



Planning Director Staff Report – Hearing on November 12, 2015

County of Ventura • Resource Management Agency • Planning Division

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MVP PROPERTIES CASE NO. PL15-0054

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Minor Modification of Conditional Use Permit (CUP) Case No. LU08-0115 for Temporary Outdoor Festivals, Animal Shows, and Similar Events (Case No. PL15-0054)
2. **Applicant:** Mr. Steve Alary, 9452 Telephone Road #109, Ventura, CA 93004
3. **Property Owner:** Veena Mummaneni, 2106 Glen Eagle Ct., Oxnard, CA 93036
4. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (§ 8105-4 and § 8111-1.2 et seq.) the Planning Director is the decision-maker for the requested CUP.
5. **Project Site Size, Location, and Parcel Number:** The 34.43 acre project site is located at 3117 West Telegraph Road, near the community of Fillmore, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 041-0-300-200 (Exhibit 2)
6. **Project Site Land Use and Zoning Designations:**
 - a. Countywide General Plan Land Use Map Designation: Agriculture (Exhibit 2)
 - c. Zoning Designation: AE-40 ac (Agricultural Exclusive, 40-acre minimum lot size) (Exhibit 2)
7. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE-40 ac	Railroad, Orchards
East	AE-40 ac	Highway 126, Orchards
South	AE-40 ac	Orchards
West	AE-40 ac	Orchards

8. **History:** On July 16, 1991, the Planning Division issued Zoning Clearance (ZC) 68625 for a 3,634 square feet (sf) farmworker dwelling. The approved structure consists of a caretaker unit and horse-stables that are nearest the entrance to the property and adjacent to the proposed CUP boundary.

On April 17, 1992, the Planning Division issued ZC 69808 for a 1,584 sf agricultural accessory structure.

On April 12, 2004, the Planning Division issued ZC04-0588 for solar panels on the roof of an existing structure on the property.

On October 4, 2004, the Planning Division issued ZC04-1608 for electrical panels associated with existing crop production on the site.

On January 8, 2008, the Applicant entered into Land Conservation Act (LAC) Contract No. 3-2.24 for the subject parcel. The LCA contract requires that 22.4 acres of the 34.43 acre parcel remain in agricultural production. On October 22, 2015, the Agent for the Applicant informed the Planning Division that the subject parcel currently has 26.5 acres in agricultural production.

On September 19, 2008, the Planning Director approved CUP LU08-0015 for "Festivals, Animal Shows, and Similar Events, Temporary Outdoor" (NCZO, § 8102-0 and § 8105-4). More specifically, the CUP allows for the hosting of outdoor weddings, receptions, picnics, and similar temporary events.

On December 9, 2010, the Planning Division approved a Zoning Clearance (ZC10-1054) for use inauguration of the CUP.

On May 4, 2012, the Planning Division approved a Zoning Clearance (ZC12-0420) for signage depicting "Bella Vista Orchards" on the subject property.

On July 26, 2014, Code Compliance staff conducted a weekend compliance visit. Staff found the Applicant to be out of compliance with the conditions of approval of CUP LU08-0015. Specifically, the Applicant was using a room and bathroom in the existing farmworker dwelling as a bridal changing room. Additionally, the operator had two large, feather banners mounted at the entrance of the property. CUP LU08-0015 did not authorize the use of any portion of the farmworker dwelling for the temporary events, and the NCZO prohibits the use of the banners. The operator removed the banners and ceased using the farmworker dwelling for the temporary events.

On June 9, 2015, the Planning Division approved a Zoning Clearance (ZC15-0636) for a change of use for the existing farmworker dwelling (CUP 4670) to a single-family dwelling.

9. **Project Description:** The proposed project consists of a request for approval of a Minor Modification of CUP LU08-0115 to continue to allow temporary outdoor weddings, receptions, picnics, and similar temporary events (Ventura County Non-Coastal Zoning Ordinance, Section 8102-0, definition of "Festivals, Animal Shows, and Similar Events, Temporary Outdoor"). The applicant is proposing to extend

the CUP for a 10-year period. The proposed temporary special events will consist of the following:

CUP/Event Area Boundary: The Applicant is requesting approval to enlarge the area that will be subject to the proposed CUP boundary, from the currently permitted area of approximately 1.37 acres, to 2.03 acres, as shown on the proposed site plan (Exhibit 3). The new CUP boundary will include the following areas:

- New wedding area [6,926 square feet (sf)] within the existing avocado orchard. The Applicant removed five avocado trees with root rot from this area, in order create the wedding area. No additional trees or other types of vegetation will be removed as part of the Project. The Applicant will compact and place decomposed granite on the new wedding area. The creation of the new area will not involve grading.
- New vendor parking area (2,060 sf) which will include 10 new parking spaces southwest of the event area. This area will be surfaced with gravel. The creation of the new vendor parking area will not involve vegetation removal or grading.
- An existing parking area (5,705.71 sf) which includes 14 parking spaces west of the event area. The Applicant installed gravel within this parking area.
- Existing multi-purpose/parking area (4,738 sf) which includes eight parking spaces south of the event area. The Applicant is proposing to designate this area as "multi-purpose" for guest parking or as an area where guests may congregate with tables/chairs, beverage and food service available. The Applicant installed asphalt within this area.
- Existing portable restroom area (216.69 sf) which includes portable restrooms. The Applicant installed gravel within the portable restroom area.
- Two, existing foot paths (1,781 sf) connecting the south parking area to the main event area. The Applicant installed gravel on the footpaths.
- An existing parking area (29,983 sf) which includes 97 parking spaces south of the event area. The Applicant installed gravel within this parking area.
- An existing wedding/reception area (12,505 sf). The Applicant has installed grass, landscaping, concrete walkways, and concrete DJ and dancing areas.

The existing single-family dwelling located within the CUP boundary is reserved for the personal use by the landowner and will not be leased or used as part of the temporary event facility. West Telegraph Road (Highway 126), a public road under the jurisdiction of Caltrans, will continue to provide access to the temporary event area.

Attendance: This CUP authorizes a maximum of 261 guests.

Days and Hours of Operation: The hours of operation for the events will be 8:00 am to 11:00 pm, on Fridays, Saturdays, Sundays, and holidays, for a maximum of 60 days within the calendar year. Vendors will be permitted to arrive at 8:00 am to set up for events. All guests and vendors will vacate the property no later than 11:00 pm.

Food Service: All food and beverages will be provided to the temporary events by a self-sufficient, licensed catering service. The caterer or a delivery rental company will provide dishes, flatware, and glasses. The caterer will prepare the food off-site and transport it to the site for each event. Food service operators must have a permit to operate from the Ventura County Environmental Health Division.

Parking: Guest parking will be limited to the parking area within the CUP boundary, as depicted on the Project site plan (Exhibit 3). The parking areas will be located west and south of the event area and will include sufficient space to provide 129 parking spaces. Parking attendants will be present during temporary events to provide traffic control and valet parking. Parking for the temporary events will be prohibited within the right-of-way of West Telegraph Road (Highway 126).

Restrooms: The Applicant will provide an adequate quantity of portable restrooms for temporary events, and maintain the portable restrooms in compliance with Resource Management Agency, Environmental Health Division regulations. The restrooms will be located south of the events area within the CUP boundary. The restrooms serving the main residence will not be used for temporary events.

Exterior Lighting: The Applicant will not be installing permanent lighting for the temporary special events. All lighting for special events will be shielded and directed downward onto the subject parcel to prevent spill-over onto adjacent parcels. The Applicant will turn off and remove all temporary lighting from the site after each event has ended.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

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

On September 9, 2010, the Planning Director adopted a Mitigated Negative Declaration (MND) that evaluated the environmental impacts of the project that was the subject of the CUP LU08-0115. CUP LU08-0115 allowed temporary outdoor weddings, receptions,

picnics, and similar temporary events, on the subject property. This MND (Exhibit 4) is attached to this staff report.

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

Therefore, based on the information provided above and in light of the whole record, there is no substantial evidence to warrant the preparation of a subsequent ND or EIR, and the addendum to the MND (Exhibit 4) reflects the County's independent judgment and analysis.

C. CONSISTENCY WITH THE GENERAL PLAN

The Ventura County General Plan *Goals, Policies and Programs* (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 NCZO (§ 8111-1.2.1.1.a) states that in order for the Planning Director to approve a Minor Modification to the CUP, the Planning Director must find that the CUP is 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.*

As discussed in Section B (above) and in the MND and Addendum prepared for the proposed project (Exhibit 4), County staff evaluated the project's individual impacts and contribution to cumulative impacts on resources in compliance with CEQA.

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

- 2. Resources Policy 1.1.2-2:** *Except as otherwise covered by a more restrictive policy within the Resources Chapter, significant adverse impacts on resources*

identified in environmental assessments and reports shall be mitigated to less than significant levels or, where no feasible mitigation measures are available, a statement of overriding considerations shall be adopted.

As discussed in Section B (above) and in the MND prepared for the proposed project (Exhibit 4), the proposed project will have a potentially significant but mitigable impact to agricultural resources. The CUP would include the mitigation measure identified in the MND as a condition of approval (Exhibit 5, Condition No. 51). With the implementation of this condition of approval, impacts to agricultural resources will be less than significant.

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

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

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

The MVP Water System (a private water company that the Applicant owns) currently provides water service to the subject property. The subject property is located in the Fillmore Aquifer. However, vendors and/or the leasing party will bring all water for the attendees to consume. Therefore, the proposed project will not directly or indirectly decrease the net quantity of groundwater, and will not create an overdrafted groundwater basin, because no increase in annual groundwater usage will occur.

The proposed project does not include any new development. The proposed project involves the creation of a new 6,926 sf wedding area. Ground disturbance will be limited to compaction of the 6,926 sf area and the application of a gravel surface. Additionally, the Applicant will create a new 2,060 sf vendor parking area with 10 parking spaces. Ground disturbance for this area will be limited to the application of 2,060 sf of gravel. To effectively prohibit the entry of pollutants from ground disturbance activities into the storm drain system, the proposed project will be subject to a condition that requires compliance the Stormwater Development Construction Program (Exhibit 5, Condition of Approval No. 39). Furthermore, portable restrooms will continue to be used for sewage disposal as required by the Resource Management Agency, Environmental Health Division. The Environmental Health Division reviewed the proposed project, and found that the portable restrooms comply with all applicable requirements. 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 Policies 1.3.2-2 and 1.3.2-4.

5. Biological Resources Policy 1.5.2-1: *Discretionary development which could potentially impact biological resources shall be evaluated by a qualified biologist to assess impacts and, if necessary, develop mitigation measures.*

The Addendum to the MND prepared for this project (Exhibit 4), concluded the project is not expected to have any impacts to biological resources relating to endangered, threatened, or rare species, wetland habitat, or coastal habitat. The project site is not located within a mapped regional wildlife corridor. The new wedding area is located within an existing avocado orchard. The Applicant removed five avocado trees with root rot from this area, in order create the wedding area. No additional trees or other types of vegetation will be removed as part of the Project. Therefore, the ground disturbance activities that will occur in this area are not expected to impact endangered, threatened, or rare species. The new vendor parking area requires no vegetation or tree removal and is not expected to impact endangered, threatened, or rare species.

Based on the discussion above, the proposed project will be consistent with Policy 1.5.2-1.

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

As noted in the MND prepared for this project (Exhibit 4), proposed project impacts related to Agricultural Resources – Land Use Compatibility were deemed potentially significant, but can be reduced to less than significant with the implementation of the mitigation measure AG-1 (Exhibit 4). In order to implement this mitigation measure, a condition of approval has been placed on the proposed project requiring the applicant to prepare a Notification and Response Plan (Exhibit 5, Condition of Approval No. 51).

Based on the discussion above, the proposed project will be consistent with Policy 1.6.2-6.

7. Farmland Resources Policy 1.6.2-1: *Discretionary development located on land designated as Agricultural (see Land Use Chapter) and identified as Prime Farmland or Farmland of Statewide Importance on the State's Important Farmland Inventory, shall be planned and designed to remove as little land as possible from potential agricultural production and to minimize impacts on topsoil.*

The Applicant is not proposing structural development as part of this project. However, the proposed project involves the expansion of the CUP boundary from 1.37 to 2.03 acres. This area includes the creation of a new 6,926 sf wedding area and a new 2,060 sf vendor parking area. The Applicant will cover the areas with gravel. Due to the size of the property and the fact that most of the land is currently in agricultural production, the creation of these new temporary event areas would

will not result in a permanent loss of agricultural soils as both areas will not be paved, and could be returned to agricultural use in the future.

Based on the discussion above, the proposed project will be consistent with Policy 1.6.2-1.

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

The proposed project does not include any new development. Physical changes at the subject property will be limited to the application of gravel to the new 6,926 sf wedding area and new 2,060 sf vendor parking area. West Telegraphy Road (Highway 126) is adjacent to the project site and is an eligible scenic county highway. The proposed CUP area within the subject parcel is located approximately 150 feet west of Telegraph Road (Highway 126). Several mature trees line the southern property line of the parcel in the area of the CUP boundary, thereby shielding the view of the project site from west Telegraph Road (Highway 126). The proposed use would not degrade or significantly alter the public views from west Telegraph Road (Highway 126) onto the project site.

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

- 9. Paleontological and Cultural 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.*

Paleontological and Cultural Resources Policy 1.8.2-2: *Discretionary development shall be designed or re-designed to avoid potential impacts to significant paleontological or cultural resources whenever possible. Unavoidable impacts, whenever possible, shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data.*

As noted in the MND prepared for this project (Exhibit 4), County staff evaluated the proposed project's impacts to paleontological and cultural (i.e., historical and archaeological) resources. The proposed project is located on existing, developed agricultural land that has been subject to agricultural activities. The proposed project will involve ground disturbance activities associated with the clearing of land for the new wedding area. The proposed project does not involve the construction of permanent structures. On July 1, 2015, the South Central Coastal Information Center (SCCIC) reviewed the proposed project. The SCCIC indicated

that no additional evaluation of impacts to archaeological resources is needed prior to approval of the project plans. However, a condition of approval has been placed on the CUP to ensure that in the event that currently unknown paleontological or archaeological subsurface resources are discovered during ground disturbance activities, the Applicant must take actions to avoid adversely affecting the resources (Exhibit 5, Conditions of Approval Nos. 19 and 20). Therefore, as conditioned, the proposed project will be consistent with the applicable Paleontological and Cultural Resources Policies of the Ventura County General Plan.

Based on the discussion above, the proposed project is consistent with Policy 1.8.2-1 and 1.8.2.2.

10. Fire Hazards/Protection 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 MVP Water System will continue to provide water to the subject property, but not for potable use for the temporary outdoor events. The Ventura County Fire Protection District (VCFPD) reviewed the proposed project, and determined proof of adequate water supply for fire protection purposes is not a requirement for this CUP.¹ The original CUP conditions required access road widths, turning radius, vertical clearance, turnarounds, and access road gates. The proposed project will be subject to the original VCFPD conditions of approval in addition to conditions identified for the proposed project (Exhibit 5 Conditions Nos. 42 through 50) to ensure that the applicant maintains the subject property in compliance with the access requirements of the VCFPD.

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

11. Noise 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.

¹ Ryan Kraai, Ventura County Fire Protection District, email communication, October 8, 2015.

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 operators, 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 proposed project is not a noise sensitive use. In addition, the proposed project would not include construction and grading activities and therefore, does not have the potential to generate construction-related noise impacts. Ground disturbance activities would be limited to the delivery of approximately two truckloads of gravel to the site. The gravel would be spread by hand using shovels within the new wedding area and vendor parking area. A hand roller would be used to compact the gravel. However, the proposed project is considered a noise generator, due primarily to the proposed use of an amplification system and secondarily from attendees generating noise (e.g., from applauding).

Advanced Engineering Acoustics prepared a noise study, dated June 23, 2009 ("Noise Study"), for the proposed project. The Noise Study concluded that the ambient noise during the afternoon hours at this site was caused by traffic noise on west Telegraph Road (Hwy126). As discussed in the MND (Exhibit 4), the Noise Study concluded that the project, as originally proposed, would comply with County standards for noise emissions if sound was maintained at specified levels at certain times of day. The proposed project would allow events on Fridays and holidays, in addition to the originally approved CUP weekend (Saturday and Sunday) days of operation. The hours of operation for proposed temporary outdoor events will remain unchanged, from 8:00 am to 11:00 pm. Consequently, an original CUP condition of approval for noise impacts has been placed on the proposed project. This condition requires the Applicant to purchase or rent a sound monitoring system to control and monitor the sound emissions at 5 feet and/or 15 feet from the DJ speakers, as recommended in the Noise Study, to ensure that these specified noise levels are not exceeded (Exhibit 5, Condition of Approval No. 26). Additionally, a condition of approval outlining the process for resolving noise complaints during temporary events has been placed on the project (Exhibit 5, Condition No. 24). Finally, the proposed project will be subject to a condition of approval to require the Applicant to: (1) submit a temporary events report to Planning Division staff (Exhibit 8) documenting whether noise complaints were received and adequately resolved (Exhibit 5, Condition No. 24); and (2) agree to inspections of the temporary events to verify compliance with the conditions of approval (Exhibit 5, Condition No. 8).

Based on the discussion above and implementation of the conditions of approval, the proposed project is consistent with Policy 2.16.2-1.

12. 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 applicant is requesting approval of a time extension to CUP LU08-0115, in order to continue to allow temporary events on the subject property. As discussed in Sections C.3 and C.4 of this staff report, above, the MVP Water System provides water to the project site. However, vendors and/or the leasing party will bring water for the attendees consumption and, therefore, the proposed project will not create new demand for water from a public water purveyor.

The Applicant will be providing portable toilets will be provided for use during the temporary events. Therefore, the proposed project will not create new demand for public sewer facilities.

The Applicant submitted an updated traffic study for the proposed project which concluded that the increase in guest attendance from 200 to a maximum of 261 guests will result in an additional 11 average daily trips (ADT) (Interwest Consulting Group, April 10, 2015) (Exhibit 7). To address the cumulative adverse impacts of

traffic on the Regional Road Network, the CUP will be subject to a condition of approval to require the Applicant to pay a Traffic Impact Mitigation Fee (TIMF) (Exhibit 5, Condition No. 36). Therefore, the proposed project will 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.

13. 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.12 of this staff report (above), adequate public services are currently available (functional) to continue to serve the temporary events. The proposed project will not increase water demand or demand for sewage disposal services from a public sewer system. Furthermore, west Telegraph Road (Highway 126), a public road, will provide access to the site and the proposed increase in guest attendance from 200 to a maximum of 261 guests. The additional 11 ADT generated by the proposed project will require payment of a TIMF (Exhibit 5 Condition No. 37) to address cumulative adverse impacts of traffic on the Regional Road Network. Therefore, no improvements to the existing public roadway system are required for the continued use of the temporary events venue.

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

14. 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, 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.*

The MVP Water System provides water to the subject property. However, vendors and/or the leasing party will bring water for the attendees consumption. Therefore, the proposed project will not result in an increase in demand for water from a public or private purveyor's water system or wells.

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

15. 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 stated in this staff report (above), the proposed project includes the use of portable restrooms. Sewage collected in the portable restrooms must be disposed in a public sewer system; however, the proposed project does not involve a direct connection to a public sewer system or use of a private septic system. Furthermore, the Environmental Health Division reviewed the proposed project and indicated that it will not result in a significant increase in the volume of sewage beyond what is currently generated with the existing temporary events.

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

16. 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.*

The MVP Water System provides water to the project site, but not water to be used for the temporary events. As stated in this staff report (above), VCFPD staff reviewed the proposed project, and determined that proof of adequate water supply for fire protection purposes is not a requirement for this CUP.²

The nearest fire station is Ventura County Fire Station No. 27 located approximately 3.5 miles away from the project site via west Telegraph Road at 613 Old Telegraph Road, Fillmore. The original CUP conditions required VCFPD access road widths, turning radius, vertical clearance, turnarounds and access road gates. The proposed project will be subject to the original VCFPD conditions of approval in addition to conditions identified for the proposed project (Exhibit 5 Conditions Nos. 42 through 50) to ensure that the applicant maintains the subject property in compliance with access requirements of the VCFPD.

Based on the discussion above, with the adoption of the recommended conditions of approval, the proposed project is consistent with Policy 4.8.2-1.

² See footnote No. 1.

17. Transportation/Circulation Policy 4.2.2-3: *The minimum acceptable Level of Service (LOS) for road segments and intersections within the Regional Road Network and Local Road Network shall be as follows:*

(a) LOS-'D' for all County thoroughfares and Federal highways and State highways in the unincorporated area of the County, except as otherwise provided in subparagraph (b);

(b) LOS-'E' for State Route 33 between the northerly end of the Ojai Freeway and the City of Ojai, Santa Rosa Road, Moorpark Road north of Santa Rosa Road, State Route 34 north of the City of Camarillo and State Route 118 between Santa Clara Avenue and the City of Moorpark;

(c) LOS-'C' for all County-maintained local roads; and

(d) The LOS prescribed by the applicable city for all Federal highways, State highways, city thoroughfares and city-maintained local roads located within that city, if the city has formally adopted General Plan policies, ordinances, or a reciprocal agreement with the County (similar to Policies 4.2.2-3 through 4.2.2-6) respecting development in the city that would individually or cumulatively affect the LOS of Federal highways, State highways, County thoroughfares and County-maintained local roads in the unincorporated area of the County.

At any intersection between two roads, each of which has a prescribed minimum acceptable LOS, the lower LOS of the two shall be the minimum acceptable LOS for that intersection.

As stated in Sections C.12 and C.13 of this staff report (above), to address cumulative impacts of the project, the Applicant will be required to pay a TIMF (Exhibit 5 Condition of Approval No. 37). Therefore, as conditioned, the proposed project would comply with the applicable Transportation/Circulation Policies of the Ventura County General Plan.

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 (Agricultural Exclusive, 40-acre minimum lot size) 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.

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 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, provided that the Planning Director adopts the recommended conditions of approval (Exhibit 5).

- 2. The proposed development is compatible with the character of surrounding, legally established development [§ 8111-1.2.1.1.b].**

County staff evaluated the proposed project's impacts to community character using the Ventura County Initial Study Assessment Guidelines. As discussed in detail in the MND (Exhibit 4 – Initial Study Item No. 2A), a “community” is a particular area within which people with common interests reside.

