

April 4, 2024

Ventura County Planning Commission

Agenda Item No. 6.b

**Proposed Amendments to the Non-Coastal
Zoning Ordinance (NCZO) and General Plan
Regarding the Processing of Locally Grown Food**

Case No. PL24-0027



**Resource Management Agency, Planning Division
Franca A. Rosengren, Senior Planner**

Planning Commission Public Comments



CASE NUMBER PL24-0027 – Agenda Item # 6.b

FOR PARTICIPANTS ON ZOOM

<https://ventura-org-rma.zoom.us/webinar/register>

Members of the public who wish to speak, please press the raise hand button on Zoom now and you will be connected at the appropriate time. If participating by telephone, please press * and then 9 to be queued. This is for agenda item #6.b

Public Hearing Overview

I. NCZO & GPA Amendment Process

II. Background and Discussion

III. Summary of Amendments

IV. Environmental Review

V. Findings and Supporting Evidence

VI. Public Noticing

VII. Recommended Actions



Background and Discussion



1998 – Ventura County voters adopted SOAR until 2020

2016 – SOAR was extended until 2050

General Plan requires that changes to land use designations, goals and policies regarding open space, agricultural, and rural lands be approved by a vote of the people at a countywide election.

- Pre-screening public hearing before Board of Supervisors
- CEQA environmental review
- Place amendment on ballot for a vote

Background and Discussion

SOAR language:

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."*

Proposed Legislative Actions

- Add a new use category to the NCZO for the “processing of locally grown food” in the OS, AE, and RA Zones to make consistent with SOAR Ordinance.
- Add new General Plan Policy to Economic Vitality Element to make consistent with SOAR Ordinance and the related NCZO amendments.
- Add specific use standards for the “processing locally grown food” to the NCZO to meet the conditions of SOAR and the General Plan policies pertaining to the preservation of agricultural and biological resources.

Existing Non-Coastal Zoning Regulations

Preliminary Processing



Basic activities and operations, such as washing, trimming, packing, and storing agricultural products (as defined in NCZO).

Food Processing



Act of changing an agricultural product from its natural state to a different form such as milk to cheese (not defined in NCZO).

Background and Discussion


Preliminary Processing Existing Regulations NCZO Section 8105-4

| | OS- REC | OS | AE | RA | RE | RO | R1 | R2 | RPD | RHD | TP | TRU |
|--|---|----|----|----|----|----|----|----|-----|-----|----|-----|
| AGRICULTURE AND AGRICULTURAL OPERATIONS | | | | | | | | | | | | |
| Crop and Orchard Production (6,12,42,54) | Exempt (See Sec. 9600 et seq. of the Ventura County Ordinance Code for regulations pertaining to industrial hemp cultivation.) | | | | | | | | | | | |
| Packing, Storage Or Preliminary Processing Involving No Structures | E | E | E | E | E | | | | | | E | |

| | | | | |
|-------------|--------|---|---------------------------------|----------------------------------|
| Not Allowed | Exempt | Approved by Planning Director or Designee | Approved by Planning Commission | Approved by Board of Supervisors |
|-------------|--------|---|---------------------------------|----------------------------------|

Background and Discussion

Preliminary Processing Existing Regulations NCZO Section 8105-4

| | OS-REC | OS | AE | RA | RE | RO | R1 | R2 | RPD | RHD | TP | TRU |
|--|--------|-----|-----|-----|----|----|----|----|-----|-----|----|-----|
| other trees | E | E | E | E | E | | | | | | E | |
|  Principal Structures Related To Agriculture (Greenhouses, Hot Houses, <u>Structures for Prelim. Packing, Storage and Preservation of Produce & Similar Structures</u> ; Cumulative GFA Per Lot) Except Agricultural Shade/Mist Structures * (See Sec. 8106-6.4 & 8107-20) (15) | | | | | | | | | | | | |
| Up to 1,000 sq. ft. (6) | ZC | ZC | ZC | ZC | ZC | | | | | | ZC | |
| Over 1,000 sq. ft. to 20,000 sq. ft. (15) | ZC | ZC | ZC | CUP | | | | | | | | |
| Over 20,000 sq. ft. to 100,000 sq. ft. | CUP | CUP | CUP | CUP | | | | | | | | |
| Over 100,000 sq. ft. (6) | CUP | CUP | CUP | | | | | | | | | |

