



## Planning Director Staff Report Hearing on December 12, 2024

### County of Ventura • Resource Management Agency

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

### AMENDMENT TO TRACT MAP NO. 5154 CASE NO. PL21-0119

#### A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of an Amendment to Tract Map No. 5154 to modify the conditions of approval, merge Lots 3, 4, 5, and 6 into a single discrete lot, and a voluntary deed restriction on the land use of Lots 3 through 8 exclusively to agriculture use. (Case No. PL21-0119).
2. **Applicant:** Nancy Kierstyn Schreiner, 400 Camarillo Ranch, Suite 102, Camarillo, CA 93012.
3. **Property Owners:** The Mark and Penelope Burley Living Trust and the Porpoise Productions Ltd., Profit Sharing Plan and Trust.
4. **Decision-Making Authority:** Pursuant to the Ventura County Subdivision Ordinance (VCSO) (Section 8207-1.3), the Planning Director is the decision-maker for the requested Amendment to Tract Map No. 5154.
5. **Project Site Size, Location, and Parcel Number:** The project site is located approximately 250 feet east of the intersection of Santa Rosa Road and east Las Posas Road, in the community of Santa Rosa, in the unincorporated area of Ventura County. The Tax Assessor's parcel numbers for the parcels that constitute the project site are 520-0-340-035, 520-0-340-045, 520-0-340-055, 520-0-340-065, 520-0-340-075 and 520-0-340-085 (Exhibit 2).
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
  - a. Countywide General Plan Land Use Map Designation: Open Space
  - b. Zoning Designation: OS-10AC (Open Space, 10-acre minimum lot area)
7. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	RA-1 AC (Rural Agricultural, 1-acre minimum lot area)	Residential
East	RE-2 AC (Rural Exclusive, 2-acre minimum lot area)	Residential
South	City of Thousand Oaks	Open Space

Location in Relation to the Project Site	Zoning	Land Uses/Development
West	OS-10 AC (Open Space, 10-acre minimum lot area) and AE-40 AC (Agricultural Exclusive, 40-acre minimum lot area)	Residential, Open Space and Agriculture

- 8. History:** Parcel Map No. 2999 subdivided an approximately 93.63-acre lot into four 26.6 acre lots, the map was recorded October 7, 1980 (32 PM 4). Subsequently, Tract Map No. 5154 was recorded on September 8, 2004; the map subdivided the four lots into 8 lots that range from 10 acres to 13.65 acres (150MR100) referred to as Lots 1 through 8. Lot 1 is developed with a single-family dwelling that received a final inspection from Building and Safety on February 24, 1994, and Lot 2 was approved for an approximately 400 sq. ft. produce stand on February 17, 2000. Lots 1 and 2 are not a part of the proposed project.

Porpoise Productions Ltd., Profit Sharing Plan and Trust owns Lots 3 through 6 which are currently under agricultural cultivation and Mark and Penelope Burley Living Trust dated January 25, 2001, owns lots 7 and 8; Lot 7 is under agricultural cultivation and Lot 8 is used for animal husbandry and animal keeping.

- 9. Project Description:** Porpoise Productions Ltd., Profit Sharing Plan and Trust and Mark and Penelope Burley Living Trust dated January 25, 2001, ("Subdivider") requests a merger of Lots 3, 4, 5 and 6, a modification to the conditions of approval for Tract Map 5154, and recordation of a voluntary deed restriction.

Lot Merger: Lots 3 through 6 will be merged into one lot of approximately 47.26 acres and Lot 7 (10 acres) and Lot 8 (13.59 acres) will remain as single discrete lots.<sup>1</sup>

Tract Map 5154: Conditions of approval assigned to Tract Map No. 5154 have been superseded with the current conditions assigned to Amendment to Tract Map No. 5154. Conditions that have been satisfied were omitted; conditions were updated to current language; or modified to reflect the map amendment.

Deed Restriction: A deed restriction will be recorded restricting the use over Lots 3 through 8 to agriculture. The deed restriction for Lots 3 through 8 would be executed by, or on behalf of, the owner of the land.

## **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 project is subject to environmental review.

<sup>1</sup> Subdivision Map for Tract 5154

On August 3, 1999, the Ventura County Board of Supervisors approved Tract Map No. 5154 and certified a Negative Declaration (ND) that evaluated the environmental impacts of the re-subdivision of PM-2999 (32 PM 4-7) into eight lots and the rezoning from “AE” (Agricultural Exclusive, 40 Acres Minimum) zone to the “OS-10AC” (Open Space 10 Acre Minimum) zone.

The CEQA Guidelines [Section 15164(b)] state that the lead agency shall prepare an addendum to an adopted ND if: (1) minor changes or additions are necessary; but (2) none of the conditions described in the CEQA Guidelines (Section 15162) calling for the preparation of a subsequent Environmental Impact Report (EIR) or ND have occurred. Exhibit 4 includes a description of the changes or additions that are necessary to the ND and a discussion of why none of the conditions described in the CEQA Guidelines exist, which require the preparation of an EIR or subsequent ND.

Therefore, based on the information provided above and in light of the whole record, there is no substantial evidence to warrant the preparation of an EIR or subsequent ND, and the addendum to the ND (Exhibit 4) reflects the County’s independent judgment and analysis.

Therefore, based on the foregoing information, the project complies with the requirements of the CEQA Guidelines.

### **C. CONSISTENCY WITH THE GENERAL PLAN**

Tentative Tract Map No. 5154 was analyzed and determined to be consistent with all applicable General Plan policies. The proposed map amendment does not include a request for development. The Subdivider is voluntarily imposing a deed restriction that would only allow agricultural uses listed in NCZO Section 8105-4, Permitted Uses By Zone, on Lots 3 through 8. The map amendment reduces the number of lots from eight to five. The reduction in the number of lots and the land use restriction minimizes the intensity of reasonably foreseeable development. The consistency analysis which evaluated an eight-lot subdivision is included as Exhibit 5 of this staff report with reference to the 2040 General Plan policies that align with the original consistency analysis.

### **D. ZONING / SUBDIVISION ORDINANCE COMPLIANCE**

The proposed project is subject to the requirements of the VCSO and Ventura County NCZO.

Pursuant to the Ventura County NCZO (Section 8105-4), Agriculture is allowed in the OS-10 ac zone district.

The proposed project does not include the construction and use of structures, however future construction of and use of agricultural accessory structures will be subject to the development standards of the Ventura County NCZO (Section 8106-1.1). Table 1 lists the

applicable development standards and a description of whether the proposed project complies with the development standards.

**Table 1 – Development Standards Consistency Analysis**

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	10 acres	Yes Parcel A (Merged Lot 3 through Lot 6): 47.26 acres Lot 7: 10 acres Lot 8: 13.59 acres
Maximum Percentage of Building Coverage	5%	Yes Parcel A (Merged Lots 3 through 6): 2.363 acres (Vacant) Lot 7: 0.5 acres Lot 8: 0.68 acres
Front Setback	20	Yes, future development must comply with the required setbacks and building heights.
Side Setback	5	
Rear Setback	15	
Maximum Building Height	15	

Pursuant to the VCSO, the proposed changes to Tract Map 5154 are allowed with the granting of a Map Amendment. Upon the granting of the Map Amendment, the subdivision will comply with this requirement.

#### **D. SUBDIVISION MAP FINDINGS AND SUPPORTING EVIDENCE**

The Planning Director must make certain findings in order to determine that the proposed subdivision is consistent with the State Subdivision Map Act, Government Code, and County Subdivision Ordinance (Section 8207-1). The proposed findings and supporting evidence are as follows:

**1. There are changes in circumstances which make such conditions no longer appropriate or necessary [Section 8207-1.4.a].**

As part of the 1999 decision to approve Tract Map 5154, the Board of Supervisors imposed conditions of approval to be satisfied prior to recordation of the map and conditions that would be applicable when the property was developed.

Circumstances have changed since the 1999 approval of Tract Map 5154, Lot 1 and Lot 2 have been sold and residential and agricultural uses have been established. The property owner of Lot 3 through Lot 6 no longer wishes to pursue single lot sales or residential development and instead requests approval to restrict the land to agricultural uses. Lot 7 and Lot 8 would remain as single discrete lots; however, Lots 3 through 8 will be encumbered by a voluntary self-imposed deed



restriction that will restrict the development and land use of the property exclusively to agricultural uses.

Thus, this finding can be made.

**2. The amendments do not impose any additional burden on the present fee owner(s) of the property [ Section 8207-1.4.b].**

Lots 1 and 2 from Tract Map No. 5154 are not a part of the current request. Lots 3 through Lot 6 are owned by Porpoise Production Ltd. Profit Sharing Plan and Trust and Lots 7 and 8 are owned by the Mark and Penelope Burley Living Trust dated January 25, 2001. The respective property owners are co-applicants to the map amendment request. The Map Amendment will merge Lots 3 through 6, Lots 7 and 8 remain as single discrete Lots. The Map Amendment includes omitting conditions of approval that have been satisfied and updating the Project Description (Condition No. 1) and remaining conditions of approval.

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

**3. The amendments do not alter any right, title, or interest on the real property reflected on the map [Section 8207-1.4.c].**

Lot 1 (developed with a single-family dwelling) and Lot 2 (developed with a fruit stand) gain access via Santa Rosa Road by way of a 52-foot-wide easement across Lot 1; the access to Santa Rosa Road and will not be affected by the requested map amendment. The parcels that are part of the merger are under common ownership, the merger will not alter any rights, title or interest. Lots 1, 2, 7, and 8 will remain in their current configuration. Access to the merged lots (Lots 3 through 8) would be via an easement noted as E10B on Exhibit B of the Voluntary Merger (Exhibit 7).

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

**4. The map, as amended, will conform to the provisions of Government Code section 66474 [Section 8207-1.4.d].**

Government Code Section 66474 - Disapproval of tentative map or parcel map for which tentative map not required, states a legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.

- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Government Code Section 66474.1 states:

A legislative body shall not deny approval of a final or parcel map if it has previously approved a tentative map for the proposed subdivision and if it finds that the final or parcel map is in substantial compliance with the previously approved tentative map.

Tentative Tract Map 5451 was approved on August 3, 1999. The project was found to be consistent with the applicable general plan policies and the Subdivision Map Act. On September 8, 2004, Tentative Tract Map 5451 was recorded. Tract Map 5451 superseded Parcel Map No. 2999. Public easements shown on the prior map are extinguished unless incorporated into the new map. Easements aligned with the public at large include public, equestrian, and multipurpose trails (Exhibit 7, Voluntary Merger). These easements will remain in place with the requested map amendment.

The design of the map amendment is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, nor are the type of improvements likely to cause serious public health problems. The subject lots are zoned Open Space. The purpose of this zone includes but is not limited to the managed production of agricultural lands. Except for Lot 8, which has been developed for animal husbandry/keeping, the subject lots have been in agricultural production before Tentative Tract Map 5451 recorded. The Subdivider is proposing a voluntary self-imposing deed restriction over merged Lots 3 through 8 to ensure the parcels remain in agriculture and not be hindered by residential land uses that would remove and possibly conflict with agricultural practices. While the map amendment results in a reduction in the number of lots from 8 to 5, the proposed

subdivision is in substantial compliance with the previously approved tentative map. The map amendment to Tract Map No. 5154 will continue to be in conformance with the provisions of the Ventura County Subdivision Ordinance and Government Code 66474. Because Tract Map No. 5154 is a recorded map Government Code Section 66474.1 is not applicable to this project.

Based on the discussion above, the finding that the design of the subdivision or type of improvements is not likely to cause serious public health problems can be made.

**5. The amendment does not alter any previous finding made under the provisions of CEQA [Section 8207-1.4.e].**

The previously adopted ND for Tract Map No. 5451 analyzed future impacts associated with the subdivision of four lots into eight lots, a zone change and future residential development for the eight lots. The proposed project is a request to merge Lots 3 through 6 of Tract Map No. 5451, modify the existing conditions of approval for Lots 3 through 8 and record a voluntary deed restriction to restrict the use of Lots 3 through 8 exclusively to agriculture. The number of lots will be reduced restricted to agricultural use, the allowed intensity of land use will be lower than what was analyzed under the ND and approved with Tract Map No. 5451. Therefore, the amendment to Tract Map No. 5451 will not alter any previous findings made under the provisions of CEQA.

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

**E. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS**

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), VCSO (Section 8215-5.1). On November 26, 2024, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On November 29, the Planning Division placed a legal ad in the *Ventura County Star*.

**F. RECOMMENDED ACTIONS**

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a supplemental or

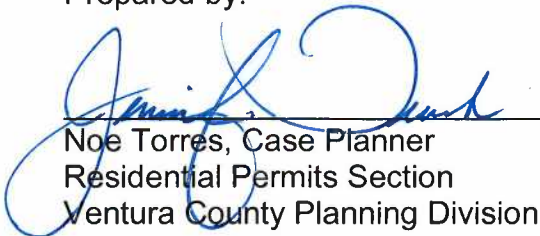
subsequent ND for the subject project, and that the addendum to the previously adopted ND (Exhibit 4) satisfies the environmental review requirements of CEQA;

3. **MAKE** the required findings to grant a Map Amendment pursuant to Section 8207-1.4 of the Ventura County Subdivision Ordinance, based on the substantial evidence presented in Section D of this staff report and the entire record;
4. **APPROVE** the Map Amendment to Tract Map No. 5154. [Case No. PL21-0119], subject to the conditions of approval (Exhibit 6).
5. **SPECIFY** that the Clerk of the Planning Division 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 this decision is based.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the Map Amendment has been approved, conditionally approved, or denied (or on the following workday if the 10<sup>th</sup> day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

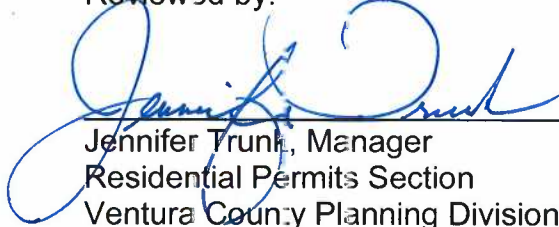
If you have any questions concerning the information presented above, please contact Noe Torres at (805) 654-3635 or [noe.torres@ventura.org](mailto:noe.torres@ventura.org).