The proposed CUP boundary is bordered by orchard trees, and surrounding development consists primarily of agricultural development (e.g., orchards). The nearest residence to the CUP boundary is located approximately 1,000 feet to the northeast. Other surrounding residences to the east and southwest are 1,400 feet from the CUP boundary, and a residence to the northwest is approximately 1,500 feet. All parking will be located on-site, and will not be allowed along west Telegraph Road (Highway 126). Permanent lighting for temporary events is prohibited. All temporary lighting for temporary events will be aimed downward so as to neither light up the night sky nor spill over to an adjacent property. Furthermore, several mature trees line the southern property line of the parcel in the area of the CUP boundary, thereby shielding the view of the project site from west Telegraph Road. With these limitations placed on the project description and with the conditions placed upon the permit with regard to days and hours of operation, parking, noise, lighting, contact person, and resolution of complaints (Exhibit 5, Conditions Nos. 13, 14, 18, 22, 24, 25, 26, and 27), impacts to community character are expected to be minimized such that the proposed project will be compatible 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].**

As discussed above in Section E.2, the implementation of the conditions of approval placed on the project would minimize impacts that could be considered obnoxious or harmful to neighboring property or uses.

The Planning Division has not received any complaints regarding, or is aware of, adverse impacts from the existing events, with regard to surrounding agricultural or residential uses.

Finally, the Planning Division is recommending that the Planning Director approve the proposed project subject to a condition of approval that would restrict certain noise-generating activities (Exhibit 5, Condition No. 26).

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].

As discussed in this staff report (above), the implementation of the conditions of approval placed on the project will minimize adverse impacts to neighboring properties particularly with regard to noise generated from events. While the proposed project is anticipated to generate additional traffic to the project site beyond what would occur without the proposed project, vehicle traffic will not occur during peak traffic hours, and all parking of vehicles will take place within the proposed project boundaries. No parking will be allowed on west Telegraph Road (Highway 126). Finally, with the VCFPD recommended conditions of approval, the proposed project will not create any unusual fire hazards.

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 project site is located at 3117 west Telegraph Road, near the community of Fillmore, in the unincorporated area of Ventura County. Development within the general vicinity of the project site consists primarily of agricultural uses. As stated in this staff report above, the subject property has a land use designation of Agricultural and AE-40 ac zoning designation. The parcels to the north of the project site include the Southern Pacific Railroad and orchards; to the southwest Telegraph Road (Highway 126) and orchards; to the east and west are orchards. Temporary events are allowed on the subject property with an approved CUP. As discussed in this staff report above, the implementation of the conditions of approval placed on the project would minimize impacts to neighboring property uses, and thereby render the project compatible with existing and potential uses on neighboring parcels particularly with regard to noise generated from the events.

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 is a legal lot as evidenced by a Certificate of Compliance recorded on July 30, 1990, as Document No. 90-112568 of Official Records of Ventura County.

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].

Based on the information and analysis presented in Sections C.6 and C.7 of this staff report, the finding that 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 can be made.

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 stated in this staff report (above), the proposed project does not involve the construction of new structures. Furthermore, as stated in Sections C.6 and C.7 of this staff report, the finding that the proposed use will not significantly reduce, restrict, or adversely affect agricultural activities on-site or in the area can be made.

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].

Based on the information and analysis presented in Sections C.6 and C.7 of this staff report, the finding that the use will be sited to remove as little land from agricultural production as possible can be made.

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, no comments have been received on Case No. PL15-0054.

The project site is located within the City of Fillmore Area of Interest. Therefore, on May 20, 2015, the Planning Division notified the City of Fillmore of the proposed project and requested the City of Fillmore to submit any comments that the City of Fillmore might have on the proposed project. The City of Fillmore provided no comment on this project.

The project site is located adjacent to west Telegraph Road (Highway 126), a roadway within the jurisdiction of the California Department of Transportation (Caltrans). Therefore, on May 20, 2015, the Planning Division notified Caltrans of the proposed project and requested Caltrans to submit any comments that Caltrans might have on the proposed project. On June 19, 2015, Caltrans requested that the County direct the Applicant to obtain an encroachment permit from Caltrans to install permanent roadway signs notifying drivers of the temporary event site (Exhibit 7). Caltrans also recommended that the entrance of the site be modified to improve visibility, suggesting lighted address signage readable when driving 60 mph. On August 24, 2015, Planning Division staff notified Caltrans that the recommended permanent roadway signage for the temporary event venue would be inconsistent with the NCZO which authorizes such events for no more than 60-calendar days per year. Consequently, the Planning Division informed Caltrans that the recommended modification would not be incorporated into the CUP conditions of approval. The Planning Division has placed a condition on the project (Exhibit 5, Condition No. 28) requiring a lighted address sign.

G. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Planning Director reviewed and considered this staff report and all exhibits thereto, including the proposed MND and Addendum (Exhibit 4), and considered all comments received during the public comment process;
2. **FIND** that none of the conditions described in § 15162 of the CEQA Guidelines calling for the preparation of a subsequent MND or EIR have occurred;
3. **ADOPT** the Addendum to the MND (Exhibit 4);
4. **MAKE** the required findings to grant a Minor Modification to CUP LU08-0115 pursuant to § 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section F of this staff report and the entire record;

5. **GRANT** the Minor Modification to CUP LU08-0115, subject to the conditions of approval (Exhibit 5); and
6. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the Minor Modification to CUP LU08-0115 has been approved, conditionally approved, or denied (or on the following workday if the 10th day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

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

Prepared by:



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

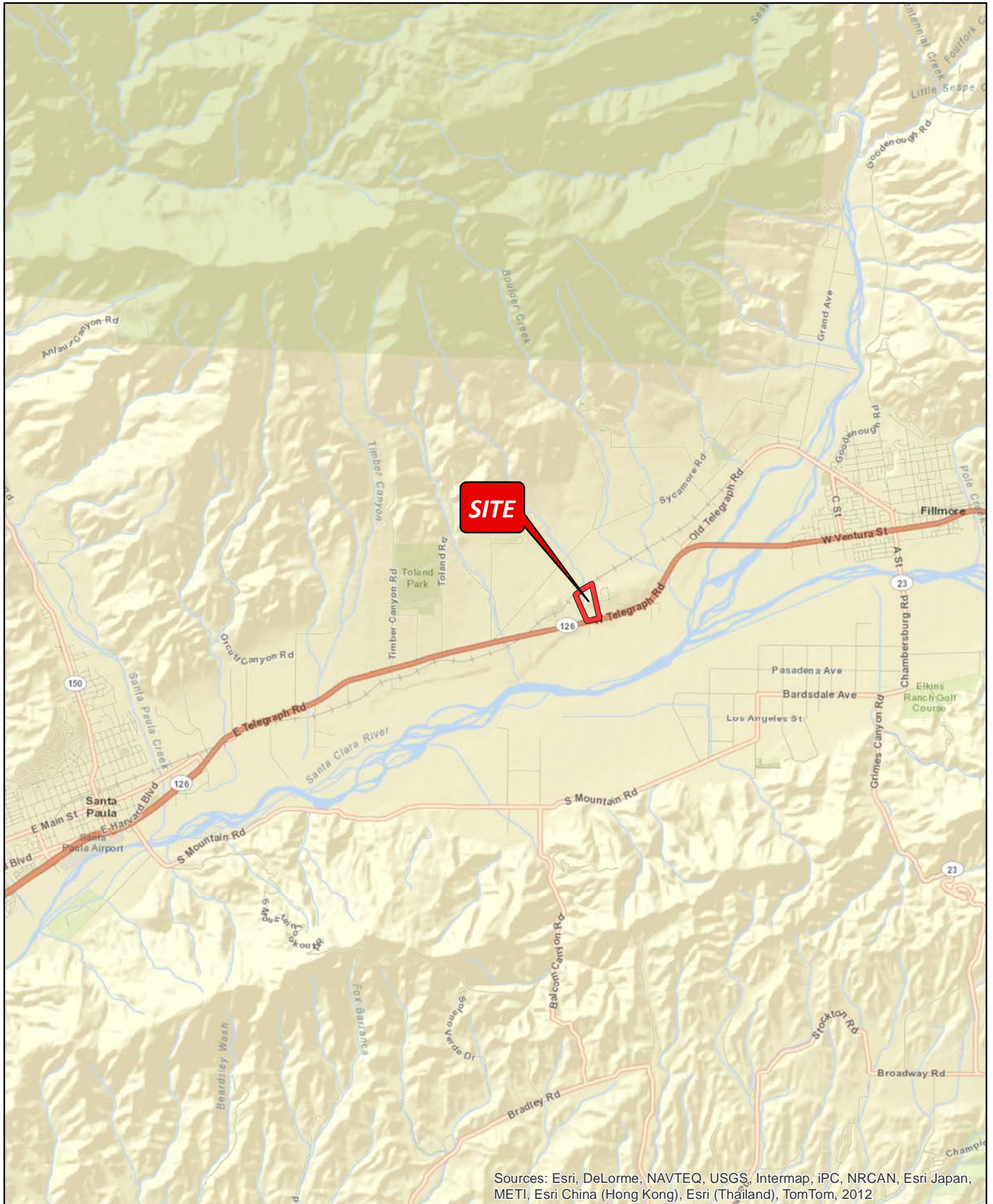
Reviewed by:



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 Plans
- Exhibit 4 - Addendum to Mitigated Negative Declaration and Mitigated Negative Declaration
- Exhibit 5 - Conditions of Approval
- Exhibit 6 - Interwest Consulting Group Traffic Study dated April 10, 2015
- Exhibit 7 - Caltrans Comment Letter (Dianna Watson, Caltrans Comments dated June 19, 2015)
- Exhibit 8 - Events Report Form



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

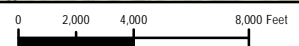


Ventura County
Resource Management Agency
Information Systems GIS Services
Map created on 10/27/2015



County of Ventura
Planning Director Hearing
PL15-0054
Exhibit 2 - Location Map

20



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



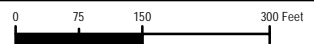
JM



Ventura County
Resource Management Agency
Information Systems GIS Services
Map created on 10/27/2015
source: Pictometry®, February 2015

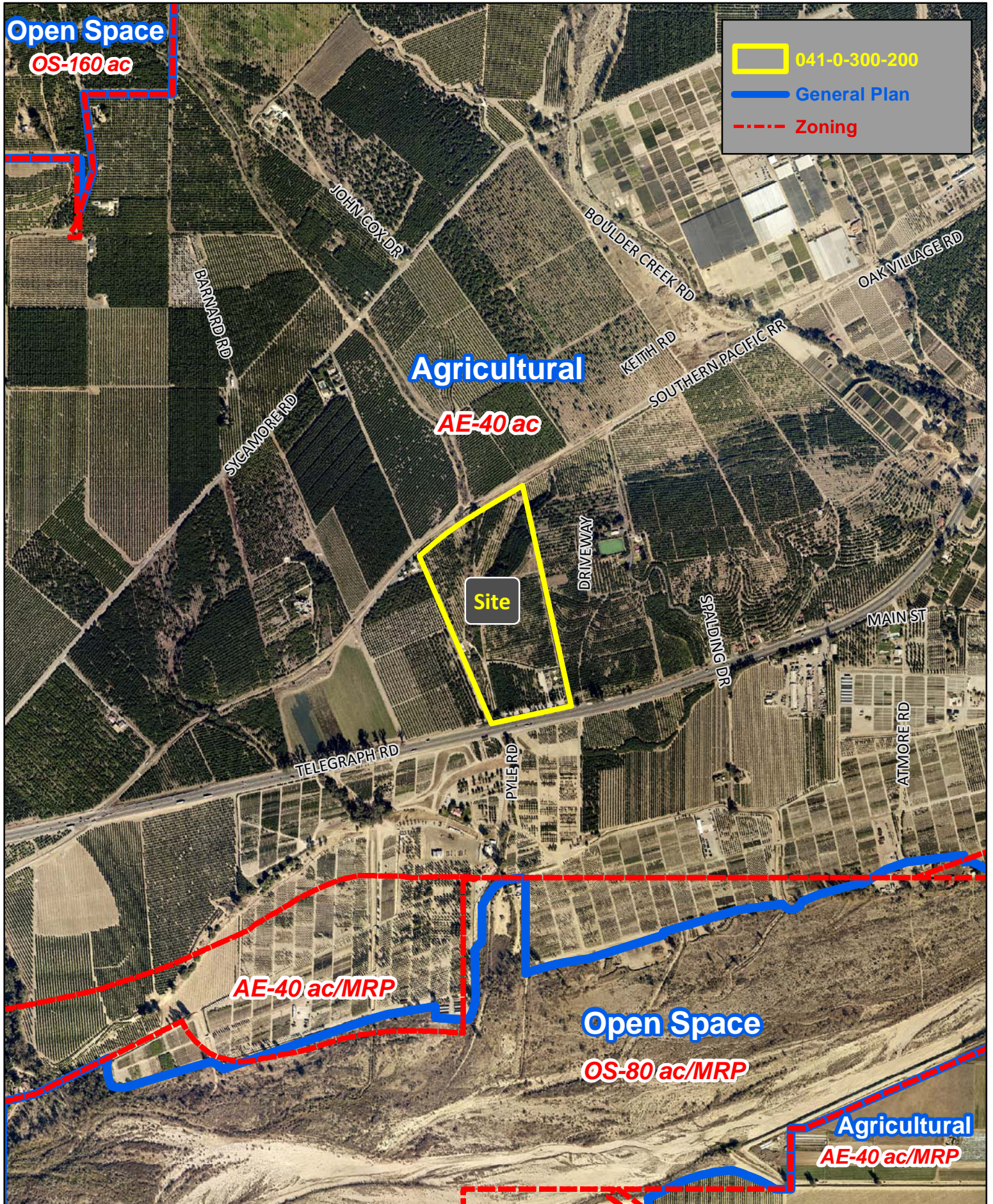


County of Ventura
Planning Director Hearing
PL15-0054
Exhibit 2 - Aerial Location Map



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 10/27/2015

Source: Pictometry®, February 2015



County of Ventura
Planning Director Hearing
PL15-0054

Exhibit 2 - Land Use Aerial Map

22

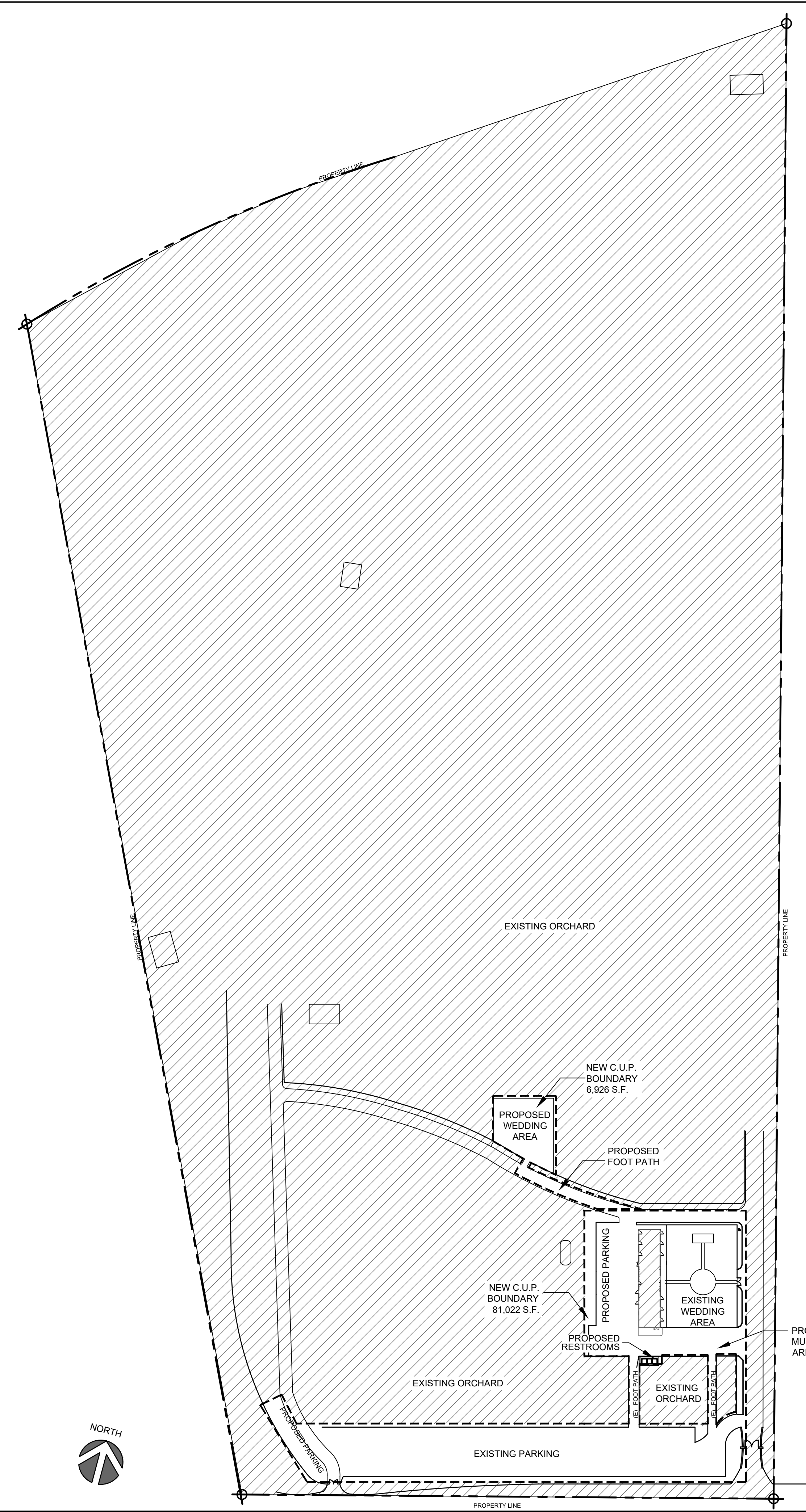
0 400 800 1,600 Feet

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



EXHIBIT 3 - SITE PLANS

SITE MAP



SHEET INDEX

SITE PLAN	A-1
PARTIAL SITE PLAN	A-2

GENERAL DATA

C.U.P.:	LU08-0115
PROPERTY OWNER:	MVP ORCHARDS L.L.C.
PROPERTY ADDRESS:	3117 W. TELEGRAPH RD. FILLMORE, CA 93015
LOT ACREAGE:	34.43 ACRES
LOT AREA:	1,499,771 SQ. FT.
APN#:	041-0-300-200
ZONING:	A-E
GENERAL PLAN:	AGRICULTURE

SCOPE OF WORK:

1. INCREASE NUMBER OF PARKING SPACES FROM ORIGINAL APPROVED C.U.P. FROM 100 TO 129 PARKING SPACES.
123 - 9'x18' STANDARD SPACES IN WHICH TEN WILL BE USED AS NEEDED FOR VENDOR STALLS, 6- DISABLED ACCESS STALLS


2. C.U.P. BOUNDARY IS INCREASED FROM 1.37 ACRES TO 2.03 ACRES. ALL NEW AREAS ARE INCLUDED IN THIS NUMBER.

NOTES:

1. FIRE TRUCK TURN AROUND NOT NEEDED. ACCESS ROAD IS CONTINUOUS LOOP FROM ENTRANCE TO EXIT.

2. NO FOOD PREPERATION ON SITE

VICINITY MAP



CONDITIONAL USE PERMIT FOR:

MVP PROPERTIES

APN# 041-0-300-200
3117 W. TELEGRAPH ROAD
FILLMORE, CA 93015

DATE:

11/05/15

DRAWN:

ADB / CEG

PM:

ADB

CAD FILE:

1517

REVISIONS:

DATE:

Andrew David Bratz & Charles Gill

Draphics, Inc.

462 Cule Highway, CA 93010
(805) 388-0073
draphicsinc@gmail.com www.draphicsinc.com

Architectural Services - Residential & Commercial

Bella Vista

GROVES

MVP ORCHARDS L.L.C.
3117 W. TELEGRAPH ROAD
FILLMORE, CA 93015

23

PROPOSED EXPANSION AREA STATISTICS

NEW WEDDING AREA & WALKING PATH	6,926.04 S.F.
WESTSIDE GUEST PARKING	5,705.71 S.F.
MULTI PURPOSE AREA	4,738 S.F.
PORTABLE RESTROOM AREA	216.69 S.F.
VENDOR PARKING	2,060.4 S.F.

EXISTING SITE STATISTICS

WEDDING AREA	12,505 S.F.
SOUTH FOOT PATHS (2)	1,781 S.F.
SOUTH PARKING AREA	29,983 S.F.

SITE STATISTICS

PERVIOUS PARKING:	39,477 S.F.
PERVIOUS WALKWAYS:	1,827 S.F.
PAVED AREAS:	4,397 S.F.
GRASS AREAS:	5,396 S.F.
LANDSCAPE AREAS:	5,775 S.F.
CONCRETE WALKWAYS:	2,139 S.F.

