



Planning Director Staff Report– Hearing on June 7, 2021

County of Ventura • Resource Management Agency

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MINOR MODIFICATION TO AMERICAN SOIL AMENDMENT PRODUCTS CONDITIONAL USE PERMIT (CUP) NO. LU04-0145, CASE NO. PL15-0126

A. PROJECT INFORMATION

1. **Request:** The Applicant requests approval of a Minor Modification to a Conditional Use Permit (CUP) No. LU04-0145 for the continued use of a soil amendment facility (Case No. PL15-0126).
2. **Applicant/Property Owner:** American Soil Amendment Products, Kurt Mikell, 1450 Tierra Rejada Road, Simi Valley, California, 93065
3. **Applicant's Representative:** Nichole Garner, Jensen Design and Survey, Inc., 1672 Donlon Street, Ventura, CA 93003
4. **Decision-Making Authority:** Pursuant to the Section 8105-4 of the Ventura County Non-Coastal Zoning Ordinance (NCZO), the Planning Director is the decision-maker for the requested Minor Modification to CUP No. LU04-0145.
5. **Project Site Size, Location, and Parcel Number:** The approximately 5.17-acre (approximately 225,236-square foot) project site is located on a portion of an approximately 51.84-acre parcel addressed at 4730 Tapo Canyon Road, approximately 0.31 miles north of the intersection of Tapo Canyon Road and Bennett Road, near the city of Simi Valley, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 620-0-320-165 (Exhibit 2).
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Open Space
 - b. Zoning Designation: AE-40ac/HCWC (Agricultural Exclusive, 40-acre minimum lot size/Habitat Connectivity Wildlife Corridor Overlay Zone)
7. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE-40 ac	Single-family dwelling and agriculture
East	AE-40 ac/HCWC	Undeveloped open space
South	AE-40 ac/HCWC	Single-family dwelling and open space

Location in Relation to the Project Site	Zoning	Land Uses/Development
West	OS-160ac/HCWC (Open Space, 160-acre minimum lot size)	Nursery

8. History:

On October 27, 2005, the Planning Director approved CUP Case No. LU04-0145 to authorize the use of a soil amendment blending operation and medium-scale commercial organics processing operation.

On January 6, 2006, Zoning Clearance No. ZC06-0044 was issued for grading to improve driveway, access, landscaping, and drainage for the soil amendment blending operation and medium-scale commercial organics processing operation. On March 6, 2007, Zoning Clearance No. ZC07-0286 was issued to inaugurate the use.

On December 24, 2019, Certificate of Compliance No. 18-09-134 was recorded with the Ventura County Recorder's office. With the Certificate of Compliance, APN 620-0-320-165 became a single legal lot in compliance with the provisions of the Subdivision Map Act (Government Code Section 66410 et. seq.) and local ordinance.

9. Project Description: The Applicant requests a Minor Modification to CUP Case No. LU04-0145 to authorize the continued use and operation of a soil amendment blending operation and medium-scale commercial organics processing and vermiculture facility ("soil amendment facility"), known as American Soil Amendment Products, for a period of 10 years. The soil amendment facility manages up to 1,000 cubic yards of composting. The facility composts organic materials consisting of clean wood chips and used horse bedding. The facility does not accept chipping, grinding, or green waste. There will not be any increase in the amount of composting and vermiculture. There are no existing structures on site, and no structures are proposed. A diesel-powered blending machine, two front-end loaders, and two forklifts provide automated support to move product around the facility. The proposed project also includes the minor expansion of the southwest portion of the CUP boundary from approximately 3.59 acres to approximately 5.17 acres. The expanded CUP boundary will account for previously graded, disturbed areas that the Applicant currently occupies. There will not be any increase in the amount of composting and vermiculture.

The facility is operated by a single, full-time employee Monday through Saturday, 7:00 a.m. to 4:00 p.m. The City of Simi Valley will continue to provide water to the project site for fire protection and dust suppression, and portable restroom facilities will continue to provide sewage disposal.

