



Planning Director Staff Report– Hearing on November 18, 2021

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • www.vcrma.org/divisions/planning

Carpenter Squab Farm

Conditional Use Permit, Case No. PL18-0108

A. PROJECT INFORMATION

1. **Request:** The applicant requests that a Conditional Use Permit (CUP) be granted to authorize the continued operation of an existing edible pigeon (squab) raising facility for an additional 20-year period. (Case No. PL18-0108).
2. **Applicant / Property Owner:** Cathy Carpenter, 853 Summit Road, Santa Barbara CA 93108-2321
3. **Applicant's Representative:** Alan Nelsen, Marquette Consulting, 9452 Telephone Road, Ventura CA 93001
4. **Project Site Location and Parcel Number:** The project site encompasses 5.12 acres located at 5207 Casitas Pass Road in the unincorporated area west of Lake Casitas. The Assessor's Parcel Number (APN) of the subject property is 008-0-180-485.
5. **Project Description:**

The applicant requests that a Conditional Use Permit (CUP) be granted to authorize the continued operation of an existing edible pigeon (squab) raising facility for an additional 20-year period. (Case No. PL18-0108).

The subject facility will continue to house approximately 12,000 squab in 30 existing lofts. Each loft is an enclosed structure comprised of wood or wire screen walls, a wood and asphalt shingle roof, and a concrete floor. One wall of each structure is equipped with nesting boxes and space for food and water. The squab lofts will be cleaned about twice each year. The accumulated manure and feathers will be removed from the lofts and stored temporarily on the project site. This material will be transported offsite approximately twice per year by a local farmer for use as a soil amendment (organic compost).

Once raised, the grown squab will be transported offsite to a processing facility outside of Ventura County (or an authorized facility located within Ventura County) where the birds will be slaughtered, and the meat cleaned and frozen.

The existing 1,536 square foot building formerly used for squab processing will be converted for agricultural storage and office use. The existing barn will also be

used as part of the subject facility. No substantial changes in the existing buildings and ancillary structures are proposed.

The business operation of this facility is limited to 7:00am to 2:00pm seven days per week. Transport traffic associated with the subject facility is primarily limited to 4 one-way trips per week to deliver squab to their final destination (i.e. the offsite processing facility). In addition, the delivery of feed will involve 2 one-way trips per month and the removal of accumulated manure requires 4 one-way trips per year. Passenger vehicle traffic involves 6 one-way trips per day for the three existing employees.

Water will continue to be supplied to the project site by the Casitas Municipal Water District. Sewage disposal for the existing buildings will continue to be accommodated through the use of an onsite wastewater disposal system. Access to the site will continue to be provided by a driveway connected to Casitas Pass Road (State Highway 150).

As part of the project, the facilities formerly used to wash squab will be decommissioned under permit from the Regional Water Quality Control Board.

Refer to the site plan (Exhibit 3).

6. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested CUP.

7. **Project Site Land Use and Zoning Designations (Exhibit 2):**

- a. Countywide General Plan Land Use Map Designation: Open Space
- b. Zoning Designation: "OS 40-ac" (Open Space, 40-acre minimum parcel size)

8. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location	Zoning	Land Use/Development
North	OS-40	Residential
South	OS-40	Agriculture
East	OS-40	Agriculture
West	OS-40	Agriculture

9. **History:**

The subject facility was originally authorized in 1966 with the granting of Conditional Use Permit (CUP) No. 2596. This permit authorized "the operation of a commercial squab ranch (raising and processing of squabs)" that involved up to

24,000 birds. In 1971, this CUP was modified to extend its effective term to 1981. The owners of the site were apparently unaware that the CUP had expired in 1981 until they were notified of that status by the County in 2017.

In addition to the permit expiration issue, several violations of County code were identified on the site. These violations included unpermitted residences on the property. The applicant has taken steps to abate these violations such that a new CUP can be granted for the squab farm.

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.

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents.

The proposed project is eligible for an exemption from environmental review in accordance with Section 15301 of the CEQA Guidelines. This section of the Guidelines exempts the continued use or operation of existing facilities. The proposed project is comprised of the continued operation of an existing squab raising facility without changes in physical facilities or operational limits. The only substantial change from previous operations is the elimination of onsite processing and packaging of the squab meat.

Section 15300.2 of the State CEQA Guidelines provides exceptions to Categorical Exemptions based on location relative to mapped resources or hazards of critical concern, cumulative impacts, scenic highways, hazardous waste sites, historical resources, and where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The site is located immediately adjacent to State Route 150, an Eligible Scenic Highway. However, the continued operation of the existing squab farm on an existing developed site will not result in a significant adverse effect on the environment, will not result in damage to scenic resources along Highway 150, and is not located on an identified hazardous waste site or historical site.

Based on the above discussion, staff recommends that the decision-maker find this project to be Categorically Exempt pursuant to Section 15301 of the State CEQA Guidelines and, that none of the exceptions set forth in Section 15300.2 of the State CEQA Guidelines apply.

C. CONSISTENCY WITH THE GENERAL PLAN

The 2040 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 NCZO (§ 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.

Evaluated below is the consistency of the proposed project with the applicable policies of the General Plan *Goals, Policies and Programs*.

LU-6.1 Agricultural Buffers *The County shall require non-agricultural land uses adjacent to agricultural uses to incorporate adequate buffers (e.g., fences, setbacks) to limit conflicts with adjoining agricultural operations.*

The existing squab farm is an agricultural use compatible with the agricultural operations on the surrounding properties. No substantial changes in the facility or its operation are proposed that would be inconsistent with the open space designation and zoning of the property.

Based on the above discussion, the proposed project is consistent with policy LU-6.1.

LU-16.1 Community Character and Quality of Life *The County shall encourage discretionary development to be designed to maintain the distinctive character of unincorporated communities, to ensure adequate provision of public facilities and services, and to be compatible with neighboring uses.*

The ongoing presence and use of the existing squab farm will not result in any new effect on public views from State Highway 150 (an eligible scenic highway) or any other public viewpoint. No new effect on community character will result from the project as no substantial physical changes in the existing facilities are proposed.

