



Planning Director Staff Report – Hearing on January 7, 2015

County of Ventura • Resource Management Agency • Planning Division

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

Well-Pict Berry Farms Facility

Case No. PL15-0114

A. PROJECT INFORMATION

1. **Request:** The applicant requests that a Conditional Use Permit (Case No. PL15-0114) be granted to authorize the modification and continued operation of an existing agricultural product packing facility for a 15-year period.
2. **Applicant/ Property Owner:** Tim Miyasaka, Well-Pict Berry Farms, Pierpont Bay Ranch, P.O. Box 973, Watsonville, CA 95077
3. **Applicant's Representative:** Alex Semchenko, ADS Group Architecture, 5700 Ralston St., Ste. 302, Ventura CA 93003
5. **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 Conditional Use Permit (CUP).
6. **Project Site Land Use and Zoning Designations:**
 - a. Countywide General Plan Land Use Map Designation: The General Plan designation is "Agriculture" (Exhibit 3)
 - b. Zoning Designation: AE-40 ac (*Agricultural Exclusive, 40 acre minimum lot size*) (Exhibit 3)

SITE INFORMATION

7. **Project Site Size, Location, and Parcel Number:** The project site is located at 4300 Etting Road, Oxnard west of the intersection of Wood Road and Etting Road, in the unincorporated area of Ventura County. The Tax Assessor's parcel numbers for the property that comprises the project site is 2180070290 and 2180070260. The parcel is 273.35 acres in size.

8. Project Site Land Use and Zoning Designations:

- a. Countywide General Plan Land Use Map Designation: The proposed project has a General Plan land use designation of Agriculture.
- b. Zoning Designation: The proposed project has a Zoning designation of AE-40 ac (Agricultural Exclusive, 40 acre minimum lot size).

9. Adjacent Zoning and Land Uses/Development:

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

The project site is surround by land used for agriculture. Farther to the west (1.26 miles) is the City of Oxnard.

- 10. History:** The facilities on the project site were historically used as a strawberry packing house. In 1998, the Planning Director granted CUP 5059 to authorize the construction and operation of agricultural processing facility. This facility included a 61,500 sq. ft. principal agricultural processing structure and 71,854 sq. ft. of other associated agricultural structures.

On March 30, 2000, the Planning Director granted Modification No. 1 of CUP 5059 to authorize the construction of a new 20,740 sq. ft. agricultural processing building. This modified CUP was granted for a 15-year period ending on March 18, 2014. This CUP expired.

- 11. Project Description:** The applicant requests that a Conditional Use Permit (CUP) Case No. PL15-0114 be granted to authorize the modification and continued operation of an existing agricultural product packing facility for a 15-year period. The existing facilities that will continue to be used include:

- 61,500 sq. ft. agricultural packing building
- 71,854 sq. ft. of other agricultural structures
- 20,740 sq. ft. agricultural processing building

The facility modifications included in the project include the following:

- Removal of existing nitrogen based freezing tunnel located in the interior of the berry processing building
- Modification to the existing ammonia based freezing tunnel located in the interior of the berry processing building
- Removal of the nitrogen freezer inside the building

- Removal of two 38-foot tall, 12,000 gallon nitrogen tanks
- Installation of two quick freezing tanks
- Construction of 2,500 sq. ft. addition to the berry building to house the new freezing equipment (above)
- Addition of one loading dock adjacent to an existing loading dock at the rear of the berry building.

Water is provided by existing private water well and processed waste water discharged from the packing plant is reclaimed and used to irrigate the adjacent crop land. Domestic waste is handled by an on-site septic mound system.

Approximately, 3,500 sq. ft. of new impervious area is being added to the site to allow for a revised Fire Dept. access driveway. Most of the surface water would be captured by an existing detention basin at the southwest corner of the packing plant facility.

Water storage on the project site includes:

- A 330,000 gallon water tank for firefighting purposes
- A 220,000 gallon tank for domestic water storage
- Three 475,000 gallon water tanks as part of the process water recycling system.

The existing and proposed structures that would be included in the proposed facility are illustrated on Exhibits 4, 5, and 6 of this staff report.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

Pursuant to CEQA (Public Resources Code §21000 et seq.) and the State 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 December 3, 1998, the Planning Director adopted a Negative Declaration (ND) that evaluated the environmental impacts of the operation of an agricultural processing facility. The permit was granted for a 15-year period that ended on March 18, 2014. This ND is attached as Exhibit 8.

The CEQA Guidelines [§ 15164(b)] state that the lead agency shall prepare an addendum to an adopted ND if: (1) minor changes or additions are necessary, but (2) none of the conditions described in the CEQA Guidelines (§ 15162) calling for the preparation of a subsequent ND have occurred. The Addendum to the ND (Exhibit 7) includes a description of the changes or additions that are necessary to the ND and a discussion of why none of the conditions described in the CEQA Guidelines exist, which require the preparation of an EIR or subsequent ND. In summary, the proposed project involves

minor changes in the operation of an existing permitted facility. No additional impacts have been identified.

Based on the information provided in the Addendum and in light of the whole record, staff recommends that the decision-maker find that there is no substantial evidence to warrant the preparation of an EIR or subsequent ND, that the Addendum to the ND (Exhibit 7) satisfies the environmental review requirements of CEQA, and that the Addendum reflects the County's independent judgment and analysis.

C. CONSISTENCY WITH THE GENERAL PLAN

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

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

Furthermore, the Ventura County Non-Coastal Zoning Ordinance (§8111-1.2.1.1.a) states that in order to be approved, a Conditional Use Permit must be found consistent with all applicable policies of the Ventura County General Plan. The project site is also adjacent to the City of Oxnard sphere of influence.

Evaluated below is the consistency of the project with the applicable policies of the General Plan.

- 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) for the project, the project's individual impacts and contribution to cumulative impacts on resources have been evaluated in compliance with CEQA.

Based on the above discussion, the proposed project will be 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), the project's individual impacts and contribution to cumulative impacts on resources have been evaluated in

compliance with CEQA. No significant adverse environmental impacts have been identified for the proposed project.

Based on the above discussion, the proposed project will be consistent with Resources Policy 1.1.2-2.

3. Water Resources Policy 1.3.2-2 and -4:

2. Discretionary development shall comply with all applicable County and State water regulations.

4. Discretionary development shall not significantly impact the quantity or quality of water resources within watersheds, groundwater recharge areas or groundwater basins.

The proposed project involves the continuation of an existing agricultural service operation that would utilize approximately 14.59 acres of a 273.35 acre agriculturally-zoned parcel. The uses included in the proposed modification to the berry building are associated with the existing produce packing and processing facility which are all related to agricultural production (strawberries). Water is provided by existing private water well and processed waste water discharged from the packing plant is reclaimed and used to irrigate the adjacent crop land. Domestic waste is handled by an on-site septic mound system.

Implementation of the Environmental Health Division-recommended conditions of approval (Exhibit 9, Condition Nos. 19 and 20) will ensure that the proposed project will be in compliance with state water regulations.

Approximately, 3,500 sq. ft. of new impervious area is being added to the site to allow for a revised Fire Dept. access driveway. Most of the surface water would be captured by an existing detention basin at the southwest corner of the packing plant facility.

Water storage on the project site includes:

- A 330,000 gallon water tank for firefighting purposes
- A 220,000 gallon tank for domestic water storage
- Three 475,000 gallon water tanks as part of the process water recycling system.

The existing packing and processing facility would have the same purpose and use as was previously approved. There would be only minor changes to the facility including a 2,500 sq. ft. addition to the existing berry building to house the new freezing equipment. The increase of impervious paving is minimal and surface water will drain to the drain to the agricultural field to the east along with existing adjacent paving. Therefore, the proposed project would not create a

substantial impact the quantity or quality of water resources within watersheds, groundwater recharge areas or groundwater basins.

As the project does not involve a substantial change in use or operations, no substantial change in water consumption is anticipated.

Based on the above discussion, the project is consistent with Water Resources Policies 1.3.2-2 and -4.

4. **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 proposed project involves a modification to the existing berry processing building and the continuation of an existing agricultural service operation that would utilize approximately 14.59 acres of a 273.35 acre agriculturally-zoned parcel. The uses included in the proposed produce packing and processing facility are all related to agricultural production (strawberries). The existing agricultural facility would not be affected by, or hinder, the adjacent agricultural operations. The project would involve the removal of 2,862 square feet of agricultural zoned land and topsoil to extend the existing Fire drive/access.

Based on the above discussion, the project is consistent with the Farmland Resources Policy 1.6.2-1.

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

The proposed project involves a modification to the existing berry processing building and the continuation of an existing agricultural service operation that would utilize approximately 14.59 acres of a 273.35 acre agriculturally-zoned parcel. The uses included in the proposed produce packing and processing facility are all related to agricultural production (strawberries). The existing agricultural facility would not be affected by, or hinder, the adjacent agricultural operations. The project would require removal of 2,862 square feet of agriculturally zoned land and topsoil to extend the existing Fire drive/access.

Based on the above discussion, the project is consistent with the Farmland Resources Policy 1.6.2-6.

6. **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 involves the continuation of an existing use and no new effect on public views would occur.

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

- 7. Fire Hazard Policy 2.13.2-1:** *All discretionary permits shall be required, as a condition of approval, to provide adequate water supply and access for fire protection and evacuation purposes.*

According to the VCFPD, the existing water supply and access are adequate for fire protection. The conditions of approval (Exhibit 9, Condition Nos. 30 through 35) ensure that this adequate situation will be maintained.

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

- 8. Hazardous Materials and Waste Policy 2.15.2-2:** *Site plans for discretionary development that will generate hazardous wastes or utilize hazardous materials shall include details on hazardous waste reduction, recycling and storage.*

There are designated areas on the project site where agricultural chemicals are stored. Implementation of the Environmental Health Division-recommended conditions of approval (Exhibit 9, Condition Nos. 17 and 18) will ensure that in the event hazardous materials/wastes are generated or utilized, the proposed project will be in compliance with state regulations regarding the storage, handling, and disposal of any potentially hazardous materials or waste.

Based on the above discussion, the proposed project will include details on hazardous waste reduction, recycling and storage consistent with Hazardous Materials and Waste Policy 2.15.2-2.

D. ZONING COMPLIANCE

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

Pursuant to the Ventura County Non-Coastal Zoning Ordinance (§8105-4), the proposed use is allowed in the AE-40 acre zone district with the granting of a Conditional Use Permit. Upon the granting of the modified Conditional Use Permit, the Permittee would be in compliance with this requirement.

The proposed project involves a modification to the existing berry processing building and the continued operation of an existing agricultural produce packing and processing facility that is subject to the development standards of the Ventura County Non-Coastal Zoning Ordinance (§8106-1.1). Table 2 lists the applicable development standards and a description of whether the proposed project is designed in conformance with the development standards. As described in Table 2 (below), the proposed project is consistent with the development standards of the AE-40 zone.

Table 2 – Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	In Conformance?
Minimum Lot Area (Gross)	40 acres	Yes
Maximum Percentage of Building Coverage	5%	Yes
Front Setback	20 feet	Yes
Side Setback	10 feet	Yes
Rear Setback	15 feet	Yes
Maximum Building Height	35 feet	Yes

E. CONDITIONAL USE PERMIT FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant the requested permit pursuant to Section 8111-1.2.1.1 of the Ventura County Non-Coastal Zoning Ordinance. The ability of the decision-maker to make these findings is evaluated below.

- 1. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [§8111-1.2.1.1.a].**

Based on the information and analysis presented in Sections C and D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

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

The project involves a modification to the existing berry processing building and the continued operation of an existing produce packing and processing facility which supports local agricultural operations. It is surrounded by irrigated

agriculture on all sides. Implementation of conditions of approval (Exhibit 9, Condition Nos. 1, 6, 13, 14, 15, 7, 18 and 29) will ensure that the existing facility will be operated in a manner compatible with the neighboring agricultural operations. Thus, the produce packing and processing project would be compatible in character with the surrounding development.

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

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

As discussed in Finding 2 above, the proposed project involves the continued operation of an existing agricultural packing and processing facility that supports local agriculture. No adverse effect on the surrounding agricultural uses has been identified that would result from the proposed project. Implementation of conditions of approval (Exhibit 9, Condition Nos. 1, 6, 13, 14, 15, 7, 18 and 29) will ensure the compatibility with existing adjacent agricultural operations. Thus, the proposed project would not be harmful or impair the utility of the neighboring properties.

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

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

As indicated in Section B of this staff report, no significant environmental effects have been identified that would result from the proposed project. Implementation of conditions of approval (Exhibit 9, Condition Nos. 1, 1, 6, 13, 14, 15, 7, 18 and 29) will ensure the compatibility of the existing produce processing and packing facility with the neighboring agricultural operations. No adverse effects on the public interest, health, safety, convenience or welfare have been identified that would result from the proposed project.

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

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

The project involves the continued operation of an existing produce packing and processing facility which supports local agricultural operations. It is surrounded by irrigated agriculture on all sides. The general area is characterized by cultivated agriculture. Implementation of conditions of approval (Exhibit 9, Condition Nos. 1, 6, 13, 14, 15, 7, 18 and 29) will ensure that the existing facility will be operated in a manner compatible with the neighboring agricultural operations. Thus, the produce

packing and processing project would continue to be compatible with the general area.

Given the agricultural zoning and land use designation in the surrounding unincorporated area and the prime soils that exist in this area, agricultural land uses in the vicinity are expected to continue into the foreseeable future. The existing agricultural support facility is expected to remain compatible and complimentary to these uses.