All processing activities will take place on approximately 5.17 acres of a 51.84-acre lot. In-process piles will be located in the eastern portion of the CUP area; finished piles available for pick-up by customers will be located within the center of the corral area, in the northwestern portion of the CUP area, to separate the public from the processing area and to allow for vehicle turnaround. Unpaved on-site parking (consisting of compacted soil and asphalt chips) will be available for up to four trucks, one to two front-end loaders, one to two forklifts, and a diesel-powered blending machine (Exhibit 3).

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

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

On October 27, 2005, the Planning Director adopted a Mitigated Negative Declaration (MND) that evaluated the environmental impacts of the project (Exhibit 4). The MND evaluated the environmental impacts of a soil amendment blending operation and a medium scale commercial organics processing operation for composting and vermiculture (no chipping and grinding, no green waste, and organic materials would consist of clean wood chips and used horse bedding). No permanent structures were authorized as part of the CUP, and the CUP included grading improvements to on-site unpaved parking areas. Ten mitigation measures were included in the MND to address impacts to biological resources (San Diego Horned Lizard and nesting bird pre-construction surveys and onsite fencing types) and public health impacts (hazardous materials, Odor Impact Minimization, odor control, bioaerosol level maintenance and Best Management practices for dust suppression and bioaerosol minimization). With the implementation of mitigation measures, potentially significant impacts to biological resources (special-status animal species) and public health were reduced to less than significant. All of the biological resource mitigation measures were successfully completed prior to the submittal of the proposed project. The public health mitigation measures were implemented prior to the submittal of the proposed project, but these mitigation measures also include ongoing components that will be required for the life of the CUP.

The CEQA Guidelines [Section 15164(b)] state that the lead agency shall prepare an addendum to an adopted MND if: (1) minor changes or additions are necessary, but (2) none of the conditions described in the CEQA Guidelines (Section 15162) calling for the preparation of a subsequent Environmental Impact Report (EIR) or MND have occurred. Exhibit 5 includes a: description of the changes or additions that are necessary to the MND and a discussion of why none of the conditions described in the CEQA Guidelines exist, which require the preparation of an EIR or subsequent MND.

Therefore, based on the information provided above and in light of the whole record, there is no substantial evidence to warrant the preparation of an EIR or subsequent MND, and

the addendum to the MND (Exhibit 5) reflects the County's independent judgment and analysis.

C. CONSISTENCY WITH THE GENERAL PLAN

The 2040 Ventura County General Plan *Goals, Policies and Programs* (2020, page 1-1) states:

All area plans, specific plans subdivision, public works projects, and zoning decisions must be consistent with the direction provided in the County's General Plan.

Furthermore, the Ventura County NCZO (Section 8111-1.2.1.1.a) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County General Plan.

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

- 1. General Plan Air Quality Management Plan Consistency Policy HAZ-10.2:** *The County shall prohibit discretionary development that is inconsistent with the most recent adopted Air Quality Management Plan (AQMP), unless the Board of Supervisors adopts a statement of overriding considerations.*

General Plan Air Pollution Control District Rule and Permit Compliance Policy HAZ-10.3: *The County shall ensure that discretionary development subject to Ventura County Air Pollution Control District (VCAPCD) permit authority complies with all applicable APCD rules and permit requirements, including the use of Best Available Control Technology (BACT) as determined by the VCAPCD.*

General Plan Air Quality Assessment Guidelines Policy HAZ 10.11: *In evaluating air quality impacts, the County shall consider total emissions from both stationary and mobile sources, as required by the California Environmental Quality Act. The County shall evaluate discretionary development for air quality impacts using the Air Quality Assessment Guidelines as adopted by the Ventura County Air Pollution Control District (APCD), except that emissions from APCD-permitted sources shall also be included in the analysis. The County shall revise the Initial Study Assessment Guides to implement this policy.*

General Plan Conditions for Air Quality Impacts Policy HAZ 10.12: *The County shall require that discretionary development that would have a significant adverse air quality impact shall only be approved if it is conditioned with all feasible mitigation measures to avoid, minimize or compensate (offset) for the air quality impact. The use of innovative methods and technologies to minimize air pollution impacts shall be encourage in project design.*

General Plan Fugitive Dust Best Management Practices Policy HAZ-10.14:

The County shall ensure that discretionary development which will generate fugitive dust emissions during construction activities will, to the extent feasible, incorporate appropriate BMPs to reduce emissions to be less than applicable thresholds.

