



Planning Director Staff Report – Hearing on August 15, 2013

County of Ventura • Resource Management Agency • Planning Division

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A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Minor Modification of Conditional Use Permit (CUP) 4416 for the continued use of an agricultural preliminary packing facility over 20,000 square feet in size, validation of five unpermitted buildings, and construction of a new accessory structure (*Case No. PL13-0055*).
2. **Applicant/Property Owner:** Driscoll Strawberry Farms, 3939 E. Hueneme Road, Oxnard, CA 93033
3. **Applicant's Representative:** Mr. Erik Nagy of Jensen Design and Survey, 1672 Donlon Street, Ventura, CA 93003
4. **Decision-Making Authority:** Pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (NCZO) (§ 8105-4), the Planning Director is the decision-maker for the requested CUP.
5. **Project Site Size, Location, and Parcel Number:** The 24.9 acre property is located at 3939 E. Hueneme Road, near the intersection of Hueneme Road and Pacific Coast Highway (U.S. 1), near the city of Oxnard, in the unincorporated area of Ventura County. The Tax Assessor's parcel numbers for the parcel that constitutes the project site is 218-0-092-105 (Exhibit 2).
6. **Project Site Land Use and Zoning Designations:**
 - a. Countywide General Plan Land Use Map Designation: Agricultural (Exhibit 2)
 - b. Zoning Designation: AE-40 ac (Agricultural Exclusive, 40 acre minimum lot size) (Exhibit 2)
7. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE-40 ac	Agricultural uses
East	AE-40 ac	Agricultural uses
South	AE-40 ac	Agricultural uses
West	AE-40 ac	Agricultural uses

8. **History:** The project site is developed with an existing agricultural packing facility. This facility has been in operation at the project site since 1987. The following table outlines the actions taken on discretionary permit applications filed for the project site:

Permittee	Permit No.	Use	Approval Date & Approval Body
Driscoll Strawberries	CUP 4416	Construction of a warehouse & cold storage building	Planning Director October 28, 1987
Driscoll Strawberries	Permit Adjustment	Installation of a fumigation chamber (two sea cargo containers)	Planning Director October 19, 1989
Tri-Cal	Modification No. 1	Installation of a storage yard/area for storage of soil fumigants	Planning Director July 26, 1990
Tri-Cal	Modification No. 2	Installation of a storage yard/area for storage of soil fumigants	Planning Director May 2, 1991
Tri-Cal	Modification No. 3	Addition of storage area for plastic film and glue Relocate soil fumigation storage area	Planning Director July 10, 1991
Driscoll Strawberries	Modification No. 4	Ten year time extension to CUP No. 4416	Planning Director April 2, 1998
Driscoll Strawberries	Modification No. 5	Expansion of crate shed	Withdrawn
Driscoll Strawberries	Modification No. 6	Construct crate storage building, security structure, cold storage addition, office, dry storage structure & new cold storage building <i>*Per Modification No. 6 conditions of approval, modification's No. 1 through 3 are void as Tri-Cal is no longer the Permittee.</i>	Planning Commission October 6, 2000
Driscoll Strawberries	Modification No. 7/Variance No. 5257	Addition of 3 canopy structures Variance to allow 7% building coverage for the lot	Planning Commission October 9, 2003
Driscoll Strawberries	LU08-0082	Demolition of existing storage structure and replacement of that structure with a new storage structure	Withdrawn
Driscoll Strawberries	LU08-0152	Construction of 147,233 square feet of canopies; shipping office/ truckers lounge, and security office. Increase lot coverage from 7% to 23%	Withdrawn
Driscoll Strawberries	LU11-0139	Construction of 2,985 square feet of canopies	Expired

9. **Project Description:** The applicant requests a Minor Modification to Conditional Use Permit No. 4416 (Case No. PL13-0055), in order to continue the operation and maintenance of an existing agricultural preliminary packing facility (Driscoll Strawberries) for an additional 20-year time period.

The applicant also proposes to install a 3,000 square foot metal canopy (Exhibit No. 3, building no. 7). The canopy structure will be attached at the western side

of the existing 14,400 square foot canopy structure (Exhibit 3, structure nos. 4 & 5). The proposed 3,000 square foot metal canopy was previously approved with a permit adjustment (LU11-0139) granted in 2011 but not constructed. The permit adjustment expired prior to the submittal of the current modification application because the applicant did not obtain a Zoning Clearance for construction within the required one-year time period.

Existing permitted development on the site includes: a 24,600 cooler building, 14,400 square feet of canopies, and a 30,292 square foot crate storage building. The applicant also proposes to permit five existing unpermitted structures that will continue to be utilized as part of the operation of the packing facility. These structures were permitted under previous modifications. However, Zoning Clearances and building permits were never obtained for these structures. Table 1 includes an inventory of these existing unpermitted structures.

Table 1- Existing Structures to be Permitted Under PL13-0055

Structure	Square Footage
Administrative office	1,012
Research office	1,524
Shop/maintenance building	2,700
Sea Cargo Container (fumigation chamber for agricultural crops)	320
Sea Cargo Container (fumigation chamber for agricultural crops)	320

Water to the site will continue to be supplied by the City of Oxnard and waste water disposal will be accomplished with an on-site mound septic system. Access to the site is provided by a paved 35-foot wide driveway connected to Hueneme Road. The required parking will be provided by the 79 existing on-site parking spaces. No new impervious area is proposed.

A total of 33 employees will be onsite during business hours. This includes 7 full time employees and 26 seasonal half time employees (Exhibit 3).

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.

On October 9, 2003, the Planning Commission adopted a Negative Declaration (ND) that evaluated the environmental impacts of the project. The ND concluded that no significant impacts would result from the construction of approximately 22,640 square feet of metal canopies that would be used to protect strawberries during packing activities onsite. The ND also concluded that the increase in lot coverage to 7% in order to accommodate the construction of these metal canopies would not create a significant impact on the surrounding environment. This ND is attached as Exhibit 4.

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

Therefore, based on the information provided above and in light of the whole record, staff recommends that the County decision-makers find that there is no substantial evidence to warrant the preparation of an EIR or subsequent ND, and that the ND as augmented by the addendum(Exhibit 4) reflects the County's independent judgment and analysis.

C. CONSISTENCY WITH THE GENERAL PLAN

The Ventura County General Plan *Goals, Policies and Programs* (2011, 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 NCZO (§ 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.

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

- 1. Ventura County General Plan Goals, Policies and Programs 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) and in the ND Addendum prepared for the proposed project (Exhibit 4), the project's individual impacts and contribution to cumulative impacts on resources have been evaluated in compliance with CEQA.

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

2. **Ventura County General Plan Goals, Policies and Programs Resources Policy 1.1.2-2:** *Except as otherwise covered by a more restrictive policy within the Resources Chapter, significant adverse impacts on resources identified in environmental assessments and reports shall be mitigated to less than significant levels or, where no feasible mitigation measures are available, a statement of overriding considerations shall be adopted.*

As discussed in Section B (above) and in the ND Addendum prepared for the proposed project (Exhibit 4), the original ND concluded that less than significant impacts would result with the installation of approximately 22,640 square feet of metal canopies and an increase in lot coverage to 7% in order to accommodate the construction of these metal canopies. The applicant proposes to continue the agricultural packing operation for an additional 20 year period, construct a 3,000 square foot metal canopy, and permit five existing accessory structures. The proposed activities would not substantially change the use of the site or create any new potentially significant impacts on the environment.

Based on the discussion above, the proposed project is consistent with Policy 1.1.2-2.

3. **Ventura County General Plan Goals, Policies and Programs Water Resources Policy 1.3.2-2:** *Discretionary development shall comply with all applicable County and State water regulations.*

Ventura County General Plan Goals, Policies and Programs Water 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 Environmental Health Division has reviewed the proposed project and determined there is an adequate supply of potable water available to the project site. This supply of water will continue to be provided by an approved source (i.e. the City of Oxnard). Thus, the proposed project would operate in compliance with County and State water regulations.

The wastewater generated from the project site will continue to be disposed through the use of a County and Los Angeles County Regional Water Quality Control Board approved onsite septic system. Use of the septic system does not have the potential to substantially degrade groundwater quality.

Finally, the applicant will be required to continue to store, handle and dispose of any potentially hazardous material in compliance with applicable state regulations (Exhibit 5, Condition No. 27).

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

4. **Ventura County General Plan Goals, Policies and Programs Biological Resources Policy 1.5.2-1:** *Discretionary development which could potentially impact biological resources shall be evaluated by a qualified biologist to assess impacts and, if necessary, develop mitigation measures.*

Ventura County General Plan Goals, Policies and Programs Biological Resources Policy 1.5.2-4: *Discretionary development shall be sited a minimum of 100 feet from significant wetland habitats to mitigate the potential impacts on said habitats. Buffer areas may be increased or decreased upon evaluation and recommendation by a qualified biologist and approval by the decision-making body. Factors to be used in determining adjustment of the 100 foot buffer include soil type, slope stability, drainage patterns, presence or absence of endangered, threatened or rare plants or animals, and compatibility of the proposed development with the wildlife use of the wetland habitat area. The requirement of a buffer (setback) shall not preclude the use of replacement as a mitigation when there is no other feasible alternative to allowing a permitted use, and if the replacement results in no net loss of wetland habitat. Such replacement shall be "in kind" (i.e. same type and acreage), and provide wetland habitat of comparable biological value. On-site replacement shall be preferred wherever possible. The replacement plan shall be developed in consultation with California Department of Fish and Game.*

An identified wetland (red line stream) is located adjacent to the western property line of the subject parcel. This red line stream, known as Magu Drain, is under the jurisdiction of the Ventura County Watershed Protection District (VCWPD) and utilized for flood control purposes. The stream is separated from facility activities by a six-foot high chain link fence with mesh screening located along the western property line. Also, all existing structures and the existing canopies are setback more than fifty feet from the red line stream. The proposed 3,000 square foot canopy and five unpermitted accessory structures will also be setback more than fifty feet from the red line stream. Given the existing and proposed setbacks for facility buildings and accessory structures, the red line stream will not be affected by the proposed project.

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

5. **Ventura County General Plan Goals, Policies and Programs Farmland Resources Policy 1.6.2-1:** *Discretionary development located on land*

designated as Agricultural (see Land Use Chapter) and identified as Prime Farmland or Farmland of Statewide Importance on the State's Important Farmland Inventory, shall be planned and designed to remove as little land as possible from potential agricultural production and to minimize impacts on topsoil.

Ventura County General Plan Goals, Policies and Programs Farmland Resources Policy 1.6.2-6: *Discretionary development adjacent to Agricultural-designated lands shall not conflict with agricultural use of those lands.*

The project site is located on land with a farmland soils designation of Statewide Importance, according to the State of California Important Farmland Inventory Map. No topsoil will be removed as a result of the proposed project. The proposed 3,000 square foot metal canopy, and five existing structures that would be permitted under the proposed project and the continued use of the agricultural packing facility would occur within areas of the project site that have previously been converted to non-crop use. Therefore, no additional soil of statewide importance would be removed as a result of the proposed project. Thus, agricultural soils would not be impacted.

The project site is surrounded by agricultural land that currently is in agricultural production. The project site would not impact the adjacent agricultural uses as a six foot high chain link fence with mesh screening surrounds the project site. Also, all existing structures and the existing canopies are setback more than fifty feet from offsite agricultural operations. Therefore, adjacent agricultural uses will not be affected by the proposed project due to the design and location of existing operation and proposed uses associated with the project.