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

6. The proposed development will occur on a legal lot [Sections 8101-3.4 and 8111-1.2.1.1f].

The subject property (represented by APN 218-0-070-290 and -260) represents two lots that were legally created by conveyances (deeds recorded April 18, 1906 in Book 109, page 211, and November 19, 1906 in Book 106, Page 536 of Deeds, after deed recorded December 28, 1965 in Book 2918, Page 161 of Official records, less portion to a road), prior to regulation by the subdivision Map Act or the local subdivision ordinance.

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

Since the project is located within the Agricultural Exclusive (AE) Zone, the following additional findings must be made:

7. 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 [§8111-1.2.1.2.a].

The project involves a modification of the existing berry processing building and the continued operation of an existing agricultural produce packing and processing facility. This agricultural support facility will be compatible with and complimentary to the existing agricultural uses that dominate the project area. Thus, the project would not significantly reduce, restrict or adversely affect agricultural resources or the viability of agricultural operations in the area.

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

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

The project involves a modification of the existing berry processing building and continued operation of an existing agricultural produce packing and processing

facility. This agricultural support facility will be compatible with and complimentary to the existing agricultural uses that dominate the project area. Thus, the project would not significantly reduce, restrict or adversely affect agricultural resources or the viability of agricultural operations on the project site or in the area.

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

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

The proposed project involves the continuation of an existing agricultural service operation that would utilize approximately 14.59 acres of a 273.35 acre agriculturally-zoned parcel. The uses included in the proposed modification to the existing produce packing and processing facility are all related to agricultural production (strawberries). The existing agricultural facility would not be affected by, or hinder, the adjacent agricultural operations. The project would not involve the removal of land from agricultural production or cause a loss of topsoil.

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

F. PLANNING DIRECTOR HEARING NOTICE AND PUBLIC COMMENTS

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (§65091), Ventura County Non-Coastal Zoning Ordinance (§8111-3.1). The Planning Division mailed notice to owners of property within 300 feet of the subject project site and the City of Oxnard. On December 17, 2015, the City sent an email reply indicating they have no comments or conditions regarding the proposed project. In addition, a legal ad in the Ventura County Star was published. As of the date of this document, no other comments have been received.

G. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Director has reviewed and considered this staff report and all exhibits thereto and has considered all comments received during the public comment process;
2. **FIND**, based on the whole of the record, that there is no substantial evidence that the project will have a significant effect on the environment and that the Addendum to the Negative Declaration satisfies the environmental review requirements of CEQA and reflects the Planning Director's independent judgment and analysis; and

3. **APPROVE** the Addendum (Exhibit 7) to Negative Declaration as meeting the environmental review requirements of CEQA;
4. **MAKE** the required findings to grant a modified conditional use permit in accordance with Section 8111-1.2.1.1 and 8111-1.2.1.2 of the Ventura County NCZO, based on the substantial evidence presented in Section F of this staff report and the entire record;
5. **GRANT** modified Conditional Use Permit No. PL15-0114, subject to the conditions of approval (Exhibit 9).
6. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

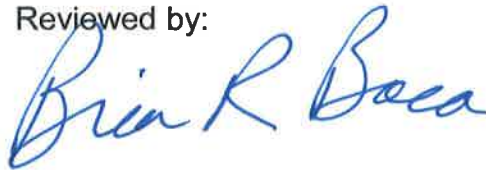
If you have any questions concerning the information presented above, please contact Becky Linder at (805) 654-2469 or becky.linder@ventura.org.

Prepared by:



Becky Linder, Case Planner
Commercial and Industrial Permits

Reviewed by:



Brian R. Baca, Manager
Commercial and Industrial Permits

EXHIBITS

- Exhibit 2 - Location Map
- Exhibit 3 - General Plan and Zoning Designation Map
- Exhibit 4 - Overall Site Plan for PL15-0114
- Exhibit 5 - Site Plan /Area of Improvement for PL15-0114
- Exhibit 6 - Upgraded Berry Building Floor Plan, Elevations and Extended Fire Drive for PL15-0114
- Exhibit 7 - ND Addendum for PL15-0114
- Exhibit 8 - ND for CUP 5059
- Exhibit 9 - Conditions of Approval for PL15-0114



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 12-01-2015

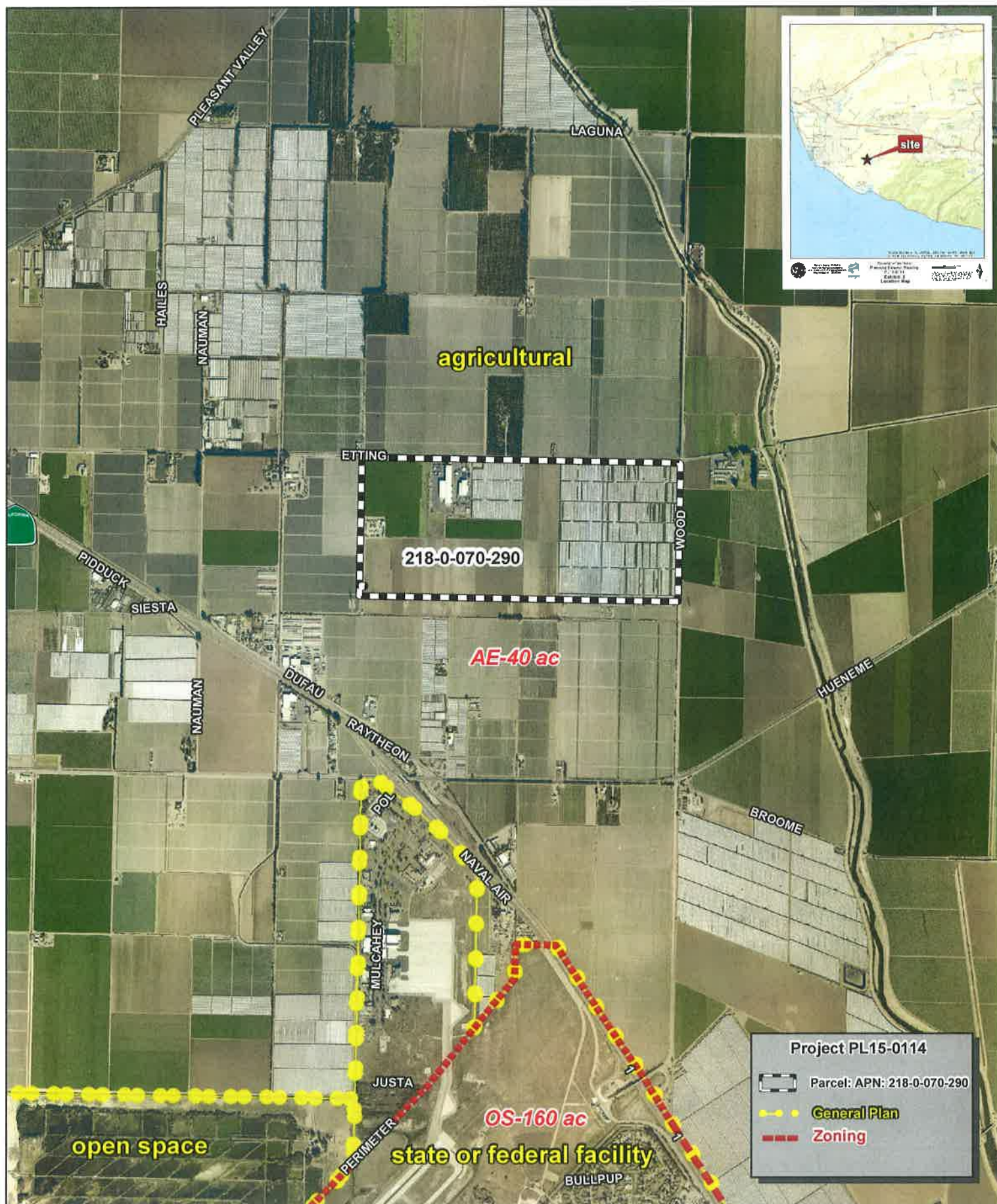


**County of Ventura
Planning Director Hearing
PL15-0114
Exhibit: 2
Location Map**

0 8,000 16,000 Feet

Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does no warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.



