



Planning Director Staff Report– Hearing on July 29, 2021

County of Ventura • Resource Management Agency

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

BLUE HILL FARMS NURSERY PROJECT CONDITIONAL USE PERMIT (CUP) CASE NO. PL20-0062

A. PROJECT INFORMATION

1. **Request:** The applicant requests that a Conditional Use Permit (CUP) be granted to authorize the installation and operation of a new retail commercial nursery for a 20-year period. (Case No. PL20-0062)
2. **Property Owner/Applicant:** Kim Hamilton, 8625 N. Ventura Avenue, Ventura CA 93001
3. **Applicant's Representative:** Penn Hsu, 347 Dunsmuir Avenue, Ventura CA 93004
4. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-5 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested CUP.
5. **Project Site Size, Location, and Parcel Number:** The project site encompasses 11,886 square feet on two adjacent parcels located at 8608 and 8618 North Ventura Avenue in the unincorporated area of the County of Ventura, in the community of Casitas Springs. The Assessor's Parcel Numbers for the property that constitutes the project site are 061-0-201-070 and 061-0-201-080 (Exhibit 2).
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Commercial, Existing Community
 - b. Zoning Designation: "CPD/TRU/DKS" (Commercial Planned Development / Temporary Rental Units Overlay / Ojai Valley Dark Sky Overlay)
 - c. Ojai Valley Area Plan Designation: Commercial

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	Commercial Planned Development	Developed with commercial use
South	Commercial Planned Development	Developed with commercial use
East	Residential Planned Development	Developed with single family dwellings
West	Commercial Planned Development	Developed with commercial use

8. History:

The subject property was developed in the late 1940s or early 1950s with a single-family dwelling. In 2000 and 2001, notices of violation were issued to the property owner regarding the unpermitted conversion of the old dwelling to three residential units and the unpermitted residential occupancy of four recreational vehicles (RVs) on the site. The RVs were removed but the existing building remained until damaged by fire and demolished in 2005. Since 2006, the site has been undeveloped. The owner was cited for unpermitted open storage on the vacant property. The identified violations were ultimately abated, and enforcement actions ceased. The site has been permitted and used for temporary seasonal sales of pumpkins and Christmas trees since 2018. No discretionary permits have been granted by the County for development on the subject property.

The subject property is currently vacant and not subject to any active land use permits.

9. Project Description:

The applicant requests that a Conditional Use Permit (CUP) be granted to authorize the installation and operation of a new retail nursery for a 20-year period. Organic fruits and vegetables grown on the site would be sold at the proposed nursery. The project includes the construction of the following five small accessory buildings/structures:

- 320 sq. ft. manufactured/modular sales office with accessible bathroom;
- 80 sq. ft. equipment room;
- 312 sq. ft. plant hoop house;
- 120 sq. ft. detached trellis-style patio cover, and;
- 312 sq. ft. agricultural shade structure.

A six-foot tall chain link fence would be installed on the perimeter of the subject property. The 2,000-square foot public sales area would also be separately enclosed by a six-foot tall chain link fence. A 10 square foot sign would be installed on the front wall of the sales office building. A freestanding sign would be placed along the

property frontage and be 15.4 square feet in area. This sign would be mounted on a one-foot tall concrete pedestal and be a maximum of five feet in height.

Landscaping features on the site would include a 300-gallon in-ground fishpond and vegetation grown on the perimeter and interior fences.

A 267 cubic foot (1,997 gallons) capacity stormwater capture device (i.e. an underground storage tank) would be installed as part of the project to offset increased runoff resulting from the installation of new impervious surfaces.

Access to the project site would be provided by an unpaved two-way, 24-foot wide driveway that connects to Ventura Avenue. Five unpaved parking spaces, including one handicap accessible space, would be provided on the site. No curb or roadway improvements are proposed.

Sewage disposal for the proposed buildings would be accommodated by an onsite wastewater treatment system. Water would be provided to the project site by the Ventura River Water District.

The facility would operate between the hours of 9:00 a.m. and 3:00 p.m., 365 days per year.

(Refer to the project plans in Exhibit 3)

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 comprised of the operation of a small retail commercial nursery on a vacant commercially zoned property. Several small structures associated with the proposed nursery operation would be installed. These structures would include a 400 square foot enclosed building (a modular office), a 312-square foot hoop house for growing plants, a 312-square foot agricultural shade structure, and a 120-foot patio cover. The total coverage of the subject 11,886 project site would be about 10 percent. The site would be landscaped but the parking lot would remain unpaved.

Given the limited intensity of the proposed development and the location of the project in an area substantially developed with commercial uses, the project is eligible for exemption from environmental review pursuant to Section 15303 of the CEQA Guidelines. This section exempts the construction of new, small commercial facilities or structures of up to 10,000 square feet in size in urbanized areas on property zoned for the proposed use, where necessary public services and facilities are available, and where surrounding areas are not environmentally sensitive.

The property is zoned (CPD) for the proposed commercial use and no substantial effects on traffic, community character, water resources or other environmental issues have been identified that would result from the proposed project. No environmentally sensitive areas are located near the project site. All necessary public and private services would be available to serve the subject property. Further, the Project would not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2. Therefore, no further environmental review is required.

Based on the above discussion, staff recommends that the decision-maker find the project to be categorically exempt from environmental review pursuant to Section 15303 of the CEQA Guidelines.

C. CONSISTENCY WITH THE 2040 GENERAL PLAN

The Ventura County 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.

Evaluated below is the consistency of the proposed project with the applicable policies of the 2040 General Plan.

LU-11.1 Location: *The County shall encourage mixed-use, commercial, and industrial development be located within cities, existing unincorporated urban centers, or designated Existing Communities where necessary public facilities and services can be provided to serve such development. (RDR)*

Staff Analysis: The proposed project is comprised of the installation and operation of a commercial retail nursery in the OVAP Existing Community on land zoned for such use. All necessary public and private services are available to serve the proposed facilities.

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

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. (RDR)

LU-16.2 Urban Design Standards for Commercial and Industrial Development:

The County shall require that discretionary commercial and industrial developments maintain high standards of urban design and environmental quality by incorporating compact form, maximizing pedestrian access and safety, and minimizing land use conflicts and traffic congestion.

Staff Analysis: The proposed project is comprised of the installation and operation of a commercial retail nursery in the OVAP Existing Community on land zoned for such use. The small structures included in the proposed nursery would be compatible and in character with the other commercial buildings and uses in the immediate vicinity and surrounding neighborhood. The proposed project would not result in substantial traffic congestion as the facility would operate only during non-peak hours (i.e. from 9:00 a.m. to 3:00 p.m.).

The project site would be landscaped for screening purposes and to attract customers. As indicated in the project plans (Exhibit 3), the design of the proposed nursery represents a high standard for commercial development.

All necessary public and private services are available to serve the proposed facilities. Water would be supplied to the subject facility by the Ventura River County Water District. Sewage disposal would be accommodated by an onsite wastewater treatment system.

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

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.*

Staff Analysis: Water, road access, sewage disposal and all other necessary services are available to the project site to serve the proposed land uses.

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

PFS-3.2 Fair Share of Improvement Costs: *The County shall require development to pay its fair share of community improvement costs through impact fees, assessment districts, and other mechanisms.*

Staff Analysis: The applicant would be required by Condition of Approval No. 27 to pay a Traffic Impact Mitigation Fee (TIMF) in accordance with County policy to address the contribution of the project to regional traffic congestion.

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

PFS-4.1 Wastewater Connections Requirement: *The County shall require development to connect to an existing wastewater collection and treatment facility if such facilities are available to serve the development. An onsite wastewater treatment system shall only be approved in areas where connection to a wastewater collection and treatment facility is deemed unavailable.*

Staff Analysis: Sewer service is not available to serve the subject parcel according to the April 20, 2018 letter provided by the Ojai Valley Sanitary District (OVSD). The subject property is located 248 feet away from the nearest connection point and is located outside of the OVSD boundary.

Sewage disposal for the proposed project would be accommodated through the use of an onsite wastewater treatment system.

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

PFS-4.2 Onsite Wastewater Treatment Systems: *The County may allow the use of onsite wastewater treatment systems that meet the state Water Resources Control Board Onsite Wastewater Treatment System Policy, Ventura County Sewer Policy, Ventura County Building Code, and other applicable County standards and requirements.*

Staff Analysis: Sewage disposal for the project would be accommodated on the project site through the use of an onsite wastewater treatment system. This system would be operated under permit issued by the County Environmental Health Division in accordance with all applicable regulatory requirements.

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

PFS-6.1 Flood Control and Drainage Facilities Required for Discretionary Development: *The County shall require discretionary development to provide flood control and drainage facilities, as deemed necessary by the County Public Works Agency and Watershed Protection District. The County shall also require discretionary development to fund improvements to existing flood control facilities necessitated by or required by the development.*

Staff Analysis: The proposed project would result in the creation of 1,982 square feet of new impervious surfaces. In order to offset the increase in peak runoff due to the new impervious surfaces, the installation of a rainwater capture device (an

underground storage tank) would be installed. This tank would have a capacity of 267 cubic feet (1,997 gallons) and satisfy the site detention requirements as determined by the County Public Works Agency.

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

PFS-11.4 Emergency Vehicles Access: *The County shall require all discretionary development to provide, and existing development to maintain, adequate access for emergency vehicles, including two points of access for subdivisions and multifamily developments.*

Staff Analysis: The proposed project includes a single 24-foot wide driveway connected to North Ventura Avenue. This accessway and the adjoining parking lot would provide adequate access to the project site and facilities for emergency vehicles. Two points of access are not required as the project does not involve a subdivision or a multifamily dwelling.

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.*

Staff Analysis: The proposed project includes a single 24-foot wide driveway connected to North Ventura Avenue. This accessway and the adjoining parking lot would provide adequate access to the project site for fire suppression.

Water would be provided to the project site by the Ventura River County Water District in a manner that meets the fire flow standards of the VCFPD. The project site is located less than five miles from the nearest fire station. Thus, the available response time would meet VCFPD requirements.

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

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

Staff Analysis: Water would be provided to the project site by the Ventura River County Water District (VRCWD). The VRCWD produces groundwater from the river gravels in the Upper Ventura River Sub-basin aquifer. It also purchases and purveys surface water from Lake Casitas. These two water sources are used in coordination and provide reliable water service to customers in its southern Ojai Valley service

area. The County considers a connection to the VRCWD to constitute an adequate long-term source of water.

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

D. CONSISTENCY WITH THE OJAI VALLEY AREA PLAN

The Ventura County 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 Ojai Valley Area Plan (OVAP) is part of the General Plan.

Evaluated below is the consistency of the proposed project with the applicable policies of the OVAP.

OV-11.2 Discretionary Review of Commercial Development: *The County shall subject discretionary development in Commercial designated areas to either a Planned Development or a Conditional Use Permit to assure compatibility with neighboring land uses. Such review shall give careful attention to landscaping, signage, access, site and building design and size, drainage, on-site parking and circulation, operating hours, fencing, and mitigation of nuisance factors.*

Staff Analysis: The proposed project is comprised of the installation and operation of a commercial retail nursery in the OVAP Existing Community on land zoned for such use. The small structures included in the proposed nursery would be compatible and in character with the other commercial buildings and uses in the immediate vicinity and surrounding neighborhood. All design components referenced in the above policy are adequately addressed in the project plans and the proposed operational limitations.

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

OV-17.1 Community Compatibility: *The County shall require all discretionary development projects to be reviewed and conditioned to ensure that they are compatible with their surroundings, are of high quality and good design, are consistent with the character of the Ojai Valley, and are beneficial to the community as a whole.*

Staff Analysis: The proposed project is comprised of the installation and operation of a commercial retail nursery in the OVAP Existing Community on land zoned for such use. The small structures included in the proposed nursery would be compatible and in character with the other commercial buildings and uses in the immediate vicinity and surrounding neighborhood. The proposed project would not result in substantial traffic congestion as the facility would operate only during non-peak hours (i.e. from 9:00 a.m. to 3:00 p.m.).

The project site would be landscaped for screening purposes and to attract customers. As indicated in the project plans (Exhibit 3), the design of the proposed nursery represents a high standard for commercial development.

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

OV-20.1 Ventura River Valley Municipal Advisory Council (VRVMAC) Authority: *The Ventura River Valley Municipal Advisory Council (VRVMAC) or successor group shall continue to be the Board of Supervisors' recognized public review group for all projects which fall within its review boundaries. All applications for discretionary development and all environmental documents for projects which would affect the Ojai Valley shall be reviewed by the VRVMAC or successor group.*

Staff Analysis: The proposed project has been reviewed by the Ojai Valley Municipal Advisory Council (the successor to the VRVMAC) at a regularly scheduled meeting on May 17, 2021. The comments and recommendations of the Ojai Valley Municipal Advisory Council are attached to this staff report (Exhibit 4).

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

OV-22.2 Evaluation of Level of Service (LOS) Impacts based on Land Use Changes: *The County shall evaluate Area Plan land use designation changes, zone changes, and discretionary development for individual and cumulative impacts on existing and future roads, with special emphasis on the following:*

- a. Whether they would cause existing roads within the Regional Road Network or Local Road Network that are currently functioning at an acceptable Level of Service (LOS) to function below an acceptable LOS;*
- b. Whether they would worsen traffic conditions on existing roads within the Regional Road Network that are currently functioning below an acceptable LOS; and*
- c. Whether they could cause future roads planned for addition to the Regional Road Network or the Local Road Network to function below an acceptable LOS.*

Staff Analysis: The proposed project would only operate from 9:00 a.m. to 3:00 p.m. Thus, all project-related traffic would occur outside of the peak traffic periods on State Route 33. With these hours of operation, the proposed project would not result in a reduction of roadway LOS.

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

OV-24.1 Adequate Public Facilities and Services: *The County shall require discretionary development to demonstrate that there are adequate public facilities and services available to serve the needs of the proposed development.*

Staff Analysis: Water, road access, sewage disposal and all other necessary services are available to the project site to serve the proposed land uses.

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

OV-26.3 Private Septic Systems Installation and Regulations Requirement: *The County shall require private septic systems outside of the Ojai Valley Sanitation District boundaries to be installed and regulated in accordance with the County Environmental Health Division regulations.*

Staff Analysis: Sewage disposal for the project would be accommodated on the project site through the use of an onsite wastewater treatment system. This system would be operated under permit issued by the Ventura County Environmental Health Division in accordance with all applicable regulatory requirements.

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

OV-34.1 Compliance with Fire Protection District and Sheriff's Department Requirements: *The County shall require discretionary development to comply with the requirements of the Fire Protection District and Sheriff's Department by providing adequate access for fire, law enforcement, emergency equipment and personnel, and evacuation.*

Staff Analysis: The proposed project includes a single 24-foot wide driveway connected to North Ventura Avenue. This accessway and the adjoining parking lot would provide adequate access to the project site and facilities for emergency vehicles used for fire suppression, law enforcement and medical services.

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

OV-35.1 Adequate Water for Firefighting: *The County shall require adequate water supplies and delivery system for firefighting purposes to serve any discretionary development in accordance with the standards of the Fire Protection District.*

Staff Analysis: Water would be provided to the project site by the Ventura River County Water District in a manner that meets the fire flow standards of the Ventura County Fire Protection District (VCFPD). The conditions of approval (Exhibit 5) include provisions to ensure ongoing fire safety that are recommended by the VCFPD.

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

OV-41.1 Scenic Views and Vistas from Public Roads or Publicly-owned Land:

The County shall prohibit discretionary development/grading which will significantly degrade or destroy a scenic view or vista from public roads or publicly-owned land, unless the development/grading is a public project, or a private project for which there is a substantial public benefit, and overriding considerations are adopted by the decision-making body.

Staff Analysis: The proposed project is comprised of the installation and operation of a commercial retail nursery in the OVAP Existing Community on land zoned for such use. The small structures included in the proposed nursery would be compatible and in character with the other commercial buildings and uses in the immediate vicinity and surrounding neighborhood. Thus, the proposed plant nursery would not significantly degrade any scenic vista along State Route 33.

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

OV-41.5 Sign Program Requirement: *The County shall require a sign program to be submitted concurrently with a discretionary development permit for all commercial and industrial development. The County shall prohibit Freestanding off-site advertising signs. The County shall limit all on-site freestanding signs to five feet in height.*

Staff Analysis: The freestanding identification sign included in the proposed project is designed to be a maximum of five feet in height, consistent with this policy.

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

E. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the Ventura County Non-Coastal Zoning Ordinance (§ 8105-5), the proposed use (i.e. "Retail, nursery") are allowed in the CPD zone district with the granting of a CUP by the Planning Director. Upon the granting of the CUP, the Permittee would be in compliance with this requirement.

The proposed project is located within the CPD Zone District and is subject to development standards set forth in Sections 8106-1.2 and 8110-5.1 of the Ventura County Non-Coastal Zoning Ordinance. 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)	No requirement	Yes
Maximum Percentage of Building Coverage	60 percent (from General Plan)	Yes
Front Setback	Five feet on corner lots	Yes, the proposed structures would be located more than five feet from all property lines.
Side Setback	Five feet if adjacent to an R zone (Otherwise, as specified by the CUP)	
Rear Setback	Five feet if adjacent to an R zone (Otherwise, as specified by the CUP)	
Maximum Building Height	35 feet	Yes
<u>Section 8110-5.1:</u> Attached Sign: No limit on number of signs. Area of sign limited to one square foot of sign area per linear foot of wall length, maximum of 120 square feet.		Yes. Based on the 10-foot length of the front of the proposed office building, the proposed 10 square foot wall sign is allowed.
<u>Section 8110-5.1:</u> Freestanding sign: Limit of one sign with size limited to the greater of 10 square feet or the length of the street frontage divided by five to a maximum of 200 square feet.		Yes. Based on the 78 feet of street frontage, the proposed 15.4 square foot freestanding sign is allowed.