TOTAL PARKING STALLS:	129
DISABLED ACCESS STALLS:	6
NEW VENDOR PARKING STALLS:	10

GENERAL DATA

PROPERTY OWNER:	MVP ORCHARDS L.L.C.
PROPERTY ADDRESS:	3117 W. TELEGRAPH RD. FILLMORE, CA 93015
LOT ACREAGE:	34.43 ACRES
LOT AREA:	1,499,771 SQ. FT.
APN#:	041-0-300-200
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GENERAL PLAN:	AGRICULTURE

SCOPE OF WORK:

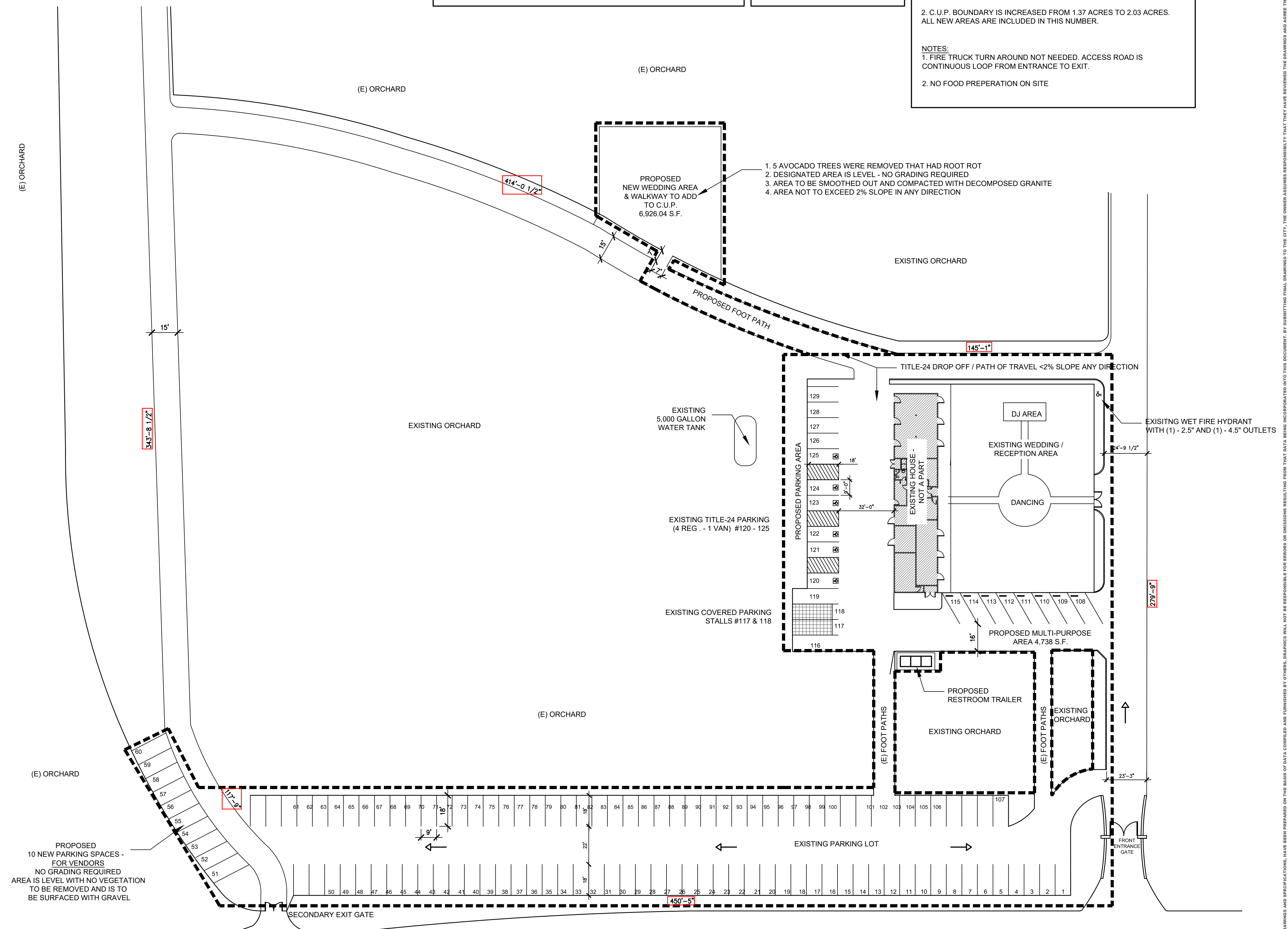
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NOTES:

1. FIRE TRUCK TURN AROUND NOT NEEDED. ACCESS ROAD IS CONTINUOUS LOOP FROM ENTRANCE TO EXIT.

2. NO FOOD PREPERATION ON SITE



PROPOSED PARTIAL SITE PLAN

SCALE: 1/32" = 1'-0"



REVISIONS:	DATE:

Andrew David Bratz
& Charles Gill

Draphics, Inc.

462 Calle Higuera, CA 93010
(805) 388-0073
draphicsinc@gmail.com www.draphicsinc.com

s - Residential & Commercial



Architectural Services - Residential & Commercial

Bella Vista
— GROVES —

MVP ORCHARDS L.L.C.
33117 W. TELEGRAPH RD.
FILLMORE, CA 93015

CONDITIONAL USE PERMIT FOR:

MVP PROPERTIES
APN# 041-0-300-200

3117 W. TELEGRAPH ROAD
FILLMORE, CA 93015

DATE: 11/05/15
DRAWN: ADB / CEG
PM: ADB
CAD FILE: 1517

A-2



Mitigated Negative Declaration Addendum

County of Ventura • Resource Management Agency • Planning Division

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

MITIGATED NEGATIVE DECLARATION (MND) ADDENDUM

A. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

1. **Entitlement:** Minor Modification of Conditional Use Permit (CUP) Case No. LU08-0115 for Temporary Outdoor Festivals, Animal Shows, and Similar Events (Case No. PL15-0054)
2. **Applicant:** Mr. Steve Alary, 9452 Telephone Road #109, Ventura, CA 93004
3. **Property Owner:** Veena Mummaneni, 2106 Glen Eagle Ct., Oxnard, CA 93036
4. **Location:** 3117 W. Telegraph Road, Fillmore, CA 93015
4. **Assessor's Parcel Number:** 041-0-300-200
5. **Lot Size:** 34.43 acres
6. **General Plan Land Use Designation:** Agriculture
7. **Zoning Designation:** AE-40 ac (Agricultural Exclusive, 40-acre minimum lot size)
8. **Responsible and/or Trustee Agencies:** Caltrans
9. **Project Description:** The proposed project consists of a request for approval of a Minor Modification of CUP Case No. LU08-0115 to continue to allow temporary outdoor weddings, receptions, picnics, and similar temporary events. The applicant is proposing to extend the CUP for a 10-year period. The proposed temporary special events will consist of the following:

CUP/Event Area Boundary: The Applicant is requesting approval to enlarge the area that will be subject to the proposed CUP, from the currently permitted area of approximately 1.37 acres, to 2.03 acres, as shown on the proposed site plan. The new CUP boundary will include the following additional areas:

- New wedding area [6,926 square feet (sq. ft.)] within an existing avocado orchard. A total of five avocado trees with root rot will be removed and the area will be compacted with decomposed granite. The proposed project does not include any vegetation removal besides the removal of the avocado trees, and does not include grading.
- New vendor parking area (2,060 sq. ft.) that will include 10 new parking spaces southwest of the event area. This area will be surfaced with gravel.
- Existing Westside parking area (5,705.71 sq. ft.) that includes 14 parking spaces west of the event area. The area has been surfaced with gravel.

- Existing multi-purpose/parking area (4,738 sq. ft.) that includes eight parking spaces south of the event area. This area has been designated "multi-purpose" and may be used for guest parking or as an area where guests may congregate with tables/chairs, and where beverage and food service will be available. The area is covered with asphalt.
- Existing portable restroom area (216.69 sq. ft.) that includes portable restrooms. This area is covered with gravel.
- Existing foot paths (1,780 sq. ft.) that include two footpaths connecting the south parking area to the main event area. The footpaths are covered with gravel.

There is an existing single-family dwelling that is located within the CUP boundary; however, it will be reserved for the landowner's personal use and shall not be leased or used as part of the temporary event facility. West Telegraph Road (Highway 126), a public road under the jurisdiction of Caltrans, will continue to provide access to the project site.

Attendance: The Applicant is requesting an increase in guest attendance from 200 to a maximum of 261 guests.

Days and Hours of Operation: The hours of operation for the proposed, temporary outdoor events will be 8:00 am to 11:00 pm, for a maximum of 60 days within the calendar year. Currently, attendance at events is limited to weekends only (Saturday and Sunday). The Applicant is requesting attendance at events to include Fridays and holidays. Vendors would be permitted to arrive at 8:00 am to set up for events. All guests and vendors will vacate the property no later than 11:00 pm.

Food Service: All food and beverages will be provided to the temporary events by a self-sufficient, licensed catering service. Dishes, flatware, and glasses will be provided by the caterer or a delivery rental company. Catered food will be prepared off-site and transported to the site for each event. Food service operators must have a permit to operate from the Resource Management Agency, Environmental Health Division.

Parking: Guest parking will be limited to the parking area within the CUP boundary as depicted on the project site plan. The applicant is proposing to increase the required number of parking spaces for the temporary special events, from 100 spaces to 129 parking spaces. The proposed parking areas will be located west and south of the event area and include sufficient space to provide 129 parking spaces. Parking attendants will be present during temporary events to provide traffic control and valet parking. Parking will be prohibited within the right-of-way of West Telegraph Road (Highway 126).

Restrooms: The Applicant will provide an adequate quantity of portable restrooms for temporary events, and maintain the portable restrooms in compliance with Resource Management Agency, Environmental Health Division

regulations. The restrooms will be located south of the events area within the CUP boundary. The restrooms serving the main residence will not be used for temporary events.

Exterior Lighting: The Applicant is not proposing to install permanent lighting for the temporary special events. All temporary lighting for special events will be shielded and directed downward onto the subject parcel to prevent spill-over onto adjacent parcels. All temporary lighting would be turned off and removed from the site after each event has ended.

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

On September 27, 2010, the Planning Director adopted a MND that evaluated the environmental impacts of CUP Case No. LU08-0115. CUP Case No. LU08-0115 allowed temporary outdoor weddings, receptions, picnics, and similar temporary events, on the subject property.

As stated in the project description set forth in Section A.9 of this MND Addendum (above), the current, proposed project (Case No. PL15-0054) consists of a request for a Minor Modification to CUP Case No. LU08-0115, in order to allow a time extension of, and changes to, the project description for CUP Case No. LU08-0115. Section 15164(b) of the CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3) states that the decision-making body may adopt an addendum to an adopted MND if: (1) only minor technical changes or additions are necessary; and, (2) none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of an Environmental Impact Report (EIR) or subsequent negative declaration have occurred.

The conditions described in Section 15162 of the CEQA Guidelines which require the preparation of a subsequent EIR or Negative Declaration (ND), are provided below, along with a discussion as to why a subsequent EIR or ND is not required:

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

The project site is currently permitted for, and being used as, a location for temporary outdoor events. As discussed above (Item A.9, Project Description), the proposed project consists of a request to continue the existing temporary outdoor event use on the project site for an additional 10 years, expand the CUP boundary to include an additional 0.66 acres, increase guest attendance from 200 to 261 guests, and allow events on Fridays and holidays.

The original MND did not analyze the environmental impacts that may occur from the proposed, new wedding area, existing multi-purpose/parking area, existing Westside parking area, existing foot paths, and the new vendor parking area.

The new wedding area (6,926 sq. ft.) is located within an existing avocado orchard that lacks sensitive habitat and does not support sensitive species. The removal of five avocado trees with root rot is not expected to impact endangered, threatened, or rare species. No additional vegetation removal or grading is required for this area. Ground disturbance activities will be limited to smoothing out the area and compacting the site with decomposed granite. The existing multi-purpose/parking area (4,738 sq. ft.) is paved with asphalt. No additional ground disturbance activities are required for this area. The existing Westside parking area (5,705.71 sq. ft.), existing portable restroom area (216.69 sq. ft.), and existing foot paths (1,780 sq. ft.) have been surfaced with gravel. No additional ground disturbance activities are required for these areas. The new vendor parking area (2,060 sq. ft.) will not require vegetation removal or grading and will be covered with gravel. On July 1, 2015, the South Central Coastal Information Center (SCCIC) reviewed the proposed project. The SCCIC indicated that no archaeological work is needed for the proposed project. None of the project components discussed above would create new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The approved MND evaluated the agricultural resource, transportation/circulation, and noise impacts for the temporary special events. The MND found that the temporary special events would create a significant impact on agricultural resources and included a mitigation measure requiring a Notification and Response Plan for the owner of an adjacent, agricultural property located east of the subject property. The new conditions of approval for this Minor Modification to CUP Case No. LU08-0115 will include this mitigation measure.

The MND also found that the temporary special events would not create significant transportation/circulation or noise impacts. However, in order to make the findings for approval of the CUP for the temporary special events (Ventura County Non-Coastal Zoning Ordinance, Section 8111-1.2.1.1 *et seq.*), the Planning Director adopted conditions of approval to require the Applicant to pay a Traffic Impact Mitigation Fee (TIMF) to the Ventura County Transportation Department and the City of Fillmore. The applicant submitted an updated traffic study (Interwest Consulting Group, April 10, 2015) that evaluated the proposed project's transportation/circulation impacts, given the proposed increase in attendees from 200 to 261 guests for temporary special events. This increase in guest attendance will result in an additional 11 average daily trips (ADT). Accordingly, the proposed project will not create new significant environmental effects or a substantial

increase in the severity of previously identified significant effects associated with transportation/circulation. However, the new conditions of approval for this Minor Modification to CUP Case No. LU08-0115 will include the transportation/circulation conditions of approval noted above to address the increase in 11 ADT resulting from the proposed project.

The Planning Director also adopted a condition of approval to require the Applicant to purchase or rent a sound monitoring system to control and monitor the sound emissions at five feet and/or 15 feet from the DJ speakers to ensure that specified noise levels outlined in the condition are not exceeded. The new conditions of approval for this Minor Modification to CUP Case No. LU08-0115 will include this noise condition to ensure noise levels are not exceeded during events which may occur on Fridays or holidays.

The proposed changes to the project description that was analyzed in the MND will not require major revisions of the original MND, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

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

The environmental conditions that existed at the project site at the time the County prepared the MND have not changed to the extent that the proposed time extension and minor modification would require revisions to the original MND. No new reasonably foreseeable, recently approved, or possible future projects exist within the surrounding area that either were not analyzed in the original MND or would result in the project, as modified by this proposal, making a potentially significant contribution to a cumulative impact that was not analyzed in the original MND. Furthermore, the project site and surrounding area do not exhibit any previously unknown resources that need to be analyzed as part of this project.

Therefore, substantial changes will not occur with respect to the circumstances under which the proposed project is undertaken, and the proposed project will not require major revisions of the original MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

- 3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Planning Director adopted the previous MND, shows that the project will have**

one or more significant effects not discussed in the previous MND [Section 15162(a)(3)(A)].

The project will not have any significant effects that were not discussed in the original MND. The environmental conditions that currently exist on-site are substantially the same as those that existed at the time the County prepared this environmental document (with the exception of the changes to the environment that were the result of the project that was the subject of CUP Case No. LU08-0115). No new information that was unknown, and could have been known when the County prepared this environmental document, has become available.

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

C. PUBLIC REVIEW:

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

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

county of ventura

MITIGATED NEGATIVE DECLARATION

A. PROJECT DESCRIPTION:

Entitlement: Conditional Use Permit No. LU08-0115

Applicant: Carole Alary for MVP Properties, LP

Location: 3117 West Telegraph Road (Highway 126), Fillmore

Assessor Parcel No(s): 041-0-300-200

Parcel Size: 34.43 acres (1.37 acre CUP boundary)

General Plan Designation: Agriculture

Existing Zoning: "AE-40" (Agricultural Exclusive, 40-acre minimum lot size)

Responsible and/or Trustee Agencies: Caltrans

Project Description: The applicant requests approval of a Conditional Use Permit to allow "Festivals, Animal Shows and Similar Events, Temporary Outdoor," specifically temporary, outdoor weddings, receptions, picnics, and similar temporary events. Temporary events would be limited to no more than 200 guests on Saturdays and Sundays, for a maximum of 60 days within the calendar year. The proposed hours of operation are from 8:00 am to 11:00pm. Catered food will be prepared off site and transported to the event site for each event. Parking for guests and vendors (100 parking spaces) is located in a designated parking area within the CUP boundary. No parking is permitted on Telegraph Road. An adequate quantity of portable toilets will be provided by a local vendor. No permanent lighting will be installed for the purpose of temporary special events. The main residence is prohibited from being used for temporary events.

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

State law requires that an Initial Study (environmental analysis) be conducted to determine if this project could significantly affect the environment. Based on the findings contained in the attached Initial Study, it has been determined that this proposed project may have a significant effect on the environment, however mitigation measures are available which would reduce the impacts to less than significant levels. As such, a Mitigated Negative Declaration has been prepared and the applicant has agreed to implement the mitigation measures.

C. LISTING OF POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED:

Item 7e: Agricultural Resources - Land Use Compatibility



D. PUBLIC REVIEW:

Legal Notice Method: Direct mailing to property owners within 300 feet of proposed project boundary, and a legal notice in a newspaper of general circulation.

Document Posting Period: August 2, 2010 to September 1, 2010

Public Review: The Initial Study prepared for this proposed project has determined that the project will not have adverse environmental impacts. The Initial Study/Mitigated Negative Declaration is available for public review on-line at www.ventura.org/planning (select "CEQA Environmental Review") or at the County of Ventura, Resource Management Agency, Planning Department, 800 South Victoria Avenue, Ventura, California from 8:00 am to 5:00 pm Monday through Friday.

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

E. CONSIDERATION AND APPROVAL OF THE NEGATIVE DECLARATION:

Prior to approving the project, the decision-making body of the Lead Agency must consider this Mitigated Negative Declaration and all comments received during public review. That body shall approve the Mitigated Negative Declaration if it finds that all the significant effects have been identified and that the proposed mitigation measures will reduce those effects to less than significant levels.

Prepared by:



Michelle Glueckert D'Anna, Case Planner
(805) 654-2685

Reviewed for Release to Public by:



BRIAN R. BACA, Manager
Land Use Permits Section

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

KIMBERLY L. PRILLHART, Director
Planning Division

SECTION A

PROJECT DESCRIPTION

**CONDITIONAL USE PERMIT CASE NO. LU08-0115 FOR
FESTIVALS, ANIMAL SHOWS AND SIMILAR EVENTS, TEMPORARY OUTDOOR**

APPLICANT: Carole Alary

PROPERTY OWNER: MVP Properties – Veena D. Mummaneni

LOCATION: 3117 West Telegraph Road, Fillmore

APN: 041-0-300-200

Project Location

The Subject Property is located at 3117 West Telegraph Road in the Fillmore area of the unincorporated area of Ventura County (Exhibit A - Aerial Location Map).

Project Size and Physical Description

The project site consists of the following land use designations:

APN	041-0-300-200
ACREAGE OF SITE	34.43 acres
ACREAGE OF CUP AREA	1.37 acres
ZONING	"AE-40" (Agricultural Exclusive, 40-acre minimum lot size)
GENERAL PLAN LAND USE DESIGNATION	Agriculture

The subject parcel is located at 3117 West Telegraph Road in Fillmore. Local and regional access to the site is via Telegraph Road (Highway 126). Highway 126 is an eligible scenic highway. The parcel is approximately 34 acres in size and the proposed CUP area is 1.37 acres.

The property is gently sloping, with the highest point at the northern end of the property sloping down toward the southern end of the property at Highway 126. The land is currently being utilized for agricultural production, predominantly citrus and avocado trees. Structures on the site include a single-family dwelling, a second dwelling unit, horse stables, agricultural buildings, and storage structures.

The subject property is surrounded on all sides by property that is zoned "AE-40 ac" (Agricultural Exclusive, 40-acre minimum parcel size).

Project Description

The applicant requests approval of a Conditional Use Permit to allow "Festivals, Animal Shows and Similar Events, Temporary Outdoor," specifically temporary, outdoor weddings, receptions, picnics, and similar temporary events. Temporary events would be limited to no more than 200 guests on Saturdays and Sundays, for a maximum of 60 days within the calendar year.

CUP Boundary

The temporary special events will be located on 1.37 acres of the project site, as indicated on the site plan (Exhibit B – Site Plan). The single-family residence is restricted to the owner's use and will not be leased out.

Hours of Operation

The proposed hours of operation for temporary outdoor events will be from 8:00 am to 11:00pm, for a maximum of 60 days within the calendar year. Vendors would be permitted to arrive at 8:00am to set up for events. All guests and vendors will vacate the property no later than 11:00pm.

All food and beverage service on site will be provided by self-sufficient, licensed catering services. Dishes, flatware and glasses will be provided by the caterer or a delivery rental company. Catered food will be prepared off site and transported to the event site for each event. Food service provided will have a permit to operate from the Ventura County Environmental Health Division.

Parking

Parking for guests and vendors is located in a parking area within the CUP boundary, just south of the event area and near the main entrance to the site. The CUP boundary can accommodate up to a total of 100 parking spaces. There is unobstructed access to the property from Telegraph Road (Highway 126). Parking attendants will be present during temporary events to provide traffic control and valet parking. No parking is proposed, nor will be permitted, on Telegraph Road (Highway 126) or shoulder right-of-way.

Portable Restrooms

Portable restrooms will be provided by a local vendor and will be required as part of the contract for any event to be held at the site. An adequate quantity of portable toilets for temporary events will be provided and maintained in compliance with Environmental Health Division regulations. The bathrooms serving the main residence are prohibited from being used for temporary events.

Exterior Lighting

No permanent lighting will be installed for the purpose of temporary special events. All temporary lighting for special events will be shielded and directed downward onto the subject parcel to prevent spill-over onto adjacent parcels. All temporary lighting would be completely turned off and removed from the site after the event has ended.

Cumulative Impact Analysis

This Initial Study is required to analyze potential cumulative impacts that could result from the proposed project, including potential growth inducing impacts (Ventura County 2006b, 8 and 15). A "cumulative impact" is defined as:

...the adverse change to the environment which results from the incremental impact of the project when added to other closely related past, present, and

reasonably foreseeable probable projects. 'Related' means that other projects will have an adverse impact on one or more of the same specific environmental issue(s) as the proposed project. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. (Ventura County 2006b, 8)

When analyzing cumulative impacts, an Initial Study must consider any growth-inducing aspects of the proposed project. "Growth inducement" is defined as any action that would eliminate or remove an impediment to growth in an area, including both physical impediments (e.g., lack of sewers or access roads) and policy impediments (e.g., changes in zoning designations) (Ventura County, 2006b, 15). The projects that have been included in the analysis of potential cumulative impacts were selected based on their proximity to the project site, similarity in use, proximity to Telegraph Road (Highway 126), similar potential impacts to resources and issue areas, and status of completion.

