

# county of ventura

## COUNTY OF VENTURA PLANNING DIRECTOR STAFF REPORT AND RECOMMENDATIONS HEARING ON APRIL 26, 2012

### A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Conditional Use Permit (CUP; Case No. LU11-0089) for the continued use of a 600 square foot (s.f.) animal caretaker dwelling unit and various accessory structures originally authorized with the granting of CUP 4811. This CUP expired on November 1, 2003. The accessory structures include a 3,710 s.f. horse barn, 1,703 sq. ft. horse barn, 400 s.f. carport, and 592 s.f. hay barn.
2. **Applicant/Property Owner:** John Scheck, 3342 Chestnut Lane, Santa Rosa Valley, CA 93012
3. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (§8105-4 and §8111-1.2 et seq.), the Planning Director is the decision-maker for the requested CUP.
4. **Project Site Location and Parcel Number:** The 6.6 acre project site is located at 3342 Chestnut Lane, near the intersection of Presilla Road and Chestnut Lane, in the community of Santa Rosa, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 516-0-010-095 (Exhibit 2).
5. **Project Site Land Use and Zoning Designations:**
  - a. Countywide General Plan Land Use Map Designation: Rural (Exhibit 2)
  - b. Zoning Designation: "RA-5 ac" (Rural Agricultural, 5 acre minimum lot size) (Exhibit 2)
6. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location In Relation to the Project Site	Zoning	Land Uses/Development
North	RA-5 ac	Residential - single family residential dwelling
South	RA-5 ac	Residential and Agricultural - single family residential dwelling and planted orchards



Location in Relation to the Project Site	Zoning	Land Uses/Development
East	RA-5 ac	Residential and Agricultural - single family residential dwelling and planted orchards
West	RA-5 ac	Residential and Agricultural - single family residential dwelling and planted orchards

**7. History:**

***CUP 4811 (approved November 1, 1993)***

On November 1, 1993, the Planning Director approved CUP 4811 to authorize the construction and use of a 600 s.f animal caretaker dwelling unit, a 3,186 s.f. horse barn, a 400 s.f. car port and a 592 s.f. hay barn for 10 years. This permit expired on November 1, 2003.

***Permit Adjustment to CUP 4811 (approved May 17, 1994)***

On May 17, 1994, the Planning Division approved a permit adjustment to add 524 s.f. to the existing 3,186 s.f. horse barn.

***CUP 4811 Mod 1 (approved January 23, 1998)***

On January 23, 1998, the Planning Division approved Modification 1 to CUP 4811 to authorize the construction of a 1,703 s.f. horse barn.

**8. Project Description:** The applicant requests approval of a CUP for the continued use of a 600 s.f. animal caretaker dwelling unit and various accessory structures originally authorized with the granting of CUP 4811. The accessory structures include a 3,710 s.f. horse barn, 1,703 sq. ft. horse barn, 400 s.f. car port, and 592 s.f. hay barn. No changes in these existing buildings are proposed and the project includes no new construction (Exhibit 3).

The County of Ventura Water and Sanitation District will continue to provide water for the animal caretaker dwelling unit and equestrian facilities. An onsite septic system will provide sewage disposal for the animal caretaker dwelling. Two private driveways that connect to Presilla Road and Chestnut Lane will continue to provide access to the project site.

**B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

Pursuant to CEQA (Public Resources Code §21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, §15000 et seq.), the subject application is a "project" that 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 has been found to be exempt from environmental review pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. This determination is based on the lack of any new construction on the project site as the proposal only involves the continued use of existing buildings. Therefore, the project qualifies for the Class 1 Categorical Exemption from CEQA review.

Section 15300.2 et seq. of the CEQA Guidelines provides exceptions to Categorical Exemptions if the project: may have an impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies; will have a potentially significant, cumulative impact; will damage scenic resources within a designated state scenic highway; is located on a hazardous waste site; may cause a substantial adverse change in the significance of a historical resource; or, will have a significant effect on the environment due to unusual circumstances.

