



June 4, 2024

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

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) (RECOMMENDATION NOS. 4 and 5 REQUIRE 4/5THS VOTE)

A. RECOMMENDED ACTIONS

1. **CERTIFY** that your Board has reviewed and considered this Board letter and all exhibits hereto, the April 4, 2024 Planning Commission staff report and all exhibits thereto (Exhibit 1), and all other materials and public comments received during the public comment and hearing processes.
2. **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 the project consisting of adopting of the proposed amendments to the General Plan (PC Exhibit 6) and Non-Coastal Zoning Ordinance (NCZO) text amendments (Exhibit 3) is exempt from the California Environmental Quality Act (CEQA) pursuant to the following CEQA Guidelines sections: (1) 15301 (Class 1, Existing Facilities) because it involves the potential use of existing facilities, (2) 15303 (Class 3, Small Structures) because it involves the potential use new, small facilities or structures or the conversion of existing small structures from one use to another, (3) 15304 (Class 4, Minor Alterations to Land) because it involves the potential minor alterations in the condition of land and/or vegetation, and (4) that no unusual circumstances or other exceptions set forth in CEQA Guidelines 15300.2 precludes use of these categorical exemptions.

3. **FIND**, on the basis of the entire record and as set forth in Sections A, B, and C of the April 4, 2024 Planning Commission staff report, that the proposed amendments to the General Plan (PC Exhibit 6) and the NCZO (Exhibit 3) 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.
4. **ADOPT** a resolution approving the proposed amendments to the General Plan (Exhibit 4) (4/5th vote required).
5. **ADOPT** the proposed ordinance (Exhibit 3) amending Articles 5 and 7 of the Non-Coastal Zoning Ordinance (4/5ths vote required).
6. **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.

B. FISCAL IMPACTS/MANDATES

Mandated: No
 Source of Funding: Planning Division Budget
 Funding Match Required: None
 Impact on Other Departments: No

<u>Summary of Revenues and Costs:</u>	<u>FY 2023-24</u>	<u>FY 2024-25</u>
Revenues:	\$ -	\$ -
Costs:		
Direct	\$ -	\$ -
Indirect-Agency/Dept.	\$ -	\$ -
Indirect-County CAP	<u>\$ -</u>	<u>\$ -</u>
Total Costs	\$ -	\$ -
Net Costs:	\$ -	\$ -
Recovered Indirect Costs:	\$ -	\$ -

FY 2023-24 Budget Projection for Planning – Division 2910				
	Adopted Budget	Adjusted Budget	Projected Actual	Estimated Savings/(Deficit)
Appropriations	\$ 10,415,656	\$ 11,022,266	\$ 10,043,696	\$ 978,570
Revenue	\$ 4,371,381	\$ 4,371,381	\$ 3,466,401	\$ (904,980)
Net Cost	\$ 6,044,275	\$ 6,650,885	\$ 6,577,295	\$ 73,590

The proposed amendments before you today can be completed with existing Planning Division staff and within the existing Planning Division budget allocations. Staff time will also be used to complete post-adoption tasks such as codification of the adopted

ordinance, staff training and updated information at the Planning Division public counter and the Planning Division webpage.

Strategic Plan

This project supports the County Strategic Plan Priorities – *Fiscal Responsibility and Economic Vitality* and *Reliable Infrastructure and Sustainability* because the proposed amendments would provide property owners the ability to capture the added economic benefit from value added agricultural food processing on their own land, create new job opportunities, increase the economic value of agriculture in the county and local tax base, and enhance the marketing of county grown agricultural products while avoiding the loss of soils on land classified as “Prime,” “Statewide Importance,” or “Unique,” and conserving agriculture and open space lands by establishing certain standards and limiting the processing to no more than 12 acres countywide.

C. EXECUTIVE SUMMARY

This Board letter provides: (1) a brief background and discussion of the proposed amendments to the General Plan and NCZO; (2) a summary of the April 4, 2024 Planning Commission hearing and recommendations and an explanation of the post-Planning Commission hearing revisions to the proposed amendments to the NCZO; (3) Planning Division staff’s recommendation for exemption from environmental review; and, (4) a summary of public outreach efforts and public noticing of this Board item.

D. BACKGROUND AND DISCUSSION

Project Background

The County’s Save Open-Space and Agricultural Resources (SOAR) Ordinance was originally passed by voter initiative in November 1998 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 was set to expire in 2020 but was extended until 2050 by a voter initiative in 2016. In addition to extending the voter approval requirements of the SOAR Ordinance through 2050, a new SOAR provision was passed by voters in 2016 to “eliminate voter approval requirements for redesignation of up to 12 acres of land countywide for processing of locally grown food” in the Open Space (OS), Agricultural Exclusive (AE) and Rural Agricultural (RA) Zones (SOAR, §2(1)(l)(m)). Section 2(1)(l)(m) of SOAR is provided in its entirety on page 2 of Exhibit 1 of this letter.

The proposed amendments before your Board today would implement Section 2(1)(l)(m) of SOAR by designating the allowable zones and establishing regulations for the processing of locally grown food in the unincorporated areas of the county.

