



## Planning Director Staff Report – Hearing on July 16, 2015

County of Ventura • Resource Management Agency • Planning Division

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### GERRY FARMWORKER DWELLING, PL15-0073

#### A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Minor Modification to Conditional Use Permit (CUP) 4854 for a 20-year time extension to allow on-going use of an existing approximately 2,200 square foot (sf) farmworker dwelling unit. The farmworker dwelling unit requires a CUP since it does not meet the standards for ministerial farmworker dwelling units. More specifically, a CUP is required because the subject property does not have 40 acres in agricultural production that would allow ministerial approval for a farmworker dwelling unit [Ventura County Non-Coastal Zoning Ordinance (NCZO) §§ 8105-4 and 8107-26.1] (PL14-0073).
2. **Applicant/Property Owner:** Ken Gerry, 8877 Rosita Road, Camarillo, CA 93012
3. **Decision-Making Authority:** Pursuant to the Ventura County NCZO (§ 8105-4 and § 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested Minor Modification to CUP 4854.
4. **Project Site Size, Location, and Parcel Number:** The 38.32 acre project site is located at 8877 Rosita Road, Santa Rosa Valley, CA, near the intersection of Rosita Road, near the city of Camarillo, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the project site is 163-0-130-020. (Exhibit 2: Location Map; Land Use and Zoning Map; Aerial Map).
5. **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)

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE-40 ac	Agriculture/Orchards/Single-Family Residence
East	AE-40 ac	Agriculture/RowCrops/Single-Family Residence
South	AE-40 ac	Agriculture/Orchards/Single-Family Residence
West	AE-40 ac	Agriculture/Orchards

- 7. History:** The parcel currently has the following structures on-site: single-family residence (1,877 sf); storage building (1,790 sf); storage building (373 sf); garage/agricultural office/temporary bridal changing room (925 sf); farmworker-dwelling unit (2,200 sf); garden shed (67 sf); storage building (202 sf); storage building (195 sf); and temporary outdoor event area. The remainder of the parcel, approximately 32.52 acres, is planted with blueberries, avocados, and lemon orchards.

The single-family dwelling and detached garage on the property were constructed prior to 1947 and thus did not require permits.

On September 13, 1962, the Planning Division issued Zoning Clearance (ZC) No. ZC9822 to add a utility room to the existing garage.

On May 9, 1975, the Planning Division issued ZC30730 for a farmworker dwelling unit with a covered patio.

When the property owner proposed to expand the size of the existing farmworker dwelling unit on the property to a size that exceeded ministerial standards, the property owner sought a CUP from the County. The Planning Division approved CUP 3529 to increase the size of the existing farmworker dwelling unit on the property. On January 20, 1984, the Planning Division issued ZC40801 to effectuate CUP 3529. CUP 3529 expired in 1994.

Prior to the expiration of CUP 3529, the property owner applied for CUP 4854 for a 2,200 sf farmworker dwelling unit and 2,000 sf of covered parking to accommodate up to six spaces. On April 24, 1994, the Planning Division approved CUP 4854 for 10 years, which replaced expired CUP 3529. On August 10, 1995, the Planning Division issued ZC75018 to effectuate the approval of CUP 4854.

On February 14, 2005, the Planning Division approved a renewal of CUP 4854 to allow the farmworker dwelling unit to remain on the property until July 10, 2015.

On February 24, 2012, the Planning Division issued ZC No. ZC12-0170 to legalize a 288 square foot agricultural office, which is attached to an existing permitted garage and half bathroom.

On March 7, 2013, the Planning Commission approved CUP Case No. LU11-0124 for "Agricultural Promotional Uses" and for "Festivals, Animal Shows, and Similar Events, Temporary Outdoor." On March 28, 2014, the Planning Division issued ZC14-0348 to effectuate the approval of CUP Case No. LU11-0124.

- 8. Project Description:** The applicant is requesting approval of a Minor Modification to CUP 4854 for a 20-year time extension to continue to allow the use of an existing approximately 2,200 sf farmworker dwelling unit (Exhibit 3, Site Plans). The farmworker dwelling unit does not meet the standards for ministerial farmworker dwelling units. As such, a CUP is required. More specifically, a CUP is required because the subject property does not have 40 acres in agricultural production that would allow ministerial approval for a farmworker dwelling [Ventura County NCZO §§ 8105-4 and 8107-26.1].

The proposed project does not include any changes in the use or existing physical development on the subject property. Approximately 32.52 acres is planted with avocados, blueberries, and lemons.

The Camrosa Water District provides water and an on-site wastewater treatment system provides sewage disposal for the subject property. A private driveway to Rosita Road provides access to the site.

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

Pursuant to CEQA (Public Resources Code § 21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, § 15000 et seq.), the subject application is a "project" that is subject to environmental review.

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. The proposed project qualifies for a Class 1 (Operation of Existing Structures) Categorical Exemption pursuant to § 15301 of the CEQA Guidelines, unless an exception applies to the project, pursuant to § 15300.2 of the CEQA Guidelines. The proposed project does not include any new development (e.g., new construction, ground disturbance activities, or change in use of the subject property). Furthermore, none of the exceptions set forth in § 15300.2 apply to the proposed project. Therefore, the proposed project is categorically exempt pursuant to § 15301 of the CEQA Guidelines.

## C. CONSISTENCY WITH THE GENERAL PLAN

The Ventura County General Plan *Goals, Policies and Programs* (2015, 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. 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.*

**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 of this staff report (above), the proposed project's individual impacts and contribution to cumulative impacts on resources have been evaluated in compliance with CEQA. The proposed project has been determined to be categorically exempt from environmental review pursuant to § 15301 (Operation of Existing Structures) of the CEQA Guidelines, and will not create a significant adverse impact to resources.

Based on the discussion above, the proposed project is consistent with Policies 1.1.2-1 and 1.1.2-2.