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

6. **Ventura County General Plan Goals, Policies and Programs Scenic 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 project site is not located within a designated Scenic Resource Protection area. However, the northern property line of the project site is adjacent to U.S. Route 1 (Pacific Coast Highway), which is an eligible State Scenic Highway. In addition, the southern property line is bordered by Hueneme Road. A six-foot high chain link fence with mesh screening effectively prevents public view of the project site from north, south, east and west viewpoints. Dense vegetation along the northern and western property lines also screens the project site from public view. In any case, the project largely involves the continued use of existing facilities. The proposed addition of a canopy and five accessory buildings will not

substantially change the character of the site. Therefore, substantial adverse effects on public views are not anticipated given the existing screening and the lack of substantial changes in the facility.

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

7. **Ventura County General Plan Goals, Policies and Programs Energy Resources Policy 1.9.2-1:** *Discretionary development shall be evaluated for impact to energy resources and utilization of energy conservation techniques.*

The proposed project would not involve an increase in onsite energy demand. The amount of energy consumed can continue to be supplied from existing electrical utility (Southern California Edison). The proposed project will have no effect on regional energy resources or generating stations.

Based on the above discussion, the proposed project will be consistent with Policy 1.9.2-1.

8. **Ventura County General Plan Goals, Policies and Programs Fire Hazards Policy 2.13.2-1:** *All discretionary permits shall be required, as a condition of approval, to provide adequate water supply and access for fire protection and evacuation purposes.*

The Ventura County Fire Protection District (VCFPD) reviewed the proposed project and recommended the following conditions of approval to ensure that adequate water supply and access for fire protection and evacuation purposes is provided to the project site by the applicant:

- Access Road Widths: The applicant will be required to provide a minimum paved width of 25- feet for all on site driveways (Exhibit 5, Condition No. 28)
- Turning Radius: The applicant will be required to provide a minimum 40-foot inside turning radius at all turns along the access roads/driveways (Exhibit 5, Condition No. 31)
- Alternative/Private Water Supply: The applicant will be required to install a private water system (tank and hydrant). Private water systems shall not be supplied from substandard water systems that will impact available fire flow of existing structures. The existing water purveyor's system may need to be upgraded to provide the required fire flow. (Exhibit 5, Condition No. 34)

Based on the above discussion, the proposed project will be consistent with Policy 2.13.2-1.

9. Ventura County General Plan Goals, Policies and Programs Transportation Related Hazards Policy 2.14.2-2: *The following policies apply to airports and land in proximity to airports:*

(1) To avoid accidents, land located within Airport Hazard Zones as depicted on the Hazards Protection Maps (Figure 2), shall be designated Agriculture or Open Space on the General Plan Land Use Map (Figure 3.1) and shall be limited to the following uses:

- *Agriculture and agricultural operations.*
- *Cemeteries.*
- *Energy production from renewable resources.*
- *Mineral resource development.*
- *Public utility facilities.*
- *Temporary storage of building materials.*
- *Waste treatment and disposal.*
- *Water production and distribution facilities.*

(2) Development within the Airport Hazard Zones shall comply with Part 77 of the Federal Aviation Regulations (objects affecting navigable airspace).

(3) Private airstrips and agricultural landing fields shall be sited so as not to conflict with the flight paths of existing airports and outside of areas that would present significant hazard or an annoyance to existing or planned land uses.

(4) Discretionary development within the Airport Hazard Zones shall be reviewed by the Ventura County Transportation Commission (VCTC) for consistency with the Ventura County Comprehensive Airport Land Use Plan.

The proposed project site is located within the Point Mugu Naval Air Base *Airport Hazard Zone*, as depicted in Figure 2 of the Hazards Protection Maps of the *Ventura County General Plan Goals, Policies and Programs (2011)*. The project site has a General Plan land use designation of Agricultural. The proposed use involves the continuation of an existing agricultural preliminary packing facility. The new structures included with the proposed project (3,000 square foot metal canopy, administrative office, research office, shop/maintenance building and two sea cargo containers) are all related to agricultural production. All existing and proposed structures would be in compliance with required heights limits as noted in § 8106-1 and § 8108-7.4 of the Ventura County NCZO. The project is in compliance with Federal Aviation Regulation height standards that pertain to navigable airspace. The project site does not include a private airstrip or agricultural landing field.

Finally, the proposed project was sent to the Ventura County Transportation Commission (VCTC) for their review regarding consistency of the project with the Ventura County Comprehensive Airport Land Use Plan. The VCTC did not have any comments or concerns regarding the proposed project.

Based on the above discussion, the proposed project will be consistent with Policy 2.14.2-2.

10. **Ventura County General Plan Goals, Policies and Programs Hazardous Material and Waste Policy 2.15.2-2:** *Site plans for discretionary development that will generate hazardous wastes or utilize hazardous materials shall include details on hazardous waste reduction, recycling and storage.*

The Ventura County Environmental Health Division reviewed the proposed project in regards to the storage of hazardous material within the project site. The Environmental Health Division determined that the proposed project is not a use that generates hazardous waste. However, the applicant will be required to store, handle and dispose of any potentially hazardous material in compliance with applicable state regulations (Exhibit 5, Condition No. 27).

Based on the above discussion, the proposed project will be consistent with Policy 2.15.2-2.

11. **Ventura County General Plan Goals, Policies and Programs Noise Policy 2.16.2-1(4):** *All discretionary development shall be reviewed for noise compatibility with surrounding uses. Noise compatibility shall be determined from a consistent set of criteria based on the standards listed below. An acoustical analysis by a qualified acoustical engineer shall be required of discretionary developments involving noise exposure or noise generation in excess of the established standards. The analysis shall provide documentation of existing and projected noise levels at on-site and off-site receptors, and shall recommend noise control measures for mitigating adverse impacts.*

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

- a. Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.*
- b. Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.*
- c. Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.*

The continued daily operations involving the packing and offsite distribution of strawberries and other agricultural crops will occasionally produce some noise. The proposed changes in the facility will not create any new noise sources. No new effects on surrounding agricultural uses are anticipated.

In any case, the volume of noise emitted from the operation and maintenance of the facility will be subsumed by the existing ambient noise levels due to traffic on U.S. Route 1 and Hueneme Road.

Construction-related impacts are temporary in nature and will not substantially affect neighboring uses. The applicant will be required to limit construction activities between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 9:00 a.m. to 7:00 p.m. Saturday, Sunday and State holidays (Exhibit 5, Condition No. 5).

Based on the above discussion, the proposed project will be consistent with Policy 2.16.2-1.

12. Ventura County General Plan Goals, Policies and Programs Fire Protection Policy 4.8.2-1: *Discretionary development shall be permitted only if adequate water supply, access and response time for fire protection can be made available.*

As discussed in item C.8 above, to ensure that the applicant can provide adequate water supply and access for fire protection and evacuation purposes to the project site by the applicant must implement and comply with the following recommended conditions of approval:

- Access Road Widths: The applicant will be required to provide a minimum paved width of 25- feet for all on site driveways (Exhibit 5, Condition No. 28)
- Turning Radius: The applicant will be required to provide a minimum 40-foot inside turning radius at all turns along the access roads/driveways (Exhibit 5, Condition No. 31)
- Alternative/Private Water Supply: The applicant will be required to install a private water system (tank and hydrant). Private water systems shall not be supplied from substandard water systems that will impact available fire flow of existing structures. The existing water purveyor's system may need to be upgraded to provide the required fire flow. (Exhibit 5, Condition No. 34)

The nearest fire station (Station 53 Port Hueneme) is located 4.9 miles from the project site. Therefore, response time from this station meets the VCFPD standard. Based on the above discussion, the proposed project will be consistent with Policy 4.8.2-1.

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the Ventura County NCZO (§ 8105-4), the proposed use is allowed in the AE 40 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 construction and use of buildings and structures that are subject to the development standards of the Ventura County NCZO (§ 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)	40 acres	Yes
Maximum Percentage of Building Coverage	5%	Yes. The applicant was granted a Variance by the Planning Commission in 2003 (Variance No. 5251), which allowed the applicant to construct buildings and structures totaling up to 7% lot coverage.
Front Setback	20 feet	Yes
Side Setback	10 feet	Yes
Rear Setback	15 feet	Yes
Maximum Building Height	25 feet: Principal structures 15 feet: Accessory structures	Yes

E. 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 Non-Coastal Zoning Ordinance. 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 [§ 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 proposed project involves the continued operation of a preliminary agricultural packing facility and the construction of a 3,000 square foot metal canopy between the existing cooler and crate shed. No grading is proposed and no topsoil will be removed. The site will continue to be screened from public view with mesh fencing and a landscape buffer along the northern property line. The facility will continue to be maintained within a fenced area, with packing activities concentrated to the northwest section of the parcel. No new adverse effects on the surrounding agricultural uses have been identified.

Based on the discussion above, this finding 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].

No adverse effect on surrounding uses has been identified to result from the proposed project. The proposed facility would not generate substantial noise, as packing activities will continue to be concentrated to the northwest section of the parcel. The packing facility will continue to be set back about 50 feet from the Mugu Drain and more than 200 feet from Hueneme Road. The site will continue to be screened from public view with mesh fencing and a landscape buffer along the northern property line. Additionally, the proposed project will be conditioned (Exhibit 5, Condition Nos. 16 & 17) to include a contact person for the timely resolution of complaints.

Construction-related impacts are temporary in nature and will not substantially affect neighboring uses. The applicant will be required to limit construction activities between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 9:00 a.m. to 7:00 p.m. Saturday, Sunday and State holidays (Exhibit 5, Condition No. 5).

Finally, the applicant will be required to maintain the site in a neat and orderly manner so as to not create a visual nuisance (Exhibit 5, Condition No. 3).

Based on the above discussion, this finding 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 continued operation of the existing agricultural packing operation would produce some noise Monday through Saturday, 6:00 AM to 2:00 PM (April to November) and 7:00 am to 9:00 pm 7 days a week during peak season (December to March). This noise reflects the existing permitted setting and not a new impact. In any case, the volume of noise emitted from the operation and

maintenance of the facility will be subsumed by the ambient noise generated by traffic on U.S. Route 1 (adjacent to the project site), and similar nearby agricultural operations.

The traffic generated by the proposed packing operation is expected to be minimal and not substantially affect the use of nearby roadways. As discussed above in Finding Nos. 2 and 3, the site will continue to be screened from public view with mesh fencing and a landscape buffer along the northern property line. Finally, agricultural packing activities will continue to be concentrated to the northwest section of the parcel.

Based on the above discussion, 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 [§ 8111-1.2.1.1.e].

The continued operation of the existing packing facility is an agricultural use consistent with the Agricultural designation of the site and the agricultural use of surrounding lands. The proposed use would be compatible with and not adversely affect agricultural operations in the vicinity.

The agricultural land use designation of the subject property and the surrounding properties is not anticipated to change in the foreseeable future. Thus, the facility would also be compatible with anticipated future land uses in the area.

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

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

The subject parcel was legally created by a grant deed recorded March 15, 1941 Book 617 and Page 497 of Official Records recorded in the Office of the County Recorder, County of Ventura, State of California in compliance with the Subdivision Map Act and the Ventura County Subdivision Ordinance.