Not Allowed

Exempt

Approved by Planning Director or Designee

Approved by Planning Commission

Approved by Board of Supervisors

Background and Discussion

Food Processing Existing Regulations

NCZO Section 8105-5

| | CO | C1 | CPD | M1 | M2 | M3 |
|--|--------|---|---------------------------------|----------------------------------|-----|-----|
| MANUFACTURING INDUSTRIES | | | | | | |
| Food And Related Products | | | | CUP | PD | PD |
| Alcoholic Beverages | | | | | | PD |
| Bakery Products | | | | PD | PD | PD |
| Meat, Seafood And Poultry Packing Plants | | | | | CUP | CUP |
| Slaughtering; Refining And Rendering Of Animal Fats And Oils | | | | | | CUP |
| Sugar Refining | | | | | | CUP |
| Not Allowed | Exempt | Approved by Planning Director or Designee | Approved by Planning Commission | Approved by Board of Supervisors | | |



Old Town Saticoy Development Code

| | TC | R/MU | RES | IND |
|------------------------------|--------|---|---------------------------------|----------------------------------|
| MANUFACTURING INDUSTRIES | | | | |
| Apparel And Related Products | | | | PD |
| Dressmaking and Tailor Shops | PD | PD | | PD |
| Custom/Artisan Goods | CUP | | | |
| Food And Related Products | | | | CUP |
| Bakery Products | | | | PD |
| Not allowed | Exempt | Approved by Planning Director or Designee | Approved by Planning Commission | Approved by Board of Supervisors |



Discussion and Background

Existing Policies of the Economic Vitality (EV) Element

- EV-1: To support retention and expansion of agriculture.
- EV-2: To improve the economic viability of agriculture through policies that support agricultural as a integral business to the County.
- EV-2.1: To encourage growth and expansion of new agricultural-related business opportunities.
- EV-2.2: To encourage the expansion of value-added agricultural products (processing, packaging, product development).

Agricultural Commissioner's Office and APAC Review

Agricultural Commissioner's Office Review

Original draft included a 2,000 sq. ft. size limitation for a ministerial permit based on existing “Winery” size limitations.

Expanded the 2,000 sq. ft. ministerial allowance to 20,000 sq. ft. (consistent with the ministerial size allowance for “Principal Structures Related to Agriculture”).

ACO supports the ordinance as currently drafted with this change.

Agricultural Policy Advisory Committee Review

March 13, 2024 – Draft ordinance presented to APAC and the public.

APAC submitted a letter of support with some recommended changes.

Proposed NCZO Amendments

Proposed Amendments NCZO Section 8105-4 (Land Use Matrix)

| | OS- REC | OS | AE | RA | RE | RO | R1 | R2 | RPD | RHD | TP | TRU |
|--|------------|------------|------------|------------|----|----|----|----|-----|-----|----|-----|
| <u>Processing of Locally Grown Food *</u> | | | | | | | | | | | | |
| <u>Up to 20,000 sq. ft. in area</u> | | <u>ZC</u> | <u>ZC</u> | <u>CUP</u> | | | | | | | | |
| <u>not meeting standards of sections 8107-49.2 and 49.3</u> | | <u>CUP</u> | <u>CUP</u> | <u>CUP</u> | | | | | | | | |
| <u>Over 20,000 sq. ft. to 3 acres in area</u> | | <u>CUP</u> | <u>CUP</u> | <u>CUP</u> | | | | | | | | |
| <u>Slaughterhouses, meatpacking and fish processing plants</u> | | <u>CUP</u> | <u>CUP</u> | <u>CUP</u> | | | | | | | | |
| <u>Requiring a new package sewage treatment plant for wastewater</u> | | <u>CUP</u> | <u>CUP</u> | <u>CUP</u> | | | | | | | | |