Table 1 - Cumulative Impact Analysis

Type of Permit & Name of Venue	Assessor's Parcel Number (APN) And Address	Number of Events Permitted Per Year	Days Permitted	Hours Permitted
Conditional Use Permit LU10-0048 for Temporary Outdoor Events: Loose Caboose	107-0-043-135 18492 E TELEGRAPH Road	60	Sunday - Thursday Friday and Saturday evenings	Until 9:00pm Until 11:00pm

Exhibit A – Aerial Location Map

Exhibit B – Site Plan

SECTION B
INITIAL STUDY CHECKLIST
CONDITIONAL USE PERMIT CASE NO. LU08-0115 FOR
FESTIVALS, ANIMAL SHOWS AND SIMILAR EVENTS, TEMPORARY OUTDOOR
APPLICANT: Carole Alary
PROPERTY OWNER: MVP Properties – Veena D. Mummaneni
LOCATION: 3117 West Telegraph Road, Fillmore
APN: 041-0-300-200

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

	ISSUE (RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
		N	LS	PS-M	PS	N	LS	PS-M	PS
	D. MIGRATION CORRIDORS	x				x			
	E. LOCALLY IMPORTANT SPECIES/COMMUNITIES	x				x			
	7. AGRICULTURAL RESOURCES (AG. DEPT.):								
	A. SOILS	x				x			
	B. WATER		x				x		
	C. AIR QUALITY/MICRO-CLIMATE		x				x		
	D. PESTS/DISEASES		x				x		
	E. LAND USE COMPATIBILITY		x					x	
	8. VISUAL RESOURCES:								
	A. SCENIC HIGHWAY (PLNG.)	x				x			
	B. SCENIC AREA/FEATURE	x				x			
	9. PALEONTOLOGICAL RESOURCES	x				x			
	10. CULTURAL RESOURCES								
	A. ARCHAEOLOGICAL	x				x			
	B. HISTORICAL (PLNG.)	x				x			
	C. ETHNIC, SOCIAL OR RELIGIOUS	x				x			
	11. ENERGY RESOURCES	x				x			
	12. COASTAL BEACHES & SAND DUNES	x				x			
HAZARDS:	13. SEISMIC HAZARDS (PWA):								
	A. FAULT RUPTURE	x				x			
	B. GROUND SHAKING		x				x		
	C. TSUNAMI	x				x			
	D. SEICHE	x				x			
	E. LIQUEFACTION	x				x			
	14. GEOLOGIC HAZARDS (PWA):								
	A. SUBSIDENCE	x				x			
	B. EXPANSIVE SOILS		x				x		

	ISSUE (RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
		N	LS	PS-M	PS	N	LS	PS-M	PS
	C. LANDSLIDES/MUDSLIDES	X				X			
	15. HYDRAULIC HAZARDS (PWA/WPD):								
	A. EROSION/SILTATION	X				X			
	B. FLOODING	X				X			
	16. AVIATION HAZARDS (AIRPORTS)	X				X			
	17. FIRE HAZARDS (FIRE)	X				X			
	18. HAZARDOUS MATERIALS/WASTE								
	A. ABOVE-GROUND HAZARDOUS MATERIALS (FIRE)	X				X			
	B. HAZARDOUS MATERIALS (EH)	X				X			
	C. HAZARDOUS WASTE (EH)	X				X			
	19. NOISE AND VIBRATION		X				X		
	20. GLARE		X				X		
	21. PUBLIC HEALTH (EH)	X				X			
	22. TRANSPORTATION/CIRCULATION:								
	A. PUBLIC ROADS AND HIGHWAYS								
	(1) LEVEL OF SERVICE (PWA)		X				X		
	(2) SAFETY/DESIGN (PWA)		X				X		
	(3) TACTICAL ACCESS (FIRE)	X				X			
	B. PRIVATE ROADS AND DRIVEWAYS (FIRE):								
	(1) SAFETY/DESIGN	X				X			
	(2) TACTICAL ACCESS	X				X			
	C. PEDESTRIAN/BICYCLE:								
	(1) PUBLIC FACILITIES (PWA)		X				X		
	(2) PRIVATE FACILITIES		X				X		
	D. PARKING (PLNG.)		X				X		
	E. BUS TRANSIT	X				X			
PUBLIC FACILITIES & SERVICES									

ISSUE (RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
	N	LS	PS-M	PS	N	LS	PS-M	PS
F. RAILROADS	X				X			
G. AIRPORTS (AIRPORTS)	X				X			
H. HARBORS (HARBORS)	X				X			
I. PIPELINES	X				X			
23. WATER SUPPLY:								
A. QUALITY (EH)	X				X			
B. QUANTITY (PWA)		X				X		
C. FIRE FLOW (FIRE)		X				X		
24. WASTE TREATMENT/DISPOSAL:								
A. INDIVIDUAL SEWAGE DISPOSAL	X				X			
B. SEWAGE	X				X			
C. SOLID WASTE MANAGEMENT (PWA)		X				X		
D. SOLID WASTE FACILITIES (EHD)	X				X			
25. UTILITIES:								
A. ELECTRIC	X				X			
B. GAS	X				X			
C. COMMUNICATION	X				X			
26. FLOOD CONTROL/DRAINAGE:								
A. WPD FACILITY (WPD)	X				X			
B. OTHER FACILITIES (PWA)	X				X			
27. LAW ENFORCEMENT/EMERGENCY SVS. (SHERIFF):								
A. PERSONNEL/EQUIPMENT		X				X		
B. FACILITIES		X				X		
28. FIRE PROTECTION (FIRE):								
A. DISTANCE/RESPONSE TIME		X				X		
B. PERSONNEL/EQUIPMENT/FACILITIES		X				X		
29. EDUCATION:								
A. SCHOOLS	X				X			

	ISSUE (RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
		N	LS	PS-M	PS	N	LS	PS-M	PS
	B. LIBRARIES (LIB. AGENCY)	x				x			
	30. RECREATION (GSA):								
	A. LOCAL PARKS/FACILITIES	x				x			
	B. REGIONAL PARKS/FACILITIES	x				x			
	C. REGIONAL TRAILS/CORRIDORS	x				x			

***DEGREE OF EFFECT:**

N = No Impact.

LS = Less Than Significant

PS-M = Potentially Significant Impact Unless Mitigation Incorporated

PS = Potentially Significant Impact

AGENCIES:

APCD - Air Pollution Control District

PWA - Public Works Agency

Plng. - Planning Division

GSA - General Services Agency

Airports - Department Of Airports

Fire - Fire Protection District

Sheriff - Sheriff's Department

EH - Environmental Health Division

WPD - Watershed Protection District

Ag. Dept. - Agricultural Department

Lib. Agency - Library Services Agency

SECTION C

INITIAL STUDY - DISCUSSION OF RESPONSES

**CONDITIONAL USE PERMIT CASE NO. LU08-0115 FOR
FESTIVALS, ANIMAL SHOWS AND SIMILAR EVENTS, TEMPORARY OUTDOOR**

APPLICANT: Carole Alary

PROPERTY OWNER: MVP Properties – Veena D. Mummaneni

LOCATION: 3117 West Telegraph Road, Fillmore

APN: 041-0-300-200

GENERAL

1. GENERAL PLAN ENVIRONMENTAL GOALS AND POLICIES:

The *Ventura County General Plan* contains a large number of goals, policies and programs which are used to evaluate proposed projects within the unincorporated county.

Many of these goals and policies do not apply to the proposed project either because of its location (i.e. it is outside the area considered in the General Plan goal or policy (coastal zone, dam inundation areas, etc.) or because the project is not a land use considered by the goal or policy. The General Plan programs are a coordinated set of measures to be implemented by County staff and other public agencies to carry out the goals and policies.

As the proposed project does not violate or hinder implementation of any of these programs, the project is considered to consistent with all the General Plan Environmental Goals and Policies.

To determine project consistency with the General Plan goals and policies, only the policies are normally evaluated unless; 1) a policy is so vague that a related goal needs to be evaluated so as to clarify the intent of the specific policy; 2) there is a specific feature about the project as it relates to a specific policy which requires evaluation of a specific goal; or 3) a goal addresses issues which are not covered by specific policies. Where a goal and a policy overlap, only the policy is evaluated. These principles are derived from the fact that the policies are considered to be specific, “guiding day-to-day actions” which are designed to implement the much more generalized goals.

In review of the *Ventura County General Plan*, using the principles discussed above and the environmental analyses contained in this Initial Study, the proposed project is considered to be consistent with all the goals, policies, and programs of the *Ventura County General Plan*. The most relevant general plan sections are referenced in the relevant impact sections.

The proposed project site has a General Plan land use designation of “Agriculture” and a zoning designation of “AE-40” (Agricultural Exclusive, 40-acre minimum lot size). The proposed project complies with the environmental goals, policies, and programs of the General Plan, and the Non-Coastal Zoning Ordinance; therefore, **no significant impacts** are anticipated.

Source Document: Ventura County Initial Study Assessment Guidelines (October 2008), Ventura County General Plan (2005), Ventura County Non-Coastal Zoning Ordinance.

LAND USE

2. LAND USE:

Item A - Community Character

The proposed project was reviewed and evaluated for impacts to community character using the *Ventura County Initial Study Assessment Guidelines* (February 2006). A “community” is a particular area within which people with common interests reside. The proposed CUP boundary is bordered by orchards trees. The nearest residence to the CUP boundary is located approximately 1,000 feet to the northeast. Other surrounding residences to the east and southwest are 1,400 feet from the CUP boundary, and a residence to the northwest is approximately 1,700 feet. Conditions placed upon this permit with regard to days and hours of operation, traffic control, parking, noise, and glare will reduce the impacts to community character to a level that is **less than significant**.

Source Document: Ventura County Initial Study Assessment Guidelines (October 2008).

Item B – Housing

The proposed project was reviewed and evaluated for impacts to housing using the *Ventura County Initial Study Assessment Guidelines* (February 2006). The events described in the proposed project are periodic in nature and would not individually or cumulatively affect existing housing or create a demand for additional housing. Therefore, there would be **no adverse impacts** to housing as a result of this project.

Source Document: Ventura County Initial Study Assessment Guidelines (October 2008).

Item C - Growth Inducement

The proposed project was reviewed for growth inducing impacts using the *Ventura County Initial Study Assessment Guidelines* (February 2006). The proposed project is for periodic, temporary events. Access to the site and utilities already exist. In order to meet sanitation requirements, additional portable restrooms would need to be brought in for events, however these are temporary. Also, the zoning of the property restricts future growth to a limited number of uses. Therefore, **no adverse impacts** to growth inducement are expected as a result of this project.

Source Document: Ventura County Initial Study Assessment Guidelines (October 2008).

RESOURCES

3. AIR QUALITY:

Item A - Regional Air Quality Impacts

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

Source Document: 2000 Ventura County Air Quality Assessment Guidelines, Air Pollution Control District (memorandum from Alicia Stratton to Hollee Brunsky dated January 7, 2010).

Item B - Local Air Quality Impacts

Based on information in the project application, the proposed project would generate local air quality impacts, but those impacts are expected to be **less than significant** with standard conditioning of the project.

Source Document: 2000 Ventura County Air Quality Assessment Guidelines, Air Pollution Control District (memorandum from Alicia Stratton to Hollee Brunsky dated January 7, 2010).

Greenhouse Gasses and Climate Change

Greenhouse gases (GHGs) are atmospheric gases affecting temperature, precipitation, and other aspects of the climate system. Scientific evidence demonstrates that the average global atmospheric temperature has been rising in recent decades. At the same time, anthropogenic GHG emissions, primarily carbon dioxide (CO₂) from the combustion of fossil fuels, have also been increasing. According to scientific data, further global warming would change the global climate system and its ecosystems. Such changes could include, but not be limited to, higher sea levels; more extreme weather, including droughts, heavy precipitation, heat waves, extreme cold, and the intensity of tropical cyclones; the decline of mountain snowpack, glaciers, and sea ice; an increase in the number of days conducive to ozone formation; and higher potential for erosion of California's coastlines.¹ In order to reduce or prevent changes to the global climate system, governmental actions have been initiated, with the support of the scientific community, to limit GHGs.

Regulatory Setting. Health & Safety Code § 38500 et seq. (AB 32), the California Global Warming Solutions Act of 2006, identifies the threat of global warming in and to the state, and establishes a goal of reducing GHG emissions to 1990 levels by the year 2020 in order to avert significant environmental consequences. AB 32 requires the California Air Resources Board (ARB) to quantify and track GHG emissions, approve a plan for achieving reductions of GHGs, and adopt reduction measures and regulations (including "cap and trade" programs) for achieving GHG emission reductions. AB 32 does not, however, amend CEQA (California Environmental Quality Act) to require new analytic processes to account for the environmental impacts of GHG emissions from projects subject to CEQA. Pursuant to SB 97, Public Resources Code § 21083.05 was enacted in 2007, to address GHG emissions from projects in CEQA analyses. SB 97 directs the Governor's Office of Planning and Research (OPR) to develop draft CEQA Guidelines by July 1, 2009.² The OPR has fulfilled its obligation by developing "Proposed Amendments" to 14 sections of the CEQA Guidelines, which are currently available for public review³ as final adoption of such CEQA Guidelines amendments are

¹ ENVICOM Corp. Agoura Hills, CA. "Draft Final Wildwood Preserve Environmental Impact Report." April 2009.

² State of California, Office of Planning and Research. "Technical Advisory: CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review." June 19, 2008.

³ See "CEQA Guidelines: Sections Proposed to Be Added or Amended."
http://www.opr.ca.gov/ceqa/pdfs/PA_CEQA_Guidelines.pdf

pending before the California Resources Agency. The California Resources Agency has until January 1, 2010 to certify and adopt the Proposed CEQA Guidelines Amendments.

Like many CEQA lead agencies in California, the Ventura County Planning Division relies on the guidance of its local air pollution control district, the Ventura County Air Pollution Control District (APCD), for environmental analysis and mitigation related to air quality and air pollution. Regarding ozone precursor pollutants [such as reactive organic compounds (ROC) and nitrogen oxides (NO_x)], the APCD has developed a threshold of significance and, if impacts are found to be significant, identifies mitigation measures that can reduce impacts below significance.

In the case of GHGs, the Ventura County APCD does not yet have a threshold of significance for GHGs. The OPR has asked the ARB to recommend a methodology for determining GHG emission significance thresholds that could be used by local agencies. The OPR⁴, ARB, and others⁵ recognize that a statewide threshold of significance for GHG emissions is warranted because of the global nature, as opposed to local or regional, of climate change. However, such state guidance is not expected until 2010, due to the public workshop process and technical complexity of the issue.

The recently Proposed Amendments to CEQA Guidelines per SB 97 do not prescribe thresholds of significance for GHG emissions. The Proposed Amendments allow lead agencies to apply or adopt significance thresholds adopted or recommended by other public agencies, or recommended by experts, provided the decision by the lead agency is supported by substantial evidence [Sec. 15064.4.(b)(2), Sec. 15064.7.(c)]. Nevertheless, existing CEQA Guidelines [Sec. 15064.7(b)] state that, "Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by the substantial evidence." Currently, there are no formally adopted or published CEQA thresholds for GHG emissions from an individual project that can be used to determine significance.⁶

Thus, as no threshold of significance exists for GHG emissions, a determination of significance cannot be made for the project at this time. "Substantial additional scientific research and regulatory guidance are needed to determine whether a project's incremental GHG emissions impacts on climate change would be significant, and whether and how cumulative GHG emissions will affect global climate. Despite these difficulties and uncertainties, local and state efforts are underway to develop GHG significance thresholds."⁷ Until such time as thresholds are developed and adopted, the County does not have adequate information for determining mitigation measures.

⁴ State of California, Office of Planning and Research. "Technical Advisory: CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review." June 19, 2008.

⁵ Ventura County Air Pollution Control District. June 9, 2009.

⁶ ENVICOM Corp, Agoura Hills, CA. "Draft Final Wildwood Preserve Environmental Impact Report." April 2009.

⁷ Ibid.

CO₂ Emission Estimates for LU08-0115: The OPR's Proposed Amendments to CEQA Guidelines state that the lead agency for a project "should make a good faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project" [Sec.15064.4.(a)]. In addition, a "lead agency shall have discretion" to use a model to quantify GHGs (and explain its limitations) or "Rely on a qualitative analysis or performance based standards" [Sec. 15064.4(a)(1) and (2)]. Following such guidance, the County of Ventura determined that the URBEMIS model, historically used by air pollution control agencies statewide to determine the transportation related air quality impacts of a particular project, is also appropriate for calculating GHG emissions for the proposed project.

Ventura County Air Pollution Control District staff believes that the URBEMIS 2007 model is the best option for estimating greenhouse gas emissions (GHG) from proposed projects at this time. URBEMIS 2007 estimates air pollutant emissions from a wide variety of land use development projects in California such as housing developments, office and industrial parks, schools, and shopping centers. URBEMIS stands for "Urban Emissions Model." URBEMIS 2007 is publicly available and routinely used by CEQA practitioners and air districts statewide to estimate air pollutant emissions in relation to adopted CEQA significance thresholds. This helps ensure consistency statewide in how project air emissions are estimated and evaluated for environmental review purposes. URBEMIS 2007 can be downloaded without charge from <http://www.urbemis.com> and from <http://www.aqmd.gov/ceqa/urbemis.html>.

URBEMIS 2007, version 9.2.4, is the latest version of the URBEMIS series and the second version to estimate anthropogenic CO₂ emissions. It estimates CO₂ emissions from project construction and project operation. Project operational CO₂ emission estimates include CO₂ emissions from motor vehicles that travel to and from the completed project and from other project emission sources such as natural gas heating and landscape maintenance activities. The model uses two California Air Resources Board (ARB) motor vehicle models to estimate motor vehicle emissions: EMFAC2007 is used for on-road vehicles and OFFROAD2007 is used for off-road vehicles. EMFAC2007 and OFFROAD2007 are used by California State and local governments to develop plans and strategies for meeting federal and state clean air standards. Both models are available for downloading without charge from ARB at <http://www.arb.ca.gov/html/soft.htm>.

A shortcoming of URBEMIS 2007 is that it does not estimate GHG emissions other than CO₂ and methane. This is not a major problem, however, since CO₂ is the most important and prevalent GHG from land development projects. Although other GHGs have a higher global warming potential, they are emitted in far lower quantities. URBEMIS 2007 also does not estimate GHG emissions from off-site waste disposal, electricity generation, wastewater treatment, or emissions associated with goods and services consumed by the residents and workers supported by a project. Nor does URBEMIS 2007 calculate GHG associated with consumption of energy produced off-site. For that matter, URBEMIS 2007 does not estimate criteria air pollutant emissions from such sources either. Enhancements to the model to improve GHG emission estimates are being developed but are not yet available. Finally, URBEMIS

2007 only estimates GHG emissions; it does not indicate to what degree GHG emissions linked to a proposed land use project would potentially affect global climate change.

Based on information provided by the applicant and the URBEMIS 2007 (version 9.2.4) computer model, air quality impacts will be below the 25 pounds per day threshold for reactive organic compounds and oxides of nitrogen as described in the Ventura County Air Quality Assessment Guidelines (1.27 lbs/day ROC and 1.33 lbs/day NOx). Therefore, the project will not have a significant impact on regional air quality.

Based on information provided by the applicant and the URBEMIS 2007 (version 9.2.4) computer model, 220.42 tons per year of CO2 would result from the project.

Source Document: Air Pollution Control District (Email from Alicia Stratton to Michelle D'Anna dated July 26, 2010).

4. WATER RESOURCES:

Item A - Groundwater Quantity

No increase in groundwater usage is anticipated. Therefore, the project will have a **less than significant** impact to Groundwater Quantity.

Source Document: Watershed Protection District (memorandum from Rick Viergutz to Michelle D'Anna dated December 17, 2009).

Item B - Groundwater Quality

All wastewater from the portable toilets will be removed after each event. Conditions of approval will further reduce the cumulative impacts to groundwater quality. Therefore, the project will have a **less than significant** impact to Groundwater Quality.

Source Document: Watershed Protection District (memorandum from Rick Viergutz to Michelle D'Anna dated December 17, 2009).

Item C - Surface Water Quantity

No surface water usage is proposed. Therefore the project will have a **less than significant impact** to surface water quantity.

Source Document: Watershed Protection District (memorandum from Rick Viergutz to Michelle D'Anna dated December 17, 2009).

Item D - Surface Water Quality

The project's water quality impacts are not expected to result in a violation of any water quality standards as defined in the Los Angeles Basin Plan. As such, neither the individual project nor cumulative threshold for significance is being exceeded. Therefore, the project will have a **less than significant impact** on surface water quality.

Source Document: Ventura County Initial Study Assessment Guidelines

5. MINERAL RESOURCES:

Item A - Aggregate

The project site is not located within a Mineral Resource Zone. Zoning Maps indicate that the proposed project site is not zoned for “mineral resource protection,” and the proposed project would not affect current aggregate manufacturing or production “stream” nor would the proposed project result in direct impacts through the use of mineral resources as described in the *Ventura County Initial Study Assessment Guidelines* (February 2006). Therefore, the proposed project would have **no adverse impact** on mineral resources.

Source Document: Ventura County General Plan (2005), Resources Appendix, Figure 1.4.6 (page 51), and Planning GIS – Aggregate Resources layer (accessed May 2010).

Item B - Petroleum

No oil or gas Conditional Use Permits are located on this site or in the immediate area. The proposed Conditional Use Permit would not preclude access to petroleum resources should any be discovered in the future. The proposed project would create a demand for petroleum resources, due primarily to the use of gasoline for vehicle trips. However, as stated in the *Ventura County Initial Study Assessment Guidelines* (February 2006, 33), no individual project would have a significant impact on the demand for petroleum resources because: “*Petroleum resources are considered a world-wide, national and state-wide resource that is beyond the scope of local governments to effectively manage or control.*” Therefore, the project would have **no adverse impact** on petroleum resources.

Source Document: Ventura County Initial Study Assessment Guidelines (October 2008) and Ventura County General Plan, Resources Appendix (2005), and Planning GIS – Aggregate Resources layer (accessed May 2010).

6. BIOLOGICAL RESOURCES:

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

The *Ventura County General Plan* (2005a), Biological Resources Policy 1.5.2.1, requires an evaluation by a qualified biologist to assess the potential adverse impacts and, if necessary, the development of mitigation measures for discretionary development that has the potential to adversely affect biological resources. In addition, Biological Resources Policy 1.5.2.2 requires discretionary development to be sited and designed to incorporate all feasible measures to mitigate any significant impacts to biological resources. Finally, the analysis of potential impacts and identification of mitigation measures must be conducted and evaluated pursuant to the requirements of the *Ventura County Initial Study Assessment Guidelines* (Ventura County 2006b). The project is not expected to have any impacts to Biological Resources relating to endangered, threatened or rare species, wetland habitat, or coastal habitat. And the project site is not located within a mapped regional wildlife corridor. The proposed events are temporary and would be located within an area that is currently developed with structures, hardscape, and ornamental plantings, and therefore lacks sensitive habitat, and does not support sensitive species. As such, **no project-specific or cumulative impacts** are expected to endangered, threatened or rare species, wetland habitat, or coastal habitat.

Source Document: Ventura County Initial Study Assessment Guidelines (October 2008) and Planning GIS – Habitat Connectivity Layer (accessed May 2010).

