



## Planning Director Staff Report – Hearing on August 27, 2015

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • [ventura.org/rma/planning](http://ventura.org/rma/planning)

### STEWART ANIMAL SHADE STRUCTURES, LU12-0005

#### A. PROJECT INFORMATION

1. **Request:** The applicant is requesting approval of a Time Extension/Minor Modification (Case No. LU12-0005) to Conditional Use Permit (CUP) 5193 for "Accessory Structures Related to Animal Husbandry/Keeping, exceeding 5,000 [square feet] but less than 20,000 [square feet]" (Ventura County Non-Coastal Zoning Ordinance, "Ventura County NCZO," § 8105-4).
2. **Applicant/Property Owner:** Rusty Stewart, 3165 Subida Circle, 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 the CUP 5193.
4. **Project Site Size, Location, and Parcel Number:** The 4.84-acre property site is located at 3165 Subida Circle, near the intersection of Barranca Road and Subida Circle, within the community of Santa Rosa Valley, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 516-0-120-095 (Exhibit 2).
5. **Project Site Land Use and Zoning Designations:**
  - a. Countywide General Plan Land Use Map Designation: Rural (Exhibit 2)
  - b. Zoning Designation: RA-5 ac (Rural Agriculture, 5-acre minimum lot size) (Exhibit 2)
6. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	RA-5 ac	Single-family residence with accessory agriculture (horse pasture/enclosures)
East	RA-5 ac	Single-family residence with accessory agriculture (horse pasture/enclosures, orchards)
South	RA-5 ac	Single-family residence with accessory agriculture (horse pasture/enclosures, orchards)

Location in Relation to the Project Site	Zoning	Land Uses/Development
West	RA-5 ac	Single-family residence with accessory agriculture (horse pasture/enclosures, orchards)

7. **History:** The project site has been the subject of the following permits for development:

Permit No.	Use Approved	Date Approved
C-1879	Construction of a 2,844 square feet (sq. ft.) single-family dwelling	July 10, 1973
ZC29483	Temporary mobile home during construction of single-family dwelling	September 20, 1973
ZC67584	Construction of a 1,400 sq. ft. addition and a two-car garage	November 30, 1990
ZC74280	Garage conversion and addition of attached garage/workshop	November 17, 1994
ZC77253	Conversion of a garage to a bedroom and the addition of a detached garage	August 7, 1997
ZC80023	Fire damage repair and remodeling	July 26, 1999
ZC93005	Construction of a 240 sq. ft. detached carport (not constructed) and a 130 sq. ft. room addition	November 7, 2001
ZC93125	Construction of retaining walls for a hot walker and trash enclosures	December 14, 2001
CUP 5193/ ZC94106	Construction of two barns and a hot walker	July 24, 2002
ZC96258	Roof mounted solar panels	October 9, 2003
ZC05-1071	Conversion of an existing garage to a hobby room with utility sink	July 26, 2005
ZC07-1251	Patio cover addition	September 14, 2007
ZC12-0041	Legalization of 864 sq. ft. of unpermitted horse corrals with temporary shade structures not anchored to the ground	January 12, 2012

On March 21, 2002, the Planning Commission approved CUP 5193, which authorized the construction of a 7,368 sq. ft. horse barn, 6,112 sq. ft. truck barn, 2,740 sq. ft. hot walker, trash enclosures, pasture/arena, and driveways. Planning Division staff issued Zoning Clearance 94106 on July 24, 2002, to effectuate CUP 5193. CUP 5193 would have expired on March 21, 2012; however, on January 17, 2012, the property owner applied for a time extension to CUP 5193 in order to continue to allow the development that was authorized pursuant to CUP 5193.

8. **Project Description:** The request is for a Minor Modification to CUP 5193 (Case No. LU12-0005) for the continued use of accessory structures related to

animal husbandry/keeping. More specifically, the applicant is requesting approval of the continued use—for a period of 20 years—of the following accessory structures that were approved pursuant to CUP 5193: a 7,368 sq. ft. horse barn that is approximately 14 feet in height; a 6,112 sq. ft. truck barn that is approximately 21 feet in height; a 2,740 sq. ft. hot walker that is approximately 18 feet in height; trash enclosures; a pasture/arena; and driveways. The structures are used for an equine training, breeding, and rehabilitation center with both indoor and outdoor exercise facilities.

The applicant is not proposing any new development or change in use of the property as part of the request for the Minor Modification to CUP 5193. CUP 5193 prohibited, and the requested Minor Modification to CUP 5193 will continue to prohibit, the operation of this site as a commercial boarding facility, to ensure that no additional traffic is generated by the use. One full time employee will continue to be permitted to work on-site to clean the horse stables and feed the horses. A maximum of 20 horses will continue to be permitted on the property at any one time.

Camrosa Water District will continue to provide water to the property, and an existing on-site wastewater treatment system will continue to provide sewage disposal service on the property. An existing decomposed granite road base driveway from Subida Circle will continue to provide access to the project site (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.

