

# county of ventura

December 4, 2018

Board of Supervisors  
County of Ventura  
800 South Victoria Avenue  
Ventura, CA 93009

**SUBJECT:** Report Back Regarding the Acceptance and Processing of New Land Conservation Act (LCA) and Farmland Security Zone Area (FSZA) Contracts in 2018 and 2019; Public Hearing Regarding Approval of One New Agricultural LCA (10-year) Contract, Approval of Five New Agricultural FSZA/LCA (20-year) Contracts, Approval of One New Open Space Wildlife Habitat LCA Contract (10-year), and the Rescission of Two Existing Agricultural LCA (10-year) Contracts and Entry into Two Replacement Agricultural LCA (10-year) Contracts.

## RECOMMENDED ACTIONS:

1. **MAKE** no revisions to existing LCA contracts pursuant to Government Code §§ 16142 et seq. and 51244 et seq. (Assembly Bill (AB) 1265 and Senate Bill (SB) 1353);
2. **DIRECT** the Planning Division to accept and process new LCA contract applications during calendar year 2019, and take no action to implement the local option program authorized under AB 1265;
3. **DIRECT** the Planning Division to continue to provide an annual status report on the LCA Program as part of the annual public hearing for any proposed LCA contracts;
4. **CERTIFY** that your Board reviewed and considered this Board letter and all exhibits thereto, and has considered all comments received on this matter;
5. **FIND** that entering into LCA Contract No. 53-4.15 (Exhibit 4), FSZA/LCA Contract No. 53-2:15.1 (Exhibit 5), FSZA/LCA Contract No. 53-3:11.1 (Exhibit 6), FSZA/LCA Contract No. 53-4:16.1 (Exhibit 7), FSZA/LCA Contract No. 47-3:9.1 (Exhibit 8), FSZA/LCA Contract No. 56-5:2.1 (Exhibit 9), LCA Contract No. 53-9.1 (Exhibit 10), LCA Contract No. 3-18.21 (Exhibit 11), and LCA Contract No. 3-18.22 (Exhibit 12) are categorically exempt from California Environmental Quality Act (CEQA) environmental review [Title 14, California Code of Regulations, Chapter 3, §§ 15061(b)(3), 15268, 15307, 15308, and 15317];



6. **MAKE** all of the proposed findings for the approval of LCA Contract No. 53-4.15 (Exhibit 4), FSZA/LCA Contract No. 53-2:15.1 (Exhibit 5), FSZA/LCA Contract No. 53-3:11.1 (Exhibit 6), FSZA/LCA Contract No. 53-4:16.1 (Exhibit 7), FSZA/LCA Contract No. 47-3:9.1 (Exhibit 8), FSZA/LCA Contract No. 56-5:2.1 (Exhibit 9), LCA Contract No. 53-9.1 (Exhibit 10), the rescission of LCA Contract No. 3-18.19 and entry into LCA Contract No. 3-18.21 (Exhibit 11), and the rescission of LCA Contract No. 3-18.20 and entry into LCA Contract No. 3-18.22 (Exhibit 12) which are set forth in this Board letter;
7. **APPROVE** and **EXECUTE** the rescission of LCA Contract No. 3-18.19 and entry into LCA Contract No. 3-18.21 (Exhibit 11) and the rescission of LCA Contract No. 3-18.20 and entry into LCA Contract No. 3-18.22 (Exhibit 12) which are set forth in this Board letter;
8. **APPROVE** and **EXECUTE** LCA Contract No. 53-4.15 (Exhibit 4), FSZA/LCA Contract No. 53-2:15.1 (Exhibit 5), FSZA/LCA Contract No. 53-3:11.1 (Exhibit 6), FSZA/LCA Contract No. 53-4:16.1 (Exhibit 7), FSZA/LCA Contract No. 47-3:9.1 (Exhibit 8), FSZA/LCA Contract No. 56-5:2.1 (Exhibit 9), and LCA Contract No. 53-9.1 (Exhibit 10), as described in this Board letter;
9. **DIRECT** staff to record with the office of the Ventura County Clerk-Recorder, after the following contracts have been fully executed by all parties: (A) the rescission of LCA Contract No. 3-18.19 and entry into LCA Contract No. 3-18.21 (Exhibit 11) and (B) the rescission of LCA Contract No. 3-18.20 and entry into LCA Contract No. 3-18.22 (Exhibit 12) upon recordation of Parcel Map Waiver/Lot Line Adjustment (PMW/LLA) PL18-0095;
10. **DIRECT** staff to record with the office of the Ventura County Clerk-Recorder, after the following contracts have been fully executed by all parties: (A) LCA Contract No. 53-4.15 (Exhibit 4), (B) FSZA/LCA Contract No. 53-2:15.1 (Exhibit 5), (C) FSZA/LCA Contract No. 53-3:11.1 (Exhibit 6), (D) FSZA/LCA Contract No. 53-4:16.1 (Exhibit 7), (E) FSZA/LCA Contract No. 47-3:9.1 (Exhibit 8), and (F) FSZA/LCA Contract No. 56-5:2.1 (Exhibit 9), (G) LCA Contract No. 53-9.1 (Exhibit 10); and
11. **SPECIFY** that the Clerk of the Board is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

**FISCAL/MANDATES IMPACT:**

Mandated:

In return for an agreement to restrict and limit the use of specified property to agriculture, open space, or compatible land uses for the duration of the LCA or FSZA/LCA contracts, the LCA-contracted land is assessed under a different methodology that typically results in a lower annual property tax obligation by contract-holding landowners. The Open Space Subvention Act (1971) provides for partial reimbursement by the State to jurisdictions participating in the Land Conservation Act (LCA) program for the lost property tax revenue. However, the State has not provided any meaningful reimbursement since 2010. Therefore, approval of the contracts as recommended will result in a net loss of property tax revenue to the County general fund of approximately \$5,946<sup>1</sup> per year.

Authority:

The authority for these actions comes from the Board-approved LCA Program (since 1969) and the California Land Conservation (Williamson) Act of 1965 as amended.

Source of Revenue:

The LCA Program affects the general fund, as well as funding to other tax rate area beneficiaries. There is a reduction in property tax revenues based on the property being limited to agriculture, open space, or compatible land uses for the duration of LCA and FSZA/LCA contracts.

Factors that affect the assessed value of property under an LCA contract include tax rate area factor, acreage, date when the property was acquired, the commodities grown on the property, agricultural improvements such as irrigation lines and wind machines, and land use, such as open space for the preservation of wetlands. There are approximately 1,081 LCA contracts (including non-renewed contracts) in the County's LCA Program. For the closed 2017 Tax Roll, the County Assessor's Office estimated the assessed value differential as a result of the LCA program to be approximately \$660 million. Since taxes are an estimated one percent (1%) of assessed value for property, the approximate net loss of property tax under these contracts is \$6.6 million, with roughly 20% of that loss, \$1.3 million, suffered by the County General Fund.

