricultural uses.

CoLAB's comments on the workshop are as follows:

- The Agricultural Mitigation Workshop was not completed, speakers were rushed for time and the meeting was concluded without the opportunity for Commissioners to comment.

- A follow-up workshop should be conducted as a special meeting, separate from a LAFCo board hearing, in an informal setting similar to the first workshop such that the public is encouraged to participate.
- The follow-up workshop must be recorded. The lack of recording of the September public workshop caused the following: wholesale lack of public access to the proceedings, loss of a record of important presentations by experts, inability of Commissioners and public participants to be able to review the highly technical presentations and related testimony and lack of accountability of staff in reporting the conclusions. Such recordings are standard practice for such workshops and should be subsequently posted on the Ventura LAFCo website for public viewing.

CoLAB's recommendations with respect to agricultural mitigation are as follows:

- A LAFCo agricultural mitigation policy is unnecessary in Ventura County. The California Environmental Quality Act (CEQA) already requires a lead agency to consider mitigation measures for the direct loss of farmland. Recent projects in Ventura County, such as East Area 1 in Santa Paula, have recorded conservation easements to mitigate the loss of farmland as part of the CEQA analysis.
- Existing policies have already contained urban development to within city urban restriction boundaries (CURBs) defined by each city's general plan. In addition there are nine other County policies that were described in the workshop by the VC Agricultural Commissioner that restrict development on agricultural land.
- Based on the recent court rulings, prescribing a 1-1 mitigation ratio with agricultural conservation easements (ACEs) or in-lieu fees will not be economically feasible in Ventura County due to the exorbitant cost of replacement land. This would be an exercise in futility, prescribing a process that would drive up the cost of housing, for little gain. ACEs do not replace lost farmland and in-lieu fees would not be successful in purchasing such expensive replacement land. According to case law, CEQA requires that economic feasibility be a "key consideration" in adopting mitigation measures.
- Prescribed infeasible mitigation policies would largely impact infill projects in Ventura County that are within the CURBs but not yet annexed, adding another layer of costs, thereby reducing the ability to build low-income and/or farmworker housing projects in cities. Many of these properties within city spheres are surrounded by urban uses and are marginally farmable due to perceived conflicts.
- In addition, new farmworker housing complexes currently allowed by zoning on unincorporated farmland would be impacted by prescribed mitigation policies when needing to annex to services. Such farmworker projects would not be able to withstand the cost of 1:1 mitigation measures.
- Prescribed LAFCo mitigation policies would also conflict with the public will when the voters pass initiatives with the intent to allow development on agricultural land in certain

circumstances, only to find that LAFCo requires inflexible agricultural mitigation as a way to prevent such projects.

VC CoLAB's testimony at the Agricultural Mitigation Workshop is as follows:

“Agriculture is a business. Agricultural land without the business is fallowed and vacant. Due to the limitations of water over time, some acreage in Ventura County may become un-farmable, like the hundreds of thousands of acres that are fallow in the Central Valley.

Agriculture will be better served by the County Board of Supervisors improving policies to support: 1) the ability of farmers to control pests, 2) projects that will supply adequate and reasonably priced water, 3) reduction of AG/Urban conflicts and, 4) a commitment to farm worker housing.

Mitigation is addressed through CEQA and does not need to be duplicated in LAFCo policy. Policies need to allow flexibility and a case-by-case analysis.

SOAR created CURB boundaries as a negotiation to contain urban sprawl but allow enough growth for cities to provide services, promote job creation, and have a successful future. Inflexible AG mitigation policies by LAFCo will take away the future of local city planning.

LAFCo already has an AG Preservation strategy and it has been working. We recommend that it stay the same.”

In the four counties in California where LAFCo's have adopted mitigation policies, all have menu options that include a 1-1 mitigation ratio that can be achieved by acquisition of land, development rights, conservation easements or in-lieu fees. In Ventura County, all of these options subject to this ratio will likely be economically infeasible. According to LAFCo legal counsel, Michael Walker, under CEQA economic feasibility will be a key consideration. Land is just too expensive here and all of these options will drive up the cost of housing without producing any significant results.

The best and only way to protect agricultural land in Ventura County is to support the business of farming through good economic policy. Rather than add bureaucratic red tape to the already expensive process of supplying adequate housing in Ventura County, CoLAB believes we should focus on keeping our agricultural industry healthy and productive. Farmers will continue to farm as long as there is an acceptable return on investment and they have the support of their urban neighbors.