The continued use of an existing animal caretaker dwelling unit and equestrian facilities will not result in impacts to scenic or cultural resources, and the project is not located on a hazardous waste site. Furthermore, there are no environmental resources of hazardous or critical concern that have been identified within the project site, and are shown on an officially adopted map. Finally, the continued use of the existing animal caretaker dwelling unit and equestrian facilities does not have the potential to make a significant contribution to a cumulative impact. Therefore, this project is Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines, and in light of the whole record none of the exceptions set forth in Section 15300.2 of the CEQA Guidelines applies.

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

The Ventura County General Plan *Goals, Policies and Programs* (April 6, 2010, Edition, page 4) states:

*...in the unincorporated area of Ventura County, zoning and any permits issued thereunder, any subdivision of land, any public works project, any public (County, Special District, or Local Government) land acquisition or disposition, and any specific plan, must be consistent with the Ventura County General Plan Goals, Policies and Programs, and where applicable, the adopted Area Plan.*

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

The following list includes the applicable General Plan policies, and a discussion of the proposed project's consistency with each policy immediately following the respective policy.

- 1. Resources Policy 1.1.2-1:** *All General Plan amendments, zone changes and discretionary development shall be evaluated for their individual and cumulative impacts on resources in compliance with the California Environmental Quality Act.*

As discussed in Section B (above), the project is exempt from CEQA and will not result in any significant individual or cumulative impacts on resources.

Based on the discussion above, the proposed project will be consistent with Policy 1.1.2-1.

- 2. Resources Policy 1.3.2-4:** *Discretionary development shall not significantly impact the quantity or quality of water resources within watersheds, groundwater recharge areas or groundwater basins.*

The continued use of the existing animal caretaker dwelling unit and equestrian facilities does not require additional water resources. Therefore, the development will not result in a net increase or decrease in groundwater production or quality.

Based on the discussion above, the proposed project will be consistent with Policy 1.3.2-4.

- 3. Resources Policy 1.7.2-1:** *Notwithstanding Policy 1.7.2-2, discretionary development which would significantly degrade visual resources or significantly alter or obscure public views of visual resources shall be prohibited unless no feasible mitigation measures are available and the decision-making body determines there are overriding considerations.*

The proposed project does not involve any new development. Therefore, there will be no new impacts to visual resources.

Based on the discussion above, the proposed project will be consistent with Policy 1.7.2-1.

- 4. Resources Policy 1.8.2-1:** *Discretionary developments shall be assessed for potential paleontological and cultural resource impacts, except when exempt from such requirements by CEQA. Such assessments shall be incorporated into a Countywide paleontological and cultural resource data base.*

The proposed project does not involve any new development. Therefore, there will be no impacts to paleontological or cultural resources.

Based on the discussion above, the proposed project will be consistent with Policy 1.8.2-1.

- 5. Land Use Policy 3.1.2-7:** *Nonconforming Parcel Size: The use or development of a parcel which is a legal lot for the purposes of the County Subdivision Ordinance, but which fails to meet the minimum parcel size requirements of the applicable land use category, shall not be prohibited solely by reason of such failure. However, this policy shall not be construed to permit the subdivision of any parcel into two or more lots if any of the new lots fails to meet the minimum parcel size requirements.*

The proposed project does not include a subdivision of the subject property. The existing legal parcel, which is approximately 6.6 acres in size and satisfies the 5 acre minimum lot size requirement of the RA-5 ac zone, will not be made smaller as a result of the project.

Based on the discussion above, the proposed project will be consistent with Policy 3.1.2-7.

**D. ZONING ORDINANCE COMPLIANCE**

The proposed project is subject to the requirements of the Ventura County Non-Coastal Zoning Ordinance.

Pursuant to the Ventura County Non-Coastal Zoning Ordinance (§8105-4) the proposed use is allowed in the RA-5 ac zone district with the granting of a CUP. Upon the granting of the CUP, the proposed project will comply with this requirement.