Adequate public and private services (water, sewage disposal, road access) will continue to be available to serve the subject facility.

Based on the above discussion, the proposed project is consistent with this policy.

PFS-1.7 Public Facilities, Services, and Infrastructure Availability *The County shall only approve discretionary development in locations where adequate public facilities,*

services, and infrastructure are available and functional, under physical construction, or will be available prior to occupancy.

Adequate access and public services will continue to be available to serve the subject facility. Water will continue to be provided by the Casitas Municipal Water District. Sewage disposal will continue to be accommodate by an onsite wastewater disposal system. Fire suppression measures are included in the recommended conditions of approval.

Based on the above discussion, the proposed project is consistent with this policy.

PFS-12.3 Adequate Water Supply, Access, and Response Times for Firefighting Purposes *The County shall prohibit discretionary development in areas that lack and cannot provide adequate water supplies, access, and response times for firefighting purposes.*

HAZ-1.1 Fire Prevention Design and Practices *The County shall continue to require development to incorporate design measures that enhance fire protection in areas of high fire risk. This shall include but is not limited to incorporation of fire-resistant structural design, use of fire-resistant landscaping, and fuel modification around the perimeter of structures.*

The existing facilities at the project site include a 24-foot-wide driveway connected to Casitas Pass Road. This accessway will continue to provide adequate access to the project site (i.e. to the storage building, barn and squab lofts) for fire suppression.

Water service will continue to be provided by Casitas Municipal Water District in a manner that meets the fire flow standards of the VCFPD. The project site is located about 7 miles from the nearest fire station. Thus, the available response time will meet VCFPD requirements.

The VCFPD reviewed the design of the subject facility and is recommending various conditions of approval be included in the requested CUP.

Based on the above discussion, the proposed project is consistent with these policies.

HAZ-9.1 Limiting Unwanted Noise *The County shall prohibit discretionary development which would be impacted by noise or generate project-related noise which cannot be reduced to meet the standards prescribed in Policy Haz-9.2. This policy does not apply to noise generated during the construction phase of a project. (SO)*

HAZ-9.2 Noise Compatibility Standards *The County shall review discretionary development for noise compatibility with surrounding uses. The County shall determine noise based on the following standards:*

4. New noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor, measured at the exterior wall of the building, does not exceed any of the following standards:

a. Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.;

b. Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.; and

c. Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.

The proposed project involves the continued operation of an existing squab raising facility. No new noise will be generated as a result of project implementation.

Based on the above discussion, the proposed project is consistent with the above policies.

WR-1.11 Adequate Water for Discretionary Development: *The County shall require all discretionary development to demonstrate an adequate long-term supply of water.*

Water service will continue to be provided by Casitas Municipal Water District (CMWD). The CMWD provides surface water accumulated in Lake Casitas and groundwater produced from the river gravels in the Ventura River Basin. The County considers a connection to the CMWD to constitute an adequate long-term source of water.

Based on the above discussion, the proposed project is consistent with this policy.

D. ZONING ORDINANCE COMPLIANCE

The squab raising facility is subject to the requirements of the Ventura County NCZO.

Pursuant to Section 8105-4 of the NCZO, an Animal Husbandry facility in the OS-40 zone district that involves the keeping of more individual animals than is allowed by NCZO Section 8107-2 requires a CUP granted by the Planning Director. In this case, the subject 5.12-acre lot can be used to house up to 223 squabs as a matter of right. The proposal to house (keep) up to 12,000 birds requires a CUP.

Upon the granting of the requested CUP, the Permittee will be authorized to operate this facility until 2041, or another year determined by the ultimate decision-maker. Thus, the Permittee will remain in compliance with this requirement.

The proposed project is located within the OS 40-acre Zone District and is subject to development standards set forth in Section 8106-1.1 of the NCZO. Table 1 lists the applicable development standards and a description of whether the proposed project is designed in conformance with these standards.

Table 1: Development Standards

Requirement		In conformance?
Minimum Lot Area (Gross)	40 acres	Yes. (Property is comprised of a legal lot.)
Maximum Percentage of Building Coverage	5 percent (from General Plan)	Yes (<i>Note: the squab lofts are not counted as "buildings."</i>)
Front Setback	20 feet	Yes, the existing and proposed buildings will be located more than 20 feet from all property lines.
Side Setback	10 feet	
Rear Setback	15 feet	
Maximum Building Height	25 feet (or 35 feet if each side yard is at least 15 feet in width)	Yes

In summary, the project has been designed in conformance with applicable NCZO standards.

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a modified CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO. The ability to make the required findings is evaluated below.

1. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [Section 8111-1.2.1.1.a].

Based on the information and analysis presented in Sections C and D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County General Plan, and Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

2. The proposed development is compatible with the character of surrounding, legally established development [Section 8111-1.2.1.1.b].

The proposed project is comprised of the continued operation of an existing squab farm in the rural open space and agricultural area west of Lake Casitas. No substantial changes in the existing physical facilities or the ongoing operations are proposed. No

aspect of this existing use has been identified that is incompatible with the surrounding land uses or structures.

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

3. The proposed development would not be obnoxious or harmful or impair the utility of neighboring property or uses [Section 8111-1.2.1.1.c].

The proposed project is comprised of the continued operation of an existing squab farm in the rural open space and agricultural area west of Lake Casitas. No substantial changes in the existing physical facilities or the ongoing operations are proposed.

All necessary public and private services are available to serve the proposed facilities. Water service will continue to be provided by Casitas Municipal Water District and sewage disposal will be accommodated with an onsite wastewater treatment system.

In summary, no aspect of project implementation has been identified that would be obnoxious, harmful or impair the utility of neighboring property or uses.

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

4. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [Section 8111-1.2.1.1.d].