The proposed project will not include any construction or development beyond expanding the existing use and operations with a minor expansion of the CUP boundary; therefore, the proposed project will not generate air emissions in excess of what was evaluated and permitted pursuant to the original CUP. The Applicant will be required to continue operation of the facility pursuant to state and local requirements for mitigation of odor and dust as it relates to public health and the mitigation measures required in CUP Case No. LU04-0145 (Exhibit 6, Condition Nos. 19 through 25) related to odor minimization and maintenance of bioaerosol levels. Pursuant to the recommendations of the Ventura County Air Pollution Control District (VCAPCD), the proposed project will be subject to a condition of approval (Exhibit 6, Condition No. 45), which will require the Applicant to maintain the project site to minimize fugitive dust, while complying with all VCAPCD regulations and permitting requirements. With the imposition of the recommended conditions of approval, the proposed project will comply with the requirements of the "Guidelines for the Preparation of Air Quality Impact Analysis."

Based on the discussion above, the proposed project is consistent with General Plan Policies HAZ-10.2, HAZ-10.3, HAZ-10.11, HAZ-10.12 and 10.14.

2. **General Plan, Circulation, Transportation, and Mobility Element, County Level of Service Standards Policy CTM-1.1:** *Vehicle Miles Traveled (VMT) Standards and CEQA Evaluation: The County shall require evaluation of County General Plan land use designation changes, zone changes, and discretionary development for their individual (i.e., project-specific) and cumulative transportation impacts based on Vehicle Miles Traveled (VMT) under the California Environmental Quality Act (CEQA) pursuant to the methodology and thresholds of significance criteria set forth in the County Initial Study Assessment Guidelines.*

General Plan, Circulation, Transportation, and Mobility Element, County Level of Service Standards Policy CTM-1.3: *The County shall maintain LOS standards for use as part of the County's transportation planning including the traffic impact mitigation fee program, and the County's review and consideration of proposed land use legislation and discretionary development. For purposes of County transportation planning and review and consideration of proposed land use legislation and discretionary development, the County shall use the following minimum acceptable Level of Service (LOS) for road segment and intersection design standards within the Regional Road Network and all other County-maintained roadways:*

- a. *LOS-'C' for all Federal functional classification of Minor Collector (MNC) and Local roadways (L); and*
- b. *LOS-'D' for all Federal functional classifications except MNC and L, and Federal and State highways in the unincorporated area, except as otherwise provided in subparagraph (c and d);*
- c. *LOS-'E' for State Route 33 between the northerly end of the Ojai Freeway and the city of Ojai, Santa Rosa Road, Moorpark Road north of Santa Rosa Road, State Route 34 north of the city of Camarillo, and State Route 118 between Santa Clara Avenue and the city of Moorpark;*
- d. *LOS 'F' for Wendy Drive between Borchard Drive to Lois Avenue; and*
- e. *The LOS prescribed by the applicable city for all federal highways, state highways, city thoroughfares and city-maintained local roads located within that city, if the city has formally adopted and is implementing a General Plan policy, ordinance, or a reciprocal agreement with the County regarding development in the city that is intended to improve the LOS of County-maintained local roads and federal and state highways located within the unincorporated area of the county.*
- f. *At any intersection between two or more roads, each of which has a prescribed minimum acceptable LOS, the lower LOS of the roads shall be the minimum acceptable LOS for that intersection.*

General Plan, Circulation, Transportation, and Mobility Element, County Road Access Policy CTM-2.3: *The County shall require discretionary development with access onto a County road to have the access point(s) designed and built to County standards.*

The proposed project will continue to generate traffic on local public roads as a result of the continued operation and use of the existing facility for drop off and pick up of processed and composted materials by customers. However, due to the size of the medium-scale facility, the existing level of service on State Route 118, Bennett Road, or the County-maintained portion of Tapo Canyon Road is not expected to be adversely affected by the existing operation. In addition, the local public road that leads to the project site (Bennett Road) meets the County Public Works Agency Roads and Transportation road width standards and is therefore adequate to accommodate the continued use of the existing facility.

