

RESOLUTION NO. 23-012

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF VENTURA

**ADOPTING IMPLEMENTATION CLARIFICATION FOR CERTAIN POLICIES AND
PROGRAMS CONTAINED IN THE 2040 GENERAL PLAN**

WHEREAS, on January 9, 2020, the County of Ventura (“County”) released a Draft Environmental Impact Report (“DEIR”) for the 2040 General Plan Update (“2040 GPU” or “Project”) pursuant to the California Environmental Quality Act (“CEQA”). The 2040 GPU is a comprehensive update of the County’s General Plan. The 2040 General Plan identifies the goals, policies and implementation programs that will guide future decisions in the County concerning a variety of issues, including land use, climate change, agriculture, transportation, hazards, public facilities, health and safety, environmental justice, economic vitality, and resource conservation through the year 2040;

WHEREAS, on July 16, 2020, the County Planning Commission held a public hearing to consider and make recommendations to the Board of Supervisors on the 2040 GPU. The Planning Commission recommended approval of the Project to the Board of Supervisors (“Board”);

WHEREAS, on September 1, 2020, the Board held a public hearing on the Project. Ventura County Coalition of Labor, Agriculture and Business (“VC CoLAB”) and the Ventura County Agricultural Association (“VCAA”) submitted written and oral comments at the hearing raising objections to the Final Environmental Impact Report (“FEIR”). The Board continued the public hearing to September 15, 2020;

WHEREAS, on September 15, 2020, the Board adopted Resolution No. 20-106 certifying the FEIR for the 2040 General Plan, repealing the existing general plan except for portions constituting the 2014-2021 Housing Element, and approving and adopting the 2040 General Plan, 2040 General Plan Background Report, and all related documents regarding the 2040 General Plan Project;

WHEREAS, on September 16, 2020, the County filed a Notice of Determination for the Project with the Governor’s Office of Planning and Research, pursuant to CEQA;

WHEREAS, on October 14, 2020, VC CoLAB and VCAA filed a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief in Ventura County Superior Court, entitled Ventura County Coalition of Labor, Agriculture, and Business, and Ventura County Agricultural Association v. County of Ventura et al., Case Number 56-2020-00546174-CU-WM-VTA, alleging violations of CEQA, the Brown Act, and State Planning and Zoning Law in the approval of the Project (the “Action”);

WHEREAS, County disputes the allegations made in the Action;

WHEREAS, to better understand their differences regarding the 2040 GPU and attempt to resolve the Action, the Parties engaged in settlement discussions;

WHEREAS, during these settlement discussions, the Parties agreed that certain 2040 GPU policies and programs should be clarified by providing further explanation to ensure that they are applied and implemented by the County in a manner that is consistent with the Board's original intent and consistently applied to all land use applicants;

WHEREAS, the Parties further agreed that the Board's adoption of this resolution setting forth the County's clarification of said policies and programs would be the most effective means of ensuring their accurate application and consistent implementation in accordance with the Board's original intent;

WHEREAS, the adoption of this resolution does not change or amend the language of the 2040 GPU and any change to the language of the 2040 GPU policies and programs would require an amendment to the County's General Plan in accordance with state law;

WHEREAS, the adoption of this resolution does not preclude the County from adopting, amending or removing any 2040 GPU policy or program, including those addressed herein, in accordance with applicable law.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the following clarifications of the 2040 GPU policies and programs set forth below:

Section 1.

A. 2040 GPU Policy:

Policy AG-5.1 Inorganic Nitrogen Based Fertilizers

"The County shall encourage farmers to reduce fertilizer application and transition to products that reduce or avoid nitrous oxide (N₂O) emissions, such as organic composting and enhanced efficiency fertilizers."

B. County Clarification:

This policy itself does not authorize the County to regulate any farming practice or product or to prohibit the use of inorganic fertilizers. Rather, the County's role under this policy is to support farmers interested in voluntarily reducing fertilizer application and transition to products that reduce or avoid nitrous oxide emissions by, for example, assisting with, at the applicant's discretion, certain farming practices, publicizing state and federal grant and incentive programs, and providing technical assistance.

Section 2.