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

7. The establishment or maintenance of this use will not significantly reduce, restrict or adversely affect agricultural resources or the viability of agricultural operations in the area [§ 8111-1.2.1.2.a].

No adverse effect on surrounding agricultural uses has been identified for the proposed project. The proposed facility would be engaged in the packing of agricultural products and would contribute to agricultural production in the area. The proposed use will not significantly reduce, restrict or adversely affect agricultural resources or viability of the agricultural operations in the area.

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

8. The structures will be sited to minimize conflicts with agriculture, and other uses will not significantly reduce, restrict or adversely affect agricultural activities on-site or in the area, where applicable [§ 8111-1.2.1.2.b].

The proposed project includes the continued operation of an existing agricultural packing facility and the construction of a metal canopy. This use is an agricultural activity consistent with the Agricultural designation of the project site.

No grading is proposed and no topsoil will be removed. The site will continue to be screened from public view with mesh fencing and a landscape buffer along the northern property line. Therefore, the agricultural packing facility use would not be in conflict with the surrounding agricultural uses.

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

9. The use will be sited to remove as little land from agricultural production (or potential agricultural production) as possible [§ 8111-1.2.1.2.c].

The proposed project involves the continued operation of an existing agricultural packing facility, the legalization of five unpermitted accessory buildings, and the construction of a metal canopy. The existing and proposed uses serve to support agricultural consistent with the Agricultural designation of the project site. As the proposed project consists of continued agricultural uses in the property, it will not remove the land from agricultural production.

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 NCZO (§ 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 public comments have been received.

On July 10, 2013, the Ventura County Agricultural Advisory Committee considered the proposed project and unanimously recommended approval of the proposed project.

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 Director has reviewed and considered this staff report and all exhibits thereto, including the proposed Addendum to the ND, and has considered all comments received during the public comment process;
2. **FIND**, based on the whole of the record before the Planning Director, including any comments received during the public review process, that there is no substantial evidence that the project will have a significant effect on the environment and that the ND, as augmented by the Addendum, reflects the Planning Director's independent judgment and analysis;
3. **ADOPT** the ND as augmented by the Addendum (Exhibit 4);
4. **MAKE** the required findings to grant a Minor Modification of 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;
5. **GRANT** Minor Modification of CUP No. 4416 (Case No. PL13-0055) subject to the conditions of approval (Exhibit 5).
6. **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 Kristina Roodsari Boero at (805) 654-2467 or kristina.boero@ventura.org.

Prepared by:


Kristina Roodsari Boero, Case Planner
Commercial & Industrial Permits Section
Ventura County Planning Division

Reviewed by:


Brian R. Baca, Manager
Commercial & Industrial Permits Section
Ventura County Planning Division

EXHIBITS

- Exhibit 2 - Aerial Location, General Plan and Zoning Designations, and Land Use Maps
- Exhibit 3 - Site Plans
- Exhibit 4 - Environmental Document
- Exhibit 5 - Conditions of Approval



Ventura County
Resource Management Agency
Information Systems
Date Printed: 05/07/2013

County of Ventura
Planning Director Hearing
PL13-0055

Exhibit 2 - Aerial Location, General Plan and Zoning Designations, and Land Use Maps

BUILDING AREAS

BLDG. #	DESCRIPTION/USE	EXISTING	EXISTING UNPERMITTED	PROPOSED
1	COOLER	21,600 S.F.	-	-
2	CRATE STORAGE SHED	14,400 S.F.	-	-
3	CANOPY	12,442 S.F.	-	-
4	CANOPY	7,200 S.F.	-	-
5	CANOPY	7,200 S.F.	-	-
6	CANOPY	3,000 S.F.	-	-
7	CANOPY	-	-	3,000 S.F.
8	SHOP, ENGINE & ELECTRIC ROOM	-	2,700 S.F.	-
9	OFFICE	-	1,012 S.F.	-
10	OFFICE	480 S.F.	-	-
11	RESEARCH OFFICE	-	1,524 S.F.	-
12	WELL PUMP HOUSE	285 S.F.	-	-
13	SHIPPING CONTAINERS (2 @ 8' X 40')	-	640 S.F.	-
SUB-TOTAL		66,607 S.F.	5,876 S.F.	3,000 S.F.
TOTAL		75,483 S.F.	(BUILDING LOT COVERAGE: 6.85%)	



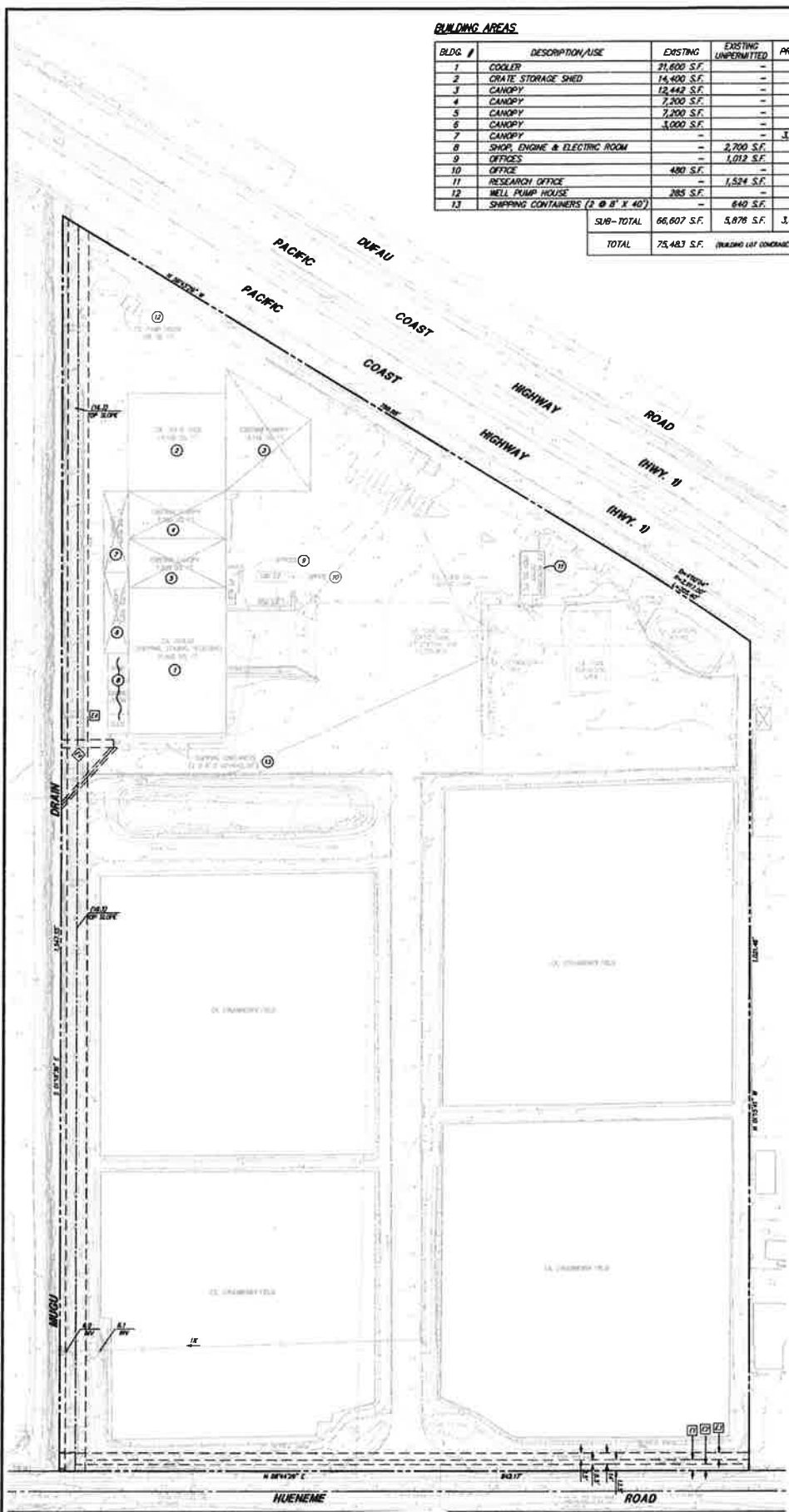
LOCALITY MAP
NOT TO SCALE

LAND USE DATA

APN: 218-0-082-105
 ADDRESS: 3039 E. HUENEME RD.
 OXNARD, CA. 93033
 ZONING: A-E 40 AC
 GENERAL PLAN DESIGNATION: AGRICULTURAL
 C.U.P. / PARCEL AREA: 24.91 AC
 BUILDING LOT COVERAGE: 6.95%
 REQUIRED PARKING: 77 SPACES
 EXISTING PARKING: 79 SPACES

EASEMENT SCHEDULE

- E1 UTILITY EASEMENT TO S.C.L. PER 2532 O.R. 197
- E2 ROAD EASEMENT TO COUNTY OF VENTURA PER DOCS 87-13175, O.R.
- E3 ROAD EASEMENT TO COUNTY OF VENTURA PER DOCS 88-10626, O.R.
- E4 UTILITY EASEMENT TO S.C.L. PER DOCS 88-99413



County of Ventura
 Planning Director Hearing
 PL13-0055
Exhibit 3 - Site Plans



REVISION	DATE	SUBMITTER/OWNER
		DRISCOLL STRAWBERRY ASSOC. 3039 E. HUENEME ROAD OXNARD, CA (805) 808-0028 FAX (805) 188-2455
		CONTACT: ANSEL LOPEZ
		ENGINEER: JENSEN DESIGN A DIVISION OF JENSEN INC. 1978 DOWLAND STREET YORBA LINDA, CALIF. 92686 PHONE: 805/654-0877 FAX: 805/654-0879

C.U.P. SITE PLAN
 TIME EXTENSION MINOR MODIFICATION
DRISCOLL STRAWBERRY ASSOC.

COUNTY OF VENTURA STATE OF CALIFORNIA

SCALE: 1"=30'
 DATE: Aug. 08, 2013
 SHEET: 1 OF 1



Negative Declaration Addendum

County of Ventura • Resource Management Agency • Planning Division
800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • ventura.org/rma/planning

A. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

- 1. Entitlement:** The applicant requests that a Minor Modification of Conditional Use Permit (CUP) 4416 be granted to authorize the continued use of an agricultural preliminary packing facility over 20,000 square feet in size, the legalization of five unpermitted buildings, and the construction of an accessory structure (Case No. PL13-0055).
- 2. Applicants/Property Owners:** Driscoll Strawberry Farms, 3939 E. Hueneme Road, Oxnard, CA 93033
- 3. Applicant Representative:** Mr. Erik Nagy of Jensen Design and Survey, 1672 Donlon Street, Ventura, CA 93003
- 4. Location:** 3939 E. Hueneme Road, Oxnard
- 5. Assessor's Parcel Number:** 218-0-092-105
- 6. Lot Size:** 24.91 acres
- 7. General Plan Land Use Designation:** Agricultural
- 8. Zoning Designation:** AE-40 ac (Agricultural Exclusive, 40 acre minimum lot size)
- 10. Responsible and/or Trustee Agencies:** None
- 11. Project Description:** The applicant requests a Minor Modification to Conditional Use Permit No. 4416 (Case No. PL13-0055), in order to continue the operation and maintenance of an existing agricultural preliminary packing facility (Driscoll Strawberries) for an additional 20-year time period.