As recently amended, the CEQA Guidelines require that a project's contribution to traffic volumes to be evaluated in terms of vehicle miles traveled (VMTs). The proposed continued use of the existing facility would not exceed the 110 average daily trips VMT threshold as adopted by the Public Works Agency Roads and Transportation Department, or the VMT threshold required by CEQA. The facility will continue to be operated by a single, full-time employee Monday through Saturday, 7:00 a.m. to 4:00 p.m. There will not be any increase in the amount of

composting and vermiculture. Therefore, the proposed project would not create additional vehicle miles traveled.

Based on the discussion above, the proposed project is consistent with General Plan Policies CTM-1.1, CTM-1.3, and CTM-2.3.

- 3 General Plan, Public Facilities, Services, and Infrastructure Element, Wastewater Connections Requirement Policy PFS-4.1:** *The County shall require development to connect to an existing wastewater collection and treatment facility if such facilities are available to serve the development. An onsite wastewater treatment system shall only be approved in areas where connection to a wastewater collection and treatment facility is deemed unavailable.*

General Plan, Public Facilities, Services, and Infrastructure Element, Onsite Wastewater Treatment Systems Policy PFS-4.2: *The County may allow the use of onsite wastewater treatment systems that meet the state Water Resources Control Board Onsite Wastewater Treatment System Policy, Ventura County Sewer Policy, Ventura County Building Code, and other applicable County standards and requirements.*

General Plan, Water Resources Element, Adequate Water for Discretionary Development Policy WR-1.11: *The County shall require all discretionary development to demonstrate an adequate long-term supply of water.*

General Plan Water Quality Protection for Discretionary Development Policy WR-1.12: *The County shall evaluate the potential for discretionary development to cause deposition and discharge of sediment, debris, waste and other pollutants into surface runoff, drainage systems, surface water bodies, and groundwater. The County shall require discretionary development to minimize potential deposition and discharge through point source controls, storm water treatment, runoff reduction measures, best management practices, and low impact development.*

General Plan Water Quality Protection for Discretionary Development Policy WR-2.2: *The County shall evaluate the potential for discretionary development to cause deposition and discharge of sediment, debris, waste, and other contaminants into surface runoff, drainage systems, surface water bodies, and groundwater. In addition, the County shall evaluate the potential for discretionary development to limit or otherwise impair later reuse or reclamation of wastewater or stormwater. The County shall require discretionary development to minimize potential deposition and discharge through point source controls, storm water treatment, runoff reduction measures, best management practices, and low impact development.*

General Plan, Water Resources Element, Discretionary Development Subject to CEQA Statement of Overriding Considerations – Water Quality and Quantity Policy WR-2.3 and WR-4.5: *The County shall require that discretionary*

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

General Plan Percolation Standards for Discretionary Development Policy

ED-25.1: *The County shall require discretionary development to be either served by a sewage treatment facility or an on-site septic system where the total percolate from the property to the groundwater basin does not exceed the Primary Standards - Inorganic Chemicals (Article 4, Title 22, California Code of Regulations). The County Environmental Health Division shall regulate the installation and maintenance of septic systems in accordance with the County's Sewer Policy, County Building Code and County Service Area 32.*

General Plan Compliance with National Pollution Discharge Elimination System (NPDES) Policy

ED-39.3: *The County shall require discretionary development to comply with all applicable NPDES (National Pollution Discharge Elimination System) standards to protect surface water quality.*

The continued use of the existing facility and minor permit boundary expansion will not include additional water demand from either surface or groundwater sources. The proposed project will continue to be subject to a condition of approval imposed by the Watershed Protection District requiring compliance with National Pollutant Discharge Elimination System State General Industrial Stormwater Permit No. CAS000001 requirements (Exhibit 6, Condition No. 28). Therefore, the proposed project will not significantly impact the quantity or quality of water resources.