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 Planning Commission determined that the development that was the subject of CUP 5193 was exempt from environmental review pursuant to Section 15303 (Class 3 – New Construction of Accessory Structures) of the CEQA Guidelines. Therefore, on March 26, 2002, the Ventura County Planning Division filed a Notice of Exemption with the Ventura County Clerk.

As discussed in Section A.8 of this staff report (above), the proposed Minor Modification to CUP 5193 does not include a request for any new physical development of the project site, beyond what was permitted and established pursuant to CUP 5193.

Therefore, the proposed project qualifies for a Class 1 (Operation of Existing Structures) Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines. In addition, the proposed project is not subject to any of the exceptions to the Class 1 Categorical Exemption that are set forth in the CEQA Guidelines (§ 15300.2).

### **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. 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 (above), the project's individual impacts and contribution to cumulative impacts on resources have been evaluated in compliance with CEQA. The proposed project is categorically exempt from CEQA pursuant to Section 15301 (Operation of Existing Structures) of the CEQA Guidelines.

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

- 2. Resources Policy 1.3.2-2:** Discretionary development shall comply with all applicable County and State water regulations.

**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.*

As discussed in Section A.8 of this staff report (above), the Camrosa Water District will continue to provide water to the property, and an existing on-site wastewater treatment system will continue to provide sewage disposal service on the property. The proposed project does not include any new development or an expansion of the existing use beyond what was originally permitted and established pursuant to CUP 5193. As such, the proposed project will not result in an increase in demand for water supplies or involve development that could adversely affect water quality. The applicant has submitted septic system pumping reports demonstrating that the system is in good working order and the Ventura County Environmental Health Division did not have any comments regarding this application. Additionally, the proposed project would be conditioned (Exhibit 4, Condition No. 12) to include a Manure Management Plan in order to ensure that manure produced by horses on-site does not adversely impact water resources. Therefore, it would 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 1.7.2-1:** *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.*

As discussed in Section A.8 of this staff report (above), the proposed project does not include any further development beyond what was permitted and established pursuant to CUP 5193. Therefore, the proposed project does not have the potential to 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.

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

As discussed in Section A.8 of this staff report (above), the proposed project does not include any further development beyond what was permitted and established pursuant to CUP 5193. Therefore, the proposed project does not

have the potential to adversely affect subsurface paleontological or archaeological resources that may exist within the project site. In addition, there are no designated or potential historical buildings or landmarks located within the project site. Therefore, the proposed project will not have an impact paleontological or cultural resources.

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

- 5. Hazard 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 Camrosa Water District currently provides, and will continue to provide, water service to the subject property. An existing decomposed granite road base driveway, Subida Circle, and Barranca Road provide access for fire protection and evacuation purposes. The Ventura County Fire Protection District (VCFPD) reviewed the proposed project and recommended a number of conditions of approval to be imposed on the proposed project, in order to ensure that proposed project has sufficient water supply and access for fire protection and evacuation (Exhibit 4, Conditions Nos. 13, 14, 15, and 16).

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

- 6. Hazard 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 65dB(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 or 60dB(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 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 neither a noise sensitive use nor is it 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, as discussed in Section A.8 of this staff report (above), the proposed project does not involve any new development beyond what was permitted and established pursuant to CUP 5193. Therefore, the proposed project will not generate construction noise, and will not have an impact to any nearby noise sensitive uses (i.e., residences).

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

- 7. 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 project site is 4.84 acres in size, which is smaller than the minimum five-acre lot size required by the RA-5 ac zoning designation. Therefore, the lot is nonconforming in terms of parcel size. However, the subject property is a legal lot that gained its current configuration as Lot No. 98 of Tract 2016-3, which was

recorded on December 12, 1968, in Book 50, Page 56 of the Miscellaneous Records of the Ventura County Recorder's Office. Therefore, pursuant to Policy 3.1.2-7, the development may be permitted on the subject property.

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

- 8. 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 request to continue to allow the use of animal keeping structures that were permitted pursuant to CUP 5193. As discussed in Section A.8 of this staff report (above), the proposed project does not include any new development or an expansion of the existing use beyond what was permitted pursuant to CUP 5193. Therefore, the proposed project does 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.

- 9. 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.*

Adequate public services are currently available (functional) to the project site and serve the existing, permitted use. As discussed in Section A.8 of this staff report (above), the Camrosa Water District will continue to provide water to the property, and an existing, private on-site wastewater treatment system will continue to provide sewage disposal service on the property. The proposed project does not include an expansion of the permitted use of the property and, therefore, will not result in increased demand for water from the Camrosa Water District or the need to utilize a public sewer system.

An existing decomposed granite road base driveway from Subida Circle will continue to provide access to the project site. The proposed project does not include an expansion in the permitted use of the property and, therefore, will not result in additional traffic to public roadways that afford access to the site.

