



## Planning Commission Staff Report Hearing of April 4, 2024

### County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • [www.vcrma.org/divisions/planning](http://www.vcrma.org/divisions/planning)

**Subject:** Public Hearing to Consider County-initiated Amendments to the Ventura County General Plan Economic Vitality Element and Articles 5 and 7 of the Ventura County Non-Coastal Zoning Ordinance to Allow and Establish Regulations for the Processing of Locally Grown Food in the Agricultural Exclusive, Open Space and Rural Agricultural Zones in Conformance with the County's Save Open-Space and Agricultural Resources (SOAR) Ordinance (collectively, "Proposed Amendments"); and Consider a Finding that Adoption of the Proposed Amendments is Exempt from the California Environmental Quality Act (CEQA); All Supervisorial Districts (Case No. PL24-0027)

#### A. PROJECT INFORMATION

1. **Applicant:** County of Ventura, Resource Management Agency (RMA), Planning Division, 800 S. Victoria Avenue, L#1740, Ventura, CA 93009
2. **Location:** The proposed amendments to the Non-Coastal Zoning Ordinance (NCZO) would solely be applicable to non-coastal parcels zoned Open Space (OS), Agricultural Exclusive (AE) and Rural Agricultural (RA) in the unincorporated areas of the county (All Districts).
3. **Request:** Planning staff requests that your Commission review this staff report and its attachments and adopt a resolution (Exhibit 2) recommending that the Board of Supervisors (Board) adopt the recommended actions stated in Section E of this staff report, including approval of a new General Plan Policy EV-2.3 that would be added to the Economic Vitality Element to allow processing of locally grown food on land that is subject to the SOAR Ordinance (SOAR, §2 (1)(l)(m)), specifically in the OS, AE and RA Zones, and the proposed amendments to the NCZO that would add a new use category, and establish regulations for, the processing of locally grown food to be consistent with the SOAR Ordinance. Planning staff also requests that your Commission consider a finding that adoption of the proposed amendments is exempt from CEQA pursuant to CEQA Guidelines sections 15301, 15303, and 15304 and that no unusual circumstances or other exception set forth in CEQA Guidelines 15300.2 precludes use of these categorical exemptions. The legislative version of the proposed amendments to the NCZO and the General Plan are included as Exhibits 3 and 4, respectively, and the clean versions are included as Exhibits 5 and 6, respectively, of this report.
4. **Decision-Making Authority:** Pursuant to the NCZO section 8115-3.1 and Government Code section 65853, the Planning Commission is required to review, conduct a public hearing on, consider, and make recommendations to the Board regarding the proposed amendments. The Board, at a subsequent public hearing, will consider your Commission's recommendations and decide whether to adopt, not adopt, or adopt the proposed amendments with modifications. The General Plan

Amendment (GPA) requires an affirmative vote of not less than a majority of the total membership of the Board to be adopted and the proposed NCZO amendments to implement the County's 2050 SOAR Ordinance (§ 2 (1)(l)(m)) requires a four-fifths vote of the Board to be adopted.

- 5. Background:** On November 3, 1998, the voters of Ventura County adopted the SOAR Ordinance to protect the County's agricultural, rural, and open space lands, to strengthen the local agricultural economy and to preserve the County's quality of life. The SOAR Ordinance requires countywide voter approval of any change to the County's General Plan involving the "agricultural," "open space," or "rural" land use designations, or any change to a General Plan goal or policy related to those land use designations. The SOAR Ordinance was set to expire in December 2020 but was extended until 2050 by voter initiative in 2016. In addition to extending the voter approval requirements of SOAR through 2050, a new provision was approved by voters to "eliminate voter approval requirements for redesignations of up to 12 acres of land countywide for processing of locally grown food." (SOAR, §2 (1)(l)(m)). SOAR section 2 (1)(l)(m) reads as follows:

*"m) To preserve the maximum amount of land in agricultural production as possible, the processing of food beyond the limits currently allowed by Ventura County's general plan and policies should take place in existing urban areas that have appropriate supporting infrastructure.*

*Notwithstanding the foregoing limitations on the Board of Supervisors, in order to support the processing of locally grown food, before January 1, 2030 the Board of Supervisors may, without a vote of the people, re-designate up to a total of 12 acres of land, dispersed throughout the County, provided they comply with the following conditions:*

*i.) The Board has amended the appropriate provisions of the County's General Plan and other planning policies, and the amendment(s) conform with state laws governing such land use designations.*