Prepared by:



Noe Torres, Case Planner  
Residential Permits Section  
Ventura County Planning Division

Reviewed by:



Jennifer Trunk, Manager  
Residential Permits Section  
Ventura County Planning Division

#### EXHIBITS

- |           |  |
|-----------|--|
| Exhibit 2 | Maps   |
| Exhibit 3 | Subdivision Map for Tract 5154                           |
| Exhibit 4 | Negative Declaration (ND) for Tract 5156 and ND Addendum |
| Exhibit 5 | General Plan Consistency Analysis                        |
| Exhibit 6 | Conditions of Approval                                   |
| Exhibit 7 | Voluntary Merger Sketch Map and Legal Description        |
| Exhibit 8 | Draft Deed Restriction                                   |

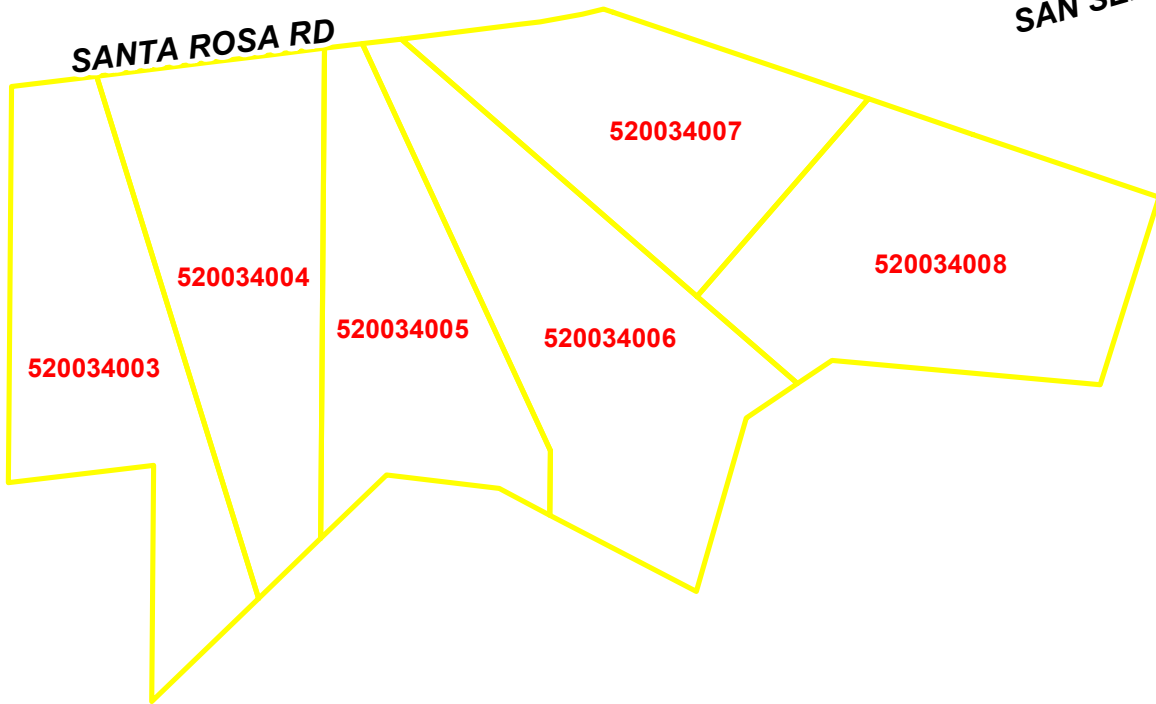
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VIA ZURITA CT

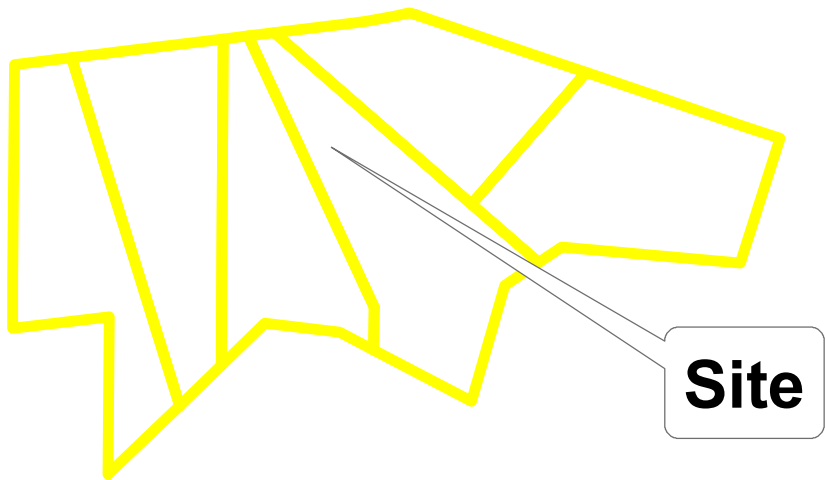
RIATA CT  
ALISON DR

SAN SEBASTIAN CT

SANTA ROSA RD







## LEGEND



APN's: 520-0-340-035, -045,  
-055 -065, -075, -085

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Copyright:© 2013 National Geographic Society, i-cubed

County of Ventura  
Resource Management Agency  
Development & Mapping Services  
Map created on 04-08-2024  
Source: Satcoy U.S.G.S.  
7.5 Minutes Quadrangle  
Contour Interval = 20 ft

## County of Ventura Planning Director Hearing PL21-0119 Topo Map

0 250 500 Feet

Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does no warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.





The undersigned hereby state that they are the owners of, or are interested in, the land included within this subdivision entitled Tract No. 5154, shown on this map, that they are the only persons whose consent is necessary to pass title to said land, that they consent to the making and recordation of said map and subdivision as shown within the exterior boundary line and that they do hereby offer to dedicate to the County of Ventura, all rights if Ingress and Egress over and across the Northerly line of Lots 2 through 7, abutting Santa Rosa Road in order that the owners of said Lots shall have no access whatever to said Santa Rosa Road except through two sixty foot wide openings shown on this map; and except the general right of travel which belongs to the whole public; and that they do hereby offer to dedicate to Ventura County Water Protection District the flowage easement consisting of the right of way for the flood control purpose of periodic inundation with flood and/or storm drainage waters and the right to prohibit the construction of any structures or channel improvements as shown on this map.

Homer T. Caston, as Successor Trustee of the Declaration of Trust of  
HOMER T. CASTON AND DIANE MYRL CASTON dated February 17, 1983;

By: Homer T. Caston  
Homer T. Caston, as Successor Trustee

Mark Burley, Trustee and Penelope Burley, Trustee of the Porpoise  
Productions Limited Profit Sharing Plan and Trust dated December 30,  
1996;

By: Mark Burley  
Mark Burley, Trustee  
By: Penelope Burley  
Penelope Burley, Trustee

Mark A. Burley, Trustee and Penelope A. Burley, Trustee of the Mark and Penelope  
Burley Living Trust dated January 25, 2001;

By: Mark A. Burley  
Mark A. Burley, Trustee  
By: Penelope A. Burley  
Penelope A. Burley, Trustee

STATE OF CALIFORNIA } SS  
COUNTY OF VENTURA }

ON 9/8/2002 BEFORE ME, MARY ELLEN LOOMIS  
(PRINT NAME)

. A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE,

PERSONALLY APPEARED MARK A. BURLEY  
(PRINT NAME)

AND PENELOPE A. BURLEY

PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/ THEY EXECUTED THE SAME IN HIS/HER/ THEIR AUTHORIZED CAPACITY (IES), AND THAT BY HIS/HER/ THEIR SIGNATURE (S) ON THE INSTRUMENT THE PERSON (S), ON THE ENTITY UPON BEHALF OF WHICH THE PERSON (S) ACTED, EXECUTED THE INSTRUMENT.

NAME: Mary Ellen Loomis  
NOTARY PUBLIC

COUNTY OF: Ventura

MY COMMISSION  
EXPIRATION DATE: 5-23-2005 COMM. NO. 1302357

STATE OF CALIFORNIA } SS  
COUNTY OF VENTURA }

ON 9/10/02 BEFORE ME, R. JOHN KOHLBRAND  
(PRINT NAME)

. A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE,

PERSONALLY APPEARED HOMER T. CASTON  
(PRINT NAME)

PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/ THEY EXECUTED THE SAME IN HIS/HER/ THEIR AUTHORIZED CAPACITY (IES), AND THAT BY HIS/HER/ THEIR SIGNATURE (S) ON THE INSTRUMENT THE PERSON (S), ON THE ENTITY UPON BEHALF OF WHICH THE PERSON (S) ACTED, EXECUTED THE INSTRUMENT.

NAME: R. John Kohlbrand  
NOTARY PUBLIC

COUNTY OF: VENTURA

MY COMMISSION  
EXPIRATION DATE: 1/24/2005 COMM. NO. 1292137

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF HOMER T. CASTON. ON JANUARY 2, 2000. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP THAT IT CORRECTLY REPRESENTS A TRUE AND COMPLETE SURVEY AS SHOWN, THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED (OR WILL BE SET IN SUCH POSITIONS WITHIN ONE YEAR AFTER RECORDATION OF THIS TRACT MAP) AND THAT THEY ARE (OR WILL BE) SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

Date: 8/22, 2002 William J. Ghormley  
William J. Ghormley, RCE 17053 Expires 6/30/05

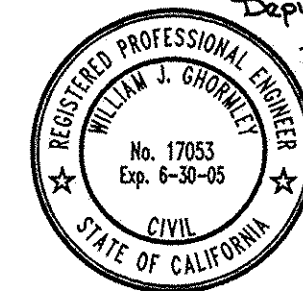
I hereby certify that I have examined the final map entitled Tract No. 5154 that the subdivision is substantially the same as it appeared on the tentative map and any approved alterations thereof, that all provisions of the Subdivision Map Act of the State of California and of any local ordinance applicable at the time of approval of the Tentative Map have been complied with and I am satisfied that the map is technically correct.

Date: 7/26/04



Ronald C. Coons  
County Surveyor  
County of Ventura

By: Robert L. Chacon  
Robert L. Chacon  
Chief Deputy County Surveyor  
PLS 5572 Expires 9/30/05



Deputy Clerk of said Board  
The VENTURA COUNTY WATER PROTECTION District

Date: 7-26-04 District: Ronald C. Coons  
County Surveyor  
Public Works Agency  
County of Ventura

By: Robert L. Chacon  
Chief County Surveyor  
Robert L. Chacon  
PLS 5572, Exp. 9-30-05

County of Ventura  
Planning Director Hearing  
Case No. PL21-0119  
Exhibit 3- Subdivision Map for Tract 5154

The following soils report(s) and/or geological report(s) relating to this Tract No. 5154 have been prepared:

Date of Report	Title of Report	Firm Name	Engineer Reg. No.
July 30, 1998	File No. GC98-61088	Gold Coast Geoservices, Inc.	Scott Hogrefe CEG 1516 Steven R. Thurston, GE 829

Location where on file for public inspection : Ventura Co. Public Works Agency.

THE SIGNATURES OF THE FOLLOWING PRESENT OWNERS HAVE BEEN OMITTED UNDER PROVISIONS OF SECTION 66436(a)(3)(A) OF THE SUBDIVISION MAP ACT, THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO FEE TITLE, AND SAID SIGNATURES ARE NOT REQUIRED BY THE GOVERNING BODY:

(A) SOUTHERN CALIFORNIA GAS COMPANY, PRESENT OWNER OF AN EASEMENT FOR PIPELINES, AS PER DOCUMENTS RECORDED JUNE 15, 1927 IN BOOK 137 PAGE 487 OFFICIAL RECORDS, AND DECEMBER 2, 1944 IN BOOK 705 PAGE 372 AND BOOK 707 PAGE 417 ALL OF OFFICIAL RECORDS.  
(B) SCOTT S. MASSEY, AS TRUSTEE OF MASSEY SURVIVORS TRUST, PRESENT OWNER OF AN EASEMENT FOR WATER PIPELINES AND ROAD PURPOSES, AS PER DOCUMENT RECORDED MAY 2, 1936 IN BOOK 490 PAGE 366, OFFICIAL RECORDS.  
(C) SHELL CALIFORNIA PIPELINE CO., PRESENT OWNER OF AN EASEMENT FOR PIPELINES, AS PER DOCUMENTS RECORDED JUNE 16, 1941 IN BOOK 636 PAGE 683 AND JUNE 16, 1941 IN BOOK 639 PAGE 105 ALL OF OFFICIAL RECORDS.  
(D) GTE CALIFORNIA INC., PRESENT OWNER OF AN EASEMENT FOR PUBLIC UTILITIES AS PER DOCUMENTS RECORDED OCTOBER 5, 1950 IN BOOK 958 PAGE 568 AND AUGUST 13, 1979 IN BOOK 5462 PAGE 971, ALL OF OFFICIAL RECORDS.  
(E) SOUTHERN CALIFORNIA EDISON COMPANY PRESENT OWNER OF AN EASEMENT FOR PUBLIC UTILITIES AS PER DOCUMENTS RECORDED OCTOBER 5, 1950 IN BOOK 958 PAGE 568 AND MARCH 5, 1952 IN BOOK 1052 PAGE 590 (EXACT LOCATION IS NOT PLOTTABLE) AND JULY 29, 1993 AS DOCUMENT NO. 93-137961 ALL OF OFFICIAL RECORDS.  
(F) CAMROSA COUNTY WATER DISTRICT, PRESENT OWNER OF AN EASEMENT FOR PIPELINES, AS PER DOCUMENT RECORDED FEBRUARY 21, 1968 IN BOOK 3266 PAGE 312, OFFICIAL RECORDS.  
(G) COUNTY OF VENTURA, PRESENT OWNER OF AN EASEMENT FOR ROAD AND FLOOD CONTROL PURPOSES, AS PER DOCUMENT RECORDED DECEMBER 14, 1970 IN BOOK 3762 PAGE 44, OFFICIAL RECORDS.  
(H) VENTURA COUNTY FLOOD CONTROL DISTRICT, PRESENT OWNER OF AN EASEMENT FOR FLOWAGE CONSISTING OF A RIGHT OF WAY FOR FLOOD CONTROL PURPOSES AND THE RIGHT TO PROHIBIT THE CONSTRUCTION OF ANY STRUCTURES OR CHANNEL IMPROVEMENTS AS PER PARCEL MAP NO. 2999 FILED IN BOOK 32 PAGE 4 OF PARCEL MAPS.  
(I) MARK BURLEY AND PENELOPE BURLEY AS TRUSTEES OF THE PORPOISE PRODUCTIONS PROFIT SHARING PLAN AND TRUST, AS PRESENT OWNER OF A LICENSE TO USE AND OPERATE A WATER WELL AS PER DOCUMENT RECORDED JUNE 12, 2000, AS INSTRUMENT NO. 2000-93018 OF OFFICIAL RECORDS (EXACT LOCATION NOT OF RECORD)  
- SEE RIGHT FOR ADDITIONAL ITEMS -  
THE SIGNATURE OF JANSSE INVESTMENT CORPORATION, OWNER OF ALL OIL, GAS, MINERAL AND OTHER HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF SAID LAND AS DISCLOSED BY DEED RECORDED JULY 19, 1978 IN BOOK 5165, PAGE 244 OF OFFICIAL RECORDS MAY BE OMITTED UNDER SECTION 66436 (a) (3) (C) OF THE SUBDIVISION MAP ACT.