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

- 10. 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 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 of 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.*

As discussed in Section A.8 of this staff report (above), the applicant has submitted water bills from the Camrosa Water District that demonstrate that the Camrosa Water District will continue to provide water to the property. Camrosa Water District must operate its facilities in compliance with County and State water regulations.

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

- 11. 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.*

As discussed in Section A.8 of this staff report (above), a private on-site sewage disposal system will continue to provide sewage disposal for the uses on the project site. However, the proposed project will not increase the volume of sewage generated on-site, as the proposed project does not include an expansion of use beyond what was permitted as part of CUP 5193.

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

- 12. 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 provides water to the subject property. The nearest full-time fire department is Fire Station No. 34 which is located approximately six miles from the project site via Moorpark Road, Santa Rosa Road, Las Posas Road, Redondo Avenue,

Barranca Road, and Subida Circle. Furthermore, as discussed in this staff report (above), VCFPD reviewed the application and recommended a number of conditions that will be applied to the proposed project. Most of the VCFPD-recommended conditions will require the applicant to maintain the project site in compliance with conditions of approval that were applied to CUP 5193. Furthermore, pursuant to the VCFPD's request, the applicant submitted letters demonstrating that the inspections of fire sprinkler systems within each of the structures, are up-to-date and sufficient.

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

The proposed project includes the use of buildings and structures that are subject to the development standards of the Ventura County 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**

<b>Type of Requirement</b>	<b>Zoning Ordinance Requirement</b>	<b>Complies?</b>
Minimum Lot Area (Gross)	5 acre minimum lot size	No—the lot is 4.84 acres in size. However, as discussed in Section C.7 of this staff report (above), the Ventura County General Plan <i>Goals, Policies, and Programs</i> Land Use Policy 3.1.2.7 allows the development of the lot—despite the fact that it does not meet the 5 acre minimum lot size requirement that applies to it—given that it is a legal lot.
Maximum Percentage of Building Coverage	25%	Yes—the total square footage of all buildings on the subject lot cover approximately 10% of the lot area.
Front Setback	20 feet	Yes—none of the animal keeping structures are within 20 feet of the front lot line.
Side Setback	5 feet	Yes—none of the animal keeping structures are within 5 feet of the side lot line.
Rear Setback	15 feet	Yes—none of the animal keeping structures are within 15 feet of the rear lot line.
Maximum Building Height	25 feet	Yes—none of the permitted animal keeping structures are greater than 25 feet in height.

The proposed Animal Shade Structures are subject to the special use standards of the Ventura County NCZO (§ 8107-34). Table 2 lists the applicable special use standard

and a description of whether the proposed project complies with the special use standard.

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

<b>Special Use Standard</b>	<b>Complies?</b>
Said structures shall not be anchored in the ground nor attached to any structure which is anchored in the ground. For example, shade structures may be attached to such portable structures as corrals which are not anchored in the ground. Shade structures which cannot meet this standard may still be constructed under other applicable provisions of Sec. 8105-4.	Yes—the existing shade structures are attached to corrals which are not anchored to the ground.

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

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

- 1. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [§ 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 accessory structures to accommodate horse-keeping activities on the site. The 4.84-acre parcel is situated in a suburban environment composed of lots that range between 4.64 and 7.2 acres in size and contain single-family dwellings along with accessory animal keeping or accessory agriculture orchards. Accessory animal keeping structures for horses are common in the neighborhood with parcels immediately to the north, east, and west containing animal keeping structures. Furthermore, as discussed in Section D of this staff report (above), the existing development that is proposed to remain on-site complies with the maximum building coverage, maximum building height, and minimum setback requirements that apply to development within the RA-5 ac zone. Therefore, the proposed project is compatible with the rural residential character of the surrounding community.

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].**

As discussed in Section A.8 of this staff report (above), the proposed project will not involve an expansion of use or new development on the property beyond what currently exists on-site and permitted as part of CUP 5193. To date, the Resource Management Agency, Planning Division has not received any complaints regarding the use and development that was permitted as part of CUP 5193, and is proposed to remain on-site.

As discussed in Sections C and D of this staff report (above), the proposed project is not a significant noise generator, and will not degrade air quality or scenic resources, and thus would not be obnoxious, harmful, or impair the utility of neighboring property or uses. Furthermore, the proposed project will be subject to a number of conditions of approval that the VCFPD has recommended to be imposed on the proposed project, in order to ensure that the proposed project does not create any unusual fire hazards (Exhibit 4, Conditions Nos. 14, 15, and 16). Furthermore, the proposed project will be subject to a condition of approval to require the applicant to maintain the property in a neat and orderly manner (Exhibit 4, Condition No. 15).

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].**

For the reasons set forth in Sections C, D, and E.3 of this staff report (above), the proposed development will not be detrimental to the public interest, health, safety, convenience, or welfare. Additionally, access to the site is provided by a public road that will not require any additional public improvements.