The proposed project will not result in a measurable effect on traffic congestion as no substantial changes in the operation are proposed. The 4 one-way trips per week (i.e. less than 1 trip per day) required to transport the squab to an offsite processing facility is roughly offset by the elimination of trips previously generated by project operations to deliver squab that was processed onsite.

All necessary public and private services are available to serve the proposed facilities. Water service will continue to be provided by Casitas Municipal Water District and sewer service will be provided by the Ojai Valley Sanitation District.

The project site is located in an area for which emergency services are available with adequate response time.

In summary, no aspect of project implementation has been identified that would be detrimental to the public interest, health, safety, convenience, or welfare.

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

5. The proposed development, if allowed by a Conditional Use Permit, is compatible with existing and potential land uses in the general area where the development is to be located [Section 8111-1.2.1.1.e].

The proposed project is comprised of the continued operation of an existing wine production facility in the Lake Casitas/Oak View area. No changes in the existing physical facilities or the ongoing operations are proposed.

The existing wine production building and associated ancillary structures on the project site are compatible and in character with the agricultural and open space uses that existing north, south and west of the site. These facilities are also compatible with the residential uses located more than 400 feet east of the CUP area in the community of Oak View.

Given the Open Space designation and zoning of the project site and the surrounding lands, and the generally mountainous terrain, a future change in zoning or land use designation is not foreseeable at this time.

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

6. The proposed development will occur on a legal lot [Section 8111-1.2.1.1f].

The subject property (Assessor's Parcel Number 008-0-180-485) is a legal lot in accordance with Certificate of Compliance 18-05-1277 as recorded with the County of Ventura on July 6, 2018.

Based on the above discussion, the finding that the proposed development will occur on a legal lot can be made.

7. The proposed development is approved in accordance with the California Environmental Quality Act and all other applicable laws.

As discussed in this staff report, and the entire record, the proposed project has been reviewed in compliance with CEQA and all other applicable laws.

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

F. 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), NCZO (Section 8111-3.1). On November 4, 2021, the Planning Division mailed 15 notices to owners of property within 300 feet of the property on which the project site is located. On November 8, 2021, the Planning Division placed a legal ad in the *Ventura County Star*. As of the date of this document, the Planning Division has not received any comments from this noticing.

G. 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 the project is exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines;
3. **MAKE** the required findings to grant a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** modified CUP PL18-0108, subject to the conditions of approval (Exhibit 4); and,
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 permit has been approved, conditionally approved, or denied (or on the following workday if the 10th 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 Thomas Chaffee at (805) 654-2406 or Thomas.Chaffee@ventura.org.

Prepared by:

Thomas Chaffee

Thomas Chaffee, Case Planner
Commercial and Industrial Permits
Ventura County Planning Division

Reviewed by:

MJogg

Mindy Fogg, Manager
Commercial and Industrial Permits
Ventura County Planning Division

EXHIBITS

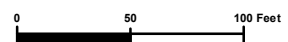
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| Exhibit 2 | Maps |
| Exhibit 3 | Site Plan |
| Exhibit 4 | Conditions of Approval |



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 11-02-2021
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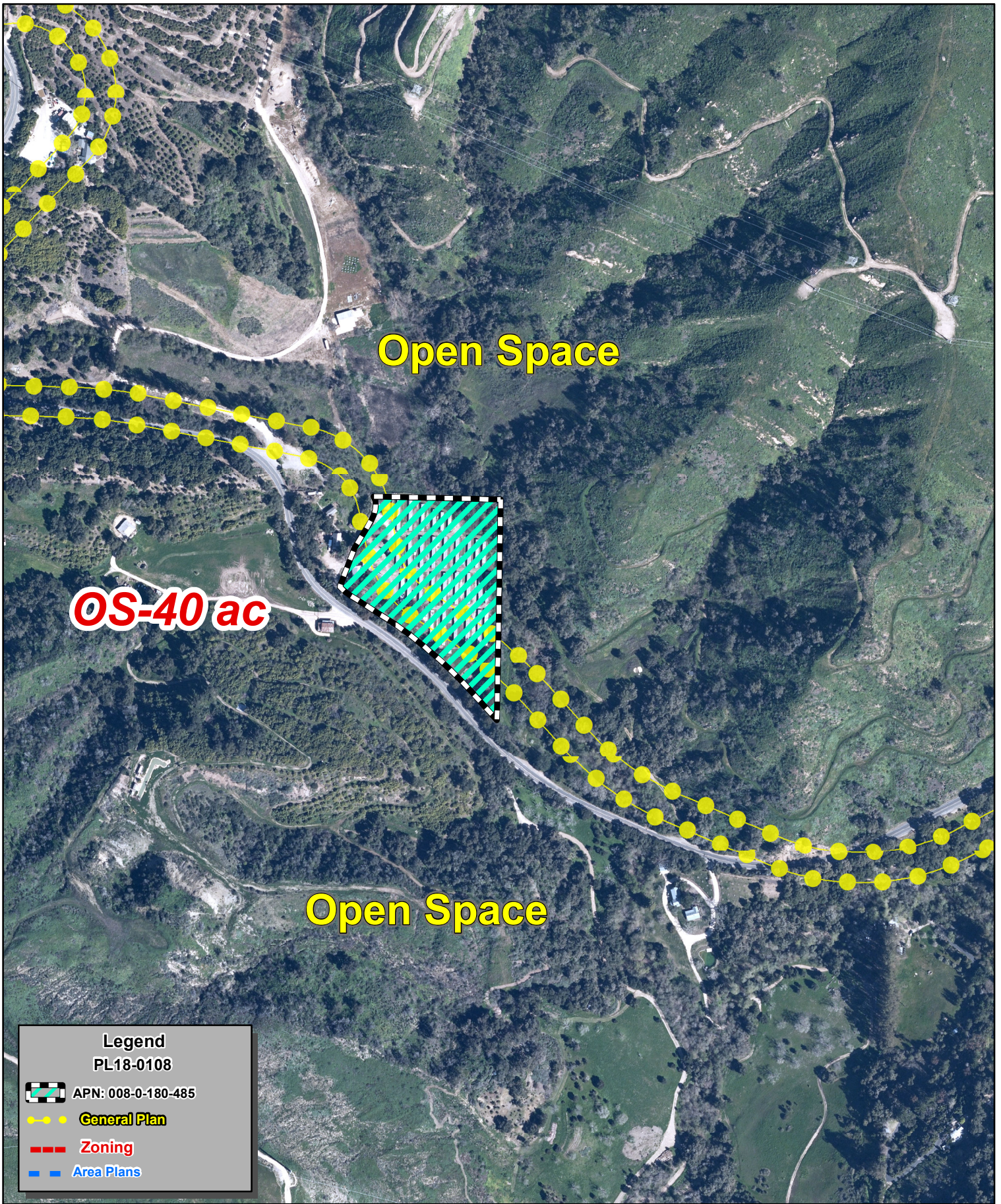
County of Ventura
Planning Director Hearing
Case No. PL18-0108
Exhibit 2 - Maps



