

**EXHIBIT 6 - CONSISTENCY WITH THE WILLIAMSON ACT AND LAND  
CONSERVATION ACT CONTRACT NO. 29-1.10 FOR SHOALS ENERGY STORAGE  
CONDITIONAL USE PERMIT, CASE NO. PL24-0024**

The project is located on land that under Land Conservation Act (LCA) Contract No. 29-1.10 (Exhibit 7). Therefore, the project must be consistent with the terms of LCA Contract No. 29-1.10, the Ventura County LCA Guidelines (Exhibit 8), and the Williamson Act. As described below, the project is consistent with LCA Contract No. 29-1.10, the Ventura County LCA Guidelines, and the Williamson Act.

- 1) LCA Contract No. 29-1.10 Item #2 states,** *“During the term of this Contract, and any extension thereof, the real property described in Exhibit “A” shall be used for, and shall not be used for any purpose except for the production of agricultural commodities for commercial purposes, or compatible uses determined to be qualifying and compatible pursuant to State law and applicable LCA Guidelines.”*

Staff Analysis: Government Code Section 51238(a)(2) states that, “No land occupied by gas, electric, water, communication, or agricultural laborer housing facilities shall be excluded from an agricultural preserve by reason of that use.” Furthermore, and pursuant to the Williamson Act (i.e. State law) and the Ventura County LCA Guidelines (i.e. applicable LCA Guidelines), the proposed use, Energy Production from Renewable Sources and Energy Sources, is a conditionally permitted use within the Agricultural Exclusive, 40-acre Minimum Lot Size (AE-40 ac) Zone pursuant to the Non-Coastal Zoning Ordinance (NCZO) Section 8105-4, and therefore is a compatible use (see discussion in Item 2).

Based on the discussion above, the project is consistent with LCA Contract No. 29-1.10 Item #2.

- 2) The Ventura County LCA Guidelines Section V.A.4.b states,** *“In accordance with Government Code Sections 51231, 51238, and 51238.1, “compatible uses” are those which are permitted, or conditionally permitted by the Ventura County Coastal or Non-Coastal Zoning Ordinance in the AE-40 ac or CA zones, respectively.”*

Staff Analysis: The project site is zoned AE-40 ac and the proposed use, Energy Production from Renewable Sources and Energy Storage, is an allowed use with a Conditional Use Permit (CUP) in the AE Zone (NCZO Section 8105-4 – Permitted Uses in Open Space, Agricultural, Residential, and Special Purpose Zones). Therefore, the proposed use is a compatible use as defined in the Ventura County LCA Guidelines. Consistency with the applicable Government Code Sections is discussed below (see discussion in Items 4 and 5).

Based on the discussion above, the project is consistent with the Ventura County LCA Guidelines Section V.A.4.b.

- 3) **The Ventura County LCA Guidelines Section V.A.5 states,** *“One goal of the County LCA program is to promote the full utilization of all potentially useable land under Contract. Therefore, the acreage within a Contract must meet the minimum agricultural utilization standards for crop production or animal husbandry/grazing set forth in Table 1 below. Special Area Contracts, discussed in Section IX below, would allow limited exceptions to these requirements. Land not used to meet the utilization requirement may be devoted to compatible uses.”*

**Table 1. Minimum Utilization of Land for LCA and FSZA/LCA Contracts**

Legal Lot/ Contract Size	Utilization Percentage* for LCA (10-year) Contracts	Utilization Percentage* for FSZA/LCA (20-year) Contracts
9** To 15 Acres	90%	90%
15.1 To 25 Acres	75%	80%
25.1 To 40 Acres	65%	75%
Over 40 Acres	50%	70%
Animal Husbandry/ Grazing – 80 Acre Minimum	75%	No Animal Husbandry/ Grazing Contracts

Staff Analysis: Pursuant to Exhibit “B” of LCA Contract No. 29-1.10, the contracted area is 187.83 acres (Exhibit 7). 168.02 acres, or 89.4% of the contracted area, will continue to be used for crop production (strawberries (existing) and avocados (proposed)), meeting the 50% utilization criteria set forth in Table 1 of LCA Guidelines Section V.A.5. Furthermore, as described in Ventura County LCA Guidelines Section V.A.5, land not used to meet the utilization requirement may be devoted to compatible uses (see discussion on compatible uses in Item 2). Please note, the contracted area includes approximately 0.2 acres of existing onsite oil wells and the proposed 25.05-acre permit boundary. 5.44 acres of the proposed permit boundary will be dedicated to productive agriculture (Exhibit 4, Condition No. 20). The area dedicated to productive agriculture is factored into the utilization percentage. Finally, pursuant to LCA Contract No. 29-1.10 Item #12, the contract holder is required to submit an annual agricultural preserve questionnaire to ensure the site remains in compliance with the provisions of the LCA Contract (Exhibit 7).

Based on the discussion above, the project is consistent with the Ventura County LCA Guidelines Section V.A.5.