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 proposed project includes a request for a 20-year time extension for accessory structures related to animal husbandry/keeping. As discussed in Section E.3 of this staff report (above), conditions of approval would be imposed on the proposed project to require the site to be maintained in an orderly manner so as not to create an unsightly and/or hazardous situation. This condition will ensure that the continued use of the existing accessory structures is compatible with existing and potential land uses in the area. Furthermore, as discussed in

Section D of this staff report (above), the development on the project site complies with the applicable development standards of the Ventura County NCZO that apply to property within the RA-5 ac zone and, therefore, is likely to be compatible with 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].**

As discussed in Section C.7 of this staff report (above), the subject property is a legal lot that gained its current configuration as Lot No. 98 of Tract 2016-3, which was recorded on December 12, 1968, in Book 50, Page 56 of the Miscellaneous Records of the Ventura County Recorder's Office.

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

**F. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS**

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (§ 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, Planning Division staff has not received any comments on the proposed project.

On January 22, 2015, the Santa Rosa Valley Municipal Advisory Committee (MAC) considered the proposed project and the MAC unanimously recommended approval.

The project site is located within the City of Camarillo's Area of Interest. Therefore, on January 31, 2012, the Planning Division notified the City of Camarillo of the proposed project and requested the City of Camarillo to submit any comments that the City might have on the proposed project. On February 7, 2012, Dave Anderson, Assistant Director of Community Development for the City of Camarillo, responded to Michelle Glueckert D'Anna, the former case planner for the proposed project, stating that the City of Camarillo does not have any comments regarding the proposed project.

The project site is located within the jurisdiction of the following Property Owners Associations (POAs): Yucca Drive Improvement Association, Blanchard Acres, and Hidden Meadows Estates. Therefore, on January 31, 2012, the Planning Division notified these POAs and requested that they submit any comments on the proposed project. As of the date of this document, Planning Division staff has not received any comments on the proposed project from the POAs.

## H. 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 Section 15301 of the CEQA Guidelines;
3. **MAKE** the required findings to grant a Minor Modification to CUP 5193 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** the Minor Modification to CUP 5193 (LU12-0005), subject to the recommended conditions of approval (Exhibit 4).
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

If you have any questions concerning the information presented above, please contact Matt Sauter at [matthew.sauter@ventura.org](mailto:matthew.sauter@ventura.org) or (805) 654-2492.

Prepared by:



Matt Sauter, Case Planner  
Residential Permits Section  
Ventura County Planning Division

Reviewed by:



Dan Klemann, Manager  
Residential Permits Section  
Ventura County Planning Division

**EXHIBITS**

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





Ventura County, California  
Resource Management Agency  
Information Systems Department  
Map created on 10-23-2014



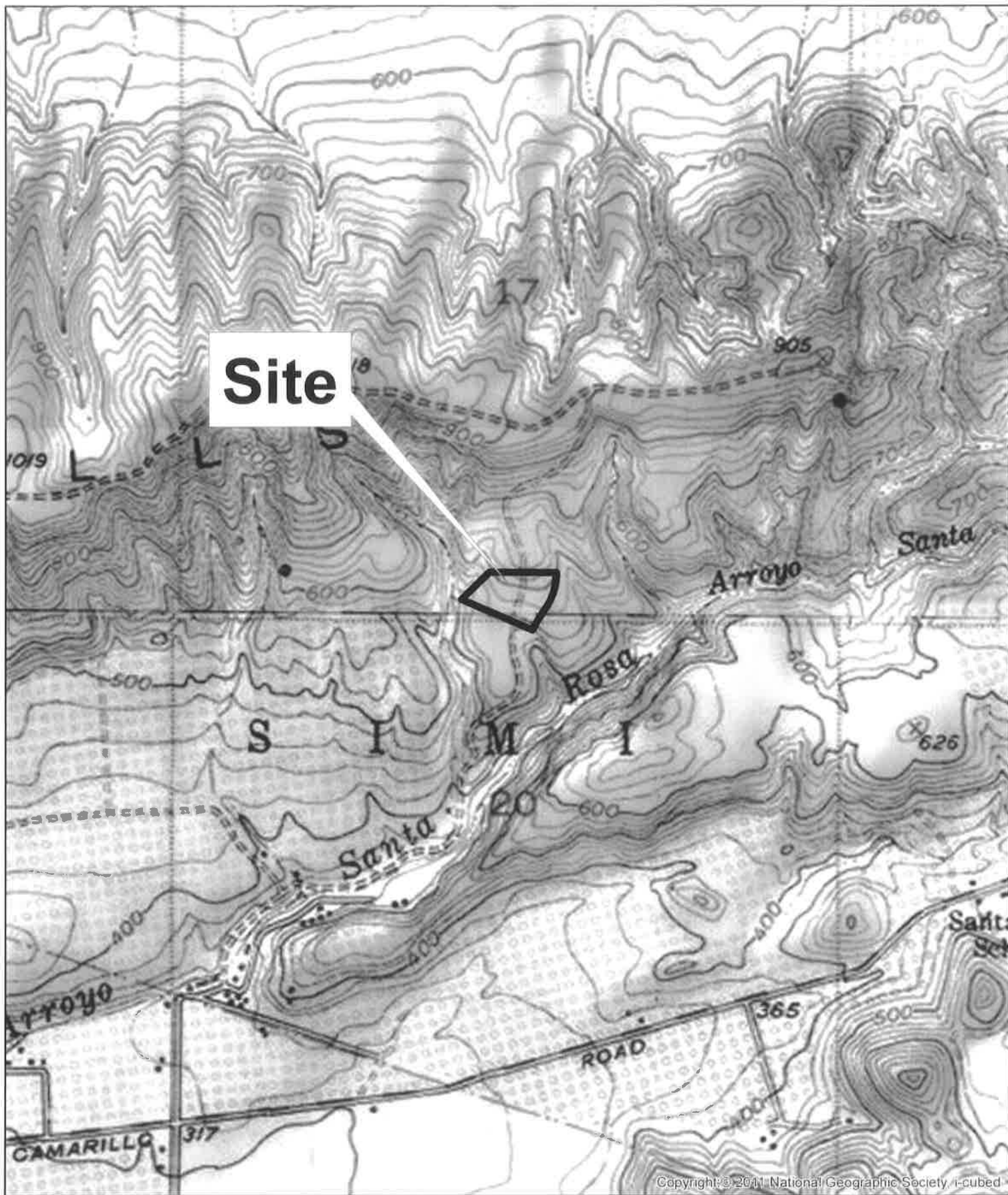
County of Ventura  
Planning Director Hearing  
LU12-0005  
Exhibit 2 – Location Map

