

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-2801
VOICE (805) 585-1800
FAX (805) 641-1732



F8a

DATE: May 20, 2021

TO: Commissioners and Interested Parties

FROM: Steve Hudson, District Director
Barbara Carey, District Manager
Jacqueline Phelps, District Supervisor
Isabel Qi, Coastal Program Analyst

SUBJECT: **County of Ventura Minor LCP Amendment No. LCP-4-VNT-21-0016-1**
for Commission Action at its June 11, 2021 virtual hearing.

AMENDMENT DESCRIPTION

The County of Ventura is requesting that the Commission certify an amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) portion of its certified Local Coastal Program (LCP). The LCP amendment modifies the crop production category in CZO section 8174-5 (Use Matrix) to add a reference to the recently adopted Industrial Hemp Regulations (attached). The referenced ordinance regulates the cultivation of industrial hemp on all unincorporated parcels that authorize crop production, and requires buffer zones between hemp crops and sensitive sites such as residentially zoned areas and schools, as well as expeditious harvesting and cleanup of outdoor hemp cultivation sites. The Industrial Hemp Regulations also include provisions addressing pollen control, security, signage, transportation of hemp, and enforcement.

MINOR LCP AMENDMENT DETERMINATION

Pursuant to Section 30514(c) of the Coastal Act and Section 13554(a) of the Commission's regulations, the Executive Director has determined the proposed amendment is "minor" in nature. Section 13554(a) of the Regulations provides that a minor amendment includes, but is not limited to, changes which make the use as designated in implementing actions more specific, changes that do not affect the kind, intensity, or density of use, and changes that are consistent with the certified LUP.

The County's proposed modification is the addition of a reference to the certified IP/CZO. The subject amendment request, reflected in County Board of Supervisors Resolution No. 21-028 (attached) and in Ordinance No. 4574 (attached), represents changes to make the implementing provisions relating to the cultivation of industrial hemp more specific, and does not change the kind, location, intensity or density of uses allowed. The subject amendment would not modify permit requirements or the parcels where crop production is allowed. Further, the changes proposed in the subject

amendment are consistent with the certified LUP and the requirements of Chapter 3 of the Coastal Act. Therefore, the proposed amendment is considered “minor” as defined under Section 13554 of the Commission’s regulations.

PROCEDURES

Pursuant to Section 13551(b) of Title 14 of the California Code of Regulations, a local government’s resolution for submittal of a proposed LCP amendment must indicate whether the local coastal program amendment will require formal local government adoption after Commission approval, or will take effect automatically upon the Commission’s approval pursuant to Public Resources Code Sections 30512, 30513 and 30519. In this case, the County has submitted the amendment as one that will take effect automatically upon approval by the Commission. If one third of the appointed members of the Commission requests, the determination of minor amendment shall not become effective and the amendment shall be processed as a major LCP amendment in accordance with 14 CCR Section 13555(b).

PUBLIC NOTICE

Section 13555 of Title 14 of the California Code of Regulations requires the Executive Director to prepare a report describing the proposed amendment and providing notice of the Executive Director’s determination the amendment is of a “minor” nature. Section 13555 also requires the Executive Director to report to the Commission at the next meeting, his or her determination and objections to the determination, if any, that have been received within 10 working days. If one third of the appointed members of the Commission requests, the determination of minor amendment shall not become effective and the amendment shall be processed as a major LCP amendment in accordance with Section 13555(b).

Notification of the proposed amendment will be mailed on May 27, 2021. The ten working-day objection period will therefore terminate on June 10, 2021. The Commission will be notified at the June 2021 meeting of any objections.