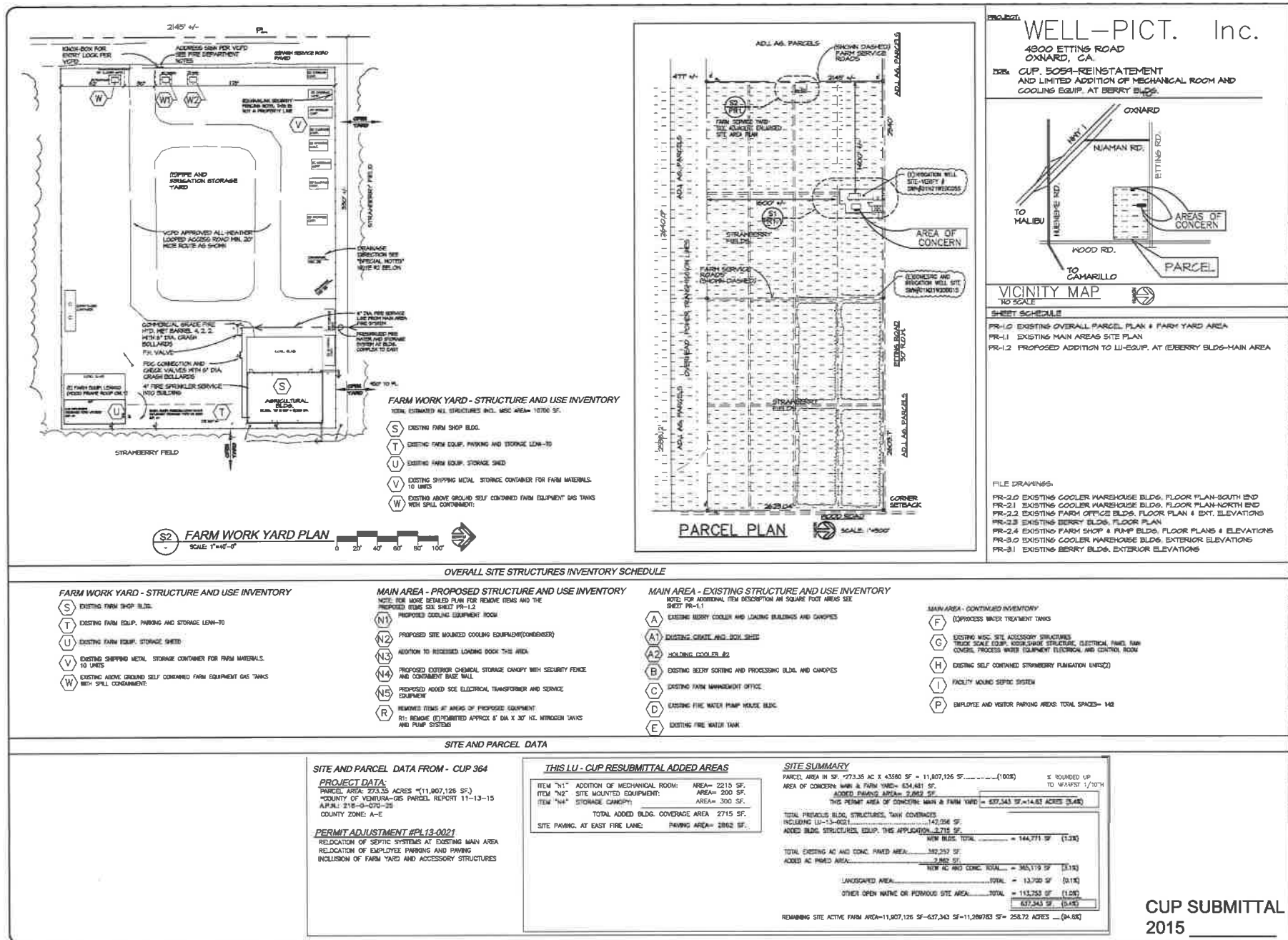


Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 12-01-2015
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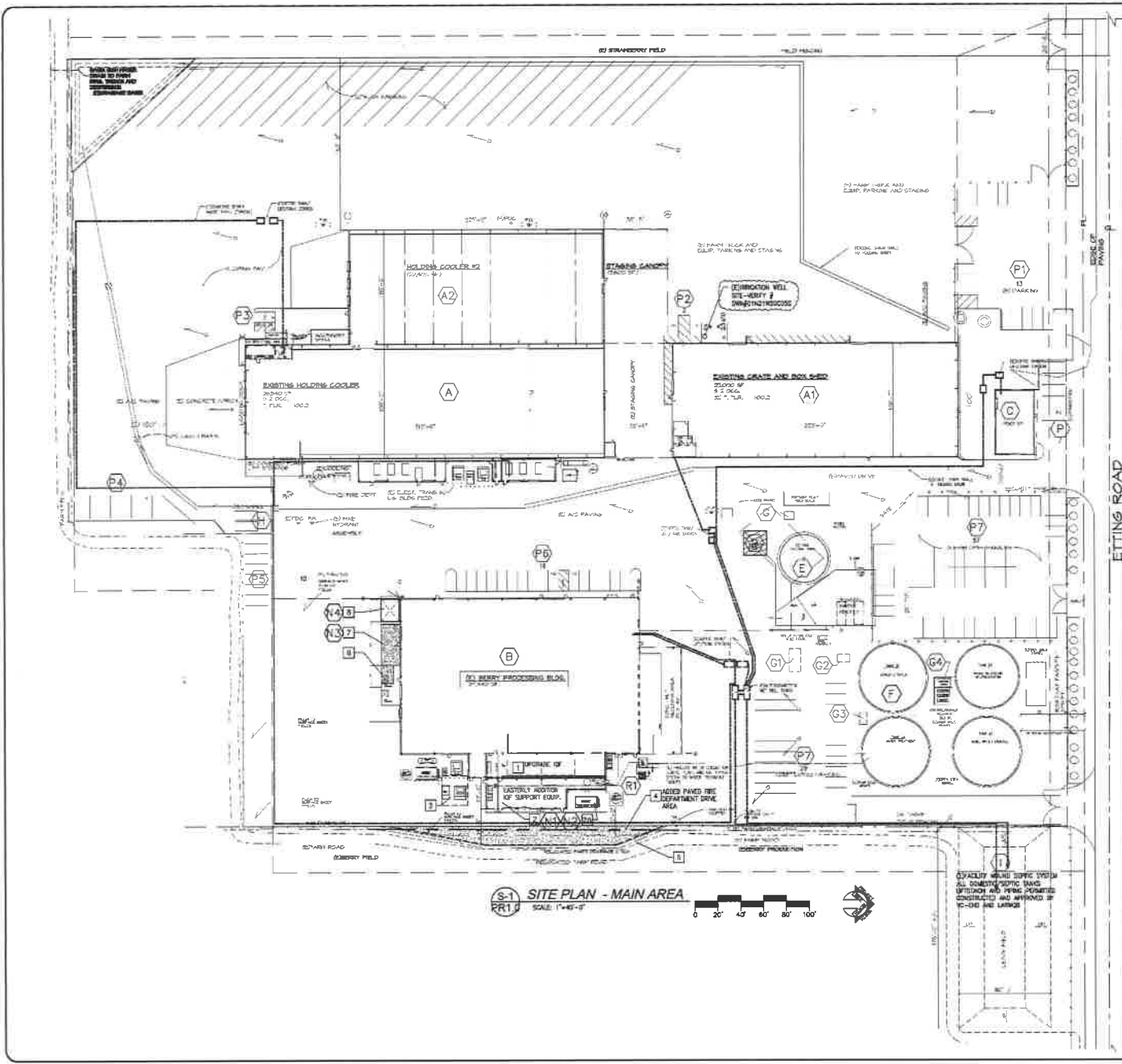


County of Ventura
Planning Director Hearing
PL15-0114
Exhibit 3
General Plan & Zoning Map





Site Plan /Area of Improvement for
PL15-0114



MAIN AREA - EXISTING STRUCTURE AND USE INVENTORY
NOTE: ALL CONDITIONS ARE EXISTING UNLESS OTHERWISE NOTED AS NEW, REMOVED, MODIFIED, OR RELOCATED.
NOTE: FOR ADDITIONAL ITEM DESCRIPTIONS AND SQUARE FOOT AREAS SEE SHEET PR-1.1

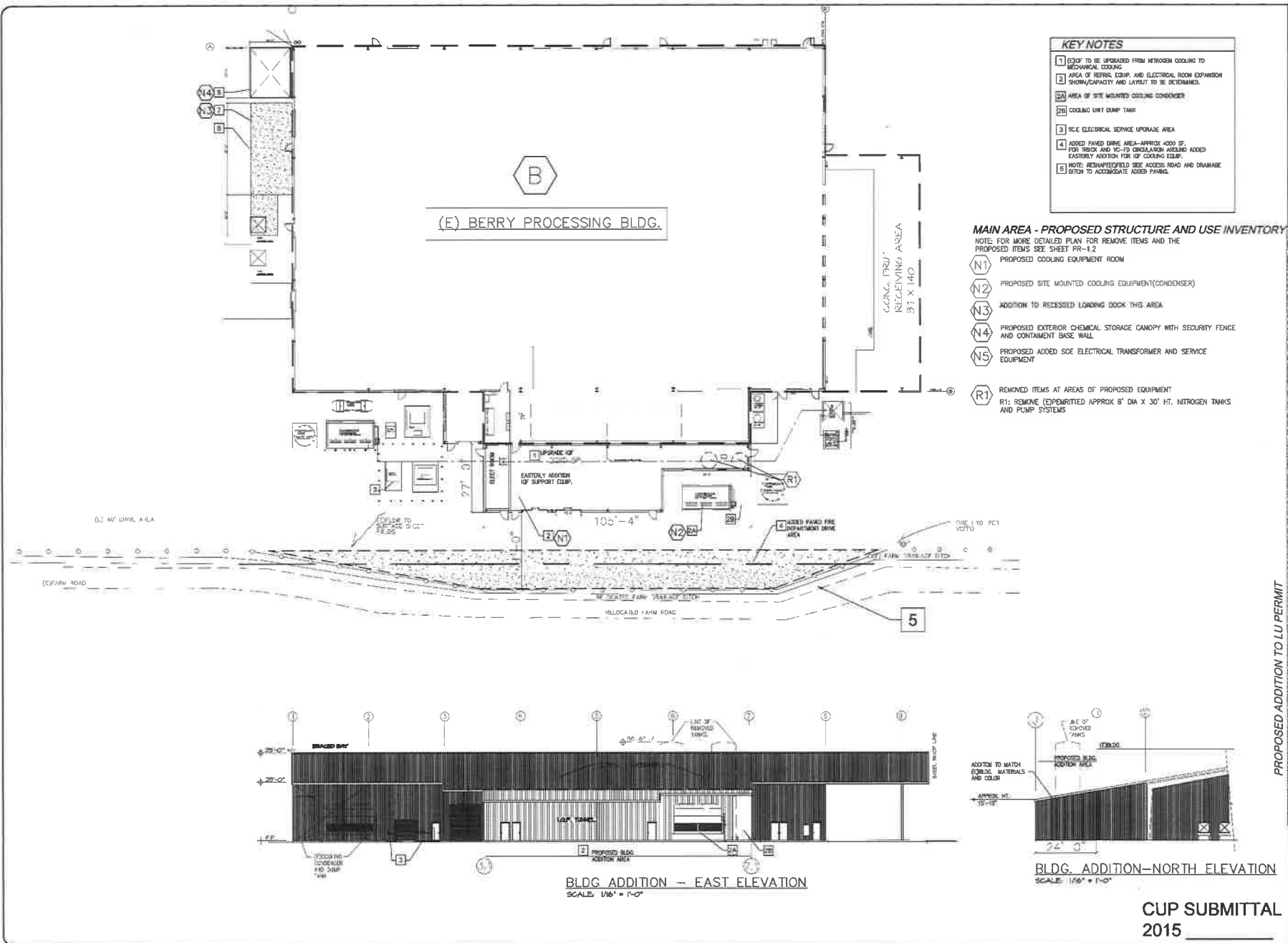
- (A) EXISTING BERRY COOLER AND LOADING BUILDINGS AND CANOPIES
- (A1) EXISTING CRATE AND ROLL SHED
- (A2) HOLDING COOLER #2
- (B) EXISTING BERRY SORTING AND PROCESSING BLDG AND CANOPIES
- (C) EXISTING FARM MANAGEMENT OFFICE
- (D) EXISTING FIRE WATER PUMP HOUSE BLDG
- (E) EXISTING FIRE WATER TANK
- (F) (PROPOSED) WATER TREATMENT TANKS
- (G) EXISTING WIND SITE ACCESSORY STRUCTURES: TRUCK SCALE EQUIP., FLOODLIGHT STRUCTURE, ELECTRICAL PANEL, PUMP CONTROL, PROCESS WATER EQUIPMENT ELECTRICAL AND CONTROL ROOM
- (H) EXISTING SELF-CONTAINED STRAWBERRY FUMIGATION UNIT(S)
- (I) FACILITY MOUND SEPTIC SYSTEM
- (P) EMPLOYEE AND VISITOR PARKING AREAS: TOTAL SPACES= 142

MAIN AREA - PROPOSED STRUCTURE AND USE INVENTORY
NOTE: FOR MORE DETAILED PLAN FOR REMOVE ITEMS AND THE PROPOSED ITEMS SEE SHEET PR-1.2

- (N1) PROPOSED COOLING EQUIPMENT ROOM
- (N2) PROPOSED SITE MOUND COOLING (EQUIPMENT/CONTAINER(S))
- (N3) ADDITION TO RECESSED LOADING DOCK THIS AREA
- (N4) PROPOSED EXTERIOR CHEMICAL STORAGE CANOPY WITH SECURITY FENCE AND CONCRETE BASE WALL
- (N5) PROPOSED ADDED ROL ELECTRICAL TRANSFORMER AND SERVICE EQUIPMENT
- (R) REMOVED ITEMS AT AREAS OF PROPOSED EQUIPMENT
RT1: REMOVE (EXPIRATED) APPROX 8' DIA X 30' HT. NITROGEN TANKS AND PUMP SYSTEMS

CUP SUBMITTAL
2015

Upgraded Berry Building Floor Plan Elevations and Fire Drive for PL15-0114



county of ventura

NEGATIVE DECLARATION (ND) ADDENDUM

Well-Pict Berries and Anacapa Foods

Case No. PL15-0114

A. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

1. **Entitlement:** Modification of Conditional Use Permit No. CUP 5059 (Case No. PL15-0114).
2. **Applicant/Property Owner:** Tim Miyasaka, Pierpont Bay Ranch, P.O. Box 973, Watsonville, CA 95077
3. **Location:** This facility is located at 4300 Etting Road, Oxnard west of the intersection of Wood Road and Etting Road, in the unincorporated area of Ventura County.
4. **Assessor's Parcel Numbers:** The Tax Assessor's parcel numbers for the property that comprises the project site are 2180070290 and 2180070260.
5. **Lot Size:** The parcel is 273.35 acres in size.
6. **General Plan Designation:** Agricultural
7. **Zoning Designation:** The proposed project has a Zoning designation of AE-40 ac (Agricultural Exclusive, 40 acre minimum lot size).
8. **Project Description:** The applicant requests that a CUP (Case No. PL15-0114) be granted to authorize the modification and continued operation of an existing agricultural product packing facility for a 15-year period. The existing facilities that will continue to be used include:
 - 61,500 sq. ft. agricultural packing building
 - 71,854 sq. ft. of other agricultural structures
 - 20,740 sq. ft. agricultural processing building

The facility modifications included in the project include the following:

- Removal of existing nitrogen based freezing tunnel located in the interior of the berry processing building
- Modification to the existing ammonia based freezing tunnel located in the interior of the berry processing building
- Removal of the nitrogen freezer inside the building
- Removal of two 38-foot tall, 12,000 gallon nitrogen tanks
- Installation of two quick freezing tanks



- Construction of 2,500 sq. ft. addition to the berry building to house the new freezing equipment (above)
- Addition of one loading dock adjacent to an existing loading dock at the rear of the berry building.

Water is provided by existing private water well and processed waste water discharged from the packing plant is reclaimed and used to irrigate the adjacent crop land. Domestic waste is handled by an on-site septic mound system.

Approximately, 3,500 sq. ft. of new impervious area is being added to the site to allow for a revised Fire Dept. access driveway. Most of the surface water would be captured by an existing detention basin at the southwest corner of the packing plant facility.

Water storage on the project site includes:

- A 330,000 gallon water tank for firefighting purposes
- A 220,000 gallon tank for domestic water storage
- Three 475,000 gallon water tanks as part of the process water recycling system.

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

The facilities on the project site were historically used as a strawberry packing house. In 1998, the Planning Director granted CUP 5059 to authorize the construction and operation of agricultural processing facility. This facility included a 61,500 sq. ft. principal agricultural processing structure and 71,854 sq. ft. of other associated agricultural structures.

On March 30, 2000, the Planning Director granted Modification No. 1 of CUP 5059 to authorize the construction of a new 20,740 sq. ft. agricultural processing building. This modified CUP was granted for a 15-year period ending on March 18, 2014. This CUP expired.

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

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

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

The proposed project consists of the modification and continued operation an existing produce packing and processing facility for a 15-year period. The existing packing and processing facility would have the same purpose and use as was previously approved. There would be only minor changes to the facility including a 2,500 sq. ft. addition to the existing berry building to house the new freezing equipment.

In summary, no substantial changes in the approved facility beyond what was previously analyzed in the ND are proposed.

Based on the above discussion, no substantial changes in the project are proposed that require major revisions of the ND.

- 2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous ND [§15162(a)(2)]; or,**

The existing commercial facility was previously analyzed for potential impacts on the environment. The circumstances (baseline conditions) under which the project was analyzed for environmental impacts have not changed since the ND was adopted. No significant environmental effects have been identified for the proposed project. Therefore, major revisions to the ND are not be required.

- 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 certified the previous ND, shows any of the following:**

- a. The project will have one or more significant effects not discussed in the previous ND [§15162(a)(3)(A)];**

No new information of substantial importance has been identified that indicates the project will have a significant environmental effect not discussed in the adopted ND. The existing facility would continue to be used in the same manner as it was previously permitted under CUP 5059.