*ii.) The Board finds the re-designation will allow for the processing of locally grown food that would otherwise likely be transported out of county for processing.*

*iii.) The re-designated land is no greater than 3 acres in size and does not require the expansion of new sewer lines to the facility.*

*iv.) The Board approved the action with at least four of the five Supervisors voting in the affirmative."*

In response to stakeholders interest to allow food processing facilities on land zoned AE pursuant to the above referenced SOAR provision, the Planning Division

proceeded with County-initiated amendments to the General Plan and NCZO (today's topic before your Commission) instead of requiring individual property owners to file a separate, privately initiated GPA before the Board each time a request is submitted to allow the redesignation of land for food processing operations in the OS, AE and RA Zones. A privately initiated GPA involves the completion of a screening hearing before the Board prior to application submittal to the Planning Division. Since these amendments are County initiated, the screening hearing requirement is eliminated thereby reducing time and costs to individual applicants which would otherwise be required for privately initiated GPAs.

Processing that goes beyond washing, trimming, packing and storing of agricultural products is only allowed in the industrial zones of the unincorporated areas of Ventura County as "food processing," an industrial use. For this reason, to allow food processing in the OS, AE and RA Zones, amendments to the NCZO and the General Plan must be adopted by the Board to designate these zones to allow food processing. Food processing is the act of changing an agricultural product from its natural state to a different form such as milk to caramel and fruit to jam. Several stakeholders have shown interest in processing their agricultural commodities into a higher value, consumer product to increase their economic profitability and help maintain the economic viability of their agricultural operation on the land they current own in the OS, AE, and RA Zones.

The Background Report of the Agricultural Element of the County's 2040 General Plan<sup>1</sup> indicates that the current trend in food production and processing focuses on "locally" grown products. The concept of buying local agricultural commodities, rather than relying on imports is not new and has gained traction in recent years due to climate change concerns and its potential effects on crop production. This trend spurred an ongoing discussion with various stakeholders and the subsequent 2016 SOAR initiative that would allow a limited amount of "locally" grown food processing operations in land use designations subject to SOAR.

### ***Existing General Plan Policies Pertaining to Agricultural, Open Space and Rural Land Uses***

On September 15, 2020, the Board adopted the 2040 General Plan, including the Economic Vitality Element<sup>2</sup>. The Economic Vitality Element includes goals, policies, and programs intended to help retain and expand existing economic sectors, to help diversify the economy by developing new kinds of businesses, and to help

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<sup>1</sup> The Background Report of the 2040 County General Plan, Chapter 9 – Agriculture, can be viewed at: [https://docs.vcrma.org/images/pdf/planning/plans/VCGPU\\_09\\_Adopted\\_Agriculture\\_September\\_2020.pdf](https://docs.vcrma.org/images/pdf/planning/plans/VCGPU_09_Adopted_Agriculture_September_2020.pdf).

<sup>2</sup> The Economic Vitality Element of the 2040 County General Plan can be viewed at: [https://docs.vcrma.org/images/pdf/planning/plans/Final\\_2040\\_General\\_Plan\\_docs/VCGPU\\_10\\_Economic\\_Vitality\\_Element\\_2020\\_09\\_15\\_web.pdf](https://docs.vcrma.org/images/pdf/planning/plans/Final_2040_General_Plan_docs/VCGPU_10_Economic_Vitality_Element_2020_09_15_web.pdf).

improve economic resiliency. The Economic Vitality Element is divided into four sections, including Section 10.1 Business and Employment. The existing policies (General Plan Policies EV-1 through EV-2) support retention and expansion of agriculture and manufacturing industries, tourism, and defense technologies. Specifically, the goal of the policies under General Plan Policy EV-2 is to improve the economic viability of agriculture through policies that support agriculture as an integral business to the County. Policy EV-2.1 encourages growth and expansion of new agricultural-related business opportunities and Policy EV-2.2 encourages the expansion of value-added agricultural products (e.g., processing, packaging, product development) within Existing Communities, where zoning allows, and on agricultural land consistent with SOAR policies.

The existing policies in the General Plan do not include provisions that allow food processing in the agricultural, open space and rural land use designations. This is addressed by adding new General Plan policy EV-2.3, as required by Section 2(1)(l)(m), subsection (i) of SOAR.

