

**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
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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
<b>AGRICULTURE AND AGRICULTURAL OPERATIONS</b>												
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 <i>Planning Director</i> or Designee	Approved by Planning Commission	Approved by Board of Supervisors
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# 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 &amp; 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
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# Background and Discussion

## Food Processing Existing Regulations

### NCZO Section 8105-5

	CO	C1	CPD	M1	M2	M3
<b>MANUFACTURING INDUSTRIES</b>						
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
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### Old Town Saticoy Development Code

	TC	R/MU	RES	IND
<b>MANUFACTURING INDUSTRIES</b>				
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
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# 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>		ZC	ZC	CUP								
<u>not meeting standards of sections 8107-49.2 and 49.3</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								

# Proposed NCZO Amendments

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	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								

# 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
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# 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 1) 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