

Exhibit 5

ORDINANCE NO. _____

COUNTY OF VENTURA INITIATED ADOPTION OF AMENDMENTS TO THE VENTURA COUNTY GENERAL PLAN ECONOMIC VITALITY ELEMENT AND PROPOSED ORDINANCE AMENDING 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 ACCORDANCE WITH THE COUNTY'S SAVE OPEN-SPACE AND AGRICULTURAL RESOURCES (SOAR) ORDINANCE

The Board of Supervisors of the County of Ventura ("County") ordains as follows:

Section 1

ARTICLE 5: USES AND STRUCTURES BY ZONE

Article 5, Sec. 8105-4 – Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones, of the Ventura County Ordinance Code is hereby amended to read as follows with respect to the below-stated land uses relating to processing of locally grown food:

Sec. 8105-4 – Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones

	OS- REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
AGRICULTURE AND AGRICULTURAL OPERATIONS												
<i>Animal Husbandry</i>												
<i>Domestic Animals Per Art. 7</i>	E	E	E	E	E	E						
more <i>domestic animals</i> than are permitted by Art. 7 (excluding the keeping of <i>roosters</i> – see sec. 8107-2.3.7) (3, 19, 53)	CUP	CUP	CUP	CUP	CUP	CUP						
Reduced <i>Setbacks</i> for <i>Animals</i> (Excluding the Keeping of <i>Roosters</i>) Per Table 2, Sec. 8107-2.5.1 (16, 53)	ZCW	ZCW	ZCW	ZCW	ZCW	ZCW						

	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<i>Apiculture</i> (Other than <i>Backyard Beekeeping</i>) See Sec. 8107-2.6.1 (2, 15, 56)	E	E	E	E							E	
Aquaculture/Aquiculture (15)	CUP	CUP	CUP	CUP	CUP							
Insectaries for Pest Control (3, 6, 15)	See Principal Structures Related to Agriculture											
Vermiculture * (16)												
up to 5,000 sq. ft. of open beds	ZC	ZC	ZC	ZC	ZC	ZC					ZC	
over 5,000 sq. ft. of open beds		CUP	CUP	CUP	CUP							
Wild Animals, Not Inherently Dangerous * (16, 19)		CUP	CUP	CUP	CUP	CUP						
Inherently Dangerous Animals (16)		CUP	CUP									
Agricultural Contractors' Service And Storage Yards And Buildings (15, 19)		CUP	CUP	CUP								
Processing of Locally Grown Food *												
Up to 20,000 sq. ft. in area		ZC	ZC	CUP								
not meeting standards of sections 8107-XX.2 and XX.3		CUP	CUP	CUP								
Over 20,000 sq. ft. to 3 acres in area		CUP	CUP	CUP								
Slaughterhouses, meatpacking and fish processing plants		CUP	CUP	CUP								
Requiring a new package sewage treatment plant for wastewater		CUP	CUP	CUP								

Section 2

ARTICLE 7:

STANDARDS FOR SPECIFIC USES

Article 7 – Standards for Specific Uses – of the Ventura County Ordinance Code is hereby amended to add a new Section 8107-XX - Locally Grown Food Processing Facilities, which shall read in its entirety as follows:

Sec. 8107-XX – Locally Grown Food Processing Facilities

The purpose of this Section 8107-XX is to allow and regulate the processing of locally grown food (agricultural *processed commodities*) on OS, AE, and RA zoned lands in compliance with the County's Save Open-Space and Agricultural Resources (SOAR) Ordinance (§ 2(1)(I)(m)).

Sec. 8107-XX.1 – Exclusions

This Section 8107-XX does not authorize or apply to the following *uses* and *structures* which are separately regulated as set forth in this Chapter:

- a. *Preliminary processing* and packing of agricultural products.
- b. Those related to alcoholic beverages such as wineries and distilleries.
- c. Cannabis or hemp processing and manufacturing facilities.
- d. Principal or accessory drinking or *eating establishments*.
- e. The hosting of *outdoor events* pursuant to Section 8107-46 of this Chapter as part of the locally grown food processing facility use.
- f. Promotional, educational, and entertainment activities that directly relate to agricultural activities pursuant to Section 8107-33 of this Chapter.