7. AGRICULTURAL RESOURCES:

Item A – Soils

The evaluation pertains to loss of agricultural soils. The temporary events project area is on the grassy lawn area of the existing primary residences. No farming areas will be converted to a non-farming use. Therefore, project and cumulative impacts for Agricultural Resources–Soils are deemed **No Impact**.

Source Document: Office of Agricultural Commissioner (memorandum from the Rita Graham to Hollee Brunsky, dated October 17, 2008)

Item B – Water

Professional evaluations of water usage and discharge are undertaken by the Ventura County Water Resources Division and Watershed Protection District. Unless a peculiar effect is identified by these agencies, the Agricultural Commissioner considers effects to Agricultural Resources–Water to be **less than significant**.

Source Document: Office of Agricultural Commissioner (memorandum from the Rita Graham to Hollee Brunsky, dated October 17, 2008)

Item C - Air Quality/Micro-Climate

Revised standards related to Agricultural Resources-Land Use Incompatibility (Item 7e below) are comprehensive for air quality and microclimate impacts. Separate professional evaluation of air quality impacts are undertaken by the Ventura County Air Pollution Control District. Unless a peculiar effect is identified by APCD, the Agricultural Commissioner considers effects to Agricultural Resources–Air Quality/Microclimates to be **less than significant**.

Source Document: Office of Agricultural Commissioner (memorandum from the Rita Graham to Hollee Brunsky, dated October 17, 2008)

Item D - Pests/Diseases

Revised standards related to Agricultural Resources-Land Use Incompatibility (Item 7e below) are comprehensive for agricultural pest and disease impacts. The proposed use is unlikely to introduce agricultural pests or diseases. In addition, any shipment of agricultural products is subject to inspection by inspectors of the Ventura County Agricultural Commissioner's Office. Therefore, the Agricultural Commissioner considers effects related to Agricultural Resources–Pests/Diseases to be **less than significant**.

Source Document: Office of Agricultural Commissioner (memorandum from the Rita Graham to Hollee Brunsky, dated October 17, 2008)

Item E - Land Use Compatibility

The evaluation pertains to the introduction of land use incompatibilities to off-site agricultural lands and off-site crop production. The threshold of significance is any non-agricultural land use or development that by its nature, design or operation may pose substantial land use incompatibilities with nearby property currently in or suitable for agricultural production will have a significant impact.

Outdoor Recreational uses are listed in the Initial Study Guidelines as potentially significant if they are within 300 feet of irrigated agriculture. Temporary Outdoor Events, Weddings, are substantially similar to Outdoor Recreation uses. The proposed CUP boundary appears to be over 300 feet from adjacent agricultural properties except at its eastern interface. The CUP boundary appears to be approximately 50 feet from the eastern lot boundary line and 60 feet from where crop production occurs on the adjacent property. Therefore, project impacts related to Agricultural Resources – Land Use Compatibility are deemed **Potentially Significant, but can be reduced to Less than Significant with the implementation of the mitigation measure below.**

Mitigation Measure AG-1: Prior to issuance of a Use Inauguration Zoning Clearance, the applicant must prepare a Notification and Response Plan in lieu of a buffer. The Agricultural/Urban Buffer Policy allows a notification and response plan in lieu of extended setbacks as mitigation for the introduction of land use incompatibilities to nearby farms by the proposed non-farming project, Temporary Outdoor Events/Weddings. Call (805) 477-1620x7 for assistance. The plan must include all of the following components:

- 1a: Permittee must send or provide a letter to the adjacent farm operator to the east, APN 041-0-300-24. (This parcel is within 50 feet of the wedding event area.) Please attach to the letter a copy of the approved project description and permittee's name, address, and telephone number as well as contact information for the actual Event operators, if different. The address for the owner of APN 041-0-300-24 may be obtained from the Ventura County Assessor's Office. Permittee must provide a copy of the letter to the Agricultural Commissioner's Office.
- 1b: The letter must request information from the owner of APN 041-0-300-24 about seasonal or known periods of time when the farmer of this parcel intends to use agricultural sprays, applications, or equipment that might raise any of the following issues: Perception of chemical spray drift, dust, odors, or noise, which the train center operators should take into consideration in scheduling events for Event guests. (The Right to Farm Ordinance allows farm operators to conduct normal farming activities without threat of nuisance complaints; therefore, to reduce misunderstandings, coordination of activities is encouraged.)
- 1c: The letter must request the name and telephone number of a contact at the adjacent farm property who can be contacted for information about future or ongoing farm operations that may cause the Event permittee to reschedule events or take other temporary cooperative actions; i.e., proactive cooperation.
- 1d: The Permittee may mail the letter (proof of mailing-only required) or present it in person as part of a conference for the purpose of arranging to minimize land use incompatibility. If presented in person, the Permittee should note on the letter the date, time, and names of persons contacted.
- 1e: Permittee must provide a copy of the letter to the Agricultural Commissioner's

Office, as well as any response letters received from the off-site property owner. If a personal meeting is arranged, please provide a summary of the information exchanged. Please indicate if there is no response within 30 days of mailing. The off-site farm owner's failure to respond or cooperate does not disqualify this mitigation measure.

Mitigation Monitoring: Prior to issuance of a Zoning Clearance, the Agricultural Commissioner will review and approve the Notification and Response Plan in lieu of a buffer. This will assure that land use incompatibilities related to the presence of paid Event guests in the vicinity of crop production are reduced to a level that is less than significant. Inauguration of the Temporary Outdoor Events use requires a Zoning Clearance.

It should be noted that the human health and safety of both on-site occupants and guests (and off-site farm workers) related to pesticide applications is regulated by provisions of the California Food and Agriculture Code (FAC). The mitigation measure is not a provision for additional human safety; it is a land use tool to provide operational convenience to the off-site farmers. The farmers or their pesticide applicators are subject to the provisions of the FAC at all times during the handling and application of agricultural pesticides. With implementation of the mitigation measure, land use project impacts are deemed **less than significant with mitigation**.

Source Document: Office of Agricultural Commissioner (memorandum from the Rita Graham to Hollee Brunsky, dated October 17, 2008, revised on May 27, 2010).

8. VISUAL RESOURCES:

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

A scenic highway is the visible area as seen from a designated or eligible scenic highway that can generally be defined as the "view from the road." The foreground viewshed is generally within one-half mile on either side of the highway. General Plan Policy 1.7.2-4 states that a project would have a significant impact if it would degrade visual resources or significantly alter or obscure public views. Highway 126 is an eligible scenic county highway. The proposed CUP area within the subject parcel is located approximately 150 feet of Highway 126. Several mature trees line the southern property line of the parcel in the area of the CUP boundary, thereby shielding the view of the project site from Telegraph Road (Highway 126). Therefore, there would be **no adverse impacts** to visual resources.

Source Document: Ventura County General Plan Resources Appendix (2005), Figure 1.7.2a and the Ventura County Initial Study Assessment Guidelines (October 2008), and Site Visit conducted by Michelle D'Anna on February 22, 2010.

9. PALEONTOLOGICAL RESOURCES:

The proposed project is on existing developed land with an agricultural zoning designation. The proposed project would not involve ground disturbance activities or the construction of permanent structures. The proposed project is consistent with the goals and policies in the *Ventura County General Plan* (2005), Section 1.8 – *Paleontological and Cultural Resources*. Therefore, the project will result in **no adverse impact** to

paleontological resources.

Source Document: Ventura County General Plan (2005) and the Ventura County Initial Study Assessment Guidelines (October 2008).

10. CULTURAL RESOURCES:

Item A – Archaeological Resources and Item B – Historical Resources

The proposed project is on existing developed land with an agricultural zoning designation. The proposed project would not involve ground disturbance activities, the construction of permanent structures, or the demolition of buildings. The proposed events are consistent with the goals and policies in the *Ventura County General Plan (2005)*, Section 1.8 – *Paleontological and Cultural Resources*. Therefore, the proposed project will result in **no adverse impact** to cultural resources.

Source Document: Ventura County General Plan (2005) and the Ventura County Initial Study Assessment Guidelines (October 2008).

Item C - Social or Religious Resources

No contemporary, ethnic or social establishments, cemeteries, churches, shrines, synagogues, or other religious institution or establishments are located within the project site or on the immediate adjacent parcels. Therefore, **no adverse impacts** to Social or Religious resources are expected as a result of this project. The proposed project is consistent with the goals and policies in the *Ventura County General Plan (2005)*, Section 1.8 – *Paleontological and Cultural Resources*.

Source Document: Ventura County General Plan (2005) and the Ventura County Initial Study Assessment Guidelines (October 2008), and Site Visit conducted by Michelle D'Anna on February 22, 2010.

11. ENERGY RESOURCES:

The proposed project is on existing developed land in an open space zone. The wedding events would be periodic and of a non-permanent nature, and would not include the construction of new buildings. The project alone and cumulatively has no relationship to renewable resources of solar, wind, and hydraulic power. Therefore, there is **no adverse impact** to energy resources as a result of this project.

Source Document: Ventura County General Plan (2005) and the Ventura County Initial Study Assessment Guidelines (October 2008).

12. COASTAL BEACHES & SAND DUNES:

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

Source Document: Ventura County Coastal Area Plan (2002).

HAZARDS

13. SEISMIC HAZARDS:

Item A - Fault Rupture

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

Source Document: Public Works Agency (Memorandum from Brian J. Trushinski to Hollee Brunsky dated October 16, 2008)

Item B - Ground Shaking

The property will subject to moderate to strong ground shaking from seismic events on local and regional fault systems. The County of Ventura Building code adopted from the California Building Code, dated 2007, Chapter 16, Division IV requires the structures be designed to withstand this ground shaking. The requirements of the building code will reduce the effects of ground shaking to less than significant. Therefore, the adverse impacts, relating to ground shaking would be considered to be **less than significant**.

Source Document: Public Works Agency (Memorandum from Brian J. Trushinski to Hollee Brunsky dated October 16, 2008)

Item C – Tsunamis & Item D - Seiches

Pursuant to the Countywide General Plan, Hazards Appendix, Figure 2.6, the proposed project is not located in a Tsunami Zone or a Seiche Zone. Therefore, there would be **no adverse impacts** relating to Tsunamis and Seiches.

Source Document: Public Works Agency (Memorandum from Brian J. Trushinski to Hollee Brunsky dated October 16, 2008)

Item E - Liquefaction

The Public Works Agency comments that pursuant to the Countywide General Plan, Hazards Appendix, Figure 2.6, the proposed project is not located in a Liquefaction Zone. Therefore, the potential hazard due to liquefaction should be considered negligible. Therefore, there would be **no adverse impacts** relating to liquefaction.

Source Document: Public Works Agency (Memorandum from Brian J. Trushinski to Hollee Brunsky dated October 16, 2008)

14. GEOLOGIC HAZARDS:

Item A – Subsidence

The Public Works Agency comments that if subsidence is to take place the majority of settlement would occur during construction and be minimal. Prior to construction, the expansive nature of the soils would be taken into consideration for the design of the foundations. Therefore, there would be **no adverse impacts** relating to subsidence.

Source Document: Public Works Agency (Memorandum from Brian J. Trushinski to Hollee Brunsky dated October 16, 2008)

Item B - Expansive Soils

Future development of the site will be subject to the requirements of the County of Ventura Building Code adopted from the California Building Code, dated 2007, Section 1802.2.2 that require mitigation of potential adverse effects of expansive soils and in this regard, the hazard associated with adverse effects of expansive soils is considered to be less than significant. Therefore, the adverse impacts, relating to expansive soils would be considered to be **less than significant**.

Source Document: Public Works Agency (Memorandum from Brian J. Trushinski to Hollee Brunsky dated October 16, 2008)

Item C - Landslides/Mudslides

The Public Works Agency comments that pursuant to the Countywide General Plan, Hazards Appendix, Figure 2.9, the proposed project is not located in a landslides and/or mudslide Zone. Therefore, there would be **no adverse impacts** relating to landslides/mudslides.

Source Document: Public Works Agency (Memorandum from Brian J. Trushinski to Hollee Brunsky dated October 16, 2008)

15. HYDRAULIC HAZARDS:

Item A - Erosion/Siltation

The Public Works Agency comments that pursuant to the Ventura County Building Code, when construction is completed the proposed project will have no erosion or siltation. During grading erosion and increased siltation will occur, but the Code requires storm damage prevention measures to reduce this potential adverse impact. Therefore, there would be **no adverse impacts** relating to erosion/ siltation.

Source Document: Public Works Agency (Memorandum from Brian J. Trushinski to Hollee Brunsky dated October 16, 2008)

Item B – Flooding

Portions of the subject property are situated with a FEMA-determined 100-year floodplain, however, that portion of the property subject to this particular land use entitlement is not located near the 100-year floodplain. Therefore, there would be **no adverse impacts** related to flooding.

Source Document: Watershed Protection District (Memorandum from Brian Trushinski to Michelle D'Anna, dated December 22, 2009)

16. AVIATION HAZARDS:

Since the proposed project is not located within two miles of any public airport, there would be **no adverse impacts**, alone and cumulatively, relative to air traffic safety.

Source Document: Ventura County General Plan (2005) and the Ventura County Initial Study Assessment Guidelines (October 2008).

17. FIRE HAZARDS:

Any construction will be required to comply with the Fire Code as adopted and amended by VCFPD Current Ordinance for Fire Hazard Abatement and also the Building Code for required building standards. The proposed project does not include the construction of

roads, driveways, buildings, or structures. Therefore, **no adverse impacts** associated with fire hazards are anticipated.

Source Document: Fire Protection District (Memorandum from Marnel Vanden Bossche to Michelle D'Anna dated February 25, 2010)

18. HAZARDOUS MATERIALS/WASTE:

Item A - Above-ground Hazardous Materials

Any hazardous material storage will be required to comply with the Fire Code as adopted and amended by the VCFPD Current Ordinance. Currently there are no hazardous materials proposed for the project. The proposed project will have **no impact**.

Source Document: Fire Protection District (Memorandum from Marnel Vanden Bossche to Michelle D'Anna dated February 25, 2010)

Item B - Below-ground Hazardous Materials

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

Source Document: Environmental Health Division (Memorandum from Melinda Talent to Michelle D'Anna dated May 10, 2010)

Item C - Hazardous Waste

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

Source Document: Environmental Health Division (Memorandum from Melinda Talent to Michelle D'Anna dated May 10, 2010)

19. NOISE/VIBRATION:

The proposed project would not include construction and grading activities and, therefore, does not have the potential to generate construction-related noise impacts. However, the proposed project would occasionally use amplified music depending upon the desires of the leasing party. In order for a project to be considered a noise generator, the *Ventura County Initial Study Assessment Guidelines (October 2008)* state that the potential for noise at the nearest noise sensitive use/residential district must be estimated to exceed:

- Leq(1hr) of 55 dB(A)⁸ or ambient noise level plus 3 dB(A), whichever is greater, between 6:00 AM and 7:00 PM;
- Leq(1hr) of 50 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, between 7:00 PM and 10:00 PM; or,
- Leq(1hr) of 45 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, between 10:00 PM and 6:00 AM.

⁸ A-weighted sound level [dB(A)] refers to the sound pressure level measured using the A-weighting network, a filter which discriminates against low and very high frequencies in a manner similar to the human hearing mechanism at moderate sound levels [*Ventura County Initial Study Assessment Guidelines (February 2006)*].

Currently, noise generated from the project site is emitted by activities associated with the existing residential and agricultural land uses. The proposed project includes a parking lot that would accommodate up to 100 parking spaces and a 1.37-acre event venue, which would be expected to involve noise-generating events such as amplified music. A noise study ("Noise Study") dated June 23, 2009, was prepared for the project by Advanced Engineering Acoustics. The Noise Study concluded that the ambient noise during the afternoon hours at this site was caused by traffic noise on West Telegraph Road (SR-126). Noise measurements at the property lines and in the designated reception area during testing resulted in sound levels that were used to predict the venue noise at the nearby noise-sensitive receptors ("residences"). DJ music sound levels could be increased by approximately 9 dB until the DJ source noise hourly Leq equals the fixed hourly Leq noise limits at the nearby residences.

It is therefore concluded that in order to comply with the thresholds and not exceed a fixed daytime noise limit of 55 dBA Leq(1hr) at the nearest residences, the music and PA sound levels during the daytime hours (7am to 7pm), must be maintained at either 98dBA Leq(1hr) at five feet from the DJ speakers, or at 89 dBA Leq(1hr) at fifteen feet from the DJ speakers. During the evening hours (7pm to 10pm), sound must be maintained at 93 dBA Leq(1hr) at five feet from the DJ speakers, or at 84 dBA Leq(1hr) at fifteen feet from the DJ speakers in order to not exceed a fixed evening noise limit of 50 dBA Leq(1hr) at the nearest residences. During the nighttime hours (after 10pm), sound must be maintained at 88 dBA Leq(1hr) at five feet from the DJ speakers, or at 79 dBA Leq(1hr) at fifteen feet from the DJ speakers in order to not exceed a fixed nighttime noise limit of 45 dBA Leq(1hr) at the nearest residences.

A condition of approval will be placed on the project to purchase or rent a sound monitoring system to control and monitor the sound emissions at 5 feet and/or 15 feet from the DJ speakers, as recommended in the Noise Study. Additionally, as the proposed condition of approval is self-regulating, and could be considered difficult to enforce, conditions of approval will be included in the permit that require a contact person to be provided annually to the Planning Director and to all residents within 100 feet of the parcel boundary. A complaint resolution process for resolving noise complaints during temporary events will also be incorporated into the project as a condition of approval. Therefore, as conditioned, the project will comply with County standards for noise emissions, and will therefore have a **less than significant** impact.

Source Document: Noise Study by Advanced Engineering Acoustics, dated June 23, 2009; Ventura County General Plan (2005) and Ventura County Initial Study Assessment Guidelines.

20. GLARE:

The proposed project is on existing developed land in an open space zone. Special events are temporary and would be periodic and of a non-permanent nature, requiring no new permanent structures. Temporary lighting associated with wedding events would be screened by existing trees on the property. In addition, a condition of approval will be placed on the project such that all lighting would be hooded and would not result in direct illumination of adjacent properties, or illumination of the night sky. Therefore, the project is expected to have a **less than significant impact** to surrounding sites from glare generated on-site.

Source Document: *Ventura County Initial Study Assessment Guidelines (October 2008), Site Visit conducted by Michelle Glueckert D'Anna on February 22, 2010.*

21. PUBLIC HEALTH:

No impacts to public health were identified during the review of the proposed project.

Source Document: *Environmental Health Division (Memorandum from Melinda Talent to Michelle D'Anna dated May 10, 2010)*

PUBLIC FACILITIES/SERVICES

22. TRANSPORTATION/CIRCULATION:

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

The proposed project will generate additional traffic on the local public roads. To address the cumulative adverse impacts of traffic on the Regional Road Network, Ventura County Traffic Impact Mitigation Fee (TIMF) Ordinance 4246 and General Plan (GP) Policy 4.2.2 requires that the Transportation Department of the Public Works Agency collect a TIMF from developments. This development is subject to this Ordinance. With payment of the TIMF, the level of service (LOS) and safety of the existing roads would remain consistent with the County's General Plan. Therefore, adverse traffic impacts relating to LOS and safety/design will be **less than significant**, with payment of the Traffic Impact Mitigation Fee (TIMF).

Source Document: *Public Works Agency-Transportation Division (Memorandum from Nazir Lalani to Hollee Brunsky dated October 9, 2008)*

Item A - Public Roads & Highways (3) Tactical Access and Item B - Private Roads & Driveways (1) Safety/Design and (2) Tactical Access

The project shall be required to meet current Fire District Access standards, which may require on and off site road improvements. Conditions will be placed on the project to ensure that Fire District Access standards are met. Therefore, the project will have **no impact** on tactical access for public roads and highways as well as private road and driveways.

Source Document: *Fire Protection District (Memorandum from Marnel Vanden Bossche to Michelle D'Anna dated February 25, 2010)*

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

The Transportation Department comments that the existing roads in the proximity of the proposed project site do not have adequate facilities pursuant to the County's Road Standards and the State Department of Transportation (Caltrans). However, the proposed project does not plan to generate significant pedestrian and bicycle traffic. Therefore, the Transportation Department considers that the adverse impacts relating to the supplementary addition of pedestrians and bicycles into the area to be **less than significant**.

Source Document: *Public Works Agency-Transportation Division (Memorandum from Nazir Lalani to Hollee Brunsky dated October 9, 2008)*

Item D – Parking

The proposed project would generate a need for off-street parking. Guest parking is located in a parking area within the CUP boundary, just south of the event area and near the main entrance to the site. The CUP boundary can accommodate up to a total of 100 parking spaces. There is unobstructed access to the property from Telegraph Road (Highway 126). Parking attendants will be present during temporary events to provide traffic control and valet parking. No parking is proposed, nor will be permitted, on Telegraph Road (Highway 126) or shoulder right-of-way. Therefore, impacts from parking are expected to be **less than significant**.

Source Document: Ventura County Initial Study Assessment Guidelines (October 2008).

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

There are no bus, railroad, airport, or harbor facilities within the vicinity of the project site with which the proposed events could interfere. Therefore, the project would have **no adverse impacts** on these facilities.

Source Document: Ventura County General Plan (2005) and the Ventura County Initial Study Assessment Guidelines (October 2008).

Item I - Pipelines

There are no existing pipelines that would affect the proposed project. The County GIS System Maps indicate that there are pipelines that run along Telegraph Road (Highway 126) to the south of the property, and along the Southern Pacific Railroad Right-of-Way to the north of the property, but these pipelines do not traverse or enter the subject property. Even so, the proposed project does not include ground disturbance or construction activities. Therefore, the proposed project would have **no adverse impacts** to pipelines.

Source Document: Ventura County GIS (Pipelines Layer – Accessed May 2010).

23. WATER SUPPLY:

Item A – Quality

The proposed project will not require a supply of domestic water. Therefore, the project will **not impact** the quality of water available to the project.

Source Document: Environmental Health Division (Memorandum from Melinda Talent to Michelle D'Anna dated May 10, 2010)

Item B – Quantity

All potable water supplies will be provided by the events caterer using an offsite source of water. Therefore, water supply quantity is deemed **less than significant**.

Source Document: Watershed Protection District (memorandum from Rick Viergutz to Michelle D'Anna dated December 17, 2009).

Item C - Fire Flow

Water supply for fire protection is required to meet VCFPD Standard and Current Ordinance. The proposed project will not require additional water resources required under VCFPD Standards. Therefore, the project will have a **less than significant impact** on fire flow.