"THIS MAP IS SUBJECT TO CONDITIONS, ORDINANCES, REGULATIONS, STANDARDS, AND POLICIES, WHICH HAVE BEEN IMPOSED AS CONDITIONS OF APPROVAL FOR THE TENTATIVE MAP. PLEASE REFER TO CONDITION NO(S). 11, 14, 16 THROUGH 23, AND 26 THROUGH 38, WHICH ARE TO BE SATISFIED AFTER THE TRACT MAP IS RECORDED. THESE CONDITIONS OF APPROVAL ARE ON FILE WITH THE PLANNING DIVISION."

NON - RECORD TITLE INFORMATION

For additional information regarding 100 foot fire clearance zone, pursuant to Section 66434.2 of the Subdivision Map Act, reference is made to a document recorded on 9-8, 2002, as Instrument No. 04-0145212 of Official Records of Ventura County.

I hereby certify that all certificates and security required under the provisions of Section 66492 and 66493 of the Subdivision Map Act have been filed and deposited with me.

LAWRENCE L. MATHENEY  
County Tax Collector  
County of Ventura

By: Ellen Ritzema  
October 4, 2002

Date: July 30, 2004 ER

This map, entitled Tract 5154 is presented to the Board of Supervisors of Ventura County, California, at the meeting of said Board held on the 20th day of July, 2004, for approval; said Board hereby approves said map, and does hereby accept all rights of ingress and egress as offered hereon, in witness whereof, said board has caused this certificate to be signed by its chair and attested to by its clerk and the official seal of said Board.



Board of Supervisors  
County of Ventura  
State of California

Deputy Clerk of said Board  
The VENTURA COUNTY WATER PROTECTION District

Date: 7-26-04 District: Ronald C. Coons  
County Surveyor  
Public Works Agency  
County of Ventura

By: Robert L. Chacon  
Chief County Surveyor  
Robert L. Chacon  
PLS 5572, Exp. 9-30-05

#### ABANDONMENT CERTIFICATE

This is to certify that pursuant to Section 66499.20 1/2 of the Subdivision Map Act, the filing of this Tract 5154 map constitutes abandonment of the Ventura County Flood Control District Flowage Easement, which was dedicated to the Ventura County Flood Control District per Parcel Map 2999 filed in Book 32 Pages 4 through 7 of Parcel Maps, and rights of Ingress and Egress over and across the Northerly line of Parcels One through Four inclusive of Parcel Map No. 2999, abutting Santa Rosa Road, which was dedicated to the County of Ventura per Parcel Map 2999 filed in Book 32 pages 4 through 7 of Parcel Maps, lying within the exterior boundary of this subdivision not shown on this map.

DATE: 09/02/04

PHILIP J. SCHMIT

County Clerk

County of Ventura

Philip J. Schmit

J. HIDDEN MEADOWS HOMEOWNERS ASSOCIATION, PRESENT OWNER OF AN EASEMENT FOR EQUESTRIAN TRAILS AS DISCLOSED BY DOCUMENTS RECORDED DECEMBER 12, 2002 AS DOCUMENT NO. 2002-316008 AND AS DOCUMENT NO. 2002-316009, BOTH OFFICIAL RECORDS.

200409080245209

FILED THIS 8 DAY OF Sept, 2004, AT 8:00AM,  
IN BOOK 150 OF 99-102 AT PAGE OF OF  
MISCELLANEOUS RECORDS (MAPS) AT THE REQUEST OF  
HOMER T. CASTON AND PORPOISE PRODUCTIONS

By: J. Octavio  
DEPUTY COUNTY RECORDER

PHILIP J. SCHMIT  
COUNTY RECORDER  
COUNTY OF VENTURA

TRACT NO. 5154

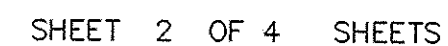
IN UNINCORPORATED TERRITORY  
PARCELS 1, 2, 3, AND 4 OF PARCEL MAP NO. 2999, IN THE  
COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP FILED IN  
BOOK 32, PAGES 4-7 OF PARCEL MAPS, IN THE OFFICE OF THE  
COUNTY RECORDER OF SAID COUNTY.

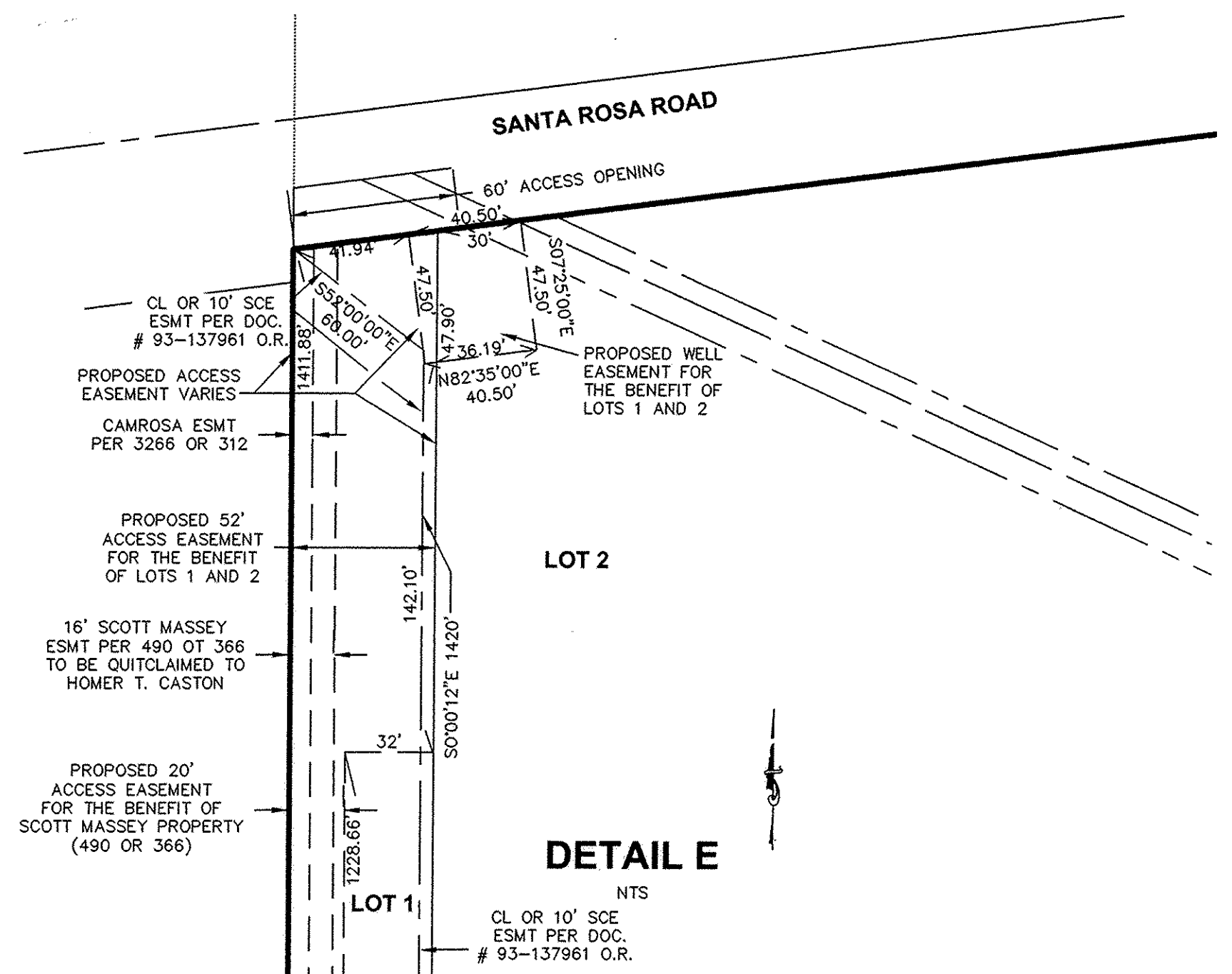
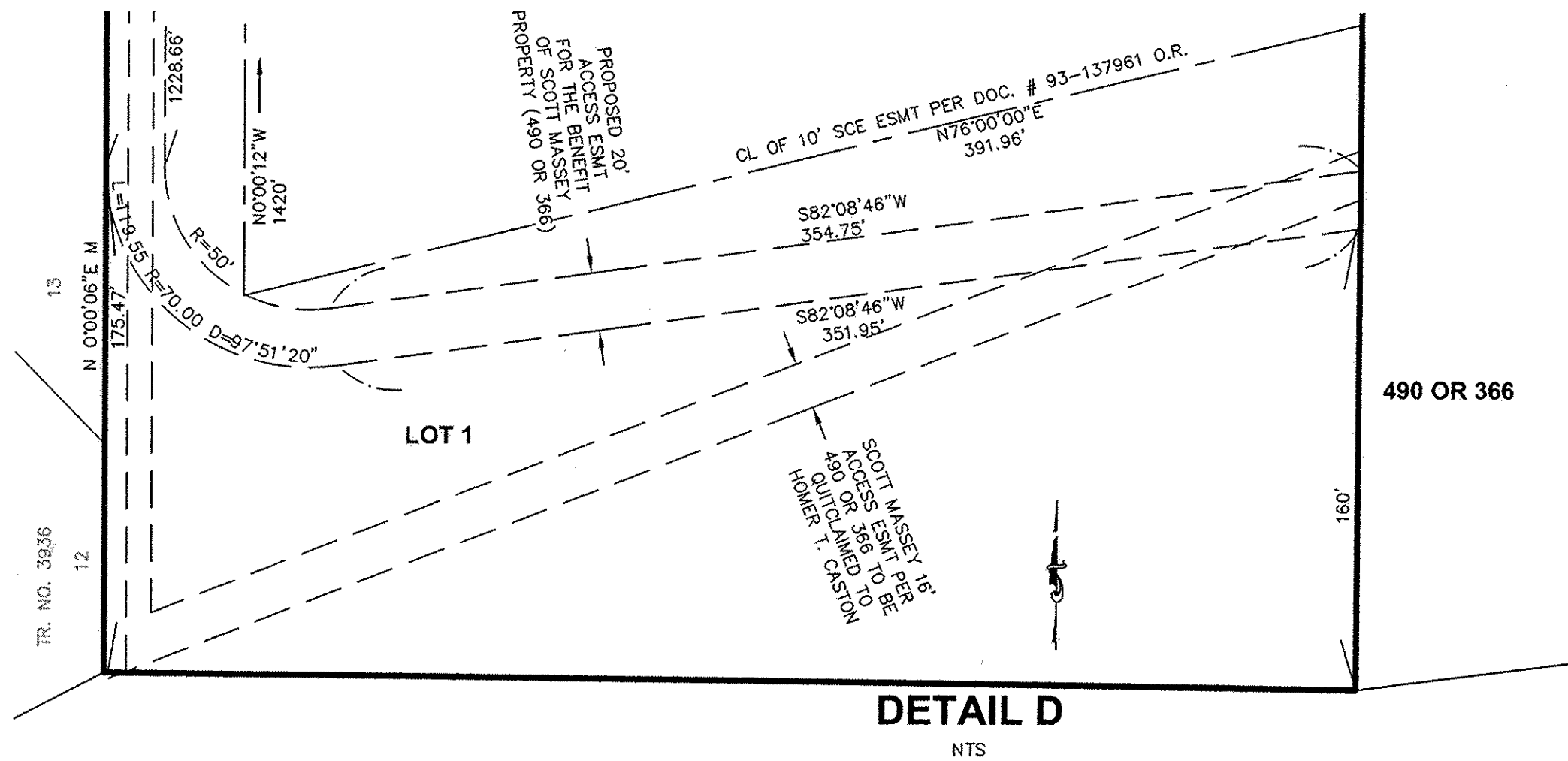
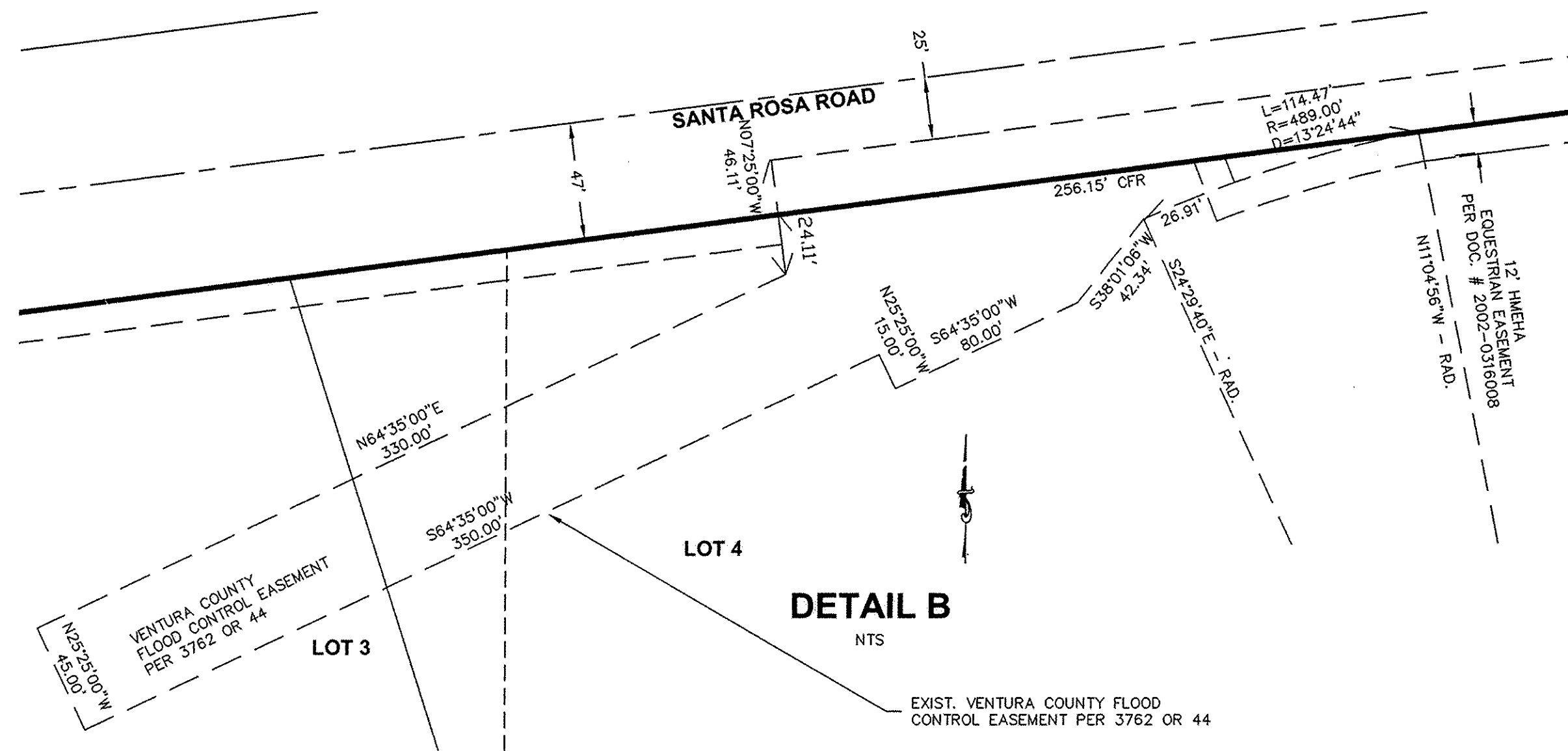
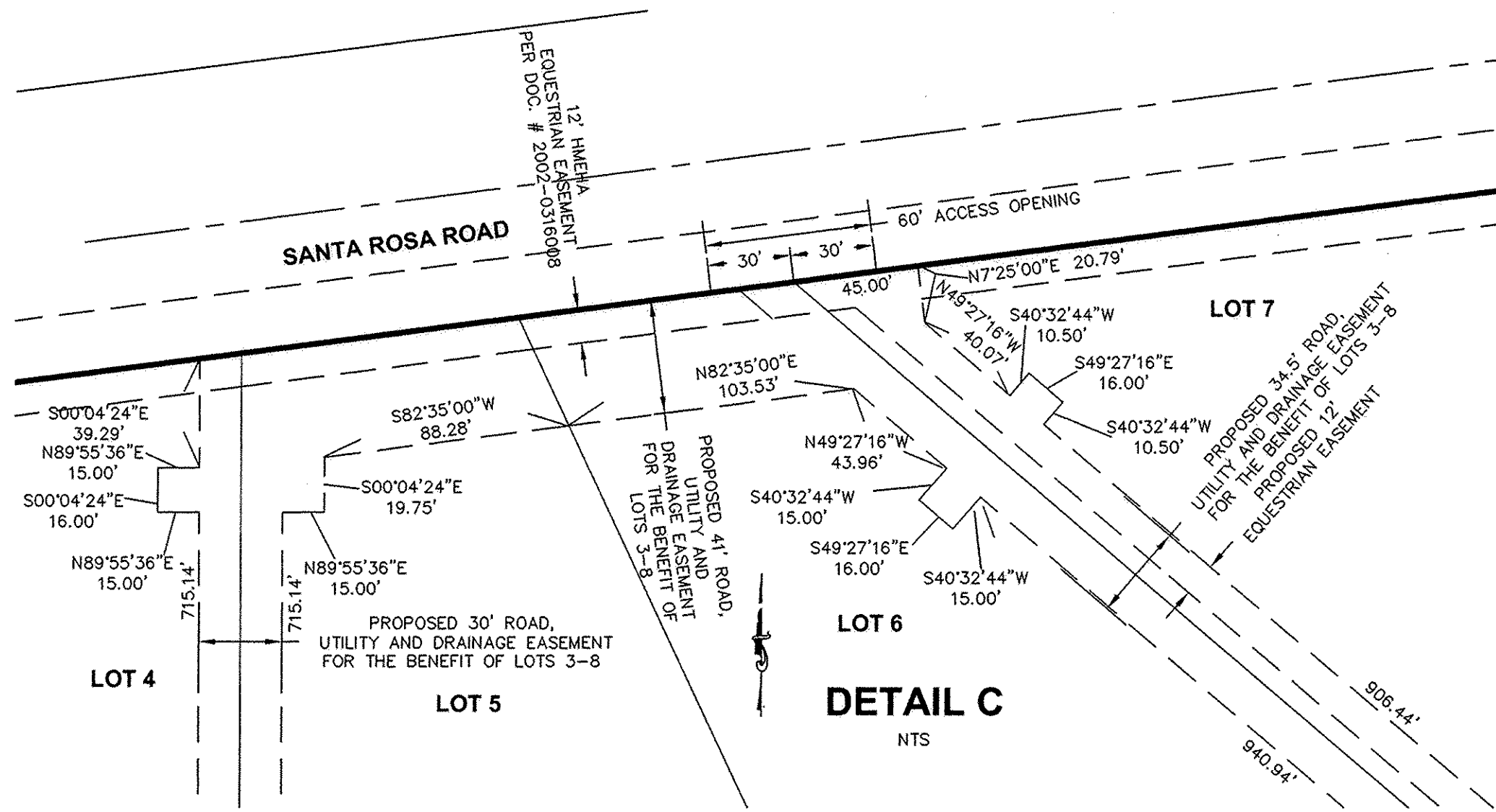
JANUARY 2000

