



Planning Commission Staff Report – Hearing on November 5, 2020

County of Ventura • Resource Management Agency • Planning Division

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COUNTY ORDINANCE REGULATING CULTIVATION OF INDUSTRIAL HEMP AND SUPPLEMENTAL TEXT AMENDMENT TO COUNTY ZONING ORDINANCES REFERENCING THE PROPOSED ORDINANCE CASE NO. PL20-0102

A. PROJECT INFORMATION

- 1. Request:** The Ventura County Agricultural Commissioner (“Agricultural Commissioner”) requests that your Commission review this staff report and exhibits hereto, and take the recommended actions stated in Section E of this staff report regarding project. The project consists of an ordinance adding chapter 6, section 9600 et seq., to division 9 of the Ventura County Ordinance Code to regulate the cultivation of industrial hemp in the unincorporated areas of Ventura County (hereafter, the “Hemp Regulations”), and amending section 8174-5 of the Ventura County Coastal Zoning Ordinance (“CZO”) and sections, 8105-4, and 8105-5 of the Non-Coastal Zoning Ordinance (“NCZO”) to reference the Hemp Regulations (Exhibit 1). In order to mitigate objectionable odors associated with industrial hemp cultivation, the Hemp Regulations would establish buffer zones between hemp crops and sensitive sites such as residentially zoned areas and schools and would require expeditious harvesting and cleanup of outdoor hemp cultivation sites. The Hemp Regulations also include provisions addressing pollen control, security, and signage and enforcement.
- 2. Applicant:** County of Ventura, 800 South Victoria Avenue, Ventura, California 93009
- 3. Decision-Making Authority:** The proposed ordinance includes land use regulations. Pursuant to Government Code section 65853, County ordinances regulating land use require review and recommendation by your Commission to the Board of Supervisors (“Board”). The Board will consider your Commission’s recommendation and the proposed ordinance at a subsequent public hearing.
- 4. Location:** The proposed Hemp Regulations would apply to agricultural land located in the unincorporated area of Ventura County.
- 5. Background and Previous Proceedings:** As used in this staff report and the proposed ordinance, the terms “hemp” or “industrial hemp” refer to the plant *Cannabis sativa* L., its seeds and derivatives with a delta-9 tetrahydrocannabinol (“THC”) concentration of 0.3 percent or less. (See Food & Agr. Code, § 81000, subd. (a)(6).) THC is the primary intoxicant in cannabis, and cannabis with

greater than 0.3 percent THC is commonly referred to as “marijuana.” Hemp can be used to produce food, cosmetics, CBD oil, paper and fabrics, among other products and materials. Hemp production falls under the “Crop Production” land use which is exempt from land use permitting requirement under the CZO and NCZO.

The 2018 federal Farm Bill and implementing regulations legalized domestic commercial production of hemp with a license from United States Department of Agriculture (“USDA”), or an equivalent state licensing program approved by USDA. (See 7 U.S.C. § 1639o; 7 CFR part 990.) While not yet approved by the USDA, California law allows, and regulates, commercial hemp production with a registration issued by the local county agricultural commissioner under the Food and Agricultural Code and California Department of Food and Agriculture (CDFA) regulations effective April 2019.

In 2019, the first year that commercial hemp production was allowed under state law, 54 growers applied to the Agricultural Commissioner for state registrations to grow hemp in Ventura County. Beginning in May 2019, the Agricultural Commissioner issued registrations for 134 hemp cultivation sites comprising 3,800 acres. In August of 2019, the Agricultural Commissioner’s Office began to receive numerous complaints about the smell of industrial hemp plantings. Many of these complaints were centered around the Tierra Rejada Valley and Leisure Village area. The complaints continued and increased through November when the crops were harvested and removed. A summary and characterization of those complaints are provided in Exhibit 2.