Source Document: Fire Protection District (Memorandum from Marnel Vanden Bossche to Michelle

24. WASTE TREATMENT/DISPOSAL:

Item A - Individual Sewage Disposal System

The proposed project will not require the use of an on-site sewage disposal system. Portable restrooms will be provided and maintained in a sanitary condition. Therefore, the project will create **no adverse impacts** relative to on-site sewage disposal.

Source Document: Environmental Health Division (Memorandum from Melinda Talent to Michelle D'Anna dated May 10, 2010)

Item B - Sewage Collection/Treatment Facilities

The proposed project would utilize temporary restroom facilities only. Therefore, there would be **no adverse impact** to sewage collection/treatment facilities.

Source Document: Ventura County Initial Study Assessment Guidelines (October 2008).

Item C - Solid Waste Management

Pursuant to the IWMD's factors determining the significance of project impacts to solid waste facilities within Ventura County, any discretionary development project generating solid waste will impact the County's remaining solid waste disposal capacity. Additionally, as required by California Public Resources Code (PRC) 41701, Ventura County's Countywide Siting Element (CSE), adopted in June of 2001 and updated annually, confirms Ventura County has at least fifteen years of disposal capacity available for waste generated by in-County projects. Therefore, because the County currently exceeds the minimum disposal capacity required by state PRC, no individual project of this type and magnitude will significantly impact the County's remaining solid waste disposal capacity. Therefore, this project would have a **less than significant impact** to solid waste disposal facilities in Ventura County.

Source Document: Integrated Waste Management Division (Memorandum from Derrick Wilson to Michelle D'Anna dated December 11, 2009)

Item D - Solid Waste Facilities

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

Source Document: Environmental Health Division (Memorandum from Melinda Talent to Michelle D'Anna dated May 10, 2010)

25. UTILITIES:

Item A - Electric Item B – Gas and Item C - Communications

The local area is currently served with electrical, gas, and communication facilities that can be used to adequately serve the proposed project. Therefore, the proposed project would have **no adverse impact** on these facilities.

Source Document: Ventura County Initial Study Assessment Guidelines (October 2008).

26. FLOOD CONTROL/DRAINAGE:

Item A - FCD Facility

No District facilities are located on subject property. Therefore the project will have **no impact** to flood control and drainage facilities.

Source Document: Watershed Protection District (Memorandum from Larry Tanouye to Hollee Brunsky dated October 1, 2008)

Item B - Other Facilities

There are no adverse impacts relating to flood control/ drainage from our areas of responsibility. Therefore, there would be **no adverse impacts** related to drainage.

Source Document: Public Works Agency (Memorandum from Brian J. Trushinski to Hollee Brunsky dated October 16, 2008)

27. LAW ENFORCEMENT/EMERGENCY SERVICES:

Item A - Personnel/Equipment and Item B - Facilities

Due to the size and nature of the proposed project within an existing facility within the community, personnel, equipment, or facilities would not require expansion and there would not be a significant impact on the functions of the Ventura County Sheriff's Department. As such, the project would have a **less than significant impact** on the services provided for the area.

Source Document: Ventura County General Plan (2005) and Ventura County Initial Study Assessment Guidelines (October 2008).

28. FIRE PROTECTION:

The distance from a full-time, paid fire station is adequate and the project does not indicate that a new fire station or additional equipment is required. Therefore, the proposed project would have a **less than significant impact** on fire protection services distance/response time.

Source Document: Fire Protection District (Memorandum from Marnel Vanden Bossche to Michelle D'Anna dated February 25, 2010)

29. EDUCATION:

Item A - Schools and B. Libraries:

Because of the temporary nature of the events, the proposed project would not create additional demands on schools or libraries; therefore, **no adverse impacts** to schools or libraries are anticipated.

Source Document: Ventura County General Plan (2005) and Ventura County Initial Study Assessment Guidelines (October 2008).

30. RECREATION:

Items A. Local Parks/Facilities, and B. Regional Parks/Facilities:

A project will have a significant impact on recreation if it will cause an increase in the demand for recreation, or impede future development of recreation parks and facilities or regional trails and corridors. This proposed application to add a use to the site would

SECTION E
DETERMINATION OF ENVIRONMENTAL DOCUMENT
CONDITIONAL USE PERMIT CASE NO. LU08-0115 FOR
FESTIVALS, ANIMAL SHOWS AND SIMILAR EVENTS, TEMPORARY OUTDOOR
APPLICANT: Carole Alary
PROPERTY OWNER: MVP Properties – Veena D. Mummaneni
LOCATION: 3117 West Telegraph Road, Fillmore
APN: 041-0-300-200

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


Michelle Glueckert D'Anna
Case Planner

7/26/10
Date



Ventura County
Resource Management Agency
GIS Development & Mapping Services
Map created on 06/02/2010
This aerial imagery is under the
copyrights of Pictometry
Source: Pictometry, December 2009



LU08-0115
041-0-300-200
Aerial Photography Map
Exhibit A

0 100 200 400 Feet

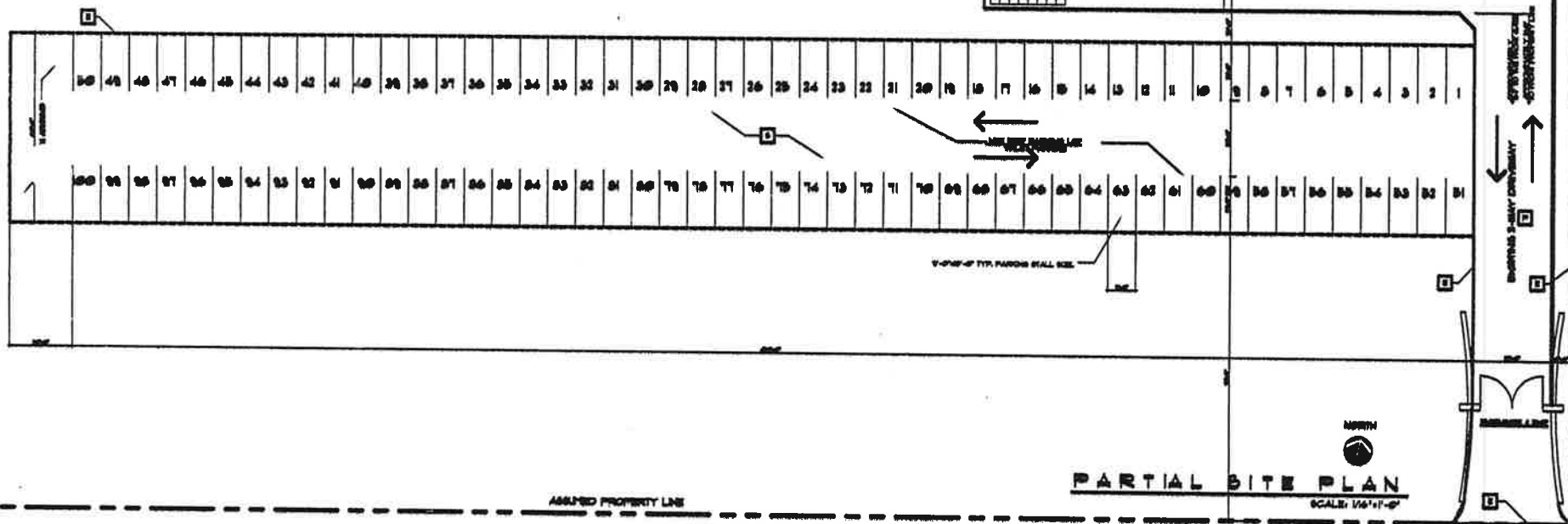
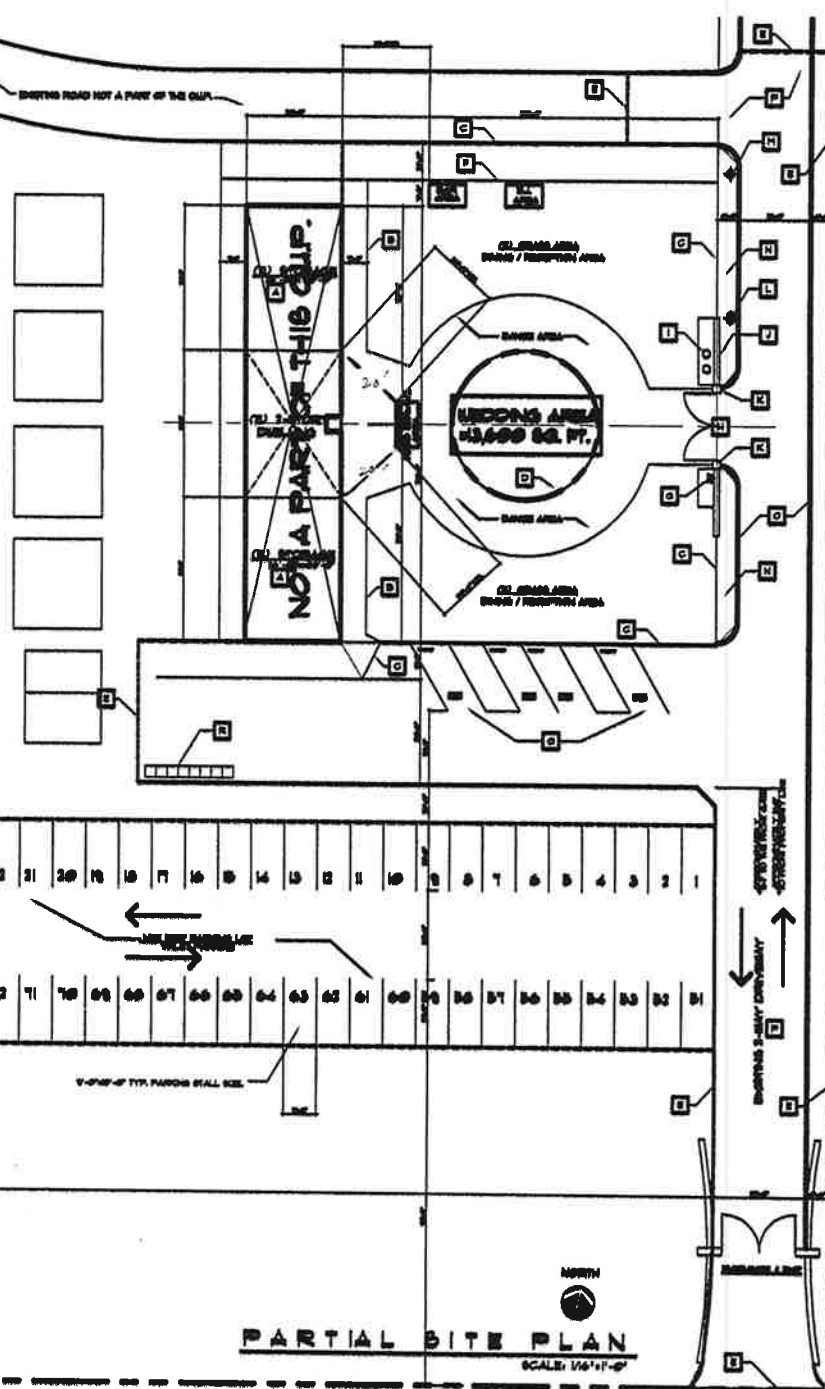
Disclaimer: this map was created by the Ventura County Resource Management Agency, Mapping Services - GIS, which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic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



NOTE:
THERE SHALL BE NO ANIMALS
WITHIN 30'-0" OF FOOD SERVICE AREAS.

SITE KEY NOTES:

- A EXISTING FLOOR TO REMAIN - NOT A PART OF CLIP
- B NO ANIMALS ALLOWED IN EXISTING STORAGE ROOM
- C EDGE OF EXISTING CONCRETE SIDE WALK
- D EXISTING FREE STANDING FENCE, 4'-0" HIGH
- E EXISTING FENCING, 2'-0" HIGH
- F EXISTING LOW BARRIER CURB, BARRIER GRADE 50.00
- G EXISTING CONCRETE RETAINING WALL, 4'-0" MAX HEIGHT
- H EXISTING ELECTRICAL PETER
- I EXISTING MIDDLE IRON GATED CYL OF 1'-0" DIAM
- J EXISTING WELL, 1 WELL PUMP
- K EXISTING CONCRETE WALL
- L EXISTING 7'-0" SQUARE CONCRETE COLUMNS 7'-0" HIGH
- M EXISTING FIRE HYDRANT (AUTO SPRINKLER/IRIG. CONNECTION)
- N EXISTING FIRE HYDRANT
- O EXISTING PLANTER
- P EXISTING 6" A.S. CURB
- Q EXISTING A.S. ROAD
- R DISABLED (HCU) PARKING STALLS (8'-0" WIDE)
- S DESIGNATED AREA FOR PORTABLE RESTROOMS
- T NEW PARKING AREA, 3000 SQ. FT., NEW PARKING SPACES 4' EACH STALL, CLEAR ALL EXISTING VEGETATION TO PROVIDE SPACE FOR NEW PARKING AREA



NO.	REVISION

Exhibit B

CLIP SITE PLAN
FOR
MVP PROPERTIES
3111 W. TELEGRAPH ROAD
SANTA PAULA, CA 93060
(805) 371-3355

THIS CLIP
Partial Site Plan

DATE	1/10/00
BY	J. M. [illegible]
FOR	1/10/00
SCALE	1/8" = 1'-0"
2	

EXHIBIT 5 – DRAFT CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) CASE NO. PL15-0054

Resource Management Agency Conditions

Planning Division

1. Project Description

This CUP is based on and limited to compliance with the project description found in this condition below, all County land use hearing exhibits in support of the project marked Exhibits 2 through 8, dated November 12, 2015, and conditions of approval set forth below. Together, these documents describe the Project. Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the original approval. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) constitutes a violation of the conditions of this CUP.

The project description is as follows:

This CUP authorizes temporary outdoor weddings, receptions, picnics, and similar temporary events (Ventura County Non-Coastal Zoning Ordinance, Section 8102-0, definition of "Festivals, Animal Shows, and Similar Events, Temporary Outdoor"). The events will consist of the following:

CUP/Event Area Boundary: The events will occur within a designated 2.03-acre area on the subject property (Exhibit 3). The CUP boundary will include the following areas:

- A wedding area [6,926 square feet (sf)] within the existing avocado orchard. The Permittee removed five avocado trees with root rot from this area, in order create the wedding area. No additional trees or other types of vegetation will be removed as part of the Project. The Permittee will compact and place decomposed granite on the new wedding area. The creation of the new area will not involve grading.
- New vendor parking area (2,060 sf) which will include 10 new parking spaces southwest of the event area. This area will be surfaced with gravel. The creation of the new vendor parking area will not involve vegetation removal or grading.

- An existing parking area (5,705.71 sf) which includes 14 parking spaces west of the event area. The Permittee installed gravel within this parking area.
- Existing multi-purpose/parking area (4,738 sf) which includes eight parking spaces south of the event area. This parking area will be used for guest parking or as an area where guests may congregate with tables/chairs, beverage, and food service available. The Permittee installed asphalt within this area.
- Existing portable restroom area (216.69 sf) which includes portable restrooms. The Permittee installed gravel within the portable restroom area.
- Two, existing foot paths (1,781 sf) connecting the south parking area to the main event area. The Permittee installed gravel on the footpaths.
- An existing parking area (29,983 sf) which includes 97 parking spaces south of the event area. The Permittee installed gravel within this parking area.
- An existing wedding/reception area (12,505 sf). The Permittee has installed grass, landscaping, concrete walkways, and concrete DJ and dancing areas.

The existing single-family dwelling located within the CUP boundary is reserved for the personal use by the landowner and will not be leased or used as part of the temporary event facility. West Telegraph Road (Highway 126), a public road under the jurisdiction of Caltrans, will continue to provide access to the temporary event area.

Attendance: This CUP authorizes a maximum of 261 guests.

Days and Hours of Operation: The hours of operation for the events will be 8:00 am to 11:00 pm, on Fridays, Saturdays, Sundays, and holidays, for a maximum of 60 days within the calendar year. Vendors will be permitted to arrive at 8:00 am to set up for events. All guests and vendors will vacate the property no later than 11:00 pm.

Food Service: All food and beverages will be provided to the temporary events by a self-sufficient, licensed catering service. The caterer or a delivery rental company will provide dishes, flatware, and glasses. The caterer will prepare the food off-site and transport it to the site for each event. Food service operators must have a permit to operate from the Ventura County Environmental Health Division.

Parking: Guest parking will be limited to the parking area within the CUP boundary, as depicted on the Project site plan (Exhibit 3). The parking areas will

be located west and south of the event area and will include sufficient space to provide 129 parking spaces. Parking attendants will be present during temporary events to provide traffic control and valet parking. Parking for the temporary events will be prohibited within the right-of-way of West Telegraph Road (Highway 126).

Restrooms: The Permittee will provide an adequate quantity of portable restrooms for temporary events, and maintain the portable restrooms in compliance with Resource Management Agency, Environmental Health Division regulations. The restrooms will be located south of the events area within the CUP boundary. The restrooms serving the main residence will not be used for temporary events.

Exterior Lighting: The Permittee will not be installing permanent lighting for the temporary special events. All lighting for special events will be shielded and directed downward onto the subject parcel to prevent spill-over onto adjacent parcels. The Permittee will turn off and remove all temporary lighting from the site after each event has ended.

The development, use, and maintenance of the property, the size, shape, arrangement, and location of structures and parking 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. Acceptance of Conditions and Schedule of Enforcement Responses: The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to abide by and comply with any condition of this CUP shall constitute grounds for enforcement action provided in the *Ventura County Non-Coastal Zoning Ordinance* (Article 14), which shall include, but is not limited to, the following:

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

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

3. 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 effective date 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 Section 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 Section 8111-2.10 of the Ventura County Non-Coastal Zoning Ordinance.

4. CUP Modification: Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this CUP. The Planning Director may, at the Planning Director's

sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity in order to determine if a CUP modification is required. If a CUP modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and
 - b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, § 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, § 15000-15387), as amended from time to time. (PL-5)
5. Consolidation of All Approved Exhibits, Conditions, and Permits: Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall provide the following in a form approved by the Planning Director:
- a. Documentation to verify that all of the requirements of the conditions/programs that are required prior to issuance of a Zoning Clearance for use inauguration have been satisfied; and
 - b. Documentation to verify that all other entitlements and conditions imposed by any other agencies have been obtained or satisfied.

Within 30 days of any subsequent modifications of a permit or submission of an application for any permit, the applicable materials in revised form shall be submitted to the Planning Director.

6. Notice of CUP Requirements and Retention of CUP Conditions On-Site:

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

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

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

Timing: Prior to issuance of a Zoning Clearance for use inauguration and until expiration of the CUP.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-10)

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 the CUP conditions and applicable 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: 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:

- i. Condition compliance costs which include, but are not limited to, staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and
- ii. Monitoring and enforcement costs required by the *Ventura County Non-Coastal Zoning Ordinance* (§ 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 (which may include weekday and/or weekend 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. Pursuant to the requirements of CUP Case No. LU08-0115, the Resource Management Agency created Condition Compliance Case No. CC10-0065 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly-imposed civil administrative penalties, regarding CUP Case No. LU08-0115. The Planning Division will continue to use Condition Compliance Case No. CC10-0065 to cover the costs associated with condition compliance review, monitoring, and enforcement activities described in subsection 8.a (above), and any duly-imposed civil administrative penalties regarding this CUP.

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit a new, updated, and completed reimbursement agreement for Condition Compliance Case No. CC10-0065 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. **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. The Permittee, in accepting this CUP, grants permission for County Staff to make unannounced inspections of all, or any, events for condition compliance purposes.
- 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:**

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to County, against any and all claims, actions or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration or enforcement of this CUP. The County shall

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

- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County and/or third parties.
 - c. Except with respect to claims, actions, proceedings and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County) and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings and Liabilities arising out of or in any way related to the construction, maintenance, land use or operations conducted pursuant to this CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County and/or third parties. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
 - d. Neither the issuance of this CUP, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.
10. Invalidation of Condition(s): If any of the conditions or limitations of this CUP are held to be invalid, that holding shall not invalidate any of the remaining CUP conditions or limitations. In the event the Planning Director determines that any condition contained herein is in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible.

In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of law, or threatened to be filed therein, which action is brought in the time period provided for by the *Code of Civil Procedures* (§ 1094.6), or other applicable law, this CUP shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Permittee has, in the interim, fully complied with the fee, exaction, dedication, or other mitigation measure being challenged.

If a court of law invalidates any condition, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, at the discretion of the Planning Director, the Planning Director may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. If the Planning Director cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition, and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this CUP may be revoked. (PL-14)

11. Relationship of CUP Conditions, Laws and Other Permits: The Permittee shall design, maintain, and operate the CUP area and any facilities thereon in compliance with all applicable requirements and enactments of Federal, State, and County authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any CUP condition contained herein is in conflict with any other CUP condition contained herein, when principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this CUP for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules or regulations, or orders of an authorized governmental agency. Neither the issuance of this CUP, nor compliance with the conditions of this CUP, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

A business tax certificate and regulatory licenses shall be obtained for operation of the temporary event venue. (PL-16)

12. 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)

13. Contact Person:

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

Requirement: The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this CUP. The designated contact person shall be available, via telecommunication, 24 hours a day.

Documentation: The Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, business and cell phone numbers, and email addresses) of the Permittee's field agent who receives all orders, notices, and communications regarding matters of condition and code compliance at the CUP site.

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

Monitoring and Reporting: The Planning Division maintains the contact information provided by the Permittee in the respective Project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-17)

14. Resolution of Complaints: The following process shall be used to resolve complaints related to the Project:

- a. All complaints received by the County shall be directed to the Permittee's contact person established pursuant to Condition No. 13 (Contact Person), or to the Permittee if a contact person has not been designated.
- b. As soon as possible, but no later than one day after receiving a written complaint from the County or a citizen, the Permittee shall investigate the complaint.