The proposed project consists of the continued operation of an existing soil amendment and organics processing facility and will not involve a change in land use that will affect the volume of sewage. A portable toilet will continue to provide sewage disposal services for the one employee who operates the soil amendment and commercial organics processing facility. The proposed project does not include construction of any proposed structures. Finally, the City of Simi Valley will continue to provide water to the project site for fire protection and dust suppression. Therefore, the proposed project will not warrant a connection to a public sewer system.

Based on the discussion above, the proposed minor modification is consistent with General Plan Policies PFS-4.1, WR-1.11, WR-1.12, WR-2.2, WR-2.3, WR-4.5, ED-25.1 and ED-39.3.

- 4. Protection of Sensitive Biological Resources Policy COS-1.1:** *The County shall ensure that discretionary development that could potentially impact sensitive biological resources be evaluated by a qualified biologist to assess impacts and, if necessary, develop mitigation measures that fully account for the impacted resource. When feasible, mitigation measures should adhere to the following priority: avoid impacts, minimize impacts, and compensate for impacts. If the*

impacts cannot be reduced to a less than significant level, findings of overriding considerations must be made by the decision-making body.

Consideration of Impacts to Wildlife Movement Policy COS-1.4: *When considering proposed discretionary development, County decision-makers shall consider the development's potential project-specific and cumulative impacts on the movement of wildlife at a range of spatial scales including local scales (e.g., hundreds of feet) and regional scales (e.g., tens of miles).*

Development Within Habitat Connectivity and Wildlife Corridors Policy COS-1.5: *Development within the Habitat Connectivity and Wildlife Corridors overlay zone and Critical Wildlife Passage Areas overlay zone shall be subject to the applicable provisions and standards of these overlay zones as set forth in the Non-Coastal Zoning Ordinance.*

Agency Consultation Regarding Biological Resources Policy COS-1.9: *The County shall consult with the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Fish and Wildlife Service, National Audubon Society, California Native Plant Society, National Park Service for development in the Santa Monica Mountains or Oak Park Area, and other resource management agencies, as applicable during the review of discretionary development applications to ensure that impacts to biological resources, including rare, threatened, or endangered species, are avoided or minimized.*

An Initial Study Biological Assessment (ISBA) was conducted by Rincon Consultants on August 2005 for the CUP No. LU04-0145. The ISBA concluded that there the project site had the potential to contain habitat for the San Diego Horned Lizard (*Phrynosoma coronatum blainvillii*) and nesting birds. The ISBA also concluded that although the project site is not located within any recognized wildlife corridor, there are several important wildlife linkages along State Route, and a designated landscape linkage is located along the eastern boundary of the property. However, these resources are located 3.5 miles south and 0.5 miles east of the project site, respectively (refer to the discussion below of the recently adopted habitat connectivity wildlife corridor overlay zone). To address these potentially significant project impacts related to biological resources, the pre-construction surveys for nesting birds and the San Diego Horned Lizard were required for CUP Case No. LU04-0145 as mitigation to reduce potentially significant impacts related to special status species. A third mitigation measure required ranch style or barbed wire fencing if fencing was installed around the perimeter of the property or for large portions of the property.

A pre-construction survey for the San Diego Horned Lizard was conducted in November 2005 by Rincon Consultants, Inc. The survey determined that that no special status species were observed within the survey area or within a 100-foot buffer surrounding the project area. Therefore, this mitigation measure for CUP Case No. LU04-0145 was satisfied.

The project site includes vegetation (coastal sage scrub and native grasses) that could potentially provide critical habitat for the coastal California gnatcatcher, which is a United States Fish and Wildlife Service federally listed threatened species (RMA GIS, March 2021). An October 28, 2000 Initial Study Biological Assessment for Parcel Map Waiver No. 1049 did not indicate the presence of the Coastal California gnatcatcher within the survey area (which included the project site) or within 5 miles of the project site. Neither the 2005 ISBA or the 2005 pre-construction survey identified the project site as potential habitat for the gnatcatcher or observed the presence of the gnatcatcher on the project site.

