

## PROPOSED LAND CONSERVATION ACT (LCA) FINDINGS, EVIDENCE AND ENVIRONMENTAL REVIEW FOR LCA CONTRACTS

### FINDINGS AND EVIDENCE:

The new contract proposals are consistent with the Ventura County General Plan, Ventura County Zoning Ordinance, Ventura County Land Conservation Act (LCA) Guidelines (July 2006), and the State Williamson Act (Government Code Section 51200, et seq.), as discussed below.

### COMPLIANCE WITH COUNTY LCA GUIDELINES ELIGIBILITY CRITERIA

Proposed LCA Contract Nos. 47-3.8 and 47-6.3 must meet the following agricultural eligibility requirements of the Ventura County LCA Guidelines (pp. 7-9) to qualify for inclusion in the County LCA Program:

- a. *All land designated "Agricultural" by the County General Plan is located within an AGP. . . Land designated "Open Space" by the County General Plan, while potentially eligible for a Contract, may or may not be located within an AGP. If a property owner wishes to enter into a Contract, and the property is not within the boundaries of a previously established AGP, the owner must request the Board to expand the AGP or establish a new AGP simultaneously with the approval of the Contract (LCA Guidelines, p. 6);*

Contract No.47-3.8 – The proposed agricultural contract area is located within existing Agricultural Preserve 47-3.

Contract No.47-6.3 – The proposed agricultural contract area is located within existing Agricultural Preserve 47-6.

Therefore, based on the facts and circumstances of these cases and the above discussion, this finding can be made.

- b. *Property must be designated "Agricultural" or "Open Space" under the County General Plan (LCA Guidelines, p. 7);*

Contract Nos. 47-3.8 and 47-6.3 – The properties are located in areas designated "Agricultural" by the General Plan.

Therefore, based on the facts and circumstances of these cases and the above discussion, this finding can be made.

- c. *Property must be zoned AE-40 ac (Agricultural Exclusive, 40 acre minimum parcel size), or if in the Coastal Zone, CA (Coastal Agricultural). If the property is not zoned appropriately at the time the request for a new Contract is submitted to the County, then a Zone Change must be processed in conjunction with the Contract. Approval of a Zone Change is contingent on the approval and execution of the new Contract by all parties (LCA Guidelines, p. 7);*

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Contract Nos. 47-3.8 and 47-6.3 – The properties are located in areas zoned AE-40 ac.

Therefore, based on the facts and circumstances of these cases and the above discussion, this finding can be made.

- d. *The applicable minimum legal lot size identified in Table 1 must be met. The minimum acreage requirement applies to both the parcel size and the Contract Area (i.e., neither the parcel size nor the Contract Area may be less than the required acreage) (LCA Guidelines, p. 7; Table 1, p. 8);*

Contract No.47-3.8 – The legal lot proposed for an agricultural LCA contract is approximately 64.48 acres. Since contracts for agricultural cultivation are required to be at least 9 acres, the proposed contract area meets the requirement.

Contract No.47-6.3 – The legal lot proposed for an agricultural LCA contract is approximately 78.92 acres. Since contracts for agricultural cultivation are required to be at least 9 acres, the proposed contract area meets the requirement.

Therefore, based on the facts and circumstances of these cases and the above discussion, this finding can be made.

- e. . . . *the acreage within a Contract must meet the minimum agricultural utilization standards for crop production . . . (LCA Guidelines, Table 1, p. 8); and*

Contract No.47-3.8 – Ten-year contracts for agricultural cultivation contracts on parcels that are larger than 40 acres require at least 50% agricultural utilization. The proposed 64.48-acre contract site contains commercial agriculture on 63 acres, which meets the 50% minimum requirement.

Contract No.47-6.3 – Ten-year contracts for agricultural cultivation contracts on parcels that are larger than 40 acres require at least 50% agricultural utilization. The proposed 78.92-acre contract site contains commercial agriculture on 75 acres, which meets the 50% minimum requirement.

Therefore, based on the facts and circumstances of these cases and the above discussion, this finding can be made.