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

The proposed project does not include any new development or changes to the existing uses of the subject property. As the proposed project does not include

any new development, it will not create any new impacts with regard to stormwater runoff (e.g., increases in pollution loading or changes to the volume or rate of runoff). Furthermore, the Camrosa Water District will continue to provide water for the property, and an existing on-site wastewater treatment system will continue to provide sewage disposal service for the use of the subject property. The Resource Management Agency (RMA), Environmental Health Division: reviewed the proposed project; found that the potable water supply and on-site wastewater treatment system comply with all applicable policies; and did not request the Planning Director to apply additional CUP conditions of approval regarding the water supply or on-site wastewater treatment system. Therefore, the proposed project will not significantly impact the quantity or quality of water resources.

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

- 3. 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.*

**Resources Policy 1.6.2-6:** *Discretionary development adjacent to Agricultural-designated lands shall not conflict with agricultural use of those lands.*

The subject property has soils that are designated as "Prime," pursuant to the State's Important Farmland Inventory and, as stated in this staff report (above), is surrounded by properties that are in agricultural production. However, the proposed project does not include any new development and, therefore, does not have the potential to create any land use conflicts with surrounding agricultural operations, remove any land from agricultural production, or create any new impacts to topsoil. Furthermore, the proposed project consists of a time extension to an existing farmworker dwelling unit, to enable the property owner to receive assistance in maintaining the subject property in agricultural production (i.e., blueberry, lemon, and avocado orchards). Therefore, the proposed project will not remove land from agricultural production, conflict with surrounding agricultural uses, or remove topsoil.

Based on the discussion above, the proposed project is consistent with policies 1.6.2-1 and 1.6.2-6.

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

*determines there are overriding considerations.*

The proposed project does not include any new physical development of the subject property and, therefore, will not significantly degrade visual resources or significantly alter or obscure public views of visual resources.

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

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

The proposed project does not include any new physical development on the subject property (e.g., grading or other types of ground disturbance) and, therefore, does not have the potential to adversely affect subsurface paleontological or archaeological resources that may exist on-site. Furthermore, there are no designated or eligible historical resources located on the subject property.

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

- 6. Hazards Policy 2.2.2-2:** *No habitable structures shall be located across or on any active fault zone as defined by the Alquist-Priolo Earthquake Fault Zoning Act. Furthermore, no habitable structures shall be located within 50 feet of the mapped trace of an active fault unless an appropriate geologic investigation and report demonstrates that the site is not subject to a fault rupture hazard.*

Pursuant to the RMA-Geographical Information System (GIS), there are no active fault zones or mapped trace of an active fault within 50 feet of the farmworker dwelling unit.

Based on the discussion above, the proposed project is consistent with Policy 2.2.2-2.

- 7. 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.*

As stated in this staff report (above), the Camrosa Water District will continue to provide water to the subject property and access will be provided to the property via a private driveway to Rosita Road. The Ventura County Fire Protection District (VCFPD): reviewed the proposed project; found that the proposed project will comply with applicable VCFPD regulations; and did not

request the Planning Director to apply additional conditions of approval to the CUP with regard to water supply or access for fire protection or evacuation purposes.

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

**8. Hazards Policy 2.16.2-1:** *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.*

*(1) Noise sensitive uses proposed to be located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that:*

- a. Indoor noise levels in habitable rooms do not exceed CNEL 45.*
- b. Outdoor noise levels do not exceed CNEL 60 or Leq1H of 65 dB(A) during any hour.*

*(2) Noise sensitive uses proposed to be located near railroads shall incorporate noise control measures so that:*

- a. Guidelines (1)a. and (1)b. above are adhered to.*
- b. Outdoor noise levels do not exceed L10 of 60 dB(A).*

*(3) Noise sensitive uses proposed to be located near airports:*

- a. Shall be prohibited if they are in a CNEL 65 or greater, noise contour.*
- b. Shall be permitted in the CNEL 60 to CNEL 65 noise contour area only if means will be taken to ensure interior noise levels of CNEL 45 or less.*

*(4) 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.*

*Section 2.16.2(4) is not applicable to increased traffic noise along any of the roads identified within the 2020 Regional Roadway Network (Figure 4.2.3) Public Facilities Appendix of the Ventura County General Plan (see 2.16.2-1(1)). In addition, State and Federal highways, all railroad line operations, aircraft in flight, and public utility facilities are noise generators having Federal and State regulations that preempt local regulations.*

- (5) Construction noise shall be evaluated and, if necessary, mitigated in accordance with the County Construction Noise Threshold Criteria and Control Plan.*

The permitted use is a noise sensitive use but is not located near: highways, truck routes, heavy industrial activities, or other relatively continuous noise sources; railroads; or airports. Additionally, the permitted use is not considered a noise generator that would impact any nearby noise sensitive uses. Furthermore, the permitted use would not involve any construction noise and, therefore, would not have an impact on any nearby noise sensitive use (e.g., residences).

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

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

The subject property is 38.32 acres, which is smaller than the minimum 40-acre lot size required by the AE-40 ac zoning designation. However, the subject property consists of two lots that were legally created by conveyances recorded on: September 13, 1950, in Book 955, Page 72 after deed recorded April 23, 1951 in Book 995, Page 74; and April 23, 1951, in Book 995, Page 74 [reservoir]. Therefore, the farmworker dwelling unit may be permitted on the subject property.

Based on the discussion above, the proposed project is consistent with Policy 3.16.2-1.