0 10,500 21,000 Feet

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







County of Ventura  
Resource Management Agency  
Information Systems Department  
Map created on 10-23-2014  
Source: Moapa U.S.G.S,  
7.5 Minutes Quadrangle  
Contour Interval = 20 ft



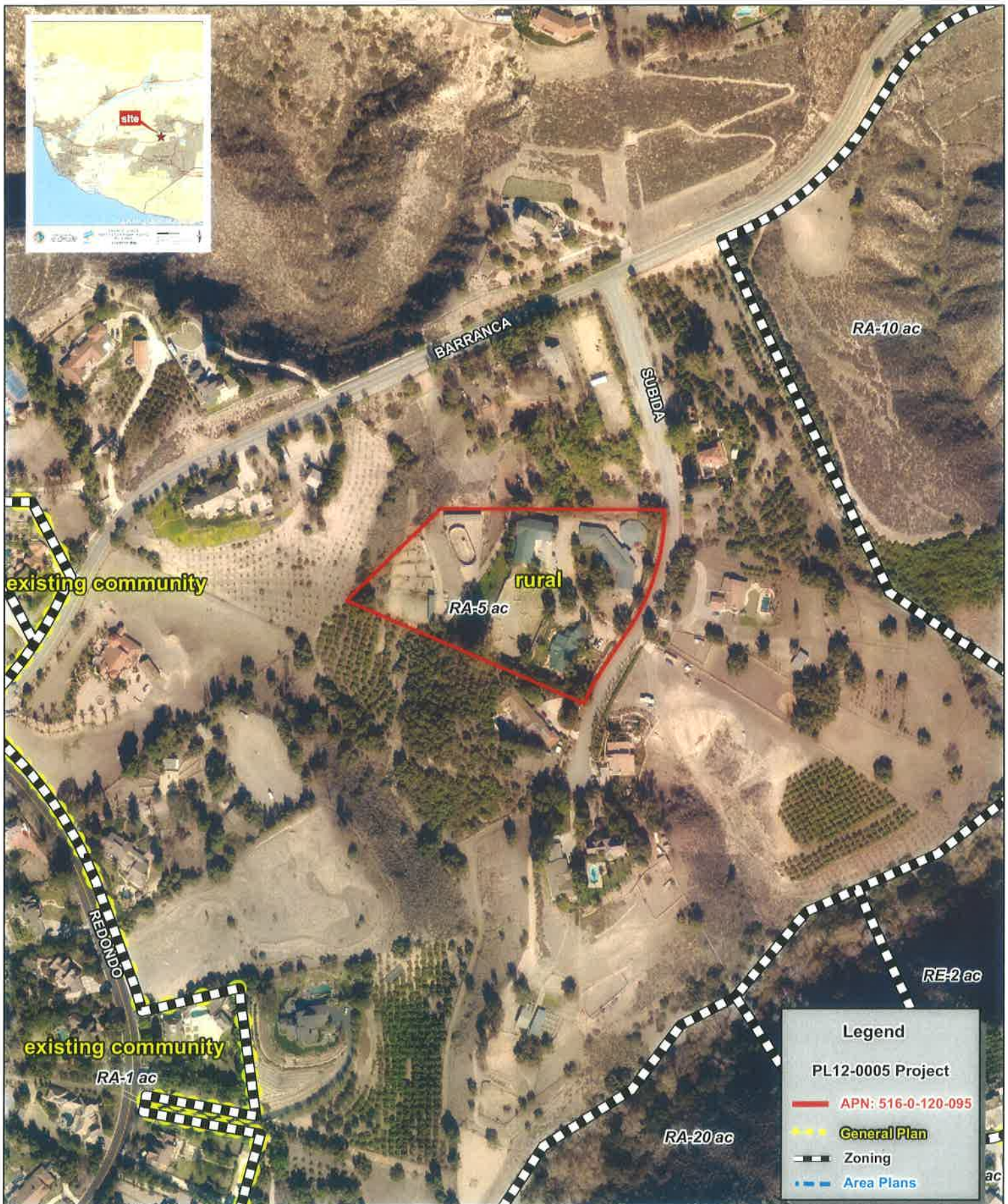
County of Ventura  
Planning Director Hearing  
LU12-0005  
**Exhibit 2 – Topo Map**