The proposed project includes the use of buildings and structures that are subject to the development standards of the Ventura County Non-Coastal Zoning Ordinance (§8106-1.1). Table 1 lists the applicable development standards and a description of whether the proposed project complies with the development standards.

**Table 1 – Development Standards Consistency Analysis**

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	5 acres	Yes
Maximum Percentage of Building Coverage	15,148 s.f.	Yes
Front Setback	20 feet	Yes
Side Setback	10 feet	Yes
Rear Setback	15 feet	Yes
Maximum Building Height	25 feet or 35 feet if each side yard is at least 15 feet	Yes

The proposed animal caretaker dwelling unit is subject to the special use standards of the Ventura County Non-Coastal Zoning Ordinance (§8107-26). Table 2 lists the applicable special use standard and a description of whether the proposed project complies with the special use standards.

**Table 2 – Special Use Standards Consistency Analysis**

Special Use Standard	Complies?
<p>Sec. 8107-26.3 - Farmworker and Animal Caretaker Employment Criteria: Farmworker and animal caretaker dwelling units shall only be rented or provided under the terms of employment to persons who are employed full time (minimum of 32 hours per week) as farmworkers or animal caretakers by the property owner or lessee of the lot upon which the dwelling unit sits, or on other land in Ventura County that is under the same ownership or lease as the property with the dwelling unit. A farmworker or animal caretaker who has been renting or occupying a farmworker or animal caretaker dwelling unit and who subsequently retires or becomes disabled, may continue to reside in the dwelling unit. Members of the farmworker's or animal caretaker's household, if any, may also occupy said dwelling unit.</p>	<p>Yes</p>
<p>Sec. 8107-26.4 - Annual Verification of Farmworker or Animal Caretaker Employment: The owner of the property, or his/her designated agent, must submit all County-required verification fees as established by resolution of the Board of Supervisors and an annual verification report by May 15<sup>th</sup> of each year to the Planning Director or his or her designee, in a form acceptable to the Planning Director, demonstrating that the farmworker(s) and/or animal caretaker(s) residing in the farmworker and/or animal caretaker dwelling unit(s) meet(s) the employment criteria established in Sec. 8107-26.3.</p>	<p>Yes, the Verification of Employment condition of approval requires the applicant to submit said document on an annual basis.</p>

**E. CONDITIONAL USE PERMIT FINDINGS AND SUPPORTING EVIDENCE**

The Planning Director must make certain findings in order to determine that the proposed project is consistent with the permit approval standards of the Ventura County Non-Coastal Zoning Ordinance (§8111-1.2.1.1 et seq.). The proposed findings and supporting evidence are as follows:

- 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 [§8111-1.2.1.1.a].**

Based on the information and analysis presented in Sections C and D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan 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 [§8111-1.2.1.1.b].**

The existing animal caretaker dwelling unit and equestrian facilities are located within an agricultural community. Equestrian activities are an allowed use on

Rural-designated land and are common within agricultural communities. The proposed project does not involve the construction of any new buildings or structures or the introduction of uses on the property that have the potential to conflict with agricultural or residential uses that surround the project site.

Based on the above discussion, the finding that the proposed project will be compatible with the character of surrounding, legally established development can be made.

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

The proposed project consists of the continued use of an existing animal caretaker dwelling unit and equestrian facilities. The proposed project does not involve any new development or change in use of the property. The proposed project does not involve the use of hazardous materials and will not increase traffic to the surrounding roadways. The County of Ventura Water and Sanitation District will continue to provide water for the animal caretaker dwelling unit and an onsite septic system will provide sewage disposal for the caretaker dwelling.

Based upon the above discussion, the finding that the proposed project will not be obnoxious or harmful, or impair the utility of neighboring property or uses can be made.