- 12. Land Use Policy 3.2.2-4 *Agricultural:***

- (1) The Agricultural land use designation shall primarily include lands which are*



*designated as Prime Farmlands, Farmlands of Statewide Importance or Unique Farmlands in the State's Important Farmland Inventory (IFI), although land may not be designated Agricultural if small areas of agricultural land are isolated from larger blocks of farming land (in such cases, the agricultural land is assigned to the Open Space or Rural designation of the surrounding properties).*

- (2) The smallest minimum parcel size consistent with the Agricultural land use designation is 40 acres. Subzones may require larger minimum parcel sizes.*
- (3) Agricultural land shall be utilized for the production of food, fiber and ornamentals; animal husbandry and care; uses accessory to agriculture and limited temporary or public uses which are consistent with agricultural or agriculturally related uses.*

The current General Plan land use designation for the project site is Agricultural and the site currently supports blueberries, avocados and lemon orchards. As mapped in the RMA-GIS, the subject parcel includes soils designated as "Prime" Farmlands. The 38.32-acre subject parcel currently includes a single-family residence and a farmworker dwelling, both of which are allowable on Agricultural lands despite the nonconforming parcel size, as discussed in Section C.11 of this staff report (above). The farmworker dwelling unit will continue to facilitate agricultural activities on the subject property.

Based on the discussion above, the proposed project is consistent with Policy 3.2.2-4.

**13. Public Facilities and Services Policy 4.1.2-1:** *Discretionary development shall be conditioned to contribute land, improvements or funds toward the cost of needed public improvements and services related to the proposed development.*

The proposed project consists of a time extension to continue the use of a permitted farmworker dwelling unit. As discussed in the proposed project description (Section A.8 of this staff report, above), the Camrosa Water District provides water and an on-site wastewater treatment system provides sewage disposal for the subject property. Furthermore, a private driveway to Rosita Road provides access to the site. No expansion of public facilities is required in order to continue to allow the use of the farmworker dwelling unit. In addition, the proposed project does not include the expansion of the existing use beyond what is currently permitted. Therefore, the proposed project would not require any public improvements and services beyond what is currently available.

Based on the discussion above, the proposed project is consistent with Policy 4.1.2-1.

**14. Public Facilities and Services Policy 4.1.2-2:** *Development shall only be permitted in those locations where adequate public services are available (functional), under physical construction or will be available in the near future.*

As discussed in Section C.13 of this staff report (above), adequate public services are currently available (functional) to continue to serve the existing farmworker dwelling unit. The Camrosa Water District provides water and an on-site wastewater treatment system provides sewage disposal, for the subject property. The proposed project will not increase water demand and will not require a connection to a public sewer system. Furthermore, a private driveway to Rosita Road provides access to the site. The proposed project will not increase traffic along Rosita Road or other public roads that afford access to the project site. Therefore, no improvements to the existing public roadway system are required for the continued use of the farmworker dwelling unit.

Based on the discussion above, the proposed project is consistent with Policy 4.1.2-2.

**15. Public Facilities and Services Policy 4.3.2-1:** *Development that requires potable water shall be provided a permanent potable water supply of adequate quantity and quality that complies with applicable County and State water regulations. Water systems operated by or receiving water from Casitas Municipal Water District, the Calleguas Municipal Water District or the United Water Conservation District will be considered permanent supplies unless an Urban Water Management Plan (prepared pursuant to Part 2.6 of Division 6 of the Water Code) or a water supply and demand assessment (prepared pursuant to Part 2.10 of Division 6 of the Water Code) demonstrates that there is insufficient water supply to serve cumulative development within the district's service area. When the proposed water supply is to be drawn exclusively from wells in areas where groundwater supplies have been determined by the Environmental Health Division or the Public Works Agency to be questionable or inadequate, the developer shall be required to demonstrate the availability of a permanent potable water supply for the life of the project.*

Camrosa Water District currently serves, and will continue to serve, the project site. Camrosa Water District supplements its groundwater supplies with water from the Metropolitan Water District and its wholesale agency, Calleguas Municipal Water District. The proposed project does not include an expansion or change in use of the existing farmworker dwelling unit and, therefore, does not have the potential to increase water demand.

Based on the discussion above, the proposed project is consistent with Policy 4.3.2-1.

**16. Public Facilities and Services Policy 4.4.2-2:** *Any subdivision, or discretionary change in land use having a direct effect upon the volume of sewage, shall be*

*required to connect to a public sewer system. Exceptions to this policy to allow the use of septic systems may be granted in accordance with County Sewer Policy. Installation and maintenance of septic systems shall be regulated by the County Environmental Health Division in accordance with the County's Sewer Policy, County Building Code, and County Service Area 32.*

The proposed project consists of the continued use of an existing farmworker dwelling unit that is currently served by a private on-site wastewater treatment system. The proposed project will not have a direct effect upon the volume of sewage as there will be no new development that will result in additional sewage volume. Furthermore, the RMA, Environmental Health Division staff reviewed the proposed project and did not request the Planning Director to apply additional CUP conditions of approval regarding the existing on-site wastewater treatment system.

Based on the discussion above, the proposed project is consistent with Policy 4.4.2-2.

**17. Public Facilities and Services 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 this staff report (above), the Camrosa Water District will continue to provide water to the project site. The nearest full-time fire station is Fire Station No. 52, located at 5353 Santa Rosa Road, Camarillo, approximately three miles from the project site via Rosita Road, Gerry Road, and Santa Rosa Road. The VCFPD reviewed the proposed project and did not request the Planning Director to apply additional CUP conditions of approval regarding water supply, access, and response time for fire protection.

Based on the discussion above, the proposed project is consistent with Policy 4.8.2-1.

**D. ZONING ORDINANCE COMPLIANCE**

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

The proposed project includes the 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	No, the project site is nonconforming with respect to the required lot size as it is 38.32 acres rather than the 40 acre minimum. However, as discussed in Section C.11 of this staff report (above), pursuant to the Ventura County General Plan <i>Goals Policies and Programs</i> Land Use Policy 3.1.2-7, the subject property is a legal lot and may be developed despite its nonconforming size.
Maximum Percentage of Building Coverage	5%	Yes
Front Setback	20 feet	Yes
Side Setback	10 feet	Yes
Rear Setback	15 feet	Yes
Maximum Building Height	15 feet	Yes, the farmworker dwelling is an accessory structure approximately 10 feet in height.

The proposed project is subject to the special use standards of the Ventura County NCZO (§ 8107-26.1). Table 2 lists the applicable special use standard and a description of whether the proposed project complies with the special use—standards.