Also, Section 30503 of the Coastal Act requires that maximum opportunities for public input be provided in preparation, approval, certification, and amendment of any LCP. The County held public hearings on the proposed LCP amendment on November 5, 2020 and December 15, 2020. The hearings were noticed to the public consistent with Section 13515 of Title 14 of the California Code of Regulations and the County provided evidence of the measures taken to provide notice of their hearings, consistent with Section 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

RESOLUTION NO. 21-028

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA
SUBMITTING HEMP REGULATION AMENDMENTS TO THE CERTIFIED LOCAL
COASTAL PROGRAM TO THE CALIFORNIA COASTAL COMMISSION FOR
CERTIFICATION**

WHEREAS, on December 15, 2020, the County of Ventura ("County") adopted Ventura County Ordinance No. 4574 (attached as Exhibit A hereto) which, among other things, seeks to amend the County's certified Local Coastal Program, Ventura County Ordinance Code, Division 8, Chapter 1.1, Coastal Zoning Ordinance, to regulate hemp cultivation in the coastal zone of unincorporated Ventura County, and is hereinafter referred to as the "Hemp Regulation Amendments;"

WHEREAS, on November 5, 2020, the County Planning Commission held a legally noticed public hearing regarding the Hemp Regulation Amendments at which time it heard and received oral and written testimony from the general public and County staff, including a County staff report and exhibits thereto;

WHEREAS, the County Planning Commission, by a 3-0 vote (with one abstention and one absence), recommended that the County Board of Supervisors ("Board") (a) adopt Alternative 1 of the draft Hemp Regulation Amendments (prohibiting growing flowering hemp within one-half mile of sensitive sites) rather than Alternative 2 (prohibiting growing flowering hemp within one-quarter mile of sensitive sites and in the Tierra Rejada growing area) and, in addition, recommended revising the definition of "sensitive site" to include all areas located within the boundaries of a city that has prohibited hemp cultivation, (b) did not recommend adding an exemption to the aforementioned buffer zone for hemp grown within a greenhouse, and (c) directed staff to research the location of, and consider including additional protections for, playgrounds and parks in the unincorporated area that could be impacted by hemp cultivation;

WHEREAS, on December 15, 2020, the Board held a legally noticed public hearing regarding the Hemp Regulation Amendments;

WHEREAS, at the hearing the Board considered the Planning Commission's aforementioned recommendation, as well as all written and oral testimony from County staff and members of the public regarding, the Hemp Regulation Amendments;

WHEREAS, after closing the public hearing and deliberating, the Board approved the Hemp Regulation Amendments in the form attached hereto as Exhibit A after finding the Hemp Regulation Amendments consistent with the goals, policies and programs of the County General Plan, the County's Certified Coastal Area Plan, the California Coastal Act and good planning practices, and in the interest of public health, safety and general welfare; and

WHEREAS, this resolution submitting the Hemp Regulation Amendments to the California Coastal Commission for certification is prepared pursuant to and in furtherance of California Code of Regulations, title 14, section 13551 and Public Resources Code, sections 30510, subdivision (a), and 30514;

NOW, THEREFORE, BE IT RESOLVED that the Board intends that the Hemp Regulation Amendments, once certified, shall be carried out in a manner that fully complies with the California Coastal Act and the County's Certified Local Coastal Program;

BE IT FURTHER RESOLVED, ORDERED AND DETERMINED that the Hemp Regulation Amendments shall become effective and operative in the coastal zone upon the County's receipt of written notice that the California Coastal Commission has approved certification of the amendments and upon public notice of such certification and approval as may be required by law.

Upon motion of Supervisor Huber, seconded by Supervisor Lavera, and duly carried, the Board hereby approves and adopts this resolution on the 23rd day of March, 2021.



LINDA PARKS
Chair, Board of Supervisors
County of Ventura

ATTEST:

Michael Powers,
Clerk of the Board of Supervisors
County of Ventura, State of California.

By: Lou Key
Deputy Clerk of the Board



ORDINANCE NO. 4574

AN ORDINANCE OF THE COUNTY OF VENTURA ADDING PROVISIONS TO THE VENTURA COUNTY ORDINANCE CODE RELATING TO INDUSTRIAL HEMP

The Board of Supervisors of the County of Ventura, State of California, ordains as follows:

Section I

Section 8105-4 (Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones) of division 8, chapter 1, article 5 of the Ventura County Ordinance Code is hereby amended to add the reference "(See Sec. 9600 et seq. of the Ventura County Ordinance Code for regulations pertaining to industrial hemp cultivation)" under the heading "Agricultural and Agricultural Operations" directly across from the subheading "Crop and Orchard Production" so that this subheading reads as shown in "Zoning Exemption A" attached hereto which is incorporated herein by this reference.