A. 2040 GPU Policies and Programs:

Policy AG-5.2 Electric- or Renewable-Powered Agricultural Equipment

“The County shall encourage and support the transition to electric- or renewable-powered or lower emission agricultural equipment in place of fossil fuel-powered equipment, when feasible.”

Policy AG-5.3 Electric- or Renewable- Powered Irrigation Pumps

“The County shall encourage farmers to convert fossil fuel-powered irrigation pumps to systems powered by electric or renewable energy sources, such as solar-power, and encourage electric utilities to eliminate or reduce stand-by charges.”

B. County Clarification:

These policies themselves do not authorize the County to regulate the use of agricultural equipment or pumps or to mandate the use of electric or renewable-powered equipment or pumps. Rather, the County’s role under these policies is to support farmers interested in voluntarily transitioning to electric or renewable-powered agricultural equipment and pumps by, for example, assisting with, at the applicant’s discretion, the use of certain equipment and pumps, publicizing state and federal grant and incentive programs, identifying programs for reducing operational risk and costs associated with conversion, and providing technical assistance.

Section 3.

A. 2040 GPU Policies and Programs:

Program AG-I Fossil Fuel-Powered Equipment Replacement

“The County shall coordinate with the Air Pollution Control District and electric utilities to develop a program to establish a countywide fossil fuel-powered equipment conversion target, track progress on conversions to renewable energy sourced electric powered systems and provide technical assistance to users considering replacement of pumps.”

Program AG-J Alternative Fuel Funding for Agricultural Operations

“The County shall coordinate with the Air Pollution Control District to develop a program to identify funding sources or develop financial or regulatory incentives

to encourage the switch to electric or alternatively fueled agricultural equipment, when feasible.”

B. County Clarification:

These programs themselves do not authorize the County or the Ventura County Air Pollution Control District (“APCD”) to impose any mandatory deadline or timeline by which farmers must transition to the use of electric or alternatively fueled agricultural equipment. Rather, the County’s and APCD’s roles under these programs are to (1) establish a countywide fossil fuel-powered equipment conversion target with voluntary private participation, track progress on conversions to renewable energy sourced electric powered systems, and provide technical assistance to farmers considering replacement of pumps, and (2) develop a program to identify funding sources or develop financial or regulatory incentives to encourage, but not require, the voluntary conversion to electric or alternatively fueled agricultural equipment, and to identify programs for reducing operational risk and costs associated with conversion.

Section 4.

A. 2040 GPU Policies and Programs:

Policy WR-1.13 Water Pumping

“The County shall require that all County-owned water pumps use 100 percent renewable-sourced electricity for water pumping, when feasible, and shall encourage private entities to use 100 percent renewable-sourced electricity when feasible.”

B. County Clarification:

With respect to private entities, this policy itself does not authorize the County to require the use of renewable-sourced electricity for water pumps. Rather, the County’s role under this policy is to support private entities that are interested in voluntarily using 100 percent renewable-sourced electricity for water pumps by, for example, assisting with, at the applicant’s discretion, the use of such electricity for pumps, publicizing state and federal grant and incentive programs, identifying programs for reducing operational risk and costs associated with conversion, and providing technical assistance.

Section 5.

A. 2040 GPU Policies and Programs:

COS-1.15 Countywide Tree Planting

“The County shall establish and support a countywide target for the County, cities in Ventura County, agencies, organizations, businesses, and citizens to plant two million trees throughout the county by 2040.”

B. County Clarification:

In implementing this policy, the County can and will count new orchard trees and trees used as agricultural windbreaks, that are identified and reported to the County, toward the two million trees targeted for countywide planting by 2040.

Section 6.

A. 2040 GPU Policies and Programs:

COS-3.2 Tree Canopy

“The County shall encourage the planting of trees and the protection of existing urban forests and native woodlands, savannahs, and tree canopy throughout the county, including along State or County designated scenic roadways and in residential and commercial zones throughout the county, especially those located within designated disadvantaged communities.”

COS-H County Tree Planting Program

“The County shall plant at least one thousand trees annually.”

B. County Clarification:

These policies themselves do not authorize the County to encourage or require the planting of trees in a manner that would shade or otherwise impair commercial orchard or agricultural crop production. In addition, these policies themselves do not prevent farmers from removing, thinning, pruning or otherwise managing or altering tree canopies on or around agricultural land to facilitate agricultural production and operations. Rather, the purpose of these policies is to facilitate and encourage tree planting and protection in locations that would not interfere with commercial agricultural production or operations.