At the Board’s November 19 and December 10, 2019, meetings, more than 40 members of the public testified to the detrimental effects of the strong odor produced by the cultivation of industrial hemp. Growers testified to the crop’s economic benefits and stated that hemp requires less water and pesticide usage compared to other row crops. At the December 10, 2019, meeting, the Board unanimously directed staff to prepare an urgency ordinance prohibiting the outdoor planting of hemp in specified portions of the unincorporated area. In addition, the Board unanimously directed staff to return with recommendations on a permanent ordinance including various measures and exceptions to mitigate the adverse effects while allowing cultivation. On January 14, 2020, the Board adopted Urgency Ordinance No. 4558 banning industrial hemp planting, except for nonflowering propagative plants, within a half mile of residential areas in cities and unincorporated areas, and schools. On February 11, 2020, the Board received a report describing the measures being taken to alleviate the conditions that led to the adoption of Urgency Ordinance No. 4558. On February 25, 2020, the Board extended Urgency Ordinance No. 4558 for up to 10 months and 15 days and directed the Agricultural Commissioner to develop a regular ordinance regulating hemp cultivation to be reviewed by your Commission and then presented to the Board for consideration and adoption. Urgency Ordinance No. 4558 and its extension are attached as Exhibit 3. Records of the aforementioned

Board meetings are available at <https://www.ventura.org/board-of-supervisors/agendas-documents-and-broadcasts/>.

The Agricultural Commissioner posted draft hemp ordinance language under “New In Ag” at <https://www.ventura.org/agricultural-commissioner/> and requested public comment on March 6, 2020. The Agricultural Commissioner re-posted and circulated revised ordinance language on July 9, 2020, for discussion at the July 15 Agricultural Policy Advisory Committee (“APAC”) meeting. At that meeting APAC received comment from members of the public, Camarillo and Moorpark city officials and growers and discussed the revised draft ordinance language. APAC did not make a recommendation. The Agricultural Commissioner received additional comments regarding the draft Hemp Regulations through the VCAC Hemp email link posted online. A summary of these comments and recommendations, along with staff responses are included in Exhibit 4. The Agricultural Commissioner and his staff have conducted extensive outreach, attending various city council and advisory committee meetings, and holding office meetings shown in Exhibit 5.

6. Summary and Analysis of Proposed Ordinance:

Odor Mitigation:

Hemp is a crop with potentially unique benefits, but also uniquely severe odor impacts. The odor is the result of terpenes, hydrocarbon compounds produced primarily by flowering hemp plants. The Hemp Regulations are intended to mitigate these unreasonable impacts of unregulated hemp production on the public without unduly interfering with agricultural operations and while continuing to allow cultivation of hemp. The Hemp Regulations would mitigate the odor impacts by establishing buffer zones between hemp fields and sensitive sites, such as residences and schools, and by requiring that hemp cultivation sites be quickly harvested and cleaned up, to reduce the persistence of the odor. Staff will monitor whether these odor mitigation measures work well and will act promptly to recommend additional restrictions if they do not.

Buffer Zones:

With exceptions for small research plots and low odor varieties, the Hemp Regulations would prohibit growing flowering hemp within certain areas (see section 9610, subd.(a).) Staff is presenting your Commission, and will present the Board, with two alternative versions of the proposed Hemp Regulations, the difference being how the excluded areas are defined. In alternative one, hemp may not be grown within one-half mile of any sensitive site (the same as the interim ordinance). In alternative two, hemp may not be grown within one-quarter mile of any sensitive site or in the Tierra Rejada Valley. Under state law, hemp may only be grown from varieties approved in regulations of the California

Department of Food and Agriculture. The exception for low odor varieties would only apply to hemp varieties designated as low odor by the Agricultural Commissioner. Currently there are no such low odor varieties. Therefore, it is necessary to establish a process by which the Agricultural Commissioner would establish a list of low odor varieties and provide for public and industry input into the decision to include or remove such varieties from the list.