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

F. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a 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, D and E of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County General Plan, the OVAP, and of 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 installation and operation of a commercial retail nursery in the OVAP Existing Community on land zoned for such use. The

small structures included in the proposed nursery would be compatible and in character with the other commercial buildings and uses in the immediate vicinity and surrounding neighborhood.

The project site would be landscaped for screening purposes and to attract customers. As indicated in the project plans (Exhibit 3), the design of the proposed nursery represents a high standard for commercial development.

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 installation and operation of a commercial retail nursery in the OVAP Existing Community on land zoned for such use. The small structures included in the proposed nursery would be compatible and in character with the other commercial buildings and uses in the immediate vicinity and surrounding neighborhood. The proposed project would not result in substantial traffic congestion as the facility would operate only during non-peak hours (i.e. from 9:00 a.m. to 3:00 p.m.).

The project site would be landscaped for screening purposes and to attract customers. As indicated in the project plans (Exhibit 3), the design of the proposed nursery represents a high standard for commercial development.

All necessary public and private services are available to serve the proposed facilities. Water would be supplied to the subject facility by the Ventura River County Water District. Sewage disposal would be accommodated by 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 would not result in substantial traffic congestion as the facility would operate only during non-peak hours (i.e. from 9:00 a.m. to 3:00 p.m.).

All necessary public and private services are available to serve the proposed facilities. Water would be supplied to the subject facility by the Ventura River County Water District. Sewage disposal would be accommodated by an onsite wastewater

treatment system. 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 installation and operation of a commercial retail nursery in the OVAP Existing Community on land zoned for such use. The small structures included in the proposed nursery would be compatible and in character with the other commercial buildings and uses in the immediate vicinity and surrounding neighborhood. Given the commercial land use designation and zoning of the project site and immediate vicinity, and the current existence of numerous commercial uses, a future change in zoning, OVAP designation or land use 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].**

Each of the two parcels included in the project site have been determined to have been legally created through the issuance of Certificates of Compliance by the County of Ventura. These Certificates are identified as follows:

CC 18-06-1284 INST# 20190820-00096397
CC 18-03-1257 INST# 20190820-00096396

Based on the above discussion, this finding 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 July 16, 2021, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located as well as to interested parties. On July 16, 2021, the Planning Division placed a legal ad in the *Ventura County Star* and *Ojai Valley Newspaper*. 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 15303 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** CUP PL20-0062, subject to the conditions of approval (Exhibit 5); 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 John Kessler at (805) 654-2461 or John.Kessler@ventura.org.

Prepared by:



John Kessler, Case Planner
Commercial and Industrial Permits
Ventura County Planning Division

Reviewed by:



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

EXHIBITS

- Exhibit 2 Maps
- Exhibit 3 Project Plans
- Exhibit 4 OVMAC Minutes
- Exhibit 5 Conditions of Approval



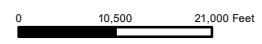
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Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map created on 02-24-2021

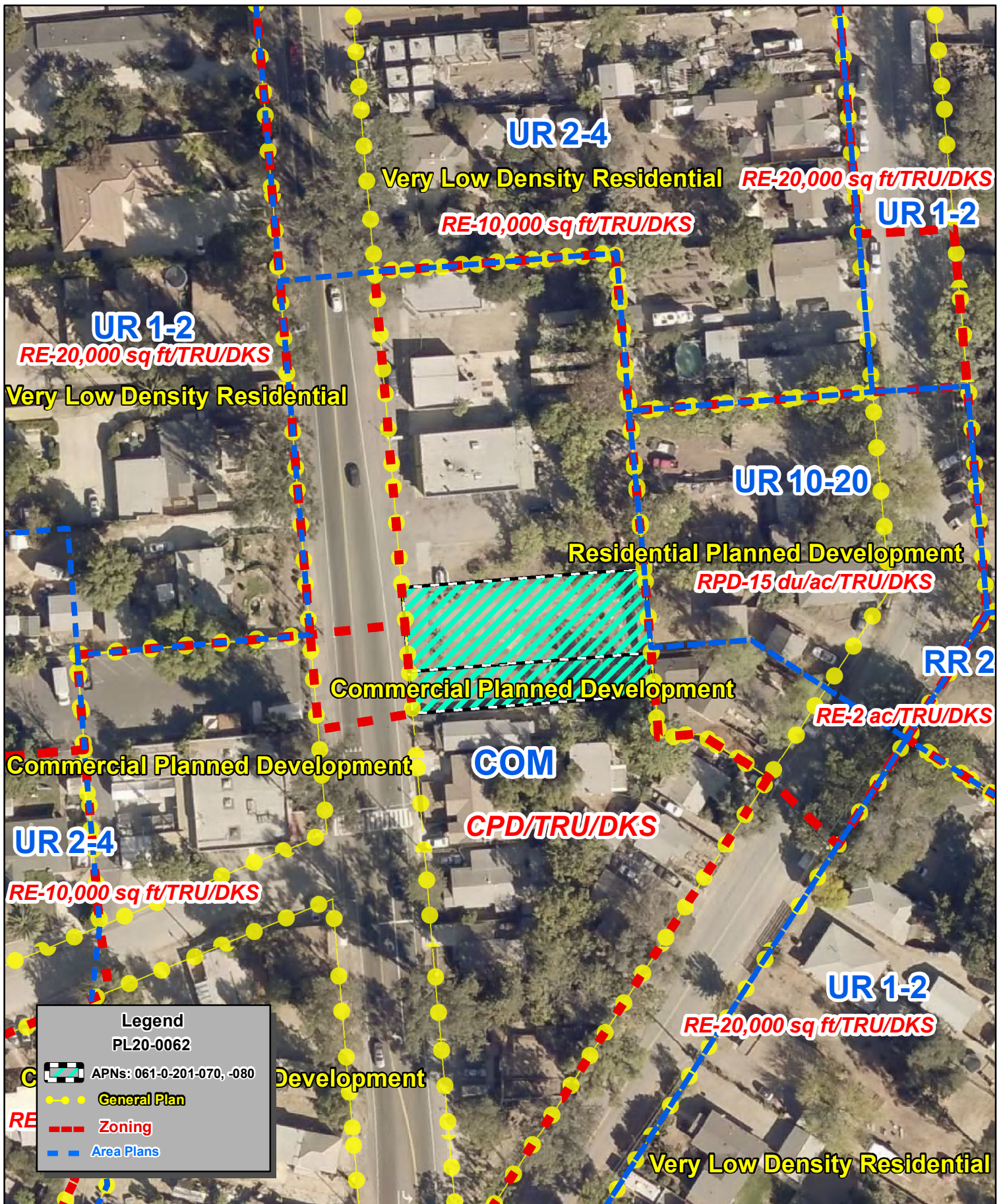


County of Ventura
 Planning Director Hearing
 Case No. PL20-0062
 Exhibit 2 - Maps



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.





Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 02-24-2021
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County of Ventura
Planning Director Hearing
PL20-0062
General Plan & Zoning Map

0 35 70 Feet

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VENTURA

061-0-201-080

061-0-201-070

RANCH

NYE



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 02-24-2021
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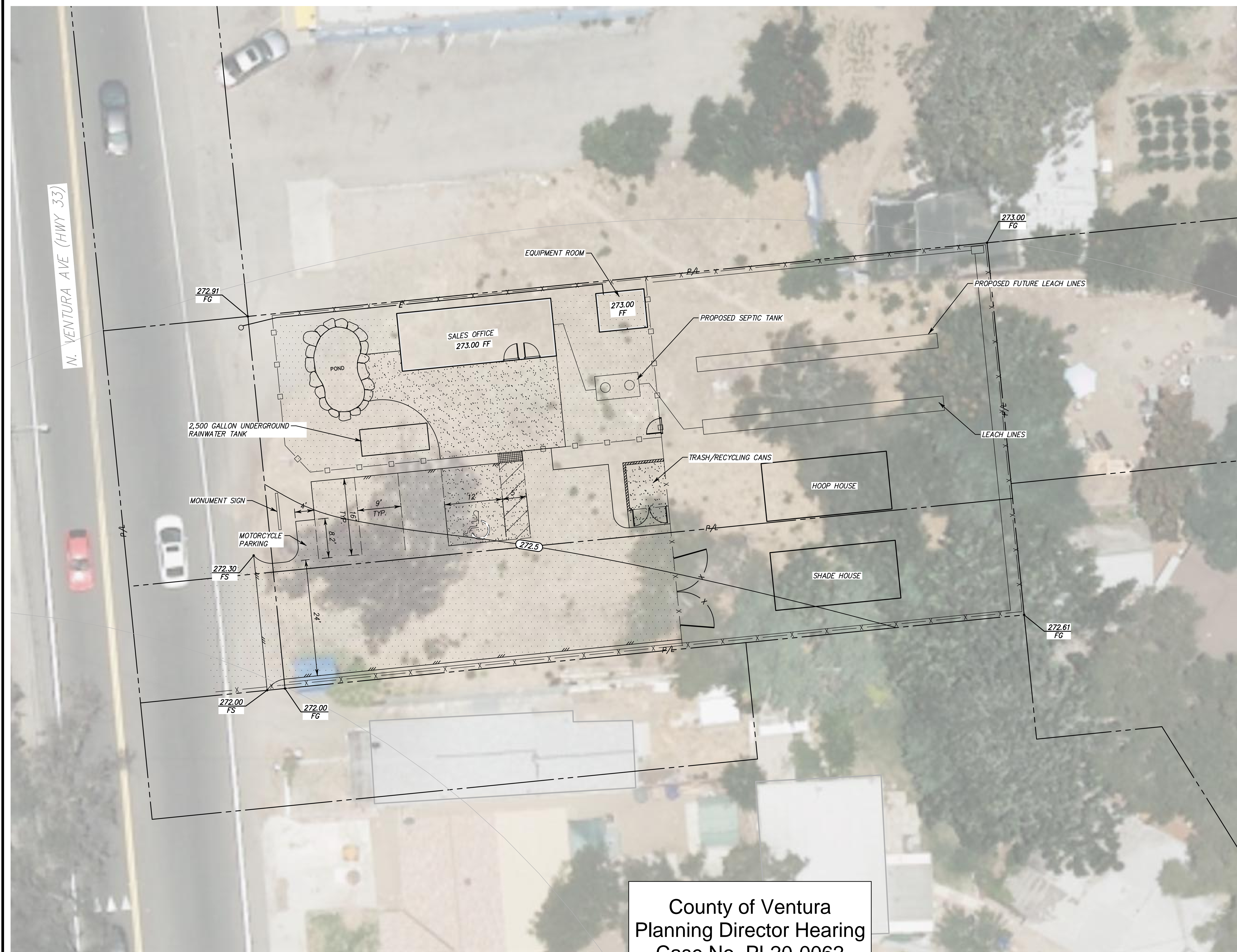


County of Ventura
Planning Director Hearing
PL20-0062
Aerial Photography



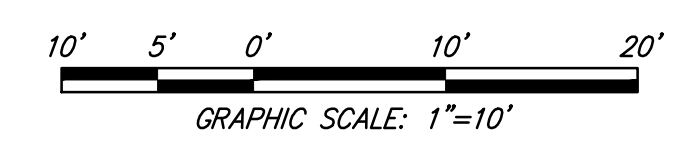
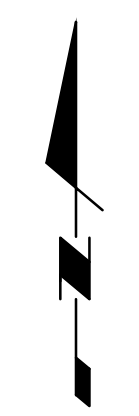
Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does no warrant the accuracy of this map and no decision involving a risk of economic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





N. VENTURA AVE (HWY 33)

County of Ventura
 Planning Director Hearing
 Case No. PL20-0062
 Exhibit 3 - Project Plans



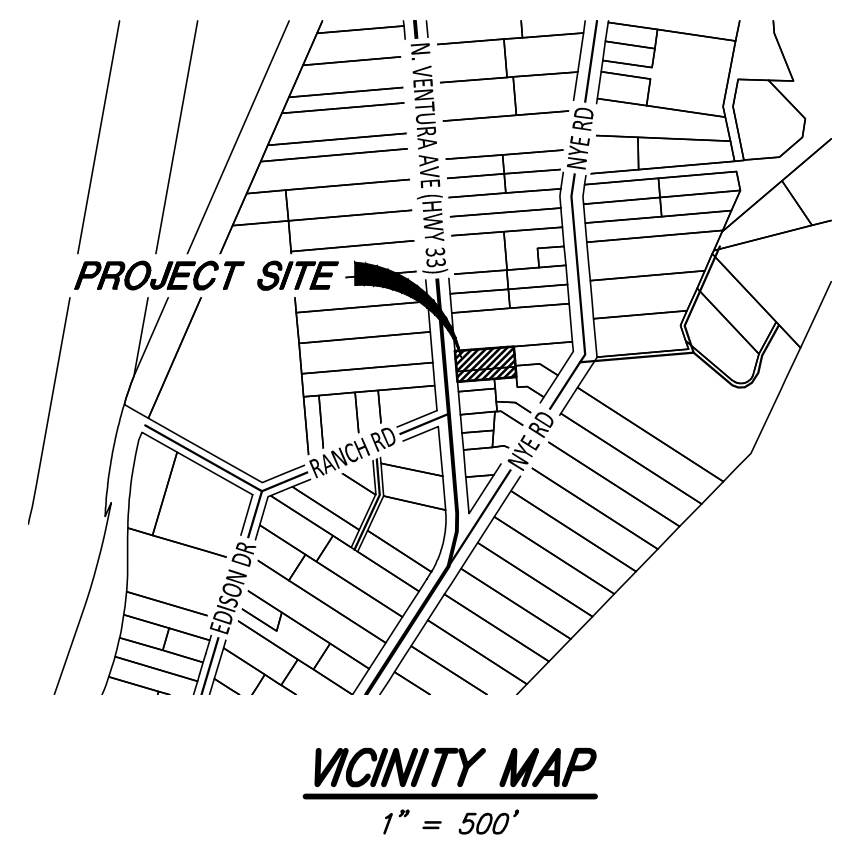
LEGEND

---	PROPERTY LINE
-X-X-X-	PROPOSED FENCING
○	PROPOSED CONTOUR
[Stippled Box]	CONCRETE HARDSCAPE
[Dotted Box]	DECOMPOSED GRANITE

JENSEN DESIGN & SURVEY, INC.
 1672 DONLON STREET
 VENTURA, CALIF. 93003
 PHONE 805/654-6977
 FAX 805/654-6979

SCALE: 1" = 10'
 DATE: 5/7/2020

J.N.: BHF01.6164
 DWG. NAME: 6164_PGP.dwg



LAND USE DATA

A.P.N.:	061-0-201-080 & 061-0-201-070
ADDRESS:	8608 & 8616 N. VENTURA AVE. VENTURA, CA
PARCEL SIZE:	0.26 ACRE (COMBINED)
STRUCTURES:	
EXISTING STRUCTURES	NONE
PROPOSED STRUCTURES	
1. SALES OFFICE	384 S.F.
2. EQUIPMENT ROOM	80 S.F.
3. HOOP HOUSE	312 S.F.
4. SHADE STRUCTURE	312 S.F.
TOTAL STRUCTURE S.F.	1,088 S.F.
LOT COVERAGE	9.6%
OUTDOOR HARDSCAPE:	
CONCRETE	1,001 S.F.
TOTAL AREA	1,001 S.F.
PARKING:	
REQUIRED FOR OFFICE	1
PROVIDED	5
GENERAL PLAN DESIGNATION:	COMMERCIAL PLAN DEVELOPMENT
COUNTY ZONING:	CPD

Oct 21, 2020

PLANNED DEVELOPMENT PERMIT SITE
 PLAN/PRELIMINARY GRADING PLAN
 FOR
 BLUE HILL FARMS

8608 & 8616 N. VENTURA AVE.
 CITY OF VENTURA

COUNTY OF VENTURA STATE OF CALIFORNIA

SHEET
 1
 OF 1

A:\BHF\6164\Planning\Permit_Grading\6164_PGP.dwg Oct 21, 2020, 3:27pm murray

PROJECT DESCRIPTION

PROPOSED COMMERCIAL ORGANIC NURSERY AND FRUIT STAND WHICH CONSIST OF:
 2 SEASONAL HOOP HOUSE AND SHADE STRUCTURES, NEW 10 FT. X 12 FT. PERGOLA, AND 10 FT X 12 FT. PREFAB. SHED, AND A FISH POND AND RELATED EQUIPMENT
 A 320 SF MANUFACTURED SALES OFFICE BUILDING.
 DG PARKING AREA FOR 4-STANDARD PARKING, 1- MOTORCYCLE PARKING AND 1 VAN ACCESSIBLE.
 1000 GAL. SEPTIC TANK AND LEACH FIELD.