The applicant also proposes to install a 3,000 square foot metal canopy (Exhibit No. 3, building no. 7). The canopy structure will be attached at the western side of the existing 14,400 square foot canopy structure (Exhibit 3, structure nos. 4 & 5). The proposed 3,000 square foot metal canopy was previously approved with a permit adjustment (LU11-0139) granted in 2011 but not constructed. The permit adjustment expired prior to the submittal of the current modification application because the applicant did not obtain a Zoning Clearance for construction within the required one-year time period.

Existing permitted development on the site includes: a 24,600 cooler building, 14,400 square feet of canopies, and a 30,292 square foot crate storage building. The applicant also proposes to permit five existing unpermitted structures that will continue to be utilized as part of the operation of the packing facility. These buildings were permitted under previous modifications. However, Zoning

Clearances and building permits were never obtained for these structures. Table 1 includes an inventory of these existing unpermitted structures.

Table 1- Existing Structures to be Permitted Under PL13-0055

Structure	Square Footage
Administrative office	1,012
Research office,	1,524
Shop/maintenance building	2,700
Sea Cargo Container (fumigation chambers for agricultural crops)	320
Sea Cargo Container (fumigation chambers for agricultural crops)	320

Water to the site will continue to be supplied by the City of Oxnard and waste water disposal will be accomplished with an on-site mound septic system. Access to the site is provided by a paved 35-foot wide driveway connected to Hueneme Road. The required parking will be provided by the 79 existing on-site parking spaces. No new impervious area is proposed.

A total of 33 employees will be onsite during business hours. This includes 7 full time employees and 26 seasonal half time employees (Exhibit 3).

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

On October 9, 2003, the Planning Commission adopted a Negative Declaration (ND) that evaluated the environmental impacts of the project. The ND concluded that less than significant impacts would result from the construction of approximately 22,640 square feet of metal canopies that would be used to protect strawberries during packing activities onsite. The ND also concluded that the allowing to applicant to increase their lot coverage to 7% in order to accommodate the construction of these metal canopies would not create a significant impact to the surrounding environment. This ND is attached as Exhibit 4.

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

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

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

The project site is currently permitted for, and being used as, an agricultural packing facility. As discussed above (Item A.11, Project Description), the proposed project consists of a request to continue the operation and maintenance of the facility for an additional twenty-year time period, install a 3,000 square foot metal canopy, and legalize five unpermitted structures that are currently used for an administrative office, a research office, and a shop/maintenance facility. All of the existing uses and proposed uses would be located within the existing permit boundary and the areas previously analyzed in the original ND. These areas are currently developed with the existing agricultural packing facility.

The proposed revisions would not substantially alter the use of the project site and would not create any new potentially significant impacts.

Therefore, the proposed project will not involve any new significant environmental impacts that were not identified in the ND, and will not require major revisions to the ND.

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

The circumstances under which the potential impacts of the project on the environment were analyzed have not substantially changed. The project site continues to be surrounded by agricultural uses. The development that has occurred since the environmental review for Modification No. 7 will not require major revisions of the previous ND. Since the approval of Modification No. 7, approximately 19,040 square feet of the 22,640 square feet of metal canopies have been constructed (see Building Permit No. C08-000065). Although the proposed 3,000 square foot metal canopy was previously approved with a permit adjustment (LU11-0139) in 2011, it was not constructed as the permit adjustment expired. The construction of this canopy does not involve a substantial change in the nature and use of the packing facility.

With the proposed modification, lot coverage would be approximately 6.9%, which is within the 7% maximum lot coverage limit granted to the applicant in 2003 under Modification No. 7. Also, the proposed project does not include any substantial physical change to the existing facility, such as incompatible structure heights, and does not involve a change in use of the property.

Therefore, the proposed alterations in the existing agricultural packing facility would not create any new significant impacts or increase the severity of any significant impacts previously identified.

3. **New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Planning Commission adopted the previous ND, shows any of the following:**
- a. **The project will have one or more significant effects not discussed in the previous ND [§ 15162(a)(3)(A)];**

As discussed above, the proposed project would not change the use of the property. Although a 3,000 square foot metal canopy, and the legalization of existing administrative office, research office, and shop/maintenance buildings are proposed (these structures have been previously permitted but have never obtained a Zoning Clearance for construction), the additions will not result in new significant environmental impacts that were not discussed in the previous ND. No new information about the project site or vicinity has become available that indicates the proposed project would have a new significant effect on the environment. There are no environmental resources, hazards, or public facilities located on, or in the vicinity of, the project site that were previously unknown and could be substantially affected by the proposed project. No new significant effects that were not discussed in the ND have been identified.

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

C. PUBLIC REVIEW:

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

Prepared by:


Kristina Roodsari Boero, Case Planner
Commercial & Industrial Permits Section
Ventura County Planning Division

Reviewed by:


Brian R. Baca, Manager
Commercial & Industrial Permits Section
Ventura County Planning Division

The Planning Director finds that this Addendum has been completed in compliance with the California Environmental Quality Act.

Kim L. Prillhart, Director
Ventura County Planning Division

Date

NEGATIVE DECLARATION**A. PROJECT DESCRIPTION:**

1. **Entitlement: Variance 5252/CUP 4416-7**
2. **Applicant: Driscoll Strawberry Associates**
3. **Location: 3939 Hueneme Road, Oxnard**
4. **Assessor Parcel No: 218-0-092-105**
5. **Parcel Size: 24.33 Acres**
6. **General Plan Designation: Agriculture**
7. **Existing Zoning: "A-E" (Agriculture Exclusive)**
8. **Project Description: The applicant has filed for a variance to increase his lot coverage from 4.8% (50,515 sf) to 7% to accommodate three canopies totaling 22,640 sf; per the Ventura County General Plan, agriculture zoned properties are limited to 5% lot coverage. The canopies are being installed to protect the packaging used on-site for the processing of strawberries. Modification No. 7 to CUP 4416 is required to allow for the construction of the proposed 22,640 SF of canopies.**

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

State law requires that an Initial Study (environmental analysis) be conducted to determine if this project could significantly affect the environment. Based on the findings contained in the attached Initial Study, it has been determined that this project will not have a significant effect on the environment, and a Negative Declaration has been prepared.

B. PUBLIC REVIEW:

1. **Legal Notice Method: Direct mailing to property owners within 300 feet of proposed project boundary, and a legal notice in the Star.**
2. **Document Posting Period: From September 17, 2003 to October 7, 2003.**
3. **Public Review: The Initial Study prepared for this proposed project has determined that the project will not have adverse environmental impacts. The Initial Study/Negative Declaration is available for public review at the County of Ventura, Resource Management Agency, Planning Department,**




800 South Victoria Avenue, Ventura, California from 8:00 am to 5:00 pm Monday through Friday.

4. **Comments:** The public is encouraged to submit written comments regarding this Negative Declaration no later than 5:00 p.m. on the last day of the above posting period to Case Planner, Drew Madrigal at the County of Ventura Resource Management Agency, Planning Department, 800 South Victoria Avenue L#1740, Ventura, CA 93009. The Planning Division's FAX number is (805) 654-2509. You may also e-mail the Case Planner at drew.madrigal@mail.co.ventura.ca.us.

D. CONSIDERATION AND APPROVAL OF THE NEGATIVE DECLARATION:

Prior to approving the project, the decision-making body of the Lead Agency must consider this Negative Declaration and all comments received during public review. That body shall approve the Negative Declaration if it finds that the project will not have a significant effect on the environment.

Prepared by:


Drew Madrigal, Case Planner
(805) 654-2498

Reviewed for Release to the Public by:


Patrick Richards, Manager
Commercial and Industrial Land Use Section

**Recommended for Approval by
Lead Agency by:**


CHRISTOPHER STEPHENS, Director
Planning Division

SECTION A **PROJECT DESCRIPTION**

PROJECT: Variance 5251/CUP 4416-7
APPLICANT: Driscoll Strawberry Associates
LOCATION: 3939 Hueneme Road, Oxnard, CA

Project Location

The Driscoll Strawberry site is located at 3939 Hueneme Road approximately 1,500 feet west of the Pacific Coast Highway in the unincorporated area of Ventura County. The project is located on a 24.33 acre parcel. The property is zoned "A-E" (Agricultural Exclusive).

Permit Area, Buildings, Utilities and Operations

The applicant proposes to construct three canopies totaling 22,640 square feet to be used for protection from the elements of packaging materials used on-site for processed strawberries.

Employees and Equipment

The strawberry processing operation employs 7 employees year-round and 26 additional employees on a seasonal basis.

Days of Operation

OPERATION	DAYS	HOURS
Business Hours	Monday through Saturday	6:00 a.m. to 2:00 a.m.

Project Traffic

The traffic generated by the proposed project remains unchanged. There are 350 truck deliveries/loadings between 7 a.m. to 9 p.m. per day during the peak of the strawberry season which averages 25 trucks per hour.

SECTION B
INITIAL STUDY CHECKLIST
PROJECT: Variance 5251/CUP 4416-7
APPLICANT: Driscoll Strawberry Associates
LOCATION: 3939 Hueneme Road, Oxnard, CA

	ISSUE (RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
		N	LS	PS-M	PS	N	LS	PS-M	PS
GENERAL:	1. GENERAL PLAN ENVIRONMENTAL GOALS AND POLICIES (PLNG.)	X				X			
LAND USE:	2. LAND USE (PLNG.):								
	A. COMMUNITY CHARACTER	X				X			
	B. HOUSING	X				X			
	C. GROWTH INDUCEMENT	X				X			
RESOURCES:	3. AIR QUALITY (APCD):								
	A. REGIONAL		X				X		
	B. LOCAL		X				X		
	4. WATER RESOURCES (PWA):								
	A. GROUNDWATER QUANTITY		X			X			
	B. GROUNDWATER QUALITY		X			X			
	C. SURFACE WATER QUANTITY		X			X			
	D. SURFACE WATER QUALITY	X				X			
	5. MINERAL RESOURCES (PLNG):								
	A. AGGREGATE	X				X			
	B. PETROLEUM	X				X			
	6. BIOLOGICAL RESOURCES:								
	A. ENDANGERED, THREATENED, OR RARE SPECIES	X				X			
	B. WETLAND HABITAT	X				X			
	C. COASTAL HABITAT	X				X			
D. MIGRATION CORRIDORS	X				X				
E. LOCALLY IMPORTANT SPECIES/COMMUNITIES	X				X				