No existing trees or vegetation will be removed or disturbed with the continued use of the existing facility and minor expansion of the CUP boundary area. Although the Applicant will be required to maintain a minimum paved width of 20 feet for all on-site driveways and a minimum 20 foot access width around the perimeter of the organic piles, the amount of grading required to comply with this requirement is minimal and not expected to adversely impact wildlife (Exhibit 6, Condition No. 29).

The project site is located within the Habitat Connectivity Wildlife Corridor Overlay Zone. The area provides optimal habitat for wildlife in terms of food, shelter, and safe passage from the Simi Hills south to the Santa Monica Mountains. The project site would only be open during daylight hours (from 7:00 a.m. to 4:00 p.m.), and the project site does not contain any exterior lighting and no new lighting is proposed. In addition, the project site does not contain any wildlife impermeable fencing. There is an access gate at the entrance to the project site, and the approximately 0.45-acre parking area is enclosed by wildlife permeable fencing. This ranch-style fencing was the only permissible type of fencing allowed to be installed on site, pursuant to mitigation measure no. 18(c) of CUP Case No. LU04-0145, as this type of fencing would avoid obstructing wildlife movement.

On May 28, 2021, a notification of the Planning Director hearing for the proposed project was sent to the United States Fish and Wildlife Service and California Department of Fish and Wildlife.

Based on the discussion above, the proposed project is consistent with General Plan Policies COS-1.1, COS-1.4, COS-1.5, COS-1.9, COS-1.10 and COS-1.11.

5. **General Plan Agricultural Land Use Designation Policy AG-1.1:** *The County shall ensure that discretionary development located on land designated as Agricultural on the General Plan Land Use Diagram and identified as Prime Farmland or Farmland of Statewide Importance on the State's Important Farmland Inventory is planned and designed to remove as little land as possible from potential agricultural production and to minimize impacts on topsoil.*

General Plan Avoid Development on Agricultural Land Policy AG 1.8: *The County shall ensure that discretionary development located on land identified as*

Important Farmland on the State's Important Farmland Inventory shall be conditioned to avoid direct loss of Important Farmland as much as feasibly possible.

General Plan Discretionary Development Adjacent to Agriculturally Designated Lands Policy AG-2.1: *The County shall ensure that discretionary development adjacent to Agriculturally designated lands does not conflict with agricultural use of those lands.*

The General Plan land use designation for the project site is open space. The northwestern, southwestern, and western portions of the project site include soil that is designated as Farmland of Local Importance (RMA GIS, March 2021). As no new development or ground disturbance is proposed, the proposed project will not result in any impacts to agricultural soils.

Properties north, south, and east of the project site do not include any agricultural activities. An existing nursery is located on the property west of the of the project site and Tapo Canyon Road. As all activity associated with the existing facility will remain on the project site and an existing 64-foot-wide vegetative buffer will remain along the eastern property line of the adjacent nursery property, the continued use of the existing facility and the proposed expansion of the facility will not adversely impact off-site agricultural activities.

Based on the discussion above, the proposed project is consistent with General Plan Policies AG-1.1, AG-1.8 and AG-2.1.

6. **General Plan, Conservation and Open Space Element, Discretionary Development and Tribal, Cultural, Historical, Paleontological, and Archaeological Resource Preservation Policy COS-4.4:** *The County shall require that all discretionary development projects be assessed for potential tribal, cultural, historical, paleontological, and archaeological resources by a qualified professional and shall be designed to protect existing resources. Whenever possible, significant impacts shall be reduced to a less-than-significant level through the application of mitigation and/or extraction of maximum recoverable data. Priority shall be given to measures that avoid resources.*

The continued operation of the existing facility will not include any additional development or expansion of use on the project site, with the exception of the minor expansion of the CUP boundary. Additionally, the MND concluded that the existing project would have no impacts on paleontological or cultural resources (Exhibit 4) and the MND addendum concluded that the proposed project would not alter this analysis (Exhibit 5). Therefore, the proposed project does not involve the introduction of new development or activities that could adversely affect subsurface paleontological or cultural resources that may exist on the project site.