Proposed NCZO Amendments

Proposed Amendments NCZO Section 8105-4 (Land Use Matrix)

| | OS-REC | OS | AE | RA | RE | RO | R1 | R2 | RPD | RHD | TP | TRU |
|--|--------|------------|------------|------------|----|----|----|----|-----|-----|----|-----|
| <u>Processing of Locally Grown Food *</u> | | | | | | | | | | | | |
| <u>Up to 20,000 sq. ft. in area</u> | | <u>ZC</u> | <u>ZC</u> | <u>CUP</u> | | | | | | | | |
| <u>not meeting standards of</u> <u>sections 8107-XX.2 and</u> <u>section 8107-XX.3.2(b)</u> | | <u>CUP</u> | <u>CUP</u> | <u>CUP</u> | | | | | | | | |
| <u>Over 20,000 sq. ft. to 3 acres in area</u> | | <u>CUP</u> | <u>CUP</u> | <u>CUP</u> | | | | | | | | |
| <u>Slaughterhouses, meatpacking and fish processing plants</u> | | <u>CUP</u> | <u>CUP</u> | <u>CUP</u> | | | | | | | | |
| <u>Requiring a new package sewage treatment plant for wastewater</u> | | <u>CUP</u> | <u>CUP</u> | <u>CUP</u> | | | | | | | | |

Proposed NCZO Amendments

Proposed NCZO Section 8105-4 (Land Use Matrix)

| | OS-REC | OS | AE | RA | RE | RO | R1 | R2 | RPD | RHD | TP | TRU |
|---|--------|-----|-----|-------------|--------|---|---------------------------------|----------------------------------|-----|-----|----|-----|
| <u>Processing of Locally Grown Food *</u> | | | | | | | | | | | | |
| <u>Up to 20,000 sq. ft. in area</u> | | ZC | ZC | CUP | | | | | | | | |
| <u>not meeting standards of sections 8107-XX.2 and section 8107-XX.3.2(b)</u> | | CUP | CUP | CUP | | | | | | | | |
| <u>Over 20,000 sq. ft. to 3 acres in area</u> | | CUP | CUP | CUP | | | | | | | | |
| <u>Slaughterhouses, meatpacking and fish processing plants</u> | | CUP | CUP | CUP | | | | | | | | |
| <u>Requiring a new package sewage treatment plant for wastewater</u> | | CUP | CUP | CUP | | | | | | | | |
| E = Exempt ZC = Zoning Clearance unless specifically exempted ZCW = Zoning Clearance with signed waivers PD = Planned Development Permit CUP = Conditional Use Permit | | | | Not Allowed | Exempt | Approved by Planning Director or Designee | Approved by Planning Commission | Approved by Board of Supervisors | | | | |

Proposed NCZO Amendments

Proposed NCZO Article 7 – Specific Use Standards

Proposed ordinance has four parts:

- Part 1: Exclusions
- Part 2: Standards that apply to all facilities.
- Part 3: Standards that only apply to facilities allowed by Zoning Clearance.
- Part 4: Standards that apply to facilities allowed with a discretionary permit.