The Assessor's Office also prepares the annual LCA Open Space Subvention Act Application that is used to determine eligibility for State subvention payments. If the State were to make payments for Fiscal Year 2017-2018, the State's payment to Ventura County would be \$349,203.30 (Exhibit 15). In the 2009-2010 fiscal year, the State made no subvention payment as the funding was reduced to \$1,000 for the entire State, effectively eliminating the payment. Since the 2009-2010 fiscal year, the State has not provided a subvention payment to Ventura County. There will be no subvention funding

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<sup>1</sup> The estimated net loss of property tax revenue that will result from the approval of the contracts is \$29,728. Since the Ventura County general fund receives approximately 20% of property taxes, the estimated net loss to the County general fund will be \$5,946.

payment because the Open Space Subvention Funds have not been included in the fiscal year 2018 State Budget.

Impact on Other Agencies:

The Planning Division spent approximately \$42,768 from January 1, 2018 to October 18, 2018 for general administration of the LCA Program, in addition to approximately \$2,000 associated with County Counsel legal services. The Assessor's Office estimates its annual costs for its role in administering the contracts to be approximately \$390,000<sup>2</sup>. The Agricultural Commissioner's Office staff also expends a small amount of time assisting the Agriculture Policy Advisory Committee (APAC) in the review of agricultural contract proposals.

**DISCUSSION:**

LCA Program Administration:

The purpose and intent of the Ventura County LCA Program is to preserve agricultural and open space (wildlife habitat) lands, as described in the Board-adopted County LCA Guidelines (December 8, 2015, Edition, p.1, available online at <https://docs.vcrma.org/images/pdf/planning/programs/lca/LCA-Guidelines.pdf>).

The LCA (also known as the Williamson Act) was adopted by the State Legislature in 1965 and has been implemented in Ventura County since 1969. Under LCA contracts, property owners agree to keep their land in agricultural production, grazing, or open space (wildlife habitat) for a period of 10 or 20 years in exchange for a statutory percentage reduction in the taxable value of the property.

LCA contracts apply only to the land, and for taxation purposes, trees are considered land. All improvements and land not included in the LCA contract, including home sites, will be assessed at their current factored base year value. For contracts with a term of 10 years, the base year land value is discounted by approximately 10% for non-prime property, by 30% for prime property within a three-mile radius of a city with a population over 25,000, or by 25% for all other prime properties. For contracts with a term of 20 years, the base year land value is discounted by approximately 35% for prime properties. A general map depicting land currently under LCA contract in unincorporated Ventura County is shown in Exhibit 1.

The Agriculture Policy Advisory Committee (APAC) makes recommendations to your Board on all proposed agricultural contracts and non-renewals of portions of agricultural contracts. The APAC's recommendations regarding the proposed LCA contracts that are the subject (in part) of this Board letter, are set forth in this Board letter (below).

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<sup>2</sup> Based on 2017 salary and benefits, as 2018 calendar year is still in progress.



The Planning Commission reviews and provides recommendations to your Board regarding proposed Open Space/Wildlife Habitat LCA and Open Space/Wildlife Habitat FSZA/LCA contracts. There is one Open Space/Wildlife Habitat LCA contract for your Board's consideration.

In January 2010, following the loss in subvention funding from the State, your Board directed staff to return each year with a report and analysis of the LCA Program for your Board's consideration.

In 2010, Government Code §§ 16142, 16142.1, 51244, 16148, and 51244.3, as well as Health and Safety Code §§ 33333.14 and 33691.5 (SB 863), established a new, voluntary local-option program to temporarily reduce the length of LCA contracts to a 9-year or 18-year term. Your Board considered the local option program in 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017, and because of the potential long-term financial impact on the local agriculture industry, the short-term costs to the County associated with contract revisions, and the uncertainty associated with the sunset date, your Board elected to not pursue it for Ventura County. Staff recommends again this year that your Board take no action to implement the local option program. Further, the Planning Division recommends that your Board direct staff to accept and process LCA contract applications in 2018 using the current LCA Guidelines.

Agricultural Preserve (AGP) Questionnaire Non-Filer Report:

The owners of land under an LCA contract are required to submit an annual Agricultural Preserve Questionnaire, which requests current data on income, rentals, expenses and production, and property uses and characteristics for the particular type of operation on an LCA-contracted property. The Agricultural Preserve Questionnaires are due every year and were most recently due on April 1, 2018. Of the 1,081 LCA contracts, 529 contracts holder did not submit their questionnaire by the due date, which is approximately 51% of all LCA contract holders in the County. Due to the high non-filer rate, the Assessor's Office sent out a second request letter on April 13, 2018, at a cost of \$760 to the Assessor's Office, with a due date of May 1, 2018. The letter was successful and reduced the number of non-filer contract holders to 363, or 34%. The 363 contract holders who did not file an Agriculture Preserve Questionnaire for 2018 by the second deadline still received an assessed value reduction of \$226,391,511, which is an estimated \$2,263,915 in tax savings (Exhibit 16).

The additional time that the Assessor's Office expended to calculate each non-filer LCA assessment for the 2018-2019 tax bill resulted in an additional cost to the County of \$30,000 – \$40,000. The Planning Division and Assessor's Office staff are working together but have very limited options to incentivize compliance with the contract-mandated questionnaire. The Planning Division and Assessor's Office are continuing to develop an LCA enforcement program for contract holders who fail to submit their required annual Agricultural Preserve Questionnaire.

## 2018 Contract Proposals:

### **I. Introduction**

The nine LCA projects before your Board for consideration include: (1) a proposal for the creation of five new FSZA/LCA (20-year) contracts, (2) a proposal for the creation of one new LCA (10-year) contract, (3) a proposal for the creation of one new Open Space Wildlife Habitat LCA (10-year) contract, which includes the expansion of an existing Agricultural Preserve, and (4) the rescission of two existing LCA contracts and entry into two replacement LCA contracts, which are the subject of a proposed Parcel Map Waiver/Lot Line Adjustment (PMW/LLA) (Case No. PL18-0095) before the Planning Director.

### **II. Decision-Making Authority**

Pursuant to the Ventura County LCA Guidelines § VII.B.2(d), your Board shall hold a hearing and “make a final decision to approve, partially approve, or deny each individual Contract and associated AGP or FSZA boundary changes and, if applicable, the designation of a wildlife habitat area.”

### **III. Proposed Contracts**

The proposed contracts are described in §§ III.A and III.B (below). A map showing the locations of the properties that are the subject of the proposed contracts is included as Exhibit 2, and the proposed contracts are attached as Exhibits 4 through 12.