The majority of complaints received in 2019 involved a growing area in the Tierra Rejada Valley. That area is unique in its bowl-like topography that tends to trap the odor, in combination with its proximity to sensitive sites. Staff did not identify any other growing areas with the same characteristics. Staff believes that the interim ordinance's half-mile buffer zone is effective because as a practical matter it excludes the Tierra Rejada Valley growing area entirely, not because of the size of the buffer zone per se. A quarter-mile (or larger) buffer zone is not sufficient to avoid unreasonable odor impacts from hemp cultivation in the Tierra Rejada Valley area, but staff believes a quarter-mile will be sufficient to avoid the unreasonable odor impacts from other growing areas. The one-half mile buffer zone significantly reduces acreage available to hemp cultivation compared to the one-quarter mile buffer. (See Exhibits 6, 7, 8 & 9)

Harvest Discipline:

The Hemp Regulations would also reduce odor impacts by requiring expedient harvesting and cleanup of hemp crops:

“Any hemp planted within one mile of any sensitive site, except for a low odor variety, must be harvested within 30 days of receipt of the first Laboratory Test Result indicating “PASSED AS CALIFORNIA INDUSTRIAL HEMP.” Within 15 days of the completion of harvest, remaining hemp debris must be tilled under or moved beyond one mile from any sensitive site.” (See section 9610, subd. (c).)

State law requires hemp to be tested within 30 days of harvest to ensure it has no more than .03 percent THC. However, a grower may simply test the hemp again and restart the 30-day period if it fails to harvest the crop within 30 days. The Hemp Regulations allow the Agricultural Commissioner to extend the 30- and 15-day deadlines to account for days the grower was unable to harvest or clean up the fields due to weather. (See section 9610, subd. (d).)

Ventura County's climate allows for year-round hemp production while most other areas of the state and the country do not. The Agricultural Commissioner considered regulations proscribing when hemp could or could not be grown during the year, but the harvest discipline measures proposed would effectively reduce the amount of time residents would be exposed to hemp odors while interfering less with agricultural practices and decisions.

Pollen Control

Hemp is a wind-pollinated plant. Male plants release pollen which is borne on the wind and can travel miles. Female plants produce flowers coated in sticky resins which capture windborne pollen. These resins are the cannabinoids for which hemp is principally grown. Female plants grown in a low pollen environment produce more resins, whereas hemp plants exposed to pollen go to seed and stop making resin. Therefore, commercially viable hemp grown for cannabinoids must be grown in stands of female plants only and remote from male plants. Unregulated hemp pollen constitutes a threat to cannabinoid production.

Seed Production Only:

Hemp is grown primarily for four purposes: cannabinoids, fiber, grain and seed. Cannabinoid production, what most Ventura County hemp was grown for in 2019, is done in the absence of male plants. The other three purposes generate pollen. Growing hemp for fiber or grain (edible hemp seed) yields only \$1,000-\$2,000 per acre, whereas most crops grown in Ventura County (see the 2019 County of Ventura Crop and Livestock Report, pages 5-7) generate 10 to 20 times as much. For this reason, no hemp was grown for either of these two purposes in Ventura County in 2019. Grain hemp, because of its dense planting of both male and female plants, produces large amounts of pollen and is therefore incompatible with cannabinoid production, so much so that Canada requires grain hemp to be spaced at least 20 miles from other types. Hemp for seed was the only pollen-producing hemp crop grown in Ventura County in 2019.

The Hemp Regulations would permit cultivation of pollen producing male plants only for seed production based on the following provisions:

“Male hemp plants may only be grown on sites designated by the commissioner as seed production sites on the grower’s registration.”

Containment, Distance or Permission:

The Hemp Regulations would mitigate the impact of seed production on neighboring growers in three ways. The seed crop would be allowed if:

1. It is contained in a greenhouse (Containment),
2. It is at least three miles from another registered site (Distance), or
3. Hemp cultivation registrants within three miles don’t object (Permission).

Growers would only be allowed to produce hemp pollen on specific sites submitted to the Agricultural Commissioner and found to meet one of the above criteria. All other hemp pollen production would be unlawful. Growers would be required to abate “rogue males” (unwelcome male plants that appear in otherwise all-female hemp stands).

Signage

California law prohibits “clandestine cultivation of industrial hemp” (Food and Agricultural Code, section 81006(b)), specifying only that “adequate signage” be posted to identify a hemp field as such.

No Trespassing:

The Hemp Regulations would require the phrase “No Trespassing” in English and Spanish. This would permit sheriff’s officers access to a field if they find cause that a person may be trespassing.

Minimum Standards:

The Hemp Regulations would set minimum standards for size, contrast, location and density of signage, and exempt signs required by the Hemp Regulations from NCZO and CZO signage requirements.