Sec. 8107-XX.2 – General Standards

The following standards apply to all locally grown food processing facilities that are subject to this Section 8107-XX:

- a. Locally grown food processing facilities are allowed in the OS, AE, and RA Zones with an approved land use *entitlement* as identified in Section 8105-4 of this Chapter.
- b. Locally grown food processing facilities shall consist of the processing of agricultural products that are grown or produced on the subject *lot*, or locally grown as verified by the Agricultural Commissioner's Office.
- c. All existing and proposed *buildings, structures*, and equipment dedicated to processing of food, including but not limited to packaging, labeling, storing, required parking and loading of *processed commodities*, and related *buildings, structures*, and *parking areas* for employees, shall be counted toward the total square footage of the locally grown food processing facility, which determines the permit type for such facility as set forth in Section 8105-4 of this Chapter. The following shall not be calculated as part of the total square footage of the facility: private and *public roads and streets*, below ground infrastructure, flatwork not used for required parking and loading, areas of active crop production, containment areas for the keeping of *animals*, areas designated for *preliminary processing* of agricultural products, and areas dedicated to a *use or uses* other than food processing.
- d. Only one locally grown food processing facility is allowed per legal lot. Each facility shall not exceed a total of 3 acres in area per *legal lot*, based on the criteria set forth in subsection (c) above. There is no limit on the number of *processed commodities* that may be prepared at a single facility.
- e. No new land use *entitlement* authorizing a locally grown food processing facility shall be approved, and no existing locally grown food processing facility shall be authorized to expand its net acreage (as calculated per subsection (c) above), after January 1, 2030. Such facilities approved prior to January 1, 2030, may continue to operate in accordance with the terms and conditions of the facility's approved permit. An application to extend the expiration date of the permit, in accordance with Sections 8111-2 and 8111-2.10 of this Chapter, may be submitted to the Planning Division after January 1, 2030.
- f. Only 12 cumulative net acres (as calculated per subsection (c) above) of locally grown food processing subject to this Section 8107-XX is allowed within Ventura County; no locally grown food processing facilities may be approved or expanded that would exceed this cumulative net acreage total. The Planning Division shall track and record the total net acres of locally grown food processing facilities that are subject to this Section 8107-XX.

- g. No proposed above or below ground improvements related to the locally grown processing facility, including wastewater treatment systems and related infrastructure, shall result in the direct or indirect loss of soils on land classified as "Prime," "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 production.
- h. No public tours, events, or food tasting shall occur at the locally grown food processing facility, unless approved by separate permit pursuant to Section 8105-4 of this Chapter.
- i. The property where the locally grown food processing facility is located does not require the *expansion* or extension of new sewer lines to the facility.
- j. Existing and proposed *buildings* and *structures* that are utilized as part of the locally grown food processing facility shall meet all applicable building code and food safety requirements and laws.
- k. The *applicant* shall demonstrate that all terms and conditions of an applicable Land Conservation Act (LCA) contract will be maintained if a locally grown food processing facility is located on land subject to an LCA contract. The *applicant* must also demonstrate compliance with the California LCA of 1965, Sections 51200 et seq. of the California Government Code, as may be amended.
- l. All proposed signage for the locally grown food processing facility shall comply with the regulations of Article 10 of this Chapter.
- m. All exterior lighting for the locally grown food processing facility shall comply with Section 8106-8.6 of this Chapter and applicable lighting regulations in *overlay zones* outlined in Section 8109-4 of this Chapter.
- n. The *buildings* and *structures* utilized for locally grown food processing shall comply with the *setback*, *building lot coverage*, *height*, permit type, and other development standards applicable to the zone and *overlay zone*, if applicable, in which it is located.
- o. All off-street parking for the locally grown food processing facility shall comply with the parking regulations of Article 8 of this Chapter. The required number of parking spaces shall be the same as for *buildings* for the packing or processing of agricultural products as listed under Agricultural Land Uses in the table of Section 8108-4.7 of this Chapter.
- p. Development of the locally grown food processing facility that involves the *removal*, *alteration* or encroachment into the *protected zone* of a *protected tree* will require a Tree Permit in accordance with Section 8107-25 of this Chapter.
- q. Within 10 days of the termination of the *use* of the locally grown food processing facility, the *permittee* shall notify the Planning Division of such termination of *use* for the purpose of tracking available acreage that has been allocated for locally grown food processing as set forth in subsection (f) above. All equipment, *buildings* and *structures*, and improvements on the *lot* associated with the locally grown food processing facility shall be removed from the *lot* or converted to a *use* permitted by the Planning Division and other applicable regulatory agencies within 180 days after

the notification of termination of the *use*, unless a time extension is approved in writing by the *Planning Director*.