### ***Existing NCZO Regulations Pertaining to Food Processing***

Currently, all food processing falls under the category of “manufacturing industries,” under NCZO section 8105-5 (Permitted Uses in the Commercial and Industrial Zones). Food processing is not allowed in the OS, AE, or RA Zones and is only allowed in the industrial zones (M1, M2, and M3 Zones) within the unincorporated county. The type of permit required depends on the type of food or beverage that will be processed in accordance with NCZO section 8105-5. There are currently no specific use standards in the NCZO for food processing facilities. These types of facilities require an approved discretionary permit to operate that are reviewed and conditioned by various local, state, and federal regulatory agencies.

Consistent with the Guidelines for Orderly Development and the General Plan, food processing facilities are not allowed on land with a land use designation of “Agricultural,” “Open Space,” and “Rural” since food processing facilities are considered “urban development”. Urban development is defined in the General Plan as the establishment of new community sewer systems or the significant expansion of existing community sewer systems, the creation of residential lots less than two (2) acres in acres, or the establishment of commercial or industrial uses which are neither agriculturally related nor related to the production of mineral resources. These policies require that urban development be in existing urban areas that have the appropriate supporting infrastructure, as stated in the County’s 2050 SOAR Ordinance (§2(1)(l)(m)), so that agricultural and open space resources are preserved.

Pursuant to NCZO sections 8105-4 (Permitted Uses in the Open Space, Agricultural, Residential and Special Purpose Zones) and 8105-5 (Permitted Uses

in the Commercial and Industrial Zones) the only type of “processing” allowed in the OS, AE, and RA Zones is “preliminary processing,” which includes basic activities and operations instrumental to the preparation of agricultural goods for shipment to market. If structures are associated with the preliminary processing activities, the permit type is determined by the size of the principal structure in accordance with the use category “Principal Structures Related to Agriculture” under NCZO section 8105-4. Preliminary processing structures up to 20,000 square feet are permitted with a ministerial Zoning Clearance. Preliminary processing in structures exceeding 20,000 square feet requires a discretionary permit.

## **6. Summary of Proposed Amendments to the General Plan and the Non-Coastal Zoning Ordinance**

### ***Proposed General Plan Amendment***

The SOAR Ordinance (§ 2(1)(l)(m), subsection (i)) states that the Board may amend the appropriate provisions of the General Plan and other Planning policies to allow up to a maximum cumulative total of 12 acres countywide of processing of locally grown food on land subject to SOAR, without voter approval and subject to certain findings. To be consistent and reflect the SOAR Ordinance provision Section 2(1)(l)(m), subsection (i), Planning staff proposes to add a new General Plan Policy EV-2.3 to the Economic Vitality Element that would allow the designation of a maximum of 12 acres countywide of land outside of an urban area (within the OS, AE, and RA Zones) to be used for processing of locally grown food and would assist in promoting and encouraging the economic viability of agriculture.

The new General Plan Policy EV-2.3 would include the same language of Section (2)(1)(l)(m), subsections (i), (iii), and (iv) of the SOAR Ordinance, and would include the prohibition of any direct or indirect loss of soils classified as “Prime,” “Statewide Importance,” and/or “Unique,” unless the Planning Director, in consultation with the Agricultural Commissioner, determines that the land is developed or otherwise unsuitable for agricultural crop production. With this prohibition the new General Plan policy EV-2.3 is consistent with other General Plan policies related to the preservation of agricultural resources, the County’s Guidelines for Orderly Development, and with the related proposed amendments to the NCZO, as discussed below. The legislative changes and staff explanations of the new General Plan Policy EV-2.3 are shown in Exhibit 4 and the clean version is shown in Exhibit 6.

### ***Proposed NCZO Amendments***

Articles 5 (Permitted Uses Matrix) and 7 (Standards for Specific Uses) of the NCZO must be amended to implement and be consistent with the proposed amendments to the General Plan and the County’s 2050 SOAR Ordinance concerning the processing of locally grown food in the AE, OS and RA Zones.