Proposed NCZO Amendments

Part 2: Standards that apply to all facilities

One facility per legal lot and shall not exceed a total of 3 acres in size

Counted toward 3 acres:

- Buildings and structures
- Equipment areas
- Parking and loading areas, and
- Employee parking



Proposed NCZO Amendments

Part 2: Standards that apply to all facilities, continued

Not counted in size:
(areas highlighted in blue)

- Roads
- Below-ground infrastructure
- Flatwork not used for loading or parking



Proposed NCZO Amendments

Part 2: Standards that apply to all facilities, continued

- Agricultural products produced or grown on the subject lot or locally grown as verified by the Agricultural Commissioner
- 12 cumulative net acres countywide limitation (Planning Division will track the net acres countywide.)
- No proposed above or below ground improvements shall result in the direct or indirect loss of soils classified as “Prime,” “Statewide Importance,” and/or “Unique.”
- No expansion or extension of new sewer lines.
- Compliance with Land Conservation Act (LCA) Contracts

Proposed NCZO Amendments

Part 3: Standards that apply to facilities allowed by Zoning Clearance

- Shall comply with all general standards of Part 2.
- Provides application requirement information.
- Shall not exceed 20,000 sq. ft. in area.
- No proposed above or below ground improvements shall result in the direct or indirect impacts on native vegetation. Removal of native vegetation to accommodate a new food processing facility is prohibited.

Proposed NCZO Amendments

Part 4: Standards that apply to facilities allowed with a discretionary permit

- Shall comply with all general standards of Part 2.
- Provides application requirement information.
- References permit approval findings in the NCZO for a food processing facility.

Proposed General Plan Amendment

Economic Vitality (EV) Element

Adds New General Plan Policy EV-2.3
to make consistent with SOAR and
the NCZO amendments.

EV-2

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

EV-2.1

Agricultural Diversification

The County should encourage the growth and expansion of new, innovative agricultural-related business opportunities, including technological advancements in irrigation, crop production and pest control, new crop types, and agritourism, and “farm-to-table” programs and events. (RDR, PI)

EV-2.2

Value-Added Agriculture

The County shall encourage 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. (RDR, MPSP, JP)

EV-2.3

Processing of Locally Grown Food

In accordance with Section 2, subsection I(m) of the County’s 2050 Save Open-Space and Agricultural Resources (SOAR) Ordinance, facilities for the processing of locally grown food are authorized for approval on up to a cumulative total of 12 acres in the unincorporated area on land designated Agricultural Exclusive, Open Space, and Rural, provided that:

- a) the locally grown food processing facility is approved on or before January 1, 2030;
- b) no more than 3 acres per legal lot is devoted to the locally grown food processing facility use;
- c) the locally food processing facility does not require the expansion or extension of new sewer lines; and
- d) the locally grown food processing facility use will not result in a direct or indirect loss of soils on land classified as “Prime” or “Statewide Importance,” and/or “Unique” by the California Department of Conservation Important Farmland Inventory, unless the Planning Director, in consultation with the Agricultural Commissioner, determines that the land is developed or otherwise unsuitable for agricultural activities.

CEQA Environmental Review

Categorically exempt from CEQA environmental review:

CEQA Guidelines Sections:

- *15301 (Class 1) – it involves the potential use of developed facilities*
- *15303 (Class 3) – it involves the potential conversion and/or construction of small structures and facilities, installation of small new equipment and facilities in small structures*
- *15304 (Class 4) – it involves the potential minor alterations in the condition of land and/or vegetation.*

There are no unusual circumstances or other exception set forth in CEQA that precludes use of these categorical exemptions.

Findings and Supporting Evidence

NCZO Section 8115-0 (Purpose) requires that the following findings be made for amendments to the NCZO.

1. The proposed amendments would not be detrimental to the public health, safety or general welfare.
2. The proposed amendments represent good zoning practice.
3. The proposed amendments are consistent with the Ventura County General Plan.

All required findings can be made.

Public Outreach and Public Noticing

- Presented proposed amendments at the APAC's March 13, 2024 public meeting
- 1/8-page public notice and summary of proposed amendments advertised in the *Ventura County Star*
- Posted on the County's Public Notices Bulletin Board
- Posted on the Planning Division's website under Planning Commission hearings

Recommended 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.



Questions