0 500 1,000 2,000 Feet

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







Ventura County, California  
Resource Management Agency  
Information Systems Department  
Map Created on 10-23-2014  
This aerial imagery is under the  
copyrights of Pictometry  
Source: Pictometry, Jan, 2014



County of Ventura  
Planning Director Hearing  
LU12-0005  
Exhibit 2 – GP, Area Plan  
& Zoning Map

0 140 280 Feet

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



RH





Ventura County, California  
Resource Management Agency  
Information Systems Department  
Map Created on 10-08-2014  
This aerial imagery is under the  
copyrights of Pictometry  
Source: Pictometry, Jan, 2014



County of Ventura  
Planning Director Hearing  
LU12-0005  
**Exhibit 2 – Aerial Photo**

0 75 150 Feet

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





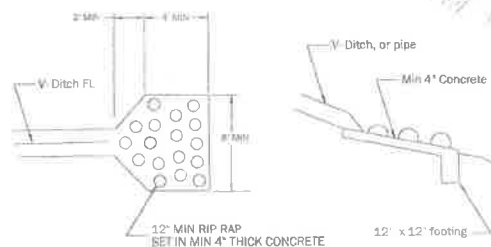
copy  
7/16/02  
C02-564

- GENERAL NOTES:
1. There are no protected trees on the property.
  2. Any oversized rocks shall be exported, broken to smaller than 12" or used for landscaping.
  3. There are no structures, except fences, within 15' of ant property line.
  4. Existing contours by Steve Opdahl Surveying, December 2000.
  5. Any plastic pipe shall be covered by a minimum of 12" of compacted fill.
  6. All drain lines shall be SDR35 or Reinforced Concrete.
  7. All water service lines shall be Schedule 40 PVC.
  8. Division or concentration of runoff is not allowed.
  9. All cut slopes are 2H to 1 V maximum steepness.
  10. All 1-1/2' 1 ft slopes shall be reinforced with geo-textiles per soils engineer.

- 12" x 12" CONCRETE TRAFFIC BATED CATCH BASIN TOP GRATE & INVERT PER PLAN
- 9" x 9" PLASTIC LANDSCAPE CATCH BASIN TOP GRATE & INVERT PER PLAN
- INSTALL 6" ATRIUM GRATE AT THE END OF V-DITCH. BOW END OF CONCRETE V DITCH AROUND GRATE. TOP GRATE & INVERT PER PLAN
- DRAIN LINE PER PLAN. ALL PIPE SHALL BE SDR35, SCHEDULE 40, OR REINFORCED CONCRETE

DRAIN DETAILS  
NO SCALE

SHADE  
A-8'x24'  
B-8'x24'  
C-8'x24'  
D-12'x24'  
E-12'x24'



RIP RAP DETAIL  
NO SCALE

FIRE DEPT TURN AROUND  
NO SCALE

REPLACEMENT DRAWING  
I, BEN MANESH, HEREBY CERTIFY THAT THIS REPLACEMENT DRAWING IS SUBSTANTIALLY THE SAME AS THE ORIGINALLY APPROVED PLANS EXCEPT AS DESCRIBED IN THE REVISIONS BLOCK AND APPROVED CHANGE ORDER REQUESTS.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Registration No: 38454  
REPLACES VENTURA COUNTY DRAWING NO. 5 64848

Grey Fox Farm- Equestrian Training  
Assessors Parcel # 516-0-120-095  
3165 Subida Circle  
Camarillo, CA 93012

REVISION/ DESCRIPTION	DATE	APP	SHEET
1. Fill in canyon and install 42" pipe line, lower building grade to generate material for canyon fill, change condition of access road, add ramp to access, update building area to match architectural plans.			2A
			3
			DRAWING NO. 64848

PROPERTY ADDRESS:  
3165 SUBIDA CIRCLE  
MOORPARK, CA 93021

ASSESSORS PARCEL NO. 516-0-120-095  
AREA OF PROPERTY: 4.84 ACRES (210,831) sq ft  
ZONING: RA-30C  
BUILDING COVERAGE:

EXISTING:	PROPOSED:
House (SFD): 2745 sq ft	Home Barn: 7368 sq ft
Garage: 649 sq ft	Truck Barn: 6112 sq ft
Patio Cover: 126 sq ft	Hot Walker Cover: 3017 sq ft
	Car Port: 240 sq ft
	Road Addition: 130 sq ft
TOTAL: 3520 sq ft	TOTAL: 16867 sq ft
Lot Coverage: 1.67 %	Lot Coverage: 8.00 %

TOTAL GROSS LOT COVERAGE: 20387 sq ft = 9.67 %

NO EASEMENTS ON PROPERTY

EARTHWORK QUANTITIES (Cubic Yards):  
CUT: 9835 FILL: 9965 IMPORT: 130\* EXPORT: 0  
\* Import to be provided by footing excavations of buildings - Balanced Site

LEGAL DESCRIPTION:  
LOT 98 AS SHOWN ON TRACT NO. 2016-3, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AS RECORDED IN BOOK 50, PAGES 55 TO 59, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

BENCHMARK:  
STAMPING: 75-8A  
ELEVATION: 293.249

ON SANTA ROSA ROAD, 750 FEET EASTERLY FROM THE INTERSECTION AT ROSE LANE, A STANDARD VENTURA COUNTY BENCH MARK SET IN NORTHEAST CORNER OF CONCRETE BRIDGE DECK OF BRIDGE NO. 255, 16 FEET NORTH FROM CENTER OF SANTA ROSA ROAD.

CUP 5193  
GP 9357

PREPARED BY: **RT Engineering**  
P. O. Box 8474  
Northridge, CA 91327  
805-584-1861 FAX 805-955-0044

APPROVED: COUNTY OF VENTURA

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
MANAGER, DEVELOPMENT SERVICES

COUNTY OF VENTURA  
PUBLIC WORKS AGENCY  
DEVELOPMENT SERVICES

SPEC NO.  
PROJ NO.

County of Ventura  
Planning Director Hearing  
LU12-0005  
Exhibit 3 - Site Plan

APPROVED  
JUL 25 2002  
County of Ventura  
Division of Building & Safety  
Ventura County

THIS PLAN AND SPECIFICATIONS MUST BE USED AS SHOWN AND IS TO BE USED FOR THE CONSTRUCTION OF THE PROJECT. THE SIGNATURE OF THE PLANNING DIRECTOR SHALL NOT BE HELD TO BE AN APPROVAL OF THE VIOLATION OF ANY PROVISIONS OF ANY COUNTY ORDINANCE OR STATE LAW.

**CONDITIONS OF APPROVAL FOR  
DISCRETIONARY ENTITLEMENT CASE NO. LU12-0005**

**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 found in this condition below, all County land use hearing exhibits in support of the project marked Exhibit 1, dated [fill in date], 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 this 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) constitutes a violation of the conditions of this CUP.

The Project description is as follows:

The Project consists of a Minor Modification to CUP 5193 (Case No. LU12-0005) for the continued use of accessory structures related to animal husbandry/keeping. More specifically, the Project consists of the continued use—for a period of 20 years—of the following accessory structures that were approved pursuant to CUP 5193: a 7,368 sq. ft. horse barn that is 14 feet in height; a 6,112 sq. ft. truck barn that is 21 feet in height; a 2,740 sq. ft. hot walker that is approximately 18 feet in height; trash enclosures; a pasture/arena; and driveways. The structures are used for an equine training, breeding, and rehabilitation center with both indoor and outdoor exercise facilities.

The Project does not include any new development or change in use of the property. The Project site shall not be used as a commercial boarding facility, in order to ensure that the Project does not generate additional traffic. A maximum of 20 horses may be allowed on the property at any given time.

Camrosa Water District will continue to provide water to the property, and an existing on-site wastewater treatment system will continue to provide sewage disposal service on the property. An existing decomposed granite road base driveway from Subida Circle will continue to provide access to the Project site (Exhibit 3).

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. 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 (Project Description). Only equipment and/or materials which the Planning Director determines to substantially comply with Condition No. 1 (Project Description), or which are authorized by any subsequent amendments to this CUP, shall be stored on the property during the life of this CUP.

**Documentation:** Pursuant to Condition No. 1 (Project Description), the CUP and any amendments thereto.

**Timing:** Prior to occupancy and for the life of this CUP.

**Monitoring and Reporting:** The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance. (PL-4)

## 3. CUP Modification

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

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

## 4. 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 (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)

5. 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 provided 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 granting or approval of this CUP. 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 Non-Coastal Zoning Ordinance prior to [expiration date]; and
- (2) The County decision-maker grants the requested modification.

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

6. 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 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.

**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)

#### 7. 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 for the subject property that describes the responsibilities of the Property Owner and Permittee for compliance with applicable permit conditions and regulations.

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

**Documentation:** Recorded Notice of Land Use Entitlement.

**Timing:** The Permittee shall record the Notice of Land Use Entitlement prior to the issuance of a Zoning Clearance for use inauguration.