SHEET 1 OF 4 SHEETS

20040908-0245209  
PLS 5572, Exp. 9-30-05  
Philip J. Schmit  
County Recorder  
County of Ventura







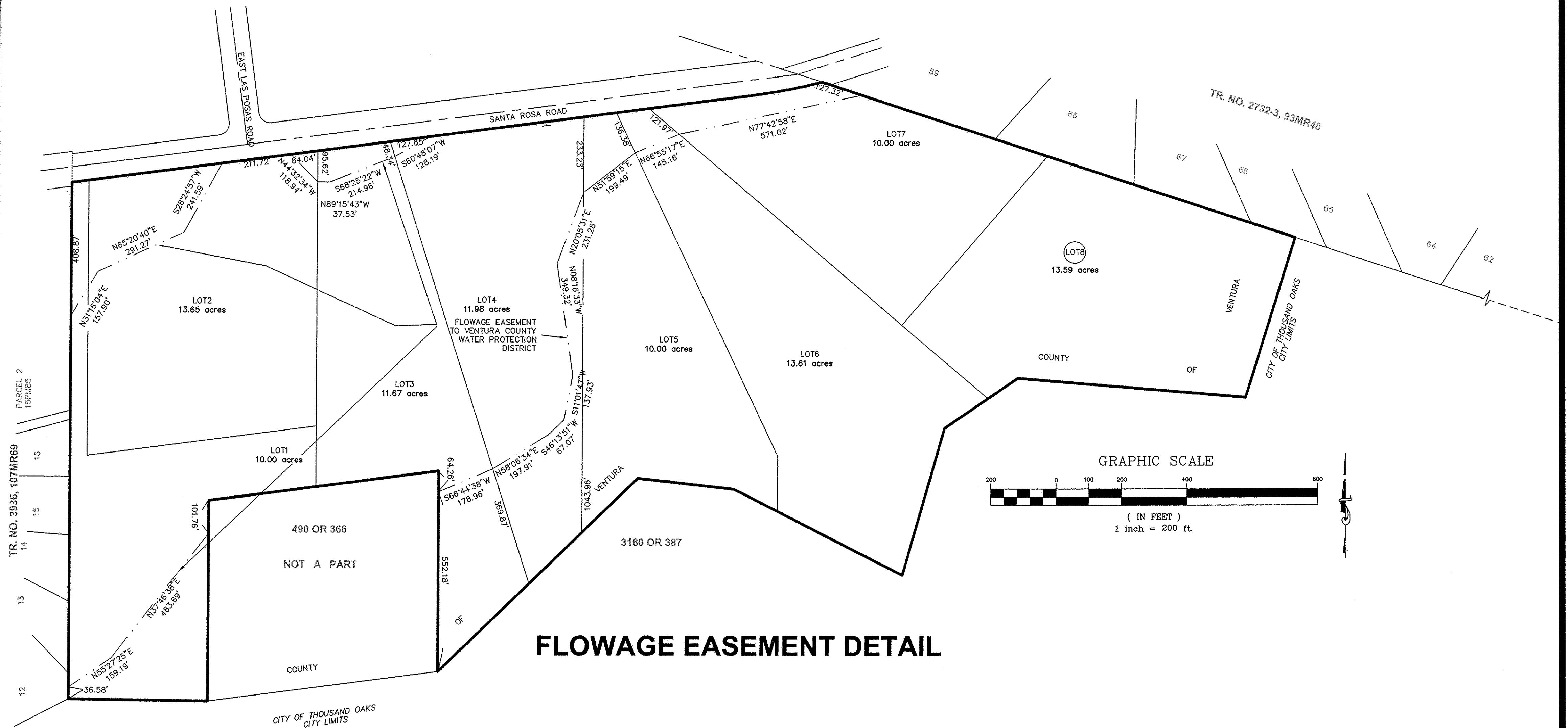
# **TRACT NO. 5154**

IN UNINCORPORATED TERRITORY  
PARCELS 1, 2, 3, AND 4 OF PARCEL MAP NO. 2999, IN THE  
COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP FILED IN  
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JANUARY 2000

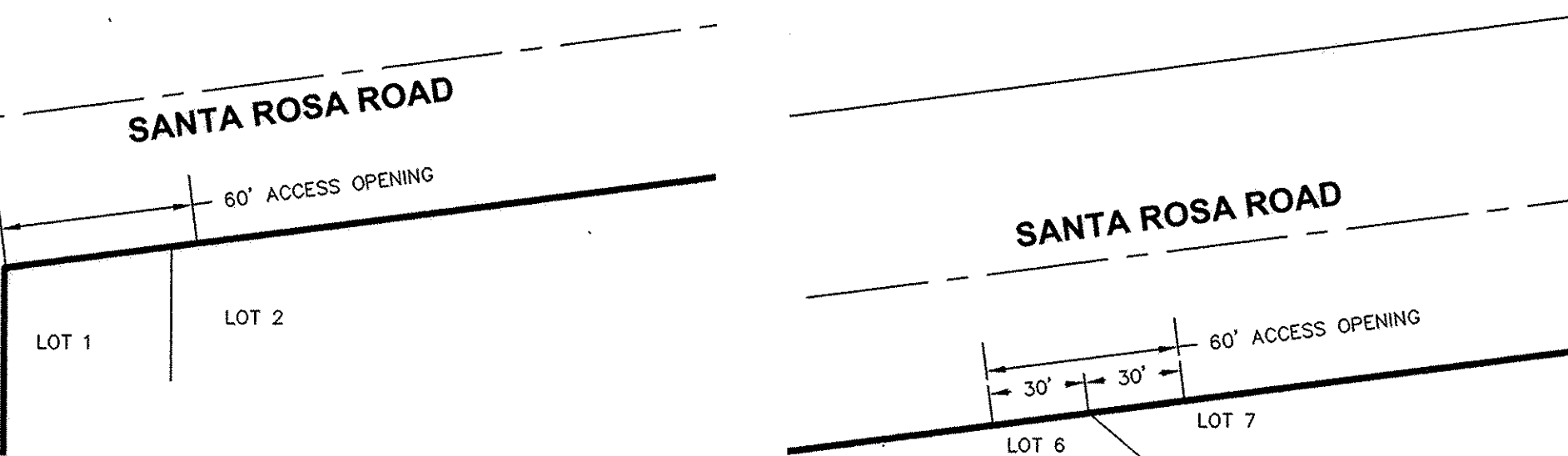
SHEET 3 OF 4 SHEETS

SEE SHEET 2 FOR LEGEND AND BASIS OF BEARINGS



## FLOWAGE EASEMENT DETAIL

SEE SHEET 2 FOR LEGEND AND BASIS OF BEARINGS



## ACCESS OPENING TO SANTA ROSA ROAD

NTS

## TRACT NO. 5154

IN UNINCORPORATED TERRITORY  
PARCELS 1, 2, 3, AND 4 OF PARCEL MAP NO. 2999, IN THE  
COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP FILED IN  
BOOK 32, PAGES 4-7 OF PARCEL MAPS, IN THE OFFICE OF THE  
COUNTY RECORDER OF SAID COUNTY.