- 4) **Government Code Section 51231 states,** *“(a) For the purposes of this chapter, the board or council, by resolution, shall adopt rules governing the administration of agricultural preserves, including procedures for initiating, filing, and processing requests to establish agricultural preserves. Rules related to compatible uses shall*

*be consistent with the provisions of Section 51238.1. Those rules shall be applied uniformly throughout the preserve. The board or council may require the payment of a reasonable application fee. The same procedure that is required to establish an agricultural preserve shall be used to disestablish or to enlarge or diminish the size of an agricultural preserve. In adopting rules related to compatible uses, the board or council may enumerate those uses, including agricultural laborer housing, that are to be considered to be compatible uses on contracted lands separately from those uses that are to be considered to be compatible uses on lands not under contract within the agricultural preserve. (b) The rules adopted pursuant to this section may provide that commercial cultivation of cannabis in accordance with Division 10 (commencing with Section 26000) of the Business and Professions Code may constitute a compatible use on contracted or noncontracted lands.*

Staff Analysis: The Ventura County Board of Supervisors adopted the Ventura County Land Conservation Act Guidelines on November 22, 2011. In accordance with Government Code Section 51231, Ventura County Land Conservation Act Guidelines Section V.A.4.b defines “compatible uses” as those which are permitted, or conditionally permitted by the Ventura County Coastal or Non-Coastal Zoning Ordinance in the Coastal Agricultural (CA) or AE-40 ac zones, respectively. Thus, the proposed Energy Production from Renewable Sources and Energy Storage use in the AE-40 ac zone is a compatible use (see discussion in Item 2). Compatibility findings, as required by Government Code Section 51238.1 are discussed below in Item 5.

Based on the discussion above, the project is consistent with the Government Code Section 51231.

**5) Government Code Section 51238.1(a) states:**

*(a) Uses approved on contracted lands shall be consistent with all of the following principles of compatibility:*

*(1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.*

Staff Analysis: The Energy Production from Renewable Sources and Energy Storage use is a compatible use pursuant to the criteria set forth in the Ventura County LCA Guidelines (see Item 2). Additionally, a majority of the LCA contracted area (89.4%) will continue to be utilized for crop production and remain consistent with the utilization requirements set forth in the Ventura LCA Guidelines, and LCA Contract No. 29-1.10 (see Item 3). Finally, the project is conditioned to be screened with 5.44-acres of productive agriculture that will continue to preserve agricultural production to the LCA contracted area (Exhibit 4, Condition No. 20). Thus, the

proposed project will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel.

Additional contracted lands are located immediately west and north of the project site. Compatibility with adjacent agricultural operations was considered in the March 8, 2024, memo prepared by the Ventura County Department of Agriculture / Weights & Measures (AWM) that determined the project would not have a significant impact on Agricultural Resources pursuant to the criteria set forth in the Ventura County Initial Study Assessment Guidelines Section 5b – Land Use Incompatibility (Exhibit 9). Furthermore, pursuant to the AWM's recommendation, the project is conditioned to require the Permittee to designate a facility point of contact to prevent the entry of service technicians or other facility personnel to the permitted site during a pesticide application or the Restricted Entry Interval of an application (Exhibit 4, Condition No. 47). Finally, the project is unmanned (with the exception of maintenance visits), remotely monitored, and fully screened with productive agriculture. Thus, the proposed project will not significantly compromise the long-term productive agricultural capability of parcels on other contracted lands in agricultural preserves.

Based on the discussion above, the project is consistent with the Government Code Section 51238.1(a)(1).

*(2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.*

Staff Analysis: While the project will displace 19.61 acres of current agricultural operations (strawberry production), 89.4% of the contracted area will continue to be utilized for crop production and remain consistent with the utilization requirements set forth in the Ventura LCA Guidelines (see Item 3 above). Additionally, the project is conditioned to be screened with a 5.44-acres of productive agriculture that will continue to preserve agricultural production to the LCA contracted area (Exhibit 4, Condition No. 20). Finally, the project is unmanned (with the exception of maintenance visits) and remotely monitored. Thus, the proposed use will not significantly displace or impair current agricultural operations on the subject contracted parcel or parcels on other contracted lands in agricultural preserves.

On November 29, 2023, the Planning Director issued an Equivalency Use Determination for Battery Energy Storage and determined that battery energy storage is equivalent to the existing principal land use of "energy production from

renewable resources”. When comparing battery energy storage facilities to other renewable energy production facilities (i.e. geothermal plants, solar arrays, biomass energy facilities), it was determined that battery energy storage facilities have a lower aesthetic profile, do not require on-site employees, and generally have a smaller development footprint (Exhibit 10). On May 21, 2024, the Ventura County Board of Supervisors passed Ordinance No. 4630 codifying the Planning Director’s equivalency determination by adopting amendments to the Ventura County Non-Coastal Zoning Ordinance (NCZO) to broaden the definition of “Energy Production from Renewable Sources” to include “and Energy Storage.” Additionally, the NCZO amendments included the addition of an energy storage acreage limitation that limits energy storage facilities in land designated as OS (Open Space), AE (Agricultural Exclusive), and RA (Rural Agricultural) to a maximum of 100-acres (Exhibit 11). The proposed project would include 19.61 acres of energy storage facilities on AE zoned land. As of the date of this hearing, no additional energy storage facilities have been permitted within the OS, AE, or RA Zones, and approval of the proposed project would be below the 100-acre maximum threshold established by the Board of Supervisors. Thus, the proposed use will not significantly displace or impair foreseeable agricultural operations on the subject contracted parcel or parcels on other contracted lands in agricultural preserves.

Based on the discussion above, the project is consistent with the Government Code Section 51238.1(a)(2).

*(3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.*

Staff Analysis: No removal of adjacent contracted land from agricultural or open-space uses will occur with the proposed project.

Based on the discussion above, the project is consistent with the Government Code Section 51238.1(a)(3).