Transportation

California law requires that growers of industrial hemp register with CDFA through the county agricultural commissioner. The commissioner issues a certificate of registration to qualified applicants. In order to discourage theft of harvested hemp, the Hemp Regulations would require that people transporting hemp carry the certificate.

Site Security

The Hemp Regulations would require hemp registrants to submit a security plan to the Agricultural Commissioner. This requires the grower to consider various safety measures to limit access to a hemp field. It also gives the Agricultural Commissioner an opportunity to review. Discuss, and recommend various security measures with the grower.

Ancillary Activities

As with most other agricultural crops, hemp growers must perform basic ancillary activities (such as drying, trimming, sorting to size, etc.) to preserve and prepare their harvested crops for marketing. The 45-day window specified for ancillary activities within one mile of sensitive sites is in keeping with the requirements of the Harvest Discipline provision of the Hemp Regulations. The Hemp Regulations do not, however, allow advanced processing such as oil extraction or production of other hemp byproducts.

Fees

State law imposes a fee (currently \$900) to register to grow industrial hemp, which goes to CDFA. Most of that money is used to reimburse CDFA for its expenses in implementing the state industrial hemp program. However, CDFA distributes some of those funds to county agricultural commissioners to offset their costs related to some activities implementing state hemp regulations, such as registration, program development, outreach and visits to unregistered hemp sites. The CDFA does not reimburse certain other costs to commissioners of implementing state hemp regulations, such as those related to monitoring regulatory sampling or compliance monitoring at registered sites. However, state law also authorizes the County to impose fees for the costs of administering and enforcing state hemp regulations.

The Hemp Regulations would authorize imposition of fees for costs of implementing state law that are not reimbursed by the state and any additional costs of implementing these Hemp Regulations. The amounts and types of these fees will be established by separate resolution of the Board.

Nuisance, Abatement and Penalties

The Hemp Regulations would declare any hemp cultivation in violation of these regulations a public nuisance, permitting the Agricultural Commissioner to abate the nuisance or order the violator to abate it. The Hemp Regulations would permit the Agricultural Commissioner to “enter property and structures where hemp may be grown to inspect for compliance with this ordinance and abate such nuisances.” (See section 9631(a).)

It is clear that there are both detriments and benefits for the county, the residents and the growers associated with industrial hemp. The potential exposure of residents to strong disagreeable odors that may impact the use, enjoyment and value of their properties must be balanced with the potential economic and environmental benefits to the county as a whole of allowing hemp production and, more generally, of avoiding undue interference with agricultural operations. Hemp is known to be a beneficial crop. It uses less water, mitigates soil contaminants, and can be grown at reasonable input and labor costs. Staff believes that the odor mitigation measures set forth in the Hemp Regulations represent a reasonable balancing of the burdens and societal benefits of hemp production in this county. Growers who are producing hemp in compliance with the mitigation measures in the Hemp Regulations and state law should be protected from nuisance claim lawsuits based on odor complaints. Staff believes this protection for agricultural operations is fair and consistent with existing County policy. Under the Right-to-Farm Ordinance, notification is required to be provided to all home buyers in agricultural areas that they might be subject to noises, dust, odors, etc. due to agricultural operations in the area.

State law states that any violation of state requirements is a misdemeanor and to be consistent this provision would make any violation of the County Ordinance a misdemeanor. (See section 9631(c).)

7. Other Options

Staff also offers the following potential provisions for your consideration, which would exempt from the buffer zone restriction on hemp cultivation, hemp that is grown within a greenhouse or grown with the permission of the occupants of all sensitive sites within the buffer zone.

In section 9602 Definitions add the following definition:

“Greenhouse” means a permanent structure, including glasshouses, conservatories, hothouses, or other similar structures for the covered propagation and growing of plants, constructed with a translucent roof and/or walls.

In section 9610 Odor Mitigation, subdivision b, add one or both of the following exemptions from the buffer zone restriction on hemp cultivation:

1. Any planting of flowering hemp within a greenhouse that is:
 - A. Located at least 1,200 feet from any sensitive site, and
 - B. Equipped with and uses the best available odor mitigation system, and
 - C. Equipped with and uses blackout shading that limits artificial lighting from reaching neighboring properties between the hours of 10 p.m. and 6 a.m.