The proposed NCZO amendments to each Article are provided below:

*Article 5, Section 8105-4 (Permitted Uses in the Open Space, Agricultural, Residential and Special Purpose Zones)*

As mentioned previously, only “preliminary processing” (washing, rinsing, trimming, packing, and storing agricultural products) is currently allowed in the OS, AE and RA Zones under Section 8105-4 of the NCZO. A new use category called “Processing of Locally Grown Food” would be added to the use matrix of NCZO section 8105-4 under the existing use category of “Agriculture and Agricultural Operations.” The new use category of “Processing of Locally Grown Food” is separated into subcategories based on the size of the facility, the type of food processing, and whether a package sewage treatment system (i.e., advanced treatment) would be required. The allowed zones, the facility size ranges, and the type of permit required are shown in matrix format in the legislative version of the NCZO amendments in Exhibit 3, and further described here: (1) a facility up to 20,000 square feet in area in the OS and AE Zones is allowed with a Zoning Clearance provided the facilities meet specific use standards for ministerial approval under Article 7 of the NCZO; (2) any food processing in the RA Zones, regardless of size, requires a CUP; and, (3) all other facilities in the OS and AE Zones that do not fall under the ministerial Zoning Clearance permit type would require a CUP, either approved by the Planning Director or Planning Commission. These types of facilities would not be allowed in the OS-REC Zone since they do not meet the purpose and intent of the zone, which is primarily for the maintenance and enhancement of lands for parks and recreation-related uses.

As directed by the County’s 2050 SOAR Ordinance, locally grown food processing facilities are limited to a cumulative 12-acre countywide maximum and a 3-acre maximum per legal lot, notwithstanding the allowable building lot coverage for the specific property as determined by the General Plan, and the proposed use standards for these types of facilities under Article 7 of the NCZO. Additionally, regardless of the size of the proposed food processing facility, if it includes slaughterhouses and meat packing plants, and/or a new package treatment plant<sup>3</sup>, a Planning Commission-approved CUP is required. These uses are typically higher intensity uses that have a greater potential for impacts to surrounding land uses and are of greater public interest and are therefore recommended to be conditionally allowed and subject to discretionary approval.

*Article 7 - Standards for Specific Uses*

New specific use standards for “Locally Grown Food Processing Facilities” would be added to Article 7 (Standards for Specific Uses), under an entirely new Section 8107-XX, that includes four new parts: (1) exclusions; (2) general standards for all applicable food processing facilities; (3) specific use standards for food processing

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<sup>3</sup> The NCZO already requires a Planning Commission-approved CUP for proposed package treatment plants in the AE, OS and RA Zones.

facilities allowed by a Zoning Clearance; and, (4) specific standards for food processing facilities that are allowed with a discretionary permit.

Part 1 (Exclusions) includes a list of uses that would be excluded from (or do not apply to) the proposed ordinance because they are uses that are regulated elsewhere in the NCZO. Separate permits may be required for uses that are not regulated under the locally grown food processing standards. For example, if public tours are proposed as part of the food processing facility, a Planning Commission-approved CUP for “Agricultural Promotional Uses” (NCZO § 8105-4) would be the appropriate permit for this use. The locally grown food processing facility and the agricultural promotional use would be processed concurrently under one discretionary CUP in accordance with CEQA environmental review guidelines.

Part 2 (General Standards) includes standards that would apply to all locally grown food processing facilities. Part 2 includes, but is not limited to, standards limiting food processing facilities to a maximum of 12 acres countywide and a maximum of 3 acres per legal lot, limiting the size of the facility based on the permit type, prohibiting the expansion or extension of new sewer lines, prohibiting any direct or indirect loss of soils classified as “Prime,” “Statewide Importance,” and/or “Unique,” and requiring agricultural products to be locally grown. Standards are provided to calculate the net acreage of a proposed facility, which includes the buildings/structures and areas dedicated to food processing, including required parking areas, but does not include below ground improvements such as onsite wastewater treatment systems and leach lines. For the purposes of CEQA environmental review, if applicable, all above- and below-ground improvements will be analyzed as part of the project. Part 2 cross references other NCZO requirements, such as, but not limited to, lighting standards, tree protection measures, and sign standards that must be met, if applicable. Additionally, Part 2 provides that the Planning Division will track the total net acreage of all food processing facilities subject to this proposed ordinance so that the 12-acre countywide limitation is not exceeded.

Part 3 (Facilities Allowed by Zoning Clearance) includes standards for food processing facilities allowed by a ministerial Zoning Clearance in the OS and AE Zones. In addition to the standards of Part 3, the food processing facility shall also be operated in compliance with the standards of Part 2. A summary of these standards includes a maximum size of the facility of no more than 20,000 square feet in area and, if native vegetation<sup>4</sup> is present on the property in the vicinity of a proposed facility, there shall be no indirect or direct impacts on such native vegetation as a result of the siting of a new food process facility, which is consistent

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<sup>4</sup> Native vegetation is defined in the NCZO as naturally occurring vegetation in Ventura County, which includes but is not limited to, oak woodland, coastal sage scrub, chaparral, perennial grassland, California annual grassland, riparian woodland and riparian scrub.

with the policies of the General Plan and NCZO concerning the continued preservation of native vegetation in the unincorporated county.