- f. *To be eligible for a Contract, agricultural property must meet the standards outlined below. (LCA Guidelines, pp. 8-9).*

#### *Crop Production*

1) *The following criteria for irrigated plant products must be met:*

- i. *The land must be producing plant products for commercial purposes for three (3) of the previous five (5) years or be planted to as yet non-bearing*

*fruit or nut trees, vines, bushes or crops which have a non-bearing period of less than five (5) years; and*

*ii. The land must be irrigated; and*

*iii. The land must have grossed no less than \$500 per acre per year for at least three (3) of the previous five (5) years, or reasonably be expected to gross no less than \$500 per acre per year for three (3) out of five (5) years when the bearing period begins.*

*2) The following criteria for non-irrigated plant products must be met:*

*i. The land must be cultivated and producing plant products for commercial purposes for three (3) of the previous five (5) years or be planted to as yet non-bearing fruit or nut trees, vines, bushes or crops which have a non-bearing period of less than five (5) years; and*

*ii. The land must have grossed no less than \$50 per acre per year for at least three (3) of the previous five (5) years, or reasonably be expected to gross no less than \$50 per acre per year for three (3) out of five (5) years when the bearing period begins. (LCA Guidelines, pp. 9, 20).*

Contract Nos. 47-3.8 and 47-6.3 – The eligibility questionnaires submitted with the LCA contract applications document the required land utilization and income for commercial agricultural production for at least three of the last five years.

Therefore, based on the facts and circumstances of these cases and the above discussion, this finding can be made.

### **GENERAL PLAN AND NON-COASTAL ZONING ORDINANCE FINDINGS**

Contract Nos. 47-3.8 and 47-6.3 must be consistent with the Ventura County General Plan and Non-Coastal Zoning Ordinance (NCZO, Sec. 8111-1.2.1.1), as follows:

*a. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code;*

Contract Nos. 47-3.8 and 47-6.3 – The agricultural contract proposals will result in the continuation of agricultural operations on existing commercial farming property. The farming use is consistent with the allowed uses on land with a General Plan designation of Agricultural and a zoning designation of AE-40 ac.

Therefore, based on the facts and circumstances of these cases and the above discussion, this finding can be made.

- b. *The proposed development is compatible with the character of surrounding, legally established development;*

Contract Nos. 47-3.8 and 47-6.3 – All agricultural LCA contract proposals will result in the continuation of agricultural operations and within existing farming communities.

Therefore, based on the facts and circumstances of these cases and the above discussion, this finding can be made.

- c. *The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses;*

Contract Nos. 47-3.8 and 47-6.3 – The proposed contracts will not change the agricultural use of the properties.

Therefore, based on the facts and circumstances of these cases and the above discussion, this finding can be made.

- d. *The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare;*

Contract Nos. 47-3.8 and 47-6.3 – The proposed contracts will not change the agricultural use of the properties.

Therefore, based on the facts and circumstances of these cases and the above discussion, this finding can be made.

- e. *The proposed development, if allowed by a Conditional Use Permit, is compatible with existing and potential land uses in the general area where the development is to be located; and*

This finding is not applicable to these projects.

- f. *The proposed development will occur on a legal lot.*

Contract No. 47-3.8 – The area proposed for a new contract is legal, and is known as Parcel A of PMW 1095.

Contract No. 47-6.3 – The area proposed for a new contract is legal, and is known as Parcel A of PMW 1102.

Therefore, based on the facts and circumstances of these cases and the above discussion, this finding can be made.

## **ENVIRONMENTAL REVIEW:**

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from California Environmental Quality Act (CEQA) environmental impact review because they do not have a significant effect on the environment. These projects are declared to be Categorical Exempt from the requirement for the preparation of environmental impact documents. Pursuant to CEQA Guidelines [Section 15317 (Class 17) - Open Space Contracts or Easements], "the establishment or agricultural preserves" and "the making and renewing of open space contracts under the Williamson Act" are exempt from CEQA environmental review. Therefore, these projects are Categorical Exempt pursuant to Section 15317 of the CEQA Guidelines.