PARKING ANALYSIS

PUBLIC SALES AREAS (DG AND PAVED) = 1153+625+138 = 1916 (1500) = 3.48 SPACES
 OFFICE AREA = 298 SF (1000) = 1 SPACES
 AREA FOR A FRUIT STAND = 236 SF (1650) = 0.43 SPACE
TOTAL PARKING REQUIRED PER VC NCGO SECTION 8108-4:
 3.48+1+0.43 = 4.91 = 5 PARKING SPACES REQUIRED
PROVIDED: 1 MOTORCYCLE / 3 STANDARD / 1 VAN ACCESSIBLE PARKING SPACES
 ALL OTHER GROWING AREAS NOT ACCESSIBLE TO THE PUBLIC

INTENT TO COMPLY

THE FOLLOWING CODES AND ORDINANCES ARE AND SHALL BE PART OF THESE DRAWINGS:
 2019 CALIFORNIA BUILDING CODE [CBC]
 2019 CALIFORNIA MECHANICAL CODE [CMC]
 2019 CALIFORNIA PLUMBING CODE [CPC]
 2019 CALIFORNIA ELECTRICAL CODE [CEC]
 2019 CALIFORNIA ENERGY CODE
 2019 CALIFORNIA GREEN BUILDING CODE
 2019 COUNTY OF VENTURA APPLICABLE ORDINANCES

BEST MANAGEMENT PRACTICES

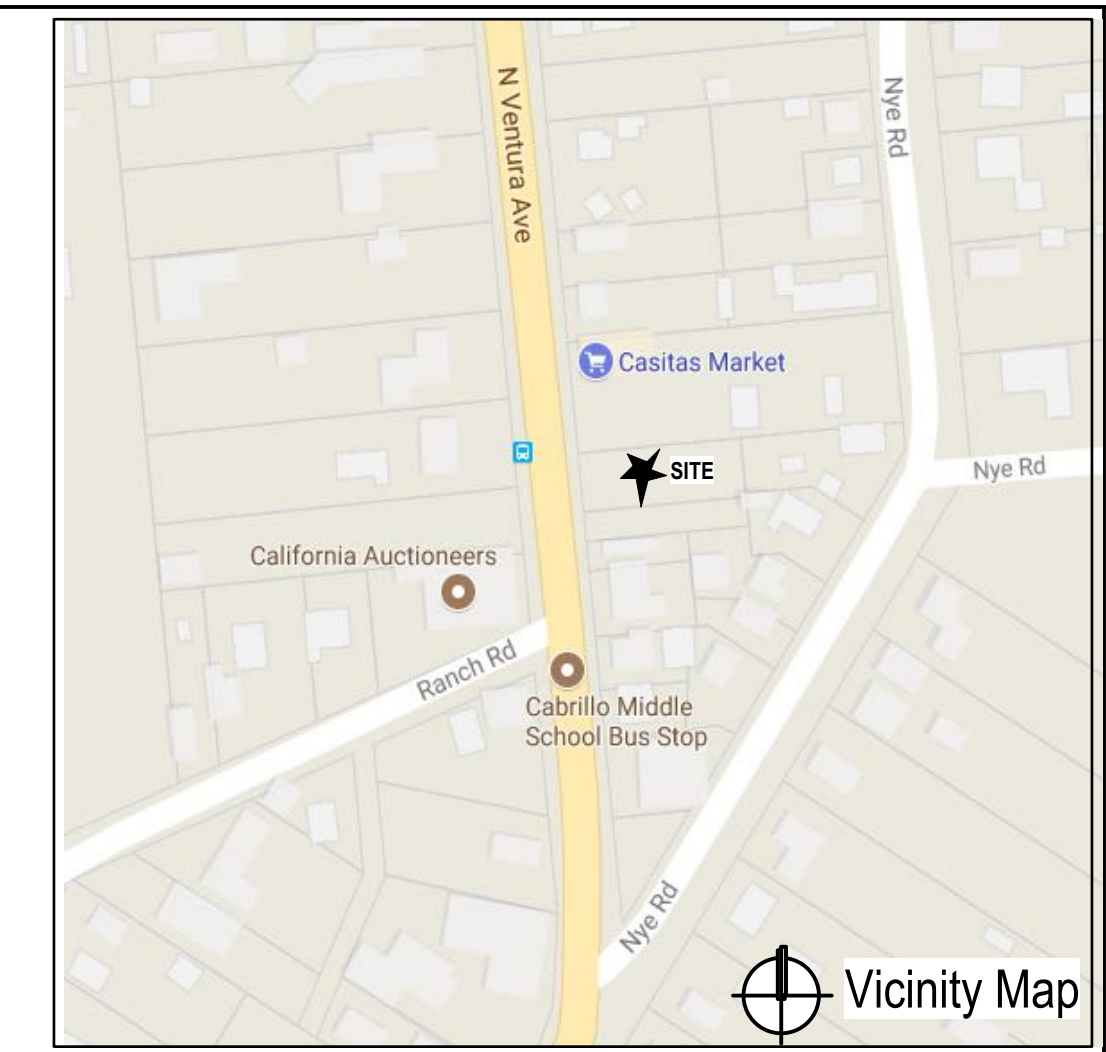
- Stockpiles of earth and other construction related materials must be protected from being transported from the site by the forces of wind or water. This includes sand for stucco, drywall demolition debris, drywall "mud" packaging, etc.
- Fuels, oils, solvents and other toxic materials must be stored in accordance with their listing and are not to contaminate the soil and surface waters. All approved storage containers are to be protected from the weather. Spills may not be washed into the drainage system.
- Non-solvent water runoff from equipment and vehicle washing and any other activity shall be contained at the site.
- Excess or waste concrete may not be washed into the public way or any other drainage system. Provisions must be made to retain concrete wastes on site until they can be disposed of as a solid waste.
- Trash and construction related wastes must be deposited into a covered receptacle to prevent contamination of rainwater and dispersal by wind.
- Sediments and other material may not be traced from the site by vehicle traffic. The construction entrance roadways must be stabilized so as to inhibit sediments from being deposited into the public way. Accidental depositions must be swept up immediately and may not be washed down by rain or other means.
- Other

SPECIAL INSPECTIONS

SPECIAL INSPECTION REQUIRED FOR ANY WORK INVOLVING SITE WELDING, SHOP WELDING, WALL GROUTING, SOILS LABORATORY INSPECTIONS, AND EPOXY ANCHORS. REFER TO STRUCTURAL AND/OR CIVIL DRAWINGS FOR ADDITIONAL INSPECTION REQUIREMENTS.
 SPECIAL INSPECTION REQUIRED PER SOILS ENGINEER, FOR SOILS COMPACTION AS RECOMMENDED. REFER TO SHT. A-4
 SPECIAL INSPECTION REQUIRED PER STRUCTURAL ENGINEER, REFER TO SHT. S-1

PROJECT SPECIFIC NOTES

- THE PROJECT IS LOCATED WITHIN THE DARK SKY (DKS) OVERLAY ZONE. ALL LIGHTING (TEMPORARY AND PERMANENT) ASSOCIATED WITH THE PROJECT WILL BE CONDITIONED TO COMPLY WITH ALL APPLICABLE REGULATIONS OF THE VENTURA COUNTY NON-COASTAL ZONING ORDINANCE (NCZO) SECTION 8104-7.6 AND SECTION 8108-4.7 ET AL.



STATISTICS - BUILDING & ZONING CODE NOTES

- PROPERTY OWNER: KIM HAMILTON, BLUE HILL FARMS
- PROJECT ADDRESS: 8625 N. VENTURA AVE., VENTURA, CA 93001
- PROJECT JURISDICTION: COUNTY OF VENTURA
- A.P.N. 061-0-201-08-0 / 061-0-201-07-0
- ZONE: CPD, COMMERCIAL PLANNED DEVELOPMENT
- LOT SIZE: 0.18 AC / 0.08 AC
11,866 SF NET TOTAL
- OCCUPANCY GROUP: B
- CONSTRUCTION TYPE: N/A
- SETBACK REQUIRED: N/A
- OPEN YARD REQUIRED: N/A
- GRADING: NONE
- PARKING: 1 VAN ACCESSIBLE
4, STANDARD 9 FT WIDE
1, MOTORCYCLE PARING

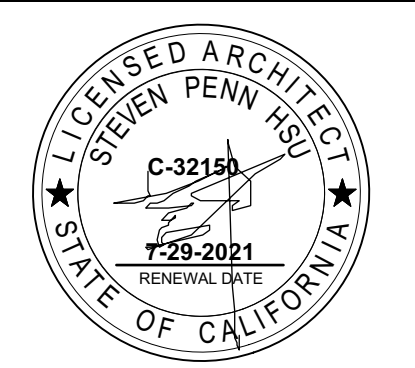
PROPOSED SQUARE FOOTAGES: (FOOTPRINT)

	GROSS (SF)
PROPOSED NURSERY GROWING AREA	
SEASONAL HOOP HOUSE	312
TEMP. SHADE HOUSE	312
TOTAL GROWING AREAS (PRIVATE)	5177
PROPOSED NURSERY SALES AREA	
STRUCTURES:	
SALES OFFICE BLDG. / ACCESSIBLE TOILET	298/86
EQUIP. SHED	80
PERGOLA / TRELIS	120
SALES AREAS:	
FISH POND	138
D. G. SALES AREA	1153
CONC. SALES AREA	625
FRUIT STAND	236
PROPOSED PARKING AREA / TRASH ENCLOSURE	3231
LANDSCAPING	1196

SHEET INDEX

- CIVIL
 1 SITE / PRELIMINARY GRADING PLAN
- ARCHITECTURAL
 A-1.0 SITE PLAN / PROJECT DATA
 A-2.0 PROPOSED SITE PLAN
 A-2.1 FLOOR PLANS
 A-3 SIGNAGE PLAN

S&P
 design | architecture
 Steven Penn Hsu
 Architect
 805.415.0910
 pennarch@att.net
 DLNS #633001022
 CASE CODE 514298



REVISION:

BLUE HILL FARMS
 PROPOSED NURSERY
 8608/8616 N. VENTURA AVE, VENTURA CA. 93001

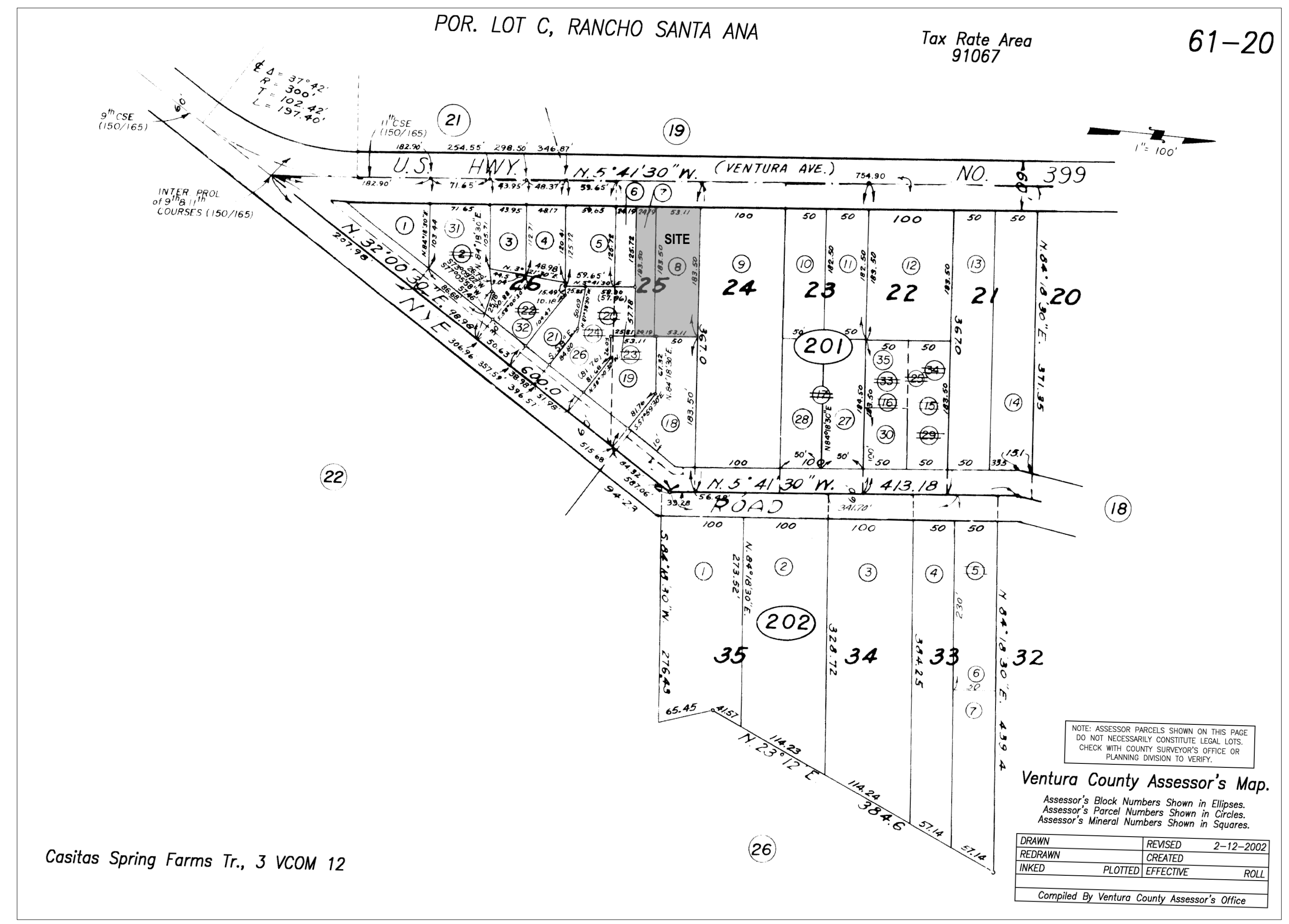
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COVER, PROJECT DATA

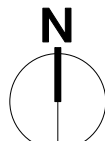
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SHEET:

A-1.0



PARCEL MAP



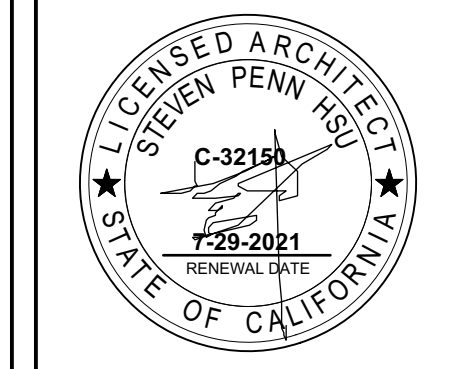
Casitas Spring Farms Tr., 3 VCOM 12



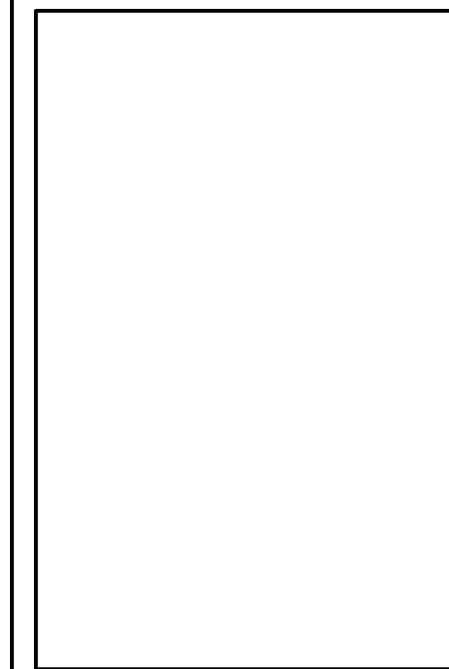
Steven Penn Hsu
Architect

805.415.0910
pennarch@att.net

DUNS #833001082
CAGE CODE 5W26N8



REVISION :



BLUE HILL FARMS
PROPOSED NURSERY
8608/8616 N. VENTURA AVE, VENTURA CA. 93001

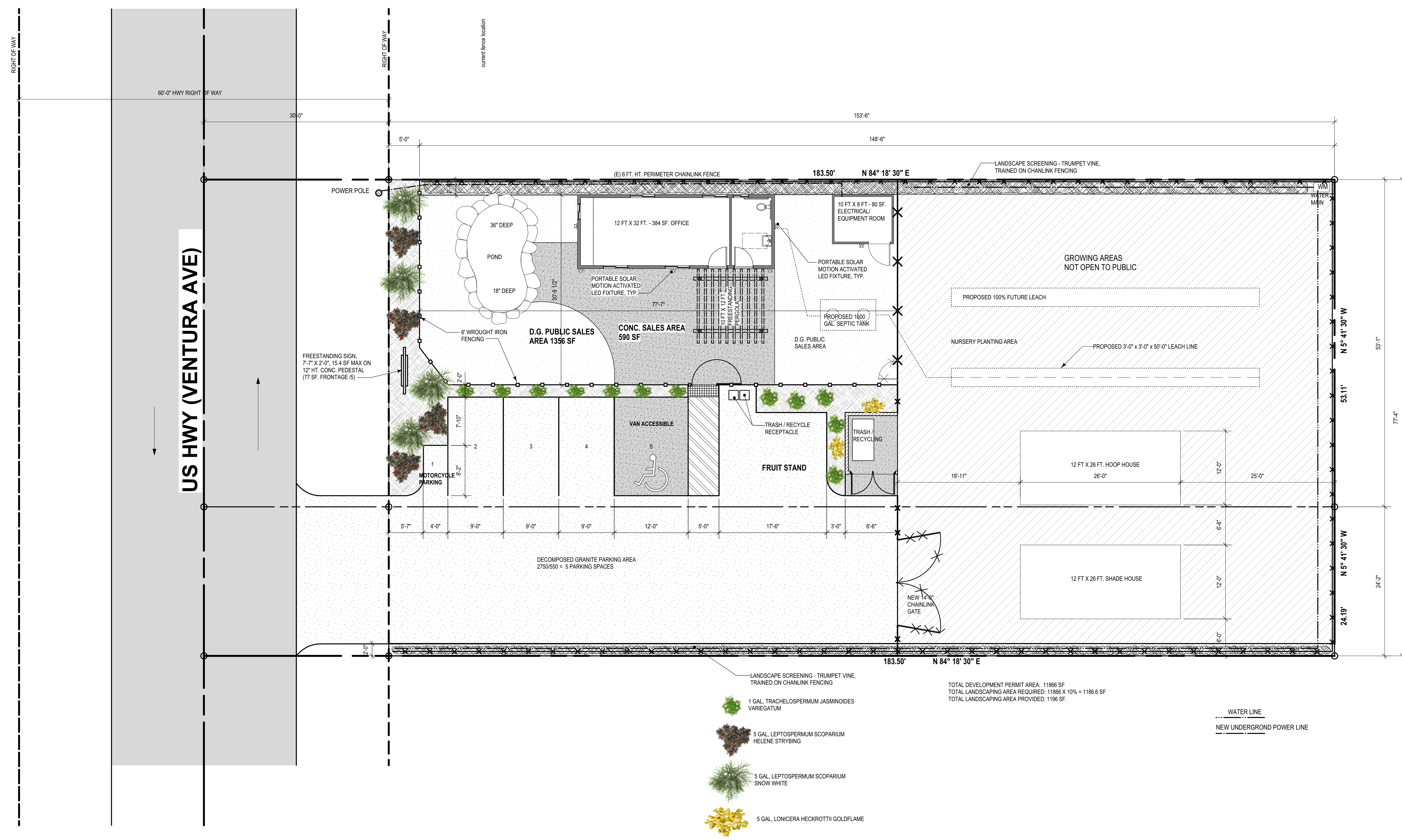
SHEET TITLE :