Sec. 8107-XX.3 – Locally Grown Food Processing Facilities Allowed by Zoning Clearance

Locally grown food processing facilities that meet all of the general standards set forth in Section 8107-XX.2 above and meet all of the following procedures and standards of Section 8107-XX.3 et seq., shall be approved with a ministerial Zoning Clearance. Locally grown food processing facilities in the RA Zone, and those that do not meet the standards below may only be approved with a Conditional Use Permit pursuant to Section 8105-4 of this Chapter and the standards set forth in Section 8107-XX.4 below.

Sec. 8107-XX.3.1 –Zoning Clearance Application Filing, Processing and Approval Requirements for Locally Grown Food Processing Facilities

- a. Applications for a ministerial Zoning Clearance for a locally grown food processing facility shall be filed with the Planning Division. No application shall be accepted for filing and processing if not provided in accordance with Section 8107-XX.3.1 and Section 8111-2 et seq. of this Chapter.
- b. *Applicants* shall provide all requested information that is required by the Planning Division to process and act upon the application based upon the applicable standards. This includes, but is not limited to, a written description of the proposed type, scale, net acreage (as calculated per Section 8107-XX.2(c) above), and intensity of the locally grown food processing facility, and other above- and below-ground improvements that would be utilized for the facility.
- c. A ministerial Zoning Clearance for a locally grown food processing facility shall be issued if the proposed *use* of land, *structures*, or construction complies with Section 8111-1.1.1(b) of this Chapter, the general standards of Section 8107-XX.2, and the Zoning Clearance standards of 8107-XX.3.2 below.
- d. In instances where the locally grown food processing facility requires a ministerial Zoning Clearance in conjunction with a separate project involving an application for a Conditional Use Permit, Planned Development Permit, or other discretionary County land use approval involving some or all of the property subject to the locally grown food processing facility, the application for the locally grown food processing facility shall be processed concurrently with the application for the discretionary land use approval, including for purposes of evaluating the project's potential environmental effects.

Sec. 8107-XX.3.2 – Standards for Locally Grown Food Processing Facilities Allowed by Zoning Clearance

- a. The locally grown food processing facility shall not exceed 20,000 square feet in area, based on the criteria set forth in Section 8107-XX.2(c) above.
- b. No proposed above or below ground improvements related to the locally grown processing facility, including wastewater treatment systems and related infrastructure, shall result in direct or indirect impacts on *native vegetation*. Removal of *native vegetation* to accommodate a locally grown food processing facility is prohibited. An assessment prepared by a qualified biological

consultant may be required by the *Planning Director* to determine an application's compliance with this subsection (b).

Sec. 8107-XX.4– Conditionally Permitted Locally Grown Food Processing Facilities

A Conditional Use Permit is required to authorize a locally grown food processing facility if it does not meet all of the standards of Sections 8107-XX.2 and 8107-XX.3.2 above, if required by Section 8105-4 of this Chapter, or if it is in the RA Zone.

- a. In addition to complying with the requirements of Section 8111-2 et seq. of this Chapter, *applicants* shall provide all requested information that is required by the Planning Division to process and act upon the application based upon the applicable standards. This includes, but is not limited to, a written description of the proposed type, scale, net acreage (as calculated per Section 8107-XX.2(c) above), and intensity of the locally grown food processing facility, including all existing and proposed *structures, buildings*, equipment, and other above- and below-ground improvements that would be utilized for the facility.
- b. A Conditional Use Permit authorizing a locally grown food processing facility, and any discretionary permit modification thereto, shall meet all of the general standards set forth in Section 8107-XX.2 above, in addition to the applicable permit approval standards of this Chapter as set forth in Section 8111-1.2.1.1a. (General Permit Approval Standards), Section 8111-1.2.1.2 (Additional Standards for AE Zone), Section 8111-1.2.1.3 (Compliance with Other Documents), Section 8111-1.2.1.4 (Additional Standards for *Overlay Zones*), and Section 8111-1.2.1.7 (Additional Standards for Cultural Heritage Sites).