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

Special Use Standard	Complies?
One farmworker dwelling is allowed per 40 acres of irrigated row crops, specialty crops, orchards, vineyards and field-grown plant materials	No, the existing farmworker dwelling is located on a 38.32-acre parcel, smaller than what is allowed pursuant to this use standard of the Ventura NCZO. However, as discussed in Section C.9 of this staff report (above), pursuant to the Ventura County General Plan <i>Goals, Policies and Programs</i> Land Use Policy 3.1.2-7, the subject property is a legal lot and may be developed despite its nonconforming size, and provided that the Planning Director grants the requested CUP.

## **E. CUP FINDINGS AND SUPPORTING EVIDENCE**

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

- 1. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [§ 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 consists of a request to allow the continued use of an existing farmworker dwelling. The farmworker dwelling is located on a parcel that is currently: developed with existing blueberries, avocado, and lemon orchards; developed with a single-family dwelling and accessory structures; and subject to temporary outdoor events. The immediately surrounding parcels to the north, east, south, and west of the project site currently support similar agricultural uses/orchards and residential uses.

As discussed in Section C of this staff report (above), the proposed project does not include any new development and, therefore, does not have the potential to create any land use conflicts with surrounding agricultural operations, generate new traffic, or introduce physical development that is incompatible with the surrounding, legally established development. Furthermore, the existing farmworker dwelling unit has not been the subject of any zoning complaints. Therefore, the continued use of the existing farmworker dwelling will be consistent with the character of surrounding, legally established development.

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].**

The proposed time extension for the existing farmworker dwelling will not expand or alter the current permitted use of the subject property. As discussed in Section C of this staff report (above), the proposed project does not include any new physical development of the subject property that may interfere with surrounding agricultural and residential uses on other properties located within the vicinity of the subject property. Furthermore, as discussed in Section C.10 of this staff report (above), the proposed project will not generate noise that is incompatible with surrounding residential uses. Therefore, the continued use of the existing farmworker dwelling will not be obnoxious or harmful, or impair the utility of neighboring property or uses.

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

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

The proposed project will not expand or alter the current permitted use of the subject property. As discussed in Section C of this staff report, adequate public resources and infrastructure exist to continue to serve the farmworker dwelling. The Camrosa Water District will continue to provide water, and the proposed project does not require the use of a public sewer system since the existing on-site wastewater treatment system will continue to serve the farmworker dwelling. Furthermore, the proposed project will not generate new traffic, and Rosita Road and the surrounding public road network are adequate to continue serving the farmworker dwelling. Therefore, the time extension for the existing farmworker dwelling would not be detrimental to the public interest, health, safety, convenience, or welfare.

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

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

The immediately surrounding parcels to the north, east, south, and west of the project site currently support similar agricultural uses/orchards and residential uses, and have similar Agricultural land use designations. Therefore, it is likely that these land uses will remain within the area.

As discussed in Sections C and E.2 of this staff report, the proposed project does not involve any new physical development or change in use of the subject property. As discussed in Section C.3 of this staff report (above), the proposed project does not include any new development and, therefore, does not have the potential to create any land use conflicts with surrounding agricultural operations, generate new traffic, or introduce physical development that is incompatible with existing and potential land uses in the general area surrounding the subject property. Furthermore, as discussed in Section C.10 of this staff report (above), the proposed project will not generate noise that is incompatible with surrounding residential uses. Finally, the existing farmworker dwelling unit has not been the subject of any zoning complaints. Therefore, the continued use of the existing farmworker dwelling will be compatible with existing and potential land uses in the general area where the development is to be located.

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

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

The subject property consists of two lots which were legally created by conveyances recorded on: September 13, 1950, in Book 955, Page 72 after deed recorded April 23, 1951, in Book 995, Page 74; and on April 23, 1951, in Book 995, Page 74 [reservoir].

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].**

As discussed in Section C.3 of this staff report (above), the proposed project does not include any new development and, therefore, does not have the potential to create any land use conflicts with surrounding agricultural operations, remove any land from agricultural production, or create any new impacts to topsoil. Furthermore, the proposed project consists of a time extension to an existing farmworker dwelling unit, to enable the property owner to receive assistance in maintaining the subject property in agricultural production (i.e., blueberries, avocado, and lemon orchards). Therefore, the proposed project will not remove land from agricultural production, conflict with surrounding agricultural uses, or remove topsoil.

Based on the discussion above, 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].**

As discussed in Section C of this staff report (above), the proposed project does not include any new development and, therefore, does not have the potential to remove land from agricultural production, or introduce development that will conflict with surrounding agricultural development. The proposed project consists of a time extension to an existing farmworker dwelling unit, to enable the property owner to receive assistance in maintaining the subject property in agricultural production (i.e., blueberries, avocado, and lemon orchards). Therefore, the proposed project is sited to minimize conflicts with agriculture and would not significantly reduce, restrict, or adversely affect agricultural activities on-site, or in the area.

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 does not involve a change in use of the subject property, or an expansion of the existing farmworker dwelling. Therefore, the proposed

project will not remove any land from existing or potential agricultural production.

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

#### **H. 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.

The project site is located within the City of Camarillo's Area of Interest. Therefore, on June 9, 2015, the Planning Division notified the City of the proposed project and requested the City to submit any comments that the City might have on the proposed project. As of the date of this document, no comments from the City of Camarillo have been received.

#### **I. RECOMMENDED ACTIONS**

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that this project is categorically exempt from CEQA pursuant to § 15301 of the CEQA Guidelines.
3. **MAKE** the required findings to grant a Minor Modification to CUP 4854 pursuant to § 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** Minor Modification PL15-0073 to CUP 4854, subject to the conditions of approval (Exhibit 4); and
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the CUP has been approved, conditionally approved, or denied (or on the following workday if the 10<sup>th</sup> day falls on a weekend or



holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

If you have any questions concerning the information presented above, please contact Susan Curtis at (805) 654-2497 or [susan.curtis@ventura.org](mailto:susan.curtis@ventura.org).