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

The proposed project consists of the continued use of an existing animal caretaker dwelling unit and equestrian facilities. The proposed project does not involve any new development or change in use of the property. The proposed project does not involve the use of hazardous materials and will not increase traffic to the surrounding roadways. The County of Ventura Water and Sanitation District will continue to provide water for the animal caretaker dwelling unit and an onsite septic system will provide sewage disposal for the caretaker dwelling. No adverse effect on the public interest, health, safety or welfare has been identified for the proposed project.

Based upon the above discussion, the finding that the proposed project will not be detrimental to the public interest, health, safety, convenience, or welfare 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 [§8111-1.2.1.1.e].**

The existing animal caretaker dwelling unit and equestrian facilities are located within an agricultural community. Equestrian activities are an allowed use on

Rural-designated land and are common within agricultural communities. The proposed project does not involve the construction of any new buildings or structures or the introduction of uses on the property that have the potential to conflict with agricultural or residential uses that surround the project site. Given the general plan designation and zoning of the surrounding area, a substantial future change in local land use is not anticipated.

Based upon the above discussion, the finding that the proposed project is compatible with existing and potential land uses in the general area where the development is to be located can be made.

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

The subject property is a legal lot shown as Parcel 10 on a Parcel Map recorded in Book 14, Page 24 of Parcel Maps in the office of the Recorder of Ventura County. The parcel map was approved and recorded in compliance with the Subdivision Map Act and the Ventura County Subdivision Ordinance.

Based on the above discussion, 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 (§65091) and Ventura County Non-Coastal Zoning Ordinance (§8111-3.1). The Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located and placed a legal ad in the Ventura County Star. As of the date of this document, no comments have been received regarding the project.

**G. RECOMMENDED ACTIONS**

Based upon the preceding analysis and information provided, 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 this project is Categorically Exempt pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines and, in light of the whole record, none of the exceptions set forth in the Section 15300.2 of the CEQA Guidelines apply;
3. **MAKE** the required findings for the granting of a conditional use permit pursuant to Section 8111-1.2.1.1 of the Non-Coastal Zoning Ordinance, based on the substantial evidence presented in Section F of this staff report and the entire record;

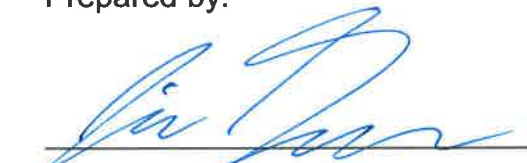


4. **GRANT** Conditional Use Permit No. LU11-0089, subject to the attached conditions of approval (Exhibit 4); and,
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

If you have any questions concerning the information presented above, please contact Josias Gonzalez at (805) 654-2462 or [josias.gonzalez@ventura.org](mailto:josias.gonzalez@ventura.org).

Prepared by:



Josias Gonzalez, Case Planner

Reviewed by:



Dan Klemann, Manager  
Residential Permits Section

**EXHIBITS**

- Exhibit 2 - Aerial Location, General Plan and Zoning Designations, and Land Use Maps
- Exhibit 3 - Plans
- Exhibit 4 - Conditions of Approval

## EXHIBIT 4 – CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (“CUP”) CASE NO. LU11-0089

### Resource Management Agency Conditions

#### Planning Division

##### 1. Project Description

This CUP is based on and limited to compliance with the project description found in this condition below, all County land use hearing exhibits in support of the project marked Exhibits 2 and 3, dated October 26, 2011, and conditions of approval set forth below. Together, these 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 original approval. 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) constitutes a violation of the conditions of this permit.

The project description is as follows:

CUP Case No. LU11-0089 is for the continued use of a 600 square foot (s.f.) animal caretaker dwelling unit and various accessory structures originally authorized with the granting of CUP 4811. The accessory structures include a 3,710 s.f. horse barn, 1,703 sq. ft. horse barn, 400 s.f. car port, and 592 s.f. hay barn. No changes in these existing buildings are proposed and the project includes no new construction (Exhibit 3). The subject 6.6 acre property has a zoning designation of “RA-5 ac” (Rural Agricultural, 5 acre minimum parcel size), and a General Plan land use designation of Rural. The County of Ventura Water and Sanitation District will continue to provide water for the animal caretaker dwelling unit and equestrian facilities. An onsite septic system will provide sewage disposal for the animal caretaker dwelling. Two private driveways that connect to Presilla Road and Chestnut Lane will continue to provide access to the project site.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources 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. CUP Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or Project Description, 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 CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §15000-15387), as amended from time to time.