2. Any planting of flowering hemp where the owner or operator of each sensitive site within one half [*or one-quarter*] mile has consented, in writing, to the hemp cultivation. Such consent is valid only during the period of the registration in which it is given, and expires when that registration expires.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

The California Environmental Quality Act (CEQA) is set forth at Public Resources Code section 21000 et seq., and the CEQA Guidelines set forth in the California Code of Regulations, title 14, section 15000 et seq.

The project consists of an ordinance adding chapter 6, section 9600 et seq., to division 9 of the Ventura County Ordinance Code to regulate the cultivation of industrial hemp in the unincorporated areas of Ventura County, and amending the County’s zoning ordinances to reference the Hemp Regulations (Exhibit 1). In order to mitigate objectionable odors associated with industrial hemp cultivation, the Hemp Regulations

would establish buffer zones between hemp crops and sensitive sites such as residentially zoned areas and schools and would require expeditious harvesting and cleanup of outdoor hemp cultivation sites. The Hemp Regulations also include provisions addressing pollen control, security, signage and enforcement.

The proposed project is categorically exempt from CEQA. As authorized by CEQA, the CEQA Guidelines exempt certain classes of projects from CEQA review because they typically do not have a significant adverse effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. The proposed ordinance is categorically exempt from CEQA under CEQA Guidelines section 15308 as an action taken by a regulatory agency to mitigate the adverse odor impacts caused by unregulated industrial hemp cultivation. The County itself is a “regulatory agency” and emissions that adversely affect a substantial number of people, including by causing odor, are an adverse environmental effect under CEQA. (See CEQA Guidelines, App. G, § III, subd. d.) Further, no unusual circumstances or other exceptions set forth in CEQA Guidelines section 15300.2 preclude use of this categorical exemption.

Therefore, the project is exempt from environmental review.

C. FINDINGS AND EVIDENCE SUPPORTING ADOPTION

Amendments to County zoning ordinances must be consistent with public health, safety or general welfare, good zoning practice and with the County General Plan, applicable area plans, and, with respect to the proposed amendment to the CZO, with the Coastal Act. (See Gov. Code, § 65860; CZO, § 8184-1; NCZO, § 8115-0.) While the proposed amendments to the CZO and NCZO themselves are non-substantive, the Hemp Regulations regulate land use.

1. The Hemp Regulations protect public health, safety or general welfare and constitute good zoning practice.

As discussed above and demonstrated by the testimony of residents and public officials, unregulated industrial hemp production in the unincorporated area of Ventura County is a threat to public health, safety and general welfare. The strong, persistent, skunk-like odor produced by flowering hemp can unreasonably interfere with residents’ peaceful use and enjoyment of their homes and property. Residents have testified to stress, headaches, nausea, coughing and other respiratory problems, eye irritation, sore throats and allergic reactions attributed to the persistent odor. The Hemp Regulations are designed to mitigate these adverse effects to an acceptable level while avoiding undue interference with growers’ agricultural operations and allowing cultivation of hemp so that growers may realize the potential benefits of hemp production.

2. The Hemp Regulations are consistent with the County General Plan, applicable area plans, and the Coastal Act.

a. General Plan Agriculture Element

AG-1.2 Agricultural Land Use Designation

The County shall ensure that discretionary development located on land designated as Agricultural on the General Plan Land Use Diagram and identified as Prime Farmland or Farmland of Statewide Importance on the State's Important Farmland Inventory is planned and designed to remove as little land as possible from potential agricultural production and to minimize impacts on topsoil.

AG-2.1 Discretionary Development Adjacent to Agriculturally-Designated Lands

The County shall ensure that discretionary development adjacent to Agriculturally designated lands shall not conflict with agricultural use of those lands.

The proposed Hemp Regulations provide standards to mitigate objectionable odors and other adverse effects of hemp cultivation in unincorporated areas of Ventura County. The Hemp Regulations do not include standards that would allow the removal or impacts to topsoil of existing agricultural production or permit development on or adjacent to agricultural land that could conflict with the agricultural use of those lands. Therefore, the proposed Hemp Regulations and the related non-substantive amendments to the CZO and NCZO are consistent with General Plan Agricultural Element Policies.