Prepared by:



Susan Curtis, Case Planner  
Residential Permits Section  
Ventura County Planning Division

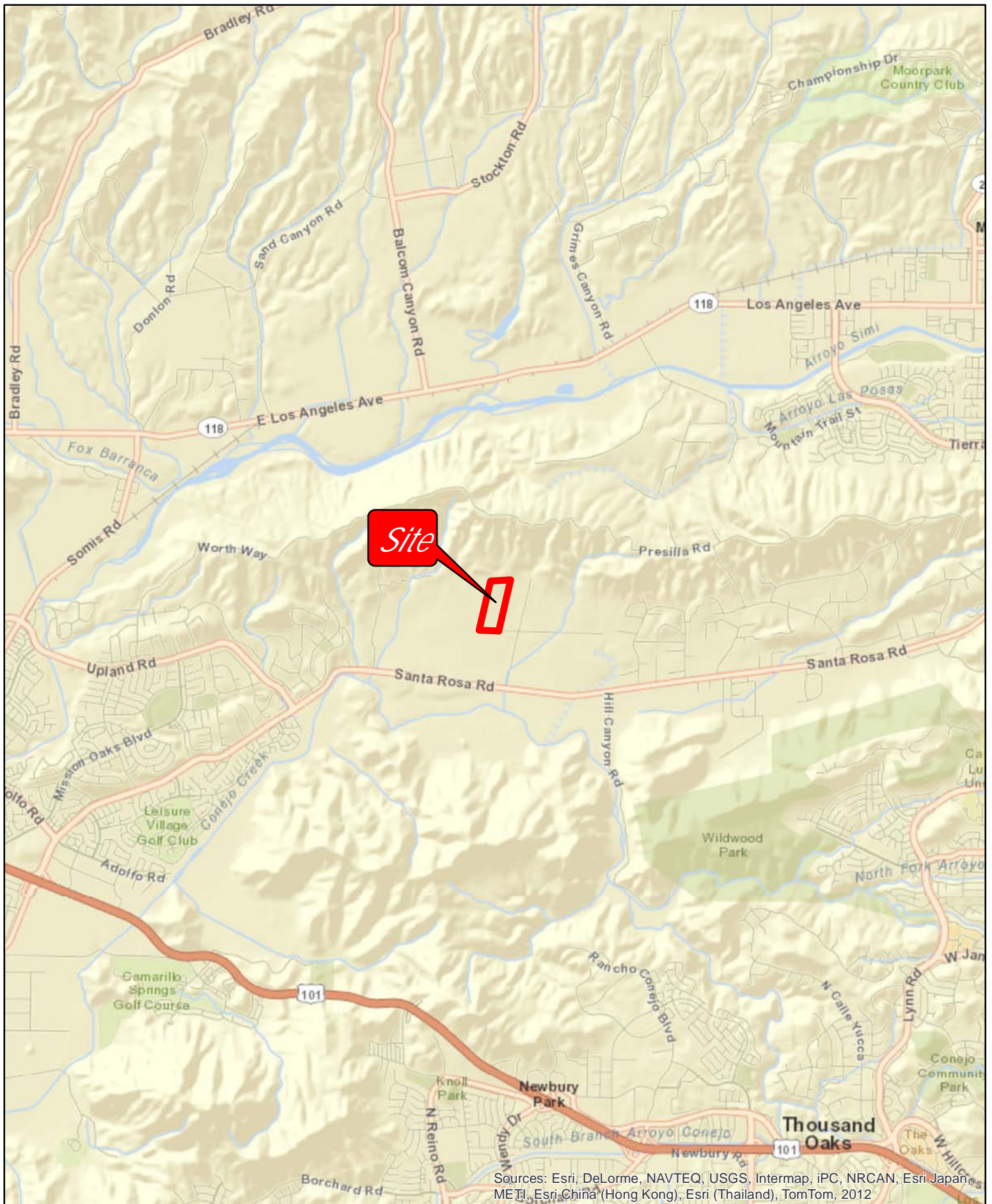
Reviewed by:



Daniel Klemann, Manager  
Residential Permits Section  
Ventura County Planning Division

**EXHIBITS**

- Exhibit 2 - Location Map, Land Use and Zoning Map, Aerial Map
- Exhibit 3 - Site Plans
- Exhibit 4 - Conditions of Approval



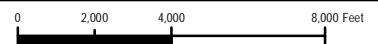
Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2012



Ventura County  
Resource Management Agency  
Information Systems GIS Services  
Map created on 06/17/2015