Section II

Section 8105-5 (Permitted Uses in Commercial and Industrial Zones) of division 8, chapter 1, article 5 of the Ventura County Ordinance Code is hereby amended to add the reference "(See Sec. 9600 et seq. of the Ventura County Ordinance Code for regulations pertaining to industrial hemp cultivation)" directly across from the heading "Crop and Orchard Production" so that this heading reads as shown in "Zoning Exemption B" attached hereto which is incorporated herein by this reference.

Section III

Section 8174-5 (Permitted Uses by Zone) of division 8, chapter 1.1, article 4 of the Ventura County Ordinance Code is hereby amended to add the reference "(See Sec. 9600 et seq. of the Ventura County Ordinance Code for regulations pertaining to industrial hemp cultivation)" under the heading "Agricultural and Agricultural Operations" directly across from the subheading "Crop Production" so that this subheading reads as shown in "Zoning Exemption C" attached hereto which is incorporated herein by this reference.

Section IV

Chapter 6, sections 9600 through 9631, is hereby added to division 9 of the Ventura County Ordinance Code to read as follows:

Chapter 6. – Cultivation of Industrial Hemp

9600 – Title

The provisions of this chapter shall be known as the Hemp Regulations or the Ventura County Hemp Regulations.

9601 – Findings and purpose

Pursuant to the California Constitution, article 11, section 7, and section 65850 of the Government Code, in order to protect public health, safety and welfare, the Board of Supervisors adopts the Hemp Regulations to mitigate objectionable odors and other adverse effects of hemp cultivation and related activities. All hemp cultivation and related activities in the unincorporated area shall be conducted in accordance with state law, including the requirement to register pursuant to division 24 of the Food and Agricultural Code, in addition to the Hemp Regulations.

9602 – Definitions

For the purpose of this chapter, the following definitions shall apply. Terms not defined in this section shall have the same meanings as in Food and Agricultural Code, division 24, section 81000 et seq.

- a. "Commissioner" means the Ventura County Agricultural Commissioner.
- b. "List of Low Odor Varieties" means the list of hemp varieties found to be low in odor established pursuant to section 9615 of this chapter.
- c. "Greenhouse" means a permanent structure existing on December 15, 2020, including glasshouses, conservatories, hothouses, or other similar structures for the covered propagation and growing of plants, constructed with a translucent roof and/or walls.
- d. "Hemp" has the same meaning as "industrial hemp" or "hemp" as defined by Food and Agricultural Code section 81000, as that definition may be amended.
- e. "Sensitive site" means a property with a certificate of occupancy that is any of the following:
 - 1) Within a residential zone within a city;
 - 2) Within an unincorporated area designated "Urban," "Existing Community" or "Existing Community-Urban Reserve" in the Ventura County General Plan;
 - 3) An elementary or high school;

- 4) A licensed daycare center that was licensed on or before the effective date of the current registration;
 - 5) A college or university building, except for a stadium; or
 - 6) A hospital or medical facility.
- f. For the purposes of these Regulations, "Tierra Rejada Valley" is defined as the area within the boundary of a line beginning at the intersection of Moorpark Road and Read Road Eastward 1.4 miles along Read Road, continuing past the intersection with Calleguas Lane to the end, and from there along an imaginary line due East to the intersection of the Southbound side of US Highway 23, and from there Northwest along US Highway 23 to the junction of Tierra Rejada Road, and from there Westward along Tierra Rejada Road to the intersection of Moorpark Road, and from there Southwest along Moorpark Road to the intersection with Read Road.