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

C. PUBLIC REVIEW:

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

Prepared by:



Becky Linder, Case Planner
Commercial and Industrial Permits
Section
Ventura County Planning Division

Reviewed by:



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

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

Kim L. Prillhart, Director
Ventura County Planning Division

Date

COUNTY OF VENTURA RESOURCE MANAGEMENT AGENCY

NEGATIVE DECLARATION

A. PROJECT DESCRIPTION

1. **Entitlement:** Conditional Use Permit No. CUP-5059
2. **Applicant:** Pierpont Bay Ranch, Inc (Finn Jacobsen, Managing Partner), 4300 Etting Road, Oxnard, CA 93032
3. **Location:** 4300 Etting Road, In the unincorporated area of Oxnard. (Exhibit "A")
4. **Assessor Parcel No:** 218-0-070-25
5. **Parcel Size:** 274.22 Acres (5.67 acres building area)
6. **General Plan Designation:** Agricultural
7. **Existing Zoning:** "A-E" (Agricultural Exclusive)
8. **Project Description:** The applicant is requesting a Conditional Use Permit to construct 61,500 square feet of agriculture support buildings containing such related functions as; storage, cooling, and offices necessary to manage and operate the overall facility. (Exhibit "B"- Site Plan)
9. **Responsible Agencies:** N/A

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

California State law requires that an Initial Study (environmental analysis) be conducted to determine if this project could significantly affect the environment. Based on the findings contained in the attached Initial Study, it has been determined that this project will not have a significant effect on the environment, and a Negative Declaration (ND) has been prepared pursuant to the provisions of the California Environmental Quality Act (Section 15073)

C. PUBLIC REVIEW:

1. **Legal Notice Method:** Direct mailing to property owners within 300 feet of the proposed project boundary, and a legal notice in a newspaper of general circulation.
2. **Document Posting Period:** February 1, 1999 to February 21, 1999
3. **Comments:** The public is encouraged to submit written comments regarding this Negative Declaration no later than 5:00 p.m. on the last day of the above listed posting period to the case planner listed below, RMA/Planning, 800 S. Victoria Avenue, Ventura, CA 93009. The Planning Division's FAX number is (805) 654-2509.

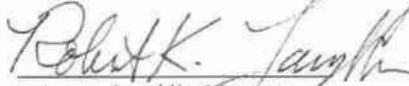
County of Ventura
Planning Director Hearing
PL15-0114
Exhibit 8 – ND for CUP-5059

D. CONSIDERATION AND APPROVAL OF THE NEGATIVE DECLARATION:


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

1. Prepared by: Paul Merrett, Case Planner, Phone No. (805) 654-2878

2. Reviewed for release to the public by:

 1-21-99
Robert K. Laughlin, Manager
Commercial/Industrial Land Use Section

3. Recommended for Approval by the Lead Agency by:

 3-8-99
Keith Turner, Director
Planning Division

Attachments:

Exhibit "A" - Location Map
Exhibit "B1" - Site Plan - Phase A
Exhibit "B2" - Site Plan - Phase B

SECTION B
INITIAL STUDY CHECKLIST
PROJECT NO. CUP-5059

ISSUE	(RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
		N	LS	S	U	N	LS	S	U
GENERAL:	1. GENERAL PLAN ENVIRONMENTAL GOALS AND POLICIES (PLNG.):	X							
LAND USE:	2. LAND USE (PLNG.)								
	A. COMMUNITY CHARACTER:	X							
	B. HOUSING:	X							
	C. GROWTH INDUCEMENT:	X							
RESOURCES:	3. AIR QUALITY (APCD)								
	A. REGIONAL		X						
	B. LOCAL:		X						
	4. WATER RESOURCES (PWA)								
	A. GROUNDWATER QUANTITY:		X						
	B. GROUNDWATER QUALITY:	X							
	C. SURFACE WATER QUANTITY:		X						
	D. SURFACE WATER QUALITY:		X						
	5. MINERAL RESOURCES (PLNG.)								
	A. AGGREGATE:		X						
	B. PETROLEUM:		X						
	6. BIOLOGICAL RESOURCES								
	A. ENDANGERED, THREATENED, OR RARE SPECIES:	X							
	B. WETLAND HABITAT:	X							
	C. COASTAL HABITAT:	X							
	D. MIGRATION CORRIDORS:	X							
	E. LOCALLY IMPORTANT SPECIES/COMMUNITIES:	X							
	7. AGRICULTURAL RESOURCES (AG. DEPT.)								
	A. SOILS:		X						
	B. WATER:		X						
	C. AIR QUALITY/MICRO-CLIMATE:		X						
	D. PESTS/DISEASES:		X						
	E. LAND USE INCOMPATIBILITY:		X						
	8. VISUAL RESOURCES								
	A. SCENIC HIGHWAY (PLNG.):		X						
	B. SCENIC AREA/FEATURE:		X						
	9. PALEONTOLOGICAL RESOURCES:		X						
	10. CULTURAL RESOURCES								
	A. ARCHAEOLOGICAL:		X						
	B. HISTORICAL (GSA):		X						
	C. ETHNIC, SOCIAL OR RELIGIOUS:	X							
	11. ENERGY RESOURCES:		X						
12. COASTAL BEACHES & SAND DUNES:	X								

ISSUE	(RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
		N	LS	S	U	N	LS	S	U
HAZARDS:	13. <u>SEISMIC HAZARDS (PWA)</u>								
	A. FAULT RUPTURE:	X							
	B. GROUND SHAKING:		X						
	C. TSUNAMI:	X							
	D. SEICHE:	X							
	E. LIQUEFACTION:		X						
	14. <u>GEOLOGIC HAZARDS (PWA)</u>								
	A. SUBSIDENCE:		X						
	B. EXPANSIVE SOILS:		X						
	C. LANDSLIDES/MUDSLIDES:	X							
	15. <u>HYDRAULIC HAZARDS (PWA/FCD)</u>								
	A. EROSION/SILTATION:	X							
	B. FLOODING:		X						
	16. <u>AVIATION HAZARDS (AIRPORTS):</u>	X							
	17. <u>FIRE HAZARDS (FIRE):</u>	X							
	18. <u>HAZARDOUS MATERIALS/WASTE</u>								
	A. ABOVE-GROUND HAZARDOUS MTL'S. (FIRE):	X							
	B. BELOW-GROUND HAZARDOUS MTL'S. (EH):	X							
	C. HAZARDOUS WASTE (EH):		X						
	19. <u>NOISE AND VIBRATION:</u>		X						
	20. <u>GLARE:</u>	X							
PUBLIC FACILITIES/ SERVICES:	21. <u>TRANSPORTATION/CIRCULATION</u>								
	A. PUBLIC ROADS AND HIGHWAYS								
	(1) LEVEL OF SERVICE (PWA):		X						
	(2) SAFETY/DESIGN (PWA):		X						
	(3) TACTICAL ACCESS (FIRE):		X						
	B. PRIVATE ROADS AND DRIVEWAYS (FIRE)								
	(1) SAFETY/DESIGN:		X						
	(2) TACTICAL ACCESS:		X						
	C. PEDESTRIAN/BICYCLE								
	(1) PUBLIC FACILITIES (PWA):	X							
	(2) PRIVATE FACILITIES:	X							
	D. PARKING (PLNG.):	X							
	E. BUS TRANSIT:	X							
	F. RAILROADS:	X							
	G. AIRPORTS (AIRPORTS):	X							
	H. HARBORS (GSA):	X							
	I. PIPELINES:	X							
	22. <u>WATER SUPPLY</u>								
	A. QUALITY (EH):		X						
	B. QUANTITY (PWA/EH):		X						
	C. FIRE FLOW (FIRE):		X						

ISSUE	(RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
		N	LS	S	U	N	LS	S	U
PUBLIC FACILITIES/ SERVICES (CONT.):	23. WASTE TREATMENT/DISPOSAL								
	A. INDIVIDUAL SEWAGE DISPOSAL SYSTEM (EH):		X						
	B. SEWAGE COLLECTION/TREATMENT FACILITIES:		X						
	C. SOLID WASTE FACILITIES (SWMD):		X						
	24. UTILITIES								
	A. ELECTRIC:		X						
	B. GAS:		X						
	C. COMMUNICATION:		X						
	25. FLOOD CONTROL/DRAINAGE								
	A. FCD FACILITY (FCD):		X						
	B. OTHER FACILITIES (PWA):		X						
	26. LAW ENFORCEMENT/EMERGENCY SYS. (SHERIFF)								
	A. PERSONNEL/EQUIPMENT:		X						
	B. FACILITIES:		X						
	27. FIRE PROTECTION (FIRE)								
	A. DISTANCE/RESPONSE TIME:		X						
	B. PERSONNEL/EQUIPMENT/FACILITIES:		X						
	28. EDUCATION								
	A. SCHOOLS:		X						
	B. LIBRARIES (LIB AGENCY):		X						
	29. RECREATION (GSA)								
	A. LOCAL PARKS/FACILITIES:		X						
	B. REGIONAL PARKS/FACILITIES:		X						
	C. REGIONAL TRAILS/CORRIDORS:		X						

*EXPLANATION: DEGREE OF EFFECT

N = NO EFFECT

LS = LESS THAN SIGNIFICANT EFFECT

S = SIGNIFICANT EFFECT; MND OR EIR REQUIRED.

U = UNKNOWN; EIR REQUIRED.

AGENCIES

APCD - AIR POLLUTION CONTROL DISTRICT

PWA - PUBLIC WORKS AGENCY

PLNG. - PLANNING DIVISION

GSA - GENERAL SERVICES AGENCY

AG. DPT. - AGRICULTURAL DEPARTMENT

FCD - FLOOD CONTROL DISTRICT

AIRPORTS - DEPARTMENT OF AIRPORTS

FIRE - FIRE PROTECTION DISTRICT

SHERIFF - SHERIFF'S DEPARTMENT

EH - ENVIRONMENTAL HEALTH DIVISION

SWMD - SOLID WASTE MANAGEMENT DEPT.

LIB. AGENCY - LIBRARY SERVICES AGENCY

D. <u>MANDATORY FINDINGS OF SIGNIFICANCE</u>		YES/MAYBE	NO
BASED ON THE INFORMATION CONTAINED WITHIN SECTIONS B AND C:			
1.	DOES THE PROJECT HAVE THE POTENTIAL TO SIGNIFICANTLY DEGRADE THE QUALITY OF THE ENVIRONMENT, SUBSTANTIALLY REDUCE THE HABITAT OF A FISH OR WILDLIFE SPECIES, CAUSE A FISH OR WILDLIFE POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, THREATEN TO ELIMINATE A PLANT OR ANIMAL COMMUNITY, REDUCE THE NUMBER OR RESTRICT THE RANGE OF A RARE OR ENDANGERED PLANT OR ANIMAL, OR ELIMINATE IMPORTANT EXAMPLES OF THE MAJOR PERIODS OF CALIFORNIA HISTORY OR PREHISTORY?		X
2.	DOES THE PROJECT HAVE THE POTENTIAL TO ACHIEVE SHORT-TERM, TO THE DISADVANTAGE OF LONG-TERM, ENVIRONMENTAL GOALS? (A SHORT-TERM IMPACT ON THE ENVIRONMENT IS ONE WHICH OCCURS IN A RELATIVELY BRIEF, DEFINITIVE PERIOD OF TIME WHILE LONG-TERM IMPACTS WILL ENDURE WELL INTO THE FUTURE).		X
3.	DOES THE PROJECT HAVE IMPACTS WHICH ARE INDIVIDUALLY LIMITED, BUT CUMULATIVELY CONSIDERABLE? (SEVERAL PROJECTS MAY HAVE RELATIVELY SMALL INDIVIDUAL IMPACTS ON TWO OR MORE RESOURCES, BUT THE TOTAL OF THOSE IMPACTS ON THE ENVIRONMENT IS SIGNIFICANT).		X
4.	DOES THE PROJECT HAVE ENVIRONMENTAL EFFECTS WHICH WILL CAUSE SUBSTANTIAL ADVERSE EFFECTS ON HUMAN BEINGS, EITHER DIRECTLY OR INDIRECTLY?		X

E. <u>DETERMINATION OF ENVIRONMENTAL DOCUMENT</u>	
ON THE BASIS OF THIS INITIAL EVALUATION:	
<input checked="" type="checkbox"/>	I FIND THE PROPOSED PROJECT COULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, AND A NEGATIVE DECLARATION SHOULD BE PREPARED.
<input type="checkbox"/>	I FIND THAT ALTHOUGH THE PROPOSED PROJECT COULD HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, THERE WILL NOT BE A SIGNIFICANT EFFECT IN THIS CASE BECAUSE THE MITIGATION MEASURE(S) DESCRIBED IN SECTION C OF THE INITIAL STUDY WILL BE APPLIED TO THE PROJECT. A MITIGATED NEGATIVE DECLARATION SHOULD BE PREPARED.
<input type="checkbox"/>	I FIND THE PROPOSED PROJECT, INDIVIDUALLY AND/OR CUMULATIVELY, MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED.*


 SIGNATURE OF PERSON RESPONSIBLE
 FOR ADMINISTERING THE PROJECT

4/24/2020
 DATE

*EIR ISSUES OF FOCUS:

PM:nf

**SECTION C
TO INITIAL STUDY CHECKLIST
DISCUSSION OF RESPONSES
CONDITIONAL USE PERMIT NO. CUP-5059**

GENERAL

1. General Plan Environmental Goals and Policies:

The project as conditioned will not conflict with any environmental goal, policy or program of the General Plan; hence no impacts are anticipated.

2. Land Use:

a. Community Character:

The project is consistent with the General Plan designation of Agricultural. The existing zoning designation of "A-E" (Agricultural Exclusive) is compatible with the Use Matrix of the General Plan. Therefore no significant impacts are anticipated.

b. Housing:

The proposed project is agricultural in nature and as such will have no impacts on existing housing nor create a significant demand for additional housing.

c. Growth Inducement:

The proposed project will require no new roads, water, sewers or utilities, nor is any proposed. Therefore, the project is not considered growth inducing.

RESOURCES:

3. Air Quality:

a. Regional Ambient Air Quality Impacts:

Based on the criteria in Ventura County's *Guideline for the Preparation of Air Quality Impact Analysis*, and information contained in the project application, the project will not have a significant impact on regional air quality.

b. Local Air Quality Impacts:

Based on information in the project application, the project will generate local air quality impacts, but those impacts are not likely to be significant.