#### **A. PL18-0075 (Fitzgerald Ranch) – FSZA/LCA Contract No. 53-2:15.1**

1. Project Description: The Applicant proposes a new 20-year FSZA/LCA contract (Exhibit 5), within existing AGP 53-2, on an area totaling approximately 110.64 acres. Approximately 101 acres (91%) of the property that will be subject to Contract No. 53-2:15.1 are currently in crop production. It is unclear at this time whether the subject property is a legal lot (i.e., the subject property was created in compliance with the Subdivision Map Act). Therefore, the applicant submitted an application for a Certificate of Compliance to the County Surveyor. If the County Surveyor determines that the subject property is not a legal lot, the applicant will be required to obtain a Conditional Certificate of Compliance, prior to executing the LCA contract on this property. The boundaries of the contract will coincide with the configuration of the legal lot. An aerial photograph of the site is included in Exhibit 5.
2. Applicant/Property Owner: Brian Fitzgerald

3. Project Site Location and Parcel Number: The approximately 110.64-acre subject property is located southeast of the intersection of Santa Rosa Road and Gerry Road, Camarillo, CA. No assigned address has been given to the project site. The Tax Assessor's parcel number for the parcel that constitutes the project site is APN163-0-130-340.
4. Project Site Land Use and Zoning Designations:
  - a. Countywide General Plan Land Use Map Designations: Agricultural
  - b. Zoning Designation: AE-40 ac (Agricultural Exclusive, 40-acre minimum parcel size)
  - c. Land Use: Vegetable Row Crops and Lemons
5. Adjacent LCA Contracts, General Plan Land Use Map Designations, Zoning, and Land Uses/Development:

	SITE	NORTH	EAST	SOUTH	WEST
<b>Contract No.</b>	53-2:15.1	53-3.8	53-2.8	NA	53-2.6
<b>Land Use</b>	Lemons and Row Crops	Avocado and Lemons	Lemons and Avocado	Row Crops	Lemon
<b>Zoning</b>	AE-40 ac	AE-40 ac	AE-40 ac	OS-160 ac	AE-40 ac
<b>Land Use Designation</b>	Agricultural Open Space	Agricultural	Agricultural	Open Space	Agricultural

B. PL18-0076 (Fitzgerald Ranch) – FSZA/LCA Contract No. 53-3:11.1

1. Project Description: The Applicant proposes a new 20-year FSZA/LCA contract (Exhibit 6), within existing AGP 53-3, on an area totaling approximately 37.63 acres. Approximately 37 acres (94%) of the property that will be subject to Contract No. 53-3:11.1 are currently in crop production. It is unclear at this time whether the subject property is a legal lot (i.e., the subject property was created in compliance with the Subdivision Map Act). Therefore, the applicant submitted an application for a Certificate of Compliance to the County Surveyor. If the County Surveyor determines that the subject property is not a legal lot, the applicant will be required to obtain a Conditional Certificate of Compliance, prior to executing the LCA contract on this property. The boundaries of the contract will coincide with the configuration of the legal lot. An aerial photograph of the site is included in Exhibit 6.
2. Applicant/Property Owner: Brian Fitzgerald
3. Project Site Location and Parcel Number: The approximately 37.63-acre subject property is located northeast of the intersection of Santa Rosa Road and Burkett

Ranch Road, Camarillo, CA. No assigned address has been given to the project site. The Tax Assessor's parcel number for the parcel that constitutes the project site is 163-0-130-330.

4. Project Site Land Use and Zoning Designations:

- a. Countywide General Plan Land Use Map Designations: Agricultural
- b. Zoning Designation: AE-40 ac
- c. Land Use: Lemons

5. Adjacent LCA Contracts, General Plan Land Use Map Designations, Zoning, and Land Uses/Development:

	SITE	NORTH	EAST	SOUTH	WEST
<b>Contract No.</b>	53-2:11	53-2.12 and 53-2.13	NA	NA	53-3.8
<b>Land Use</b>	Lemons	Row Crops	Nursery and Row Crops	Lemons and Row Crops	Lemon and Avocado
<b>Zoning</b>	AE-40 ac	AE-40 ac	AE-40 ac	AE-40 ac	AE-40 ac
<b>Land Use Designation</b>	Agricultural	Agricultural	Agricultural	Agricultural	Agricultural

C. PL18-0077 (Fitzgerald Ranch) – FSZA/LCA Contract No. 53-4:16.1

1. Project Description: The Applicant proposes a new 20-year FSZA/LCA contract (Exhibit 7), within existing AGP 53-4, on an area totaling approximately 83.30 acres. Approximately 78.31 acres (94%) of the property that will be subject to Contract No. 53-4:16.1 are currently in crop production. The property that is the subject of the proposed agricultural FSZA/LCA contract is two legal lots as identified as Parcels 34 and 37 of Book 17, Page 16 of the Rancho Calleguas Subdivision (recorded May 14, 1926). The boundaries of the contract will coincide with the configuration of the two legal lots. An aerial photograph of the site is included in Exhibit 7.
2. Applicant/Property Owner: Brian Fitzgerald
3. Project Site Location and Parcel Number: The approximately 83.30-acre subject property is located approximately 0.81 miles north of Highway 101 on Calleguas Road, Camarillo, CA. No assigned address has been given to the project site. The Tax Assessor's parcel number for the parcel that constitutes the project site is 163-0-160-135.



4. Project Site Land Use and Zoning Designations:

- a. Countywide General Plan Land Use Map Designations: Agricultural
- b. Zoning Designation: AE-40 ac
- c. Land Use: Row Crops

5. Adjacent LCA Contracts, General Plan Land Use Map Designations, Zoning, and Land Uses/Development:

	SITE	NORTH	EAST	SOUTH	WEST
<b>Contract No.</b>	53-4:16.1	NA	NA	NA	NA
<b>Land Use</b>	Row Crops	Row Crops	Open Space	Row Crops	City of Camarillo
<b>Zoning</b>	AE-40 ac	AE-40 ac	OS-40 ac	OS-40 AC	Camarillo
<b>Land Use Designation</b>	Agricultural	Agricultural and Agricultural-Urban Reserve	Open Space	Open Space	Camarillo

D. PL18-0079 (Tierra Vista Properties) – FSZA/LCA Contract No. 47-3:9.1

1. Project Description: The Applicant proposes a new 20-year FSZA/LCA contract (Exhibit 8), within existing AGP 47-3, on an area totaling approximately 34.58 acres. Approximately 32.21 acres (93%) of the property that will be subject to Contract No. 47-3:9.1 are currently in crop production. The property that is the subject of the proposed agricultural FSZA/LCA contract is four legal lots as identified by Certificate of Compliance No. 17-08-1212. The boundaries of the contract will coincide with the configuration of the four legal lots. An aerial photograph of the site is included in Exhibit 8
2. Applicant/Property Owner: Tom Goldberg
3. Project Site Location and Parcel Number: The approximately 34.58-acre subject property is located at 4279 East Hueneme Road, Oxnard, CA. The Tax Assessor's parcel numbers for the parcels that constitute the project site are 218-0-091-100, 218-0-091-030, 218-0-091-090 and 218-0-070-215.
4. Project Site Land Use and Zoning Designations:
  - a. Countywide General Plan Land Use Map Designations: Agricultural
  - b. Zoning Designation: AE-40 ac
  - c. Land Use: Cut Flower Nursery

5. Adjacent LCA Contracts, General Plan Land Use Map Designations, Zoning, and Land Uses/Development:

	SITE	NORTH	EAST	SOUTH	WEST
<b>Contract No.</b>	47-3:9.1	47-7.6	47-3.6	NA	47-3:1
<b>Land Use</b>	Cut Flowers	Strawberry	Cut Flowers and Strawberry	NA	Strawberry
<b>Zoning</b>	AE-40 ac	AE-40 ac	AE-40 ac	AE-40 ac	AE-40 ac
<b>Land Use Designation</b>	Agricultural	Open Space	Agricultural	State or Federal Facility	Agricultural

