



TIFFANY N. NORTH  
COUNTY COUNSEL

February 7, 2023

JEFFREY E. BARNES  
CHIEF ASSISTANT

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

ALBERTO BOADA  
EMILY T. GARDNER  
JOSEPH J. RANDAZZO  
PRINCIPAL ASSISTANTS

**SUBJECT:** Adoption of Resolution Clarifying Certain Policies and Programs in Ventura County 2040 General Plan to Implement a Settlement Agreement Between the County and the Ventura County Coalition of Labor, Agriculture, and Business and Ventura County and the Ventura County Agricultural Association

**ASSISTANTS**

JOSEPH BRICK  
LISA CANALE  
JASON CANGER  
PHEBE W. CHU  
MITCHELL B. DAVIS  
DAVID EDSALL JR.  
ALISON L. HARRIS  
CYNTHIA KRAUSE  
KAREN V. MARBLE  
BRETT B. MCMURDO  
ILENE F. MICKENS  
SEAN A. PEREZ  
MARINA PORCHE  
CHRISTINE A. RENSHAW  
JACLYN SMITH  
MATTHEW A. SMITH  
LINDA L. STEVENSON  
THOMAS W. TEMPLE  
FRANCESCA S. VERDIN  
ERIC WALTERS

**RECOMMENDED ACTION:**

Adopt the attached Resolution clarifying certain policies and programs of the Ventura County 2040 General Plan to implement a settlement agreement between the County and the Ventura County Coalition of Labor, Agriculture, and Business and Ventura County (“CoLAB”) and the Ventura County Agricultural Association (“VCAA”).

**FISCAL IMPACT:** None.

**DISCUSSION:**

On September 15, 2020, your Board approved the 2040 General Plan (“General Plan”) and, pursuant to the California Environmental Quality Act (“CEQA”), certified an environmental impact report (“EIR”) and made findings regarding environmental impacts associated with implementing the General Plan. The General Plan took effect on October 15, 2020.

Eight lawsuits challenging the General Plan are currently pending in Ventura County Superior Court. The lawsuits primarily allege violations of CEQA, the Brown Act, state Planning Law, state and federal preemption, and some allege the County’s unconstitutional taking of property rights and other constitutional violations. The lawsuits primarily seek to nullify the Board’s approval of the General Plan. As stipulated between the parties, the lawsuits’ writ claims, including the CEQA, Brown Act, Planning Law, and

preemption claims, are being tried during Phase One of the litigation. The hearings on the merits for Phase One are scheduled for March 9 and 10, 2023. The non-writ claims, alleging constitutional violations, will subsequently be litigated in Phase Two.

One of the eight pending lawsuits was filed against the County by CoLAB and the VCAA. This lawsuit is unique because, unlike the seven other lawsuits, it does not challenge the General Plan's new policies and programs regarding oil and gas production. Staff from the County Executive Office, Resource Management Agency, Planning Division, Agricultural Commissioner's Office, Ventura County Air Pollution Control District and Public Works Agency have met with representatives from CoLAB and VCAA to engage in constructive settlement discussions. During this process, CoLAB/VCAA expressed concerns regarding certain General Plan policies pursuant to which the County is directed to, among other things, encourage reduced fertilizer use, the transition of agricultural equipment from fossil fuels to electric or renewable energy, and the countywide planting of trees. CoLAB/VCAA expressed concerns that these and similar policies that were intended to be permissive and aspirational could be interpreted, in the future, by County staff as mandatory requirements that the County would impose on unwilling agricultural project applicants, or that could otherwise be implemented in a way that unintentionally harmed agricultural operations.

To address these concerns and resolve the lawsuit, County staff proposes that your Board adopt the attached Resolution setting forth the County's clarification of the subject policies and programs to ensure their accurate application and consistent implementation in accordance with the Board's original intent. As reflected in the Resolution, the County's proposed clarifications explain that the policies and programs were never intended to be mandatory requirements but rather are aspirational goals that the County will help willing members of the agricultural community to voluntarily implement. Because the Resolution merely clarifies the existing General Plan in a manner that is consistent with its originally intended meaning, your Board can adopt the Resolution without the need to legislatively amend the General Plan or conduct CEQA review. Adoption of the Resolution does not change the General Plan.

CoLAB/VCAA has also requested additional regular meetings between County staff and the agricultural community to maintain a constructive dialogue. To this end, the County has committed to dedicating two Agricultural Policy Advisory Committee (APAC) meetings per year as a venue to discuss CoLAB/VCAA-suggested items, which County staff and agencies will attend based on the topics and areas of expertise. The County will likewise present, for public information and comment, at APAC meetings, future reports that are prepared to implement project-level conservation easements pursuant to General Plan Program AG-O.

This proposed resolution of the lawsuit is set forth in a settlement agreement between the parties. Should your Board adopt the attached Resolution, the settlement

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agreement will take effect, and CoLAB/VCAA will dismiss their lawsuit, with all parties bearing their own litigation costs and attorney fees.

This item has been reviewed by the County Executive Office and the Auditor-Controller's Office. If you have any questions, please call me at (805) 654-2581.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Tiffany N. North', followed by a large, stylized circular flourish.

Tiffany N. North  
County Counsel

TNN:tdb

Attachment: Resolution Adopting Implementation Clarification for Certain Policies and Programs Contained in the 2040 General Plan