Thank you for the opportunity to comment.

Sincerely,



Lynn Gray Jensen
Executive Director

Ventura LAFCo Agricultural Preservation Policy

SECTION 3.1.2 APPLICATIONS

3.1.2.1 Proposals Involving Conversion of Agricultural Lands: Unless specifically waived by the LAFCo Executive Officer, for any proposal which could reasonably be expected to lead to the conversion of agricultural lands (as defined by Government Code Section 56016) to nonagricultural uses, information regarding the effects of the proposal on maintaining the physical and economic integrity of agricultural lands shall be submitted in conjunction with the application. Specifically, the information should address the following:

- (a) The location of, and acreage totals for, prime and nonprime agricultural land involved in the area and adjacent areas. This analysis shall be based on the definition of "prime" agricultural land pursuant to Government Code Section 56064.
- (b) The effects on agricultural lands within the proposal area.
- (c) The effects on adjacent agricultural lands.
- (d) The effects on the economic integrity of the agricultural industry in Ventura County.

In addition, information should be provided about any measures adopted to reduce the effects identified.

SECTION 3.3.5 AGRICULTURE AND OPEN SPACE PRESERVATION

3.3.5.1 Findings and Criteria for Prime Agricultural and Existing Open Space Land Conversion: LAFCo will approve a proposal for a change of organization or reorganization which is likely to result in the conversion of prime agricultural or existing open space land use to other uses only if the Commission finds that the proposal will lead to planned, orderly, and efficient development. For the purposes of this policy, a proposal for a change of organization or reorganization leads to planned, orderly, and efficient development only if all of the following criteria are met:

- (a) The territory involved is contiguous to either lands developed with an urban use or lands which have received all discretionary approvals for urban development.
- (b) The territory is likely to be developed within 5 years and has been pre-zoned for nonagricultural or open space use. In the case of very large developments, annexation should be phased wherever possible.
- (c) Insufficient non-prime agricultural or vacant land exists within the existing boundaries of the agency that is planned and developable for the same general type of use.
- (d) The territory involved is not subject to voter approval for the extension of services or for changing general plan land use designations. Where such voter approval is required by local ordinance, such voter approval must be obtained prior to LAFCo action on any proposal unless exceptional circumstances are shown to exist.
- (e) The proposal will have no significant adverse effects on the physical and economic integrity of other prime agricultural or existing open space lands.

3.3.5.2 Findings that Insufficient Non-Prime Agricultural or Vacant Land Exists: The Commission will not make affirmative findings that insufficient non-prime agricultural or vacant land exists within the boundaries of the agency unless the applicable jurisdiction has prepared a detailed alternative site analysis which at a minimum includes:

- (a) An evaluation of all vacant, non-prime agricultural lands within the boundaries of the jurisdiction that could be developed for the same or similar uses.
- (b) An evaluation of the re-use and redevelopment potential of developed areas within the boundaries of the jurisdiction for the same or similar uses.
- (c) Determinations as to why vacant, non-prime agricultural lands and potential re-use and redevelopment sites are unavailable or undesirable for the same or similar uses, and why conversion of prime agricultural or existing open space lands are necessary for the planned, orderly, and efficient development of the jurisdiction.

3.3.5.3 Impacts on Adjoining Prime Agricultural or Existing Open Space Lands: In making the determination whether conversion will adversely impact adjoining prime agricultural or existing open space lands, the Commission will consider the following factors:

- (a) The prime agricultural and open space significance of the territory and adjacent areas relative to other agricultural and existing open space lands in the region.
- (b) The economic viability of the prime agricultural lands to be converted.
- (c) The health and well being of any urban residents adjacent to the prime agricultural lands to be converted.
- (d) The use of the territory and the adjacent areas.
- (e) Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion of prime agricultural or existing open space land outside of the agency's sphere of influence, or will be extended through prime agricultural or existing open space lands outside the agency's sphere of influence.
- (f) Whether natural or man-made barriers serve to buffer prime agricultural or existing open space lands outside of the agency's sphere of influence from the effects of the proposal.
- (g) Applicable provisions of local general plans, applicable ordinances that require voter approval prior to the extension of urban services or changes to general plan designations, Greenbelt Agreements, applicable growth-management policies, and statutory provisions designed to protect agriculture or existing open space.
- (h) Comments and recommendations by the Ventura County Agricultural Commissioner.