Part 4 (Conditionally Permitted Facilities) includes standards for those facilities that do not fall under ministerial approval and require a discretionary permit. In addition to the standards of Part 4, food processing facilities approved under a discretionary permit shall be operated in compliance with the standards of Part 2. Part 4 clarifies that the General Permit Approval Standards of NCZO section 8111-1.2.1(a) and section 8111-1.2.1.2 (Additional Standards for AE Zone), if applicable, apply to these types of projects, including that any proposed project is consistent with the CEQA.

Unless otherwise specified in the proposed ordinance, any structures, buildings, parking lot areas, restrooms, and other related improvements associated with a proposed food processing facility are required to meet the development standards of Section 8106-1.1 and any other applicable standards of the NCZO, including, but not limited to, the parking and loading requirements of Article 8. Facilities subject to this proposed ordinance are required to meet the same parking requirements as “Buildings for the Packing or Processing of Agricultural Products” listed in the table under Agricultural Land Uses of NCZO section 8108-4.7.

***Ventura County Agricultural Commissioner’s Office and the Ventura County Agricultural Policy Advisory Committee***

***Agricultural Commissioner’s Office***

The Planning Division worked closely with the Agricultural Commissioner’s Office (ACO) on drafting a locally grown food processing ordinance that is consistent with the provisions of SOAR, the General Plan policies concerning the preservation of agricultural and natural resources, and CEQA. The initial draft ordinance reflected many of the same permit and size requirements for “wineries” under NCZO, section 8105-4, which allows winery operations up to a maximum of 2,000 square feet in area with a ministerial Zoning Clearance in the OS, AE and RA Zones. Winery operations that exceed 2,000 square feet in area require a CUP. After collaboration with the ACO, the 2,000 square feet ministerial allowance was expanded to allow up to 20,000 square feet in area with a Zoning Clearance to reflect the size requirements and permit type of “principal structures related to agriculture” under NCZO section 8105-4. The ACO and the Planning Division agreed that this change would provide more opportunities for operators and property owners to take advantage of the ministerial Zoning Clearance permitting path. They also agreed staff’s direction in drafting the proposed ordinance is to balance the policies of the General Plan and SOAR and move the proposed ordinance and amendment to the General Plan forward for adoption in a timely and expeditious manner. The ACO conditionally supports the proposed ordinance based on the change of the food processing facilities from 2,000 square feet to 20,000 square feet in area with a



ministerial Zoning Clearance. The legislative version of the proposed ordinance is shown in Exhibit 3. A summary of the proposed amendments to the General Plan and NCZO is provided in this staff report under Section A.6.

**Agricultural Policy Advisory Committee**

On March 13, 2024, the Planning Division attended the Agricultural Policy Advisory Committee (APAC) meeting to present and discuss the proposed amendments to the General Plan and NCZO concerning the processing of locally grown food in the AE, OS and RA Zones in the county. The APAC suggested the proposed ordinance allow as much flexibility as possible for the processing of locally grown food. Specifically, the APAC suggested the initial draft ordinance under Article 7, Section 8107-XX.2(b) be revised to eliminate the sentence “[...] *and that would otherwise likely be transported out of Ventura County for processing...*” The APAC shared that this provision would require the Planning Division to conduct an analysis to determine if existing food processing facilities are capable of accepting additional agricultural products and that no more than one commodity could be processed at a locally grown food processing facility at one time. The Planning Division agreed that this standard should be removed from the proposed ordinance because it is too subjective and could not be implemented, at the individual project level, through the ordinance in a consistent manner. The Planning Division revised the proposed ordinance accordingly (Exhibit 5). Instead, the Board will be asked to make this finding programmatically in approving these legislative amendments. There is strong evidence in the record to support that the proposed food processing facilities envisioned by these amendments would be used for the processing of locally grown agricultural products that likely would be transported out of the county for processing. According to a 2015 report entitled, “*Food Processing in Ventura County, Executive Summary*,” prepared by Applied Development Economics and The Hatamiya Group for Economic Development Collaborative-Ventura County (EDC-VC) and referenced in the 2040 General Plan<sup>5</sup>, the county currently has a low level (shortage) of food processing, and feedback provided by local farmers and other stakeholders in the agricultural sector have expressed specific interest in processing their own locally grown agricultural products into fruit pastries, salsa/guacamole, and fruit preserves. The report states that most of the crops grown in Ventura County have potential for value added food processing, but the local zoning regulations prohibit food processing on lands with a land use designation of agricultural, open space and rural.