4. Water Resources:

a. Groundwater - Quantity:

The Public Works Agency comments that this item is Less than Significant although water use will increase. There will be a total of four new rest rooms with toilet and sink each, plus one urinal, an emergency shower and an additional sink, for a total of eleven new fixtures. These fixtures are to accommodate additional on-site employees ranging from four up to a seasonal maximum of twenty people. No water cooling is planned. Water for the project is drawn from the Oxnard aquifer via well 01N21W20C055. During 1999 this well has a GMA allocation of 13.35 acre-feet,

and a current usage of 11 acre feet. The addition of eleven fixtures will add an annual pumpage of between 0.5 –1.5 acre feet; thereby remaining within the GMA allocation. As long as groundwater pumping remains within the GMA allocation, the increased pumping is not significant with respect to overdrafting the basin.

b. Groundwater Quality

This item has been determined to be “N impact” because a clay aquatard (cap) protects useable groundwater. A modest sewage load increase is anticipated but will not result in any impact.

c. Surface Water Quantity

The impacts of this project have been determined to be less than significant because the project will not diminish or augment any surface flows. The buildings will not accelerate surface water flows beyond the limits of the 5.67 acre building site, of which 71,854 square feet (total) will be covered by buildings.

d. Surface Water Quality:

The Public Works Agency (Flood Control) comments that surface water quality impacts will be less than significant because the project has been designed to meet National Pollutant Discharge Elimination Systems (NPDES) Best Management Practices (BMP) including detention basin design for low flow storm water reuse and silt sack inserts on all catch basins. Therefore, no chemicals, silt or crop debris will be carried away by storm water runoff.

5. Mineral Resources:

a. Aggregate and b. Petroleum:

The project will not have a significant impact on mineral resources because there is a sufficient amount of aggregate resources to meet local demand for the next 50 years. The site is not designated by the State as a Mineral Resource Zone (MRZ). Furthermore, oil resources are considered a worldwide, national and statewide resource, which is beyond the scope of local governments to effectively manage or control. No oil/gas Conditional Use Permits (CUP) are located on this site or in the immediate area.

6. Biological Resources:

a. Endangered, Threatened, or Rare Species:

The proposed project is for the further agricultural development of an existing, highly disturbed agricultural area. The project site is located in a substantially disturbed agricultural setting and, according to available data, contains no sensitive or endangered species. Therefore, no project impacts to any such species are anticipated.

b. Wetland Habitat:

Wetlands do not occur on the site or in the vicinity of the proposed structures. Therefore, the project is not anticipated to adversely impact wetlands.

c. Coastal Habitat:

Coastal resources do not occur on the site or in the vicinity. In addition, the fact that the proposed project calls for onsite detention measures would further reduce any potential drainage impacts. Therefore, the project is not anticipated to adversely impact coastal resources.

d. Migration Corridors:

Due the abundance of open agricultural land in the immediate vicinity of the project site migration is not anticipated to be confined to discrete corridors. Therefore there would be no impacts to wildlife migration.

e. Locally Important Species/Communities:

Locally important communities do not occur on the proposed site. Therefore, there would be no impacts.

7. Agricultural Resources:

a. Soils, b. Water, c. Air Quality/Micro-Climate, d. Pests/Disease, e. Land Use Incompatibility:

Based on the Planning Division's Unified Mapping System (Important Farmland Inventory), the proposed project is located in an area identified as agricultural. The proposed project, (agricultural storage and support buildings) may minimally impact the condition of soils on the site by the placement of the foundations. However, any impacts would be at a level considered less than significant due to the relative small size of the foundations when compared to the overall site. Furthermore, this project will not preclude or detrimentally impact any surrounding agricultural lands. Few residences are located nearby. Therefore, any impacts to agricultural resources will be less than significant and no land use incompatibilities are anticipated.

8. Visual Resources:

a. Scenic Highway:

The proposed project is located at the intersection of Etting and Wood Roads, neither of which are identified in the General Plan Resources Appendix as "Eligible" County Scenic Highways. Because the proposed structures are of moderate size covering approximately 1.5 acres of the 274-acre parent parcel, they will not block what is now seen by passing motorists on both roads as an open field/vista. Therefore, there would be no significant scenic highway impacts.

b. Scenic Area/Features:

The site does not contain any unique scenic features or areas. Therefore, scenic areas/features impacts would be less than significant.

9. Paleontological Resources:

Based on the Planning Division's current Unified Mapping System (Paleontological Resources) and available data, the project area is located in an area of "low" paleontological significance. Therefore, coupled with the fact that minimal grading is proposed the likelihood of significant paleontological impacts associated with this project would be less than significant.

10. Cultural Resources:

a. Archaeological:

This project is located in an agricultural area that is designated as "negative" on the archaeological survey maps. Because of the highly disturbed soil condition, and available data which indicate no recorded sites on the project site or in the immediate vicinity, no significant archaeological impacts are anticipated to occur.

b. Historical:

The project site contains no historical landmarks, historic structures, features or County landmarks, based on available data. Therefore, no significant impacts are anticipated.

c. Ethnic, Social or Religious:

Based on the project's location in an agricultural area with no structures or buildings of ethnic or religious use, there would be no impacts on ethnic, social or religious resources.

11. Energy Resources:

The project, alone and cumulatively, will have no impact on the renewable resources of solar, wind, and hydraulic power. However, the project will slightly increase the use of petroleum products (oil and gas) for heating purposes during cold weather. All structures will be required to meet the energy efficiency standards of the Uniform Building Code (UBC). Therefore, the energy used in heating the structures will not be used in a wasteful manner. The individual and cumulative impacts of the periodic heating requirements of the greenhouse structures will have a less than significant impact due to the conservation measures imposed by the UBC.

12. Coastal Beaches and Sand Dunes:

This project is not located within the Coastal Zone of the County's Local Coastal Program, nor are there any sand dunes located on the project site. Therefore, this project has no impact on the coastal beaches and/or sand dunes.

HAZARDS

13. Seismic Hazards:

a. Fault Rupture:

The Public Works Agency comments that 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

b. Ground Shaking:

The Public Works Agency comments that the primary geologic hazard relative to site development is ground shaking from earthquakes originating outside of the site area. The site is located within an active seismic area where past earthquakes have caused considerable ground shaking. Based on the low probability of shaking occurring during the economic life of the structures, and the type of construction anticipated it is recommended that the Uniform Building Code (UBC) guidelines for structural design be followed or considered as minimum requirements.

c. Tsunamis, and d. Seiches:

Pursuant to the Countywide General Plan, Hazards Appendix, Figure 2.6, the proposed project is not located in a tsunami and/or seiches area. Therefore, there would be no adverse impacts relating to tsunamis and seiches.

e. Liquefaction:

The Public Works Agency comments that, pursuant to the *Geotechnical Study* prepared by **Construction Testing and Engineering, Inc.**, dated October 29, 1998, concluded that the potential for seismology activity induced liquefaction is considered low. The effects of liquefaction would be taken into consideration during the design of the structures in accordance with the Uniform Building Code. Therefore, the adverse impacts, relating to liquefaction, would be considered to be less than significant.

14. Geologic Hazards:

a. Subsidence and b. Expansive Soils:

The Public Works Agency comments that the project site is located in an area subject to subsidence. Subsidence is anticipated to occur over a large area. The effects of subsidence would be considered during the design phase of the project. Therefore, the adverse impact relating to subsidence and expansion would be less than significant.

c. Landslides/Mudslides:

Pursuant to the Countywide General Plan, Hazards Appendix, Figure 2.9, the proposed project is not located in a landslide and/or mudslide area. Therefore, there would be no adverse impacts relating to landslides/mudslides.

15. Hydraulic Hazards:

a. Erosion/Siltation:

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 UBC requires storm damage prevention

measures to reduce this potential adverse impact. Therefore, there would be no adverse impacts relating to erosion or siltation.

b. Flooding:

The Public Works Agency comments the proposed project is not located within the 100 year frequency storm zone as represented on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). The proposed project will have increased runoff. However the project description indicates that the building and site runoff is to be contained in a small detention structure for release control and NPDES settlement and filtration. Therefore, the adverse impact, relative to flooding and runoff would be considered less than significant.

16. Aviation Hazards:

The project is located within the primary flight paths for any of the local aviation centers. Since the proposed buildings are low profile with a non-critical glare angle, no aviation impacts are anticipated. Therefore, the proposed structure would have no impact on the operations of those facilities.

17. Fire Hazards:

The proposed project is located in an agricultural area, which is not high hazard. Therefore, there will be no impacts relative to fire hazard.

18. Hazardous Materials/Wastes:

a. Above Ground Hazardous Materials

The proposed project does not propose storage or use of large amounts of hazardous material. Therefore there will be no impacts relative to hazardous materials.

b. Below-Ground Hazardous Materials:

The proposed project will not utilize any underground hazardous materials storage tanks. Therefore, the project will not have any impacts relative to underground tanks.

c. Hazardous Wastes:

The proposed project will generate hazardous waste. Improper storage, handling, and disposal of these material(s) could result in the creation of adverse impacts to public health. Compliance with existing State regulations will reduce potential impacts to a level considered less than significant

19. Noise and Vibration:

The proposed project is agricultural in nature and such projects typically involve equipment and procedures that periodically produce noise and vibration. However, due to the size of the project and location within an enclosed structure, there will be no significant impacts due to noise and vibration.

20. Glare:

The proposed project is typically a low-impact daylight use only. Any lighting associated with the project will be for on-site security only. Therefore, there will be no impacts from the project due to glare.

PUBLIC FACILITIES/SERVICES

21. Transportation/Circulation:

a. Public Roads and Highways:

(1) Level of Service and (2) Safety/Design

The proposed project will generate additional traffic on the local public roads, Etting and Wood Roads.

To address the cumulative adverse impacts of traffic on the Regional Road Network, both the Ventura County Traffic Impact Mitigation Fee Ordinance 4071 and General Plan Amendment 94-3 require that the Transportation Department of the Public Works Agency collect a Traffic Mitigation Fee from the developer. This development is subject to this Ordinance. With payment of the Traffic Impact Mitigation Fee(s), consequently, the Level of Service and safety of the existing road will remain consistent with the County's General Plan. Therefore, the adverse impacts, relative to level of service and safety/design, would be less than significant.

(3) Tactical Access

Fire Department review reveals that offsite access meets public road requirements for tactical access.

b. Private Roads and Driveways:

(1) Safety/Design and (2) Tactical Access

Private roads must conform to the County's Private Road Guidelines for width, grade and curve radius. Therefore, impacts pertaining to access will be less than significant.

c. Pedestrian/Bicycle:

(1) Public Facilities and (2) Private Facilities

The existing road, Etting Road, in the proximity of the proposed project site has adequately provided facilities pursuant to the County's Road Standards. Therefore, there would be no adverse impacts relative to pedestrian/bicycle facilities.

d. Parking:

This project will provide adequate on-site parking. Therefore, there will be no impacts from parking on public rights-of-way.

e. Bus Transit:

This project will have no impact on bus transit facilities for this area.

f. Railroads, g. Airports, h. Harbors and i. Pipelines:

This project will have no impact on railroads, harbors or pipelines due to its location, which is far removed from any such facilities. Potential impacts to airports were discussed in Section 16.

22. Water Supply:

a. Quality:

An on-site water well serves domestic water to this project. Water quality analysis submitted with the application indicates the water quality is in compliance with the applicable state primary drinking water standards. The use of an on-site sewage disposal system has the potential for contaminating groundwater supplies. However, conformance with the County Building Code Ordinance and applicable standards for a State Small Water System will reduce any impacts to a level considered less than significant.

b. Quantity:

The Public Works Agency comments that this item would be less than significant because water will be provided by the same well as is currently used, but the additional water usage will still be within the allocation set by the GMA.

c. Fire Flow:

Onsite water storage facilities will provide adequate fireflow for the project. Agricultural storage buildings are classified as low hazard occupancies. Therefore, there will be no significant adverse impacts from fire flow.

23. Waste Treatment/Disposal:

a. Individual Sewage Disposal Systems and b. Sewage Collection/Treatment Facilities:

The proposed project will utilize an onsite individual sewage disposal system (septic system) for sewage disposal. The soils report provided for review adequately demonstrates septic system feasibility for the subject project. Compliance with applicable regulations in the County Building Code and County Sewer Policy with respect to the design and installation of septic systems will reduce potential impacts attributable to direct human contact with sewage from on-site sewage disposal to a level considered less than significant.

c. Solid Waste Facilities:

The amount of solid waste generated by this agricultural project will not result in any net increase in the amount of solid waste generated. Therefore, impacts relative to solid waste facilities are considered less than significant.

24. Utilities:

a. Electric b. Gas and c. Communication:

The proposed project site is located in an area already served by existing facilities. Therefore, the impact of this project will be less than significant.

25. Flood Control/Drainage:

a., FCD Facility :

The Public Works Agency comments that the proposed project site is not subject to flooding from a Q 100 storm, according to the Ventura County Flood Insurance Rate Maps because it is located within Flood Zone C. Consequently, the project development will not come under the requirements of the Flood Control District's Floodplain Management Ordinance No. 3841. Mitigation will not be required. Therefore, adverse impacts relative to flood control facilities would be less than significant.

b., Other Facilities:

The Public Works Agency comments that the proposed development will not significantly increase the storm water runoff. The proposed project description identifies the use of an on-site detention basin, which would intercept runoff from the storage structure roof area. Therefore, adverse impacts, relative to drainage facilities, would be less than significant.

26. Law Enforcement/Emergency Services:

a. Personnel/Equipment, and b. Facilities:

The Sheriff's Department has determined that the project will have a less than significant impact on personnel/equipment or facilities due to the project's relative size, nature, design, roads and location.