	ISSUE (RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*				
		N	LS	PS-M	PS	N	LS	PS-M	PS	
7. AGRICULTURAL RESOURCES (AG. DEPT.):										
	A. SOILS	X				X				
	B. WATER	X				X				
	C. AIR QUALITY/MICRO-CLIMATE		X				X			
	D. PESTS/DISEASES	X				X				
	E. LAND USE INCOMPATIBILITY	X				X				
8. VISUAL RESOURCES:										
	A. SCENIC HIGHWAY (PLNG.)	X				X				
	B. SCENIC AREA/FEATURE	X				X				
	C. ETHNIC, SOCIAL OR RELIGIOUS	X				X				
9. PALEONTOLOGICAL RESOURCES										
10. CULTURAL RESOURCES										
	A. ARCHAEOLOGICAL	X				X				
	B. HISTORICAL (PLNG.)	X				X				
	C. ETHNIC, SOCIAL OR RELIGIOUS	X				X				
	D. SEICHE	X				X				
11. ENERGY RESOURCES										
	A. ARCHAEOLOGICAL	X				X				
	B. HISTORICAL (PLNG.)	X				X				
	C. ETHNIC, SOCIAL OR RELIGIOUS	X				X				
	D. SEICHE	X				X				
	E. LIQUEFACTION	X				X				
12. COASTAL BEACHES & SAND DUNES										
HAZARDS:	13. SEISMIC HAZARDS (PWA):									
		A. FAULT RUPTURE	X				X			
		B. GROUND SHAKING		X				X		
		C. TSUNAMI	X				X			
		D. SEICHE	X				X			
		E. LIQUEFACTION	X				X			
	14. GEOLOGIC HAZARDS (PWA):									
		A. SUBSIDENCE	X				X			
		B. EXPANSIVE SOILS	X				X			
		C. LANDSLIDES/MUDSLIDES	X				X			
	15. HYDRAULIC HAZARDS (PWA/FCD):									
		A. EROSION/SILTATION		X				X		
		B. FLOODING		X				X		
		C. ETHNIC, SOCIAL OR RELIGIOUS	X				X			
	16. AVIATION HAZARDS (AIRPORTS)									

	ISSUE (RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
		N	LS	PS-M	PS	N	LS	PS-M	PS
	17. FIRE HAZARDS (FIRE)		X				X		
	18. HAZARDOUS MATERIALS/WASTE						X		
	A. ABOVE-GROUND HAZARDOUS MATERIALS (FIRE)		X				X		
	B. HAZARDOUS MATERIALS (EH)	X				X			
	C. HAZARDOUS WASTE (EH)	X				X			
	19. NOISE AND VIBRATION		X			X			
	20. GLARE		X			X			
	21. PUBLIC HEALTH (EH)		X			X			
PUBLIC FACILITIES & SERVICES	22. TRANSPORTATION/CIRCULATION:								
	A. PUBLIC ROADS AND HIGHWAYS								
	(1) LEVEL OF SERVICE (PWA)		X				X		
	(2) SAFETY/DESIGN (PWA)		X				X		
	(3) TACTICAL ACCESS (FIRE)		X				X		
	B. PRIVATE ROADS AND DRIVEWAYS (FIRE):								
	(1) SAFETY/DESIGN		X				X		
	(2) TACTICAL ACCESS		X				X		
	C. PEDESTRIAN/BICYCLE:								
	(1) PUBLIC FACILITIES (PWA)		X				X		
	(2) PRIVATE FACILITIES		X				X		
	D. PARKING (PLNG.)	X				X			
	E. BUS TRANSIT	X				X			
	F. RAILROADS	X				X			
	G. AIRPORTS (AIRPORTS)	X				X			
	H. HARBORS (HARBORS)	X				X			
	I. PIPELINES	X				X			
	23. WATER SUPPLY:								
	A. QUALITY (EH)	X				X			
	B. QUANTITY (PWA)	X				X			

ISSUE (RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
	N	LS	PS-M	PS	N	LS	PS-M	PS
C. FIRE FLOW (FIRE)		X				X		
24. WASTE TREATMENT/DISPOSAL:								
A. INDIVIDUAL SEWAGE DISPOSAL	X				X			
B. SEWAGE	X				X			
C. SOLID WASTE MANAGEMENT (PWA)		X				X		
D. SOLID WASTE FACILITIES (EHD)	X				X			
25. UTILITIES:								
A. ELECTRIC	X				X			
B. GAS	X				X			
C. COMMUNICATION	X				X			
26. FLOOD CONTROL/DRAINAGE:								
A. FCD FACILITY (FCD)		X				X		
B. OTHER FACILITIES (PWA)	X				X			
27. LAW ENFORCEMENT/EMERGENCY SVS. (SHERIFF):								
A. PERSONNEL/EQUIPMENT	X				X			
B. FACILITIES	X				X			
28. FIRE PROTECTION (FIRE):								
A. DISTANCE/RESPONSE TIME		X				X		
B. PERSONNEL/EQUIPMENT/FACILITIES		X				X		
29. EDUCATION:								
A. SCHOOLS	X				X			
B. LIBRARIES (LIB. AGENCY)	X				X			
30. RECREATION (GSA):								
A. LOCAL PARKS/FACILITIES	X				X			
B. REGIONAL PARKS/FACILITIES	X				X			
C. REGIONAL TRAILS/CORRIDORS	X				X			

DEGREE OF EFFECT:

N = No Impact.

LS = Less Than Significant

AGENCIES:

APCD - Air Pollution Control District

PWA - Public Works Agency

PS-M = Potentially Significant Impact Unless Mitigation Incorporated

PS = Potentially Significant Impact

Airports - Department Of Airports FCD - Flood Control District

Fire - Fire Protection District

SECTION C **INITIAL STUDY - DISCUSSION OF RESPONSES**

PROJECT: Variance 5251/CUP 4416-7
APPLICANT: Driscoll Strawberry Associates
LOCATION: 3939 Hueneme Road, Oxnard, CA

GENERAL

1. GENERAL PLAN ENVIRONMENTAL GOALS AND POLICIES:

The Ventura County General Plan designates the site as "Agriculture." The site is in an unincorporated portion of the County therefore the County is responsible for local land use planning, consistent with the general land use goals and policies of the County General Plan.

Based on the above designations and with the approval of a variance to exceed the building coverage allowed under the Ventura General Plan and the approval of Modification to Conditional Use Permit No. 4416, the addition of canopies is consistent with *the Ventura County General Plan*, and *Ventura County Non-Coastal Zoning Ordinance*. This consistency results in **no adverse impacts** relative to the County General Plan.

Given the project consistency with the *Ventura County General Plan* the project does not create any cumulative General Plan impacts.

LAND USE

2. LAND USE:

Item A - Community Character

The proposed project is in an Agriculture designation with agricultural uses to the north and west of the site, a military base to the south, and small businesses to the east. . The addition of canopies is compatible with the surrounding land uses and consistent with the General Plan, and Zoning in the project area. Therefore, the project will **have no effect** on the land use of this area.

Item B – Housing

The proposed canopies will provide protection of packaging materials. No additional employees will be required. Therefore, **no anticipated impacts** are associated with regard to housing.

Item C - Growth Inducement

The project is within an area planned for "agricultural" uses. It is unlikely there will be significant growth inducing impacts on critical public facilities such as water and other utilities, because existing utility service infrastructure is adequate and extensions to existing utility service infrastructure are not required. Therefore, the project is expected to have **no adverse impacts** to growth inducement.

RESOURCES

3. AIR QUALITY:

Item A - Regional Air Quality Impacts

Based on the information provided by the applicant, air quality impacts will be below the 25 pounds per day threshold for reactive organic compounds and oxides of nitrogen as described in the 2000 Ventura County Air Quality Assessment Guidelines. Therefore, the project will have a **less than significant impact** on regional air quality.

Item B - Local Air Quality Impacts

Based on the information presented in the project application, the subject project will generate local air quality impacts however, those impacts are expected to be **less than significant** to local air quality.

4. WATER RESOURCES:

Item A - Groundwater Quantity

Per the project description, ground quality is deemed **less than significant** because the project site is located within the FCGMA where the use of Groundwater is limited by FCGMA Ordinance.

Item B - Groundwater Quality

Per the project description, groundwater Quality is deemed **less than significant** because no significant impacts to groundwater have been identified.

Item C - Surface Water Quantity and Item D - Surface Water Quality

The amount of new construction is not significant and will have **less than significant impact** on the surface water quantity.

Item D - Surface Water Quality:

The project will have **no adverse impact** on surface water quality. The subject project does not propose any grading activity or new development that is expected to result in any changes to surface water quality.

5. MINERAL RESOURCES:

Item A - Aggregate

The proposed project is not located within the MRP zone. As such the project is expected to have **no adverse impacts** on aggregate resources.

Item B - Petroleum

The project will have **no adverse impact** on petroleum resources because there are sufficient resources to meet local needs. Oil resources are considered a worldwide, national and statewide resource, which is beyond the scope of local governments to effectively manage or control (*Resource Appendix of the General Plan*).

6. BIOLOGICAL RESOURCES:

Item A - Endangered, Threatened or Rare Species, Item B - Wetland Habitat, Item C - Coastal Habitat, Item D - Migration Corridors, and Item E - Locally Important Species/Communities

The proposed project site is located in an agricultural area and has been an agricultural use for many years. As the property is currently in agricultural usage, as are parcels to the north, south, east, and west of the site, the proposed project is expected to have **no adverse impacts** to Biological Resources. Additionally, the project site is located inland and is not within the coastal zone. Therefore there are **no adverse impacts** to wetland or coastal habitat.

7. AGRICULTURAL RESOURCES:

Item A – Soil:

The canopy expansion would occur over existing asphalt and would not result in the permanent loss of agricultural soils. Therefore, no significant project or cumulative impacts would occur.

Item B – Water:

The City of Oxnard provides potable and processing water for the existing facility. The washing of strawberries and raspberries prior to packing comprises most of the current water demand for the project site. The proposed canopy expansion would not increase water use at the site, and therefore would not increase the demand for City water, nor result in the diversion of groundwater that is currently used for agricultural production to other uses.

Item C – Air Quality/Micro Climate:

Because the project site is already paved, no grading would be required for the canopy expansion; therefore, no dust would be generated during grading activities that would significantly impact nearby agricultural production. The canopy expansion also would not prohibit solar access that would adversely affect nearby agricultural production.

Item D – Pest/Diseases:

See discussion for item (c) above. Construction or use of the canopy expansion would not introduce pests or diseases that would adversely affect nearby agricultural production.

Item E – Land Use Compatibility:

The proposed project would result in the expansion of a canopy of asphalt at the existing strawberry/raspberry packing, storage and shipping operation. The canopy expansion would shade the area around an existing crate shed to shield strawberries/raspberries from sun damage during receiving. Driscoll Strawberry is located adjacent to flower and row crop production and lemon orchards, and has been operating at the project site for many years without conflicts with the adjoining agricultural production. The canopy expansion also would not create conflicts with surrounding agricultural production, and would improve operations at the existing facility.

Sources for comments to Section 7:

California Department of Conservation Farmland Mapping and Monitoring Program, *Important Farmlands Inventory Maps* (Camarillo Quad).

8. VISUAL RESOURCES:

Item A - Scenic Highway and Item B - Scenic Area/Feature

The project site is not located within visual distance of an "Eligible County Scenic Highway" nor are any known significant scenic features known to exist near the proposed project site. Therefore, **no adverse impacts** to visual resources are expected. Based upon the above analysis, the project is consistent with the goals and policies contained in the *Ventura County General Plan Section 1.7-Scenic Resources*.

9. PALEONTOLOGICAL RESOURCES:

The project site is located in an agricultural area that has not been previously mapped for paleontological resources as per the County UMS maps.

As such, **no adverse impacts** to paleontological resources are expected. Given the lack of project specific paleontological impacts, the project would not have any cumulative paleontological impacts. The proposed project is consistent with the goals and policies in the *Ventura County General Plan Section 1.8 – Paleontological and Cultural Resources*.

10. CULTURAL RESOURCES:

Item A – Archaeological Resources and Item B – Historical Resources

As noted above, in Item 9, the project site is located in an agricultural area and has been in agricultural usage for many years. It is not expected that the proposed project would create any specific archaeological or historical impacts. As such, **no adverse impacts** to archaeological or historical resources are expected. Given the lack of project specific archaeological impacts, the project would not have any cumulative archaeological or historical impacts. The proposed project is consistent with the goals and policies in the *Ventura County General Plan Section 1.8 – Paleontological and Cultural Resources*.