3.3.5.4 Territory Subject to a Land Conservation Act (Williamson Act) Contract: LAFCo will not approve a proposal which includes the annexation of territory subject to an active Land Conservation Act contract to a city or special district that provides or would provide facilities and/or services other than those that support the land uses that are allowed under the contract. For purposes of this section, an active Land Conservation Act contract includes a contract for which a notice of non-renewal has been filed.

SECTION 4.3.2 AGRICULTURAL AND OPEN SPACE PRESERVATION

4.3.2.1 Findings and Criteria for Prime Agricultural and Existing Open Space Land Conversion: LAFCo will approve sphere of influence amendments and updates which are likely to result in the conversion of prime agricultural or existing open space land use to other uses only if the Commission finds that the amendment or update will lead to planned, orderly, and efficient development. For the purposes of this policy, a sphere of influence amendment or update leads to planned, orderly, and efficient development only if all of the following criteria are met:

- (a) The territory is likely to be developed within 5 years and has been designated for nonagricultural or open space use by applicable general and specific plans.
- (b) Insufficient non-prime agricultural or vacant land exists within the sphere of influence of the agency that is planned and developable for the same general type of use.
- (c) The proposal will have no significant adverse effects on the physical and economic integrity of other prime agricultural or existing open space lands.
- (d) The territory is not within an area subject to a Greenbelt Agreement adopted by a city and the County of Ventura. If a City proposal involves territory within an adopted Greenbelt area, LAFCo will not approve the proposal unless all parties to the Greenbelt Agreement amend the Greenbelt Agreement to exclude the affected territory.
- (e) The use or proposed use of the territory involved is consistent with local plan and policies.

4.3.2.2 Findings that Insufficient Non-prime Agricultural or Vacant Land Exists: The Commission will not make affirmative findings that insufficient non-prime agricultural or vacant land exists within the sphere of influence of the agency unless the applicable jurisdiction has prepared a detailed alternative site analysis which at a minimum includes:

- (a) An evaluation of all vacant, non-prime agricultural lands within the sphere of influence and within the boundaries of the jurisdiction that could be developed for the same or similar uses.
- (b) An evaluation of the re-use and redevelopment potential of developed areas within the sphere of influence and within the boundaries of the jurisdiction for the same or similar uses.
- (c) Determinations as to why non-prime agricultural and vacant lands and potential re-use and redevelopment sites are unavailable or undesirable for the same or similar uses, and why conversion of prime agricultural or existing open space lands are necessary for the planned, orderly, and efficient development of the jurisdiction.

4.3.2.3 Impacts on Adjoining Prime Agricultural or Existing Open Space Lands: In making the determination whether conversion will adversely impact adjoining prime agricultural or existing open space lands, the Commission will consider the following factors:

- (a) The prime agricultural and open space significance of the territory included in the sphere of influence amendment or update relative to other agricultural and existing open space lands in the region.
- (b) The economic viability of the prime agricultural lands to be converted.
- (c) The health and well being of any urban residents adjacent to the prime agricultural lands to be converted.
- (d) Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion of prime agricultural or existing open space land outside of the agency's proposed sphere of influence, or will be extended through prime agricultural or existing open space lands outside the agency's proposed sphere of influence.
- (e) Whether natural or man-made barriers serve to buffer prime agricultural or existing open space lands outside of the agency's sphere of influence from the effects of the proposal.
- (f) Applicable provisions of local general plans, applicable ordinances that require voter approval prior to the extension of urban services or changes to general plan designations, Greenbelt Agreements, applicable growth-management policies, and statutory provisions designed to protect agriculture or existing open space.
- (g) Comments and recommendations by the Ventura County Agricultural Commissioner.

4.3.2.4 Territory Subject to a Land Conservation Act (Williamson Act) Contract: LAFCo will not approve the inclusion of territory subject to an active Land Conservation Act contract within the sphere of influence of a city or special district that provides or would provide facilities and/or services other than those that support the land uses that are allowed under the contract. For purposes of this section, an active Land Conservation Act contract includes a contract for which a notice of non-renewal has been filed.