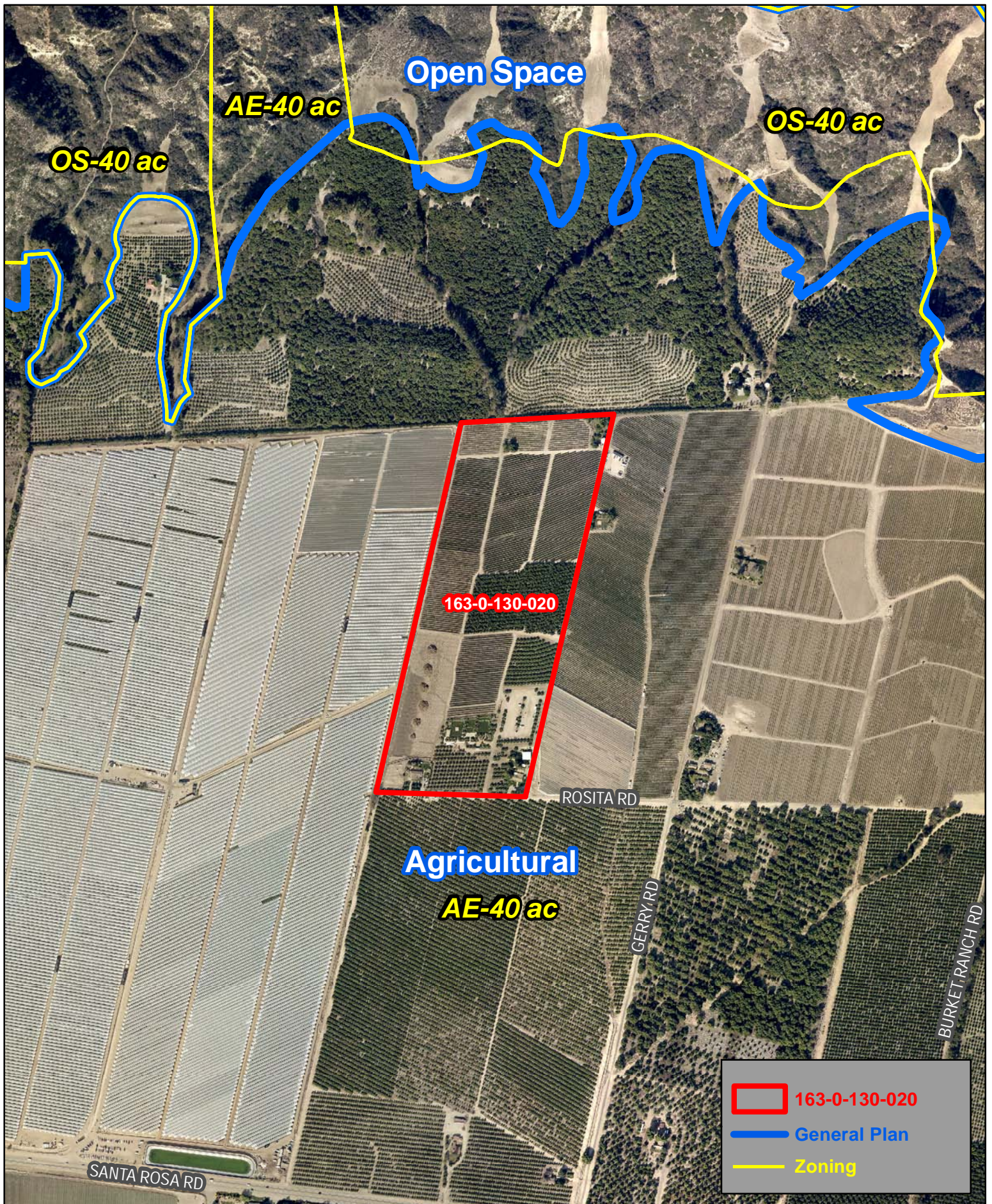
County of Ventura  
Planning Director Hearing  
PL15-0073  
**Exhibit 2 - Location Map**



Disclaimer: this map was created by the Ventura County Resource Management Agency Information Systems GIS, which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance therein







Ventura County  
Resource Management Agency  
Information Systems GIS Services  
Map created on 07/07/2015  
Source: Pictometry®, February 2015



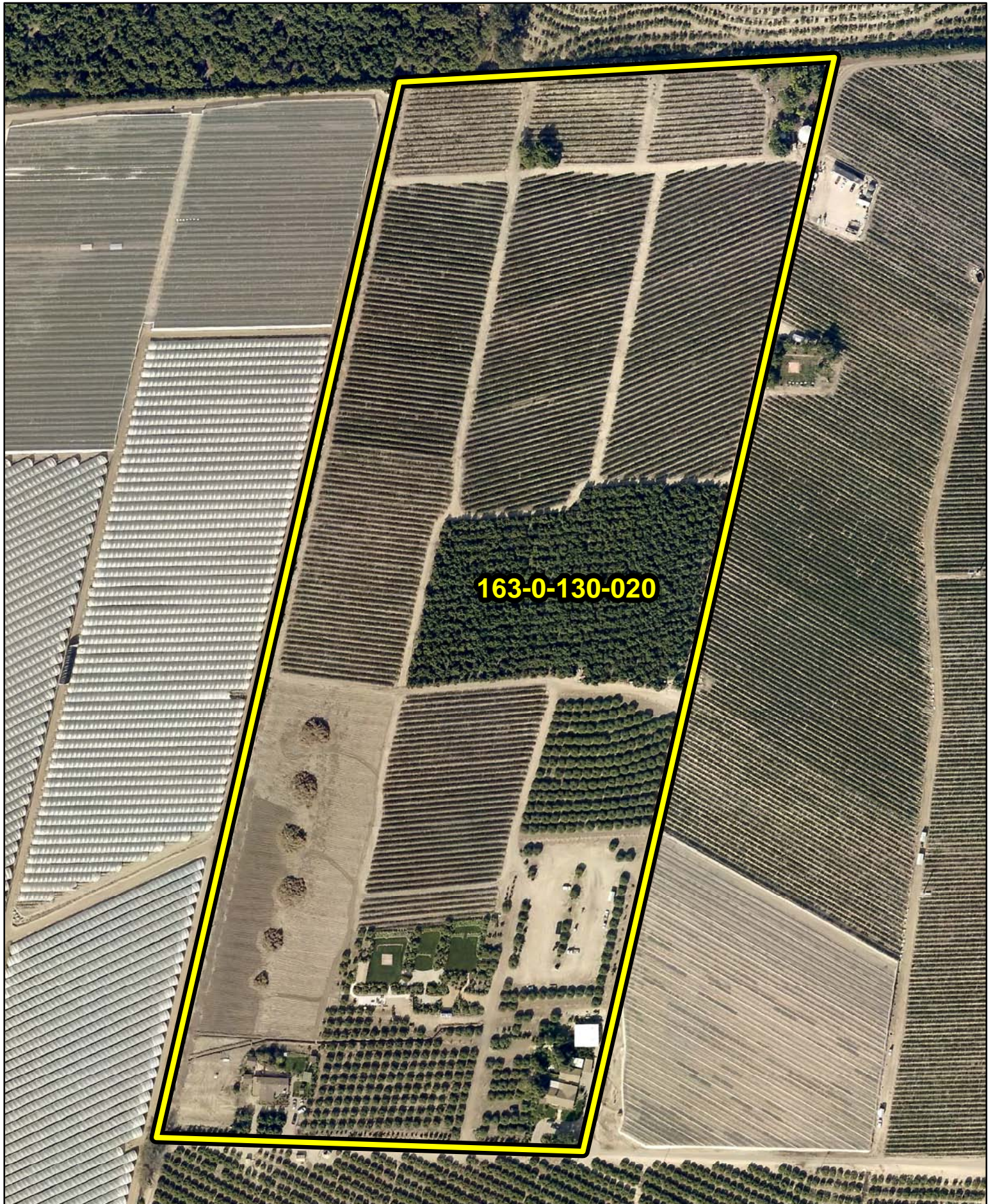
County of Ventura  
Planning Director Hearing  
PL15-0073  
**Exhibit 2 - Land Use & Zoning Map**