Based on the discussion above, the proposed project is consistent with General Plan Policy COS-4.4.

7. **General Plan, Hazards and Safety Element, Best Available Flood Hazard Information Policy HAZ-2.2:** *The County shall continue to use the best available flood hazard information from local, regional, State, and Federal agencies to inform decision-making on appropriate land uses, discretionary development, and infrastructure investments.*

General Plan, Hazards and Safety Element, Natural Flood Protection Solutions Policy HAZ-2.8: *The County shall consider natural, or nature-based flood protection measures for discretionary development or County-initiated development, when feasible.*

The project site is not located within the 100-year floodplain. The entire parcel is mapped as Federal Emergency Management Agency Flood Hazard Zone X as identified on Panel 06111C0855E (effective date January 20, 2010). Therefore, the proposed project does not require additional protection from potential 100-year flood events.

Based on the discussion above, the proposed project is consistent with General Plan Policies HAZ-2.2 and HAZ-2.8

8. **General Plan, Public Facilities, Services, and Infrastructure Element, Emergency Response Policy PFS-11.1:** *The County shall maintain adequate staffing, equipment, and facilities to provide timely and effective responses to emergencies.*

General Plan, Public Facilities, Services, and Infrastructure Element, Emergency Vehicles Access Policy PFS-11.4: *The County shall require all discretionary development to provide, and existing development to maintain, adequate access for emergency vehicles, including two points of access for subdivisions and multifamily developments.*

General Plan, Public Facilities, Services, and Infrastructure Element, Adequate Water Supply, Access, and Response Times for Firefighting Purposes Policy PFS-12.3: *The County shall prohibit discretionary development in areas that lack and cannot provide adequate water supplies, access, and response times for firefighting purposes.*

General Plan Fire Prevention Design and Practices Policy HAZ-1.1: *The County shall continue to require development to incorporate design measures that enhance fire protection in areas of high fire risk. This shall include but is not limited to incorporation of fire-resistant structural design, use of fire-resistant landscaping, and fuel modification around the perimeter of structures.*

General Plan, Hazards and Safety Element, Defensible Space Clear Zones Policy HAZ-1.2: *The County shall require adherence to defensible space standards, or vegetation “clear zones,” for all existing and new structures in areas that are designated as Hazardous Fire Areas by the Ventura County Fire Protection District and High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection.*

The proposed project would continue to receive water supply from the City of Simi Valley for dust suppression and fire protection. The Applicant will be required to demonstrate compliance with the following fire protection requirements: (1) provide a minimum paved width of 20 feet for all on-site driveways and a minimum 20-foot access width around the perimeter of the organic piles; (2) provide a minimum vertical clearance of 13 feet 6 inches along all access roads/driveways; (3) ensure that onsite file lanes comply with VCFPD Standards; (4) install fire hydrants that comply with Simi Valley Water Works Manual Standards; and, (5) provide verification from water purveyor that the required fire flow volume and duration can be provided to the project site for firefighting purposes (Exhibit 6, Condition Nos. 29 through 36).

The proposed project is located within a very high fire hazard severity zone. The Applicant will be required to conduct annual hazard abatement practices, which require the removal of all grass and brush for a distance of 10 feet on each side of all access road(s)/driveway(s) within the project site (Exhibit 6, Condition No. 37).

The Applicant will continue to be required to ensure that compost piles do not exceed specific height, size, and temperatures to ensure that the compost piles do not create a fire hazard. The Applicant will be required to ensure that: (1) the compost piles shall be a maximum of 12 feet in height, 25 feet in width and 50 feet in length. Piles shall be separated by a minimum of 15 feet. Grid piles shall not exceed 500 feet by 500 feet, separated by a minimum 50-foot wide clear space. Push out areas shall be maintained to allow for the largest pile to be spread put at a depth of 2 feet. (Exhibit 6, Condition No. 41); (2) internal temperatures of all piles shall be monitored daily and shall not exceed 160 degrees Fahrenheit (Exhibit 6, Condition No. 42); and, (3) the Applicant will be required to provide a facility fire control and suppression procedures plan to the VCFPD that indicates the dimensions and locations of the compost piles, monitoring procedures, temperature and moisture content the piles, fire methods and a diversion plan for incoming material in the event of equipment failure or other inability to process material, (Exhibit 6, Condition No. 43).