Item C - Social or Religious Resources

A site inspection confirmed that no contemporary, ethnic or social establishments, cemeteries, churches, shrines, synagogues, or other religious institution or establishments are located within the project site nor on the immediate adjacent parcels. Therefore, **no impacts** to Social or Religious resources are expected as a result of this project. The proposed project is consistent with the goals and policies in the *Ventura County General Plan Section 1.8 – Paleontological and Cultural Resources*.

11. ENERGY RESOURCES:

The project alone and cumulatively will have less than a significant impact on the renewable resources of solar, wind, and hydraulic power. The Uniform Building Code regulates construction of structures with regard to energy efficiency. Therefore, there would be **no adverse impact** as a result of this project as the energy necessary to maintain ripening rooms would not be used in a wasteful manner.

12. COASTAL BEACHES & SAND DUNES:

This project is not located within the Coastal Zone of the County's *Local Coastal Program*. Therefore, this project will have **no adverse impact** on the coastal beaches and sand dunes.

HAZARDS

13. SEISMIC HAZARDS:

Item A - Fault Rupture

Pursuant to the Countywide *General Plan, Hazards Appendix Figure 2.2.1b*, no indications of faulting were identified on the proposed project site. As no known active or potentially active faults project in or appear to cross through the property, the potential for fault rupture on the proposed project site is considered very low. Therefore, there would be **no adverse impacts** relating to fault rupture.

Item B - Ground Shaking

The primary geologic hazard relative to site development is ground shaking from earthquakes originating outside of the site area. The site is located within an active seismic area where past earthquakes have caused considerable ground shaking. This site, like other sites in the general area, can be affected by moderate to major earthquakes centered in Southern California occurring during the economical life of the structures. As such, it is recommended that the Uniform Building Code (UBC) guidelines for structural design be followed or considered as minimum requirements. Therefore, the adverse impacts, relating to ground shaking, would be considered to be **less than significant**.

Item C - Tsunamis and Item D - Seiches

Pursuant to the Countywide *General Plan, Hazards Appendix, Figure 2.6*, the proposed project is not located in a Tsunami and/or Seiches Zone. Therefore, there are **no adverse impacts** relating to tsunamis and seiches.

Item E - Liquefaction

Pursuant to the Countywide *General Plan, Hazards Appendix, Figure 2.6*, the proposed project is not located in a Liquefaction Zone. Therefore, the potential hazard due to liquefaction should be considered negligible. Therefore, there would be **less than significant** relating to liquefaction.

14. GEOLOGIC HAZARDS:

Item A – Subsidence and Item B - Expansive Soils

If subsidence were to take place the majority of settlement would occur during construction and be minimal. Prior to construction, the expansive nature of the soils would be taken into consideration for the design of the foundations. Therefore, there would be **no adverse impacts** relating to subsidence and expansive soils.

Item C - Landslides/Mudslides

Pursuant to the previously identified referenced materials, the proposed project is not located in a landslides and/or mudslide Zone. Therefore, there are **no adverse impacts** relating to landslides/mudslides.

15. HYDRAULIC HAZARDS:

Item A - Erosion/Siltation

The project will have **less than significant impact** on erosion and siltation. Surface runoff and drainage from all activities will be controlled by berms, revegetation, and/or other approved measures to ensure that surrounding land and water resources are protected from erosion, gullying, sedimentation, and contamination.

Item B – Flooding

The project is not located in an area of known flood hazard. The project will have **less than significant impact** on flooding.

16. AVIATION HAZARDS:

Since the proposed project does not include buildings with elevations that would project into any known air space, and because the site is located over one mile from the nearest airport, there will be **no adverse impacts**, alone and cumulatively, relative to air traffic safety.

17. FIRE HAZARDS:

The project will be required to comply with the Uniform Fire Code 1997 ed., Section 1103 as adopted and amended by the VCFPD Ordinance No. 24 for Fire Hazard Abatement and also the Uniform Building Code required for building standards. Therefore, any potential impacts will be **less than significant**.

18. HAZARDOUS MATERIALS/WASTE:

Item A - Above-ground Hazardous Materials

Project impact is **less than significant**, any hazardous material will be required to comply with Uniform Fire Code 1997, ed., Article 80 as adopted and amended by the VCFPD Ordinance N0. 24.

Item B - Below-ground Hazardous Materials

The proposed project does not include the use of hazardous materials. Therefore, the project will **no adverse impacts** relative to hazardous materials.

Item C - Hazardous Waste

The proposed project is not considered an activity that produces hazardous waste. Therefore, the project will have **no adverse impacts** relative to hazardous wastes.

19. NOISE/VIBRATION:

The construction of the proposed buildings involving the grading of building pads and parking areas could result in an increase in noise and vibration during these activities. However, these increases will occur during construction and are temporary. Conditioning of future uses in the buildings B and C will ensure compliance with County adopted noise thresholds. Therefore, impacts from noise and vibration are considered **less than significant**.

20. GLARE:

Glare is defined as “a continuous or periodic intense light that may cause eye discomfort or be blinding

to humans". The project lighting is not excessive and will be conditioned to meet County illumination standards and therefore considered **less than significant**.

21. PUBLIC HEALTH:

The proposed project may have impacts to public health according the Ventura County Environmental Health Division. Compliance with applicable state regulation enforced by the Environmental Health Division will reduce any impacts to a level considered **less than significant**.

PUBLIC FACILITIES/SERVICES

22. TRANSPORTATION/CIRCULATION:

Items A - Public Roads & Highways (1) Level of Service and (2) Safety / Design

Based on the information provided by the applicant, there is no change in the project capacity due to this modification. There will be no increase in Average Daily Traffic generated by this permit. Therefore, the Transportation Department will not require any Traffic Impact Mitigation Fee. The traffic impacts relating to level of service and safety/design will be **less than significant**.

Item A - Public Roads & Highways (3) Tactical Access

Tactical access for this project is **less than significant** because driveway access is required to meet VCFPD standards.

Item B - Private Roads & Driveways (1) Safety/Design and (2) Tactical Access

Because the existing private roads shall meet VCFPD Road Guidelines, the project impact **less than significant**.

Item C - Pedestrian/ Bicycle (1) Public Facilities and (2) Private Facilities

The County Transportation Department comments that the existing roads in the proximity of the proposed project site have provided adequate facilities pursuant to the County's Road Standards and the State Department of Transportation (Caltrans). Therefore, the Transportation Department considers that the adverse impacts relating to the supplementary addition of pedestrians and bicycles into the area would be **less than significant**.

Item D - Parking

The County's Zoning Ordinance regulates the number, location, and size of off-street parking. This site is adequate to accommodate the required parking spaces shown the site plan. Therefore, the project will have **no adverse impact** relating to parking. Additionally, by adequately accommodating its own parking needs, the project does not contribute to a cumulative parking impact.

Based on the above analyses, the project is consistent with the goals and policies contained in *Ventura County General Plan Section 4.2 – Traffic/Circulation*.

Item E - Bus Transit, Item F - Railroads, Item G - Airports, and Item H – Harbors

The project will not have any impact upon existing bus, railway, airport, or harbor activities based upon project review by the Ventura County Planning Division of the project description. Therefore, the project will have **no adverse impact** on these facilities.

Item I - Pipelines

The County UMS Maps indicate that there are no existing pipelines that would affect the proposed project. Therefore, the proposed project will have **no adverse impacts** to pipelines.

23. WATER SUPPLY:

Item A – Quality

The proposed project will not require a supply of domestic water. Therefore, the project will **no adverse impact** on the quality of water supplied by the public water system.

Item B - Quantity

The proposed project is served water from the local mutual water company and will require no additional water. Therefore, the project will have **no impact** for overall water supply.

Item C - Fire Flow

The project has a **less than significant** impact project will be required to be fire sprinklered and provide adequate tanks for the proposed structures.

24. WASTE TREATMENT/DISPOSAL:

Item A - Individual Sewage Disposal System Item B - Sewage Collection/Treatment Facilities

The project will not require the use of an on-site sewage disposal system. Therefore, the project will create **no adverse impacts** relative to on-site sewage disposal.

Item C - Solid Waste Management

The degree of effect associated with potential adverse impacts to permitted solid waste disposal facilities in Ventura County resulting from this project is **less than significant** passed upon project review by the Ventura County Environmental and Energy Department.

Item D - Solid Waste Facilities

The proposed project does not include a solid waste facility. Therefore the project will have **no adverse impacts** relating to solid waste facilities.

25. UTILITIES:

Item A - Electric and Item C - Communications

Existing electrical and communication facilities will adequately serve the proposed project because the ripening rooms are thermally insulated, low electric usage structures per evaluation by the Ventura County Planning Division. Therefore, the project will have **no adverse impact** on these facilities.

Item B - Gas

The proposed project does not propose to use natural gas therefore the project is expected to have **no impact** on natural gas facilities.

26. FLOOD CONTROL/DRAINAGE:

Item A – Flood Control (FCD) Facilities

The project does not indicate any connections or encroachments to District facilities or rights of way.

However, the project is adjacent to Mugu Drain, a District jurisdictional watercourse. Any proposed or existing connections to the drain will require District review and permitting. The project will have **less than significant impact** on flood control facilities.

Item B - Other Facilities

The proposed project site grading would take into account the potential surface water run-off on the site. The surrounding existing drainage facilities adequately protect the site from flooding from street run-off. Therefore, there would be **no adverse impacts** relating to flooding induced by drainage facilities not under the regulatory authority of the Flood Control District.

27. LAW ENFORCEMENT/EMERGENCY SERVICES:

Item A - Personnel/Equipment and Item B - Facilities

The addition of ripening rooms does not increase the need for additional patrols by the Ventura County Sheriff's Department based upon project review by the Ventura County Planning Division. As such, the project will have **no adverse impact** on the services provided for the area.

28. FIRE PROTECTION:

Item A - Distance/Response Time and Item B - Personnel/Equipment/Facilities

Project has a **less than significant impact**, because the distance from full-time, paid fire station is adequate and project does not indicate that a new fire department or additional equipment is required.

29. EDUCATION:

Item A - Schools and Item B - Libraries

The potential for additional students generated by this project is zero. Therefore, the potential of this project is **no adverse impacts**.

30. RECREATION:

Item A - Local Parks/Facilities, Item B - Regional Parks/Facilities, and Item C - Regional Trails/Corridors

Based on the information presented in the project description the proposed project is not expected to create any significant new or additional demands on recreational needs. Also, regional parks, trails, and corridors have been provided by Federal, State, County, quasi-public and local facilities such as the Los Padres National Forest, Santa Monica Mountains, National Recreational Area, Channel Islands Park and the recreational lakes of Piru and Casitas. Therefore, this project will have **no adverse impact** on the above referenced recreational opportunities.