0 300 600 1,200 Feet

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Ventura County  
Resource Management Agency  
Information Systems GIS Services  
Map created on 07/07/2015  
source: Pictometry®, February 2015



County of Ventura  
Planning Director Hearing  
PL15-0073  
**Exhibit 2**  
**Aerial Location Map**

0 100 200 400 Feet

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EXISTING DEVELOPED AREA

AGRICULTURAL UTILIZATION AREA

AGRICULTURAL: PRESERVE CONTRACT 53.3  
AGRICULTURAL UTILIZATION (10 YEAR CONTRACT) 65%  
APN 103-C-130 020 36.3% ACRES  
CROP PRODUCTION 1,527.91 SF (35.08 ACRES) 81.52%  
DEVELOPED AREAS 44,127 SI (1.01 ACRES); 2.64%  
TEMPORARY AREAS 97,540 SF (2.23 ACRES); 5.84%

[illegible]

FIELD CREW SCW/JST  
SURVEY COMPLETED MAY 2014  
ENTERED FROM ORIGINAL  
COMPILED AND COMPLETED JUNE 10, 2014

TOPOGRAPHIC MAP/SITE PLAN  
GERRY RANCH  
VENTURA COUNTY, CALIFORNIA  
MAY 2015

Model	2016
Year	2016
Make	2016
Model	2016

R. L. Gerry Ranch  
9015 E. Rosita Rd.  
Camarillo, CA. 93012

Floor plan of mobile home at 8877 E. Rosita Rd.