- c. The Permittee shall report the Permittee's findings to the Planning Director as soon as possible, but no later than one day after receiving a complaint, unless otherwise agreed to by the Planning Director. The Planning Director shall contact the complainant to provide information on the actions taken to resolve the identified issue.
 - d. If the investigation of a complaint by the Permittee indicates a possible violation, the Permittee shall take prompt action to correct the potential problem.
 - e. If the problem persists, the County Planning Division shall initiate complaint resolution actions as contained in the Ventura County Ordinance Code, as it may be amended.
 - f. If, following a complaint investigation by County staff, a violation of the Ventura County Code or a condition of this CUP is confirmed, County enforcement actions pursuant to § 8114-3 of the Non-Coastal Zoning Ordinance may be initiated. (PL-18)
15. Correspondence from Other Agencies and Jurisdictions: Copies of all correspondence, reports, or information related to land use and environmental issues covered by this CUP which are received by the Permittee from, or sent by the Permittee to, other State or local jurisdictions or agencies shall be provided to the Planning Division within five calendar days of their receipt/issuance.
16. Requirements of Other Agencies: This CUP shall not relieve the Permittee of the responsibility of securing and complying with any other permit which may be required by other County Ordinances, state, or federal laws. No condition of this CUP for uses allowed by County Ordinance shall be interpreted as permitting or requiring any violation of law, or any lawful rules, regulations, or orders of an authorized governmental agency. In instances when more than one set of rules apply, the stricter ones shall take precedence. Facility design and operations shall comply with all applicable requirements of Federal, State, and Local authorities, and all such requirements shall, by reference, become conditions of this CUP. Any permit, license, certificate or the like issued by any federal, state, or local authority shall remain in full force and effect for the life of this CUP. The Permittee shall not allow any lapse regarding said permit, license, certificate or the like.
17. Site Maintenance:
- Purpose:** To ensure that the CUP area is maintained in a neat and orderly manner so as not to create any hazardous conditions or unsightly conditions which are visible from outside the CUP area.
- Requirement:** The Permittee shall maintain the Project site in compliance with the described uses outlined in Condition No. 1 (Permitted Land Uses). Only equipment and/or materials which the Planning Director determines to substantially comply with Condition No. 1 (Permitted Land Uses), or which are

authorized by any subsequent amendments to this CUP, shall be stored on the property during the life of this CUP.

Documentation: Pursuant to Condition No. 1 (Permitted Land Uses), 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 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)

18. Exterior Lighting: No permanent lighting shall be installed for the purpose of temporary special events. Temporary exterior lighting shall be provided in the parking areas for safety and security purposes. All temporary lighting must be removed from the site after the event has ended. Any lighting for special events shall be hooded and/or directed downward onto the subject parcel to prevent spill-over onto adjacent parcels. All lights shall be completely turned off by 11:00 pm.

19. Paleontological Resources Inadvertently Discovered During Grading

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

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

- a. Cease operations and assure the preservation of the area in which the discovery was made;
- b. Notify the Planning Director in writing, within three days of the discovery;
- c. Obtain the services of a paleontological consultant or professional geologist who shall assess the find and provide recommendations on the proper disposition of the site;
- d. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development; and
- e. Implement the agreed upon recommendations.

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

Timing: Paleontological reports shall be provided to the Planning Division immediately upon completion.

Monitoring and Reporting: The Permittee shall provide any paleontological report prepared for the Project site to the Planning Division to be made part of

the Project file. The Permittee shall implement any recommendations made in the paleontological report to the satisfaction of the Planning Director. (PL-56)

20. Archaeological Resources Inadvertently Discovered During Grading

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

Requirement: The Permittee shall implement the following procedures:

- a. If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities, the Permittee shall:
 - i. Cease operations and assure the preservation of the area in which the discovery was made;
 - ii. Notify the Planning Director in writing, within three days of the discovery;
 - iii. Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
 - iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development; and
 - v. Implement the agreed upon recommendations.
- b. If any human burial remains are encountered during ground disturbance or construction activities, the Permittee shall:
 - i. Cease operations and assure the preservation of the area in which the discovery was made;
 - ii. Immediately notify the County Coroner and the Planning Director;
 - iii. Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
 - iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development on-site; and
 - v. Implement the agreed upon recommendations.

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

Timing: the archaeologist's reports shall be provided to the Planning Division immediately upon completion.

Monitoring and Reporting: The Permittee shall provide any archaeologist's report prepared for the Project site to the Planning Division to be made a part of the Project file. The Permittee shall implement any recommendations made in the archaeologist's report to the satisfaction of the Planning Director. (PL-59)

21. Minimizing Nuisance Impacts and Setbacks from Agricultural Uses: The Permittee shall take whatever reasonable steps are necessary, as determined by the Planning Director, to prevent significant nuisance impacts from occurring outside the CUP area. Significant nuisance impacts include, but are not limited to, noise, dust, odors, lighting, and glare. In order to determine the significance of the nuisance, the Planning Director may consider the number and types of neighbor complaints, and conduct inspections of the site and surrounding areas. Any questions about what constitutes significant off-site nuisance levels shall be resolved by the Planning Director or other public agency (e.g., the Air Pollution Control District) as the Planning Director may designate.

22. Days and Hours of Operation:

Purpose: In order to achieve compatibility with surrounding existing and potential future uses, it is necessary to limit the days and hours of operation of the approved use.

Requirement: The temporary outdoor events permitted by this CUP shall be limited to a maximum of 60 days per year. The days and hours of operation shall apply to all aspects of the events, including, but not limited to, event preparation (e.g., catering and supply deliveries and set-up), ceremonies, receptions, and post event activities (e.g., clean-up and dismantling of equipment). Specifically, hours of operation shall be limited as follows:

- Permitted hours of operation are from 8:00 a.m. to 11:00 p.m.
- Vendors are permitted to arrive at 8:00 a.m. to set-up for events.
- All guest and vendors will vacate the property no later than 11:00 p.m.
- Attendance at events will be limited to weekends (Saturday and Sunday), Fridays and holidays.

The Permittee shall post the hours of operation in an obvious location that can be seen by customers and vendors. The signage must be made of weatherproof and permanent material, and comply with the *Ventura County Non-Coastal Zoning Ordinance* (Article 10).

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

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

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance by the Permittee with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-2)

23. Use of Buildings and Structures: No construction of or use of permanent buildings or structures is authorized by this CUP. Temporary buildings and structures shall be limited to portable restrooms only for use during temporary events. (See also the Environmental Health Division conditions set forth below.).

24. Resolution of Noise Complaints at Temporary Outdoor Events

Purpose: In order to resolve noise complaints during temporary events and minimize noise related impacts.

Requirement: The Permittee shall provide the Planning Director and all residents within 300 feet of the parcel boundary, with the name, title, address, and phone number of the Permittee, or Permittee's designee, who will be responsible for ensuring condition and code compliance during temporary events at the Project site.

The Permittee, or the Permittee's designee, must use the following process to resolve noise complaints received during temporary events:

- a. Immediately investigate the complaint and then decide, if any of the following actions can be taken to abate the noise complaint:
 - i. lower speaker volumes of public address (PA) systems and/or amplified music below the maximum described below: *Daytime hours (7am to 7pm):* sound must be maintained at either 98dBa Leq(1hr) at five feet from the DJ speakers, or at 89 dBA Leq(1hr) at 15 feet from the DJ speakers. *Evening hours (7pm to 10pm):* sound must be maintained at 93 dBA Leq(1hr) at five feet from the DJ speakers, or at 84 dBA Leq(1hr) at 15 feet from the DJ speakers in order to not exceed a fixed evening noise limit of 50 dBA Leq(1hr) at the nearest residences. *Nighttime hours (after 10pm):* sound must be maintained at 88 dBA Leq(1hr) at five feet from the DJ speakers, or at 79 dBA Leq(1hr) at 15 feet from the DJ speakers in order to not exceed a fixed nighttime noise limit of 45 dBA Leq(1hr) at the nearest residences.
 - ii. discontinue the use of PA systems;
 - iii. discontinue the use of amplified music and replace with acoustical music; and/or

- iv. alter the timing and sequence of wedding event activities to comply with the maximum noise standards.
- b. Report back to the complaining party by telephone about their investigation findings and explain abatement actions taken, if any, to the complainant as soon as possible, but no later than 15 minutes after receiving the complaint, unless otherwise agreed to by the complainant.
- c. Notify the Planning Director in writing within 10 days of receiving a noise complaint. The notice shall indicate the date and time of the complaint(s), as well as the name, address, and phone number of the complainant(s).

The Permittee shall take all reasonable actions to prevent noise from adversely affecting nearby residents. If the problem persists, the Planning Director may initiate actions to prevent further complaints, including, but not limited to, the use of a noise consultant, at the Permittee's expense, to monitor the event noise and implement measures to achieve compliance with the maximum noise levels described in Condition 23.a.i above. Failure of the above attempts to curtail noise complaints may result in the Planning Director modifying the CUP to disallow event activities that adversely affect nearby sensitive receptors.

Documentation: The Permittee must maintain current contact information for the Permittee or Permittee's designee and supply the current contact information to the County Planning Division.

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, and annually on June 1st thereafter, the Permittee shall provide the Planning Division updated contact information for the individual who will be responsible for ensuring condition and code compliance temporary events at the Project site. The Permittee, or Permittee's designee, shall be available for contact during events, if any. If the contact information should change prior to the mandatory annual update, the Permittee shall provide the residents and Planning Director with the new information prior to the next event. The Permittee shall notify the Planning Director in writing within 10 days of receiving a noise complaint. The notice shall indicate the date and time of the complaint(s), as well as the name, address, and phone number of the complainant(s).

Monitoring and Reporting: The Planning Division maintains the contact information provided by the Permittee in the Project file. The Permittee shall provide the Planning Division notice of any complaints associated with the events to be maintained in the Project file. In the event that complaints go on unabated, the Planning Director has the authority to review any complaints received by the Planning Division to determine whether this CUP should be modified or revoked. (PL-60)

25. Temporary Events Report:

Purpose: The purpose of this condition is to ensure that the Permittee conducts the temporary events in compliance with the requirements of this CUP.

Requirement: The Permittee shall maintain an Events Report, on a form provided by the Planning Division, in order to record the following for each temporary event:

- a. A brief description of the type of temporary event (e.g., wedding event);
- b. The scheduled date and hours of the temporary event;
- c. The number of attendees; and
- d. Whether noise complaints were received and resolved as required pursuant to Condition No. 23 (above).

This Events Report (Exhibit 8 of the Planning Director hearing on November 12, 2015) shall be retained by the Permittee and submitted with an application for CUP renewal pursuant to Condition No. 3.b, or at any time upon the written request of the Planning Director or the Planning Director's designee.

Documentation: The Permittee shall complete and maintain the Events Report form provided by the Planning Division.

Timing: The Permittee must submit the Events Report form: with an application for CUP renewal; within 24 hours of receiving a request to submit the form from the Planning Director or the Planning Director's designee; and to the Planning Director annually on or before February 1.

Monitoring and Reporting: The Planning Division will review, and maintain in the Project file, the Events Report forms provided by the Permittee. If the Events Report forms indicate that the temporary events were conducted in violation of the conditions of this CUP, the Planning Division has the authority to implement enforcement actions consistent with the regulations of Article 14 of the *Ventura County Non-Coastal Zoning Ordinance*.

26. **Noise:** The Permittee shall purchase or rent a sound monitoring system to control and monitor the sound emissions at 5 feet and/or 15 feet from the DJ speakers, per the following requirements:

- *Daytime hours (7am to 7pm):* sound must be maintained at either 98dBA Leq(1hr) at five feet from the DJ speakers, or at 89 dBA Leq(1hr) at 15 feet from the DJ speakers.
- *Evening hours (7pm to 10pm):* sound must be maintained at 93 dBA Leq(1hr) at five feet from the DJ speakers, or at 84 dBA Leq(1hr) at 15 feet from the DJ speakers in order to not exceed a fixed evening noise limit of 50 dBA Leq(1hr) at the nearest residences.
- *Nighttime hours (after 10pm):* sound must be maintained at 88 dBA Leq(1hr) at five feet from the DJ speakers, or at 79 dBA Leq(1hr) at 15 feet from the DJ speakers in order to not exceed a fixed nighttime noise limit of 45 dBA Leq(1hr) at the nearest residences.

27. Parking: Parking spaces shall be provided as shown on the site plan (Exhibit 3 of the Planning Director hearing on November 12, 2015), and must be clearly marked. No parking is permitted along west Telegraph Road (Highway 126).

28. Illumination of Address Signage

Purpose: To ensure compliance with the California Department of Transportation's (Caltrans') June 19, 2015, recommendation that the Project site be modified with a lighted address sign readable when driving at 60 miles per hour (mph).

Requirement: The Permittee shall install indirect or diffused illumination for address signage. Pursuant to the Ventura County Non-Coastal Zoning Ordinance (§ 8110-6.5), the illuminated signage shall not exceed the brightness of a diffused light panel having cool white fluorescent 800 milliampere lights spaced at least 10 inches on center. Sign illumination shall not result in glare being directed toward surrounding properties.

Documentation: The Permittee shall provide photo documentation of the installed address signage to the County Planning Division, to be included in the Planning Division Project file.

Timing: The photo documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for use inauguration.

Monitoring: The Planning Division maintains the photo documentation provided by the Permittee in the Project file.

29. 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)

Environmental Health Division

30. Food Preparation/Food Storage/Utensil Washing: Food preparation including but not limited to an on-site barbecue and beverage service; food storage including but not limited to refrigerators; and utensil washing including but not limited to sinks for activities that are the subject of this CUP are prohibited on site.
31. Food Service Providers: Food service providers and/or caterers shall have a permit to operate from the Ventura County Environmental Health Division. (EHD-12)
32. Plumbing Fixtures: Use of any plumbing fixtures connected to any on-site septic system for temporary event activities is prohibited.

Public Works Agency (PWA) Conditions

Engineering Services Department, Development & Inspection Services Division

33. Prior to the issuance of a Zoning Clearance for use inauguration, all PWA permit processing and enforcement fees owed must be paid. After issuance of the Zoning Clearance, any additional processing fees must be paid within 30 calendar days of the billing date.
34. Land Development Fee for Flood Control Facilities (AKA: Flood Acreage Fee (FAF))

Purpose: To address the cumulative adverse impacts of runoff from development on Watershed Protection District Facilities as required by Ordinance No. FC-24. Watershed Protection District records do not indicate that the Flood Acreage Fee has been paid on this parcel.

Requirement: The Permittee shall deposit with the PWA – Engineering Services Department a Flood Acreage Fee (FAF) in accordance with Ordinance No. FC-24 and subsequent resolutions. The fee will be calculated based on the Permittee's information. The Permittee may choose to submit additional information to supplement the information currently provided to establish the amount of the fee.

Documentation: The Permittee shall provide a site plan including a calculation of the new impervious surface being created by the project along with impervious surface for existing construction.

Timing: The Permittee shall pay the FAF to the PWA – Engineering Services Department, prior to obtaining the Zoning Clearance for use inauguration.

Monitoring and Reporting: Public Works Agency staff will prepare a quote of the fee amount and provide a receipt when the fee is paid.

Integrated Waste Management Division (IWMD)

35. Waste Diversion & Recycling Requirement

Purpose: To ensure the project complies with Ordinance No. 4445. Ordinance No. 4445 pertains to the diversion of recyclable materials generated by the Project (e.g., paper, cardboard, wood, metal, greenwaste, soil, concrete, plastic containers, and beverage containers) from local landfills through recycling, reuse, or salvage. Ordinance No. 4445 can be reviewed at www.vcpublishworks.org/ord4445.

Requirement: Ordinance No. 4445, Section 4770-2.3, requires the Permittee to work with a County-franchised solid waste hauler who can determine the level of service required to divert recyclables generated by the Project from local landfills. For a complete list of County-franchised solid waste haulers, go to: www.vcpublishworks.org/commercialhaulers.

Documentation: The Permittee must maintain copies of bi-monthly solid waste billing statements for a minimum of one year. The address on the billing statement must match the address of the permitted business.

Timing: Upon request, the Permittee must provide the IWMD with a copy of a current solid waste billing statement to verify compliance with this condition.

Monitoring and Reporting: Upon request, the Permittee shall allow IWMD staff to perform a free, on-site, waste audit to verify recyclable materials generated by the Project are being diverted from the landfill. (IWMD -1)

36. Collection and Loading Areas for Refuse and Recyclables

Purpose: To comply with the California Solid Waste Reuse and Recycling Access Act of 1991 (CA Public Resources Code Sections 42900-42901).

Requirement: The Permittee shall adhere to the County's Space Allocation Guidelines which include minimum space requirements for refuse and recycling bins and recommend aesthetic, gated, trash enclosures. Please review the County's Space Allocation Guidelines at: www.vcpublishworks.org/SpaceAllocation. The Permittee shall provide adequate trash and recycling containers at all events that are the subject of this CUP, and ensure all food, trash, and recyclables are removed from the property following each event.

Documentation: The Permittee shall submit a site plan to the IWMD indicating the

location of a trash enclosure, or a designated area on the Project site, with sufficient space to accommodate refuse and recycling bins necessary to meet the needs of the Project.

Timing: Prior to Issuance of a Zoning Clearance for use inauguration, the Permittee must submit a site plan to the IWMD for review and approval that indicates the location of a trash enclosure or a designated area for refuse and recycling bins on the property. Prior to any scheduled event that is the subject of this CUP, the Permittee shall arrange for temporary trash and recycling containers.

Monitoring and Reporting: Upon request, the Permittee shall allow IWMD staff to verify the location of a trash enclosure or a designated area for trash and recycling bins on the property. The Permittee shall, upon request, provide evidence that temporary trash and recycling containers were provided at events that are the subject of this CUP (e.g., dated catering service receipts or dated solid waste collection bills). (IWMD-4)

Transportation Department

37. Traffic Impact Mitigation Fee (TIMF)

Purpose: To address the cumulative adverse impacts of traffic on the Regional Road Network, TIMF Ordinance 4246 and the Ventura County General Plan Goals, Policies and Programs (Section 4.2.2) require that the PWA Transportation Department collect a TIMF.

Requirement: The Permittee shall deposit with the PWA Transportation Department a TIMF. The trip generation rate and TIMF will be calculated based on the Permittee's information. The Permittee may choose to submit additional information or provide a Traffic Study to supplement the information currently provided to establish the trip generation rate. The TIMF may be adjusted for inflation at the time of deposit in accordance with the latest version of the Engineering News Record Construction Cost Index.

- a. Based on the Permittee's information, the TIMF due to the County would be:

$$\$179.76 = 14 \text{ ADT}^{**} \times \$12.84/\text{ADT}^{***}$$

$$14 \text{ ADT}^{**} = 47 \text{ ADT}^{\wedge} - 33 \text{ ADT}^{\wedge}$$

$$47 \text{ ADT}^{\wedge} = 142 \text{ vehicles}^{\wedge\wedge} \times 60 \text{ events/year} \times 2 \text{ trips/vehicle} / (365 \text{ days/year})$$

- b. Based on the Permittee's information, the TIMF due to the City of Fillmore will be:

$$\$893.62 = 14 \text{ ADT}^{**} \times \$63.83/\text{ADT}^{***}$$

Notes

1. *** The project is in the Fillmore Traffic District #3.
2. ** The increase in trips is 14 ADT ($47 - 33 = 14$).
3. ^^ The number of vehicles for an event with 270 guests is 142 vehicles as described in the Traffic Study by Interwest dated April 10, 2015.
4. ^ A TIMF was required by Conditions #32 and #33 of CUP Case No. LU08-0115 approved on September 27, 2010. A TIMF in the amount of \$2,476.98 was paid on November 23, 2010, for 33 ADT per TIMF10-0088.
5. ^ The new baseline (47 ADT) is based on the number of new vehicles and two trips per vehicle.
6. The trips generated by the Project shall be used as a baseline level so that the TIMF may be computed for future increases in the trip generation. Based on the Permittee's information, the baseline level is 47 average daily trips. (TD – 4, RMA – 138).

Documentation: The Permittee shall come to the PWA Transportation Department counter, fill out the TIMF form, and pay the TIMF. The Permittee shall also provide proof to the PWA Transportation Department of payment of the TIMF for CUP Case No. LU08-0115.

Timing: This condition shall be met prior to issuance of the Zoning Clearance for use inauguration.

Monitoring and Reporting: The PWA Transportation Department will review and approve the payment of the TIMF. (TD – 1, RMA – 135)

38. Events

Purpose: The events that are the subject of the CUP have the potential to temporarily cause an increase in traffic.

Requirement: The events that are the subject of this CUP have the potential to temporarily cause an increase in traffic on State Route 126 (Telegraph Road).

- a. The Permittee shall provide adequate parking for all guests and employees within the property. Event parking shall not be allowed on any public roadway, namely State Route 126.
- b. The maximum number of events is 60 per year.
- c. The maximum number of guests per special event is 261 guests.
- d. The operational hours are 8 a.m. to 11 p.m.

Documentation: None required.

Timing: None required.

Monitoring and Reporting: None required by the Transportation Department. The

Planning Division will monitor the number of guests and employees and number of events per year to determine compliance with the permit conditions. (TD – 3, RMA – 137)

Watershed Protection District - Surface Water Quality Section (SWQS) Conditions

39. Compliance with Stormwater Development Construction Program

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

Requirement: The construction of the Project shall meet requirements contained in Part 4.F. “Development Construction Program,” of the NPDES Permit through the inclusion of effective implementation of the construction best management practices (“BMPs”) during all ground disturbing activities.

Documentation: The Permittee shall prepare and submit the following items to the Watershed Protection District, SWQS for review upon request:

- Complete SW-1 form (BMPs for Construction Less than One Acre) which can be found at <http://onestoppermit.ventura.org/>.

Timing: The above listed item shall be submitted to the SWQS for review and approval prior to issuance of a Zoning Clearance for use inauguration. The Permittee shall submit a copy of the SWQS to the Planning Division for the Project file.

Monitoring and Reporting: SWQS will review the submitted materials for consistency with the NPDES Permit as well as conduct inspections during construction to ensure effective installation of the required BMPs. (SWQ-3)

Air Pollution Control District (APCD) Conditions

40. APCD Rules and Regulations for Project Dust Control

Purpose: To ensure that fugitive dust and particulate matter that may result from site preparation and project activities are minimized.

Requirement: The Permittee shall comply with the provisions of applicable APCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust).

Documentation: The Lead Agency shall ensure compliance with the following provisions:

- a. Fugitive dust throughout dirt parking areas shall be controlled by the use of a watering truck or equivalent means (except during and immediately after rainfall). Water shall be applied to all unpaved roads. Environmentally-safe dust control agents may be used in lieu of watering.
- b. Signs shall be posted onsite limiting traffic to 15 miles per hour or less.
- c. Signs displaying the APCD Complaint Line Telephone number for public complaints shall be posted in a prominent location visible off the site: (805) 645-1400 during business hours and (805) 654-2797 after hours.

Timing: Throughout the life of this CUP.