SECTION D
MANDATORY FINDINGS OF SIGNIFICANCE

PROJECT: Variance 5251/CUP 4416-7
APPLICANT: Driscoll Strawberry Associates
LOCATION: 3939 Hueneme Road, Oxnard, CA

D.	MANDATORY FINDINGS OF SIGNIFICANCE Based on the information contained within Sections B and C:	YES/ MAYBE	NO
1.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?		X
2.	Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one that occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future).		X
3.	Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effect of other current projects, and the effect of probable future projects. (Several projects may have relatively small individual impacts on two or more resources, but the total of those impacts on the environment is significant).		X
4.	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?		X

SECTION E


DETERMINATION OF ENVIRONMENTAL DOCUMENT

PROJECT: Variance 5251/CUP 4416-7
 APPLICANT: Driscoll Strawberry Associates
 LOCATION: 3939 Hueneme Road, Oxnard, CA

E.	DETERMINATION OF ENVIRONMENTAL DOCUMENT
	On the basis of this initial evaluation:
<input checked="" type="checkbox"/>	I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measure(s) described in section C of the Initial Study will be applied to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.
<input type="checkbox"/>	I find the proposed project, individually and/or cumulatively, MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.*
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



**Signature of Person Responsible
 for Administering the Project**



Date

Updated: October 1, 2002

EXHIBIT 5- DRAFT CONDITIONS OF APPROVAL FOR MINOR MODIFICATION NO. PL13-0055 (MODIFICATION OF CONDITIONAL USE PERMIT NO. 4416)

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

Planning Division (PL) Conditions

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 through 5, dated August 15, 2013, 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:

The Permittee also proposes to install a 3,000 square foot metal canopy (Exhibit No. 3, building no. 7). The canopy structure will be attached at the western side of the existing 14,400 square foot canopy structure (Exhibit 3, structure nos. 4 & 5). The proposed 3,000 square foot metal canopy was previously approved with a permit adjustment (LU11-0139) granted in 2011 but not constructed. The permit adjustment expired prior to the submittal of the current modification application because the Permittee did not obtain a Zoning Clearance for construction within the required one-year time period.

Existing permitted development on the site includes: a 24,600 cooler building, 14,400 square feet of canopies, and a 30,292 square foot crate storage building. The Permittee also proposes to permit five existing unpermitted structures that will continue to be utilized as part of the operation of the packing facility. These buildings were permitted under previous modifications. However, Zoning Clearances and building permits were never obtained for these structures. Table 1 includes an inventory of these existing unpermitted structures.

Table 1- Existing Structures to be Permitted Under PL13-0055

Structure	Square Footage
Administrative office	1,012
Research office	1,524

Structure	Square Footage
Shop/maintenance building	2,700
Sea Cargo Container (fumigation chamber for agricultural crops)	320
Sea Cargo Container (fumigation chamber for agricultural crops)	320

Water to the site will continue to be supplied by the City of Oxnard and waste water disposal will be accomplished with an on-site mound septic system. Access to the site is provided by a paved 35-foot wide driveway connected to Hueneme Road. The required parking will be provided by the 79 existing on-site parking spaces. No new impervious area is proposed.

A total of 33 employees will be onsite during business hours. This includes 7 full time employees and 26 seasonal half time employees.

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. (PL-1)

2. Days and Hours of Operation

Purpose: In order to ensure compatibility with the surrounding land uses, it is necessary to limit the days and hours of operation of the approved use.

Requirement: The operation of the approved use shall be limited to:

- 6:00 am to 11:00 pm Monday to Saturday during regular season (June to September)
- 6:00 am to 4:00 am 7 days a week during peak season (October to May).

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 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*. (PL-2)

3. Site Maintenance

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

Requirement: The Permittee shall maintain the project site in compliance with the described uses outlined in Condition No. 1 (Permitted Land Uses). Only equipment and/or materials which the Planning Director determines to substantially comply with Condition No. 1 (Permitted Land Uses), or which are authorized by any subsequent amendments to this CUP, shall be stored on the property during the life of this CUP.

Demolition and Reconstruction of Accessory Structures in Table 1 of Condition No. 1: A separate Zoning Clearance for construction and accompanying building permit shall be obtained for the demolition and reconstruction of the Administrative office, Research office, Shop/maintenance building, and sea cargo containers at any time during the life of the CUP. The new construction shall not exceed the square footage of each structure as permitted in Table 1 of Condition No. 1, above.

Documentation: Pursuant to Condition No. 1 (Permitted Land Uses), the CUP and any amendments thereto.

Timing: Prior to occupancy and for the life of the permit.

Monitoring and Reporting: The County Building Inspector, Public Works 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*. (PL-4)

4. 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:

- i. 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,

- ii. 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. (PL-5)

5. 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.

The Permittee will be required to limit construction activities between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 9:00 a.m. to 7:00 p.m. Saturday, Sunday and State holidays (PL-6).

6. 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* (2011, Article 14), which shall include, but is not limited to, the following:

- Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- Suspension of the permitted land uses (Condition No. 1);
- Modification of the CUP conditions listed herein;
- Recordation of a "Notice of Noncompliance" on the deed to the subject property;
- The imposition of civil administrative penalties; and/or
- 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. (PL-7)

7. Time Limits

a. Use inauguration:

The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period, 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 in order to initiate the land uses, construct the proposed 3,000 square foot canopy as provided in Condition No. 1 (Project Description), and permit the three structures as noted in Table 1 of Condition No. 1 (Project Description).

This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for construction within one year from the granting or approval of this CUP (see the *Ventura County Non-Coastal Zoning Ordinance 2005, § 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 construction 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.

Prior to the issuance of the Zoning Clearance for construction, 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, 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 October 12, 2033. 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 Section 8111-6 of the *Ventura County Non-Coastal Zoning Ordinance* prior to October 12, 2033; 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 Section 8111-2.10 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-8).

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

Purpose: To ensure compliance with and notification of federal, state, 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 the County Planning Division 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 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. (PL-9)

9. Notice of CUP Requirements and Retention of CUP Conditions On-Site

Purpose: To ensure full and proper notice of permit requirements and 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 regularly dealing with the daily operation of the proposed activities, 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 until expiration of the CUP.

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*. (PL-10)

10. 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 tax assessor's parcel that is subject to this CUP.

Documentation: Recorded Notice of Land Use Entitlement.

Timing: Prior to the issuance of a Zoning Clearance for construction.

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. (PL-11)

11. 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 in Condition 11.b. Specifically, the Permittee shall bear the full costs of the following:
 - i. 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,
 - ii. monitoring and enforcement costs required by the *Ventura County Non-Coastal Zoning Ordinance (2011, § 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:
 - i. 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 11.a, above), monitoring and enforcement (Condition 11.c, below). The \$500.00 deposit may be modified to a higher amount by mutual agreement between the Permittee and the Planning Director; and,
 - ii. 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: The \$500.00 deposit and reimbursement agreement (Condition 11.b, above) are required to ensure that funds are available for legitimate and anticipated costs incurred for Condition Compliance. 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. (PL-12)

12. 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 13(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; nor shall the issuance of this CUP serve to impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.

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. (PL-13)

13. 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 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. (PL-14)

14. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for this land use 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 manpower of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work to be contracted, as well as the costs of such work.

Whenever feasible, the County will use the lowest bidder. 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. 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. (PL-15)

15. 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.

A business tax certificate and regulatory licenses shall be obtained for operation of preliminary agricultural packing facility. (PL-16)

16. 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 CUP site.

Timing: Prior to the issuance of a Zoning Clearance for construction, 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 the Planning Division 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 respective 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*. (PL-17)

17. Resolution of Complaints

The following process shall be used to resolve complaints related to the project:

- a. The Permittee shall post the telephone number for the designated Contact Person as identified pursuant to Condition No. 16 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about the agricultural packing facility as it is occurring may directly contact the Contact Person;
- b. If a written complaint about this CUP is received by the County, Planning staff may contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation; and,
- c. If, following a complaint investigation by County staff, a violation of Ventura County Code or a condition of this permit is confirmed, County enforcement actions pursuant to § 8114-3 of the *Non-Coastal Zoning Ordinance* may be initiated. (PL-18)

18. Reporting of Major Incidents

Purpose: To ensure that the Planning Director is notified of major incidents within the CUP area.

Requirement: The Permittee shall immediately notify the Planning Director by telephone, email, FAX, and/or voicemail of any incidents (e.g., fires, explosions, spills, landslides, or slope failures) that could pose a hazard to life or property inside or outside the CUP area.

Documentation: Upon request of any County agency, the Permittee shall provide a written report of any incident that shall include, but is not limited to: a description of the facts of the incident; the corrective measures used, if any; and, the steps taken to prevent a recurrence of the incident.

Timing: The Permittee shall provide the written report to the requesting County agency and Planning Division within seven days of the request.

Monitoring and Reporting: The Planning Division maintains any documentation provided by the Permittee related to major incidents in the CUP file. (PL-19)

19. Change of Owner and/or Permittee

Purpose: To ensure that the Planning Division is properly and promptly notified of any change of ownership or change of Permittee affecting the CUP site.

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 Property Owner's and/or 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*. (PL-20)

20. Landscaping and Screening

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

Requirement: The existing landscaping and screening, which was approved in the landscape plan for Conditional Use Permit No. 4416, Condition No. 7.b (approved October 28, 1987), shall be maintained throughout the life of the subject CUP permit.

Documentation: The Permittee shall submit to the County of Ventura Planning Division for review and approval color photo documentation of the existing landscaping and screening. Any changes to approved landscape plans that affect the character or quantity of the plant material or irrigation system design must be approved by the Planning Director prior to installation.

Timing: The Permittee shall submit the color photo documentation to the Planning Division for review and approval prior to issuance of a Zoning Clearance for construction.

Monitoring and Reporting: The Planning Division maintains the landscape plans and color photo documentation in the project file and has the authority to periodically confirm that the landscaping and screening are maintained by the Permittee in accordance with the approved plan consistent with the requirements of §8114-3 of the *Non-Coastal Zoning Ordinance*.(PL-21)

21. Lighting Plan

Purpose: To ensure lighting on the subject property is provided in compliance with § 8106-8.6 and § 8108-5.12 of the *Ventura County Non-Coastal Zoning Ordinance* and:

- avoids interference with reasonable use of adjoining properties;
- avoids conflict with landscape features;
- minimizes on-site and eliminates off-site glare;
- provides adequate on-site lighting for security;
- minimizes impacts to wildlife movement;
- minimizes energy consumption; and,
- includes devices that are compatible with the design of the permitted facility and minimize energy consumption.

Requirement: The existing exterior lighting, which was approved in the lighting plan for Conditional Use Permit No. 4416, Condition No. 13 (approved October 28, 1987), shall be maintained throughout the life of the subject CUP permit.

Documentation: The Permittee shall submit to the County of Ventura Planning Division for review and approval color photo documentation of the existing exterior lighting. Any changes to approved lighting plans that affect the character or quantity of the surrounding properties must be approved by the Planning Director prior to installation.

Timing: The Permittee shall submit color photo documentation of the existing exterior lighting for review and approval by the Planning Division prior to the issuance of a Zoning Clearance for construction. The Permittee shall maintain the lighting as approved in the lighting plan for the life of the permit.

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 the Planning Division has the authority to ensure that the lighting plan is installed according to the approved lighting plan. 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*. (PL-22)

22. Sign Plan

Purpose: To ensure signage on the property complies with *Chapter 1, Article 10 of the Ventura County Non-Coastal Ordinance*.

Requirement: The Permittee shall submit two copies of a sign plan to the Planning Division for review and approval prior to the issuance of a Zoning Clearance for construction. The sign plan shall include the proposed size, colors, materials, and lighting details. The Permittee shall bear the total cost of such review and approval.