JANUARY 2000

SHEET 4 OF 4 SHEETS



## NEGATIVE DECLARATION (ND) ADDENDUM

### A. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

1. **Entitlement:** Amendment to Tract Map No. 5154 to modify the conditions of approval, merge Lots 3, 4, 5, and 6 into a single discrete lot, and a voluntary self-imposed deed restrict the land use of Lots 3 through 8 exclusively to agricultural use.
2. **Applicant:** Nancy Kierstyn Schreiner, 400 Camarillo Ranch, Suite 102, Camarillo, CA 93012.
3. **Property Owners:** The Mark and Penelope Burley Living Trust and the Porpoise Productions Ltd., Profit Sharing Plan and Trust.
4. **Location:** The project site is located approximately 250 feet east of the intersection of Santa Rosa Road and Las Posas Road, in the community of Santa Rosa, in the unincorporated area of Ventura County.
5. **Tax Assessor's Parcel Numbers:** 520-0-340-035, 520-0-340-045, 520-0-340-055, 520-0-340-065, 520-0-340-075 and 520-0-340-085.
6. **Lot Sizes:** Lot 3 (11.67 acres), Lot 4 (11.98 acres), Lot 5 (10.00 acres), Lot 6 (13.61 acres), Lot 7 (10.00 acres) and Lot 8 (13.59 acres).
7. **General Plan Land Use Designation:** Open Space.
8. **Zoning Designation:** OS-10AC (Open Space, 10-acre minimum lot area).
9. **Project Description:** Porpoise Productions Ltd., Profit Sharing Plan and Trust and Mark and Penelope Burley Living Trust dated January 25, 2001, ("Subdivider") requests a merger of Lots 3, 4, 5 and 6, a modification to the conditions of approval for Tract Map 5154, and recordation of a voluntary deed restriction.

Lot Merger: Lots 3 through 6 will be merged into one lot of approximately 47.26 acres and Lot 7 (10 acres) and Lot 8 (13.59 acres) will remain as single discrete lots.<sup>1</sup>

Tract Map 5154: Conditions of approval assigned to Tract Map No. 5154 have been superseded with the current conditions assigned to Amendment to Tract Map No. 5154. Conditions that have been satisfied were omitted; conditions were updated to current language; or modified to reflect the map amendment.

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<sup>1</sup> Subdivision Map for Tract 5154

Deed Restriction: A deed restriction will be recorded restricting the use over Lots 3 through 8 to agriculture. The deed restriction for Lots 3 through 8 would be executed by, or on behalf of, the owner of the land.

**B. STATEMENT OF ENVIRONMENTAL FINDINGS:**

On August 3, 1999, the Board of Supervisors adopted a Negative Declaration (ND) that evaluated the environmental impacts of the re-subdivision of PM-2999 (32 PM 4-7) into eight lots, ranging in size from 10 acres to 13.62 acres and rezoning from “AE” (Agricultural Exclusive, 40 Acres Minimum) zone to the “OS-10AC” (Open Space 10 Acre Minimum) zone.

Section 15164(b) of the CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3) states that the decision-making body may adopt an addendum to an adopted ND if: (1) only minor technical changes or additions are necessary; and (2) none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent Environmental Impact Report (EIR) or negative declaration have occurred.

The conditions described in Section 15162 of the CEQA Guidelines which require the preparation of an EIR or subsequent negative declaration, are provided below, along with a discussion as to why an EIR or subsequent negative declaration is not required:

- 1. Substantial changes are proposed in the project which will require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§ 15162(a)(1)].**

The previously adopted ND for Tract Map No. 5451 analyzed future impacts associated with the subdivision of four lots (94.4 total acres) into eight lots and a zone change from AE (Agricultural Exclusive, 40 Acre Minimum Lot Area) zone to OS-10 AC (Open Space, 10 Acre-Minimum Lot Area) zone and residential development within the eight lots. The proposed project is a request to merge Lots 3 through 6 of Tract Map No. 5451, modify the existing conditions of approval for Lots 3 through 8 and record a voluntary self-imposed deed restriction to restrict the use of Lots 3 through 8 exclusively to agriculture. Since the number of lots will be reduced and Lots 3 through 8 will be restricted to agricultural use, the allowed intensity of land use will be lower than what was analyzed under the ND and approved with Tract Map No. 5451.

Therefore, the proposed project will not require substantial revisions to the ND due to the involvement of new significant environmental effects nor will the project result in a substantial increase in the severity of the previously identified impacts in the adopted ND.

- 2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§ 15162(a)(2)].**

No major revisions to the previously adopted ND are required, and there are no new significant environmental impacts associated with this proposed project. The existing baseline conditions that were used to analyze potential impacts to the environment have not changed. No new or substantially more severe environmental effects that would result from



the proposed project when compared with those identified in the ND have occurred. The proposed project will not establish a new use beyond what was previously analyzed as part of Tract Map No. 5451.

Therefore, the proposed project would not create new significant environmental effects or a substantial increase in the severity of significant effects as the result of substantial changes to the background conditions analyzed in the previously adopted ND.

**3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Board of Supervisors adopted the previous ND, shows any of the following:**

**a. The project will have one or more significant effects not discussed in the previous ND [§ 15162(a)(3)(A)].**

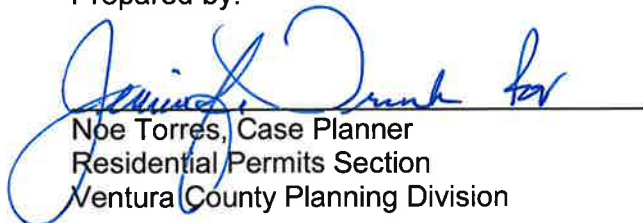
The proposed project is a request to merge Lots 3 through 6 of Tract Map No. 5451, modify the existing conditions of approval and record a voluntary self-imposed deed restriction to restrict the use of Lots 3 through 8 exclusively to agriculture. As stated on this Addendum (above), the proposed project will not change the analysis set forth in the previous ND. Therefore, no new information of substantial importance has been discovered, and the proposed project will not result in any new significant effects that were not discussed in the previous ND.

Therefore, based on the information provided above, there is no substantial evidence to warrant the preparation of a subsequent ND. The decision-making body shall consider this addendum to the adopted ND prior to making a decision on the project.

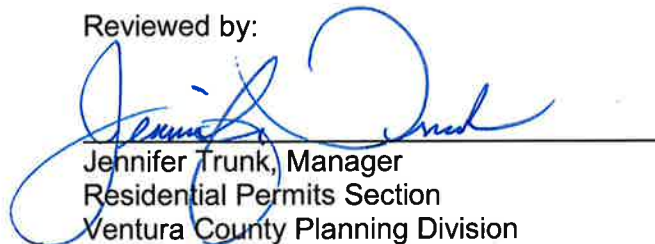
**C. PUBLIC REVIEW:**

Pursuant to the CEQA Guidelines [§ 15164(c)], this addendum to the ND does not need to be circulated for public review, and shall be included in, or attached to, the adopted ND.

Prepared by:

  
Noe Torres, Case Planner  
Residential Permits Section  
Ventura County Planning Division

Reviewed by:

  
Jennifer Trunk, Manager  
Residential Permits Section  
Ventura County Planning Division

**EXHIBIT 5**  
**CONSISTENCY WITH THE GENERAL PLAN FOR AMENDMENT TO**  
**TRACT MAP NO. 5154, CASE NO. PL21-0119**

The Ventura County General Plan *Goals, Policies and Programs* (2020, page 1-1) states:

*All area plans, specific plans subdivision, public works projects, and zoning decisions must be consistent with the direction provided in the County's General Plan.*

Furthermore, the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8111-1.2.1.1.a) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County General Plan.

The proposed project is an Amendment to Tract Map No. 5154 to modify the conditions of approval, merge Lots 3, 4, 5, and 6 into a single discrete lot, and a voluntary self-imposed deed restrict the land use of Lots 3 through 8 exclusively to agriculture use.

Tract Map No. 5154 design or improvements were found to be consistent with the applicable 1988 Ventura County General Plan (as amended) as part of the August 3, 1999, approval. Below is the previous analysis and how the project is still consistent with the applicable policies of the 2040 General Plan Goals, Policies and Programs.

- 1. Lot Size/Configuration:** Tentative Tract No. TT-5154 represented an 8-lot single-family large residential subdivision with parcels ranging in size from 10.00 acres to 13.62 acres in area; development pads were designed to accommodate seven future dwelling units.

Lots 1 and 2 from Tract Map No. 5154 are not a part of the current request. The proposed project would merge Lots 3 through 6 of Tract Map No. 5451; Lots 7 and 8 remain as single discrete Lots. Lots 3 through 8 will continue to be used for agriculture (crop production and animal husbandry). All lots will remain at least 10 acres in lot area. The number of lots will be reduced and the allowed intensity of land use will be lowered than that which was analyzed under Tract Map No. 5154.

The project was found to be consistent with the following 2040 General Plan Policies.

LU-4.3 Minimum Parcel Size

LU-9.3 Minimum Parcel Size for the Open Space Land Use Designation

- 2. Traffic/Circulation:** The project site has primary access via Santa Rosa Road which is a public road. Public easements shown on the prior map are extinguished

unless incorporated into the new map. Easements aligned with the public at large include public, equestrian, and multipurpose trails (Exhibit 7, Voluntary Merger). These easements will remain in place with the requested map amendment.

Lots 1 and 2 are not part of the merger and will continue to have independent access from Santa Rosa Road via the existing 52-foot-wide easement across Lot 1. The proposed lot merger will not remove any of the existing access easements for lots 3 through 8. Access to the merged lots (Lots 3 through 8) would be via an easement noted as E10B on Exhibit B of the Voluntary Merger (Exhibit 6 to this staff report).

The project was found to be consistent with the following 2040 General Plan Policies.

CTM-2.3 County Road Access

HAZ-12.1 Access Points for New Subdivisions

HAZ-1.4 Development in High Fire Hazard Severity Zones and Hazardous Fire Areas

PFS-11.4 Emergency Vehicle Access

- 3. Cultural/Ethnic Resources:** There are no indications of archaeological, historical, social, or religious values to Native Americans on the property that would be affected by the proposed project. This is according to available reference materials prepared by N. Nelson Leonard, Chief Archaeologist, Archaeological Survey, UCLA, dated July 14, 1973, for the Planning Division records, and the Resource Management Agency's unified Mapping system (UMS) data.

The proposed lot merger of Lots 3 through 6 and a voluntary self-imposed deed restriction of Lots 3 through 8 exclusively for Agriculture use does not change the previous analysis under Tract Map No. 5154. The number of lots will be reduced and the allowed intensity of land use will be lowered than that which was analyzed as part of Tract Map No. 5154.

The project was found to be consistent with the following 2040 General Plan Policies.

COS-4.4 Discretionary Development and Tribal, Cultural, Historical, Paleontological, and Archaeological Resources Preservation

- 4. Biological Resources:** Based upon review of the Wetland Habitats inventory, dated June 1992, prepared by Eric Weatherby for the Planning Division; and the Resource Management Agency's unified Mapping system (UMS), the proposed project is not within or located adjacent to the above referenced environmental



concerns, and therefore has no affect. No other biological resources were evident because the land has been used for many years for row crops, dry farming, and orchards.

The proposed lot merger of Lots 3 through 6 and a voluntary self-imposed deed restriction of Lots 3 through 8 exclusively for Agriculture use does not change the current use of the property. The proposed project will reduce the number of lots, and the allowed intensity of land use will be lowered than that which was analyzed as part of Tract Map No. 5154.

The project was found to be consistent with the following 2040 General Plan Policies.

- 5. Geology of Site:** The Engineering Geotechnical Investigation report, prepared by Gold Coast GeoServices, Inc. dated July 30, 1998, concluded that the potential for seismological activity induced liquefaction and differential settlement is considered low due to the dense, predominately coarse-grained nature of the underlying sediments. Therefore, from a geological viewpoint, the site can accommodate residential development.

The proposed lot merger of Lots 3 through 6 and a self-imposed voluntary deed restriction of Lots 3 through 8 exclusively for Agriculture use does not change the current use of the property. The proposed project will reduce number of lots, and the allowed intensity of land use will be lowered than that which was analyzed as part of Tract Map No. 5154.

The project was found to be consistent with the following 2040 General Plan Policies.

HAZ-4.1 Projects in Earthquake Fault Zones  
HAZ-4.8 Seismic Hazards

- 6. Drainage/Flooding:** A portion of the proposed subdivision is located within flood hazard area and drainage facilities under the jurisdiction of the Flood Control District (FCD). Pursuant to District referenced data; there may be a slight increase in run-off and alteration to the existing drainage patterns due to the potential construction of residential dwellings on the project site.

Also, there may be a potential for flooding impacts on each of the private access roads indicated on Tract Map 5154 which delineates the private access roads to be within the identified natural watercourse of a tributary for the Arroyo Santa Rosa and the FGD flowage easement. In order to reduce this potential impact, the Ventura County Fire Protection District (VCFPD) has required the developer to

provide road improvements consistent with the Private Road Guidelines, which is referenced as a condition of approval (Exhibit 6, Condition No. 15, of the July 8, 1999, Planning Commission Staff Report), and to provide an all-weather access roadway over the Arroyo Santa Rosa.

The proposed project will reduce number of lots and the allowed intensity of land use will be lowered than that which was analyzed as part of Tract Map No. 5154. The VCFPD updated Condition No. 15 Private Access with Minium Access (Exhibit\_\_, Condition No.12).

The project was found to be consistent with the following 2040 General Plan Policy.

PFS-6.1 Flood Control and Drainage Facilities Required for Discretionary Development.