27. Fire Protection:

a. Distance/Response Time and b. Personnel/Equipment/Facilities:

The emergency response time to the project site is under five minutes. The nearest station is approximately 5 miles from the project site and has adequate personnel to serve the project. Additional staffing will be sent as is determined to be necessary. Therefore, this project would have a less than significant impact on existing personnel and equipment.

28. Education:

a. Schools and b. Libraries:

Because of the nature of the proposed project, low-impact agricultural, there would be no significant impact on schools and libraries in the project vicinity.

29. Recreation:

a. Local Parks/Facilities, b. Regional Parks/Facilities and c. Regional Trails:

The proposed project is served by the County's existing system of local and regional parks and recreational facilities. The applicant will be required, under Ventura County Ordinance Code Section 8297-4 et seq., to pay appropriate fees to the General Services Agency prior to issuance of building permits. Therefore, there will be no significant impact on those facilities.

CUP-5059 LOCATION MAP

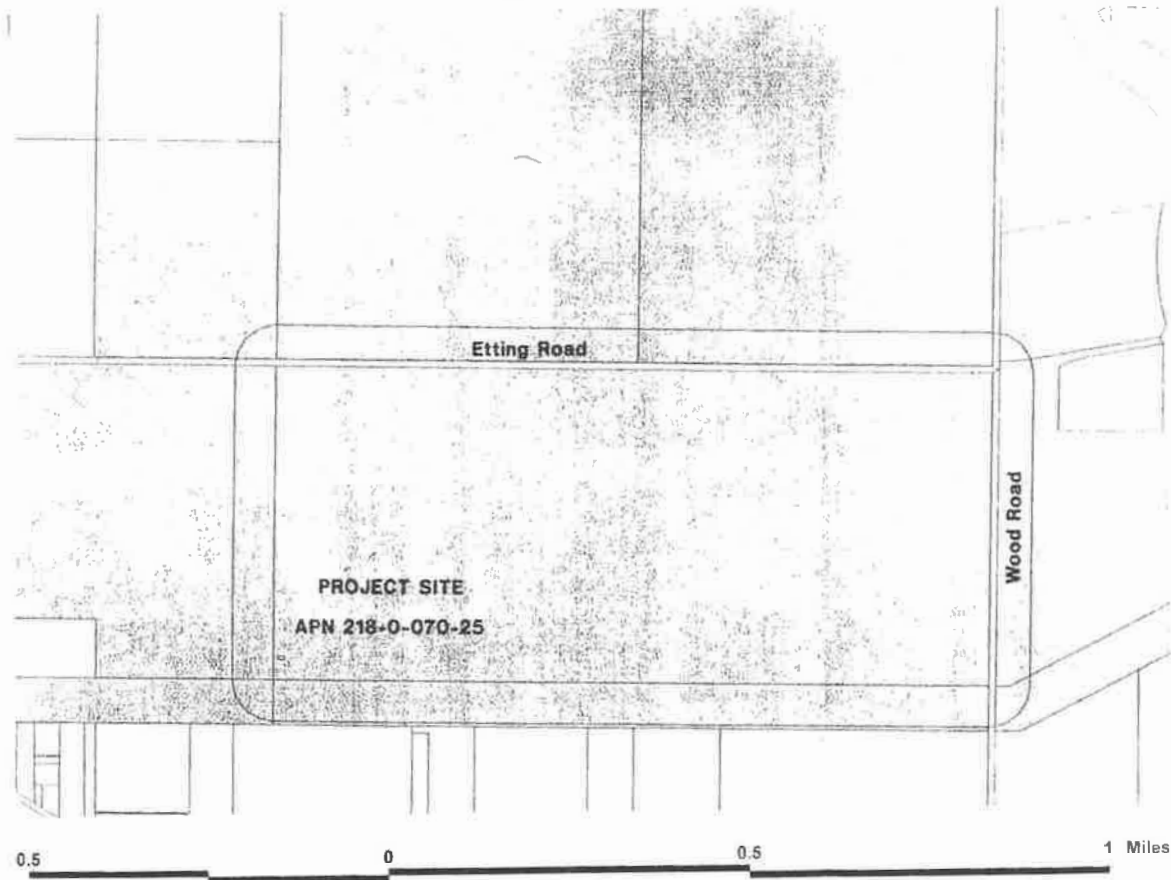
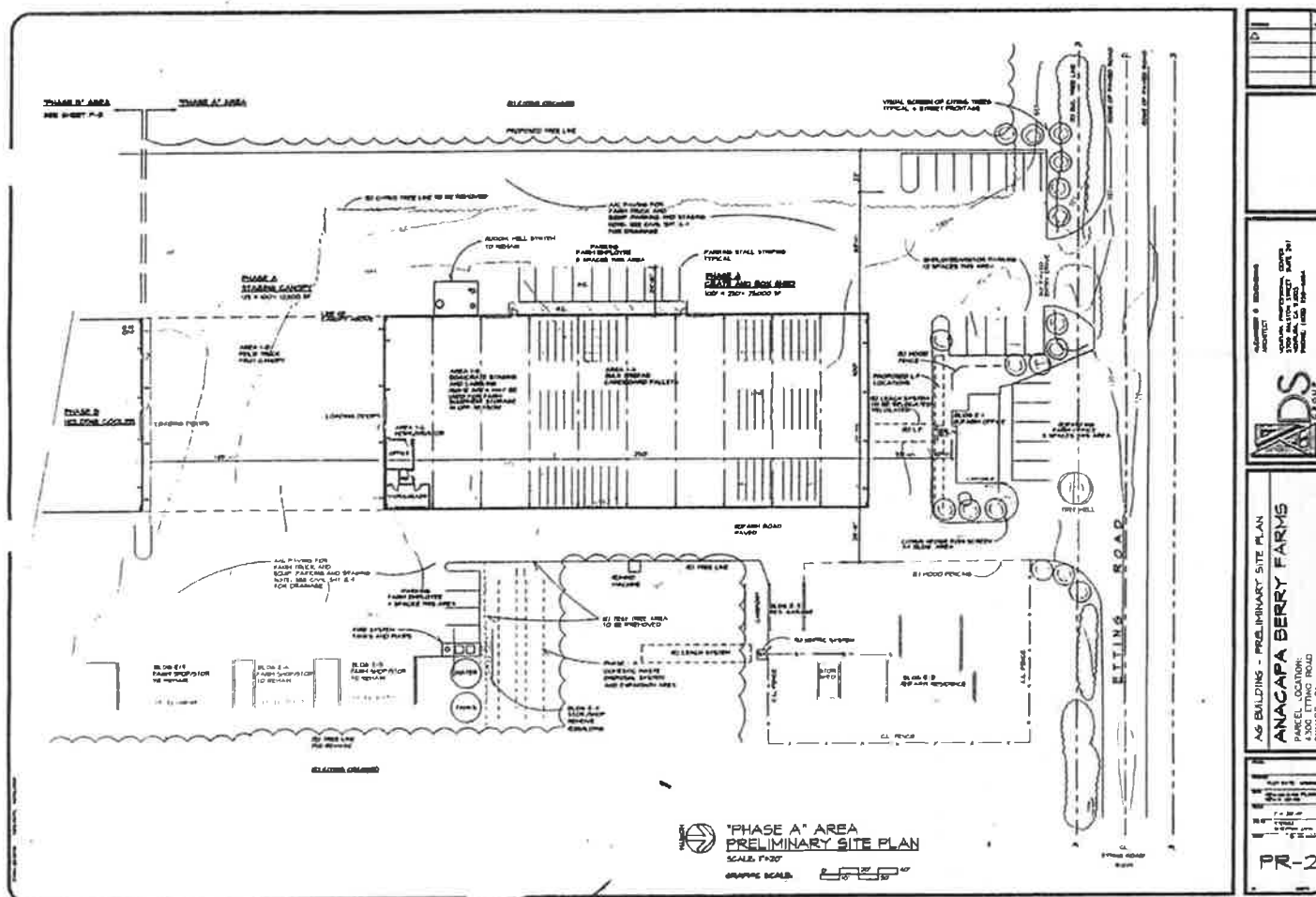


Exhibit "A"

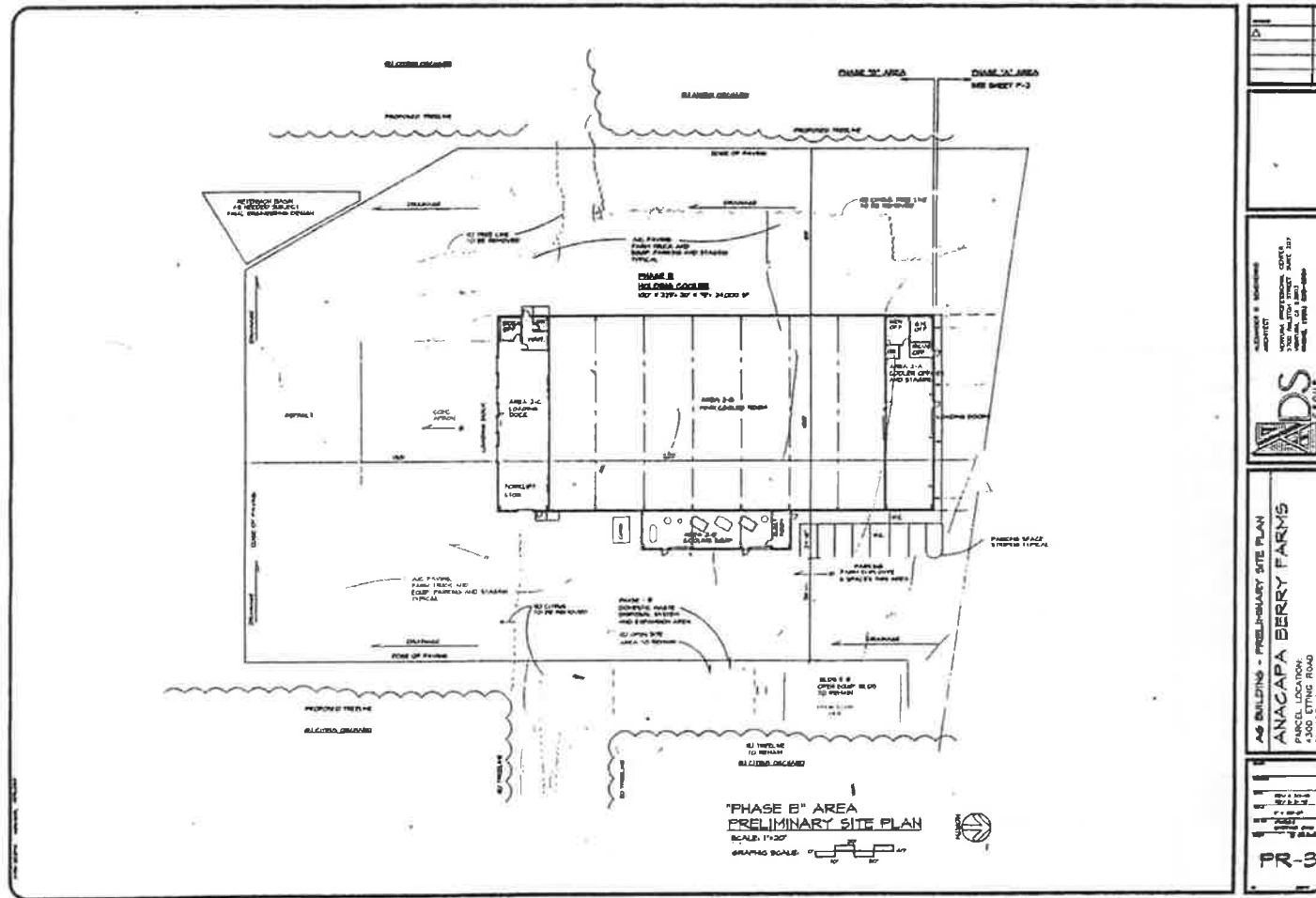




CUP-5059 ND
SITE PLAN PHASE "A"