Documentation: A stamped copy of the approved sign plan.

Timing: The Permittee shall submit the sign plan to the Planning Division for review and approval prior to the issuance of a Zoning Clearance for construction.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved sign plan in the project file. The Permittee shall be responsible for obtaining a Zoning Clearance for any new or replacement sign to assure that the signage for the project continues to comply with the approved sign plan and *Chapter 1, Article 10 of the Ventura County Non-Coastal Ordinance*. 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*. (PL-23)

23. Availability of Parking Spaces

Purpose: To ensure compliance with all applicable provisions in § 8108-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

Requirement: The Permittee shall ensure that the required 77 motor vehicle parking spaces (including accessible spaces), 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 and Property Owner 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 permit.

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. 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*. (PL-24)

24. 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*."

Timing: Prior to the issuance of a Zoning Clearance for construction, the Permittee shall illustrate the enclosures on all development plans for review and approval by the Planning Division. The Permittee shall install the trash enclosures prior to occupancy.

Documentation: A copy of the approved site plan.

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*. (PL-30)

Environmental Health Division Conditions

25. On Site Sewage Disposal System

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 onsite sewage disposal system. (EHD 3)

26. Septic Systems Serving Commercial and Multifamily

The Los Angeles Regional Water Quality Control Board adopted Order No. 01 031 to require general waste discharge requirements for commercial and multifamily sewage disposal systems. Wastewater generated by the project may be subject to waste discharge requirements. For more information regarding the Order and waste discharge requirements, please contact the Los Angeles Regional Water Quality Control Board at 213/576 6600. (EHD 7)

27. Hazardous Materials Management

The storage, handling, and disposal of any potentially hazardous material must be in compliance with applicable state regulations. (EHD 10)

OTHER VENTURA COUNTY AGENCIES CONDITIONS

Ventura County Fire Protection District Conditions

28. 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. (VCFPD 41b)

29. Access Road Widths, Multi Family, Commercial or Industrial

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

Requirement: The Permittee shall provide a minimum paved access road width of 40-feet. Parking is permitted on each side of the road. The Permittee shall provide a minimum paved width of 25- feet for all on site driveways. Parking is allowed on both sides of a 40-foot wide road. Parking is prohibited on the required width of any driveway less than 36-feet in width.

Documentation: A stamped copy of the approved access plan.

Timing: The Permittee shall submit an access plan to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before the start of combustible construction.

Monitoring and Reporting: A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the access for the life of the development. (VCFPD 4)

30. Vertical Clearance

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

Requirement: The Permittee shall provide a minimum vertical clearance of 13 feet 6 inches (13' 6") along all access roads/driveways.

Documentation: A stamped copy of the approved access plan.

Timing: The Permittee shall submit an access plan to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before the start of combustible construction.

Monitoring and Reporting: A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the access for the life of the development. (VCFPD 11.a)

31. Turning Radius

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

Requirement: The Permittee shall provide a minimum 40-foot inside turning radius at all turns along the access roads/driveways.

Documentation: A stamped copy of the approved access plan.

Timing: The Permittee shall submit an access plan to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before the start of combustible construction.

Monitoring and Reporting: A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the access for the life of the development. (VCFPD 11.b)

32. Construction Access

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

Requirement: The Permittee shall install all utilities located within the access road(s) and a paved all weather access road/driveway suitable for use by a 20 ton fire apparatus. The access road(s)/driveway(s) shall be maintained with a minimum 20 foot clear width at all times. Fire hydrants shall be operational and accessible at all times. No parking, storage or staging of equipment/supplies shall be located within 15 feet on either side of fire hydrants.

Documentation: A stamped copy of the construction access plan.

Timing: The Permittee shall submit plans to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before start of construction.

Monitoring and Reporting: A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct periodic on-site inspections ensure that all required fire department access is maintained during construction. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain all required fire access during construction. (VCFPD 23)

33. Access Road Gates

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

Requirement: The Permittee shall design and install all gates along required fire access roads / driveways consistent with Fire Protection District Standards.

Documentation: A stamped copy of the approved gate plans.

Timing: The Permittee shall submit gate plans to the Fire Prevention Bureau for approval before the installation of any access gates. The submittal shall include a copy of zoning clearance issued by the Planning Department.

Monitoring and Reporting: A copy of the approved gate plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that access gates are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his

successors in interest, shall maintain the gates for the life of the development. (VCFPD 30)

34. Alternate / Private Water Supply

Purpose: To ensure that adequate water supply is available for firefighting purposes where no water purveyor service is available or where the water purveyor certifies that the existing water system cannot provide the required fire flow and duration and approves the use of a private water system.

Requirement: The Permittee shall install a private water system (tank and hydrant). Private water systems shall not be supplied from substandard water systems that will impact available fire flow of existing structures. This may require the Permittee to upgrade the existing water purveyor's system to provide the required fire flow.

Documentation: A stamped copy of the approved private water system plans.

Timing: The Permittee shall submit private water system plans to the Fire Prevention Bureau for approval before the issuance of building permits. The private water system shall be installed and operational before the start of construction. Before burying, all underground piping shall be visually inspected by the Fire Prevention Bureau.

Monitoring and Reporting: A copy of the approved private water system plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct onsite inspections to ensure that the private water system is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the private water system for the life of the development. (VCFPD 33)

35. Fire Hydrant(s)

Purpose: To provide fire hydrants capable of meeting the required fire flow and duration.

Requirement: The Permittee shall provide fire hydrant(s) per the current adopted edition of the Ventura County Fire Code, Appendix C. Design and installation shall conform to the minimum standard of the Ventura County Water Works Manual.

Documentation: A stamped copy of the approved fire hydrant location plan.

Timing: The Permittee shall submit a site plan to the Fire Prevention Bureau for fire hydrant placement and approval before the issuance of building permits. The plans shall indicate all existing fire hydrants located within 500 feet of the project site, the type of hydrant (i.e. wet or dry barrel) and the number and size of outlets. All required fire

hydrants shall be installed per the approved plans and in service before the start of construction.

Monitoring and Reporting: A copy of the approved fire hydrant 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 hydrants are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the fire hydrants for the life of the development. (VCFPD 34)

36. Hydrant Location Markers

Purpose: To assist with rapid locating of fire hydrants during emergency responses.

Requirement: The Permittee shall install blue reflective fire hydrant location markers on the access road per Ventura County Fire Protection District Standards.

Documentation: A stamped copy of the approved fire hydrant location plan and Ventura County Fire Protection District Fire Hydrant Standards.

Timing: The Permittee shall install all required blue reflective fire hydrant location markers at the time access is installed. If the final asphalt cap is not in place at the time of occupancy, the markers shall be installed and shall be replaced when the final asphalt cap is completed.

Monitoring and Reporting: A copy of the approved fire hydrant 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 hydrants and markers are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the fire hydrants and markers for the life of the development. (VCFPD 36)

37. Water System Plans

Purpose: To ensure adequate water supply for firefighting to the project.

Requirement: The Permittee shall submit plans to the Fire Prevention Bureau for water systems, not located within a water purveyor's easement, that supply fire hydrants and/or fire sprinkler systems.

Documentation: A stamped copy of the approved water system plans.

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

Monitoring and Reporting: A copy of the approved water system plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct on site inspections to ensure that the water system is installed according to the approved

plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the water system for the life of the development. (VCFPD 38)

38. 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 his successors in interest, shall maintain the fire sprinkler system for the life of the development. (VCFPD 40)

39. Fire Alarm

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

Requirement: The Permittee shall be responsible to have a fire alarm system installed in all structures. The fire alarm system shall be designed and installed by a properly licensed contractor under California State Law.

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

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

Monitoring and Reporting: A copy of the approved fire alarm 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 alarm system is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the fire alarm system for the life of the development. (VCFPD 40.a)

40. Building Plan Review

Purpose: To comply with California Building Code requirements.

Requirement: The Permittee shall submit building plans of all A, E, I, H, R 1, R 2 or R 4 occupancies.

Documentation: A stamped copy of the approved building plans.

Timing: The Permittee shall submit a full set of building plans (architectural, electrical, mechanical and plumbing) to the Fire Prevention Bureau for approval before the issuance of building permits.

Monitoring and Reporting: A copy of the approved building occupancy plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct on-site inspections to ensure that the occupancy is constructed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the occupancy requirements for the life of the development. (VCFPD 43)

41. Trash Dumpster Locations

Purpose: To ensure adequate exposure protection is provided for surround structures.

Requirement: The Permittee shall ensure that commercial trash dumpsters and containers with an individual capacity of 1.5 cubic yards or greater shall not be stored or placed within 5 feet of building openings, building combustible walls, or combustible roof eave lines unless protected by approved automatic fire sprinklers.

Documentation: A stamped copy of the approved site plan indicating commercial trash dumpster and container locations.

Timing: The Permittee shall submit site plans indicating all commercial trash dumpster and container locations to the Fire Prevention Bureau for approval before the issuance of building permits.

Monitoring and Reporting: A copy of the approved site plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the commercial trash dumpster and containers are installed according to the approved site plan. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the approved locations for the life of the development. (VCFPD 44)

42. Fire Department Clearance

Purpose: To inform the Permittee of all fire department 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 Ventura County Fire Protection District'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. (VCFPD 51)

43. Fire Code Permits

Purpose: In order to minimize fire hazards, the project shall be constructed in conformance with the requirements of the Ventura County Fire Code.

Requirement: The Permittee and/or tenant shall obtain all applicable Fire Code permits.

Documentation: The Permittee shall submit a Fire Code permit application along with required documentation/plans to the Fire Prevention Bureau for review and approval.

Timing: Prior to final occupancy clearance, installation or use of any required item or system, the Permittee must obtain approval of all necessary Fire Code permits.

Monitoring and Reporting: A copy of the approved Fire Code permits shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the requirements of the Fire Code permit are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the conditions of the Fire Code permit for the life of the development. (VCFPD 53)

44. Prefabricated Sea Cargo / Metal Storage Containers

Purpose: To ensure a reasonable degree of life and property protection is provided.

Requirement: The Permittee shall comply with Ventura County Building Department and Ventura County Fire Protection District Standards or shall meet requirements as a new building under the Building and Fire Codes.

Documentation: A signed copy of the project plans with Fire Prevention Bureau's approval

Timing: The Permittee shall submit documentation indicating that the proposed containers met the requirements of Ventura County Fire Protection District standards to the Fire Prevention Bureau for approval before use of any container.

Monitoring and Reporting: A copy of the approval shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the prefabricated sea cargo/metal storage containers are installed according to the approval. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the approved use and installation of the prefabricated sea cargo/metal storage containers for the life of the project. (VCFPD 56)

45. Inspection Authority

Purpose: To ensure on going compliance with all applicable codes, ordinances and project conditions.

Requirement: The Permittee, by accepting these project conditions of approval, shall acknowledge that the fire code official (Fire District) is authorized to enter at all reasonable times and examine any building, structure or premises subject to this project approval for the purpose of enforcing the Fire Code and these conditions of approval.

Documentation: A copy of the approved entitlement conditions.

Timing: The Permittee shall allow ongoing inspections by the fire code official (Fire District) for the life of the project.

Monitoring and Reporting: A copy of the approved entitlement conditions shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall ensure ongoing compliance with this condition through onsite inspections. (VCFPD 60)