E. PL18-0080 (Louis McCutcheon) – LCA Contract No. 53-4.15

1. Project Description: The Applicant proposes a new 10-year LCA contract (Exhibit 4), within existing AGP 53-4 on an area totaling approximately 22 acres. Approximately 21.23 acres (96%) of the property that will be subject to Contract No. 53-4.15 are currently in crop production. The property that is the subject of the proposed agricultural LCA contract is one legal lot as identified as Parcel 7 of Book 14, Page 24 of Parcel Map 14 PM 26. The boundaries of the contract will coincide with the configuration of the legal lot. An aerial photograph of the site is included in Exhibit 4.
2. Applicant/Property Owner: Louis McCutcheon
3. Project Site Location and Parcel Number: The approximately 22-acre subject property is located at 3056 Ventavo Road, Moorpark, CA. The Tax Assessor's parcel numbers for the parcels that constitute the project site are 163-0-210-180 and 163-0-210-110.
4. Project Site Land Use and Zoning Designations:
  - a. Countywide General Plan Land Use Map Designations: Agricultural
  - b. Zoning Designation: AE-40 ac
  - c. Land Use: Lemon and Avocado

5. Adjacent LCA Contracts, General Plan Land Use Map Designations, Zoning, and Land Uses/Development:

	SITE	NORTH	EAST	SOUTH	WEST
<b>Contract No.</b>	53-4.15	NA	NA	NA	53-4.1F

<b>Land Use</b>	Lemon and Avocado	Lemon and Avocado	Lemon and Avocado	Lemon and Avocado	Lemon and Avocado
<b>Zoning</b>	AE-40 ac	AE-40 ac	AE-40 ac	AE-40 ac	AE-40 ac
<b>Land Use Designation</b>	Agricultural	Agricultural	Agricultural	Agricultural	Agricultural

**F. PL18-0084 (Rancho Avita, LLC) – FSZA/LCA Contract No. 56-5:2.1**

1. Project Description: The Applicant proposes a new 20-year FSZA/LCA contract (Exhibit 9), within existing AGP 56-5, on an area totaling approximately 47.24 acres. Approximately 45 acres (96%) of the property that will be subject to Contract No. 56-5:2.1 are currently in crop production. It is unclear at this time whether the subject property is a legal lot (i.e., the subject property was created in compliance with the Subdivision Map Act). Therefore, the applicant submitted an application for a Certificate of Compliance to the County Surveyor. If the County Surveyor determines that the subject property is not a legal lot, the applicant will be required to obtain a Conditional Certificate of Compliance, prior to executing the LCA contract on this property. The boundaries of the contract will coincide with the configuration of the legal lot. An aerial photograph of the site is included in Exhibit 9.
2. Applicant/Property Owner: Rancho Avita, LLC
3. Project Site Location and Parcel Number: The approximately 47.24-acre project site is located west of Las Posas and CA State Route 34, Camarillo, CA. No assigned address exists for the project site. The Tax Assessor's parcel number for the parcel that constitutes the project site is 230-0-051-435.
4. Project Site Land Use and Zoning Designations:
  - a. Countywide General Plan Land Use Map Designations: Agricultural
  - b. Zoning Designation: AE-40 ac
  - c. Land Use: Row Crops
5. Adjacent LCA Contracts, General Plan Land Use Map Designations, Zoning, and Land Uses/Development:

	<b>SITE</b>	<b>NORTH</b>	<b>EAST</b>	<b>SOUTH</b>	<b>WEST</b>
<b>Contract No.</b>	56-5:2.1	NA	56-5.1	56-15.3	56-15.1

<b>Land Use</b>	Row Crops	City of Camarillo	Row Crops	Row Crops	Row Crops
<b>Zoning</b>	AE-40 ac	City of Camarillo	AE-40 ac	AE-40 ac	AE-40 ac
<b>Land Use Designation</b>	Agricultural	Urban	Agricultural	Agricultural	Agricultural

**G. PL18-0092 and PL18-0093 (VFI Bardsdale, LLC) – LCA Contract Nos. 3-18.21 and 3-18.22**

1. **Project Description:** The Applicant proposes a rescission of two existing 10-year LCA contracts and entry into two new 10-year LCA contracts (Exhibits 11 and 12), within existing AGP No. 3-18, on an area totaling approximately 94.73 acres. Approximately 60 acres (63%) of the 94.73-acre property that will be subject to Contract No. 3-18.21 are currently in crop production. Approximately 59 acres (57%) of the 90.06-acre property that will be subject to Contract No. 3-18.22 are currently in crop production.

The applicant also requested approval of a Parcel Map Waiver/Lot Line Adjustment (PMW/LLA) (Case No. PL18-0095) to reconfigure the subject properties. The boundaries of the LCA contracts will coincide with the proposed, reconfigured parcels. Recordation of the LCA contracts is conditional upon approval and recordation of PMW/LLA Case No. PL18-0095. An aerial photograph of the site is included in Exhibits 11 and 12.

2. **Applicant/Property Owner:** VFI Bardsdale, LLC
3. **Project Site Location and Parcel Number:** The approximately 184.79-acre project site is located approximately 0.21 miles west of the intersection of Sespe Street and Riverside Avenue, Fillmore, CA. No assigned address exists for the project site. The Tax Assessor's parcel numbers for the parcels that constitute the project site are 046-0-100-195, 046-0-171-115, 046-0-171-130, 046-0-100-185, 046-0-171-125 and 046-0-171-140
4. **Project Site Land Use and Zoning Designations:**
  - a. Countywide General Plan Land Use Map Designations: Agricultural
  - b. Zoning Designation: AE-40 ac/MRP(Mineral Resource Protection)
  - c. Land Use: Lemon and Avocado
5. **Adjacent LCA Contracts, General Plan Land Use Map Designations, Zoning, and Land Uses/Development:**



	SITE	NORTH	EAST	SOUTH	WEST
<b>Contract No.</b>	3-18.21 and 3-18.22	NA	3-18.20	NA	3-10:1.1
<b>Land Use</b>	Lemon	Santa Clara River	Lemon and Avocado	Lemon and Avocado	Lemon and Avocado, Row Crops
<b>Zoning</b>	AE-40 ac/MRP	OS-80 ac	AE-40 ac	AE-40 ac	AE-40 ac
<b>Land Use Designation</b>	Agricultural	Open Space	Agricultural	Agricultural	Agricultural