**7. Additional 2040 Ventura County General Plan Policies:**

The subject parcels will continue to be used for agriculture (crop production and animal husbandry), the number of lots will be reduced, and the allowed intensity of land use will be lower than that which was analyzed as part of Tract Map No. 5154. As shown in Exhibit B of the Voluntary Merger PL21-0119(Exhibit 6), all existing trails will remain and will not be changed by the project. Additionally, the voluntary self-imposed deed restriction to limit the use of Lots 3 through 8 exclusively to agricultural uses as allowed by the Ventura County Non-Coastal Zoning Ordinance will remain as Open Space. The self-imposed voluntary deed restriction will allow that existing Prime Agricultural Soils in Lots 3 through 7 to continue to be used for Agriculture.

As part of Tract Map No. 5154, a 100-foot fire clearance easement was recorded on the rear property lines of Lot 3 through Lot 8 and along the easter property lines of Lot 8. If accessory structures related to agriculture are to be constructed in the future, the applicant will need to comply with VCFPD conditions of approval (Exhibit 6, Condition Nos. 12 through 20). Additionally, The Permittee will be required to record a Notice of Fire Hazard with the County Recorder, the notice will specify that the subject property is within a moderate, high, or very high fire hazard severity zone. (Exhibit 6, Condition No. 11). To satisfy this requirement, the Notice of Land Use Entitlement (Exhibit 6, Condition No. 3) will be recorded that includes a statement the project site is located in High Fire Hazard Severity Zones and Hazardous Fire Areas, as determined by the Ventura County Fire Protection District or California Department of Forestry and Fire Protection (CAL FIRE).

The project was found to be consistent with the following 2040 General Plan Policy.

PFS-10.1 Trail Network

**General Plan Consistency for Case No. PL21-0119**

**Date of Public Hearing:** December 12, 2024

**Date of Approval:**

**Permittee:** The Mark and Penelope Burley Living Trust and the Porpoise Productions Ltd., Profit Sharing Plan and Trust

**Location APN:** 520-0-340-035, 045, 055, 065, 075 and 085

**Page 5 of 5**

PFS-10.8 Discretionary Development near Trails  
COS-9.1 Open Space Preservation  
HAZ-1.1 Fire Prevention Design and Practices  
HAZ-1.2 Defensible Space Zones  
HAZ-1.4 Development in High Fire Hazard Severity Zones and Hazardous Fire Areas  
HAZ-1.5 Discouragement of Home-Building in Very High Fire Severity Zone

**EXHIBIT 6**  
**CONDITIONS FOR**  
**RECORDED TRACT MAP NO. 5154**  
**CASE NO. PL21-0119**

**RESOURCE MANAGEMENT AGENCY (RMA)**

**Planning Division Conditions**

**1. Project Description**

This Modification to Tract Map 5154 is based on and limited to compliance with the project description stated in this condition below, Exhibits 7 and 8 of the Planning Director hearing on December 12, 2024, and conditions of approval set forth below. Together, these conditions and documents describe the “Project.” Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

Porpoise Productions Ltd., Profit Sharing Plan and Trust and Mark and Penelope Burley Living Trust dated January 25, 2001, (“Subdivider”) requests a merger of Lots 3, 4, 5 and 6, a modification to the conditions of approval for Tract Map 5154, and recordation of a voluntary deed restriction.

Lot Merger: Lots 3 through 6 will be merged into one lot of approximately 47.26 acres and Lot 7 (10 acres) and Lot 8 (13.59 acres) will remain as single discrete lots.<sup>1</sup>

Tract Map 5154: Conditions of approval assigned to Tract Map No. 5154 have been superseded with the current conditions assigned to Amendment to Tract Map No. 5154. Conditions that have been satisfied were omitted; conditions were updated to current language; or modified to reflect the map amendment.

Voluntary Deed Restriction: A voluntary deed restriction will be recorded restricting the use over Lots 3 through 8 to agriculture. The deed restriction for Lots 3 through 8 would be executed by, or on behalf of, the owner of the land.

**2. Conditions of Approval and Map Notations**

<sup>1</sup> Subdivision Map for Tract 5154

The conditions of approval for this Amendment to Tract Map No. 5154 supersede all conflicting notations, specifications, dimensions, typical sections, and the like which may be shown on the Tract Map No. 5154, recorded on September 8, 2004 (Instrument No. 20040908-0245209).

The Subdivider has filed a Voluntary Merger with the County Surveyor [Project No. 21-0119]. The County Surveyor has reviewed and approved the legal description and sketch map and finds the documents are sufficient to record.

Following approval of the Amendment to Tract Map No. 5154, the Subdivider will record the Merger concurrent with the Notice of Land Use Entitlement (Condition No. 3, below).

**3. Recorded Notice of Land Use Entitlement**

**Purpose:** The Subdivider shall record a “Notice of Land Use Entitlement” form and the conditions of this Amendment to Tract Map No. 5154 with the deed for the subject property that notifies the current and future Property Owner(s) of the conditions of this Amendment to Tract Map No. 5154.

**Requirement:** The Subdivider shall sign, have notarized, and record with the Office of the County Recorder, a “Notice of Land Use Entitlement” form furnished by the Planning Division and the conditions of this Amendment to Tract Map No. 5154, with the deed of the property that is subject to this Amendment to Tract Map No. 5154.

**Documentation:** Recorded “Notice of Land Use Entitlement” form and conditions of this Amendment to Tract Map No. 5154.

**Timing:** The Subdivider shall record the “Notice of Land use Entitlement” form and conditions of this Amendment to Tract Map No. 5154, prior to or concurrent with the recordation of the Voluntary Merger.

**Monitoring and Reporting:** The Subdivider shall return a copy of the recorded “Notice of Land Use Entitlement” form and conditions of this Amendment to Tract Map No. 5154 to Planning Division staff to be included in the Project file.

**4. Relationship of Tract Map (TM) Conditions, Laws, and Other Entitlements**

The Subdivider shall implement the Project in compliance with all applicable requirements and enactments of federal, state, and local authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any Tract Map condition contained herein is in conflict with any other Tract Map condition contained herein, when principles of law do not provide to the contrary, the Tract Map condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this Tract Map for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules, or regulations, or orders of an authorized governmental agency. Neither the approval of this modification to Tract Map 5154, nor compliance with the conditions of this Tract Map, shall relieve the Applicant from any responsibility otherwise imposed by law for damage to persons or property.

5. Defense and Indemnification

- a. The Subdivider shall defend, at the Subdivider's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or enforcement of this map modification to Tract Map 5154. The County shall promptly notify the Subdivider of any such claim, action or proceeding and shall cooperate fully in the defense.
- b. The Subdivider shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements, or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Subdivider, the County, and/or third parties.
- c. Except with respect to claims, actions, proceedings, and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Subdivider shall also indemnify, defend (at Subdivider's sole expense with legal counsel acceptable to County), and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings, and Liabilities arising out of, or in any way related to, the construction, maintenance, land use, or operations conducted pursuant to this map modification to Tract Map 5154, Case No. PL21-0119, regardless of how a court apportions any such Liabilities as between the Subdivider, the County, and/or third parties. The County shall promptly notify the Subdivider of any such claim, action, or proceeding and shall cooperate fully in the defense.
- d. Neither the issuance of this map modification to Tract Map 5154, Case No. PL21-0119, nor compliance with the conditions hereof, shall relieve the Subdivider from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this map modification to Tract Map 5154, Case No.

PL21-0119 to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

6. Responsibilities Prior to Recordation - Prior to recordation of the Voluntary Merger (Condition No. 2) and NLUE (Condition No. 3), the following must be satisfied:

- a. The Subdivider must remit payment of all County processing fees billed to date. After recordation of the Voluntary Merger (Condition No. 2) and NLUE (Condition No. 3), the Subdivider must remit payment of any final processing fees within 30 days of the billing date;
- b. The applicant or successors in interest shall submit to the Resource Management Agency a letter to the Planning Division requesting that all "prior to recordation" conditions be reviewed for completion; and

The following Conditions of Approval:

2. Recordation of the Voluntary Merger
3. Recordation of the Notice of Land Use Entitlement
22. Release of Cash Surety Deposit

7. Responsibilities Prior to Construction

- a. Prior to construction, a Zoning Clearance shall be obtained from the Planning Division and a Building Permit shall be obtained from the Building and Safety Division. No Zoning Clearance(s) shall be issued for this entitlement until the Voluntary Merger (Condition No. 3), NLUE (Condition No. 4) has been recorded.
- b. Any subsequent development of the parcels created shall be subject to the Conditions of Approval for Amendment to Tract Map No. 5154 and applicable regulations of the "O-S-10 AC" (Open Space, Ten Acre Minimum Lot area) zone.
- c. The applicant for any Building Permit for construction within the subdivision may be required to pay, as a condition precedent to the issuance of the building permit (or, if the provisions of subdivision (a) of Government Code Section 66007 apply, as a condition precedent to the issuance of a FINAL inspection release or Certificate of Occupancy), all applicable fees (including, without limitation, any school facilities fees and any area of benefit fees) which are at that time lawfully imposed by any public entity as a condition of precedent to the issuance of like building permits (or FINAL inspection releases or the Certificates of Occupancy) generally. This condition shall apply without regard to when the Ordinance or Resolution imposing the fees was adopted.

8. Invalidation of Condition(s)

If any of the conditions or limitations of Tract Map 5154 are held to be invalid in whole or in part by a court of competent jurisdiction, that holding shall not invalidate any of the remaining Tract Map 5154 conditions or limitations. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Subdivider in an action filed in a court of competent jurisdiction, or threatened to be filed therein, the Subdivider shall be required to fully comply with the map modification to Tract Map 5154, including without limitation, by remitting the fee, exaction, dedication, and/or by otherwise performing all mitigation measures being challenged. These conditions of approval for Case No. PL21-0119 shall continue in full force unless, until, and only to the extent invalidated by a final, binding judgment issued in such action.

If a court of competent jurisdiction invalidates any condition in whole or in part, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this map modification to Tract Map 5154, at the discretion of the Planning Director, the Board of Supervisor may review the project and impose substitute feasible conditions to adequately address the subject matter of the invalidated condition. The Board of Supervisors shall make the determination of adequacy. If the Board of Supervisors cannot identify substitute feasible conditions to replace the invalidated condition and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this map modification to Tract 5154, Case No. PL21-0119 may be revoked.

**Monitoring and Reporting:** The Planning Division will maintain a copy of the recorded deed restriction in the case file for the Project.

### **Environmental Health Division (EHD) Conditions**

#### **9. For New Construction Only - New OWTS Installation**

**Purpose:** To demonstrate the feasibility for the installation of an onsite wastewater treatment system (OWTS), also known as a septic system or individual sewage disposal system. To demonstrate compliance with state and local regulations related to the design and installation of an OWTS. Only domestic waste as defined in the Ventura County General Plan and the Ventura County Building Code Ordinance is allowed to be discharged into the on-site sewage disposal system.

**Requirement:** Permittee shall submit a soils/geotechnical report and OWTS system design satisfactory to the Ventura County Environmental Health Division, Liquid Waste Program (EHD) staff. The Permittee shall also obtain the approval of EHD staff to install an OWTS on the property. During the ministerial permitting process, any new proposed OWTS will be required to meet all current building code, system design, and system installation/construction standards at the time of submittal.



**Documentation:** Submit soils/geotechnical report, OWTS design, and OWTS application to the EHD for review and approval. Submit all applicable documentation, including permit application, site plan, system design, bedroom and fixture unit equivalent worksheet, etc., to EHD for review and approval.

**Timing:** Prior to the issuance of a building permit pertaining to the project, OWTS design approval and permit to construct the OWTS shall be obtained from EHD.

**Monitoring:** To assure compliance with this condition, EHD staff shall review and verify all relevant documentation, including but not limited to: geotechnical report, system design calculations, building codes, and historic geological data for the area. Once the OWTS design has been evaluated to the satisfaction of EHD staff, the OWTS plans will be approved and EHD staff shall issue a permit to construct, conduct site inspections, and give final approval of the OWTS.

**Ongoing Maintenance:** Once the OWTS has been installed and finalized by EHD, it is the owner's responsibility to properly maintain the system to prevent OWTS failure or an unauthorized sewage release, and from creating a public nuisance, health concern, or impact the environment. The septic tank shall be serviced, as needed, by a septic pumper truck registered and permitted by EHD, and all pumping activities shall be reported to EHD. All septage wastes must be disposed of in an approved manner. EHD staff will also receive and respond to any complaints related to OWTS and/or unauthorized sewage releases.

### **Ventura County Fire Protection District (VCFPD) Conditions**

#### **10. Notice of Fire Hazard**

**Purpose:** To comply with General Plan Policy HAZ-1.4, Development in High Fire Hazard Severity Zones and Hazardous Fire Areas.

**Requirement:** As determined by the Ventura County Fire Protection District or California Department of Forestry and Fire Protection (CAL FIRE), the Subdivider shall record a Notice of Fire Hazard with the County Recorder for all new discretionary entitlements (including subdivisions and land use permits).

**Documentation:** Recorded "Notice of Land Use Entitlement" form and conditions of this Amendment to Tract Map No. 5154.

**Timing:** To satisfy this requirement, the notice below, along with the Notice of Land Use Entitlement (Condition No. 3) must be included in your conditions of approval document.

**Monitoring and Reporting:** The Subdivider shall return a copy of the recorded "Notice of Land Use Entitlement" form and conditions of this Amendment to Tract Map No. 5154 to Planning Division staff to be included in the Project file.