Ventura County
Resource
Management
Agency

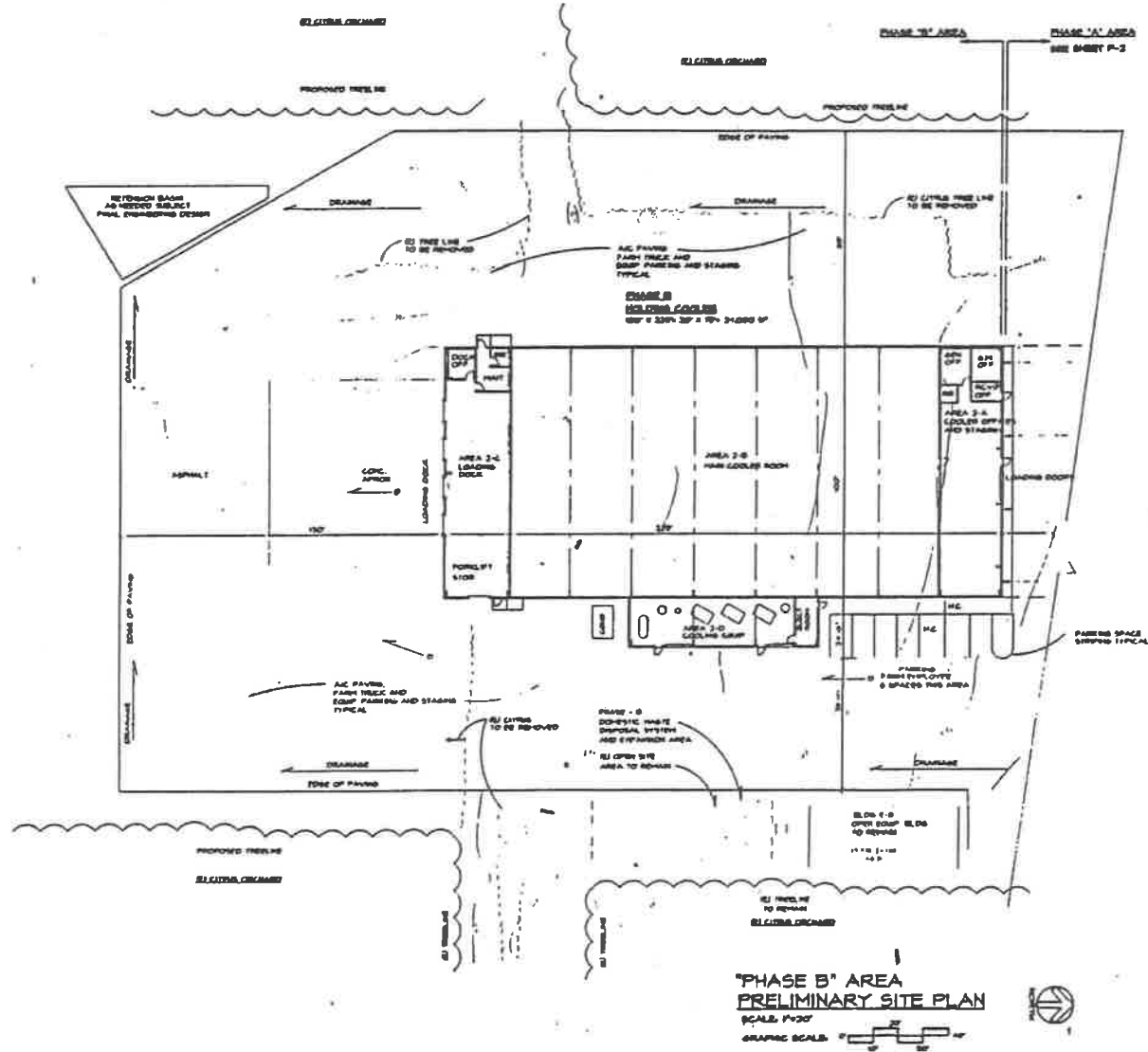
Exhibit B1





CUP-5059 ND

Ventura County



OWNER: BERRY FARMS
 PROJECT: ANACAPA BERRY FARMS
 4300 ETTING ROAD
 OSMAR, CA 93023
 PHONE: (805) 688-0000



AS BLDG - PRELIMINARY SITE PLAN
ANACAPA BERRY FARMS
 PARCEL LOCATION:
 4300 ETTING ROAD
 OSMAR, CA
 4/11

PR-3

Conditions of Approval for Well-Pict Berries and Anacapa Foods Conditional Use Permit No. PL15-0114

RESOURCE MANAGEMENT AGENCY CONDITIONS

Planning Division

1. Project Description

This Conditional Use Permit is based on and limited to compliance with the project description found in this condition below, all County land use hearing exhibits in support of the project marked Exhibit No's. 4, 5 and 6 dated January XX, 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 CEQA environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) constitutes a violation of the conditions of this permit.

The Planning Director granted Conditional Use Permit (CUP) No. PL15-0114 which authorized the modification and continued operation of an existing agricultural produce packing facility for a 15-year period. The existing facilities that will continue to be used include:

- 61,500 sq. ft. agricultural packing building
- 71,854 sq. ft. of other agricultural structures
- 20,740 sq. ft. agricultural processing building

The facility modifications authorized for the project include the following:

- Removal of existing nitrogen based freezing tunnel located in the interior of the berry processing building
- Modification to the existing ammonia based freezing tunnel located in the interior of the berry processing building
- Removal of the nitrogen freezer inside the building
- Removal of two 38-foot tall, 12,000 gallon nitrogen tanks
- Installation of two quick freezing tanks
- Construction of 2,500 sq. ft. addition to the berry building to house the new freezing equipment (above)
- Addition of one loading dock adjacent to an existing loading dock at the rear of the berry building.

Water is provided by existing private water well and processed waste water discharged from the packing plant is reclaimed and used to irrigate the adjacent crop land. Domestic waste is

Exhibit 9

handled by an on-site septic mound system.

Approximately, 3,500 sq. ft. of new impervious area is being added to the site to allow for a revised Fire Dept. access driveway. Most of the surface water would be captured by an existing detention basin at the southwest corner of the packing plant facility.

Water storage on the project site includes:

- A 330,000 gallon water tank for firefighting purposes
- A 220,000 gallon tank for domestic water storage
- Three 475,000 gallon water tanks as part of the process water recycling system.

2. CUP Modification

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

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

3. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and/or commencement of inauguration and/or operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to abide by and comply with any condition for the granting of this CUP shall constitute grounds for enforcement action provided in the *Ventura County Non-Coastal Zoning Ordinance* (2015, 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.

Exhibit 9

4. Time Limits

a. Construction:

1. The approval decision for this CUP becomes effective upon the expiration of the 10 day appeal period following the approval decision, or when any appeals of the decision are finally resolved.
2. This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for Construction 180-days from the granting or approval of this CUP (*Ventura County Non-Coastal Zoning Ordinance, 2015, §8111-4.7*). The Planning Director may grant a 180-day extension of time to the Permittee in order to obtain the Zoning Clearance for Construction if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to construct the permitted land use (above), and the Permittee has requested the time extension in writing at least 30 days prior to the 180-day expiration date.
3. Prior to issuance of the Zoning Clearance for Construction, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for Construction, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.

b. Use inauguration:

1. The approval decision for this CUP becomes effective upon the expiration of the 10 day appeal period following the approval decision, or when any appeals of the decision are finally resolved.
2. This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for Use Inauguration within 180-days from the granting or approval of this CUP (*Ventura County Non-Coastal Zoning Ordinance, 2015, §8111-4.7*).

c. Operations Period: This CUP will expire on January X, 2031. 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 August X, 2030; 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.

5. Consolidation of All Approved Exhibits and Permits

Purpose: In order to assure that the facility is operated in compliance with other federal, state or local government regulatory requirements, the Permittee shall obtain all necessary permits or other documentation.

Requirement: The Permittee shall comply with all applicable federal, state and local regulatory requirements.

Documentation: The Permittee shall provide copies of permits or other correspondence to the County Planning Division for review and approval that demonstrates compliance with the other agency requirements.

Timing: The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for Use Inauguration or as required by the permitting agency.

Monitoring and Reporting: The Planning Division shall maintain the documentation provided by the Permittee in the project file. In the event that a permit is by any other agency, the Permittee shall submit revised documentation within 30 days of the modification.

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

Purpose: In order to assure compliance, all relevant parties shall be informed of permit requirements.

Requirement: The owners of record, the contractors, and all other parties that participate in the daily operation of the proposed activities shall be informed, in writing, by the Permittee of the pertinent conditions of this CUP. The Permittee shall retain a copy of the CUP on the site available for inspection by all interested parties.

Documentation: The Permittee shall provide a copy of a letter that informs all relevant parties of the applicability of the CUP to the subject operation and facility. This letter shall also specify the location of the copy of the CUP to be retained onsite.

Timing: Prior to the issuance of the Zoning Clearance for Use Inauguration, the informational letter shall be provided to the Planning Division. The copy of the CUP shall be retained onsite until expiration of this 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*.

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

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

Timing: The required documentation shall be provided to the Planning Division prior to the issuance of a Zoning Clearance for use inauguration.

Monitoring and Reporting: The County Planning Division shall maintain a copy of the recorded Notice of Land Use Entitlement in the project file.

8. Condition Compliance, Enforcement, and Other Responsibilities

- a. **Cost Responsibilities:** The Permittee shall bear the full costs of all staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs as described below in Condition 8.b. Specifically, the Permittee shall bear the full costs of the following:
 - (1) Condition compliance costs which include, but are not limited to, staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and,
 - (2) Monitoring and enforcement costs required by the *Ventura County Non-Coastal Zoning Ordinance (2015, § 8114-3.4)*. The Permittee, or the Permittee's successors-in-interest, shall bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections, public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said costs and penalties pursuant to the *Ventura County Non-Coastal Zoning Ordinance (§ 8114-3.4)*.
- b. **Establishment of Revolving Compliance Accounts:** The condition compliance account (CC11-0011) previously established for the life of this project shall remain in full force and effect.
- c. **Monitoring and Enforcement Costs:** The condition compliance account deposit and reimbursement agreement are required to ensure that funds are available for legitimate and anticipated costs incurred for Condition Compliance. All permits issued by the Planning Division may be reviewed and the sites inspected no less than once every three years, unless the terms of the permit require more frequent inspections. These funds shall cover costs for any regular compliance inspections or the resolution of confirmed violations of the conditions of this CUP and/or the *Ventura County Non-Coastal Zoning Ordinance* that may occur.
- d. **Billing Process:** The Permittee shall pay any written invoices from the Planning Division within 30 days of receipt of the request. Failure to pay the invoice shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge prior to payment.

Exhibit 9

- e. Inspections: Permittee acknowledges, accepts and allows the County to conduct compliance inspections of the site and all facilities at any time without prior notification to the Permittee or Permittee's agents, employees or managers in order to uphold applicable laws and regulations and the conditions of approval of this permit to ensure public health, safety and welfare.

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 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.

11. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for this land use have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work to be contracted, as well as the costs of such work. Whenever feasible, the County will use the lowest bidder. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 8 above, if the County hires a consultant to review any work undertaken by the Permittee,

or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

12. 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.

13. Contact Person

Purpose: In order to facilitate responses to complaints, a contact person shall be designated.

Requirement: The Permittee shall designate a contact person(s) responsible to respond to complaints from citizens and the County regarding the uses permitted by 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 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*.

14. Resolution of Complaints

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

Exhibit 9

- a) The Permittee shall post the office telephone number and hours of operations in a visible location on the site. The office phone number shall have an answering machine which shall accommodate voice mail messages on a 24-hour basis. Persons with concerns about the wireless facility operations may directly contact the Contact Person. The internal resolution of issues by the Permittee is encouraged;
- b) If a written complaint about this project/CUP is received by the County, Planning staff will contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation; and,
- c) If, following a complaint investigation by County staff, a violation of Ventura County Code or a condition of this permit is confirmed, County enforcement actions pursuant to §8114-3 of the Non-Coastal Zoning Ordinance may be initiated.

15. Reporting of Major Incidents

Purpose: In order to safe operations, the Permittee shall report all major incidents that occur within the CUP area to the Planning Director.

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

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

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

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

16. Change of Owner and/or Permittee

Purpose: In order to facilitate County monitoring of the conditionally permitted use, the Permittee shall notify the Planning Division of any change of ownership or Permittee.

Requirement: The Permittee shall submit written notices to the Planning Division that discloses the identity and contact information of any new owner(s) or Permittee(s).

Documentation: The Permittee shall file with the Planning Division:

- a) An initial notice that discloses 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 responsible corporate, partnership or business officer(s);
- b) A final notice once the transfer of ownership and/or operational control has occurred; and,

- c) 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 the initial notice to the Planning Division at least 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 after the effective date of the transfer.

Monitoring and Reporting: The Planning Division shall maintain the notices submitted by the Permittee in the project file. The Division has the authority to periodically confirm the information consistent with the requirements of §8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

Environmental Health Division

17. Hazardous Materials Permits

Purpose: To comply with the California Health and Safety Code and Ventura County Ordinance Code and ensure the safe storage, handling, and disposal of any potentially hazardous material.

Requirement: The Permittee shall submit updated information on the chemical storage area to the Environmental Health Division/Certified Unified Program Agency for the hazardous materials.

Documentation: A completed business plan submitted to the Certified Unified Program Agency.

Timing: The business plan must be submitted and approved by the Certified Unified Program Agency prior to the storage of any hazardous material on site.

Monitoring and Reporting: A copy of the approved business plan shall be maintained by the Permittee as part of the project file. Ongoing compliance with the requirements shall be accomplished through field inspection by District Inspectors of the Certified Unified Program Agency.

18. Hazardous Materials Management

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

19. On-Site Sewage Disposal System

Only domestic waste as defined in the Ventura County General Plan and the Ventura County Building Code Ordinance is allowed to be discharged into the on-site sewage disposal system.

20. Septic Systems Serving Commercial and Multifamily

The Los Angeles Regional Water Quality Control Board adopted Order No. 01-031 to require

general waste discharge requirements for commercial and multi-family sewage disposal systems. Wastewater generated by the project may be subject to waste discharge requirements. For more information regarding the Order and waste discharge requirements, please contact the Los Angeles Regional Water Quality Control Board at 213/576-6600.

PUBLIC WORKS AGENCY CONDITIONS

Transportation Division

21. Traffic Impact Mitigation Fee

The Transportation Department does not have record of payment of the Traffic Impact Mitigation Fee (TIMF) for the previous entitlements; therefore, the applicant/permittee should provide proof of payment of the TIMF or pay the TIMF.

Purpose: To address the cumulative adverse impacts of traffic on the Regional Road Network, TIMF Ordinance 4246 and County GP 4.2.2 require that the PWA Transportation Department collect a TIMF.