H. PL18-0085 (Fitzgerald Ranch) – LCA Contract No. 53-9.1

1. **Project Description:** The Applicant proposes a new 10-year Open Space Wildlife Habitat LCA contract (Exhibit 10), on an area totaling approximately 921 acres. The Applicant also requests the expansion of an existing Agricultural Preserve (AGP 53-9). The subject property consists of two legal lots. One of the lots within the proposed contract boundary was legally created as Parcel 4 (also "D") of Parcel Map Waiver No. 60, approved by the Ventura County Surveyor on August 15, 1979. The approval was not required to be, and was not, recorded. This lot consists of APN's 163-0-180-095, 163-0-160-135, 163-0-170-045, 163-0-170-075 and 163-0-170-125. The other lot within the proposed contract boundary was legally created by a deed division resulting in no more than two parcels prior to February 24, 1966 (book 2750, page 498, recorded March 16, 1965). An aerial photograph of the site is included in Exhibit 10
2. **Applicant/Property Owner:** Brian Fitzgerald
3. **Project Site Location and Parcel Number:** The approximately 921-acre project site is located at base of the Conejo Grade, north of Highway 101 at the Camarillo Springs off ramp, approximately 1,800 feet east of the Conejo Creek, and west of the City of Thousand Oaks in the community of Camarillo, in the unincorporated area of Ventura County. No assigned address exists for the project site. The Tax Assessor's Parcel Numbers for the parcels that constitute the project site are 163-0-170-045, 163-0-170-075, 163-0-170-125, 163-0-180-055, and 163-0-180-095.
4. **Project Site Land Use and Zoning Designations:**
  - a. Countywide General Plan Land Use Map Designations: Open Space
  - b. Zoning Designation: OS-160 ac (Open Space, 160-acre minimum parcel size)
  - c. Land Use: Open Space
  - d. Adjacent LCA Contracts, General Plan Land Use Map Designations, Zoning, and Land Uses/Development:

	SITE	NORTH	EAST	SOUTH	WEST
<b>Contract No.</b>	53-9.1	NA	NA	NA	NA
<b>Land Use</b>	Open Space	Open Space and Row Crops	City of Thousand Oaks	Highway 101 Camarillo Grove Park	Row Crops and Conejo Creek
<b>Zoning</b>	OS-160 ac	OS-160 ac	City of Thousand Oaks	City of Camarillo	OS-40 ac
<b>Land Use Designation</b>	Open Space	Agricultural and Open Space	Open Space	Open Space	Agricultural and Open Space

#### IV. Approval Standards/Findings for the Proposed LCA and FSZA/LCA Contracts

The following list sets forth the findings that your Board must make to approve the proposed LCA contracts and allow the land that is the subject of the proposed contracts to qualify for enrollment in the LCA Program. Immediately following each finding is a discussion of the proposed LCA contracts' compliance with the standards set forth in each finding.

- a. Location within an Agricultural Preserve (AGP). *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, pp. 2 and 6).*

LCA Contract No.	Agricultural Preserve No.	Is the Entire Property Located within an Existing Agricultural Preserve?
FSZA/LCA Contract No. 53-2:15.1	53-2	Yes
FSZA/LCA Contract No. 53-3:11.1	53-3	Yes
FSZA/LCA Contract No. 53-4:16.1	53-4	Yes
FSZA/LCA Contract No. 47-3:9.1	47-3	Yes
LCA Contract No. 53-4.15	53-4	Yes
FSZA/LCA Contract No. 56-5:2.1	56-5	Yes
LCA Contract No. 3-18.21	3-18	Yes
LCA Contract No. 3-18.22	3-18	Yes

LCA Contract No.	Agricultural Preserve No.	Is the Entire Property Located within an Existing Agricultural Preserve?
LCA Contract No. 53-9.1	53-9	No. Expansion of AGP 53-9 is proposed.

With the exception of LCA Contract No. 53-9.1, all of the proposed LCA contracts for 2018 are located within existing AGP's. The application for LCA Contract No. 53-9.1 includes a request to your Board to expand existing AGP 53-9 to include the proposed contract. Therefore, this finding can be made.

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

Contract Nos. 53-3:11.1, 53-4:16.1, 47-3:9.1, 53-4.15, 56-5:2.1, 3-18.21 and 3-18.22 – The properties are located in areas designated "Agricultural" pursuant to the Ventura County General Plan.

LCA Contract Nos. 53-9.1 and 53-2:15.1 – The properties are located in areas designated "Agricultural" and "Open Space" pursuant to the Ventura County General Plan.

Based on the analysis above, Contract Nos. 53-2:15.1, 53-3:11.1, 53-4:16.1, 47-3:9.1, 53-4.15, 56-5:2.1, 3-18.21, 3-18.22, and 53-9.1 meet this eligibility requirement. Therefore, this finding can be made.

- c. Zoning. *For Grazing and Crop Production LCA Contracts, the subject 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). There are no zoning requirements for Open Space (Wildlife Habitat) contracts; however the property must have a General Plan Land Use Designation of Open Space.*

Contract Nos. 53-2:15.1, 53-3:11.1, 53-4:16.1, 47-3:9.1, 53-4.15, 56-5:2.1, 3-18.21 and 3-18.22 – The properties are located in areas zoned AE-40 ac, AE-40ac/MRP.

Contract No. 53-9.1 – This property is located in an area zoned OS-160 ac.

Based on the analysis above, Contract Nos. 53-2:15.1, 53-3:11.1, 53-4:16.1, 47-3:9.1, 53-4.15, 56-5:2.1, 3-18.21, 3-18.22 and 53-9.1 meet this eligibility requirement. Therefore, this finding can be made.



- d. Minimum Lot Size. *The applicable minimum legal lot size identified in Table 1 of the LCA Guidelines 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. 8; Table 1, p. 9).*

Contracts for agricultural cultivation are required to be at least 9 acres. As set forth below, all of the proposed contracts meet this requirement.

Contract Number	Legal Lot/Contract Size	Minimum Acreage Requirement
LCA Contract No. 53-9.1	921 acres	Determined on a case by case basis
FSZA/LCA Contract No. 53-2:15.1	110.64 acres	9 acre minimum for crop production
FSZA/LCA Contract No. 53-3:11.1	37.63 acres	
FSZA/LCA Contract No. 53-4:16.1	83.30 acres	
FSZA/LCA Contract No. 47-3:9.1	34.58 acres	
LCA Contract No. 53-4.15	22 acres	
FSZA/LCA Contract No. 56-5:2.1	47.24 acres	
LCA Contract No. 3-18.21	94.73 acres	
LCA Contract No. 3-18.22	90.06 acres	

All the proposed contracts are on legal lots larger than 9 acres. Therefore, this finding can be made.

- e. Minimum Agricultural Utilization. *The acreage within a Contract must meet the minimum agricultural utilization standards for crop production set forth in Table 1 of the LCA Guidelines. (LCA Guidelines, p. 8, Table 1, p. 9).*

The following table identifies the minimum utilization percentage required for 10-year LCA contracts and 20-year FSZA/LCA contracts, pursuant to the Ventura County LCA Guidelines:

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

Agricultural cultivation contracts are required to meet an agricultural utilization percentage based on the contract size. For example, 10-year contracts that range



from 25.1 to 40 acres in size are required to have 65% agricultural utilization. Additionally, 10-year agricultural cultivation contracts on parcels that are greater than 40 acres in size are required to have at least 50% agricultural utilization, and 20-year agricultural cultivation contracts on parcels that are greater than 40 acres in size are required to have at least 70% agricultural utilization.

All of the proposed contracts meet the minimum agricultural utilization percentage requirement, as detailed in the table below.