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 not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.



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Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
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County of Ventura
Planning Director Hearing
PL18-0108
General Plan & Zoning Map

0 195 390 Feet

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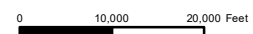
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Ventura County, California
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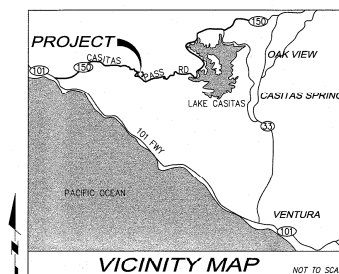


County of Ventura Planning Director Hearing PL18-0108 Location Map



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ADDRESS: 3207 CASITAS PASS ROAD VENTURA, CA, 93001

APN: 008-D-180-485

PARCEL SIZE: 5.12 ACRES

SIZE OF CUP AREA: 4.45 ACRES

ZONING: OS-40

GENERAL PLAN: AGRICULTURE

LOT COVERAGE/STRUCTURES:

EXISTING:

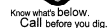
1. SQUIAB LOFTS (30) 28.836 S.F. (TOTAL)
2. PROCESSING HOUSE/OFFICE 1,536 S.F. (CONVERT TO STORAGE/OFFICE)
3. CARPORT/WORKSHOP 448 S.F.
4. CARGO CONTAINER 320 S.F.
5. OPEN STORAGE STRUCTURE 675 S.F.
6. FEED SILOS (9) 107,100 SQUARE FEET 477 S.F. (TOTAL)
7. TULAK SHED 1,162 S.F.
8. RESIDENCE/CARPORT 1,134 S.F. (DEMOLISH HABITABLE AREAS AND CONVERT TO STORAGE)
9. MOBILE HOME 460 S.F. (TO BE DEMOLISHED OR REMOVED FROM SITE)

NOT A PART (OUTSIDE CUP BOUNDARY)

1. RESIDENCE 1,100 S.F.
2. GUEST HOUSE 680 S.F.

EXISTING PARKING: 3 SPACES

SCALE: 1" = 50'



50' 25' 0' 50' 100'

GRAPHIC SCALE: 1"=50'

Assessor's Parcel Number: 008-0-180-485
COUNTY OF VENTURA STATE OF CALIFORNIA

1
OF 1

County of Ventura
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Case No. PL18-0108
Exhibit 3 – Site Plan

EXHIBIT 5

CONDITIONS OF APPROVAL FOR CARPENTER SQUAB FARM CONDITIONAL USE PERMIT (CUP) NO. PL18-0108

The subject facility shall be maintained and operated in conformance with the following conditions of approval and approved project plans. Any change in the project must be reviewed by the County Planning Division for conformance with the terms of this permit. A change in the project may require a modification of this permit and additional environmental review in accordance with CEQA. A project change implemented without County approval may constitute a violation of this permit and applicable law.

Resource Management Agency Conditions

Planning Division

1. **Project Description:**

This permit authorizes the continued operation of an existing edible pigeon (squab) raising facility for an additional 20-year period. (Case No. PL18-0108).

The subject facility will continue to house approximately 12,000 squab in 30 existing lofts. Each loft is an enclosed structure comprised of wood or wire screen walls, a wood and asphalt shingle roof, and a concrete floor. One wall of each structure is equipped with nesting boxes and space for food and water. The squab lofts will be cleaned about twice each year. The accumulated manure and feathers will be periodically removed from the lofts and stored temporarily on the project site. This material will be transported offsite approximately twice per year by a local farmer for use as a soil amendment (organic compost).

Once raised, the grown squab will be transported offsite to a processing facility located outside of Ventura County (or to an authorized facility located within Ventura County) where the birds will be slaughtered, and the meat cleaned and frozen.

The existing 1,536 square foot building formerly used for squab processing will be converted for agricultural storage and office use. The existing barn will also be used as part of the subject facility. No substantial changes in the existing buildings and ancillary structures are proposed.

The business operation of this facility is limited to 7:00am to 2:00pm, seven days per week. Transport traffic associated with the subject facility is primarily limited to 4 one-way trips per week to deliver squab to their final destination (i.e. the offsite

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Exhibit 4 - Conditions of Approval

processing facility). In addition, the delivery of feed will involve 2 one-way trips per month and the removal of accumulated manure requires 4 one-way trips per year. Passenger vehicle traffic involves 6 one-way trips per day for the three existing employees.

Water will continue to be supplied to the project site by the Casitas Municipal Water District. Sewage disposal for the existing buildings will continue to be accommodated through the use of an onsite wastewater disposal system. Access to the site will continue to be provided by a driveway connected to Casitas Pass Road (State Highway 150).

As part of the project, the facilities formerly used to wash squab will be decommissioned under permit from the Regional Water Quality Control Board.