SITE PLAN

Date: 10/26/20

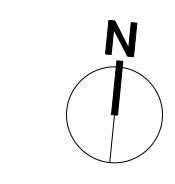
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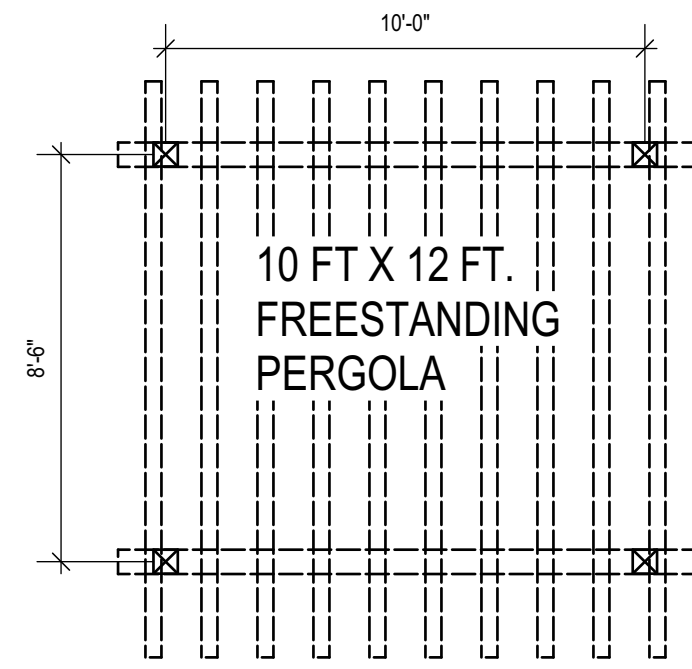
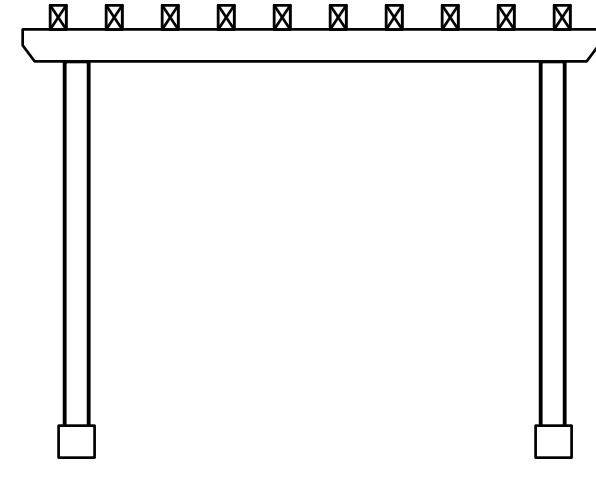
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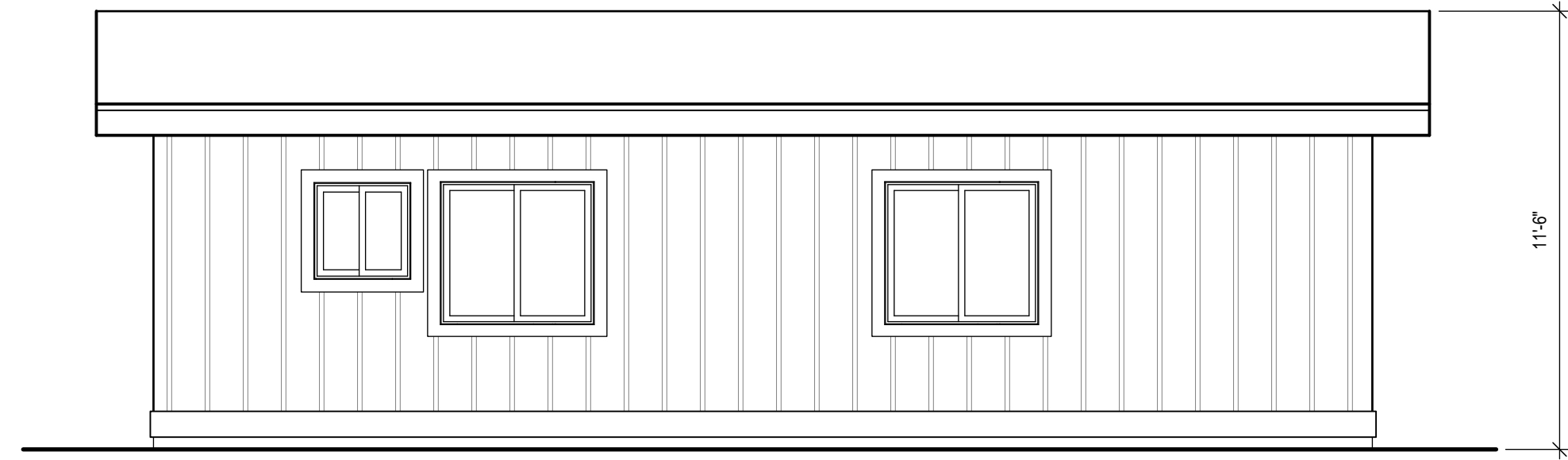
CONCEPTUAL SITE PLAN / FIRST FLOOR PLAN

Scale: 1/8" = 1'-0"

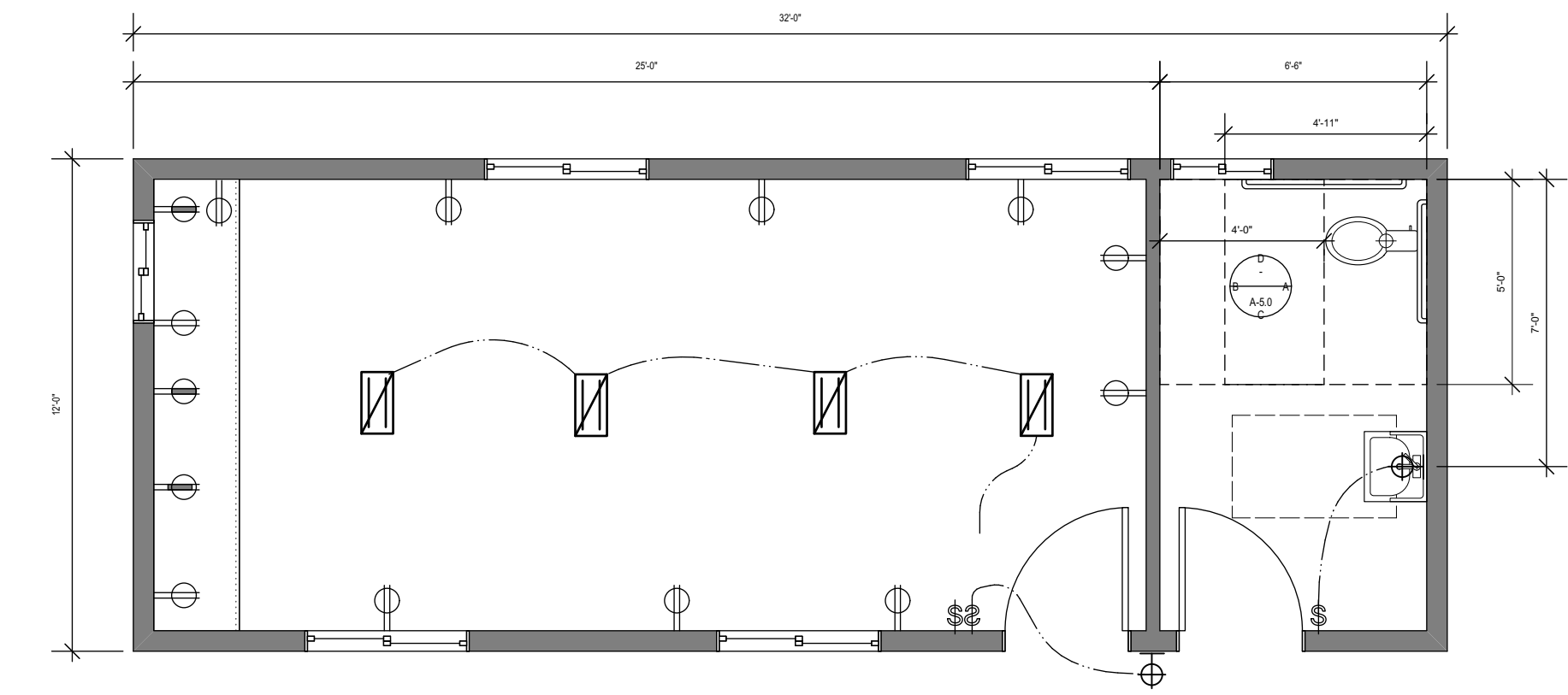




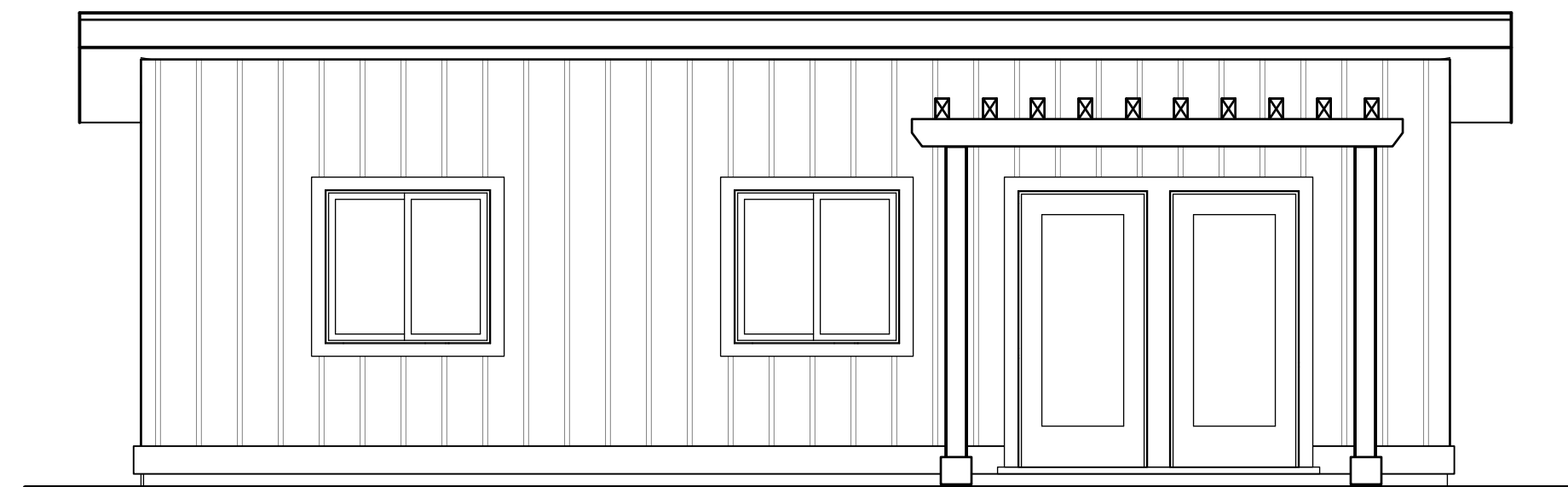
TRELLIS



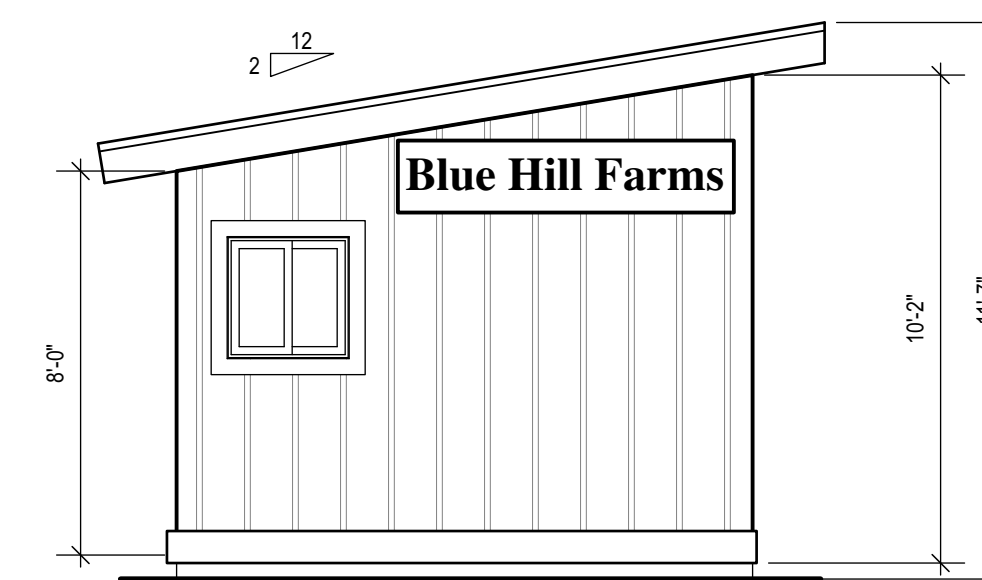
SOUTH ELEVATION



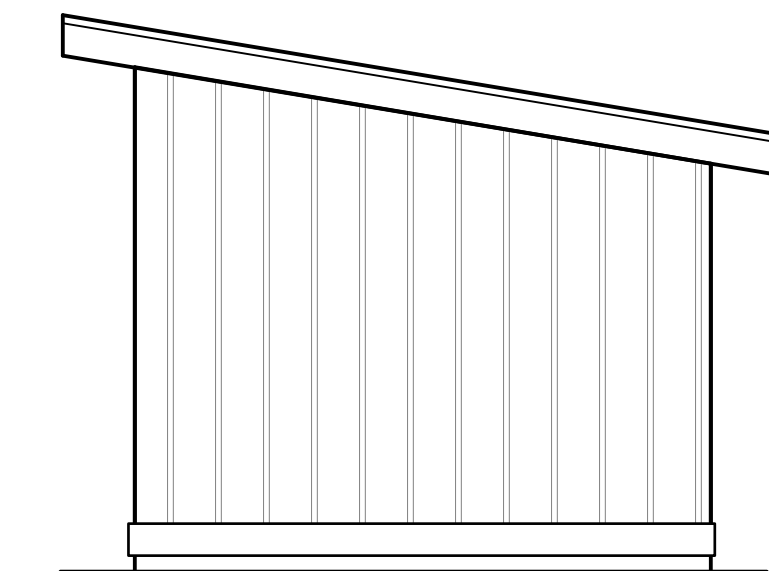
OFFICE PLAN



NORTH ELEVATION



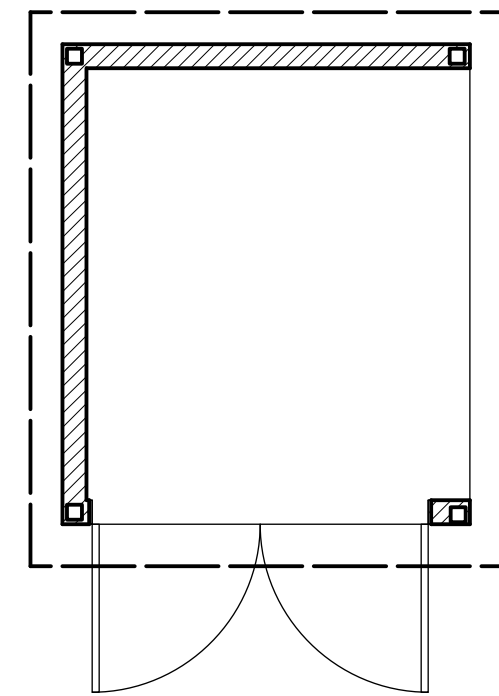
WEST ELEVATION (STREET)