Contract Number	Range for Legal Lot/Contract Size	Legal Lot/Contract Size	Minimum Utilization Percentage of Agriculture Required	Utilization Percentage Achieved
OS/LCA Contract No. 53-9.1	No requirement	921 acres	No Minimum	NA
FSZA/LCA Contract No. 53-2:15.1	Over 40 acres	110.64 acres	70%	91%
FSZA/LCA Contract No. 53-3:11.1	25.1-40 acres	37.63 acres	75%	94%
FSZA/LCA Contract No. 53-4:16.1	Over 40 acres	83.30 acres	70%	94%
FSZA/LCA Contract No. 47-3:9.1	25.1-40 acres	34.58 acres	75%	93%
LCA Contract No. 53-4.15	15.1-25 acres	22 acres	75%	96%
FSZA/LCA Contract No. 56-5:2.1	Over 40 acres	47.24 acres	70%	96%
LCA Contract No. 3-18.21	Over 40 acres	94.73 acres	50%	63%
LCA Contract No. 3-18.22	Over 40 acres	90.06 acres	50%	57%

Because all the proposed LCA contracts meet the minimum utilization percentages determined by the proposed contract size, this finding can be made.

- f. To be eligible for a contract, agricultural property must meet the standards outlined below (LCA Guidelines, § V.A.6, pp. 8-10).

#### 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. 53-2:15.1, 53-3:11.1, 53-4:16.1, 47-3:9.1, 53-4:15, 56-5:2.1, 3-18.21 and 3-18.22 – The eligibility questionnaire submitted with each LCA contract application documents the required land utilization and income for commercial agricultural production for at least three of the last five years.

Based on the analysis above, all of the proposed contracts meet this eligibility requirement. Therefore, this finding can be made.

- g. FSZA/LCA Contracts. *In addition to all requirements and findings for LCA (10-year) contracts, the following applies to FSZA/LCA (20-year) contracts:*

*The subject properties must be designated by the Board as a FSZA and meet all of the following requirements (LCA Guidelines, p. 11):*

- 1. *The land must be within an Agriculture Preserve (AGP) (LCA Guidelines, p. 11).*

Contract Nos. 53-2:15.1, 53-3:11.1, 53-4:16.1, 47-3:9.1 and 56-5:2.1 – The properties that are proposed for inclusion in a FSZA are currently in existing AGP.

Therefore, Contract Nos. 53-2:15.1, 53-3:11.1, 53-4:16.1, 47-3:9.1 and 56-5:2.1 meet this eligibility requirement.

2. *The land must be designated on the Important Farmland Series Map ("Map") as predominantly one of the following: (a) Prime Farmland; (b) Farmland of Statewide Importance; (c) Unique Farmland; or (d) Farmland of Local Importance (LCA Guidelines, p. 11).*

FSZA/LCA Contract Number	Important Farmland Series Map Soils Classification
53-2:15.1	Prime, Unique and Statewide Importance
53-3:11.1	Prime
53-4:16.1	Prime, Unique and Statewide Importance
47-3:9.1	Prime
56-5:2.1	Statewide Importance

Contract Nos. 53-2:15.1 and 53-4:16.1 – The properties on which the proposed contract sites are located contain a soils classification that is predominantly "Statewide Importance" according to the Important Farmland Inventory. In addition to the "Statewide Importance" soils classification, the properties also contain "Prime" farmland and "Unique" farmland.

Contract Nos. 53-3:11.1 and 47-3:9.1 – The properties on which the proposed contract sites are located contains a soils classification of "Prime" according to the Important Farmland Inventory.

Contract No. 56-5:2.1 – The property on which the proposed contract site is located contains a soils classification of "Statewide Importance" according to the Important Farmland Inventory

Therefore, Contract Nos. 53-2:15.1, 53-3:11.1, 53-4:16.1, 47-3:9.1 and 56-5:2.1 meet this eligibility requirement.

3. *No land shall be included in an FSZA unless expressly requested by the owner (LCA Guidelines, p. 11).*

Contract Nos. 53-2:15.1, 53-3:11.1, 53-4:16.1, 47-3:9.1 and 56-5:2.1 – As part of the application package for the contract proposal, the Applicant expressly requested inclusion of land in a FSZA (Exhibit 13). Therefore, Contract Nos. 53-2:15.1, 53-3:11.1, 53-4:16.1, 47-3:9.1 and 56-5:2.1 meet this eligibility requirement.

4. *Any land located within a city sphere of influence shall not be included in a FSZA, unless the creation of the FSZA has been approved by resolution by the city with jurisdiction within the sphere (LCA Guidelines, p. 11).*

Contract Nos. 53-2:15.1, 53-3:11.1, 53-4:16.1, 47-3:9.1 and 56-5:2.1 – The properties are not located within a city sphere of influence. Contract Nos. 53-2:15.1, 53-3:11.1, 53-4:16.1, 47-3:9.1 and 56-5:2.1 meet this requirement.

5. *Upon termination of a FSZA/LCA contract, the FSZA shall simultaneously be terminated (LCA Guidelines, p. 11).*

Contract Nos. 53-2:15.1, 53-3:11.1, 53-4:16.1, 47-3:9.1 and 56-5:2.1 – The properties that are proposed for inclusion in a FSZA are also proposed for a FSZA/LCA contract. If, in the future, the FSZA/LCA contract is non-renewed and thus expires, the FSZA will terminate along with the contract. Contract Nos. 53-2:15.1, 53-3:11.1, 53-4:16.1, 47-3:9.1 and 56-5:2.1 meet this requirement.

Therefore, pending the creation of five new FSZA for FSZA/LCA Contract Nos. 53-2:15.1, 53-3:11.1, 53-4:16.1, 47-3:9.1 and 56-5:2.1 (Exhibit 9), this finding can be made.

- h. Open Space (Wildlife Habitat) Contract. *To qualify for an OS/LCA Contract, all of the following criteria and requirements of the Ventura County LCA Guidelines must be met (LCA Guidelines, pp. 11-14).*

1. *The Subject Property must be designated Open Space or Agricultural in the General Plan. Additionally, it must be located within an AGP (LCA Guidelines, p. 12).*

The proposed contract area consists of land designated as “Open Space” in the General Plan. As stated above in Section D, AGP 53-9 is proposed to be expanded to accommodate the contract.

Therefore, the property that is the subject of the proposed LCA contract meets this eligibility requirement of the County LCA Guidelines.

2. *The Subject Property must either have, or be capable of being restored to have, significant biological resources which include, but are not limited to, the following: 1. Habitats of endangered, threatened or rare species; 2. Wetland Habitats; 3. Coastal Habitats; 4. Migration corridors for fish or wildlife; 5. Locally important species/communities (LCA Guidelines, p. 12).*

The subject property is located entirely within the Santa Monica – Sierra Madre Regional Wildlife Corridor, as identified by the Ventura County Resource Management Agency (RMA) Geographic Information System (GIS). This Wildlife Corridor contains a large expanse of critical habitat for plant and animal



dispersal and provides a critical linkage between Point Mugu State Park to Mount Clef Ridge. The area is dominated by coastal sage scrub and chaparral communities with large stands of coast prickly pear scrub which is an important habitat for Coastal Cactus Wren. Ventura County is the northern most range for the bird and its presence is currently restricted to a narrow band along the far western edge of the Santa Monica Mountains and Simi Hills, west and north of Thousand Oaks. The loss and degradation of coastal sage scrub are the immediate management issues affecting coastal populations of the wren in southern California. Ventura County populations are now highly dependent on blocks of habitat away from large protected areas in the Santa Monica Mountains, and the use of these habitats on private lands, such as the property under consideration, is important to the conservation of the species.