9610 – Odor Mitigation

- a. No hemp shall be grown within 1,200 feet of any sensitive site. Except as exempted below in subdivision b of this section, no flowering hemp shall be grown within either of the following areas:
 - 1) one-quarter mile of any sensitive site, except that when a sensitive site is established after a grower registers with the Commissioner, that grower shall not be prohibited from cultivating flowering hemp at the site for the remainder of the grower's registration period, or
 - 2) the Tierra Rejada Valley, due to its unique geographical and meteorological features.
- b. The following are exempt from the restriction in subdivision a of this section:
 - 1) Any planting of flowering hemp consisting of five acres or less grown by an established agricultural research institution registered with the Commissioner and at least one-half mile from any other exempt planting
 - 2) Any planting from seed on the List of Low Odor Varieties or that was on the List of Low Odor Varieties at the time it was planted.
 - 3) Any planting of hemp within a greenhouse that pre-dates December 15, 2020, and is located at least 1,200 feet from any sensitive site, and equipped with and uses the best available odor mitigation system, and 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.
 - 4) Any planting of flowering hemp where the owner or operator of each sensitive site within 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.
- c. Any flowering hemp planted within one mile of a sensitive site, except for a variety on the List of Low Odor Varieties, must be harvested within 30 days of issuance of the first laboratory test report indicating "PASSED AS CALIFORNIA INDUSTRIAL HEMP" pursuant to Food and Agricultural Code section 81006. Within 15 days of

the completion of harvest, the harvested hemp and remaining hemp debris must be tilled under or moved beyond one mile from any sensitive site.

- d. If adverse weather or other unforeseen natural elements during the 30- and 15-day periods described in subdivision c. of this section necessitate cessation of work harvesting the hemp or tilling under or removing hemp debris, the Commissioner may grant a variance extending the required time to harvest the hemp or remove or till under the hemp debris. The variance shall grant no more than one additional day to harvest or till under or remove hemp debris for each day or portion of a day the Commissioner finds adverse weather or other unforeseen natural elements necessitated cessation of the work.

9615 – List of Low Odor Varieties

- a. The Commissioner shall maintain a list of varieties of hemp that the Commissioner or an entity acceptable to the Commissioner has found to be low in odor.
- b. A variety of hemp is considered low in odor if it is not reasonably foreseeable that allowing it to be planted within the quarter-mile zone established in section 9610, subdivision a.1 of this chapter or the Tierra Rejada Valley will result in objectionable odors affecting a significant number of people.
- c. At least 30 days before adding or removing a variety from the List of Low Odor Varieties, the Commissioner shall give notice of the Commissioner's intent to add or remove a variety from the List of Low Odor Varieties, the reasons for that proposed action, and the opportunity for any interested person to submit comments and information to the Commissioner. Notice required by this subdivision may be given by posting on the Commissioner's website and e-mailing to each person who has filed a request with the Commissioner to receive such notice.
- d. If and when the Commissioner adds or removes a variety from the List of Low Odor Varieties, the Commissioner shall issue a written decision with statement of reasons for that action, which shall be posted on the Commissioner's website and e-mailed to each person that has requested notice pursuant to subdivision c of this section.
- e. If the Commissioner removes a variety from the List of Low Odor Varieties, any cultivation of the removed variety may continue until such variety which has been planted is harvested.

9620 – Pollen Control

Male hemp plants may only be grown by a registered seed breeder. Male hemp plants may only be grown in an enclosed greenhouse unless they are more than 3 miles from any registered hemp site or the registrant obtains written permission from all registrants of any registered hemp site within 3 miles of the proposed planting and submits a copy to the Commissioner.

9621 – Signs Required.

- a. Any site used for the cultivation of industrial hemp shall have onsite signs indicating that "Industrial Hemp" is being cultivated. Any signage required under this Section shall be exempt from the signage requirements and restrictions of article 10 of the

Non-Coastal Zoning Ordinance or section 8175-5.13 of the Coastal Zoning Ordinance, as applicable. The signs shall:

- 1) state "Industrial Hemp";
 - 2) state "NO TRESPASSING" in English and Spanish;
 - 3) measure at least three feet wide by three feet high, with letters and symbols not less than three inches in height that sharply contrast with their immediate background;
 - 4) except for locations affecting a traffic sight triangle where there are no traffic controls on either street at an intersection, be posted at the corners of the site and at all usual points of entry to the site; and
 - 5) when a site is adjacent to a public right-of-way be posted at intervals of not more than one-third of a mile along the border.
- b. Signs may also include information such as: an owner applied number; "Not Marijuana"; "No THC"; "Less than 0.3% THC"; or "No Effects if Smoked."