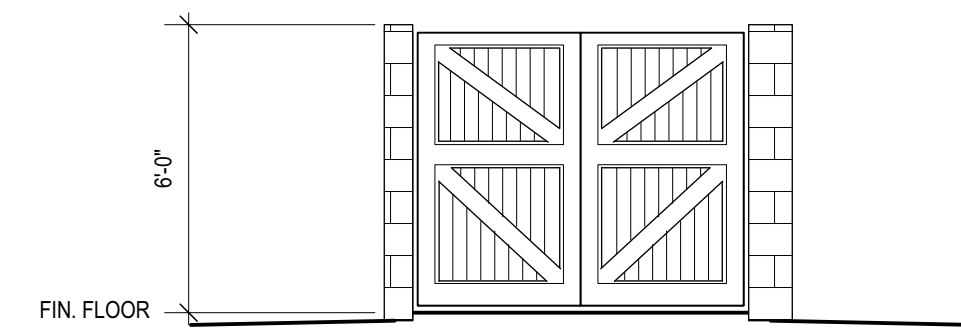
EAST ELEVATION

OFFICE / RESTROOM BUILDING PLAN

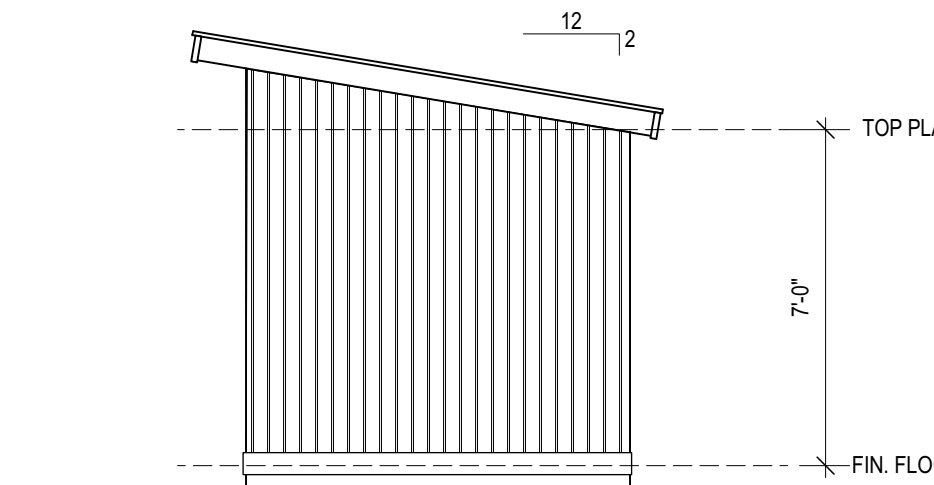
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PLAN

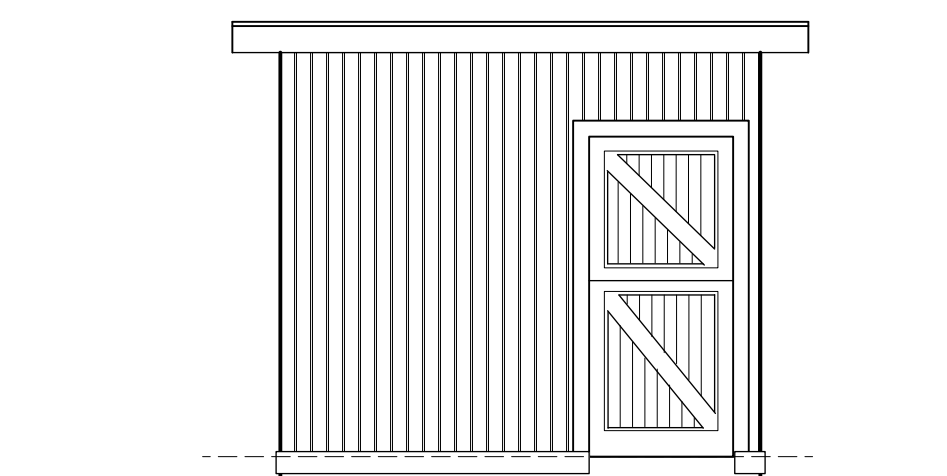


SOUTH ELEVATION



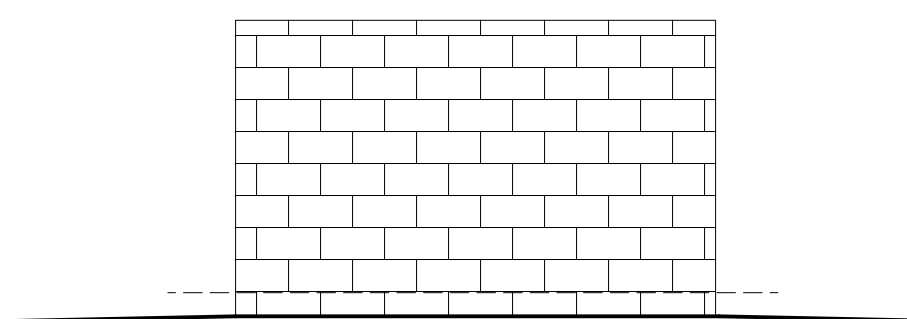
EAST ELEVATION

SCALE: 1/4" = 1'-0"



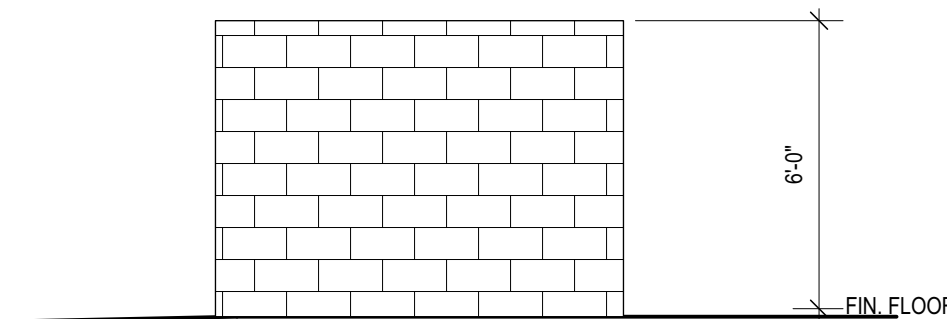
SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

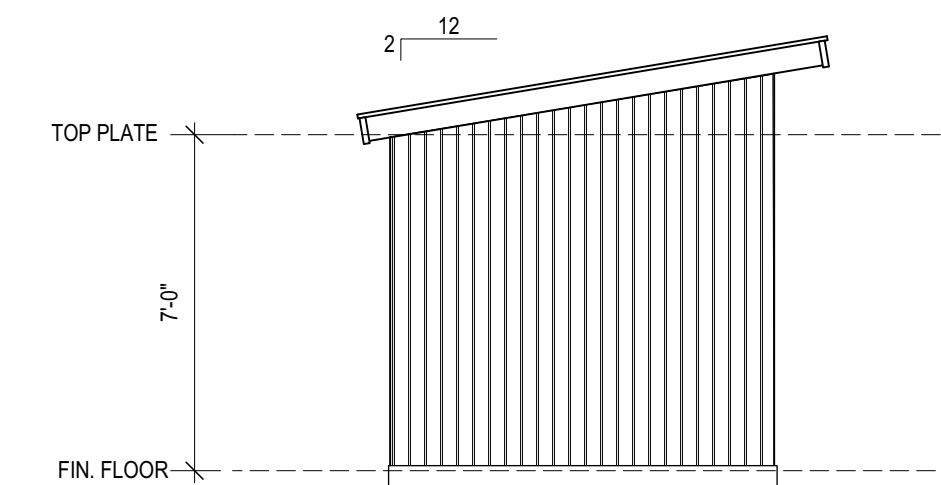


WEST ELEVATION

TRASH ENCLOSURE



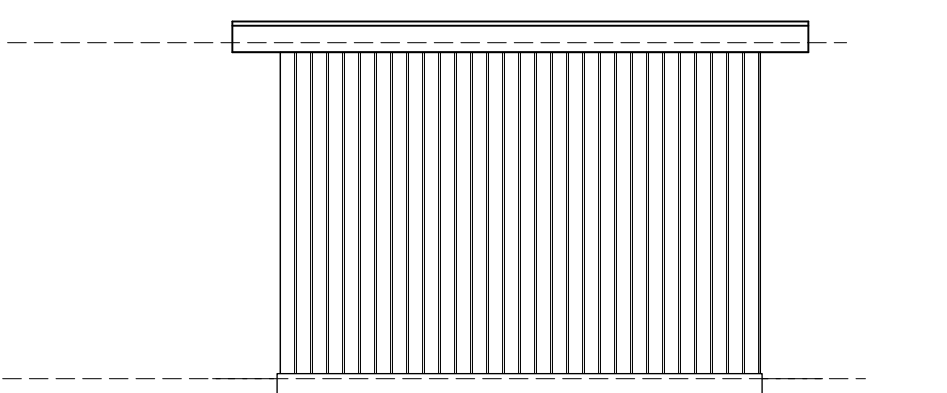
EAST ELEVATION



WEST ELEVATION

SCALE: 1/4" = 1'-0"

EQUIPMENT SHED



NORTH ELEVATION

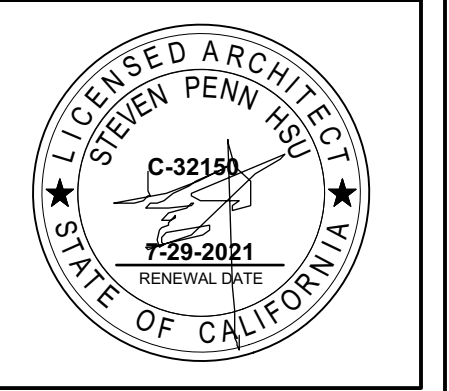
SCALE: 1/4" = 1'-0"

SR design | architecture

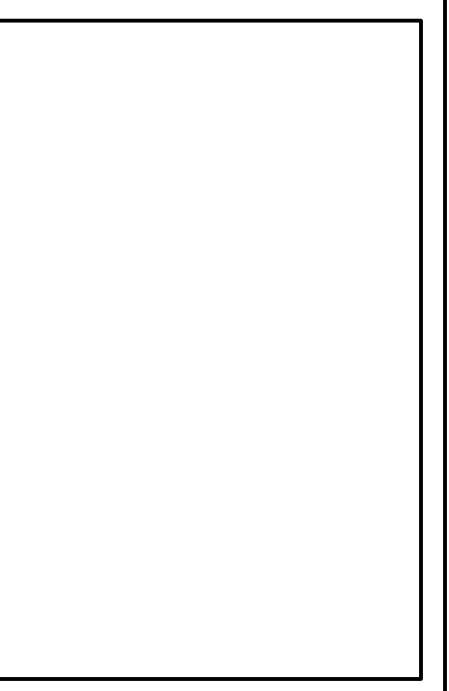
Steven Penn Hsu
Architect

805.415.0910
pennarch@att.net

DUNS #633001022
CAZC CODE 014298



REVISION:



BLUE HILL FARMS

PROPOSED NURSERY

8608/8616 N. VENTURA AVE, VENTURA CA. 93001

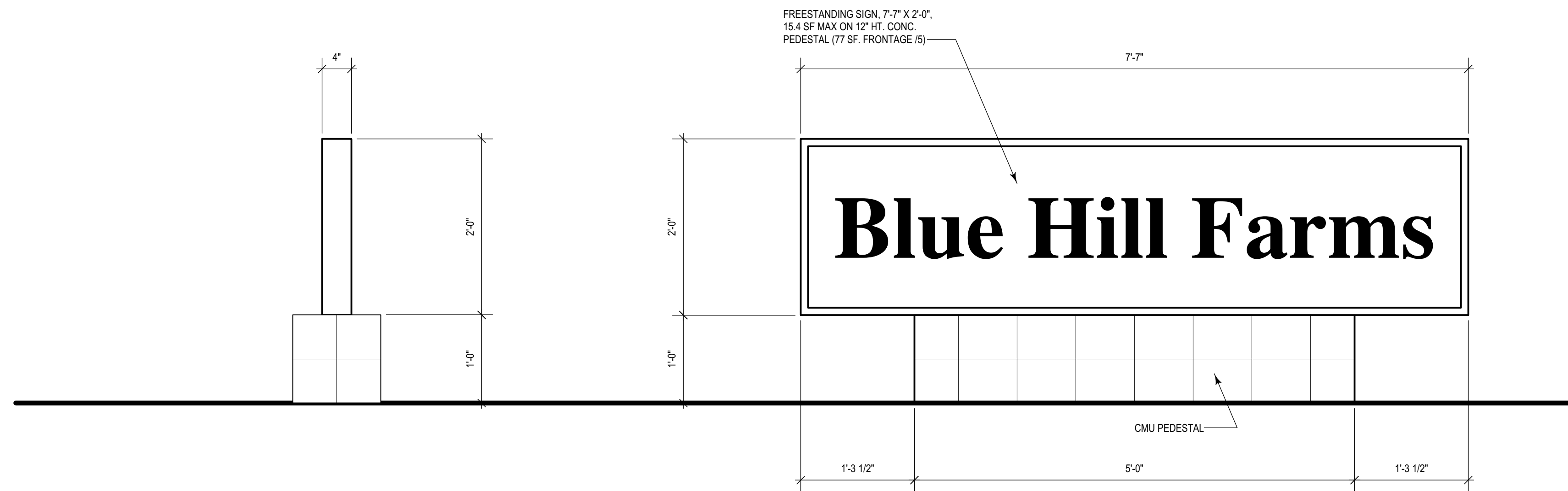
SHEET TITLE:

FLOOR PLANS

Date: 10/26/20

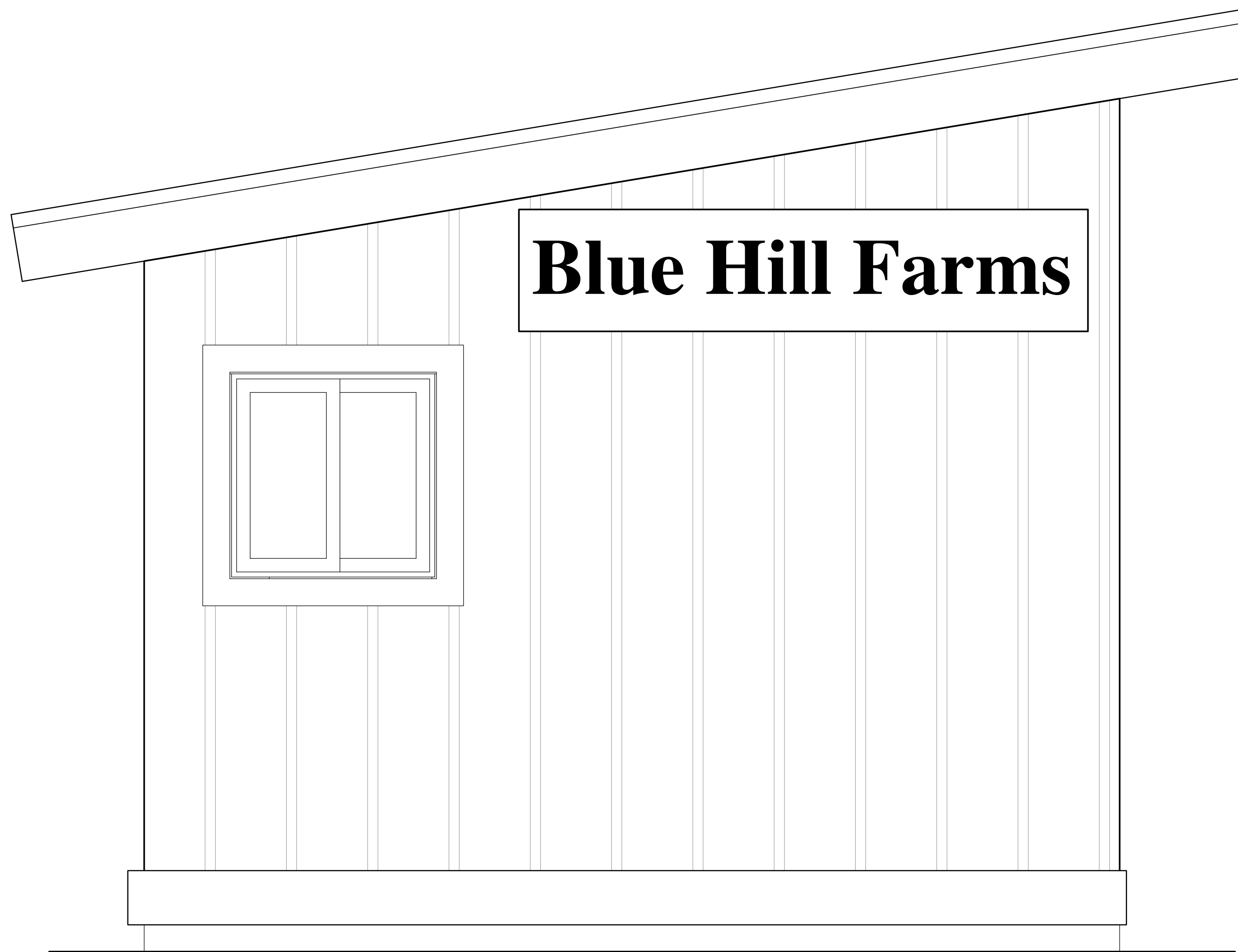
SHEET:

A-2.1



FREESTANDING SIGN

Scale: 1" = 1'-0"



WEST (STREET) ELEVATION OF OFFICE BUILDING

Scale: 1" = 1'-0"



10 SF. MAX. FOR 10 LINER FT. OF BUILDING WALL, SEE ELEVATION SHT. FOR PLACEMENT

WALL SIGN ON BUILDING

Scale: 1" = 1'-0"

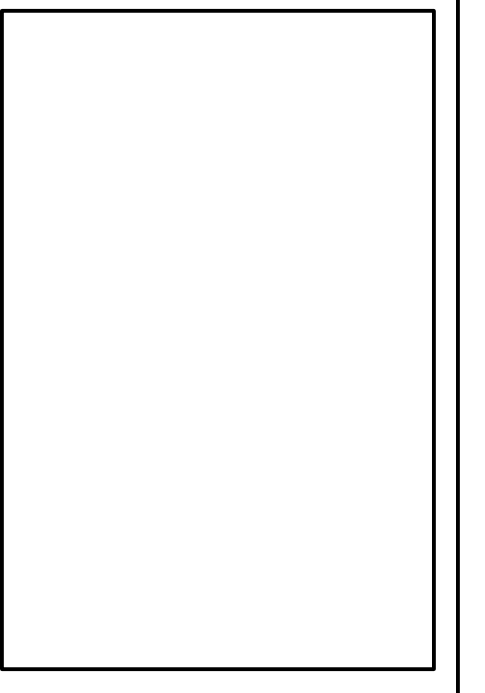
building design | master planning | permit processing

Steven Penn Hsu
Architect

805.415.0910
pennarch@att.net

DUNS #833001082
CAGE CODE DW26NB

REVISION :



BLUE HILL FARMS
PROPOSED NURSERY

8608/8616 N. VENTURA AVE, VENTURA CA. 93001

SHEET TITLE :

SIGNAGE

Date: 10/26/20

SHEET :

A-3

POLYTEC™ SERIES

Not your average waste containers, the PolyTec™ Series is designed to instantly enhance appearance and improve efficiencies in any business space.