The APAC had additional comments concerning the SOAR provisions. These comments included suggestions to remove the 12-acre countywide limitation and the 3-acre maximum per lot for food processing, to remove the prohibition on any direct or indirect loss of soils classified as “Prime,” “Statewide Importance,” and/or “Unique” to allow for future expansion, and to revise the 2030 sunset date of the

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<sup>5</sup> The report can be viewed at the following link: <https://edcollaborative.com/wp-content/uploads/2018/09/Food-Processing-in-Ventura-County-1.pdf>.

specific SOAR provision to match the 2050 sunset date of the SOAR Ordinance. Staff explained both the acreage limitation and sunset date were contained in SOAR and could not be addressed unless an amendment to SOAR was made through a ballot measure approved by a vote of county residents. Additionally, the removal of the prohibition of developing within “Prime,” “Statewide Importance,” and/or “Unique” soils is part of the proposed ordinance to avoid significant impacts, including cumulative impacts which would require additional environmental review, resulting in much longer timeframe and analysis. Planning staff intends to provide the APAC’s comments for consideration by the Board.

Exhibit 7 of this staff report includes the APAC’s written support of the proposed ordinance and outlines its concerns with some of the limitations of the SOAR ordinance, as mentioned above.

## **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

Pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, Section 15000 et seq.), the proposed amendments are a “project” subject to environmental review. The proposed amendments include amending the Economic Vitality Element by adding a new General Plan Policy EV-2.3 to reflect the County’s SOAR Ordinance that allows limited processing of locally grown food in the OS, AE and RA Zones and amending Articles 5 and 7 of the NCZO so that the NCZO is consistent with the new General Plan Policy EV-2.3 and the SOAR Ordinance.

The proposed amendments would allow processing of locally grown food facilities as a principal use in the OS, AE, and RA Zones with a limitation of 12 acres countywide, 3 acres per individual lot, and specific use standards requiring, but not limited to, compliance with development standards such as setbacks, height limitations, and building lot coverage, and the prohibition of any direct or indirect loss of soils classified as “Prime,” “Statewide Importance,” and/or “Unique.” In addition to these standards, projects allowed by a ministerial Zoning Clearance are prohibited from causing any direct or indirect impacts on native vegetation. The proposed amendments would allow the conversion of existing structures as well as new development within areas that are currently developed, outside of areas with native vegetation for ministerial projects, outside of areas with Important Farmland soil classifications, or in areas that are unsuitable for agricultural production as verified by the ACO. No new provisions have been added to the NCZO that would result in a potentially significant impact on the environment compared to the existing NCZO. The proposed amendments do not reduce or alter any of the regulatory requirements of other federal, state or local agencies that regulate agricultural food processing or associated activities. Facilities that would require discretionary review will still require discretionary County approval and environmental review pursuant to CEQA at the individual project level.

Based on this analysis, the proposed amendments to the General Plan and NCZO are exempt from CEQA pursuant to the CEQA Guidelines sections 15301 (Class I) because it involves the potential use of developed facilities, 15303 (Class 3) because it involves the potential conversion and/or construction of small structures and facilities and the installation of small new equipment and facilities in small structures, and 15304 (Class 4) because it involves the potential minor alterations in the condition of land and/or vegetation. The Planning Division has determined that no unusual circumstances or other exception set forth in CEQA Guidelines 15300.2 precludes use of these categorical exemptions.

### **C. NON-COASTAL ZONING ORDINANCE AMENDMENT FINDINGS AND SUPPORTING EVIDENCE**

The Board of Supervisors must make certain findings in order to amend the NCZO pursuant to NCZO section 8115-0, which states at relevant part:

#### ***Sec. 8115-0 - Purpose***

*The purpose of this Article is to establish procedures for amending this Chapter. These procedures shall apply to all proposals to change any property from one zone to another or to amend the text of this Chapter. This Chapter may be amended by the Board of Supervisors whenever the public health, safety, or general welfare, good zoning practice, and consistency with the General Plan justify such action...*

The Board's ability to make these required findings to adopt the proposed amendments is evaluated below for your Commission's consideration in making its recommendation to the Board.