In addition to the cactus wren, this property is expected to serve as a corridor to species such as mountain lion, badger, mule deer, brush rabbit, desert woodrat, California thrasher, loggerhead shrike, western toad, California kingsnake, and Chalcedon checkerspot butterfly. A review of the subject property by Planning Biologist Abigail Convery identified the existence of the following sensitive plant communities:

- *Opuntia* Shrubland Alliance, Coast prickly pear scrub (State Rank - S3; Global Rank-G4) (Aerial Photo/Vegetation Map)
- *Eriogonum crocatum*, Conejo buckwheat (CA Rare Plant Rank -1B.2; State Rank-S1); Global Rank-G1) (CNDDDB Data)
- *Senecio aphanactis*, chaparral ragwort (CA Rare Plant Rank -2B.2; State Rank-S2); Global Rank-G3) (CNDDDB Data)

Therefore, the property that is the subject of the proposed LCA contract meets this eligibility requirement of the County LCA Guidelines.

3. *The Contract Area size requirement for OS/LCA Contracts is different than for LCA Contracts, since there is no need for an area large enough to be an economically feasible commercial agricultural operation. The viability of wildlife habitats is affected by the nature of the habitat—in some circumstances, very small areas can provide valuable habitat—and by the presence of adjacent open space areas whether or not that land is under the same ownership. Therefore, unlike LCA Contracts where the Contract Area is coterminous with parcel boundaries, the Contract Area of an OS/LCA Contract may be a portion of one parcel. For these reasons, the minimum Contract Area for OS/LCA Contracts shall be determined on a case-by-case basis (LCA Guidelines, p. 13).*

The proposed Open Space/Wildlife Habitat LCA contract area is not coterminous with the parcel boundaries. Approximately 57 acres of row crops located on APN 163-0-170-045 will be excluded from the LCA contract as crop

production is not a compatible use with OS/LCA contracts. Due to the location of the property within and adjacent to an identified Wildlife Corridor, and the exclusion of the existing row crops from the contract boundary, the size of the contract area is sufficient to support the open space purpose.

Therefore, the property that is the subject of the proposed LCA contract meets this eligibility requirement of the County LCA Guidelines.

4. *Under the State Land Conservation Act (LCA) statutes, compatible uses are defined primarily by their compatibility with agriculture. However, the County may provide for restrictions, terms, and conditions that are more restrictive than or in addition to those required by the LCA statutes [Government Code Section 51240] (LCA Guidelines, p. 14).*

The subject property is approximately 921 acres in size, and consists mainly of mountainous, undeveloped terrain. Approximately seven acres of the property are utilized as a horse boarding facility, which is a non-agricultural use as defined by the Ventura County Non-Coastal Zoning Ordinance (§ 8105-4). The boarding facility includes several miles of riding trails outside of the development envelope, but passive recreational activities similar to hiking and riding are considered uses compatible with OS/LCA contracts.

Approximately 57 acres of crop production on the subject property will be excluded from the contract as agricultural uses are prohibited within the OS/LCA contract boundary.

5. *The Subject Property must be designated by the Board as Wildlife Habitat Area, which is defined as "an area of great importance for the protection or enhancement of the wildlife resources of the state" [Government Code Section 51201 (j)] (LCA Guidelines, p. 12).*

*Before the Board may make the Wildlife Habitat Area designation, it shall first consider the recommendations of the Planning Commission and it shall consult with and consider the recommendations of the California Department of Fish & Game, who uses its own set of criteria (LCA Guidelines, p. 13).*

In order for the proposed open space/wildlife habitat contract to be approved and recorded, your Board must designate the property as Wildlife Habitat Area (WHA). In an email dated August 3, 2018 (Exhibit 17), from Dan Blankenship, Senior Environmental Scientist, Habitat Conservation Planning Section, California Department of Fish and Wildlife (CDFW), to Justin Bertoline, the CDFW has indicated its support of open space/wildlife habitat contract on the subject property.

Therefore, considering Ms. Convery's analysis and conclusion above that land subject to the contract proposal contains important wildlife habitat, and considering CDFW's support of the contract, the eligibility requirements are met so that the Planning Commission may recommend creation of a WHA for the property that is the subject of the proposed contract.

Based on the evaluation above, LCA Contract No. 53-9.1 complies with the eligibility standards required in the LCA Guidelines for open space/wildlife habitat contracts.

- i. Contract Rescission/Re-entry Boundaries. *New Contract boundaries and all rescission/reentries must be in compliance with the current Government Code provisions and the LCA Guidelines and shall not be for less aggregate acreage than originally contracted (LCA Guidelines, p. 18).*

Contract Nos. 3-18.21 and 3-18.22 – The proposed rescission/re-entry does not change the intensive agricultural use of the land. Additionally, no uses that are incompatible with the Government Code provisions and the Ventura County LCA Guidelines are proposed or exist on the proposed contract sites.

Under Contract Nos. 3-18.19 and 3-18.20, which are associated with the approval of PMW/LLA Case No. PL18-0095 to reconfigure the subject properties, there will not be a decrease in the amount of aggregate acreage that is currently under contract. LCA Contracts Nos. 3-18.21 and 3-18.22 will result from the proposed rescission/re-entry reconfiguration of the legal lot lines of the subject properties between proposed LCA contracts.

Therefore, this finding can be made for LCA Contracts Nos. 3-18.21 and 3-18.22

- j. Lot Line Adjustments. To approve a rescission/re-entry of an LCA contract prior to recording a PMW/LLA, and pursuant to Government Code § 51257 and LCA Guidelines § VIII.A.2, all of the following findings must be made:

1. *The new Contract(s) would initially restrict land within adjusted boundaries of legal lots for at least 10 years for LCA Contracts, or at least 20 years for FSZA/LCA Contracts (LCA Guidelines, p. 19).*

Contract Nos. 3-18.21 and 3-18.22 – The proposed contracts are 10-year contracts, which restrict the entire area within the adjusted boundaries. Therefore, this finding can be made.

2. *There is no net decrease in the amount of aggregate acreage (total contract acreage combined between the parcels involved in the lot line adjustment) subject to the existing and proposed Contract(s) (LCA Guidelines, p. 19).*

Contract Nos. 3-18.21 and 3-18.22 – The existing agricultural operation will not change as a result of the lot line adjustment. The lot line adjustment will not add land to the LCA Program. The existing Contract Nos. 3-18.19 and 3-18.20 will be rescinded and the parties will simultaneously enter into Contract Nos. 3-18.21 and 3-18.22 to adjust the contract boundaries to match the lot line

boundaries from PMW/LLA PL18-0095. Agriculture Preserve (AGP) 3-18 includes the acreage that Contract Nos. 3-18.21 and 3-18.22 will cover. The property involved in the lot line adjustment will meet the eligibility requirement for a new contract, as discussed above.

There is no net loss of aggregate acreage as a result of the proposed lot line adjustments. Therefore, this finding can be made.

