



## Ventura County Coalition of Labor, Agriculture and Business

P.O. Box 4237, Ventura, CA 93007

Email: [execdirector@colabvc.org](mailto:execdirector@colabvc.org)

[www.colabvc.org](http://www.colabvc.org)

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Mr. Kai Luoma – Executive Officer  
Ventura Local Agency Formation Commission  
800 S. Victoria Avenue  
Ventura, CA 93009-1850

**RE: Comments to the LAFCo Board on LAFCo Policy, the Agricultural Mitigation Workshop and Agenda Action Item 17 of the 10-21-15 Meeting**

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 addressed the board on April 22<sup>nd</sup>, provided written comments dated May 11<sup>th</sup>, 2015 and attended and made verbal comments at the Agricultural Mitigation Workshop held at the Camarillo Public Library on September 10, 2015. This letter includes a summary of our points related to 1) LAFCo policy, 2) the Agricultural Mitigation Workshop and 3) Our recommendations for agricultural mitigation. In addition we have included our testimony from the workshop and concluding statements:

1) LAFCo Policy:

- CoLAB recommends that LAFCo policy section 1.3.2.8 Recordation of Meetings (and any applicable bylaws), be amended to require that all board meetings and public workshops be recorded and accessible to board members and the public via the LAFCo website in the interest of fairness and transparency. The existing policy is inadequate and outdated.

2) Agricultural Mitigation Workshop 9-10-15:

- The Agricultural Mitigation Workshop was not completed, speakers were rushed for time and the meeting was concluded without the opportunity for Commissioners to comment. We therefore request a follow-up workshop be planned with the opportunity for the public who were in attendance to participate. We also recommend that Item 17 on the agenda for October 21<sup>st</sup> be continued until this workshop has been completed.
- Further, we recommend that the follow-up workshop be separate from a LAFCo board hearing and be in an informal setting similar to the first workshop. It is imperative that this workshop be recorded to be provided for public access, particularly for those who cannot take off work to participate.
- As we understand that the September Agricultural Mitigation Workshop was not recorded, we call for the staff report for Item 17 to be amended to reflect a full accounting of the presentations, questions by the public and commissioners, and public testimony. The staff

report is inadequate in its discussion of the technical content particularly with respect to the attorney presentation on case law, the AG Commissioner's comments and includes no summary of the Stanislaus County presentation.

- The lack of recording of this public workshop was unacceptable from numerous perspectives including: wholesale lack of public access, 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. This is unnecessary given the relative ease of recording such proceedings and subsequently posting them on an existing website.

### 3) Agricultural Mitigation Recommendations:

- 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. Existing policies have already contained urban development to within city urban restriction boundaries (CURBs) defined by each city's general plan. In addition there were nine other County policies described by the VC Agricultural Commissioner 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 infeasible 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.

As a participant of the Agricultural Mitigation Workshop, CoLAB, Ventura County would like to add our testimony to the public record per our notes:

*“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.”*

Further, we would like to comment on the presentation by Marjorie Blom, Executive Officer of the Stanislaus County LAFCo. We do not believe she demonstrated a level of confidence in their adopted agricultural preservation strategies. The majority of the cities did not support the policy and there was no evidence presented by her that it has been successful. The adopted policy only “encourages” the use of certain mitigation strategies.

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