Requirement: The applicant/permittee shall deposit with the PWA Transportation Department a TIMF. The trip generation rate and TIMF will be calculated based on the applicant's information. The applicant/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 applicant's information, the TIMF due to the County would be:

$$\$31,878.94 = \$22,046.62 + \$9,567.00 + \$265.32$$

$$(1) \$22,046.62 = 20.740 \text{ TSF} \times \$1,063 / \text{TSF}^{**} \text{ (CUP 5059 Mod. \#1)}$$

$$(2) \$9,567.00 = 9.00 \text{ TSF} \times \$1,063 / \text{TSF}^{**} \text{ (CUP 5059 Mod. \#2)}$$

$$(3) \$265.32 = 4 \text{ ADT} \times \$66.33 / \text{ADT}^{**} \text{ (CUP 5059 Mod. \#3)}$$

- b. The traffic generated by the project/development is below the threshold for the City of Oxnard, therefore the TIMF will not be collected.

Notes

- 1) (1) 20.740 TSF from Transportation Department memorandum dated February 2, 2000 for Modification #1 to CUP 5059. Condition repeated in Approval Letter dated July 10, 2013, for PL13-0021 (PA to CUP 5059).
- 2) (2) 9 TSF from Transportation Department memorandum dated July 13, 2000 for Modification #2 to CUP 5059.
- 3) (3) Two (2) employees from Transportation Department memorandum dated June 21,

Exhibit 9

2001 for Modification #3 to CUP 5059. 4 ADT = 2 employees x 2 trips per vehicle.

- 4) The project is in the Oxnard Traffic District #8. The rates are for General Industrial Land Use and Case by Case (ADT or average daily trips).
- 5) The Transportation Department does not have any record(s) of the TIMF payment being paid.
- 6) The trips generated by the project/development shall be used as a baseline level so that the TIMF may be computed for future increases in the trip generation. Based on the applicant's information, the baseline level is 125 full-time employees, five (5) customers, and five (5) visitors per day, and 114.08 TSF (114,080 SF) of building space (Buildings A, A1, A2, B, C, and S).

Documentation: The applicant/permittee shall come to the PWA Transportation Department counter, fill out the TIMF form, and pay the TIMF. If the applicant/permittee has already paid the TIMF to the County of Ventura for the County TIMF or the City of Oxnard for any City Reciprocal TIMF, then the applicant/permittee shall provide proof to the PWA Transportation Department of payment of the TIMFs.

Timing: This condition shall be met prior to the issuance of the Zoning Clearance for a Use Inauguration.

Monitoring and Reporting: The PWA Transportation Department will review and approve the payment of the TIMF.

22. Road Improvements

Purpose: Road improvements shall be required when the existing road does not meet the current applicable County Road Standard Plate.

Requirement: Road improvements are required in accordance with the County Road Standards, GP 4.2.2; Ordinance 1607 dated November 10, 1964; the "Paveout Policy" dated January 16, 1968; and Code of Ordinances Division 8, Chapter 4 – Urban Area Development.

A. Etting Road has an existing road width of 24 feet. The minimum required road width is 32 feet per Road Standard Plate B-7 [B].

- i. Construct 4 feet of road pavement (half of minimum road width required) along the parcel's frontage in accordance with Road Standard Plate B-7 [B]. Submit road improvement plans prepared by a Registered Civil Engineer to the PWA Transportation Department for review and approval. Enter into an agreement with the County to complete the road improvements. Submit the agreement to the PWA Transportation Department for review and approval. Post sufficient surety guaranteeing the construction of the road improvements. Submit proof to the PWA Transportation Department that the surety has been posted.
- ii. In lieu of "A-i" above, the road improvements on Etting Road may be postponed for up to 15 years or the length of the CUP, whichever is less, or at such time as the County

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improves the road.

The applicant/permittee or property owner shall pay a pro-rata share of the road improvements along the property frontage if the County decides to improve the road within the time specified above. Prior to issuance of a Zoning Clearance for Use Inauguration, the applicant/permittee or property owner shall provide a written acknowledgement of this condition. A copy of the written acknowledgement shall be submitted to the Transportation Department as proof of compliance.

B. Wood Road has an existing road width of 20 feet. The minimum required road width is 32 feet per Road Standard Plate B-7 [B].

- i. Construct 6 feet of road pavement (half of minimum road width required) along the parcel's frontage in accordance with Road Standard Plate B-7 [B]. Submit road improvement plans prepared by a Registered Civil Engineer to the PWA Transportation Department for review and approval. Enter into an agreement with the County to complete the road improvements. Submit the agreement to the PWA Transportation Department for review and approval. Post sufficient surety guaranteeing the construction of the road improvements. Submit proof to the PWA Transportation Department that the surety has been posted.
- ii. In lieu of "B-i" above, the road improvements on Wood Road may be postponed for up to 15 years or the length of the CUP, whichever is less, or at such time as the County improves the road.

The applicant/permittee or property owner shall pay a pro-rata share of the road improvements along the property frontage if the County decides to improve the road within the time specified above. Prior to issuance of a Zoning Clearance for Use Inauguration, the applicant/permittee or property owner shall provide a written acknowledgement of this condition. A copy of the written acknowledgement shall be submitted to the Transportation Department as proof of compliance.

Documentation: Submit road improvement plans, an agreement, and proof of posting the surety. If road improvements are to be postponed, submit a copy of the recorded agreement.

Timing: This condition shall be met prior to the issuance of the Zoning Clearance for a Use Inauguration.

Monitoring and Reporting: The PWA Transportation Department will review the improvement plans, agreement, and surety for conformance with the project conditions.

23. Encroachment Permit

Purpose: An Encroachment Permit (EP) is required for any work conducted within the County right-of-way.

Requirement: The applicant/permittee shall contact the Encroachments Division at 654-2047 for requirements of the permit.

Documentation: The application shall be submitted to the PWA Transportation Department. When applying for the permit, the applicant/permittee shall provide sufficient documentation for processing the EP.

Timing: This condition shall be met prior to the zoning clearance for use inauguration.

Monitoring and Reporting: The PWA Transportation Department will review the application and supporting documentation. The PWA Transportation Department Inspectors will monitor construction and verify that the work is performed in accordance with the Encroachment Permit.

Engineering Services Department

24. Grading Permit

Purpose: In order to ensure the Permittee performs all grading in compliance with Appendix J of the Ventura County Building Code.

Requirement: The Permittee shall submit a grading plan showing existing and proposed elevations to the Public Works Agency's Development and Inspection Services Division for review and approval. If a grading permit or removal and recompaction grading permit is required, a State licensed civil engineer must prepare and submit the grading plans to Development and Inspection Services Division for review and approval. The Permittee must post sufficient surety in order to ensure proper completion of the proposed grading.

Documentation: If a grading permit is required, all materials, as detailed on Public Works Agency Form DS-37 and/or DS-44, must be submitted to Development and Inspection Services Division for review and approval.

Timing: All applicable documentation, as specified above, must be approved prior to issuance of a zoning clearance for development.

Monitoring and Reporting: Public Works Agency engineers will review grading plans and reports for compliance with Ventura County codes, ordinances and standards, as well as state and federal laws. Public Works Agency inspectors will monitor the proposed grading to verify that the work is done in compliance with the approved plans and reports.

Integrated Waste Management Division

25. Waste Diversion & Recycling Requirement

Purpose: To ensure the project complies with Ordinance No. 4445. Ordinance 4445 pertains to the diversion of recyclable materials generated by this project (e.g., paper, cardboard, wood, metal, greenwaste, soil, concrete, plastic containers, beverage containers) from local

landfills through recycling, reuse, or salvage. Ordinance 4445 can be reviewed at www.vcpublishworks.org/ord4445.

Requirement: Ordinance 4445, Sec 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 their 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 their business are being diverted from the landfill.

26. Construction & Demolition Debris Recycling Plan (Form B)

Purpose: Ordinance 4421 requires the Permittee to divert recyclable construction and demolition (C&D) materials generated by their project (e.g., wood, metal, greenwaste, soil, concrete, asphalt, paper, cardboard, etc.) from local landfills through recycling, reuse, or salvage. Please review Ordinance 4421 at: www.vcpublishworks.org/ord4421.

Requirement: The Permittee must submit a comprehensive recycling plan (Form B – Recycling Plan) to the IWMD for any proposed construction and/or demolition projects that require a building permit.

Documentation: The Form B – Recycling Plan must ensure a minimum of 60% of the recyclable C&D debris generated by the project will be diverted from the landfill by recycling, reuse, or salvage. A copy of Form B is available at: www.vcpublishworks.org/formsB&C. A comprehensive list of permitted recyclers, County-franchised haulers, and solid waste & recycling facilities in Ventura County is available at: www.vcpublishworks.org/C&D. A list of local facilities permitted to recycle soil, wood, and greenwaste is available at: www.vcpublishworks.org/greenwaste. A complete list of County-franchised solid waste haulers is available at: www.vcpublishworks.org/commercialhaulers.

Timing: Upon Building and Safety Division's issuance of a building permit for the project, the Permittee must submit a Form B – Recycling Plan to the IWMD for approval.

Monitoring & Reporting: The Permittee is required to keep a copy of their approved Form B – Recycling Plan until Building and Safety Division's issuance of final permit.

27. Construction & Demolition Debris Reporting Form (Form C)

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Purpose: Ordinance 4421 requires the Permittee to divert recyclable construction and demolition (C&D) materials generated by their project (e.g., wood, metal, greenwaste, soil, concrete, paper, cardboard, plastic containers, etc.) from local landfills through recycling, reuse, or salvage. Please review Ordinance 4421 at: www.vcpublishworks.org/ord4421.

Requirement: The Permittee must submit a Form C – Reporting Form to the IWMD for approval prior to issuance of their final Building and Safety Division permit. A copy of Form C – Reporting Form is available at: www.vcpublishworks.org/formsB&C.

Documentation: The Permittee must submit original recycling facility receipts and/or documentation of reuse with their Form C – Reporting Form to verify a minimum of 60% of the recyclable C&D debris generated by their project was diverted from the landfill.

Timing: A completed Form C – Reporting Form, with required recycling facility receipts and/or documentation or reuse, must be submitted to the IWMD for approval prior to Building and Safety Division's issuance of final permit.

Monitoring & Reporting: The Permittee is required to keep a copy of their approved Form C – Reporting Form until Building and Safety Division's issuance of final permit.

28. 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 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.

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 Construction or Use Inauguration, the Permittee must submit a site plan to the IWMD for review/approval that indicates the location of a trash enclosure or a designated area for refuse and recycling bins on the property.

Monitoring & 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.

Water Quality Section

29. Compliance with Stormwater Development Construction Program

Purpose: To ensure compliance with the Los Angeles Regional Water Quality Control Board NPDES Municipal Stormwater Permit No.CAS004002 (Permit) the proposed 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 Permit.

Requirement: The construction of the proposed project shall meet requirements contained in Part 4.F. "Development Construction Program" of the Permit through the inclusion of effective implementation of the Construction BMPs during all ground disturbing activities.

Documentation: The Permittee shall submit to the Watershed Protection District – County Stormwater Program Section (CSWP) for review and approval a completed and signed SW-1 form (Best Management Practices 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 CSWP for review and approval prior to issuance of a Zoning Clearance for Construction.

Monitoring and Reporting: CSWP will review the submitted materials for consistency with the NPDES Municipal Stormwater Permit Building Permit Inspectors will conduct inspections during construction to ensure effective installation of the required BMPs. (CSWP-1)

VENTURA COUNTY FIRE PROTECTION DISTRICT

30. Access Road Widths, Multi-Family, Commercial or Industrial

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

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

Documentation: A stamped copy of the approved access plan.

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

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

31. Access Road / Driveway Maintenance

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

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Requirement: The Permittee shall maintain all on-site access road(s) and driveway(s). Repairs shall be made as needed or as required by the Fire District to maintain the original design and installation of the access road(s) and driveway(s).

Documentation: A copy of the Conditions, Restrictions, approved access plan or such other documentation as may be deemed acceptable by the Fire Prevention Bureau.

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

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

32. Fire Sprinklers

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

Requirement: The Permittee shall be responsible to have an automatic fire sprinkler system installed in all new structures as required by the VCFPD. The fire sprinkler system shall be designed and installed by a properly licensed contractor under California State Law.

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

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

Monitoring and Reporting: A copy of the approved fire sprinkler plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct on-site inspections to ensure that the fire sprinkler system is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the fire sprinkler system for the life of the development. (VCFPD-40)

33. Fire Alarm

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

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

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

Timing: The Permittee shall submit fire alarm plans to the Fire Prevention Bureau for

approval before the installation of the fire alarm system.

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

34. Fire Department Clearance

Purpose: To provide the Permittee a list of all applicable fire department requirements for his / her project.

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

Documentation: A signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction".

Timing: The Permittee shall submit VCFPD Form #126 Application to the Fire Prevention Bureau for approval before issuance of building permits.

Monitoring and Reporting: A copy of the completed VCFPD Form #126 shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau will conduct a final on-site inspection of the project to ensure compliance with all conditions and applicable codes / ordinances.

35. Fire Code Permits

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

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

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

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

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

Ventura County Air Pollution Control District

36. Fugitive Dust Control

Purpose: To ensure that fugitive dust and particulate matter are minimized.

Requirement: The Permittee shall comply with the provisions of applicable VCAPCD 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:

- I. Fugitive dust during active construction shall be controlled by the use of watering or equivalent means. Water shall be applied to active portions of the construction site. Environmentally-safe dust control agents may be used in lieu of watering.
- II. Signs shall be posted onsite limiting traffic to 15 miles per hour or less.
- III. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties).

Timing: Throughout construction and operation of the facility.

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

37. Permit to Operate

Purpose: To ensure that project operations shall be conducted in compliance with all applicable VCAPCD Rules and Regulations. The facility shall comply with provisions of APCD Permit to Operate No. 00845.

Requirement: Ongoing compliance.

Documentation: Approved Permit to Operate.

Timing: Throughout the life of the permit.

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