AG-1.6 Support Economic Viability of Agriculture

The County shall improve the economic viability of agriculture through policies that support agriculture as an integral business to the County.

AG-3.1 Locally-Owned Farms and Specialty Products

The County should encourage locally owned (Ventura County) farms and ranches, the growing of specialty products and innovative and high-value crops, and specialized animal facilities and rearing methods.

Hemp is a newly available crop choice for Ventura County growers with potential economic and other benefits. It uses less water, mitigates soil contaminants, and can be grown at reasonable input and labor costs. The Hemp Regulations aim to avoid the unreasonable impacts on residents that was caused by unregulated hemp production in 2019. At the same time the Hemp Regulations aim to allow hemp production and avoid undue interference with agricultural operations by making the mitigation measures no more stringent than necessary. Further, the Hemp Regulations would provide some certainty for growers by providing protection from nuisance actions for growers that rely on the regulations in their planning. Therefore, the Hemp Regulations, and the related non-substantive amendments to the CZO and NCZO are consistent with General Plan Agricultural Element Policies AG-1.6 and AG-3.1.

AG-2.3 Right-to-Farm Ordinance

The County's Right-to-Farm Ordinance shall be maintained and updated as needed to protect agricultural land uses from conflicts with non-agricultural uses, as well as to help land purchasers and residents understand the potential for nuisance, (e.g. dust, noise, odors) that may occur as the natural result of living in or near agricultural areas.

The Hemp Regulations would not modify the County's Right-to-Farm Ordinance. The protections for established agricultural operations from nuisance claims provided by the Right-to-Farm Ordinance would not apply to hemp production to the extent the claim arises from a change in the agricultural operations, not the surrounding land uses. The nuisance provisions of the Hemp Regulations would provide additional certainty and protection. Therefore, the Hemp Regulations and the related non-substantive amendments to the CZO and NCZO are consistent with General Plan Agricultural Element Policy AG-2.3.

b. General Plan Land Use and Community Character Element Policy LU-8.2:

The County shall ensure that land designated as Agricultural is used for the production of food, fiber and ornamentals; animal husbandry and care; uses accessory to agriculture and limited temporary or public uses which are consistent with agricultural or agriculturally related uses.

The proposed Hemp Regulations do not permit or promote any non-agricultural-related use of agricultural land. The Hemp Regulations will prohibit cultivation of flowering hemp on certain agricultural land but do not prohibit or discourage any other agricultural activity on such land. The amendments to the CZO and the NCZO solely provide textual reference to the Hemp Regulations and do not physically affect the use of agricultural lands. Therefore, the proposed Hemp Regulations and the amendments to the CZO and the NCZO are consistent with General Plan Land Use Policy 3.2.2-4(3).

c. Non-Coastal Area Plan Policies:

For the same reasons discussed above, the proposed Hemp Regulations are consistent with the following, similar area plan policies: El Rio/Del Norte Area Plan Policies ED-1 and ED-23; Ojai Valley Area Plan Policies OV-59, OV-60 and OV-61; Piru Area Plan Policy P-15; and Lake Sherwood/Hidden Valley Area Plan Policy LS-57.

d. Coastal Act and Coastal Area Plan Policies

The Coastal Act provides:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*
- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of prime agricultural lands. (Pub. Resources Code, § 30241.)*

In addition, the Coastal Act provides:

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands. (Pub. Resources Code, § 30242.)

The Hemp Regulations would regulate production of hemp cultivation on agricultural land in the Coastal Zone of the unincorporated area of Ventura County in order to mitigate objectionable odors, and other adverse effects of this crop, and do not otherwise affect use of agricultural land. Hemp is only one of many row crops that can be grown on agricultural land in the coastal areas. In fact, hemp was not actually grown in the Coastal Zone in 2019, when it became legal to do so under state law. The Hemp Regulations do not permit or promote any development on or adjacent to agricultural land or affect any designations or boundaries. Therefore, the Hemp Regulations and the amendments to the CZO are consistent with the Coastal Act.