Proposed Amendments

This section provides a summary of the proposed amendments to the General Plan and NCZO. A more detailed explanation of each amendment is included with the Planning

Commission staff report in Exhibit 1. The legislative versions of the proposed amendments to the General Plan are shown in PC Exhibit 4 and to the NCZO in Exhibit 2. The clean versions of the proposed amendments to the General Plan are shown in PC Exhibit 6 and the NCZO in Exhibit 3.

Specifically, the proposed amendments before your Board consist of the following:

General Plan Amendment

Section 2(1)(l)(m), subsection (i) of SOAR states that land may, without a vote of the people, be redesignated for processing of locally grown food provided that the Board amends “the appropriate provisions of the General Plan and other planning policies, and the amendments conform with state laws governing such land use designations.” The existing General Plan does not include policies that allow food processing in the agricultural, open space or rural land use designations. This is addressed by adding a new General Plan Policy EV-2.3 to the Economic Vitality Element. The Economic Vitality Element includes goals, policies, and programs intended to help retain and expand existing economic sectors (including agricultural-related businesses), to help diversify the economy by developing new kinds of businesses, and to help improve economic resiliency. 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 proposed for locally grown food processing is already developed or otherwise unsuitable for agricultural crop production. With this prohibition, the new General Plan Policy EV-2.3 is consistent with the General Plan policies related to the preservation of agricultural resources in the Agriculture Element and the Land Use and Community Character Element, 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 PC Exhibit 4 and the clean version is shown in PC Exhibit 6.

NCZO Amendments

Part 1: *Article 5, Section 8105-4 – Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones*: A new use category of “Processing of Locally Grown Food” is proposed to be added to the use matrix of Section 8105-4 as a principal use under “Agriculture and Agricultural Uses.” The new use category would be separated into subcategories based on the size of the facility, the type of food processing, and whether a package sewage treatment system (i.e., treatment beyond a traditional septic system) 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 2.

Part 2: *Article 7, Section 8107-50 (Locally Grown Food Processing Facilities)*: An entirely new Section 8107-50 is proposed to be added to Article 7 that includes the following specific use standards for locally grown food processing facilities: (1) exclusions (Section

8107-50.1); (2) general standards for all food processing facilities (Section 8107-50.2); (3) specific use standards for food processing facilities permitted by a Zoning Clearance (Section 8107-50.3); and, (4) specific standards for food processing facilities that are permitted by a Conditional Use Permit (Section 8107-50.4).

The provisions of subsections (i), (iii), and (iv) of Section (2)(1)(l)(m) of the SOAR Ordinance are incorporated into the general standards under Section 8107-50.2 (item 2 above), including the 12-acre countywide limitation, the 3-acre limitation per legal lot, and the prohibition of expansion of new sewer lines to the facility.

In addition to meeting the general standards under Section 8107-50.2 (item 2 above), proposed food processing facilities permitted by a Zoning Clearance must comply with the standards of Section 8107-50.3 (item 3 above). The standards under Section 8107-50.3 limit the size of the area dedicated to food processing to a maximum of 20,000 square feet and prohibit the removal of native vegetation to accommodate food processing facilities. Projects subject to a Conditional Use Permit under Section 8107-50.4 (item 4 above) must meet the general standards, the discretionary permit approval findings, specific use permit approval findings of the NCZO and are subject to CEQA.

The legislative version of the proposed amendments to Article 7 of the NCZO is shown in Exhibit 2.

E. PLANNING COMMISSION HEARING

The proposed amendments to the General Plan and NCZO were presented to the Planning Commission on April 4, 2024. The Planning Commission staff report and associated exhibits are included hereto as Exhibit 1.

There was one public speaker during the Planning Commission hearing who spoke in favor of the amendments and indicated that his client was waiting for the amendments to be adopted so he could proceed with a Zoning Clearance application.

The Planning Commission received one written public comment letter from the Ventura County Coalition of Labor, Agriculture and Business (CoLAB) indicating general support and requested three revisions to the proposed amendments. First, CoLAB asked that more flexibility be allowed under Article 7, Section 8107-50.2, subsection (g) by only requiring the Agricultural Commissioner to decide on the land's suitability for cultivation rather than requiring both the Planning Director and the Agricultural Commissioner to make that determination. At the Planning Commission hearing, the Planning Director explained that there are several other provisions in the NCZO that require the Planning Director to consult with other County departments seeking their expertise prior to making decisions on projects and thus, the proposed ordinance was modeled accordingly; however, this provision could be modified. The Planning Commission recommended no change.