#### **a. The proposed amendments would not be detrimental to public health, safety, or general welfare.**

The proposed amendments to the NCZO would implement and be consistent with the County's SOAR Ordinance concerning the designation of land for the processing of locally grown food on land zoned AE, OS and RA without a vote of the people, provided certain use standards and provisions are met and appropriate permits are obtained. The proposed amendments would result in benefits to the agricultural community as well as the residents of Ventura County. As noted in the 2015 report "*Food Processing Report*," prepared by Applied Development Economics and The Hatamiya Group (see Footnote 4), the potential benefits to allowing limited food processing on farmland in unincorporated Ventura County are as follows:

- Diversifies farmers' income stream and captures value added.
- Provides some marginal reduction in truck traffic by the proximity of crops (reducing greenhouse gas emissions).

- Integrates better with farm operations, improving product traceability.
- Lower-cost land.
- Utilizes land that is marginalized by lack of water, parcel size, urban conflicts.
- Reduces impacts to urban areas from odors, noise, truck traffic.
- Reduces cost of value-added process that would occur elsewhere.

With facility size limitations, restrictions on the loss of soils designated as “Prime,” “Statewide Importance,” and/or “Unique,” restrictions for ministerial projects on the development of land determined to be biologically sensitive, and specific use standards for food processing facilities, the proposed amendments would not be detrimental to the public health, safety, or general welfare.

Based on the above discussion, this finding can be made.

**b. The proposed amendments represent good zoning practice.**

Good zoning practice requires zoning ordinances be periodically updated to maintain consistency with current zoning standards, other County ordinances, and state and federal laws affecting planning and land use. In this case, amending both the General Plan and the NCZO to implement the County’s SOAR Ordinance, which is incorporated by reference into the General Plan as Appendix C, to designate areas in the County to allow limited processing of food on land zoned AE, OS, and RA is consistent with Government Code section 65860, which requires zoning ordinances to be consistent with and implement goals, programs and policies of a general plan.

Good zoning practice also includes responding to community goals, which were expressed by the residents of Ventura County when they voted to approve the 2016 SOAR Initiative to allow a limited amount of processing of locally grown food on land subject to SOAR. The proposed ordinance would allow a property owner the opportunity to process locally grown food on land zoned OS, AE and RA that would otherwise be required to be transported out of county or in the limited industrial zones in the county due to current General Plan and NCZO restrictions and, at the same time, provides safeguards to ensure these types of facilities are operated and maintained in a safe manner to protect public health and safety as well as the County’s agricultural and natural resources.

Based on the above discussion, this finding can be made.

**c. The proposed amendments are consistent with the Ventura County General Plan.**

In November 2016, Ventura County voters renewed the County’s SOAR Ordinance, which is incorporated by reference into the General Plan as Appendix C, and extended its provisions through 2050. In addition to the extension of the voter approval requirements until 2050, a new provision was added to SOAR that allows the Board of

Supervisors to redesignate up to 12 acres countywide of land to be used for the processing of locally grown food in the OS, AE and RA Zones of the county. A new General Plan policy EV-2.3, under the Economic Vitality Element, would be added to the General Plan and proposed amendments to the NCZO would be made to implement and make consistent with the SOAR provision. In addition to making these documents consistent with SOAR, the proposed amendments would further accomplish several goals and policies of the General Plan concerning agricultural land preservation, innovative specialty agriculture, and food security. Keeping our locally grown crops within Ventura County that otherwise would likely be transported out of the county for processing improves the economic viability of local agriculture as an integral business to the county (GPP AG-1.6) and encourages the continuation and enhancement of the marketing of county grown agricultural products (GPP AG-1.5). It also reduces the environmental impact of shipping food out of the county. Allowing a modest amount of food processing on property zoned OS, AE and RA also encourages locally owned farms and ranches to continue to grow or start growing specialty and high-value crops and specialized animal facilities and rearing methods that can be used for local food processing (GPP AG-3.1). Allowing the processing of locally grown food on agricultural, open space and rural land use designations is also consistent with and supports the County's policies concerning food security. It enhances the connections between local farmers/ranchers and markets, restaurants, institutions, schools, hospitals, food banks, and other business (GPP AG-4.1) and supports certified farmer's markets and community supported agriculture (GPP AG-4.5) while at the same time preserves agricultural land by limiting the processing to no more than 12 acres countywide, which equates to approximately 0.013% of irrigated cropland in Ventura County.<sup>6</sup>

Additionally, the proposed ordinance implements policies of the Conservation and Open Space Element of the General Plan (i.e., COS-1.1 and COS-1.5), which promote the management and conservation of the County's agricultural and natural resources, including biological resources. The proposed amendments ensure that potential development that could impact sensitive biological resources are evaluated and that potential development within an overlay zone is subject to the applicable overlay zone development standards as set forth in the NCZO.