9622 - Transportation of Hemp.

Any person transporting hemp in a vehicle shall have in his or her possession a copy of the certificate of registration.

9623 - Site Security.

Each registrant shall submit a site security plan to the Commissioner for the Commissioner's approval and shall comply with such approved plan. The site security plan may include measures such as owner applied numbers, fencing, locking gates when no employees are present, security personnel on site or other security measures.

9624 – Ancillary Activities.

Activities ancillary to hemp cultivation, including, but not limited to, drying, curing, trimming and storage, shall be allowed wherever hemp cultivation is allowed; provided that any outdoor ancillary activities that occur within one mile of a sensitive site must be completed within 45 days of issuance of the first laboratory test report indicating "PASSED AS CALIFORNIA INDUSTRIAL HEMP" pursuant to Food and Agricultural Code section 81006.

9630 – Fees

The Commissioner shall impose fees on industrial hemp and seed growers for all costs of administering and enforcing division 24 of the Food and Agricultural Code that are not reimbursed by the state and all additional costs of administering and enforcing these Hemp Regulations. A schedule of such fees shall be adopted by resolution of the County Board of Supervisors.

9631 – Nuisance, Abatement and Penalties.

- a. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of the Hemp Regulations. Any violation of the Hemp Regulations is enforceable pursuant to Ventura County Ordinance Code section 13

or as otherwise provided by County ordinance or state law. The specific remedies provided in this section are cumulative and in addition to any other remedies available at law or in equity.

- b. Any hemp cultivated in violation of the Hemp Regulations is a public nuisance, and the Commissioner may abate or order the violator to abate it. The Commissioner may enter property and structures where hemp may be grown to inspect for compliance with the Hemp Regulations and abate such nuisances.
- c. Odor from a registered hemp cultivation site is not a nuisance if the hemp cultivation site is operated in accordance with the Hemp Regulations and state industrial hemp laws.
- d. Any person or entity that violates any provision of this ordinance is guilty of a misdemeanor.

Section V

SEVERABILITY. If any provision or clause of this ordinance or its application to any person or circumstance is found to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity will not affect other provisions, clauses, or applications, and to this end the provisions and clauses of this ordinance are declared to be severable.

Section VI

OPERATIVE AND EFFECTIVE DATES OF ORDINANCE.

- a. This ordinance shall take effect and be operative in the non-coastal zone of unincorporated Ventura County thirty (30) days after its adoption.

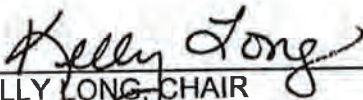
- b. This ordinance shall take effect and be operative in the coastal zone of unincorporated Ventura County upon certification by the California Coastal Commission.

PASSED AND ADOPTED this 15th day of December, 2020, by the following vote:

AYES:Supervisors Huber, LaVere, Long

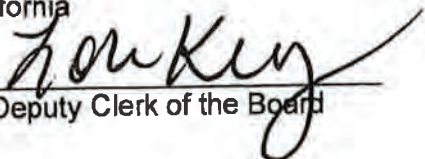
NOES: Parks

ABSENT: Zaragoza



KELLY LONG, CHAIR
BOARD OF SUPERVISORS
COUNTY OF VENTURA

ATTEST:
Michael Powers, Clerk
of the Board of Supervisors,
County of Ventura, State of
California

By 

Deputy Clerk of the Board



ZONING EXEMPTION A

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
Crop and Orchard Production	Exempt (See Sec. 9600 et seq. of the Ventura County Ordinance Code for regulations pertaining to industrial hemp cultivation.)										

ZONING EXEMPTION B

	CO	C1	CPD	M1	M2	M3
CROP PRODUCTION	Exempt (See Sec. 9600 et seq. of the Ventura County Ordinance Code for regulations pertaining to industrial hemp cultivation.)					

ZONING EXEMPTION C

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE										
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM
Crop Production	Exempt (See Sec. 9600 et seq. of the Ventura County Ordinance Code for regulations pertaining to industrial hemp cultivation.)										