**Monitoring and Reporting:** The Permittee shall return a copy of the recorded Notice of Land Use Entitlement to the Planning Division for the Project file. (PL-11)

#### 8. 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 8.b. Specifically, the Permittee shall bear the full costs of the following:

- (1) condition compliance costs which include, but are not limited to, staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and
- (2) monitoring and enforcement costs required by the Ventura County Non-Coastal Zoning Ordinance (§ 8114-3). The Permittee, or the Permittee's successors-in-



interest, shall bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections, public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said costs and penalties pursuant to the Ventura County Non-Coastal Zoning Ordinance (§ 8114-3.4).

- b. Establishment of Revolving Compliance Accounts: Within 10 calendar days of the effective date of the decision on this CUP, the Permittee, or the Permittee's successors-in-interest, shall submit the following deposit and reimbursement agreement to the Planning Director:
  - (1) a payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs incurred for Condition Compliance review (Condition 8.a, above), monitoring, and enforcement (Condition 8.c, below). The \$500.00 deposit may be modified to a higher amount by mutual agreement between the Permittee and the Planning Director; and
  - (2) a signed and fully executed County RMA reimbursement agreement, which is subject to the Permittee's right to challenge any charges obligating the Permittee to pay all Condition Compliance review, monitoring, and enforcement costs.
- c. Monitoring and Enforcement Costs: The \$500.00 deposit and reimbursement agreement (Condition 8.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)

#### 9. 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 9.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)

#### 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 Non-Coastal Zoning Ordinance. (PL-20)

### PUBLIC WORKS AGENCY (PWA) CONDITIONS

#### **Watershed Protection District (WPD) Conditions**

##### 11. Drainage

The concrete slabs for each barn building shall be maintained to have a slope to allow the entire slab to drain to a sump. The concrete sump shall not be constructed with overflow or drain outlets.

## 12. Manure Management Plan (MMP)

**Purpose:** In accordance with the Ventura County General Plan *Goals, Policies and Programs* Policies 1.3.2-2 and 1.3.2-4, a Manure Management Plan (MMP) is required.

**Requirement:** The Permittee shall prepare and implement a MMP for all animal waste that will be generated within the Project site.

**Documentation:** The MMP shall be prepared in accordance with the Ventura County WPD–Groundwater Section Guidelines for Preparing a MMP and direct the Permittee to designate an approved landfill or compost facility to which manure will be transported.

**Timing:** Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall submit the MMP to the WPD for review and approval.

**Monitoring and Reporting:** A copy of the approved MMP will be maintained in the case file. Upon request, the Permittee shall provide to the WPD copies of all manifested animal waste solids hauled to a legal off-site receiving facility if applicable and in accordance with the approved MMP. (GWQ-9)

## OTHER VENTURA COUNTY AGENCIES CONDITIONS

### Ventura County Fire Protection District (VCFPD) Conditions

#### 13. Access Road/Driveway Maintenance

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

**Requirement:** The Permittee shall maintain all on-site access roads(s) and driveway(s) not included in a maintenance agreement. Repairs shall be made as needed or as required by the VCFPD to maintain the original design and installation of the access road(s) and driveway(s).

**Documentation:** A copy of the access maintenance plan or such other documentation as may be deemed acceptable by the Fire Prevention Bureau.

**Timing:** The Permittee shall provide evidence of provisions for maintenance must be submitted to the Fire Prevention Bureau prior to occupancy.

**Monitoring and Reporting:** The VCFPD has the authority to inspect all on-site access road(s) and driveway(s) as it deems necessary. The Permittee shall be responsible for ongoing maintenance of the access road and driveways and shall conduct repairs as required by the VCFPD (VCFPD-10).

#### 14. Fire Sprinklers

**Purpose:** To comply with current California Codes and VCFPD Ordinance.

**Requirement:** The Permittee shall maintain the existing fire sprinkler systems in the horse and truck barns in accordance with Title 19 of the California Code of Regulations (CCR) and National Fire Protection Association (NFPA 25 requirements).

**Documentation:** A stamped copy of the approved fire sprinkler plans. 5-year inspection reports per NFPA 25.

**Timing:** The Permittee or Permittee's authorized agent shall submit 5-year certification reports to VCFPD as required by Title 19 of the CCR and NFPA 25.

**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 maintained according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and the Permittee's successors-in-interest, shall maintain the fire sprinkler system for the life of the development. (VCFPD-40)

#### 15. Hazard Abatement

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

**Requirement:** The Permittee shall have all grass or brush adjacent to structures' footprints cleared for a distance of 100 feet or to the property line if less than 100 feet. All grass and brush shall be removed a distance of 10 feet on each side of all access road(s)/driveway(s) within the Project site. The VCFPD may require the entire parcel to be cleared.

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

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

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

#### 16. 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 (VCFPD) 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 these conditions.

**Timing:** The Permittee shall allow on-going inspections by the fire code official (VCFPD) for the life of the Project.

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