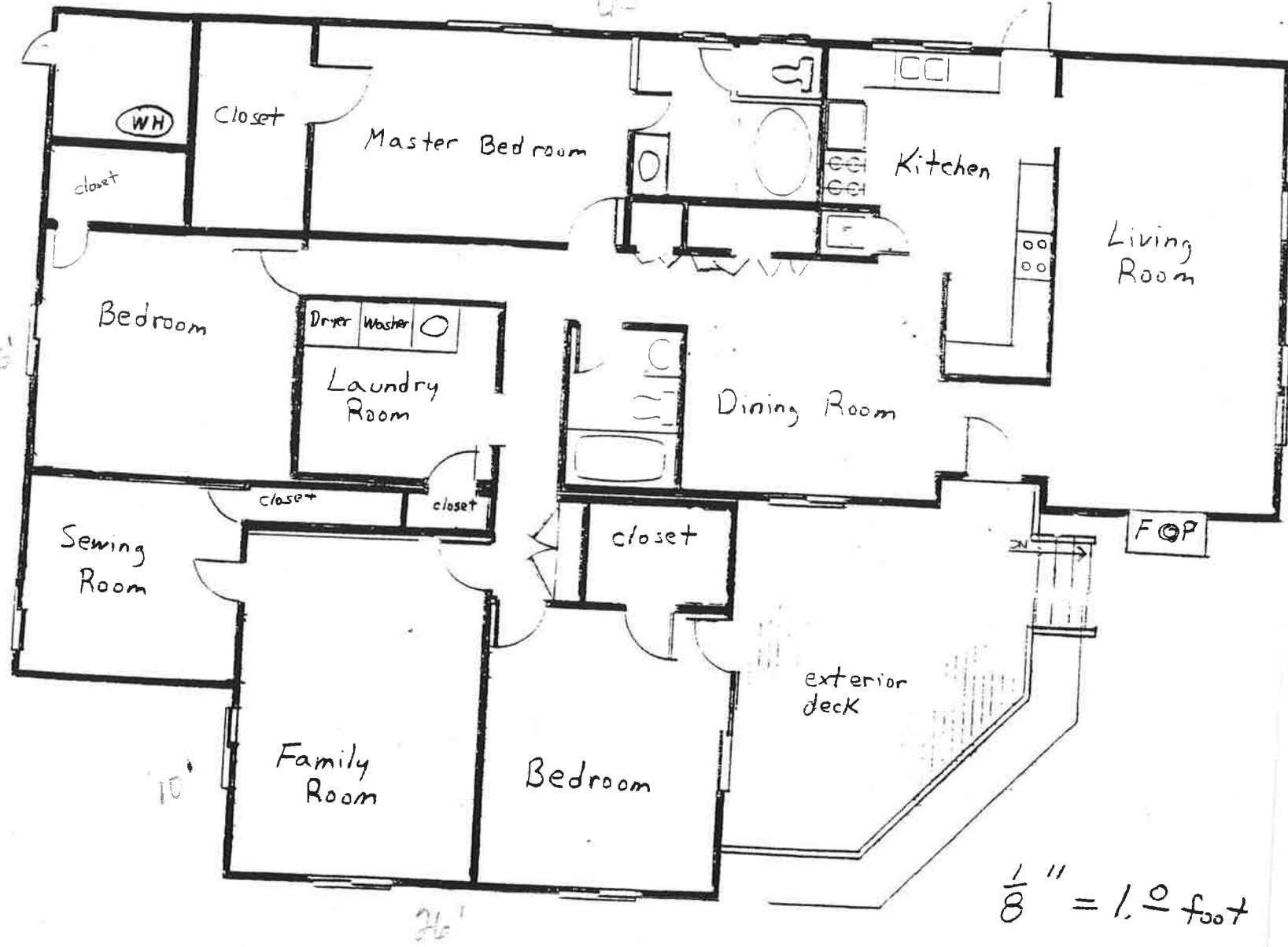


Exhibit 3  
PL15-0073

**EXHIBIT 4 – DRAFT CONDITIONS OF APPROVAL FOR CONDITIONAL USE  
PERMIT (CUP) CASE NO. PL15-0073**

**RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS**

**Planning Division (PL) Conditions**

**1. Project Description**

This Conditional Use Permit (CUP) is based on and limited to compliance with the project description stated in this condition below, all County land use hearing exhibits in support of the project marked Exhibits 1 through 4, dated July 16, 2015, and conditions of approval set forth below. Together, these conditions and documents describe the Project. Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the CUP or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this CUP.

The Project description is as follows:

The Project consists of a Minor Modification to CUP 4854 for a 20-year time extension to allow the continued use of an existing, approximately 2,200 square foot (sf) farmworker dwelling unit. The farmworker dwelling unit requires a CUP since it does not meet the standards for ministerial farmworker dwelling units. More specifically, a CUP is required because the subject property does not have 40 acres in agricultural production that would allow ministerial approval for a farmworker dwelling [Ventura County Non-Coastal Zoning Ordinance (NCZO) §§ 8105-4 and 8107-26.1].

The Project does not include any changes in the use or existing physical development on the subject property. Approximately 35 acres of the subject property is planted with avocado, blueberry, and lemon orchards.

The Camrosa Water District will continue to provide water and an on-site wastewater treatment septic system will continue to provide sewage disposal for the subject property. A private driveway to Rosita Road will continue to provide access to the site.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the Project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below. (PL-1)

## 2. CUP Modification

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

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and
- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, § 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §§ 15000-15387), as amended from time to time. (PL-5)

## 3. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to abide by and comply with any condition of this CUP shall constitute grounds for enforcement action provided in the Ventura County NCZO (Article 14), which shall include, but is not limited to, the following:

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

The Permittee is responsible for being aware of and complying with the CUP conditions and all applicable federal, state, and local laws and regulations. (PL-7)

## 4. Time Limits

- a. Use inauguration:

(1) The approval decision for this CUP becomes effective upon the expiration of the 10 day appeal period following the approval decision, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration in order to initiate the land uses set forth in Condition No. 1 (Project Description).

(2) This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year from the



date the approval decision of this CUP becomes effective. The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.

- (3) Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.

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

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

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

5. 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 use inauguration or as dictated by the respective agency.

**Monitoring and Reporting:** The Planning Division maintains the documentation provided by the Permittee in the 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)

6. Financial Responsibility for Compliance Monitoring and Enforcement

- a. **Cost Responsibilities:** The Permittee shall bear the full costs of all County staff time, materials and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions and processes conducted pursuant to the Ventura County NCZO (§ 8114-3) related to this CUP. Such condition compliance review, monitoring, and enforcement activities may include but are not limited to: periodic site inspections; preparation, review and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.
- b. **Existing Revolving Compliance Account and Reimbursement Agreement:** RMA established an existing Condition Compliance account (Case No. CC06-0199) for CUP 4854 that will continue to be used for charges associated with condition compliance activities for this CUP. Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee, or the Permittee's successors-in-interest, shall submit an updated, executed reimbursement agreement, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.
- c. **Billing Process:** The Permittee shall pay all Planning Division invoices within 30 days of receipt thereof. Failure to timely pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge or penalty prior to payment. (PL-12).

7. 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, against any claim, action or proceeding 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. The County shall promptly notify the

Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.

- b. Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any claim, action or proceeding described in Condition 7.a (above). Upon written demand from the County, the Permittee shall reimburse the County for any and all court costs and/or attorney's fees that the County may be required by a court to pay as a result of any such claim, action or proceeding the Permittee defended pursuant to Condition 7.a (above). The County may, at its sole discretion, participate in the defense of any such claim, action or proceeding through its own legal counsel, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.
- c. Except with respect to claims arising from the County's sole negligence or intentional misconduct, the Permittee shall also indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, actions, proceedings, demands, costs, and expenses, including attorney's fees, judgments, fines, 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. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense. The County may, at its sole discretion, participate in the defense of any such legal action through its own legal counsel, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.
- d. 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. (PL-13)

#### 8. Invalidation of Condition(s)

If any of the conditions or limitations of this CUP are held to be invalid in whole or in part by a court of competent jurisdiction, that holding shall not invalidate any of the remaining CUP conditions or limitations. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of competent jurisdiction, or threatened to be filed therein, the Permittee shall be required to fully comply with this CUP, including without limitation, by remitting the fee, exaction, dedication, and/or by otherwise performing all mitigation measures being challenged. This CUP shall continue in full force unless, until and only to the extent invalidated by a final, binding judgment issued in such action.

If a court of competent jurisdiction invalidates any condition in whole or in part, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, 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)

9. 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 local authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any CUP condition contained herein is in conflict with any other CUP condition contained herein, if 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. (PL-16)

10. 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 NCZO. (PL-20)

11. Annual Verification of Employment

**Purpose:** In order to comply with § 8107-8 of the Ventura County NCZO.

**Requirement:** The Permittee shall submit an annual Employment Verification Declaration for the farmworker dwelling in the form made available by the Planning Director in order to demonstrate to the County that the farmworker(s) residing in the farmworker dwelling unit meet(s) the employment criteria established in § 8107-26.3 of the Ventura County NCZO.

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

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

**Monitoring and Reporting:** The Planning Division maintains the annual declarations provided by the Permittee in the Project file. The Planning Division has the authority to ensure ongoing compliance with this condition pursuant to § 8114-3 of the Ventura County NCZO. (PL-81).