Based on the above discussion, this finding can be made.

#### **D. PLANNING COMMISSION HEARING NOTICE, AND PUBLIC COMMENTS AND**

The Planning Division provided public notice regarding the Planning Commission hearing in accordance with the Government Code section 65091 and NCZO section 8111-3.1. On March 22, 2024, the Planning Division placed a legal advertisement providing notice of this public hearing in the *Ventura County Star*. Additionally, an email was provided to

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<sup>6</sup> Based on the Ventura County's Agricultural Commissioner's 2022 Crop Report, there was 95,785 acres of irrigated crops in Ventura County. The report can be viewed at the following link:

<https://vcportal.ventura.org/AgComm/docs/crop-reports/Ventura-County-2022-Crop-and-Livestock-Report.pdf>.

several interested persons and entities who requested to be notified of this public hearing on this item. To date, no public comments have been received by the Planning Division.

## **E. RECOMMENDED ACTIONS**

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

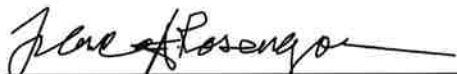
1. **CERTIFY** that the Planning Commission has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process; and
2. **ADOPT** a resolution (Exhibit 2) recommending that the Board of Supervisors take the following actions regarding the proposed amendments to the General Plan (Exhibit 6) and the Non-Coastal Zoning Ordinance (Exhibit 5):
  - a. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter and all exhibits thereto, the April 4, 2024 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;
  - b. **FIND** on the basis of the entire record and as set forth in Section B of the April 4, 2024 Planning Commission staff report, that adoption of the proposed amendments to the General Plan and Non-Coastal Zoning Ordinance (NCZO) (Exhibits 5 and 6) is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections: (1) 15301 (Class I) because it involves the potential use of developed facilities, (2) 15303 (Class 3) for new, small facilities or structures or the conversion of existing small structures from one use to another, (3) 15304 (Class 4) because it involves the potential minor alterations in the condition of land and/or vegetation, and that no unusual circumstances or other exception set forth in CEQA Guidelines 15300.2 precludes use of these categorical exemptions.
  - c. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C, and D of the April 4, 2024 Planning Commission staff report, that the proposed amendments to the General Plan (Exhibit 6) and the NCZO (Exhibit 5) are consistent with the goals, policies, and programs of the General Plan and good planning practices, and are in the interest of public health, safety and general welfare;
  - d. **ADOPT** a resolution approving the proposed amendments to the General Plan (Exhibit 8);

- e. **ADOPT** the proposed ordinance (Exhibit 5) amending Articles 5 and 7 of the Non-Coastal Zoning Ordinance (4/5ths vote required); and
- f. **SPECIFY** 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 these decisions are based.

This staff report was reviewed by County Counsel. The Board of Supervisors hearing to consider the proposed amendments to the General Plan and NCZO is tentatively scheduled for June 2024 in the Board of Supervisor's hearing room.

If you have any questions concerning the information presented above, please contact the case planner, Ms. Franca A. Rosengren, Senior Planner, at (805) 654-2045 or by email at [Franca.Rosengren@ventura.org](mailto:Franca.Rosengren@ventura.org). You may also contact Mr. Winston Wright, Planning Manager, at (805) 654-2468 or by email at [Winston.Wright@ventura.org](mailto:Winston.Wright@ventura.org).

Prepared by:



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Reviewed by:



Dave Ward, Director, AICP  
Ventura County Planning Division

#### EXHIBITS

- Exhibit 1 – Reserved<sup>7</sup>
- Exhibit 2 – Draft Planning Commission Resolution
- Exhibit 3 – Proposed NCZO Amendments (Legislative Version)
- Exhibit 4 – Proposed General Plan Amendments (Legislative Version)
- Exhibit 5 – Proposed NCZO Amendments (Clean Version)
- Exhibit 6 – Proposed General Plan Amendments (Clean Version)
- Exhibit 7 – Agricultural Policy Advisory Committee Letter of Support
- Exhibit 8 – Draft Board Resolution Approving General Plan Amendment

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<sup>7</sup> This Planning Commission staff report will be included as Exhibit 1 of the Board of Supervisors Letter.