They're built with style, functionality, and durability in mind – making them your ultimate exterior waste and recycler solution.

They won't rust, dent or chip under harsh weather conditions, and are graffiti-resistant.

Key Product Features:

- Durable and built to last in any weather condition
- Easy to maintain and clean, saving you time and hassle
- Customizable, comes in a variety of colors & designs
- Made from at least 25% recycled material
- Unique, patented Grab Bag™ system to secure trash liner in place
- Backed by a 1-year, risk-free warranty
- ADA Compliant
- Made in the U.S.A.



BEST-SELLING POLYTEC™ WASTE & RECYCLING CONTAINERS



Open-Top Square Waste Container
Capacity: 42-Gallon



Dome-Lid Square Waste Container
Capacity: 42-Gallon



Ashtray-Lid Square Waste Container
Capacity: 42-Gallon



XL Square Waste Container
Capacity: 55-Gallon



Hexagon Waste Container
Capacity: 30-Gallon, 45-Gallon, and 50-Gallon



Recycle42 Recycling Container
Capacity: 42-Gallon

STOCK COLORS



For all product #'s, colors, and dimensions turn sheet over.

OPEN-TOP SQUARE WASTE CONTAINER	42-GALLON	DIMENSIONS
Black	732101	34.5"H x 18.5"SQ, 18 lbs
Beige	732102	34.5"H x 18.5"SQ, 18 lbs
Gray	732103	34.5"H x 18.5"SQ, 18 lbs
Blue	732104	34.5"H x 18.5"SQ, 18 lbs
Brown	732137	34.5"H x 18.5"SQ, 18 lbs
Dark Blue	732147	34.5"H x 18.5"SQ, 18 lbs
Forest Green	732153	34.5"H x 18.5"SQ, 18 lbs
Nuthatch	732163	34.5"H x 18.5"SQ, 18 lbs
DOME-LID SQUARE WASTE CONTAINER	42-GALLON	DIMENSIONS
Black	73290199	41.75"H x 18.5"SQ, 24 lbs
Beige	73290299	41.75"H x 18.5"SQ, 24 lbs
Gray	73290399	41.75"H x 18.5"SQ, 24 lbs
Blue	73290499	41.75"H x 18.5"SQ, 24 lbs
Brown	73293799	41.75"H x 18.5"SQ, 24 lbs
Dark Blue	73294799	41.75"H x 18.5"SQ, 24 lbs
Nuthatch	73296399	41.75"H x 18.5"SQ, 24 lbs
Forest Green	73295399	41.75"H x 18.5"SQ, 24 lbs
ASHTRAY-LID SQUARE WASTE CONTAINER	42-GALLON	DIMENSIONS
Black	73300199	42.25"H x 18.5"SQ, 25 lbs
Beige	73300299	42.25"H x 18.5"SQ, 25 lbs
Gray	73300399	42.25"H x 18.5"SQ, 25 lbs
Brown	73303799	42.25"H x 18.5"SQ, 25 lbs
Dark Blue	73304799	42.25"H x 18.5"SQ, 25 lbs
Nuthatch	73396399	42.25"H x 18.5"SQ, 25 lbs
XL SQUARE WASTE CONTAINER	55-GALLON	DIMENSIONS
Black	732801	40.75"H x 26"W x 26"D, 42 lbs
Blue	732804	40.75"H x 26"W x 26"D, 42 lbs
Charcoal	732824	40.75"H x 26"W x 26"D, 42 lbs
Green	732836	40.75"H x 26"W x 26"D, 42 lbs
Monterey Cliff Brown	732842	40.75"H x 26"W x 26"D, 42 lbs
Dark Blue	732847	40.75"H x 26"W x 26"D, 42 lbs
HEXAGON WASTE CONTAINER	30-GALLON	DIMENSIONS
Black	737101	29"H x 20"W x 17.25"D, 12 lbs
Beige	737102	29"H x 20"W x 17.25"D, 12 lbs
Gray	737103	29"H x 20"W x 17.25"D, 12 lbs
LARGE HEXAGON WASTE CONTAINER	45-GALLON	DIMENSIONS
Black	737201	31"H x 25"W x 22"D, 18 lbs
Beige	737202	31"H x 25"W x 22"D, 18 lbs
Gray	737203	31"H x 25"W x 22"D, 18 lbs
Blue	737204	31"H x 25"W x 22"D, 18 lbs
Charcoal	737224	31"H x 25"W x 22"D, 18 lbs
LARGE DOME-LID HEXAGON WASTE CONTAINER	45-GALLON	DIMENSIONS
Black	73790199	41.5"H x 25"W x 22"L, 25 lbs
Beige	73790299	41.5"H x 25"W x 22"L, 25 lbs
XL DOME-LID HEXAGON WASTE CONTAINER	50-GALLON	DIMENSIONS
Black	73760199	52.5"H x 25"W x 22"L, 29 lbs

DOME-LID HEXAGON WASTE CONTAINER	45-GALLON	DIMENSIONS
Black	73790199	41.5"H x 25"W x 22"L, 25 lbs
Beige	73790299	41.5"H x 25"W x 22"L, 25 lbs
DOME-LID HEXAGON WASTE CONTAINER	50-GALLON	DIMENSIONS
Black	73760199	52.5"H x 25"W x 22"L, 29 lbs
ROUND WASTE CONTAINER	45-GALLON	DIMENSIONS
Black	730101	30"H x 22" Dia, 14 lbs
3-TIER WASTE CONTAINER	38-GALLON	DIMENSIONS
Black, Open Top	732401	32"H x 18.5"SQ, 14 lbs
Black, Dome-Lid	73250199	40"H x 18.5"SQ, 20 lbs
Black, Ashtray-Lid	73260199	40.5"H X 18.5"SQ, 21 lbs
RECYCLE42 RECYCLING CONTAINER	42-GALLON	DIMENSIONS
Black	74610199	41.75"H x 18.5"SQ, 24 lbs
Beige	74610299	41.75"H x 18.5"SQ, 24 lbs
Blue	74610499	41.75"H x 18.5"SQ, 24 lbs
Brown	74613799	41.75"H x 18.5"SQ, 24 lbs
Forest Green	74615399	41.75"H x 18.5"SQ, 24 lbs
Beige with Green Lid	74613299	41.75"H x 18.5"SQ, 24 lbs
Gray with Blue Lid	74613499	41.75"H x 18.5"SQ, 24 lbs
Black with Green Lid	74615899	41.75"H x 18.5"SQ, 24 lbs
Black with Blue Lid	74615899	41.75"H x 18.5"SQ, 24 lbs
RECYCLE55 RECYCLING CONTAINER	55-GALLON	DIMENSIONS
Beige w/ Green Labeling, Mixed Recyclables	745510	40.75"H x 26"W x 25"D, 42 lbs
Beige w/ Green Labeling, Bottles & Trash	745710	40.75"H x 26"W x 25"D, 42 lbs
WASTE LINERS	PRODUCT #	DIMENSIONS
Black, 40-Gallon	754301	16"W x 33"H x 17"D, 9 lbs
Black, 42-Gallon	734401	16"W x 33"H x 17"D, 10 lbs



**OJAI VALLEY
MUNICIPAL
ADVISORY
COUNCIL**

**FINAL MEETING MINUTES
Monday, May 17 2021 at 7:00 PM
Meeting via ZOOM
Ojai Valley, CA**

Chair: Chris Cohen, Vice Chair: Joseph Westbury
Council Members: Barbara Kennedy, Grace Malloy, Terry Wright

1. Call to Order of the Meeting

Executive Officer Clensay called the meeting to order at 7:08 PM.

2. Flag Salute

3. Roll Call

PRESENT: Members Cohen, Malloy, Wright, Westbury

ABSENT: Member Kennedy

**STAFF: Maruja Clensay, Executive Officer
Brian Brennan, District 1 Representative**

4. Adoption of the Agenda

Member Malloy made a motion to approve adoption of the Agenda. Member Wright seconded.

Upon call of the roll the vote was as follows:

AYES: Members Cohen, Malloy, Westbury

NOES: None

RECUSED: Member Wright

ABSENT: Member Kennedy

Motion carries 3-0 with Member Wright recusing and Member Kennedy absent.

Let the record show that Member Kennedy joined the meeting at 7:13 PM after approval of the Agenda and roll call.

County of Ventura
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Exhibit 4 - OVMAC Minutes

5. Public Comments by Citizens on matters Not Appearing on the Agenda (Time limit per item – three minutes).

Public Comment No. 1:

Mr. Steven Weed has been resident of Ojai Valley for 11 years and lives in Oak View. Mr. Weed spoke to the OVMAC regarding two items:

1) Regarding the Agenda for Board of Supervisors Meeting on May 18, 2021 regarding the County Redistricting efforts and had questions about OVMAC questions regarding the process and if there is a role for the MAC to assist with that project.

2) Multi-Modal Plan for Ojai Valley and some future benefits if that plan came to fruition in one form or another and would like to ask OVMAC to see if there is any interest in revisiting that and to get public input. He believes there would be local support for it and it would stimulate the economy; this is an opportune time to take a look at it.

Chair Cohen commented in appreciation of Mr. Weed's comments and emails regarding the project and would be interested in revisiting the project to get an update and potentially take action on it, and believes the OVMAC had indicated statement of support for the project in October 2019.

Member Kennedy would like to also revisit the plan in light of the temporary improvements adjacent to Nordhoff Highschool. Member Wright and Member Malloy are also in support of the traffic calming measures and bike lanes as a result of this project.

Executive Officer Clensay and District Representative Brennan indicated that they will reach out to the CalTrans representative to get an update back to the OVMAC on next steps regarding the Multi-Modal Plan for Ojai Valley.

No additional members of the public desired to speak on items not on the agenda.

6. City of Ojai Planning Commission Update – N/A as Commissioner was present.

7. Approval of the Meeting Minutes of April 19, 2021

Member Kennedy made a motion to approve meeting minutes as presented. Member Malloy seconded.

Upon call of the roll the vote was as follows:

AYES: Members Cohen, Kennedy, Malloy, Westbury

NOES: None

RECUSED: Member Wright

ABSENT: None

Motion carries 4-0 with Member Wright recused.

Formal Items

8. Review of Minor Modification of Conditional Use Permit (CUP) 5113; Case No. PL20-0130.

Location: Request is for the continued use, operation and maintenance of an existing Wireless Communication Facility (WCF) for an additional 10-year period. The existing WCF consists of a 65-foot high monopine support structure and two above ground equipment cabinets surrounded by a six-foot, six-inch chain link fence within a 300 square-foot lase area of a 33.86-acre portion of the County of Ventura Public Park. No changes to the WCF are proposed with this request. The project site is 33.86 acres, located in the OS-40 acre minimum Zone, with a land use designation of Open Space. Ojai Valley Area Plan Designation – Open Space, 40 acre minimum.

County Planner John Kessler gave a staff presentation regarding the wireless project located in Dennison Park. The project includes a request for the continued use, operation, and maintenance of an existing wireless facility for an additional 10-year period. Existing facility consists of a monopine structure with support equipment which comprises a 300 square foot area. The project proposes no physical changes to the existing facility. The property owner/applicant was also present at the meeting to address any questions or concerns. Contact information was given to the OVMAC and members of the public to solicit additional feedback or concerns.

Questions from Council Members:

Member Wright commented that it has been there for a long time and does not have a problem with its continued use.

Member Kennedy believes she was on the MAC at the time it was originally approved, so equally supports its continued use.

Chair Cohen asked procedural questions related to the project and whether there were any additional changes. Planner Kessler confirmed that the project was at the end of the extended period of time from the previous approval and requires a new approval for an additional 10 years.

No members of the public wished to comment on this item.

Chair Cohen made a motion to support the project as presented. Member Kennedy seconded.

AYES: Members Cohen, Kennedy, Malloy, Westbury and Wright

NOES: None

RECUSED: None

ABSENT: None

Motion carries 5-0.

- 9. Review of new Conditional Use Permit (CUP) Case No. PL20-0062.** Request for a new commercial retail nursery including an open trellis, trash enclosure, open nursery planting area, decorative pond, vehicular parking and construction of four (4) small structures including an Office Building (320 SF), Equipment Storage Shed (80 SF), and two (2) Hoop Houses (312 SF). The project site comprises two legal lots totaling 1.88 acres and located in the CPD/TRU/DKS (Commercial Planned Development, Temporary Rental Unit Regulation Overlay, Dark Sky Overlay) Zone with a land use designation of Commercial, Existing Community. Ojai Valley Area Plan Designation – Commercial.

County Planner John Kessler gave a staff presentation regarding a new Conditional Use Permit for a commercial retail nursery. Mr. Kessler walked the MAC through the project plans and site design. Facility would operate from 9AM to 3PM to avoid traffic impacts. Applicant was also present to address any questions from the MAC or members of the public.

Council Questions:

Member Wright asked whether or not there is enough parking proposed based on the email received in support of the project that indicates there will be additional events on site.

Mr. Kessler responded that the parking calculations are based on the space of the retail and office areas and this calculation per code requires 5 spaces as the project proposes.

Executive Officer Clensay remarked there was an email received from a member of the public in support of the project and that indicates there may be additional events with schools and programs on site. Mr. Kessler confirmed the Conditional Use Permit scope and project description does not include any special events or school programs.

Member Malloy asked the applicant to clarify. The applicant's representative, Erik Nagy of Jensen Design, spoke and indicated that there are no special events or school programs in the project description. They appreciate the support, but those events are not included in the Conditional Use Permit. Member Malloy asked if events were desired, would the application come before the OVMAC. Mr. Nagy stated and Mr. Kessler confirmed that that would be a Permit Adjustment, and would require a subsequent discretionary approval process. Mr. Nagy also commented that they are trying to avoid triggering the traffic impact regulations in the Ojai Valley Area Plan, and why the operating hours are as presented.

Member Malloy and Member Kennedy asked about any correlation with Blue Hill Farms/Roosters, which are adjacent to the site. Architect Penn Shu confirmed that the Blue Hills Farms and Blue Hill Nursery are owned by the same entity.

Member Kennedy asked if the two businesses (Blue Hill Nursery and Blue Hill Farms) would be connected in any manner. Mr. Nagy indicated they will remain separate operations. Member Kennedy commented that she has concerns for a thirty-year Conditional Use Permit is a long timeframe to assess impacts, noting these two businesses are owned by the same property owner and immediately across the street from each other and that this may present additional impacts that are unforeseen (primarily traffic back and forth between the two

properties). She underscored she is pro-agricultural and in pro-livestock but is very concerned about potential traffic impacts related to crossing the streets between the two establishments.

Mr. Nagy indicated a twenty-year Conditional Use Permit would probably be acceptable to the applicant and acknowledged that any changes to the permit scope would require a revision to the Conditional Use Permit and would require additional approval.

Member Kennedy would like a ten-year timeframe and is concerned about traffic going across the highway but does want to see this business grow. Member Malloy asked Mr. Kessler to speak to the Conditional Use Permit timeframes. He noted that ten years is the shortest time frame the County has for Conditional Use Permits. He also echoed that the applicant will be subject to condition compliance every three years as a requirement of the Conditional Use Permit to make sure its in compliance with the required conditions of approval.

Member Westbury commented that this site needs to have something done, and that it's been an eye sore for years. He noted the property owner has made substantial investment in this process and that the Conditional Use Permit should have more years rather than less so that it can incentivize people to invest in this area and their businesses.

Mr. Kessler noted that if the Conditional Use Permit is granted for a ten-year period, the permit would not necessarily be revoked, but the conditional use permit would have conditions of approval that would allow them to apply for a renewal within 6 months before the expiration of the permit.

Member Wright commented that to do a ten-year period would be more costly for the applicant to go through the regulatory requirements in a shorter timeframe.

Chair Cohen recommended incorporating our comments and concerns involving the timeframe related to Conditional Use Permits in the OVMAC action, so that the future decision maker can review OVMAC concerns in addition to their support of the redevelopment of the site.

Member Malloy commented that for someone who has lived in the community for so long, to invest in their community by buying these two lots, starting a second business with all these hoops to jump through, and is in support of seeing this business growing. But has also witnessed two scary accidents almost occurring in this area and understands Member Kennedy's concerns.

Member Wright asked about the location of the crosswalk in relation to this site, so ideally those who are going to cross the street would utilize the crosswalk. Member Wright also asked why they need a septic system as compared to connecting to sewer. Mr. Nagy commented that the sewer district is right across the street and we are not in it. They had to get a letter that the district would not serve them. Hence, they are embarking on a new septic system because it needs to be bigger for a commercial establishment.