Reporting and Monitoring: The Lead Agency shall monitor all dust control measures.

41. APCD Rules and Regulations

Purpose: To ensure that Project operations are conducted in compliance with all applicable APCD Rules and Regulations, in particular Rule 10, (Permits Required) certain types of new and modified equipment and operations require APCD permits prior to installation (emergency generators, if needed).

Requirement: The Permittee shall obtain a Permit to Operate prior to operation, if needed, for emergency generators.

Documentation: An approved Permit to Operate, if needed.

Timing: Throughout the life of this CUP.

Monitoring and Reporting: A copy of a Permit to Operate shall be maintained as part of the Project file, if needed. Ongoing compliance with the requirements of the Permit to Operate shall be accomplished through field inspection by District Inspectors.

Ventura County Fire Protection District (VCFPD) Conditions

42. Access Road Width: An onsite access road width of 25 feet and off-street parking shall be provided.
43. Turning Radius: The access road shall be of sufficient width to allow for a 40 foot outside turning radius at all turns in the road.
44. Vertical Clearance: All access roads/driveways shall have a minimum vertical clearance of 13 feet 6 inches.

45. Turnarounds: Approved turnaround areas for fire apparatus shall be provided when dead-end VCFPD access roads/driveways exceed 150 feet. Turnaround areas shall not exceed a 5% cross slope in any direction and shall be located within 150 feet of the end of the access road/driveway. Turnaround areas shall not be used for parking and shall be kept free of obstructions at all times. Turnaround areas shall be posted as Fire Lanes in accordance with VCFPD Fire Lane Standards.
46. Parking Prohibited: Parking on the driveway is prohibited during events.
47. Access Road Gates: Any gates to control vehicle access are to be located to allow a vehicle waiting for entrance to be completely off the intersecting roadway. A minimum clear open width of 15 feet in each direction shall be provided for separate entry/exit gates and a minimum 20 feet for combined entry/exit gates. If gates are to be locked, a Knox system shall be installed. The method of gate control, including operation during power failure (battery back-up), shall be subject to review by the Fire Prevention Division. Gate plan details shall be submitted to the VCFPD for approval prior to installation. A final acceptance inspection by the VCFPD is required prior to placing any gate into service.
48. Address Numbers (Single-Family Dwellings):
- Purpose:** To ensure proper premise identification to expedite emergency response.
- Requirement:** The Permittee shall install a minimum of four inch address numbers that are a contrasting color to the background and readily visible at night. Brass or gold plated numbers shall not be used. Where structures are setback more than 150 feet from the street, larger numbers will be required so that they are distinguishable from the street. In the event the structure(s) is not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post.
- Documentation:** Provide a signed copy of an addressing plan from the RMA Building and Safety Division showing the actual address given for the property.
- Timing:** The Permittee shall install approved address numbers before final occupancy.
- Monitoring and Reporting:** A copy of the approved addressing plan signed by the RMA Building and Safety Division shall be kept on file with the Fire Prevention Bureau. The Permittee shall take pictures of the building address and forward them to the Fire Prevention Division for verification.

49. Fire Code Permits:

Purpose: To comply with the requirements of the Ventura County Fire Code.

Requirement: The Permittee shall obtain all applicable Fire Code permits.

Documentation: A signed copy of the Fire Code permit(s).

Timing: The Permittee shall submit a Fire Code permit application along with required documentation/plans to the Fire Prevention Bureau for approval before final occupancy, installation and/or use of any item/system requiring a Fire Code permit.

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

50. Tents Canopies and Temporary Membrane Structures:

Purpose: To comply with the requirements of the California Fire Code and California Code of Regulations Titles 19 and 24.

Requirement: The Permittee shall obtain a Fire Code permit for all temporary structures (e.g., tents or canopies). Temporary tent(s) are limited to a maximum of 180 days in a 12 month period at a single property. Each day a tent is erected counts towards the 180 day limit. The 180 day limit does not restart each time a tent is taken down. Any tent(s) exceeding the 180 day limitation shall comply with the California Building Code for permanent buildings. This will require a fire sprinkler system and a building permit.

The submittal shall include the following requirements:

- a. Site plans showing the size of the tent(s), interior layout of tables and chairs, exits, and fire extinguisher locations.
- b. Site plans showing location of tent(s) in relation to existing buildings, other tents/canopies, cooking facilities, parking locations, heating equipment (e.g. LPG forced air heaters) and fuel operated generators.
- c. A certificate of flame retardant for tent fabrics.
- d. For outdoor festivals and concession booths, plans shall indicate which booths provide cooking and non-cooking, aisle widths between booths, emergency vehicle access and existing hydrant locations.

Documentation: A signed copy of the Fire Code permit(s).

Timing: The Permittee shall submit a Fire Code permit application along with required documentation/plans to the Fire Prevention Bureau for approval at least two weeks before installing any tent.

Monitoring and Reporting: A copy of the approved Fire Code permits shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the structures are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee and the Permittee's successors in interest shall maintain the conditions of the Fire Code permit for the duration of the event (VCFPD-54)

Office of Agricultural Commissioner Conditions

51. **Mitigation Measure AG1 – Notification and Response Plan:** Prior to issuance of a Zoning Clearance for use inauguration, the Permittee shall prepare a Notification and Response Plan ("the Plan") in lieu of a buffer. The Agricultural/Urban Buffer Policy allows a notification and response plan in lieu of extended setbacks as mitigation for the introduction of land use incompatibilities to nearby farms by the Project. Call (805) 477-1620, Ext. 7, for assistance. If all of the following components are included, the Plan will be acceptable:
- a. The Permittee must send or provide a letter to the adjacent farm operator to the east, who conducts farming activities on Tax Assessor's parcel 041-0-300-24. (This parcel is within 50 feet of the event area.) Please attach to the letter a copy of the approved Project description (Condition No. 1, above) and Permittee's name, address, and telephone number as well as the contact information of the contact person (Condition No. 13, above), if different. The address for the owner of Tax Assessor's parcel 041-0-300-24 may be obtained from the Tax Assessor's Office. The Permittee must provide a copy of the letter to the Agricultural Commissioner's Office.
 - b. The letter must request information from the owner of Tax Assessor's parcel 041-0-300-24 about seasonal or known periods of time when the farmer of this parcel intends to use agricultural sprays, applications, or equipment that might create the perception of chemical spray drift, dust, odors, or noise, which the Permittee should take into consideration when scheduling the events that are the subject of this CUP. (The Right to Farm Ordinance allows farm operators to conduct normal farming activities without threat of nuisance complaints; therefore, to reduce misunderstandings, coordination of activities is encouraged.)
 - c. The letter must request the name and telephone number of a contact at the adjacent farm property who can be contacted for information about future or ongoing farm operations that may cause the Permittee to reschedule events or take other temporary cooperative actions (i.e., proactive cooperation).

- d. The Permittee may mail the letter (proof of mailing-only required) or present it in person as part of a conference for the purpose of arranging to minimize land use incompatibility. If presented in person, the Permittee should note on the letter the date, time, and names of persons contacted.
- e. The Permittee must provide a copy of the letter to the Agricultural Commissioner's Office, as well as any response letters received from the off-site property owner. If a personal meeting is arranged, please provide a summary of the information exchanged. Please indicate if there is no response within 30 days of mailing. The off-site farm owner's failure to respond or cooperate does not disqualify this mitigation measure.

Monitoring and Reporting: Prior to issuance of a Zoning Clearance for use inauguration, the Agricultural Commissioner will review and approve the Notification and Response Plan in lieu of a buffer. This will assure that land use incompatibilities related to the presence of people associated with the events that are the subject of this CUP, in the vicinity of crop production, are reduced to a level that is less than significant.

April 10, 2015



Ms. Veena Mummaneni
3117 West Telegraph Road
Fillmore, CA 93015-9643

Subject: Traffic Evaluation for Bella Vista Groves Special Events CUP LU08-0115

Dear Ms. Mummaneni:

As requested, we have performed a traffic evaluation of proposed special events at 3117 West Telegraph Road in the unincorporated Ventura County area west of Fillmore. This revised report presents the results of that evaluation, including trip generation, site access, and parking.

BACKGROUND

The project site has been used for weddings and similar special events under Conditional Use Permit (CUP) LU08-0115. The maximum attendance allowed has been 200 people and events have been limited to 60 per year on weekends only. The permitted hours of operation are from 8:00 AM to 11:00 PM. In conjunction with a time extension, a permit modification is being requested to increase the maximum attendance to 270 and allow events to occur on Fridays and holidays. The number of events and hours of operation will remain the same. The attached site plan shows the proposed site location and layout.

TRIP GENERATION

The trip generation analysis consisted of the following steps:

- Estimate the number of trips associated with an event with a 200 person attendance.
- Estimate the number of trips associated with an event with a 270 person attendance.
- Calculate the number of incremental trips resulting from the increased attendance.

Although there are no standard Institute of Transportation Engineers trip generation rates for these types of events, a review of available data for banquet facilities suggests trip rates of approximately 0.30 trips per attendee and a September, 2003 Federal Highway Administration (FHWA) report entitled *Managing Travel for Planned Special Events* recommends that vehicle occupancy rates from 2.2 to 2.8 people per vehicle (0.45-0.36 trips per attendee) be

considered. For the purpose of this analysis, a vehicle occupancy rate of 2.2 was assumed, which corresponds to a trip rate of 0.45 trips per attendee, and additional allowance was made for security, vendor staff, etc. Most of the anticipated events will continue to occur on Saturdays or Sundays.

Except for the number of attendees, the trip generation is expected to be the same for a 270 person event as for a 200 person event. The trip generation was evaluated as follows:

Attendance

Based on a vehicle occupancy rate of 2.2 attendees per vehicle, a 200 person event will generate 91 round trips and a 270 person event will generate 123 round trips.

Vendors

It was assumed that vendors (caterer, flowers, cake, photographer, etc.) will generate 6 round trips for each event:

Caterer truck :	1
Caterer staff:	2
Flowers:	1
Cake:	1
Photographer:	<u>1</u>
Total:	6

Security Guards

It was assumed that 2 security guard round trips will be required for each event.

Disc Jockey

It was assumed that each event will require 1 round trip for a disc jockey.

Parking Valets

Parking valets have not been used in the past and are not planned to be used in the future.

Tables and Chairs

Bella Vista Groves owns and stores onsite a sufficient number of tables and chairs; propane heaters have not previously been needed, nor is the need anticipated. Therefore, no additional delivery trips are anticipated.

Portable Restrooms

The site currently has a sufficient number of portable restrooms (3) to serve wedding events. The restrooms are currently serviced following each event.

Trash

A dumpster is currently serviced once per week, whether or not any events have occurred. Caterers are required to remove their own trash. Thus, no additional round trips will be required to deliver or service dumpsters.

Lighting

Permanent lighting is provided onsite. Additional decorative lighting is provided by customers for approximately half the events. One round trip to deliver/install lighting and one to remove it for half the events corresponds to an average of one round trip per event.

Customer Planning Visits

Prior to each event, prospective customers typically make an initial visit (one vehicle) and subsequently return with an event planner and/or family members (three vehicles) to make the booking. Also, for each booking that occurs, there is approximately one prospective customer trip that does not lead to a booking. Thus, there are approximately five planning round trips per event.

Miscellaneous Support

A site manager and assistant are present onsite every day, whether or not there is an event. Similarly, a gardener visits once per week, whether or not there are any events. It was assumed the customer's event planner will always attend the event. Two additional round trips per event were assumed to provide for unanticipated contingencies.

Trip Generation Calculation

Trip generation for each event is summarized in Table 1.

Table 1. Round Trips Per Event

	Attendance	
	200	270
Attendees	91	123
Vendors	6	6
Security	2	2
Disc Jockey	1	1
Restrooms	1	1
Lighting	1	1
Planning	5	5
Miscellaneous	3	3
TOTAL	110	142

The incremental annual trip generation resulting from an event attendance increase from 200 to 270 was then calculated as follows:

$$(142 - 110) \times 60 = 1,920 \text{ total annual round trips}$$

Incremental Average Daily Traffic (ADT) is typically expressed as one-way trips and was calculated as follows:

$$1,920 \text{ round trips} \times 2 \text{ one way trips per round trip} / 365 \text{ days per year} = \mathbf{11 \text{ ADT}}$$

WEEKDAY PEAK HOUR SITE ACCESS

Because the site takes access directly from SR126 and is nearly three miles from the nearest signalized intersection, offsite intersection impacts were not evaluated. However, site access during weekday peak hour conditions warranted further evaluation. Although the site entrance is just a stop-controlled driveway on SR126, left turn ingress is facilitated by an existing two-way left turn lane on SR126. Similarly, inbound right turning traffic can take advantage of an existing paved shoulder to move out of the traffic lane and decelerate. Given the long driveway throat length, queuing in either direction on SR126 is likely to be minimal.

It is unlikely that wedding events will end during a weekday peak hour. If any do, attendees wishing to turn left to travel east on SR126 may be delayed while waiting for suitable gaps in traffic and this left turn traffic may delay those behind them that wish to make a right turn. Such a problem may be partially mitigated by the presence of the two-way left turn lane, but exit delays should still be expected. Because SR126 is a relatively high speed (55 mph) high volume (30,000 ADT) state highway, this location does not lend itself to traffic control by a deputy.

PARKING

The site currently has 100 customer parking spaces and this will be increased to 127 spaces. And, because the site is large, the site manager and vendor staff will mostly be able to park elsewhere on site. It was assumed that the event planner, catering truck, and two catering staff vehicles will park in the customer parking lot and that other staff will park elsewhere. These vehicles will occupy four of the 127 spaces, leaving 123 for attendees. At an average vehicle occupancy of 2.2 people per vehicle, the 123 spaces will support an attendance of 270 people.

CONCLUSIONS

In conjunction with a time extension, a permit modification is being requested to allow a special event attendance increase from 200 to 270 people and to allow events to occur on Fridays and holidays. The number of events (60 per year) and hours of operation (8:00 AM to 11:00 PM) will remain unchanged. The major findings of this study include the following:

- An attendance increase from 200 to 270 people would generate an average incremental traffic volume of approximately 11 ADT.
- Site access is facilitated by existing paved shoulders and a two-way left turn lane on SR126, along with a long driveway throat length. In the unlikely event that a wedding were to end during a weekday peak hour, outbound traffic may experience delay.
- It is estimated that onsite parking can be provided for support staff and a maximum of 270 event attendees at any one time.

I appreciate the opportunity to work with you on this project. If you have any questions regarding this report or if I can be of further assistance, please feel free to call.

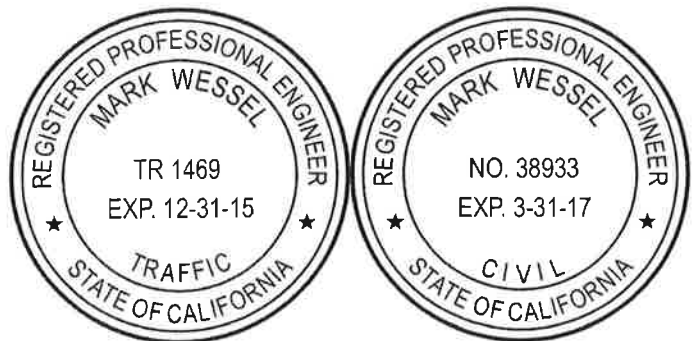
Sincerely,

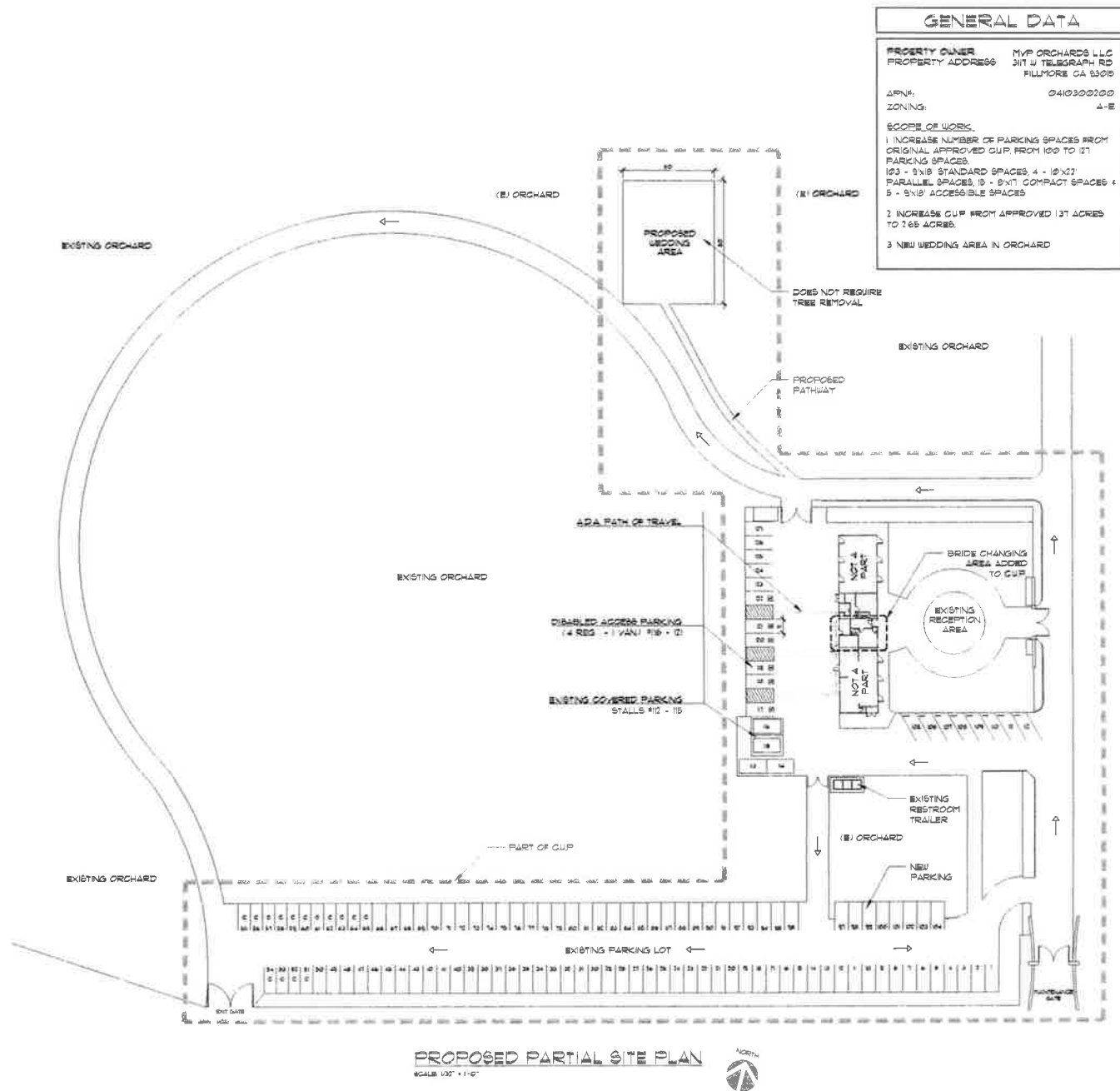
INTERWEST CONSULTING GROUP



Mark Wessel, P.E.

Attachment: Site Plan





REVISIONS

DATE: 05/01/2018

BY: [Signature]

DESCRIPTION: CORRECTIONS

Bella Vista

ORCHARD

LGS Architects, Inc.

ARCHITECTURE • LAND PLANNING • FORESTRY

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 ARCHITECT: The L. Pres. & A.L.A. C.E. INC. CARB
 Project Manager: Andrew L. Pres. & A.L.A. C.E. INC. CARB
 1100 N. Main St., Suite 100, Filmore, CA 93015
 Tel: (825) 877-1272

CONDITIONAL USE PERMIT FOR

Bella Vista

ORCHARD

311 W. TELEGRAPH RD
 FILMORE CA 93015

SEAL

REGISTERED PROFESSIONAL ARCHITECT

STATE OF CALIFORNIA

NO. 10000

EXPIRATION DATE: 12/31/2020

SHEET DESCRIPTION

NO. 10000

DATE: 05/01/2018

SCALE: AS NOTED

DRAWN BY: JCH/CA

CHECKED BY: JCH/CA

PROJECT: P-3

DATE: 05/01/2018

DEPARTMENT OF TRANSPORTATION
DISTRICT 7-OFFICE OF REGIONAL PLANNING
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 897-9140
FAX (213) 897-1337
www.dot.ca.gov



*Serious drought.
Help save water!*

June 19, 2015

Ms. Susan Curtis
Ventura County - Planning Division
800 South Victoria Avenue, L#1740
Ventura, CA 93009

Re: Bella Vista Groves Special Events
CUP LU08-0115, IGR No.150551EA
Vic. VEN/126/17.69

Dear Ms. Curtis

Thank you for including the California Department of Transportation (Caltrans) in the review process for the proposed changes to the Bella Vista Groves Special Events operations. The applicant is requesting to change maximum onsite guest count from 200 to 270, increase the onsite parking from 100 to 127 spaces, and to allow events to occur on Fridays and Holidays. The project site is located at 3117 West Telegraph Road (State Route 126).

Caltrans has reviewed the traffic evaluation submitted for CUP LU08-0115 and has the following comments:

- To prevent attendees to the Bella Vista Groves events site from going past the entrance and making unsafe turns on State Route 126, Caltrans requests that the project install roadway signs to notify drivers. Please direct the applicant to obtain an encroachment permit from Caltrans for the appropriate signs and locations.
- Caltrans recommends the entrance to the Bella Vista site be modified to improve its visibility, possibly with a lighted address sign readable when driving at 60 mph.
- For your information, Caltrans is considering the installation of a median barrier along State Route 150 to prevent cross-median accidents. The Bella Vista Groves site is within the limits of the planned improvements. The improvement is still in the development phase and there is no schedule for construction.

Ms. Susan Curtis

June 19, 2015

Page 2

If you have any questions regarding these comments, you may contact me at (213) 897 – 9140 or project coordinator Elmer Alvarez at (213) 897-6696 or electronically at elmer.alvarez@dot.ca.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dianna Watson".

DIANNA WATSON
IGR/CEQA Branch Chief
Caltrans District 7

Case No. PL15-0054 MVP PROPERTIES TEMPORARY EVENTS REPORT FORM

Period: _____ Through _____

Type of Event	Date	Start/End Time	Number Attendees	Sheriff? (Traffic)	Noise Complaint	Noise Resolution	Number Cars	Notes
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Exhibit 8 - Events Form