**NOTICE IS HEREBY PROVIDED THAT THE SUBJECT PROPERTY (APNs 520-0-340-035, 520-0-340-045, 520-0-340-055, 520-0-340-065, 520-0-340-075 and 520-0-340-085) IS/ARE WITHIN A MODERATE, HIGH, OR VERY HIGH FIRE HAZARD SEVERITY ZONE, AS DESIGNATED BY THE CALIFORNIA STATE FIRE MARSHALL, OR A LOCAL HAZARDOUS FIRE AREA, AS DESIGNATED BY THE VENTURA COUNTY FIRE PROTECTION DISTRICT.**

11. Minimum Access

- a. All fire service utilities and first lift of paving along required Fire District access roads / driveways shall be installed prior to vertical construction above any building foundation.
- b. For any new construction, Minimum Fire District access road / driveway width shall be installed and maintained per VCFPD Access Standards and location to be approved. All access road improvements shall be within the recorded access easements or upon a single parcel or within newly created and recorded access easements. The existing Fire District Access Road is compliant unless new construction occurs.
- c. A minimum 20 foot clear width emergency access shall be maintained free of obstructions at all times within the development once construction starts. Where on site access is approved at less than 20 feet, the approved width of emergency access shall be maintained free of obstructions once construction starts.
- d. Provide and maintain a minimum 13-foot, 6 inch (13' 6") vertical clearance along all required Fire District access roads / driveways / turnarounds prior to any construction.
- e. Any gate(s) across access roads shall comply with Fire District Standards. A Knox locking device shall be provided prior to final inspection of the gate(s). Do not place gate(s) into service until final inspection has been approved.

12. High Fire Hazard - Project is located in a Hazardous Fire Area. Building construction shall comply with the local Building Code of the jurisdiction where the project is located. Contact the Building Department for requirements for construction within a hazardous fire area.

13. For New Construction Access Width - Fire District access roads shall comply with Public Road Standards, currently adopted Ventura County Fire Apparatus Access Code, and currently adopted Fire Apparatus Access Standards. All access road improvements shall be within the recorded access easements or upon a single parcel or within newly created and recorded access easements. Fire apparatus

access roads designed for two-way traffic shall have an unobstructed minimum width of not less than 24 feet.

14. Other - Where fire apparatus must cross over a bridge or elevated surface the bridge shall be constructed and maintained in accordance with AASHTO HB 17. Surfaces shall be designed for a live load sufficient to carry the imposed loads of not less than that required by HS 20 Loading. Load limit signs shall be posted at both entrances to bridges or road accesses over a below grade structure as required by the Fire Code Official. Load limit signs shall be constructed of weather resistant materials, posted in obvious locations, and shall be maintained legible.
15. Access Certification Required - Certification of the all-weather access road shall be provided prior to final inspection. The certification shall be recorded upon all parcels where the building under this permit is situated.
16. Turnaround - Fire Department turnarounds shall be provided and maintained per VCFPD Standards on all dead-end access roads.
17. Fire Hydrants - Fire hydrant(s) shall be provided in accordance with the current edition of the California Fire Code and adopted amendments. On site fire hydrants may be required as determined by the Fire District.
18. Fire Sprinklers - All structures shall be provided with an automatic fire sprinkler system in accordance with current VCFPD Ordinance at time of building permit application.
19. Submit Building Plans - Submit building plans to Fire District for review and approval prior to issuance of a building permit.

### **General Services Agency**

20. Prior to issuance of an Occupancy Permit, the applicant or successors in interest shall pay all fees as determined by the General Services Agency (GSA) pursuant to Ventura County Ordinance Code, Sections 8297-4 et seq, for purposes of providing fees in lieu of land dedicated for local park acquisition and/or development for the future residents of the subdivision. Payment of Quimby fees may be made at an earlier time if:
  - a. The local agency determines that the fees or charges will be collected for public improvements or facilities for which an account has been established and funds appropriated, and for which the local agency has adopted a proposed construction schedule or plan prior to final inspection or issuance of the Certificate of Occupancy or;

- b. The fees or charges are to reimburse the local agency for expenditures previously made.

## **PUBLIC WORKS AGENCY (PWA)**

### **Land Development Services**

#### **21. Release of Cash Surety Deposit**

**Purpose:** In order to ensure the release of cash surety deposit to Applicant in the amount of \$229,500.00. The total amount includes \$217,500.00 Performance Security, \$11,000.00 Grading Security and a \$1000.00 Emergency Deposit. In addition, a trust fund deposit (Project 6TR5154) currently holds a balance credit of \$4,340.99. Charges within the final accounting period are yet to be logged and posted. The trust fund balance credit returned to Applicant will reflect the closing costs. The project will be closed once the final accounting has been reconciled.

**Documentation:** The property owner must provide a recorded Notice of Land Use Entitlement to PWA Land Development Services as required by the VC Planning Division (Condition No. 4)

**Timing:** The property owner must request in writing for the release of cash security deposits after the Notice of Land Use Entitlement has been recorded. Request shall be addressed and mailed or delivered to: PWA Land Development Services Division, Attn: Division Manager, 800 S. Victoria Ave, #1670, Ventura, CA 93009.

## **Transportation Department Conditions**

#### **22. Traffic Impact Mitigation Fee**

Prior to the issuance of a Building Permit for new construction or a Zoning Clearance to initiate a new use or to increase an existing use: the permittee for the development permit shall deposit with the Transportation Department a Traffic Mitigation Fee pursuant to Traffic Impact Mitigation Fee Ordinance. The County of Ventura has entered into a reciprocal agreement with the City of Camarillo (dated June 27, 1995) to collect fees for the adverse impacts on the City's streets. The fee(s) may be subject to adjustment at the time of deposit, due to provisions in the Traffic Mitigation Fee Ordinance allowing the fee to be adjusted for inflation based on Caltrans District 7 construction cost index.

## **Watershed Protection District (WPD) Conditions**

### **Groundwater Program Section**

**Modification of Conditions for Recorded Tract Map No. TT-5154**

**Date of Public Hearing:** December 12, 2024

**Date of Approval:**

**Case No.:** PL 21-0119

**Applicant:** Nancy Schreiner

**Location:** Lots 3, 5, 6, 7, and 8  
of Tract Map No. 5154

**Page 10 of 10**

23. Pursuant to Ventura County Ordinance 4468, Section 4824, the applicant shall obtain from the Water Resources Division a permit to destroy any abandoned water wells or monitoring wells that may exist on the property.

County of Ventura  
Public Works Agency  
Engineering Services  
County Surveyor

## MEMORANDUM

To: Noe Torres - Planning

Dated: November 14, 2022

From: Daniel J. Walsh

Project No.: PL21-0119

Subject: **Voluntary Merger No. PL 21-0119, 4<sup>th</sup> Check, Sufficient**

This office has reviewed the subject voluntary merger legal description and sketch map as well as the draft grant deed and legal description submitted by the consultant for the 4<sup>th</sup> time and finds that they are sufficient to record. The "wet stamped" originals are included.

Note: the applicant's attorney has a duplicate original grant deed legal description in hand and will coordinate with County Planning on the appropriate time to execute the grant deed.

If you have any questions, please call me at (805) 654-2089 or Alex Mathews at (805) 654-2083.

Sincerely,



Daniel J. Walsh, PLS  
County Surveyor

Attachment(s): Originals

DJW: adm

County of Ventura  
Planning Director Hearing  
Case No. PL21-0119  
Exhibit 7 - Voluntary Merger Sketch Map and  
Legal Description

EXHIBIT "A"

**LEGAL DESCRIPTION**  
**VOLUNTARY MERGER NO. PL 21-0119**

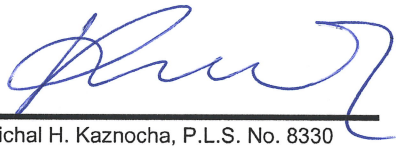
**PARCEL A**

LOT 3 TOGETHER WITH LOTS 4 THROUGH 6 OF TRACT NO. 5154, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 150 PAGE 99 OF MISCELLANEOUS RECORDS (MAPS), IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CONTAINS 47.26 ACRES, MORE OR LESS.

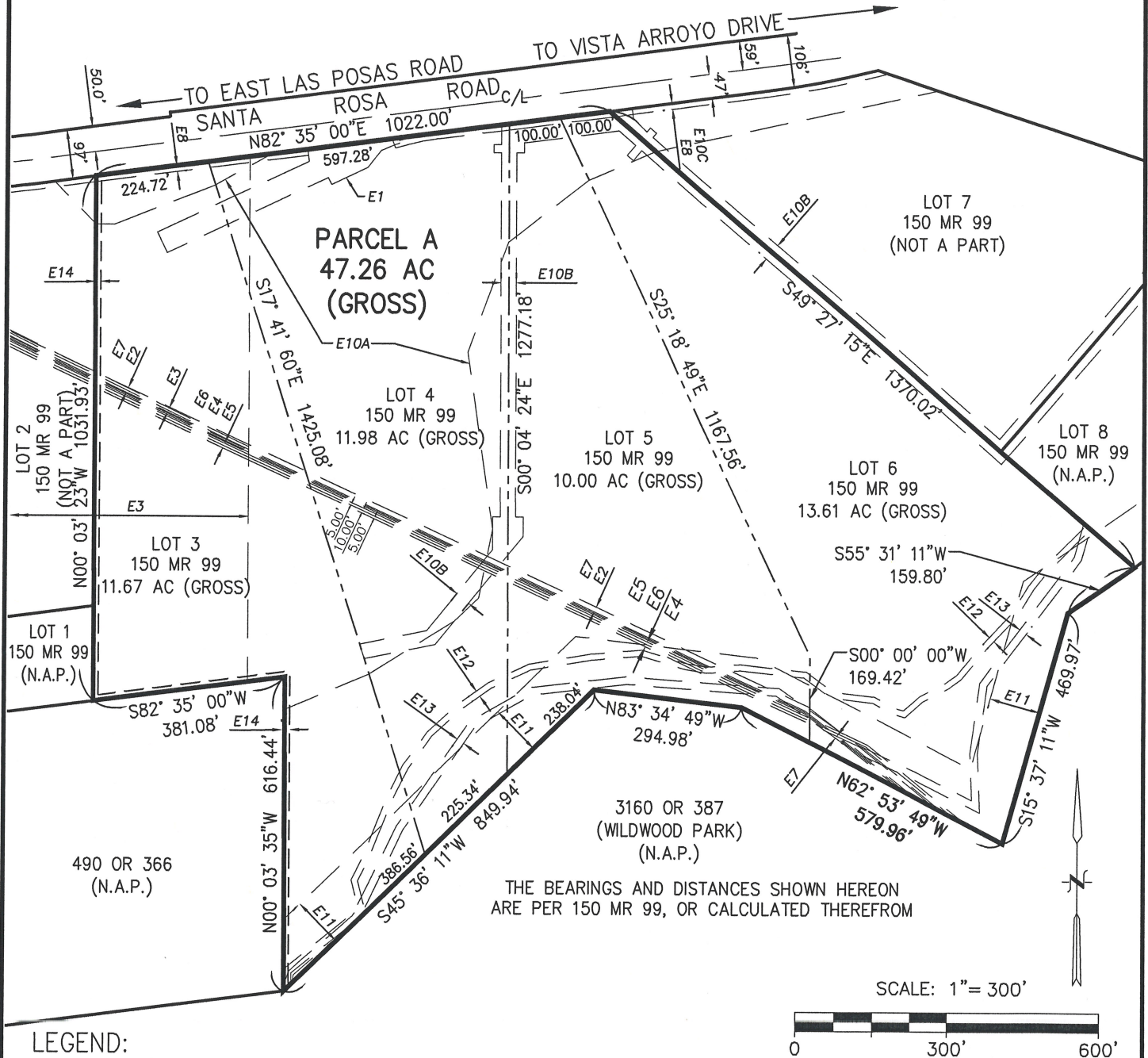
Date: 11-02-22

Prepared by:

  
Michal H. Kaznocha, P.L.S. No. 8330



## VOLUNTARY MERGER NO. PL 21-0119



## LEGEND:

—	VOLUNTARY MERGER BOUNDARY
- - -	LOT LINE TO BE DELETED
—	EXISTING LOT LINE
- - -	EASEMENT LINE
E1	EXISTING EASEMENT (SEE SHEET 2 FOR EASEMENT LEGEND)
AC	ACRE(S)
MR	MISCELLANEOUS RECORDS
OR	OFFICIAL RECORDS
N.A.P.	NOT A PART



## EXHIBIT "B"

SHEET 2 OF 2

VOLUNTARY MERGER NO. PL 21-0119

## EASEMENT LEGEND

EASEMENT NUMBER	PURPOSE	GRANTOR	GRANTEE	RECORDING DATA
E1	PUBLIC ROAD AND/OR HIGHWAY AND FLOOD CONTROL	DENA PICTURES, INC	COUNTY OF VENTURA	12/14/1970, BK. 3762 PG.44, OR
E2	GAS, OIL OR WATER PIPELINES	JANSS INVESTMENT CORPORATION	SHELL OIL COMPANY	6/16/1941, BK. 636, PG. 683 O.R.
E3	GAS, OIL OR WATER PIPELINES	ELIZABETH H. GUNDLACH AND WALDO L. GUNDLACH	SHELL OIL COMPANY	6/16/1941, BK. 639, PG. 105 O.R. 4/2/1942, BK. 655, PG. 127, O.R.
E4	GAS PIPELINES	ELIZABTH H. GUNDLANCH	SOUTHERN CALIFORNIA GAS COMPANY	12/02/1944, BK. 705, PG. 372, O.R.
E5	PUBLIC UTILITIES	DIANE M. CASTON, ET AL.	GENERAL TELEPHONE COMPANY OF CALIFORNIA	8/13/1979, BK. 5462, PG. 971, O.R.
E6	GAS PIPELINES	JANSS INVESTMENT CORPORATION	SOUTHERN CALIFORNIA GAS COMPANY	12/02/1944, BK. 707, PG. 417, O.R.
E7	GAS, OIL OR WATER PIPELINES	ADOLFO CAMARILLO, TRUSTEE OF ELISABETH J. HOWARD	VENTURA FUEL COMPANY	6/15/1927, BK. 137, PG. 487, O.R.
E8	EQUESTRIAN TRAILS AND RELATED PURPOSES, NON MOTORIZED MEANS OF PASSAGE	CASTON FAMILY TRUST	HIDDEN MEADOWS ESTATES HOMEOWNERS ASSOCIATION	12/12/2002, 2002-316009, O.R.
E9	WATER PIPELINES	JANSS INVESTMENT CORPORATION	ELISABETH J. HOWARD	5/2/1936, BK. 490, PG. 366, O.R.
E10A	FLOWAGE			09/08/2004, BK. 150, PG. 99 OF MISCELLANEOUS RECORDS (MAPS)
E10B	ROAD/UTILITY/DRAINAGE			
E10C	EQUESTRIAN AND MULTIPURPOSE TRAIL			
E11	FIRE CLEARANCE EASEMENT			9/08/2004, 20040908-00245212, O.R.
E12	MULTI PURPOSE TRAIL	MARK AND PENELOPE BURLEY	CONEJO OPEN SPACE CONSERVATION AGENCY	9/08/2004, 20040908-00245211, O.R.
E13	INGRESS/EGRESS/MAINTENANCE/E QUESTRIAN, HIKING, BIKING TRAIL	PORPOISE PRODUCTIONS LIMITED PROFIT SHARING PLAN AND TRUST	CONEJO OPEN SPACE CONSERVATION AGENCY	11/13/2006, 20061113-00240054, O.R.
E14	PUBLIC TRAIL	PORPOISE PRODUCTIONS LTD. PROFIT SHARING PLAN AND TRUST	SANTA ROSA VALLEY TRAILS, INC.	1/22/2021, 20210122-00013562, O.R.