3. 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 for the granting of this CUP shall constitute grounds for enforcement action provided in the *Ventura County Non-Coastal Zoning Ordinance* (2010, 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.

4. 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 decision, or when any appeals of the decision are finally resolved.
  - (2) This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year from the granting of approval of this CUP, pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (2010, §8111-4.7). The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the 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 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 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:
- (1) This CUP will expire on [INSERT DATE]—that is, 10 years after the approval date.
  - (2) The Permittee is primarily responsible for renewing the CUP or extending the Permit Life associated with the subject CUP. Failure of the County to provide notification to the Permittee of the expiration date shall not constitute grounds for continuance of this CUP after the expiration date.
  - (3) The Planning Director may grant time extensions to this CUP, provided that:
    - The Permittee files an application for a modification to this CUP that is deemed complete prior to the expiration date. To that end, the Permittee is encouraged to submit the application to the Planning Division at least six months prior to the expiration date to allow County Planning staff time to evaluate and process the extension. If the Permittee submits an application prior to the expiration date, this CUP will continue in force until action is taken on the CUP modification and on any appeals.
    - The Permittee can demonstrate to the County that the Permittee has continuously complied with all conditions of this CUP since receiving it.
    - The Permittee can demonstrate to the County that the permitted land uses remain compatible with the land uses in the general area.
    - The Permittee can demonstrate to the County that the permitted land uses still comply with the CUP approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director.
    - The Planning Director reviews the CUP modification application and provides a written determination of the decision on the requested time extension for this CUP. (PL-8)

5. Consolidation of All Approved Exhibits and Permits

**Purpose:** To ensure compliance with and notification of requirements of other federal, state, or local government regulatory agencies.

**Requirement:** The Permittee shall provide the Planning Division with documentation to verify that the Permittee has obtained or satisfied all applicable federal, state, and local entitlements and conditions.

**Documentation:** The Permittee shall provide this documentation to the County Planning Division in the form that is acceptable to the agency issuing the entitlement or clearance for the project file.

**Timing:** The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for 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 permit is modified or changes are made by any other respective agency, the Permittee shall submit any revised documentation within 30 days of the modification.

6. Recorded Notice of Land Use Entitlement

**Purpose:** In order to comply with §8111-8.3 of the *Ventura County Non-Coastal Zoning Ordinance* a notice shall be recorded on the deed of the subject property that describes the responsibilities of the Property Owner and Permittee for compliance with applicable permit conditions and regulations.

**Requirement:** The Permittee and Property Owner of record shall sign, have notarized, and record with the Office of the County Recorder, a Notice of Land Use Entitlement form furnished by the Planning Division, for the tax assessor's parcels that are subject to this CUP.

**Documentation:** The Permittee shall provide a copy of the recorded Notice of Land Use Entitlement to the County Planning Division.

**Timing:** Prior to the issuance of a Zoning Clearance for use inauguration.

**Monitoring and Reporting:** The Permittee shall return a copy of the recorded Notice of Land Use Entitlement to the Planning Division for the project file.

7. Condition Compliance, Enforcement, and Other Responsibilities

- a. Cost Responsibilities: The Permittee shall bear the full costs of all staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs as described below. Specifically, the Permittee shall bear the full costs of the following:

- (1) condition compliance costs which include, but are not limited to, staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and,

