

**PUBLIC HEARING NOTICE AND SUMMARY OF PROPOSED COUNTY OF VENTURA ORDINANCE AMENDING THE VENTURA COUNTY ORDINANCE CODE TO REGULATE CULTIVATION OF INDUSTRIAL HEMP AND CROSS-REFERENCE THOSE REGULATIONS IN THE COUNTY COASTAL AND NON-COASTAL ZONING ORDINANCES (CASE NO. PL20-0102)**

All interested persons are invited to electronically attend and submit public comments for consideration at a public hearing to be held by the **VENTURA COUNTY BOARD OF SUPERVISORS** on **Tuesday, December 15, 2020, at 2:00 p.m.** in the Board of Supervisors Hearing Room, County Government Center, Hall of Administration, 800 South Victoria Avenue, Ventura, California, 93009.

**IN RESPONSE TO THE DECLARED STATE AND LOCAL EMERGENCIES DUE TO THE NOVEL CORONAVIRUS, AND IN ACCORDANCE WITH THE CALIFORNIA GOVERNOR'S ORDER TO LIMIT INDOOR OPERATIONS AS A PRECAUTIONARY MEASURE TO HELP SLOW THE SPREAD OF COVID-19, THE HALL OF ADMINISTRATION IS CLOSED TO THE PUBLIC. TO FIND OUT HOW YOU MAY ELECTRONICALLY ATTEND THE BOARD MEETING AND PROVIDE PUBLIC COMMENT PLEASE GO TO [www.ventura.org/boscomment](http://www.ventura.org/boscomment). PLEASE ALSO SEE "COMMENT" SECTION BELOW FOR ALTERNATIVE MEANS OF PROVIDING COMMENT REGARDING THIS ITEM.**

**APPLICANT:** County of Ventura

**PROJECT LOCATION:** The proposed Hemp Regulations would apply to agricultural land located in the unincorporated area of Ventura County.

**SUMMARY OF ORDINANCE:** The proposed ordinance would add chapter 6, sections 9600 et seq., to division 9 of the Ventura County Ordinance Code ("VCOC"), regulating cultivation of industrial hemp in the unincorporated area of Ventura County, and amend VCOC sections 8105-4, 8105-5 and 8174-5, adding references to those regulations to the use matrices in the County of Ventura Non-Coastal and Coastal Zoning Ordinances. The ordinance would replace an interim urgency ordinance that prohibits hemp cultivation within one-half mile of any land within a city zoned for residential use, any existing residential community in the unincorporated area or any school in order to mitigate odor impacts. The Board of Supervisors will consider two alternative versions of the proposed ordinance, which differ only with respect to the buffer zone or excluded area provisions, as noted below. The proposed ordinance would also include other provisions addressing odor, pollen control, site security, fees and enforcement.

The proposed ordinance includes the provisions summarized below:

1. Flowering hemp may not be grown within one-half mile of any sensitive site (in alternative 1), or, alternatively, within one-quarter of any sensitive site and within the Tierra Rejada Valley growing area (in alternative 2). (Section 9610.a in alternatives 1 and 2; see section 9602, subdivisions d and e.) In both versions,

“sensitive site” is defined as property with a certificate of occupancy that is within residential zones within a city, within certain residential areas in the unincorporated county, an elementary or high school, a licensed daycare facility, college or university building except for a stadium, or a hospital or medical facility. The Board may also consider defining as sensitive sites all areas within the boundary of a city that has prohibited cultivation of hemp within its city limits. The proposed ordinance would include exceptions to such prohibitions for research plots of five acres or less and varieties of hemp designated by the Agricultural Commissioner as low odor. (Section 9610, subdivision b.) The proposed ordinance would establish a public process for designating a variety of hemp as a low odor variety. (Section 9615.)

2. Flowering hemp with one-mile of a sensitive site must be harvested within 30-days of the first laboratory test required under state law, and all hemp debris removed or tilled under within 15 days of harvest, except that the Agricultural Commissioner could allow for additional days to the extent adverse weather delayed harvesting activities (Section 9610, subdivision c and d.) Ancillary activities to hemp cultivation must be completed within the 45 days of the first laboratory test. (Section 9624.)
3. Male hemp plants may only be grown by a seed breeder and within a greenhouse or more than three miles from any hemp cultivation site. (Section 9620.)
4. Three-by-three-foot signs must be posted at hemp cultivation sites indicating the crop is industrial hemp and prohibiting trespassing. Those signs are exempt from regulation under County zoning ordinances. (Section 9621.)
5. The Agricultural Commissioner may impose fees on hemp growers for costs of administering and enforcing the proposed ordinance and state hemp regulations that are not reimbursed by the state. (Section 9630.)
6. Violations of the proposed ordinance may be subject to civil and criminal penalties and other remedies. Hemp grown in violation of the proposed ordinance is a public nuisance subject to abatement by the Agricultural Commissioner. Odor from a hemp cultivation site operated in compliance with the proposed ordinance and state industrial hemp regulations is not a nuisance. (Section 9631.)

**ENVIRONMENTAL REVIEW:** The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308.

**PLANNING COMMISSION RECOMMENDATION:** At its November 5, 2020 public hearing regarding the project, the Planning Commission, by a vote of 3-0 (with one abstention and one absence), moved to recommend that the Ventura County Board of

Supervisors take the following actions with respect to alternative version 1 of the proposed ordinance (one-half mile buffer zone):

- a. **CERTIFY** that the Board has reviewed and considered the November 5, 2020 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; and **FIND** the proposed ordinance amending the Ventura County Coastal Zoning Ordinance is statutorily exempt pursuant to Public Resources Code section 21080.9 as an amendment to the County's Local Coastal Program;
- c. **FIND** based on the substantial evidence set forth in Sections A, B, and C of the November 5, 2020 Planning Commission staff report and the entire record that the proposed ordinance 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, subject to the following:
  - i. The definition of "sensitive site" includes all areas within the boundaries of a city that has prohibited cultivation of hemp within its city limits;
  - ii. The Board considers the information presented by staff regarding the potential revision of the definition of "sensitive site" to include playgrounds and parks located in the unincorporated area that are not currently included within that definition as needed to address nuisance odor impacts; and
- 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

**DOCUMENTS:** The Board letter and exhibits regarding this item will be available after 5 p.m. on Thursday, December 10, 2020. They may be viewed on the Board of Supervisors website at <https://www.ventura.org/board-of-supervisors/agendas-documents-and-broadcasts/> (select "Upcoming Events").

**COMMENTS:** Questions or written comments related to the proposed ordinance may be submitted to the Agricultural Commissioner Ed Williams by mail at: Ventura County Agricultural Commissioner's Office, 555 Airport Way, Suite E, Camarillo, CA 93010, by phone at: (805) 388-4222, or by e-mail at: VCACHemp@ventura.org.

Any person is privileged to electronically attend and be heard on this matter. If you challenge the above-described item in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this Notice, or in written correspondence delivered to the County of Ventura at, or prior to, the Public Hearing.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please call (805) 654-2251.

Note: From time to time, hearings are cancelled or rescheduled. We recommend that you contact the Case Planner to confirm the public hearing date one day prior.

By: Dave Ward, AICP, Director  
Ventura County Planning Division