PREPARED BY:

MICHAL H. KAZNOCHA, P.L.S. 8330

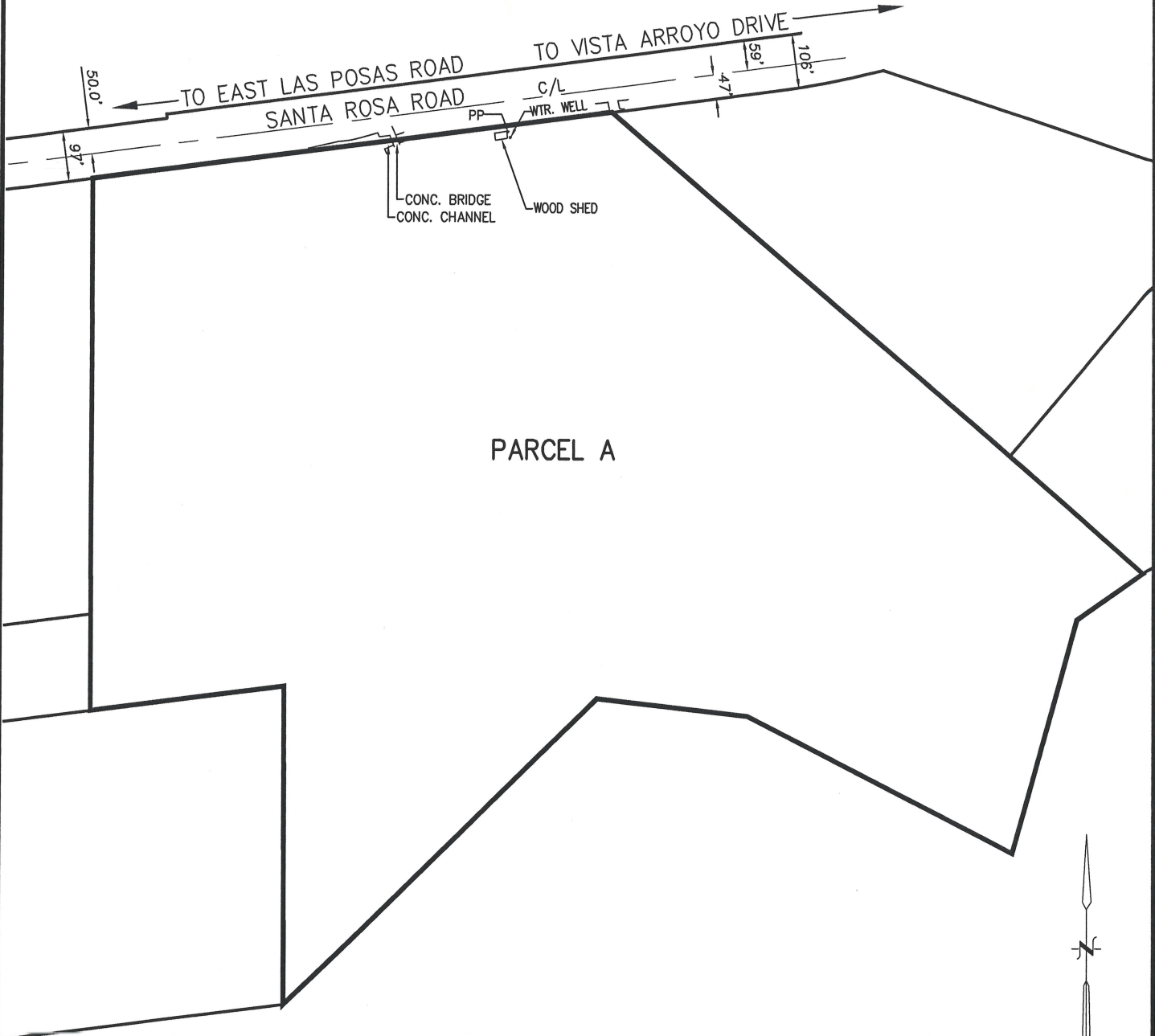
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SURVEYOR:

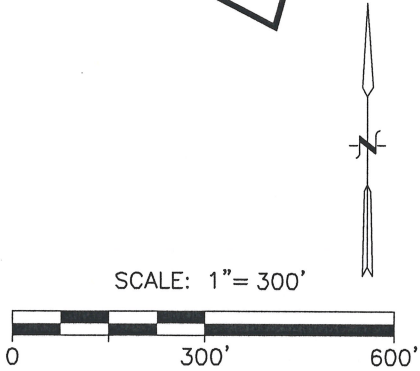
MICHAL KAZNOCHA, P.L.S.  
2828 CALLE QUEBRACHO  
THOUSAND OAKS, CA 91360  
(323) 401-7776

OVERLAY EXHIBIT  
VOLUNTARY MERGER NO. PL 21-0119

SHEET 1 OF 1



PARCEL A



LEGEND:

	VOLUNTARY MERGER BOUNDARY
	EXISTING LOT LINE

10/14/2022

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

Nancy Kierstyn Schreiner  
Law Offices of Nancy Kierstyn Schreiner  
400 Camarillo Ranch Road, Suite 102  
Camarillo, CA 93012

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APNS 520-0-340-035, 520-0-340-045, 520-0-340-055 and 520-0-340-065

**GRANT DEED**

**THE UNDERSIGNED GRANTOR(S) DECLARE(S):**

DOCUMENTARY TRANSFER TAX is \$NONE. This transfer is exempt pursuant to  
R&T Code Section 11911.

Unincorporated area

**FOR A VALUABLE CONSIDERATION**, receipt of which is hereby acknowledged,

Mark and Penelope Burley, Trustees of the Porpoise Productions, Ltd, Profit Sharing Plan and  
Trust,

hereby GRANTS to Mark and Penelope Burley, Trustees of the Porpoise Productions, Ltd, Profit  
Sharing Plan and Trust

The following described real property in the County of Ventura, State of California as set forth in  
Exhibit "A" attached hereto and incorporated herein by reference as set forth in full.

Dated: \_\_\_\_\_, 2022

PORPOISE PRODUCTIONS LTD.,  
Profit Sharing Plan and Trust

\_\_\_\_\_  
Mark Burley, Trustee

\_\_\_\_\_  
Penelope Burley, Trustee

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

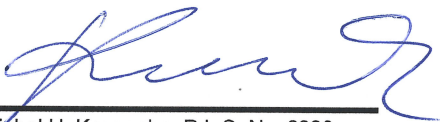
EXHIBIT "A"

**LEGAL DESCRIPTION  
GRANT DEED**

LOT 3 TOGETHER WITH LOTS 4 THROUGH 6 OF TRACT NO. 5154, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 150 PAGE 99 OF MISCELLANEOUS RECORDS (MAPS), IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Date: 11-02-22

Prepared by:

  
\_\_\_\_\_  
Michal H. Kaznocha, P.L.S. No. 8330



Recording Requested By:

When Recorded Return To:

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**DECLARATION AND AGREEMENT TO RESTRICT THE USE OF PROPERTY**  
**AGRICULTURAL RESTRICTIVE COVENANT**

Assessor's Parcel Number (APN): 520-0-340-035, 520-0-340-045, 520-0-340-055, 520-0-340-065, 520-0-340-075 and 520-0-340-085

This Declaration and Agreement to Restrict the Use of Property with an Agricultural Restrictive Covenant ("**Restrictive Covenant**") as hereinafter set forth, is made by the property owner, ) PORPOISE PRODUCTIONS LTD., Profit Sharing Plan and Trust (PORPOISE) and MARK and PENELOPE BURLEY LIVING TRUST DATED JANUARY 25, 2001,(Trust),("**Owner/Owners**"). Owner promises and agrees to restrict the use of the Property described below in accordance with the terms, conditions and restrictions of this Restrictive Covenant.

1. Property: The PORPOISE is the record owner of the following described real property identified as Ventura County Lots 3-6 of Tract 5154 that certain real property located in County of Ventura, California, which is also identified as COUNTY Assessor's Parcel Numbers 520-0-340-035, 520-0-340-045 520-0-340-055 and 520-0-340-065 and further described in Exhibit "A" attached hereto and incorporated herein by this reference (the "PORPOISE Property, and more particularly described as follows:

LOTS 3 THROUGH 6, INCLUSIVE, OF TRACT NO. 5154, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 150, PAGE 99 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL OIL, GAS, MINERAL AND OTHER HYDROCARBON SUBSTANCES LYING OR BEING BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF SAID LAND, WITHOUT, HOWEVER, ANY RIGHTS OF SURFACE ENTRY, AS RESERVED BY JANSSE INVESTMENT CORPORATION IN DEED RECORDED JULY 19, 1978 IN BOOK 5165, PAGE 244 OF OFFICIAL RECORDS. ("**PORPOISE Property**").

TRUST (Owner) is the fee owner of Lots 7-8 of Tract 5154 that certain real property located in County of Ventura, California, which is also identified as COUNTY Assessor's Parcel Numbers 520-0-340-075 and 520-0-340-085 and further described in Exhibit "B" attached hereto and incorporated herein by this reference (the "TRUST Property") and more particularly described as follows:

County of Ventura  
Planning Director Hearing  
Case No. PL21-0119  
Exhibit 8 - Draft Deed Restriction



LOTS 7 THROUGH 8, INCLUSIVE, OF TRACT NO. 5154, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 150, PAGE 99 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL OIL, GAS, MINERAL AND OTHER HYDROCARBON SUBSTANCES LYING OR BEING BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF SAID LAND, WITHOUT, HOWEVER, ANY RIGHTS OF SURFACE ENTRY, AS RESERVED BY JANSSE INVESTMENT CORPORATION IN DEED RECORDED JULY 19, 1978 IN BOOK 5165, PAGE 244 OF OFFICIAL RECORDS. ("TRUST Property").

2. Restricted Area. The Owner agrees to restrict the use of a certain portion of the Property comprising Lots 3-8 of Tract 5154 (the "**Restricted Area**"), the description and representation of which are attached as Exhibit A and Exhibit B ("**Restricted Area Legal Description**"), in accordance with the terms, conditions and restrictions of this Restrictive Covenant.

3. Restrictions on Use of Property: The Owner of the Property does hereby covenant to restrict the uses of the Property to the following within the Restricted Area:

- a. Lots 3 through 8 respectively, to ensure the lots are restricted to agriculture use. The zoning of OS-10 will remain.
- b. Lot 8 will continue to be used for animal husbandry and animal keeping (Agriculture) as set forth herein.
- c. Grazing or keeping of cattle, sheep, horses or other livestock or pet animals;
- d. Agricultural activity of any kind including the harvesting of native materials for commercial purposes;
- e. Uses that are accessory to the agricultural uses listed above; and
- f. Passive recreational uses including but not limited use of existing recreational access easements.

4. Notice of Restrictions on the Use of the Property. The recordation of this Restrictive Covenant is to inform the present and future owners of the Property, in whole or in part, of the restrictions which are binding and enforceable upon them.

5. Effective Date. This Restrictive Covenant is effective upon its recordation.

6. Restrictive Covenant Runs with the Land. All terms and conditions set forth in this Restrictive Covenant shall constitute covenants, equitable servitudes and restrictions that shall run with the land and shall be binding and enforceable upon the Owner and all of the Owner's heirs, successors in interest and assigns of the Property forever.

7. Notification of Restrictive Covenant. In addition to being recorded, the terms and conditions of this Restrictive Covenant shall be explicitly included in any instrument of transfer, conveyance, or encumbrance of the Property or any part thereof.

8. Knowing Voluntary Agreement. Each party to this Restrictive Covenant acknowledges that it has been represented by legal counsel, and that each party has read, reviewed, understood, accepted, and has had the benefit of legal counsel's advice concerning all the terms and conditions of this Restrictive Covenant.

Attachments:

Exhibit A and Exhibit B– Restricted Area Legal Description

**OWNER/OWNERS:**

OWNER-Porpoise Productions, Ltd., Profit Sharing Plan and Trust:

Mark Burley, Trustee of the Porpoise Productions, Ltd., Profit Sharing Plan and Trust

By: \_\_\_\_\_, Mark Burley, Trustee

By: \_\_\_\_\_, Penelope A. Burley, Trustee

Penelope Burley, Trustee of the Porpoise Productions, Ltd., Profit Sharing Plan and

OWNER- Mark and Penelope Burley Living Trust dated January 25, 2001

Mark A. Burley, Trustee of the Mark and Penelope Burley Living Trust dated January 25, 2001

By: \_\_\_\_\_, Mark A. Burley, Trustee

Penelope A. Burley, Trustee of the Mark and Penelope Burley Living Trust dated January 25, 2001

By: \_\_\_\_\_, Penelope A. Burley, Trustee