2. Acceptance of Conditions and Schedule of Enforcement Responses: The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall be deemed to be acceptance by the Permittee of all conditions of this CUP. Failure to abide by and faithfully comply with any conditions for the granting of this CUP shall constitute grounds for the implementation of enforcement procedures as provided in the *Ventura County Non-Coastal Zoning Ordinance* (2010, Article 14), which include, but are not limited to, the following actions:

- Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- Suspension of the permitted land uses (Condition No. 1);
- Modification of the CUP conditions listed herein;
- Recordation of a "Notice of Noncompliance" with the deed to the subject property;
- The imposition of administrative civil penalties; and/or
- Revocation of this CUP.

It is the Permittee's or the Permittee's successors-in-interest's responsibility to be aware of, and to comply with, the CUP conditions and the rules and regulations of all jurisdictions having authority over the uses described herein.

3. Time Limits:

- a. Use Inauguration:

- (1) The decision on this CUP becomes effective upon the expiration of the decision's appeal period, or when any appeals filed regarding the decision on this CUP are resolved. After the decision on this CUP becomes effective, the Permittee must obtain a Zoning Clearance for

Use Inauguration in order to effectuate this permit and inaugurate the uses provided in Condition No. 1 (Project Description).

- (2) This CUP shall expire and become null and void if the Use Inauguration Zone Clearance has not been issued within one year [(see the *Ventura County Non-Coastal Zoning Ordinance* (2010, 8111-4.7) from the granting of this CUP. The Planning Director may grant a one year extension of time to obtain the Use Inauguration Zoning Clearance if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the extension in writing prior to the one year expiration date.
 - (3) Prior to the issuance of the Use Inauguration Zoning Clearance, all fees and charges billed to that date by any County agency, as well as all fines, penalties, and sureties, must be paid in full. After issuance of the Use Inauguration Zoning Clearance, any final billed processing fees must be paid within 30 days of the billing date or this CUP is subject to revocation.
 - b. Operations Period: The use granted by this CUP will expire on **TBD**. Failure of the County to provide additional notification to the Permittee of the expiration date shall not constitute grounds for continuance of this CUP after the expiration date. The Planning Director may grant a time extension for this CUP, provided that:
 - (1) The Permittee files an application for a modification to this CUP prior to the expiration date. If the Permittee submits an appropriate modification application prior to the expiration date, this CUP may continue in force until action is taken on the modification, and on any appeals.
 - (2) The Permittee can demonstrate that the Permittee has continuously complied with all conditions of this CUP.
 - c. Upon expiration of this permit, or abandonment of the use, the premises shall be restored by the permittee to the conditions existing prior to the granting of the permit, or converted to a use which is allowed in the subject zone and authorized by any required permit.
4. CUP Modification: Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or applicable exhibits, the Permittee shall contact the Planning Director to determine if the activity requires a modification of this CUP. The Planning Director may, at the Planning Director's discretion, require that the Permittee file a written and/or mapped

description of the proposed activity prior to rendering a decision on whether a CUP modification is required. If a CUP modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and,
 - b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, §21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §15000-15387), as amended from time to time.
5. Notice of CUP Requirements and Retention of CUP Conditions On-Site: Unless otherwise required by the Planning Director, the Owner(s) of record, the contractors, and all other parties and vendors regularly dealing with the daily operation of the proposed activities shall be informed, in writing, by the Permittee of the pertinent conditions of this CUP. A current set of CUP conditions and exhibits shall be retained at the site; the CUP conditions and exhibits shall be provided on-site prior to issuance of a Use Inauguration Zoning Clearance and shall be maintained on-site until expiration of this CUP.
6. Recorded "Notice of Land Use Entitlement": Prior to the issuance of a Zoning Clearance for Use Inauguration, and in accordance with the *Ventura County Non-Coastal Zoning Ordinance* (2010, §8111-8.3), the Permittee and property owner of record 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, for each legal parcel within the project site. The "Notice of Land Use Entitlement" is to inform the present and future owners of the property on which the CUP site is located that: the affected real property has been granted a CUP which contains certain conditions for the operation and maintenance of the property; and, the purchaser of the real property should be aware of those conditions. A copy of the recorded "Notice of Land Use Entitlement" shall be returned to the Planning Division to be filed with, and made part of, the case file.
7. Condition Compliance, Enforcement, and Other Responsibilities:
 - a. Cost Responsibilities: The Permittee shall bear the full costs of all staff time, materials costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs by establishing a revolving compliance account as described below in Condition 8.b. Specifically, the Permittee shall bear the full costs of the following:

- (1) Condition Compliance, which is defined herein to include, but is not limited to, the staff time, materials costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and,
- (2) Monitoring and enforcement costs, and any related fines or penalties assessed pursuant to the provisions of the Ventura County Ordinance Code, as it may be amended (Condition 8.c, below).

b. Establishment of Revolving Compliance Account:

Within 10 calendar days of the effective date of the final decision to grant this CUP, the Permittee shall submit the following deposit and reimbursement agreement to the Planning Director:

- (1) A payment of \$500.00 (or a higher amount as specified in the adopted Fee Schedule currently in effect) for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs associated with condition compliance review, monitoring, and enforcement activities described in 7a (above), and any duly-imposed civil administrative penalties regarding this. The Permittee shall replenish such account to the above-stated amount within 10 calendar days after receiving notice of the requirement to do so from the Resource Management Agency.
- (2) An executed reimbursement agreement, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.

- c. Billing Process: The Permittee shall pay all Planning Division invoices within 30 days of receipt thereof. Failure to timely pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge or penalty prior to payment.