Chair Cohen asked if there were members of the public speaking on this item. Executive Officer Clensay confirmed they were no members of the public present who desired to speak. Member Wright confirmed noticing of this meeting. Executive Officer Clensay confirmed that properties within 300 feet vicinity were notified of the OVMAC meeting, consistent with County noticing protocols.

Chair Cohen made a motion that the MAC strongly supports the project, and recommends it be approved, but also that pedestrian safety concerns are thoroughly addressed, in particular if the program expands beyond what is noted in the current project description. Malloy seconded the motion.

Upon call of the roll the vote was as follows:

AYES: Members Cohen, Kennedy, Malloy, Westbury, Wright

NOES: None

RECUSED: None

ABSENT: None

Motion carries 5-0.

Member Malloy commented that there was a member of the public raising their hand in the chat.

Eileen Macenery lives in the Arroyo Mobile Home Park and wants to get more involved and is willing to be a representative from the mobile home park for any feedback to assist with the MAC with future efforts. Chair Cohen asked if Eileen had any comments on any of the projects. She echoed she did not have any comments directly on the two projects presented, although noted that the crossing is of concern, but just has a general interest of what is going on in the Ojai Valley.

10. Councilmember Comments

Member Wright asked if there was any movement on painting over the graffiti on the Petrochem site as you enter the Ojai Valley from the 33. District Representative Brian Brennan stated that the realtor was potentially looking at not only painting over, but also installing cameras but we do not have a timeframe at this time. Executive Officer Clensay offered to revisit this with the realtor and current property owner as they move it onto the market.

Executive Officer Clensay commented on the questions related to Redistricting that were raised during public comment. Ms. Clensay commented that the Fair Map Act requires ample public outreach related to the redistricting effort, and is under a tight frame to insure we are hitting those public outreach thresholds related to the Fair Map Act. For the May 18th Board of Supervisor's meeting, RMA is looking for a greenlight to commence the process which will involve all Cities, and potentially outreach to MACs. Ms. Clensay pointed to the Board of Supervisors website for the applicable agenda and the board letter regarding the redistricting effort.

Member Malloy asked if there was an August meeting for the OVMAC. Member Kennedy noted that most decision makers go dark in August. Ms. Clensay noted it will be put on June agenda.

11. Adjournment - Meeting was adjourned at 8:18 pm.

Next OVMAC Meeting will be June 21, 2021 via ZOOM.

EXHIBIT 5

DRAFT CONDITIONS OF APPROVAL FOR BLUE HILL FARMS NURSERY CONDITIONAL USE PERMIT (CUP) CASE NO. PL20-0062

RESOURCE MANAGEMENT AGENCY (RMA)

Planning Division Conditions

1. Project Description

This Conditional Use Permit (CUP) is based on and limited to compliance with the project description stated in this condition below, Exhibits 2 through 5 of the Planning Director hearing on July 29, 2021, 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:

The Permittee has been granted a CUP authorizing the installation and operation of a new retail nursery for a 20-year period. Organic fruits and vegetables grown on the site may be sold at the nursery. The project includes the construction of the following five small accessory buildings/structures:

- 320 sq. ft. manufactured/modular sales office with accessible bathroom;
- 80 sq. ft. equipment room;
- 312 sq. ft. plant hoop house;
- 120 sq. ft. detached trellis-style patio cover, and;
- 312 sq. ft. agricultural shade structure.

A 6-foot tall chain link fence shall be installed on the perimeter of the subject property. The 2,000-square foot public sales area shall also be separately enclosed by a six-foot tall chain link fence. A 10 square foot sign shall be installed on the front wall of the sales office building. A freestanding sign may be placed along the property frontage and shall be 15.4 square feet in area. This sign shall be mounted on a one-foot tall concrete pedestal and be a maximum of five feet in height.

Landscaping features on the site include a 300-gallon in-ground fishpond and vegetation grown on the perimeter and interior fences.

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Exhibit 5 - Conditions of Approval

A 267 cubic foot (1,997 gallons) capacity stormwater capture device (i.e. an underground storage tank) shall be installed as part of the project to offset increased runoff resulting from the installation of new impervious surfaces.

Access to the project site shall be provided by an unpaved two-way, 24-foot wide driveway that connects to Ventura Avenue. Five unpaved parking spaces, including one handicap accessible space, shall be provided on the site. No curb or roadway improvements are authorized.

Sewage disposal for the proposed buildings shall be accommodated by an onsite wastewater treatment system. Water shall be provided to the project site by the Ventura River Water District.

The facility shall operate between the hours of 9:00 a.m. and 3:00 p.m., 365 days per year.

The development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas shall conform to the project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below.

2. Days and Hours of Operation

Purpose: In order to avoid environmental impact significance thresholds in traffic impact areas, it is necessary to limit the days and hours of operation of the approved use.

Requirement: The retail nursery shall be limited to the hours of 9:00 a.m. and 3:00 p.m., 365 days per year. The Permittee shall post the hours of operation in an obvious location that can be seen by customers, vendors, and/or truck hauling operators. The signage must be made of weatherproof and permanent material and comply with the Ventura County Non-Coastal Zoning Ordinance (Article 10).

Documentation: The Permittee shall provide the Planning Division with photographic documentation that the hours of operation have been posted as required pursuant to this condition.

Timing: The Permittee shall post the hours of operation prior to the issuance of Zoning Clearance for construction and use inauguration and the Permittee shall maintain the posted hours of operation for the life of the permit.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance by the Permittee with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

3. Required Improvements for CUP

Purpose: To ensure the project site conforms to the plans approved at the Planning Director hearing in support of the project.

Requirement: The Permittee shall ensure that all required off-site and on-site improvements for the Project, including structures, paving, parking, and landscaping are completed in conformance with the approved plans stamped as hearing Exhibit 3. The Permittee shall prepare and submit all final building and site plans for the County's review and approval in accordance with the approved plans.

Documentation: The Permittee shall obtain Planning Division staff's stamped approval on the project plans and submit them to the County for inclusion in the Project file. The Permittee shall submit additional plans to the Planning Division for review and stamped approval (e.g., tree protection and landscape plans) for inclusion in the Project file, as necessary.

Timing: Prior to the issuance of a Zoning Clearance for construction and use inauguration, the Permittee shall submit all final development plans to the Planning Division for review and approval. Unless the Planning Director and/or Public Works Agency Director allow the Permittee to provide financial security and a final executed agreement, approved as to form by the County Counsel, that ensures completion of such improvements, the Permittee shall complete all required improvements prior to occupancy. The Permittee shall maintain the required improvements for the life of the Project.

Monitoring and Reporting: The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

4. Site Maintenance

Purpose: To ensure that the Project site is maintained in a neat and orderly manner so as not to create any hazardous conditions or unsightly conditions which are visible from outside of the Project site.

Requirement: The Permittee shall maintain the Project site in a neat and orderly manner, and in compliance with the Project description set forth in Condition No. 1. Only equipment and/or materials which the Planning Director determines to substantially comply with the Project description shall be stored within the Project site during the life of the Project.

Documentation: The Permittee shall maintain the Project site in compliance with Condition No. 1 and the approved plans for the Project.

Timing: The Permittee shall maintain the Project site in a neat and orderly manner and in compliance with Condition No. 1 throughout the life of the Project.

Monitoring and Reporting: The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

5. CUP Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this CUP. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity in order to determine if 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.

6. Construction Activities

Prior to any construction, the Permittee shall obtain a Zoning Clearance for construction from the Planning Division, and a Building Permit from the Building and Safety Division. Prior to any grading, the Permittee shall obtain a Grading Permit from the Public Works Agency.

7. 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 constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to abide by and comply with any condition of this CUP shall constitute grounds for enforcement action provided in the Ventura County Non-Coastal Zoning Ordinance (Article 14), which shall include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- b. Suspension of the permitted land uses (Condition No. 1);
- c. Modification of the CUP conditions listed herein;

- d. Recordation of a "Notice of Noncompliance" on the deed to the subject property;
- e. The imposition of civil administrative penalties; and/or
- f. Revocation of this CUP.

The Permittee is responsible for being aware of and complying with the CUP conditions and all applicable federal, state, and local laws and regulations.

8. Time Limits

a. Use inauguration:

- (1) The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period following the approval date on which the Planning Director rendered the decision on the Project, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for construction and use inauguration in order to initiate the land uses set forth in Condition No. 1.
- (2) This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for construction and use inauguration within one year from the date the approval decision of this CUP becomes effective. The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for construction and use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.
- (3) Prior to the issuance of the Zoning Clearance for construction and use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for construction and use inauguration, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.

b. Permit Life or Operations Period: This CUP will expire on [insert date]. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

- (1) The Permittee has filed a permit modification application pursuant to § 8111-6 of the Ventura County Non-Coastal Zoning Ordinance prior to [expiration date]; and
- (2) The County decision-maker grants the requested modification.

The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with § 8111-2.10 of the Ventura County Non-Coastal Zoning Ordinance.

9. Documentation Verifying Compliance with Other Agencies' Requirements Related to this CUP

Purpose: To ensure compliance with, and notification of, federal, state, and/or local government regulatory agencies that have requirements that pertain to the Project (Condition No. 1, above) that is the subject of this CUP.

Requirement: Upon the request of the Planning Director, the Permittee shall provide the Planning Division with documentation (e.g., copies of permits or agreements from other agencies, which are required pursuant to a condition of this CUP) to verify that the Permittee has obtained or satisfied all applicable federal, state, and local entitlements and conditions that pertain to the Project.

Documentation: The Permittee shall provide this documentation to Planning Division staff in the form that is acceptable to the agency issuing the entitlement or clearance, to be included in the Planning Division Project file.

Timing: The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for construction and use inauguration or as dictated by the respective agency.

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Permittee in the respective Project file. In the event that the federal, state, or local government regulatory agency prepares new documentation due to changes in the Project or the other agency's requirements, the Permittee shall submit the new documentation within 30 days of receipt of the documentation from the other agency.

10. Notice of CUP Requirements and Retention of CUP Conditions On Site

Purpose: To ensure full and proper notice of these CUP conditions affecting the use of the subject property.

Requirement: Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and vendors who regularly conduct activities associated with the Project, of the pertinent conditions of this CUP.

Documentation: The Permittee shall maintain a current set of CUP conditions and exhibits at the project site.

Timing: Prior to issuance of a Zoning Clearance for construction and use inauguration and throughout the life of the Project.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

11. Recorded Notice of Land Use Entitlement

Purpose: The Permittee shall record a “Notice of Land Use Entitlement” form and the conditions of this CUP with the deed for the subject property that notifies the current and future Property Owner(s) of the conditions of this CUP.

Requirement: The Permittee 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 CUP, with the deed of the property that is subject to this CUP.

Documentation: Recorded “Notice of Land Use Entitlement” form and conditions of this CUP.

Timing: The Permittee shall record the “Notice of Land use Entitlement” form and conditions of this CUP, prior to issuance of a Zoning Clearance for construction and use inauguration.

Monitoring and Reporting: The Permittee shall return a copy of the recorded “Notice of Land Use Entitlement” form and conditions of this CUP to Planning Division staff to be included in the Project file.

12. Financial Responsibility for Compliance Monitoring and Enforcement

- a. **Cost Responsibilities:** The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the Ventura County Non-Coastal Zoning Ordinance (§ 8114-3) related to this CUP. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.

b. Establishment of Revolving Compliance Account:

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

(1) A payment of \$500.00 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 12.a (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.

13. Defense and Indemnification

a. The Permittee shall defend, at the Permittee'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 CUP. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.

b. The Permittee 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 Permittee, 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 Permittee shall also indemnify, defend (at Permittee'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 CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.
- d. Neither the issuance of this CUP, nor compliance with the conditions hereof, 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 Indemnified Parties for injury or damage to persons or property.

14. Invalidation of Condition(s)

If any of the conditions or limitations of this CUP 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 CUP conditions or limitations. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of competent jurisdiction, or threatened to be filed therein, the Permittee shall be required to fully comply with this CUP, including without limitation, by remitting the fee, exaction, dedication, and/or by otherwise performing all mitigation measures being challenged. This CUP 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 CUP, at the discretion of the Planning Director, the Planning Director may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. If the Planning Director 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.

15. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for the Project have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or resources 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 to be contracted, as well as the estimated costs of such work. Whenever feasible, the County will use the lowest responsible bidder or proposer. Any decisions made by County staff in reliance on consultant or contractor work 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, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 12 above, if the County hires a consultant to review any work undertaken by the Permittee, or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

16. Relationship of CUP Conditions, Laws, and Other Entitlements

The Permittee 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 CUP condition contained herein is in conflict with any other CUP condition contained herein, when 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.

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, lawful rules, or regulations, or orders of an authorized governmental agency. Neither the approval 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.

The Permittee shall obtain a business tax certificate for the operation of the nursery.

17. Contact Person

Purpose: To designate a person responsible for responding to complaints.

Requirement: The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this CUP.

Documentation: The Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, business and cell phone numbers,

and email addresses) of the Permittee's field agent who receives all orders, notices, and communications regarding matters of condition and code compliance at the Project site.

Timing: Prior to the issuance of a Zoning Clearance for construction and use inauguration, the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the Project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide Planning Division staff with the new information in writing within three calendar days of the change in the Permittee's field agent.

Monitoring and Reporting: The Planning Division maintains the contact information provided by the Permittee in the Project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

18. Change of Permittee

Purpose: To ensure that the Planning Division is properly and promptly notified of any change of Permittee.

Requirement: The Permittee shall file, 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). The Permittee shall provide the Planning Director with a final notice once the transfer of ownership and/or operational control has occurred.

Documentation: The initial notice must be submitted with the new Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by 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.

Timing: The Permittee shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

Monitoring and Reporting: The Planning Division maintains notices submitted by the Permittee in the Project file and has the authority to periodically confirm the information consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

19. Landscaping and Screening

Purpose: To comply with the County's landscaping and screening requirements.

Requirement: The Permittee shall retain a landscape architect to prepare a landscape plan that complies with the requirements of this condition and the “Ventura County Landscape Design Criteria” (1992).

Landscaping Objectives: The Permittee must install and maintain landscaping and screening that serves the following functions:

- a. Screens undesirable views, incompatible land uses or uses in natural settings. The Permittee must install landscaping and screening to screen the parking area, trash enclosure, and open storage areas.
- b. Provides visual relief. The Permittee must install landscaping that softens the building edges and blends structures with their surroundings.
- c. Ensures compatibility with community character. The Permittee must install landscaping that visually integrates the development with the character of the surrounding community.
- d. Shades and improves the aesthetics of paved areas that the public and employees use. The Permittee must install landscaping in front of the parking area.

Landscaping Design: The Permittee shall design the required landscaping such that the landscaping requires minimal amounts of water and uses required water efficiently, in accordance with the water efficiency requirements of the Landscape Design Criteria, and must achieve the following design objectives:

- a. Use Available Non-potable Sources of Water. The landscaping must involve the harvesting and/or use of alternative, non-potable sources of water, including stormwater, reclaimed water, and gray water, if available to the Project site.
- b. Protection of Solar Access. The Permittee must design the landscaping to avoid the introduction of vegetation that would now or in the future cast substantial shadow on existing solar collectors or photovoltaic cells, or impair the function of a nearby building using passive solar heat collection.
- c. Create Viable Growing Environment. The landscape design must address the needs of the plants to ensure their health, long-term viability, and protection.
- d. Species Diversity. The landscape plan must integrate a variety of plant species, heights, colors, and textures, as appropriate given the size of the landscape.
- e. Required revegetation or landscaping plans shall incorporate indigenous plant species where feasible in order to restore habitat in already disturbed areas in accordance with the Ojai Valley Area Plan.

Documentation: The Permittee shall submit three sets of a draft landscape plan to the Planning Division for review and approval. A California registered landscape architect (or other qualified individual as approved by the Planning Director) shall prepare the landscape plan, demonstrating compliance with the requirements set forth in this condition (above), § 8109-0.6 (Landscaping) of the Non-Coastal Zoning Ordinance, and the Ventura County Landscape Design Criteria. The landscape architect responsible for the work shall stamp the plan. After landscape installation, the Permittee shall submit to Planning Division staff a statement from the project landscape architect that the Permittee installed all landscaping as shown on the approved landscape plan. Prior to installation of the landscaping, the Permittee must obtain the Planning Director's approval of any changes to the landscape plans that affect the character or quantity of the plant material or irrigation system design.

Timing: The Permittee shall submit the landscape plan to the Planning Division for review and approval prior to issuance of a Zoning Clearance for construction and use inauguration. Landscaping installation and maintenance activities shall occur according to the timing requirements set forth in the "Ventura County Landscape Design Criteria" (§ F).

Monitoring and Reporting: Landscaping approval/installation verification, monitoring activities, and enforcement activities shall occur according to the procedures set forth in the "Ventura County Landscape Design Criteria" (§§ F and G) and § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance. The Planning Division maintains the landscape plans and statement by the landscape architect in the Project file and has the authority to conduct site inspections to ensure that the Permittee installs and maintains the landscaping in accordance with the approved plan consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

20. Lighting Plan

Purpose: To ensure lighting on the subject property is provided in compliance with § 8106-8.6, 8109-4.1.5 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 energy consumption;
- f. includes devices that are compatible with the design of the permitted facility; and,

- g. complies with the general standards listed in Section 8109-4.7.4 for all new and replaced outdoor lighting.

Requirement: 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; and,
- 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 construction and 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 Ventura County Non-Coastal Zoning Ordinance.