- (2) monitoring and enforcement costs required by the *Ventura County Non-Coastal Zoning Ordinance* (2010, §8114-3). The Permittee, or the Permittee's successors-in-interest, shall bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections, public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said costs and penalties pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (§8114-3.4).
- b. Establishment of Revolving Compliance Accounts: Within 10 calendar days of the effective date of the decision on this CUP, the Permittee, or the Permittee's successors-in-interest, 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 incurred for Condition Compliance review (Condition 7.a, above), monitoring and enforcement (Condition 7.c, below). The \$500.00 deposit may be modified to a higher amount by mutual agreement between the Permittee and the Planning Director; and,
- (2) a signed and fully executed County RMA reimbursement agreement, which is subject to the Permittee's right to challenge any charges obligating the Permittee to pay all Condition Compliance review, monitoring, and enforcement costs.
- c. Monitoring and Enforcement Costs: All permits issued by the Planning Division may be reviewed and the sites inspected no less than once every three years, unless the terms of the permit require more frequent inspections. These funds shall cover costs for any regular compliance inspections or the resolution of confirmed violations of the conditions of this CUP and/or the *Ventura County Non-Coastal Zoning Ordinance* that may occur.
- d. Billing Process: The Permittee shall pay any written invoices from the Planning Division within 30 days of receipt of the request. Failure to pay the invoice shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge prior to payment.

complied with the fee, exaction, dedication, or other mitigation measure being challenged.

If a court of law invalidates any condition, 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.

10. Relationship of CUP Conditions, Laws and Other Permits

The Permittee shall design, maintain, and operate the CUP area and any facilities thereon in compliance with all applicable requirements and enactments of Federal, State, and County 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 issuance of this CUP, nor compliance with the conditions of this CUP, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

11. Change of Owner and/or Permittee

At least 10 calendar days prior to the effective date of the change of Permittee, the current or new Permittee shall file an initial notice with the Planning Director that discloses the new name(s), address(es), telephone/FAX number(s), and email addresses of the new Permittee(s) of the authorized uses, and the responsible corporate, partnership, or business officer(s), owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s).

The new Permittee shall file a final statement with the Planning Director that a transfer of the site operations has occurred. The statement shall be filed within 15 calendar days of the effective date of transfer. The statement shall include the following:

- a. Any changes from the initial notice in the name(s), address(es), telephone/FAX number(s), and email addresses of the new Permittee of the authorized uses or the responsible corporate, partnership or business officer(s);
- b. A letter in which the new Permittee agrees to comply with all the conditions of this CUP; and,

c. The effective date and time of transfer.

12. Annual Verification of Employment

**Purpose:** In order to comply with §8107-26.3 and §8107-26.4 of the *Ventura County Non-Coastal Zoning Ordinance*, occupation of the caretaker dwelling by an employee must be verified.

**Requirement:** The Permittee and/or Property Owner shall demonstrate to the County that the caretakers(s) residing in the animal caretaker dwelling unit meet(s) the employment criteria established in §8107-26.3 of the *Ventura County Non-Coastal Zoning Ordinance*.

**Documentation:** The Owner must submit an annual Employment Verification Declaration for the animal caretaker dwelling in the form made available by the Planning Director.

**Timing:** The Permittee shall submit the Employment Verification Declaration and supporting documents by May 15<sup>th</sup> of each year to the Planning Division.

**Monitoring and Reporting:** The Planning Division maintains the annual declarations provided by the Permittee in the project file. The Planning Division has the authority to ensure ongoing compliance with this condition pursuant to §8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

13. Additional Planning Conditions Agreed to on October 28, 1993

- a. That no horses other than those owned by the Permittee shall be boarded on the property.
- b. That the number of horses maintained on the property shall not exceed 15.

Ventura County Fire Protection District (VCFPD) Conditions

14. Fire Department Clearance

**Purpose:** To inform the Permittee of all VCFPD requirements applicable to the proposed project.

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

**Documentation:** The Permittee shall submit to the VCFPD a signed copy of the VCFPD's Form #126 "Requirements for Construction."

**Timing:** Prior to the issuance of building permits, the submitted VCFPD Form #126 Application must be approved by the Fire Prevention Bureau.

**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.



15. Hazardous Fire Area

**Purpose:** To advise the Permittee that the project is located within a Hazardous Fire Area and ensure compliance with California Building and Fire Codes.