8. Defense and Indemnity:

- a. As a condition of issuance and use of this CUP, including adjustment, modification, or renewal of this CUP, the Permittee agrees to:

- (1) Defend, at the Permittee's sole expense, any action brought against the County by a third party challenging either its decision to issue this CUP or the manner in which the County is interpreting or enforcing the conditions of this CUP; and,
 - (2) Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such action. Upon demand from the County, the Permittee shall reimburse the County for any court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such action the Permittee defended or had control of the defense of the suit. The County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.
 - b. Neither the issuance of this CUP nor compliance with the conditions thereof shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property, nor shall the issuance of this CUP serve to impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.
 - c. Except with respect to the County's sole negligence or intentional misconduct, the Permittee shall indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, demands, costs, and expenses, including attorney's fees, judgments, or liabilities arising out of the construction, maintenance, or operations described in Condition No. 1 (Permitted Land Uses), as it may be subsequently modified pursuant to the conditions of this CUP.
9. Invalidation of Condition(s): If any of the conditions or limitations of this CUP are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth. In the event that any condition contained herein is determined to be in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the project sponsors in an action filed in a court of law, or threatened to be filed therein, which action is brought in the time period provided for by the Code of Civil Procedures (§1094.6), or other applicable law, this CUP shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Permittee has, in the interim, fully complied with the fee, exaction, dedication, or other mitigation measure being challenged.

If any condition is invalidated by a court of law, and said invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, the project may be reviewed, at the discretion of the Planning Director, by the Planning Commission and substitute feasible conditions/mitigation measures may be imposed to adequately address the subject matter of the invalidated condition. The determination of adequacy shall be made by the Planning Commission. If the Planning Commission cannot identify substitute feasible conditions/mitigation measures 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 CUP may be revoked.

10. Consultant Review of Information and Consultant Work: The County and all other permitting agencies shall have the option of referring any and all special studies that may be required by these conditions to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work for which to be contracted, as well as the costs of such work. Whenever feasible, the lowest bidder will be used. Any decisions made by staff may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Permittee may hire private consultants to conduct work required by the County, provided the consultant and the proposed scope-of-work are acceptable to the County. However, the County retains the right to hire its own consultants to evaluate any work undertaken by the operator or consultants under the contract to the operator.

11. Relationship of CUP Conditions, Laws and Other Permits: The design, maintenance, and operation of the CUP area and facilities thereon shall comply with all applicable requirements and enactments of Federal, State, and County authorities, as amended, and all such requirements and enactments shall by reference become conditions of this CUP. In the event of conflicts between various requirements, the more restrictive requirements shall apply. In the event that any CUP condition contained herein is determined to be in conflict with any other CUP condition contained herein, then where principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

No condition of this CUP for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, or any lawful rules

or regulations or orders of an authorized governmental agency. Neither the issuance of this CUP nor compliance with the conditions of this CUP shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

12. Days and Hours of Operation: Business operations (i.e. receiving materials and export of product) are authorized to be conducted seven days per week between the hours of 7:00 am to 2:00 pm. The facility shall not be open to the public except as temporarily authorized by the Planning Director for educational purposes.
13. Traffic Limitations: A maximum of 12 one-way truck (or other transport vehicle) trips per any one week are authorized for material delivery and product export. These truck trips shall occur during the authorized hours of business operations. Average one-way truck trips per week for any three-month period shall not exceed 6.
14. Contact Person: Prior to the issuance of the Use Inauguration Zoning Clearance, the Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, phone number, mailing and email addresses, and business and cell phone numbers) of the Permittee's field agent and other representatives who receive all orders, notices, and communications regarding matters of condition and code compliance at the CUP site. There always shall be a contact person designated by the Permittee. If deemed necessary by the Planning Director, one contact person shall be available via telecommunication, 24 hours a day, to respond to complaints by citizens and the County. If the address or phone number of the Permittee's agent should change, or the responsibility is assigned to another person or position, the Permittee shall provide the Planning Director with the new information within three calendar days.
15. Resolution of Complaints: The following process shall be used to resolve complaints related to the project:
 - a. The Permittee shall post the phone number for the designated Contact Person as identified pursuant to Condition No. 14 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about an event as it is occurring may directly contact the Contact Person.
 - b. If a written complaint is received by the County, Planning staff will contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation.
 - c. If, following a complaint investigation, a violation of Ventura County Code or a condition of this permit is confirmed, enforcement actions pursuant to Section 8114-3 of the Non-Coastal Zoning Ordinance will be initiated.

16. Correspondence from Other Agencies and Jurisdictions: Copies of all correspondence, reports, or information related to land use and environmental issues covered by this CUP which are received by the Permittee from, or sent by the Permittee to, other State or local jurisdictions or agencies shall be provided to the Planning Division within five calendar days of their receipt/issuance.
17. Site Maintenance: The CUP area shall be maintained in a neat and orderly manner so as not to create any hazardous condition, or unsightly conditions which are visible from outside the CUP area on surrounding properties or from any public right-of-way. All equipment and facilities not explicitly permitted in Condition No. 1 (Permitted Land Uses) shall be removed from the site prior to the issuance of a Use Inauguration Zoning Clearance. Only equipment, materials, and structures which comply with Condition No. 1 (Permitted Land Uses), or are authorized by any subsequent amendments to this CUP, shall be stored on the property during the life of this CUP.
18. Change of Ownership: At least 10 calendar days prior to the effective date of the change of property ownership, or of lessee(s) or operator(s) of the permitted uses, there shall be filed, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). A final statement that a transfer of ownership has occurred shall be provided to the Planning Director within 15 calendar days of the transfer. The statement shall include the following:
 - (a) Any changes in name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and company officer(s) from the initial notice;
 - (b) A letter from the new property owner(s), lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this CUP; and,
 - (c) The effective date and time of the transfer.
19. Lighting Plan:

Purpose: To ensure lighting on the subject property is provided and maintained in compliance with § 8106-8.6 and 8109-4.7 of the Ventura County Non-Coastal Zoning Ordinance and to ensure the following objectives are met:

 - a. avoids interference with reasonable use of adjoining properties;
 - b. avoids conflict with landscape features;
 - c. minimizes on-site and eliminates off-site glare;

- d. provides adequate on-site lighting for security;
- e. minimizes impacts to wildlife movement;
- f. minimizes energy consumption;
- g. includes devices that are compatible with the design of the permitted facility; and,
- h. Complies with the general standards listed in Section 8109-4.7.4 for all new and replaced outdoor lighting.