3. *At least ninety percent (90%) of the originally contracted land is included within a new Contract(s) (LCA Guidelines, p. 19).*

Contract Nos. 3-18.21 and 3-18.22 – All of the originally contracted land under LCA Contract Nos. 3-18.19 and 3-18.20, which are being rescinded, will be included in new LCA Contract Nos. 3-18.21 and 3-18.22. Therefore, this finding can be made.

4. *The resulting legal lot area subject to the Contract is large enough to sustain qualifying agricultural uses (LCA Guidelines, p. 19).*

Contract Nos. 3-18.21 and 3-18.22 – The lot line adjustment will add an additional approximately 0.63 acres to the legal lot area, resulting in a legal lot size of approximately 94.43 acres. The lot size is large enough to sustain qualifying agricultural uses for an LCA contract. Therefore, this finding can be made.

5. *The lot line adjustment would not compromise the long-term agricultural production of land within the proposed legal lots or other agricultural lands subject to Contract(s) (LCA Guidelines, p. 19).*

Contract Nos. 3-18.21 and 3-18.22 – No properties, other than the two involved in the lot line adjustment, will be affected by the adjustment. The lot line adjustment will not alter on-site or off-site agricultural production. Therefore, this finding can be made.

6. *The lot line adjustment is not likely to result in the removal of adjacent land from agricultural uses (LCA Guidelines, p. 19).*

Contract Nos. 3-18.21 and 3-18.22 – No properties, other than the two involved in the lot line adjustment, will be affected by the adjustment. The lot line adjustment will not alter on-site or off-site agricultural production. Therefore, this finding can be made.

7. *The lot line adjustment does not result in a greater number of developable legal lots than existed prior to the adjustment or an adjusted lot that is inconsistent with the County General Plan (LCA Guidelines, p. 19).*



Contract Nos. 3-18.21 and 3-18.22 – Two developable lots are existing, and no new developable lots will result from the lot line adjustment. Therefore, this finding can be made.

- k. General Plan Consistency: Proposed LCA contracts must be consistent with the Ventura County General Plan, as follows:

1. *Land Conservation Act (LCA) Contracts shall be encouraged on irrigated farmlands and Open Space Lands (Ventura County General Plan Goals, Policies and Programs, Policy 1.6.2-3).*

Contract Nos. 53-2:15.1, 53-3:11.1, 53-4:16.1, 47-3:9.1, 53-4.15, 56-5:2.1, 3-18.21 and 3-18.22 – The agricultural contract proposals will result in the continuation of agricultural operations on existing irrigated farmland.

Contract No. 53-9.1. The Open Space Wildlife Habitat contract proposal will result in the continuation of existing Open Space land.

Based on the analysis above, Contract Nos. 53-2:15.1, 53-3:11.1, 53-4:16.1, 47-3:9.1, 53-4.15, 56-5:2.1, 3-18.21, 3-18.22 and 53-9.1 are consistent with the Ventura County General Plan Goals, Policies and Programs Policy 1.6.2-3.

In summary, all of the proposed contracts will be consistent with the California State LCA (Government Code Section 51200, et seq.), the Ventura County LCA Guidelines (December 8, 2015, Edition), and the Ventura County General Plan Goals, Policies and Programs. Based on the evidence set forth in this Board letter (above), your Board can make all of the findings that are required to approve the proposed contracts.

#### APAC/Planning Commission Review and Recommendation

APAC met on November 14, 2018 to consider the proposed eight agricultural LCA contracts. On a vote of 4-0, with Committee Member Scott Deardorff absent, APAC recommended approval of all eight agricultural LCA contracts.

On August 30, 2018, case number PL18-0085 was presented to the Ventura County Planning Commission. The Planning Commission, on a vote of 5-0, recommended approval of Open Space Wildlife Habitat LCA Contract No. 53-9.1

#### Summary of Changes in LCA Acreage

If your Board approves the proposed LCA contracts and the LCA contracts record before January 1, 2019, there will be a gain of approximately 1,256.39 acres of LCA contracted land, countywide. By comparison, the number of acres of contracted land increased by 130 acres, 254 acres, 84 acres, 48 acres, 726 acres, 5.85 acres and 608.34 acres in

2011, 2012, 2013, 2014, 2015, 2016 and 2017(respectively). No notices of non-renewal were filed in 2018.

County records indicate that non-renewed LCA contracts will reduce the total amount of LCA-contracted land in the County to approximately 127,156 acres over the next 19 years. A map of the lands that are subject to LCA contracts that are currently in their non-renewal periods is provided in Exhibit 14.

#### **PUBLIC AND JURISDICTIONAL REVIEW:**

On November 24, 2018, the Planning Division mailed notification of this hearing to property owners within 300 feet of the boundaries of each proposed contract, interested parties, and the Planning Directors of the cities located within one mile of the properties that will be subject to a proposed contract. The proposals were also published in the *Ventura County Star* (Countywide circulation).

On November 17, 2018, the Local Agency Formation Commission (LAFCo) was notified of all contract proposals. To date, the Planning Division has not received any public comments on the proposed LCA contracts. Planning Division staff will submit any comments that Planning Division staff receives after publication of this Board letter to your Board at the public hearing on December 4, 2018.

This letter supports the County Strategic Plan Focus Area #3, Strategic Goal #1, which directs the County to “[p]romote land use policies and programs that ensure the preservation of our agricultural land and natural environment, and agriculture’s continued economic viability.”

This Board Letter has been reviewed by the County Executive Office, Assessor’s Office, Auditor Controller’s Office, and County Counsel. Questions concerning this Board Letter should be directed to Justin Bertoline, LCA Program Planner, at [justin.bertoline@ventura.org](mailto:justin.bertoline@ventura.org) or (805) 654-2466.



Kim L. Prillhart, Director  
Ventura County Planning Division

#### **Attachments:**

- Exhibit 1 – Map Identifying LCA Contracts within Unincorporated Ventura County
- Exhibit 2 – Summary Map of 2018 Contract Proposals
- Exhibit 3 – Individual Location and Aerial Maps of 2018 Contract Proposals
- Exhibit 4 – Proposed LCA Contract No. 53-4.15

- Exhibit 5 – Proposed FSZA/LCA Contract No. 53-2:15.1
- Exhibit 6 – Proposed FSZA/LCA Contract No. 53-3:11.1
- Exhibit 7 – Proposed FSZA/LCA Contract No. 53-4:16.1
- Exhibit 8 – Proposed FSZA/LCA Contract No. 47-3:9.1
- Exhibit 9 – Proposed FSZA/LCA Contract No. 56-5:2.1
- Exhibit 10 – Proposed LCA Contract No. 53-9.1
- Exhibit 11 – Proposed LCA Contract No. 3-18.21
- Exhibit 12 – Proposed LCA Contract No. 3-18.22
- Exhibit 13 – Summary of Proposed Farmland Security Zone Areas
- Exhibit 14 – Map of Contracts in Non-Renewal Period
- Exhibit 15 – 2018 LCA Subvention Memorandum and Report
- Exhibit 16 – 2018 LCA Non-Filer Memorandum and Report
- Exhibit 17 - Email from Daniel Blankenship to Justin Bertoline (August 3, 2018)