Section 7.

A. 2040 GPU Policies and Programs:

COS-F Evaluate Increase to Standard Setback from Wetland

“The County shall evaluate whether a standards [sic] 200-foot setback from wetlands should apply to development in order to improve water quality, reduce the impacts of flooding and provide adequate protection for sensitive biological resources.”

B. County Clarification:

This program itself does not impose a 200-foot setback on development from wetlands, but rather directs the County to evaluate whether existing General Plan Policy COS-1.11, entitled “Discretionary Development Sited Near Wetlands,” should be amended to increase the policy’s standard setback distance from 100 to 200 feet. Policy COS-1.11’s existing, standard 100-foot setback only applies to new discretionary development. Consequently, the evaluation subject of Program COS-F does not impose any new discretionary approval where such an approval is not otherwise required. It would not apply to agricultural activities and operations—including commercial crop and orchard production, without new structures, and grazing—for which the General Plan or zoning ordinances do not otherwise require a discretionary permit. Any subsequent amendment of Policy COS-1.11 resulting from the Program COS-F evaluation process would require a General Plan amendment and CEQA review that would involve public noticing and hearings before the Planning Commission and Board of Supervisors.

Section 8.

A. 2040 GPU Policies and Programs:

WR-1.1 Sustainable Water Supply

“The County should encourage water suppliers, groundwater management agencies, and groundwater sustainability agencies to inventory and monitor the quantity and quality of the county’s water resources, and to identify and implement measures to ensure a sustainable water supply to serve all existing and future residents, businesses, agriculture, government, and the environment.”

B. County Clarification:

This policy itself recognizes “government” as a category of water user and use in Ventura County without prioritization over existing and future residents, businesses, agriculture, and the environment. This policy encourages the stated actions to ensure a sustainable water supply to serve all identified water users and uses.

Section 9.

A. 2040 GPU Policies and Programs:

COS-8.6 Zero Net Energy and Zero Net Carbon Buildings

“The County shall support the transition to zero net energy and zero net carbon buildings, including electrification of new buildings.”

COS-10.4 Greenhouse Gas Reductions in Existing and New Development

“The County shall reduce GHG emissions in both existing and new development through a combination of measures included in the GHG Strategy, which

includes new and modified regulations, financing and incentive-based programs, community outreach and education programs, partnerships with local or regional agencies, and other related actions.”

COS-S Building Code Update

“The County shall update the Building Code to include a mandatory Energy Reach Code.”

B. County Clarification:

To the extent these policies and programs are implemented through County legislative actions such as updates to the Ventura County Building Code, the County will develop its proposals in a transparent manner by conducting public outreach and engagement that will allow for public comment and discussion by all interested persons and entities.

Section 10.

A. 2040 GPU Policies and Programs:

COS-1.8 Bridge Crossing Design

“The County shall require discretionary development that includes new or modified road crossings over streams, wetlands and riparian habitats to include bridging design features with bridge columns located outside the riparian habitat areas, when feasible.”

B. County Clarification:

This policy only applies to new discretionary development that includes a proposal to build new or modified road crossings; it does not require the replacement or modification of existing stream crossings. Nothing in this policy shall prohibit farmers from repair or maintenance on existing crossing structures, if not modified. In addition, the bridge crossing design requirements only apply to the extent “feasible” which the 2040 GPU defines as:

“Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Whether something is ‘feasible’ in the context of the General Plan policy, program or other provision in which the term is used shall be determined by the County based on substantial evidence.”

NOW, THEREFORE, BE IT FURTHER RESOLVED that County staff shall interpret and implement the foregoing 2040 GPU policies and programs in accordance with the above-stated clarifications.

On motion of Supervisor LaVere, seconded by Supervisor Long, the Board adopted this resolution on the 7th day of February, 2023.

Matt LaVere
Matt LaVere
Chair, Board of Supervisors
County of Ventura

ATTEST:

Dr. Sevet Johnson
Clerk of the Board of Supervisors
County of Ventura, State of California.

By: Jon Key
Deputy Clerk of the Board