Requirement: Should the Permittee wish to change the existing lighting on the project site, the Permittee shall submit two copies of a lighting plan to the Planning Division for review and approval prior to implementing such plan. The lighting plan must comply with the following:

- a. the lighting plan shall be prepared by an electrical engineer registered by the State of California;
- b. the lighting plan shall include a photometric plan and manufacturer's specifications for each exterior light fixture type (e.g., light standards, bollards, and wall mounted packs). The Permittee shall also include the lighting color and maximum lumens for each light fixture;
- c. the lighting plan shall provide illumination information for all exterior lighting such as parking areas, walkways/driveways, streetscapes, and open spaces proposed throughout the development;
- d. in order to minimize light and glare on the project property, all parking lot lighting, exterior structure light fixtures, and freestanding light standards must be a cut-off type, fully shielded, and downward directed, such that the lighting is projected downward onto the property and does not cast light on any adjacent property or roadway;
- e. the outdoor lighting shall maintain the maximum light trespass levels identified in Table 1 of NCZO Section 8109-4.7.4.

The Permittee shall bear the total cost of the review and approval of the lighting plan. The Permittee shall install all exterior lighting in accordance with the approved lighting plan.

Documentation: The Permittee shall submit two copies of a lighting plan to the Planning Division for review and approval.

Timing: The Permittee shall obtain the Planning Division's approval of the lighting plan prior to the issuance of a Zoning Clearance for Use Inauguration. The Permittee shall maintain the lighting as approved in the lighting plan for the life of the Project.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved lighting plan in the Project file. The Permittee shall ensure that the lighting is installed according to the approved lighting plan prior to occupancy. The Building and Safety Inspector and Planning Division staff have the authority to ensure that the lighting plan is installed according to the approved lighting plan. Planning Division staff has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Non-Coastal Zoning Ordinance.

20. Sign Plan:

No signage shall be installed or maintained on the project site except in conformance with a Sign Plan reviewed and approved by the Planning Director. All approved signage shall be in conformance with the requirements of the Non-Coastal Zoning Ordinance.

21. Proprietary Information:

Proprietary information and/or trade secrets which are required to be submitted shall be so identified by the Permittee, submitted separately from the other required materials, and confidentially maintained by the public agencies having access to it. Such information shall be requested on an as needed basis only by the applicable County agency or department head. *"Proprietary information" means information which the County determines would reveal such things as production, reserves, manufacturing processes and patented formulas, or rate of depletion of the operations of the Permittee. Any information which is not proprietary is a matter of public record.*

22. Business License: Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall demonstrate to the satisfaction of the Planning Director that the Permittee has a temporary or permanent Ventura County Business License Tax Certificate or is exempt from such requirements. The Permittee shall maintain a current Tax Certificate and prominently display it at the place of business until this CUP expires.

Environmental Health Division

23. Hazardous Materials

The storage, handling, and disposal of any potentially hazardous material shall be in compliance with applicable state regulations.

24. Water Impoundments

All water impoundment(s) shall be maintained in a manner, which will not create mosquito breeding sources.

PUBLIC WORKS AGENCY CONDITIONS

Integrated Waste Management Division

25. Waste Diversion & Recycling Requirement

Purpose: To ensure the project complies with Ordinance No. 4445. Ordinance 4445 pertains to the diversion of recyclable materials generated by this project (e.g., paper, cardboard, wood, metal, green waste, soil, concrete, plastic containers, beverage containers) from local landfills through recycling, reuse, or salvage. Ordinance 4445 can be reviewed at:

<http://onestop.vcpublishworks.org/integrated-waste-management-laws-ordinances>

Requirement: Ordinance 4445, Sec 4770-2.2, requires the Permittee to work with a County-franchised solid waste hauler who will determine the level of service required to divert recyclables generated by their project from local landfills. For a complete list of County-franchised solid waste haulers, go to:

<http://vcpublishworks.org/water-sanitation-department/business-recycling-and-disposal>

Documentation: The Permittee must maintain copies of bi-monthly solid waste billing statements for a minimum of one year. The address on the billing statement must match the address of the permitted business.

Timing: Upon request, the Permittee must provide the IWMD with a copy of a current solid waste billing statement to verify compliance with this condition.

Monitoring and Reporting: Upon request, the Permittee shall allow IWMD staff to perform a free, on-site, waste audit to verify recyclable materials generated by their business are being diverted from the landfill.

VENTURA COUNTY FIRE PROTECTION DISTRICT (VCFPD) CONDITIONS

26. Address Numbers (Single-Family Homes)

Purpose: To ensure proper premise identification to expedite emergency response.

Requirement: A minimum of 4-inch address numbers that are a contrasting color to the background and readily visible at night. Brass or gold-plated numbers shall not be used. Where structures are setback more than 150 feet from the street, larger numbers will be required so that they are distinguishable from the street. In the event the structure(s) is not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post.

Documentation: A stamped copy of an approved addressing plan issued by Building & Safety.

Timing: The Permittee shall maintain approved address numbers for the life of this CUP.

Monitoring and Reporting: A copy of the approved addressing shall be kept of file with the Fire Prevention Bureau. The Fire Prevention Bureau may conduct periodic inspections to ensure that all structures are addressed according to the approved plans/form.

27. Private Driveway Widths, Single Family Dwellings (Up to Four Parcels)

Purpose: To ensure that adequate fire department access is provided in conformance with current California State Law and VCFPD Ordinance.

Requirement: All private driveways shall be maintained in accordance with VCFPD access standards. A minimum all-weather access width of 15 feet shall be provided in Hazardous Fire Areas and Wildland-Urban Interface Areas.

Documentation: A copy of the current property access plan.

Timing: Prior to the issuance of a zoning clearance for use inauguration, The Permittee shall provide documentation of continued maintenance of all required access. The Permittee shall maintain onsite access for the life of this CUP.