Second, CoLAB suggested that Planning Division staff incorporate on all permits the "termination of use" requirements under Section 8107-50.2, subsection (q). As part of the

post-adoption tasks, Planning staff will create Zoning Clearance and Conditional Use Permit application materials specific to the proposed use, standard conditions of approval for discretionary permits, and other documents that will inform applicants of the “termination of use” requirement. Additionally, CoLAB suggested that the prohibition of native vegetation removal for facilities permitted under a Zoning Clearance be revised to allow more flexibility so that development could occur in areas where a single plant or minimal native vegetation would be removed, with supporting biological surveys. At the Planning Commission hearing, the Planning Director explained that the proposed ordinance was drafted with two pathways for permitting locally grown food processing facilities: ministerial Zoning Clearance and discretionary Conditional Use Permit. If any native vegetation is proposed to be removed to accommodate a new food processing facility, there is an opportunity for the applicant to submit an assessment prepared by a qualified biological consultant to demonstrate that the vegetation to be removed would or would not qualify as native vegetation. If native vegetation is found to exist and be proposed for removal, a Conditional Use Permit is the required permit pathway.

Lastly, the Planning Commission discussed the amount of land area for food processing facilities and was supportive of how Planning staff proposes to calculate the size, which maximizes benefit to agricultural property owners while at the same time protects productive agricultural lands.

Planning Commission Decision

The Planning Commission voted 3 – 0 (Commissioner McPhail abstained; Commissioner Kesley was absent) to approve staff’s recommendations including a recommendation that your Board adopt the proposed amendments to the NCZO, as modified to incorporate the Planning Commission’s revisions and the revisions set forth in the errata memorandum to the Planning Commission staff report, dated April 4, 2024. (See PC Errata Memorandum.) The post-Planning Commission revisions are reflected in Exhibit 2 in legislative format. The Planning Commission resolution is attached as PC Exhibit 2.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

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. A more detailed explanation for the use of these categorical exemptions is provided in the April 4, 2024 Planning Commission staff report (Exhibit 1).

G. PUBLIC NOTICE AND OUTREACH

The Planning Division presented the proposed amendments to the Agricultural Policy Advisory Committee (APAC) at a public meeting on March 13, 2024, where the APAC recommended approval of the proposed amendments with some suggested minor edits consisting of the removal of language that would indirectly restrict one commodity to be processed at a locally grown food processing facility at one time and clarifying the origin of the agricultural products that would be applicable to this ordinance. These revisions were incorporated into the proposed amendments presented to the Planning Commission on April 4, 2024. A detailed explanation of the proposed revisions is provided in the April 4, 2024 Planning Commission staff report (Exhibit 1). The APAC submitted a letter of support of the proposed amendments to the Planning Commission (PC Exhibit 7), which also included their reiterated suggested revisions. In addition to the suggested revisions to the proposed amendments to the NCZO, the APAC had additional comments concerning the SOAR provisions, which staff explained could not be revised unless an amendment to SOAR was made through a ballot measure approved by a vote of county residents. The APAC's letter to the Planning Commission is provided in PC Exhibit 7. At the March 13, 2024 APAC meeting, the APAC requested to review the final draft copy of the proposed amendments prior to today's Board hearing. A copy of the proposed amendments was provided to the APAC on April 17, 2024.

The Planning Director provided an overview of the proposed amendments to the General Plan and the NCZO to a member of the Board of Directors of SOAR on March 29, 2024. To date, no additional correspondence has been received.

The Planning Division provided public notice regarding this Board hearing by publishing a notice of the hearing, along with a summary of the text amendments, in the *Ventura County Star* on May 23, 2024. The public notice was sent to all 10 cities within Ventura County. The Planning Division received one written public comment letter, attached as Exhibit 5, which expressed overall support of the proposed ordinance with one concern pertaining to the proposed regulation that would prohibit any direct or indirect impacts on soils classified as "Prime," "Statewide Importance," and/or "Unique."

This letter was reviewed by the County Executive Office, the Auditor-Controller's Office, and the County Counsel's Office. If you have any questions regarding this item, please contact me at (805) 654-2481, or Franca A. Rosengren, Senior Planner, at (805) 654-2045 or via email at Franca.Rosengren@ventura.org.

Susan Curtis for Dave Ward

Dave Ward, AICP, Director
Ventura County Planning Division

ATTACHMENTS:

Exhibit 1: April 4, 2024 Planning Commission Staff Report, including Exhibits and Other Materials (Exhibits are shown with prefix "PC" below for "Planning Commission".)

PC Exhibit 2: Planning Commission Resolution 24-06

PC Exhibit 3: Proposed NCZO Amendments (Legislative Version)

PC Exhibit 4: Proposed General Plan Amendments (Legislative Version)

PC Exhibit 5: Proposed NCZO Amendments (Clean Version)

PC Exhibit 6: Proposed General Plan Amendments (Clean Version)

PC Exhibit 7: Agricultural Policy Advisory Committee Letter of Support

PC Exhibit 8: Draft Board Resolution Approving General Plan Amendment

PC Public Comment Letter from Ventura County Coalition of Labor, Agriculture and Business (CoLAB), dated April 3, 2024

PC Errata Memorandum

Exhibit 2: Proposed NCZO Text Amendments, Legislative Version

Exhibit 3: Proposed NCZO Text Amendments, Clean Version

Exhibit 4: Board Resolution Approving General Plan Amendment

Exhibit 5: Public Comment Letter