21. Availability of Parking Spaces

Purpose: To ensure compliance with § 8108-3 of the Ventura County Non-Coastal Zoning Ordinance.

Requirement: The Permittee shall ensure that the required five motor vehicle parking spaces (including accessible spaces) and one motorcycle space remain continuously available for their intended parking use and are not used for merchandise display, storage, vehicle repair, or any other unauthorized use. The Permittee shall maintain the required parking area as illustrated on the approved site plan. This maintenance requirement includes, but is not limited to, the number of parking spaces, curbs, directional markings, accessible parking symbols, screening, sight distance, surfaces, signs, striping, lighting fixtures, landscaping, and trash and recyclables enclosures.

Documentation: A stamped copy of the approved site plan.

Timing: The Permittee shall install all components of the required parking area as indicated on the approved site plan prior to occupancy and shall maintain the required parking area as illustrated on the approved site plan for the life of the Project.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved site plan provided by the Permittee in the Project file. The Building and Safety Inspector and Planning Division have the authority to inspect the site to ensure compliance with the approved site plan prior to occupancy. 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 Ventura County Non-Coastal Zoning Ordinance.

22. Trash and Recycling Storage Area

Purpose: In order to comply with § 8106-8.7 and § 8108-5.13 of the Ventura County Non-Coastal Zoning Ordinance.

Requirement: The Permittee shall ensure that trash and waste diversion (e.g., recyclables and yard waste) enclosures are constructed and maintained on the project site in accordance with the County of Ventura's adopted "Space Allocation for Recycling and Refuse Collection Design Criteria and Specifications Guidelines."

Documentation: The Permittee shall submit the following for the Planning Division's review and approval:

- a. a site plan that identifies the location of the enclosure; and
- b. building elevation plans for the enclosure.

Timing: Prior to the issuance of a Zoning Clearance for construction and use inauguration, the Permittee shall submit the site and building elevation plans to the Planning Division for review and approval. The Permittee shall install the trash enclosures prior to occupancy.

Monitoring and Reporting: The Planning Division maintains a copy of the approved site plan in the Project file. The Planning Division has the authority to inspect the site to ensure that the enclosures are constructed as illustrated on the approved plans prior to occupancy. The Planning Division has the authority to periodically inspect the site to ensure that the trash enclosures are maintained consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

23. Avoidance of Nesting Birds

Purpose: In order to prevent impacts to birds protected under the Migratory Bird Treaty Act, land clearing and construction activities shall be regulated.

Requirement: The Permittee shall conduct all demolition, tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities"), and construction in such a way as to avoid nesting native birds. This can be accomplished by implementing one of the following options:

- a. Timing of land clearing or construction: Prohibit land clearing or construction activities during the breeding and nesting season (February 1 – September 1) in which case the following surveys are not required; or
- b. Surveys and avoidance of occupied nests: Conduct site-specific surveys prior to land clearing or construction activities during the breeding and nesting season (February 1 – September 1) and avoid occupied bird nests. A County-approved biologist shall conduct surveys to identify any occupied (active) bird nests in the area proposed for disturbance. Occupied nests shall be avoided until juvenile birds have vacated the nest.

The County-approved biologist shall conduct an initial breeding and nesting bird survey 30 days prior to the initiation of land clearing or construction activities. The County-approved biologist shall continue to survey the Project site on a weekly basis, with the last survey completed no more than 3 days prior to the initiation of land clearing activities. The nesting bird survey must cover the development footprint and 300 feet from the development footprint. If occupied (active) nests are found, land clearing activities within a setback area surrounding the nest shall be postponed or halted. Land clearing activities may commence in the setback area when the nest is vacated (juveniles have fledged) provided that there is no evidence of a second attempt at nesting, as determined by the County-approved biologist. Land clearing activities can also occur outside of the setback areas. Pursuant to the recommendations of the California Department of Fish and

Wildlife, the required setback is 300 feet for most birds and 500 feet for raptors. This setback can be increased or decreased based on the recommendation of the County-approved biologist and approval from the Planning Division.

Documentation: The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial nesting bird survey and a plan for continued surveys and avoidance of nests in accordance with the requirements set forth in this condition (above). Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys, monitoring of any occupied nests discovered, and establishment of mandatory setback areas. The Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following land clearing activities documenting actions taken to avoid nesting birds and results.

Timing: If land clearing or construction activities will occur between (February 1 – September 1) the County-approved biologist shall conduct the nesting bird surveys 30 days prior to initiation of land clearing or construction activities, and weekly thereafter. The last survey for nesting birds shall be conducted no more than 3 days prior to initiation of land clearing or construction activities. The Permittee shall submit the Survey Report documenting the results of the first nesting bird survey and the signed contract to the Planning Division prior to issuance of a zoning clearance for construction. The Permittee shall submit the Mitigation Monitoring Report within 14 days of completion of the land clearing or construction activities.

Monitoring and Reporting: The Planning Division reviews the Survey Report and signed contract for adequacy prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the Project file.

24. Paleontological Resources Discovered During Grading

Purpose: In order to mitigate potential impacts to paleontological resources that may be encountered during ground disturbance or construction activities.

Requirement: If any paleontological remains are uncovered during ground disturbance or construction activities, the Permittee shall:

- a. Cease operations and assure the preservation of the area in which the discovery was made;
- b. Notify the Planning Director in writing, within three days of the discovery;
- c. Obtain the services of a paleontological consultant or professional geologist who shall assess the find and provide a report that assesses the resources and sets forth recommendations on the proper disposition of the site;

- d. Obtain the Planning Director's written concurrence with the recommended disposition of the site before resuming development; and
- e. Implement the agreed upon recommendations.

Documentation: The Permittee shall submit the paleontologist's or geologist's reports. Additional documentation may be required to demonstrate that the Permittee has implemented the recommendations set forth in the paleontological report.

Timing: If any paleontological remains are uncovered during ground disturbance or construction activities, the Permittee shall provide the written notification to the Planning Director within three days of the discovery. The Permittee shall submit the paleontological report to the Planning Division immediately upon completion of the report.

Monitoring and Reporting: The Permittee shall provide the paleontological report to the Planning Division to be made part of the Project file. The Permittee shall implement any recommendations made in the paleontological report to the satisfaction of the Planning Director. The paleontologist shall monitor all ground disturbance activities within the area in which the discovery was made, in order to ensure the successful implementation of the recommendations made in the paleontological report. The Planning Division has the authority to conduct site inspections to ensure that the Permittee implements the recommendations set forth in the paleontological report, consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

25. Archaeological Resources Discovered During Grading

Purpose: In order to mitigate potential impacts to archaeological resources discovered during ground disturbance.

Requirement: If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities, the Permittee shall implement the following procedures:

- a. Cease operations and assure the preservation of the area in which the discovery was made;
- b. Notify the Planning Director in writing, within three days of the discovery;
- c. Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
- d. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development; and

- e. Implement the agreed upon recommendations.

If any human burial remains are encountered during ground disturbance or construction activities, the Permittee shall:

- a. Cease operations and assure the preservation of the area in which the discovery was made;
- b. Immediately notify the County Coroner and the Planning Director;
- c. Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
- d. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development on-site; and
- e. Implement the agreed upon recommendations.

Documentation: If archaeological remains are encountered, the Permittee shall submit a report prepared by a County-approved archaeologist including recommendations for the proper disposition of the site. Additional documentation may be required to demonstrate that the Permittee has implemented any recommendations made by the archaeologist's report.

Timing: If any archaeological remains are uncovered during ground disturbance or construction activities, the Permittee shall provide the written notification to the Planning Director within three days of the discovery. The Permittee shall submit the archaeological report to the Planning Division immediately upon completion of the report.

Monitoring and Reporting: The Permittee shall provide the archaeological report to the Planning Division to be made part of the Project file. The Permittee shall implement any recommendations made in the archaeological report to the satisfaction of the Planning Director. The archaeologist shall monitor all ground disturbance activities within the area in which the discovery was made, in order to ensure the successful implementation of the recommendations made in the archaeological report. The Planning Division has the authority to conduct site inspections to ensure that the Permittee implements the recommendations set forth in the archaeological report, consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

Environmental Health Division

26. 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. Permittee shall also obtain the approval of EHD staff to install an OWTS on the property. During the ministerial permitting process, the 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 and Reporting: 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.

PUBLIC WORKS AGENCY (PWA)

Roads and Transportation Department

27. Traffic Impact Mitigation Fee:

Purpose: To address the cumulative adverse impacts of traffic on the Regional Road Network, Ventura County General Plan Goals, Policies, and Programs Section 4.2.2-6 and Ventura County Ordinance Code, Division 8, Chapter 6 require that the VCPWA-RT collect a Traffic Impact Mitigation Fee (TIMF).

Requirement: The applicant/permittee shall deposit with the VCPWA-RT a TIMF. The trip generation rate and TIMF are calculated based on the applicant's information and the Institute of Transportation Engineers Trip Generation Manual. The applicant/permittee may choose to submit additional information or provide a Traffic Study to supplement the information currently provided to establish the trip generation rate. The TIMF may be adjusted for inflation at the time of deposit in accordance with the latest version of the Engineering News Record Construction Cost Index. Based on the applicant's information:

- a. The TIMF due to the County would be:

$$\$4,339.14 = 78 \text{ ADT} \times \$55.63(3) \text{ per ADT}$$

Proposed ADT

$$78 \text{ ADT}(2) = 68.10 \text{ ADT} / 1000 \text{ sq. ft. (GFA)}(1) \times 1144 \text{ sq. ft. (GFA)}$$

Notes:

(1) Trip Generation established by using the Institute of Transportation Engineers Trip Generation Manual, Land Use Code 817 – Nursery (Garden Center). There is no fitted curve, therefore the average rate shall be used, 68.10 ADT per 1000 sq. ft. GFA.

(2) The trips generated by the project shall be used as a baseline level so that the TIMF may be computed for future increases to the trip generation. Based on the applicant's information, the proposed total baseline level will be 78 Average Daily Trips (ADT).

(3) County of Ventura TIMF for the Average Daily Trips in the Ventura Area District # 10.

(4) In accordance with the County of Ventura and City of Ventura TIMF Agreement, the County of Ventura does not collect a City reciprocal TIMF, in accordance with Section II, Payment Monitoring of Traffic Fee by County for City. "As of the date of [the] agreement, [the] City [had] not yet determined the proportionate impact on City roadways and intersections resulting from development approved by [the] County in unincorporated territory in the vicinity of [the] City, nor has [the] City adopted a formula or fee schedule

calculating and imposing a traffic mitigation fee on such development". Since the inauguration of the agreement, the City has established a traffic impact fee program, but the County and City agreement has not been amended nor replaced with a new agreement, thus the PWATD will not collect a reciprocal fee for the City of Ventura.

Documentation: The applicant/permittee shall come to the VCPWA-RT counter, fill out the TIMF form, and pay the TIMF. The applicant/permittee shall provide a copy of the Conditions of Approval for the project. The fee will not be collected without sufficient documentation.

Timing: This condition shall be met prior to the issuance of the Building Permit.

Monitoring and Reporting: The VCPWA-RT will review and approve the payment of the TIMF.

Integrated Waste Management Division

28. 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:

<https://www.vcpublicworks.org/wsd/iwmd/businessrecycling/#GreenWasteProcessing>

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:

<https://www.vcpublicworks.org/wsd/iwmd/construction/#solid-waste-collectors>.

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.

29. Construction & Demolition Debris Recycling Plan (Form B)

Purpose: Ordinance 4421 requires the Permittee to divert recyclable construction and demolition (C&D) materials generated by their project (e.g., wood, metal, greenwaste,

soil, concrete, asphalt, paper, cardboard, etc.) from local landfills through recycling, reuse, or salvage. Review Ordinance 4421 at:
<https://www.vcpublishworks.org/wsd/iwmd/businessrecycling/#GreenWasteProcessing>

Further, the 2016 California Green Building Code Sections 4.408 and 5.408 require a minimum of 65% diversion of construction and demolition materials from landfill disposal.

Requirement: The Permittee must submit a comprehensive recycling plan (Form B – Recycling Plan) to the IWMD for any proposed construction and/or demolition projects that require a building permit.

Documentation: The Form B – Recycling Plan must ensure a minimum of 65% of the recyclable C&D debris generated by the project will be diverted from the landfill by recycling, reuse, or salvage. A copy of Form B is available at:
<http://onestop.vcpublishworks.org/integrated-waste-management-forms>.

A comprehensive list of permitted recyclers, County-franchised haulers, and solid waste & recycling facilities in Ventura County is available at: <http://onestoppermit.ventura.org/>. A list of local facilities permitted to recycle soil, wood, and greenwaste is available at: <https://www.vcpublishworks.org/wsd/iwmd/businessrecycling/#GreenWasteProcessing> .

A complete list of County-franchised solid waste haulers is available at:
<https://www.vcpublishworks.org/wsd/iwmd/construction/#solid-waste-collectors>

Timing: Upon Building and Safety Division's issuance of a building permit for the project, the Permittee must submit a Form B – Recycling Plan to the IWMD for approval.

Monitoring and Reporting: The Permittee is required to keep a copy of their approved Form B – Recycling Plan until Building and Safety Division's issuance of final permit.

30. Construction & Demolition Debris Reporting Form (Form C)

Purpose: Ordinance 4421 requires the Permittee to divert recyclable construction and demolition (C&D) materials generated by their project (e.g., wood, metal, greenwaste, soil, concrete, paper, cardboard, plastic containers, etc.) from local landfills through recycling, reuse, or salvage. Review Ordinance 4421 at:
<http://onestop.vcpublishworks.org/integrated-waste-management-laws-ordinances>. The 2016 California Green Building Code Sections 4.408 and 5.408 require a minimum of 65% diversion of construction and demolition materials from landfill disposal.

Requirement: The Permittee must submit a Form C – Reporting Form to the IWMD for approval upon issuance of their final Building and Safety Division permit. A copy of Form C – Reporting Form is available at:
<https://www.vcpublishworks.org/wsd/iwmd/businessrecycling/#GreenWasteProcessing>

Documentation: The Permittee must submit original recycling facility receipts and/or documentation of reuse with their Form C – Reporting Form to verify a minimum of 65% of the recyclable C&D debris generated by their project was diverted from the landfill.

Timing: A completed Form C – Reporting Form, with required recycling facility receipts and/or documentation or reuse, must be submitted to the IWMD for approval at the time of Building and Safety Division’s issuance of final permit.

Monitoring & Reporting: The Permittee is required to keep a copy of their approved Form C – Reporting Form until Building and Safety Division’s issuance of final permit.

Water Quality Section

31. Compliance with Stormwater Development Construction Program

Purpose: To ensure compliance with the Los Angeles Regional Water Quality Control Board NPDES Municipal Stormwater Permit No.CAS004002 (Permit) the proposed project will be subject to the construction requirements for surface water quality and storm water runoff in accordance with Part 4.F., “Development Construction Program” of the Permit.

Requirement: The construction of the proposed project shall meet requirements contained in Part 4.F. “Development Construction Program” of the Permit through the inclusion of effective implementation of the Construction BMPs during all ground disturbing activities.

Documentation: The Permittee shall submit to the Watershed Protection District – County Stormwater Program Section (CSP) for review and approval a completed and signed SW 1 form (Best Management Practices for Construction Less Than One Acre) which can be found at: <http://onestop.vcpubliworks.org/stormwater> forms.

Timing: The above listed item shall be submitted to the CSP for review and approval prior to issuance of a Zoning Clearance for construction and use inauguration.

Monitoring and Reporting: CSP will review the submitted materials for consistency with the NPDES Municipal Stormwater Permit. Building Permit Inspectors will conduct inspections during construction to ensure effective installation of the required BMPs.

OTHER VENTURA COUNTY AGENCIES

Ventura County Fire Protection District (VCFPD) Conditions

32. Address Numbers (Commercial, Industrial, Multi-Family Buildings)

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

Requirement: The Permittee shall install a minimum of 10-inch (10”) 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 (150') 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. Individual unit numbers shall be a minimum of 4 inches (4") in height and shall be posted at the front and rear entrance to each unit. Additional address directional signs may be required at common building entrances and stairways.

Documentation: A stamped copy of an approved addressing plan or a signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction".

Timing: The Permittee shall install address numbers before final occupancy.

Monitoring and Reporting: A copy of the approved addressing plan and/or signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction" shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that all structures are addressed according to the approved plans/form.

33. Fire Sprinklers

Purpose: To comply with current California Codes and Ventura County Fire Protection District Ordinance.

Requirement: The Permittee shall be responsible to have an automatic fire sprinkler system installed in all structures as required by the VCFPD. The fire sprinkler system shall be designed and installed by a properly licensed contractor under California State Law.

Documentation: A stamped copy of the approved fire sprinkler plans.

Timing: The Permittee shall submit fire sprinkler plans to the Fire Prevention Bureau for approval before the installation of the fire sprinkler system.

Monitoring and Reporting: A copy of the approved fire sprinkler plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct on-site inspections to ensure that the fire sprinkler system is 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 fire sprinkler system for the life of the development.

34. Fire Department Clearance

Purpose: To provide the Permittee a list of all applicable fire department requirements for their project.

Requirement: The Permittee shall obtain VCFD Form #126 "Requirements for Construction" for any new structures or additions to existing structures before issuance of building permits.

Documentation: A signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction."

Timing: The Permittee shall submit VCFPD Form #126 Application to the Fire Prevention Bureau for approval before issuance of building permits.

Monitoring and Reporting: A copy of the completed VCFPD Form #126 shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau will conduct a final on-site inspection of the project to ensure compliance with all conditions and applicable codes / ordinances.