Monitoring and Reporting: The Fire Prevention Bureau may conduct periodic inspections to ensure that the access is maintained in accordance with the access plan. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the access for the life of the development.

28. Vertical Clearance

Purpose: To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire

Protection District Ordinance.

Requirement: A minimum vertical clearance of 13-feet 6-inches along all access roads/driveways shall be maintained.

Documentation: A copy of the current property access plan.

Timing: Prior to the issuance of a zoning clearance for use inauguration, The Permittee shall provide documentation of continued maintenance of all required access. The Permittee shall maintain onsite access for the life of this CUP.

Monitoring and Reporting: A copy of the current access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau may conduct periodic inspections to ensure that the access is maintained according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the access for the life of the development.

29. Turnarounds

Purpose: To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

Requirement: An approved turnaround area for fire apparatus where dead-end Fire Department access roads / driveways exceed 150 feet shall be provided and maintained. Required turnaround areas shall be designed such:

- a. Does not exceed a 5% cross-slope in any direction.
- b. Located within 150 feet of the end of the access road / driveway
- c. Posted as fire lanes in accordance with VCFPD Standards.
- d. Kept free of obstructions at all times.

Documentation: A copy of the current access plan.

Timing: Prior to the issuance of a zoning clearance for use inauguration, The Permittee shall provide documentation of continued maintenance of all required access. The Permittee shall maintain onsite access for the life of this CUP.

Monitoring and Reporting: A copy of the current access plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau may conduct periodic inspections ensure that turnaround areas are installed according to the

approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the turnaround areas for the life of the development.

30. Hazard Abatement

Purpose: To ensure compliance with Ventura County Fire Protection District Ordinance.

Requirement: In high hazard fire areas, all grass or brush adjacent to structure's footprint cleared for a distance of 100 feet or to the property line if less than 100 feet. Note: A Notice to Abate Fire Hazard may be recorded against the parcel.

Documentation: A signed copy of the Ventura County Fire Protection District's Form #126 "Requirement for Construction" or the "Notice to Abate" issued under the Fire District's Fire Hazard Reduction Program.

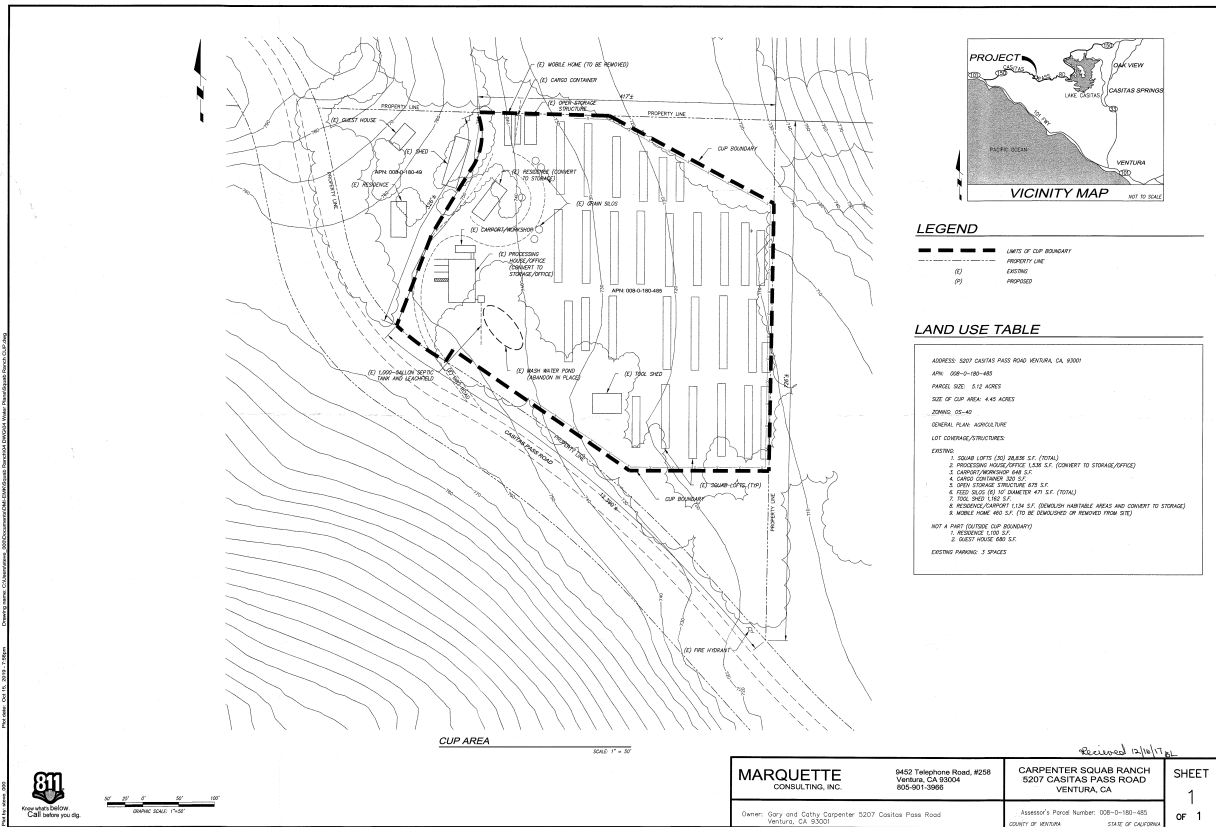
Timing: The Permittee shall remove all grass and brush as outlined by the Ventura County Fire Protection District's Fire Hazard Reduction Program guidelines before the issuance of a zoning clearance.

Monitoring and Reporting: The Fire Prevention Bureau may conduct on-site inspections to ensure compliance with this condition.

31. Abatement of Violations:

Prior to the issuance of the Zoning Clearance for Use Inauguration, all violations of County Code identified on the project site, including those specified in Notice of Violation CV17-0432, shall be abated to the satisfaction of the Planning Director.

32. Approved project plan(s):



****End of Conditions****