For the same reasons, the Hemp Regulations and the amendments to the CZO are consistent with the Coastal Area Plan agriculture policies for the North, Central and South Coast subareas. (Coastal Area Plan, Chapters 2.6, 4.2.3, 4.3.3, and 4.4.3.) A complete Coastal Act consistency analysis is attached as Exhibit 10.

D. PLANNING COMMISSION HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS

The Planning Division provided public notice regarding the Planning Commission hearing in accordance with the Government Code sections 65090 and 65091, NCZO section 8115-2, and CZO section 8181-6.2 et. seq. On October 23, 2020, the Planning Division placed an one-eighth legal advertisement providing notice of this public hearing in all *Ventura County Star* editions countywide, the *Ojai Valley News*, the *Mountain Enterprise*, to adjacent Coastal cities and coastal agencies, and to the Santa Barbara County Planning Department, the Los Angeles County Planning Department, and to the Point Mugu Naval Base. The public notice was also posted on the Planning Division website and on the public notices bulletin board at the entrance to the Ventura County Government Center, Hall of Administration Building. Additionally, public review drafts of the ordinance and proposed NCZO and CZO amendments were placed on the Planning Division and Ventura County Library websites.

The Agricultural Commissioner's Office provided direct notice on October 23, 2020, through e-mail to growers who have registered hemp fields and all members of the public that previously commented on the draft ordinance language and provided their contact information.

E. RECOMMENDED ACTIONS

Based upon the analysis and information provided above, the Agricultural Commissioner recommends that the Planning Commission take the following actions:

1. **CERTIFY** that the Planning Commission has reviewed and considered this staff report and all exhibits hereto, and has considered all comments received during the public comment process;
2. **RECOMMEND** that the Board of Supervisors take the following actions regarding the Planning Commission-recommended version (Alternative 1 or Alternative 2) of the proposed ordinance regulating the cultivation of industrial hemp:
 - a. **CERTIFY** that the Board has reviewed and considered the Planning Commission staff report and all exhibits thereto, and has considered all other materials and public comments received during the public comment and hearing processes for the project;
 - b. **FIND** on the basis of the entire record that the proposed ordinance is categorically exempt from CEQA pursuant to CEQA Guidelines section 15308 (actions by regulatory agencies to protect the environment), and that no unusual circumstances or other exceptions set forth in CEQA Guidelines section 15300.2 preclude use of this categorical exemption;
 - c. **FIND** based on the substantial evidence set forth in Sections A, B, and C of the Planning Commission staff report and the entire record that the proposed

ordinance is in the interest of public health, safety or general welfare and is consistent with the Ventura County General Plan, the Ventura County Coastal Area Plan and other applicable area plans, and the Coastal Act;

- d. **ADOPT** the proposed ordinance;
- e. **SPECIFY** that the Clerk of the Board of Supervisors 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.

County Counsel and the Planning Division have reviewed this staff report.

If you have any questions concerning the proposed Hemp Regulations presented above, please contact Ed Williams, Agricultural Commissioner, at (805) 388-4343, extension 2, or Ed.Williams@ventura.org. If you have any questions concerning the CZO and NCZO text amendments, please contact Dave Ward, Planning Director, at (805) 654-2481 or Dave.Ward@ventura.org.

Prepared by:

Reviewed by:

Edmund E. Williams
Ventura County Agricultural Commissioner

Dave Ward, Director
Ventura County Planning Division

EXHIBITS

- Exhibit 1 – Proposed Hemp Regulations (Alternative 1 and Alternative 2) and CZO and NCZO Amendments
- Exhibit 2 – Summary of Complaints Received
- Exhibit 3 – Ventura County Urgency Ordinance 4558/4560
- Exhibit 4 – Public Comments about Proposed Regulations and Staff Responses
- Exhibit 5 – Hemp Outreach by Commissioner
- Exhibit 6 – Map of Half Mile Buffer
- Exhibit 7 – Map of Quarter Mile Buffer
- Exhibit 8 – Map of One Mile Buffer
- Exhibit 9 – Hemp Setback Impacts to Farmland
- Exhibit 10 – Coastal Act Consistency Analysis