**Requirement:** The Permittee shall construct all structures to meet hazardous fire area building code requirements.

**Documentation:** The Permittee shall submit building plans to the Resource Management Agency, Building and Safety Division for review and approval.

**Timing:** The Permittee shall obtain approval of the building plans from the Building and Safety Division prior to the issuance of building permits.

**Monitoring and Reporting:** The Fire Prevention Bureau shall conduct a final inspection to ensure that the structure is constructed according to the approved hazardous fire area building code requirements. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and the Permittee's successors in interest, shall maintain the approved construction for the life of the structure. (VCFPD-46)

Notice: For purposes of these conditions and application of Building and Fire Codes, the term "Hazardous Fire Area" includes the following as referenced in the California Building Code and VCFPD Ordinance: State SRA - Fire Hazard Severity Zone, Local Agency - Very-High Fire Hazard Severity Zone, Local Agency - Wildland-Urban Interface Fire Area (WUI Area), Local Agency - Hazardous Fire Area.

16. Hazard Abatement

**Purpose:** To ensure compliance with VCFPD Ordinance.

**Requirement:** The Permittee shall clear all grass and brush located on the subject property and within 100 feet of the structure. All grass and brush shall be removed a distance of 10 feet on each side of all access road(s)/driveway(s) within the project site.

Note: A Notice to Abate Fire Hazard may be recorded against the parcel.

**Documentation:** The Permittee shall submit to the VCFPD a signed copy of the VCFPD's Form #126 "Requirements for Construction" or the "Notice to Abate" issued under the VCFPD's Fire Hazard Reduction Program.

**Timing:** The Permittee shall remove all grass and brush as outlined by the VCFPD's Fire Hazard Reduction Program guidelines before the start of construction on any structure.

**Monitoring and Reporting:** The Fire Prevention Bureau shall conduct on-site inspections to ensure compliance with this condition. (VCFPD-47)

17. Fire Sprinklers (Future Buildings)

**Purpose:** In order to minimize fire hazards, the project shall be constructed in conformance with current California Codes and the VCFPD Ordinance.

**Requirement:** The Permittee shall install an automatic fire sprinkler system in all structures. The fire sprinkler system shall be designed and installed by a California-licensed contractor.

8. Defense and Indemnity

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

- a. Defend, at the Permittee's sole expense, any action brought against the County by a third party challenging either the County's decision to issue this CUP or the manner in which the County is interpreting or enforcing the conditions of this CUP; and
- b. Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such legal action. Upon written demand from the County, the Permittee shall reimburse the County for any and all court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such legal action the Permittee defended or controlled the defense thereof pursuant to Section 8.a, above. The County may, at its sole discretion, participate in the defense of any such legal action, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.

Neither the issuance of this CUP, nor compliance with the conditions thereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property. The issuance of this CUP does not impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.

Except with respect to the County's sole negligence or intentional misconduct, the Permittee shall indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, demands, costs, and expenses, including attorney's fees, judgments, or liabilities arising out of the construction, maintenance, or operations described in Condition No. 1 (Permitted Land Uses), as it may be subsequently modified pursuant to the conditions of this CUP.

9. Invalidation of Condition(s)

If any of the conditions or limitations of this CUP are held to be invalid, that holding shall not invalidate any of the remaining CUP conditions or limitations. In the event the Planning Director determines that any condition contained herein is in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible.

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 law, or threatened to be filed therein, which action is brought in the time period provided for by the *Code of Civil Procedures* (§1094.6), or other applicable law, this CUP shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Permittee has, in the interim, fully

**Documentation:** The Permittee shall submit the plans for the fire sprinkler system to the VCFPD for review and approval.

**Timing:** Prior to the installation and inspection of the fire sprinkler system, the fire sprinkler system plans must be approved by the Fire Prevention Bureau.

**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 the Permittee's successors in interest, shall maintain the fire sprinkler system for the life of the development.