Ventura County Fire Station No. 46, located at 3265 North Tapo Street in Simi Valley, is approximately 2.6 miles southeast of the project site. Given the station’s proximity to the project site, there will be adequate response time to provide fire protection services to the project site.

Based on the discussion above, the proposed project is consistent with General Plan Policies CTM-2.28, PFS-11.1, PFS-11.4, PFS-12.3, HAZ-1.1, and HAZ-1.2.

9. General Plan, Hazards and Safety Element, Noise Compatibility Standards

Policy HAZ-9.2: *The County shall review discretionary development for noise compatibility with surrounding uses. The County shall determine noise based on the following standards:*

1. *New noise sensitive uses proposed to be located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed CNEL 60 or Leq1H of 65 dB(A) during any hour.*
2. *New noise sensitive uses proposed to be located near railroads shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed L10 of 60 dB(A)*
3. *New noise sensitive uses proposed to be located near airports:*
 - a. *Shall be prohibited if they are in a Community Noise Equivalent Level (CNEL) 65 dB or greater, noise contour; or*
 - b. *Shall be permitted in the Community Noise Equivalent Level (CNEL) 60 dB to CNEL 65 dB noise contour area only if means will be taken to ensure interior noise levels of CNEL 45 dB or less.*
4. *New noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor, measured at the exterior wall of the building, does not exceed any of the following standards:*
 - a. *Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.;*
 - b. *Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.; and*
 - c. *Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.*
5. *Construction noise and vibration shall be evaluated and, if necessary, mitigated in accordance with the Construction Noise Threshold Criteria and Control Plan (Advanced Engineering Acoustics, November 2005).*

Continued operation of the proposed project includes use of a diesel-powered blending machine, two front-end loaders, and two forklifts that provide automated support to move product around the facility. The nearest, noise sensitive uses to the project site include two residences. The first residence is located approximately

415 feet north of the soil amendment operation. Due to the approximately 40-foot difference in grade between the single-family residence and the project site, the existing facility is not visible from the residence. The second residence is located approximately 1,300 feet southwest of the project site and is also screened by topography. On March 16, 2021, the Applicant measured noise levels of the existing facility from the nearest residence north of the site with a noise meter.¹ Measurements were taken over a one-hour duration in accordance with the General Plan. The noise levels indicated 35 dBA at the residence, which does not exceed the Leq1H of 55 dB(A) as noted in General Plan Policy HAZ-9.2(4)(a) between 6:00 a.m. to 7:00 p.m. Given the distance and natural screening from the project site to the nearest residences, and because the noise levels were below the Leq1H of 55dB(A) General Plan Policy threshold, the proposed project will not exceed the noise thresholds set forth in General Plan Policy HAZ-9.2. Furthermore, the proposed project does not involve new construction and will not generate construction-related noise.

Based on the discussion above, the proposed project is consistent with General Plan Policy HAZ-9.2.

- 10. General Plan Scenic Roadways Policy COS-3.1:** *The County shall protect the visual character of scenic resources visible from state or County designated scenic roadways.*

General Plan Open Space Character Policy COS-3.6: *The County shall require discretionary development outside of Existing Communities be planned and designed to maintain the scenic open space character of the surrounding area, including view corridors from highways. Discretionary development should integrate design, construction, and maintenance techniques that minimize the visibility of structures from public viewing locations within scenic vistas.*

Discretionary Development on or Adjacent to Open Space Policy ED-3.1: *The County shall condition discretionary development located on or adjacent to Open Space land to ensure that impacts to biological and mineral resources and recharge/storage basins are minimized.*

There are no identified scenic resources located within 0.5 miles of the project site (RMA GIS, March 2021). The project site and surrounding areas are located on open space and agriculturally zoned land. The continued use of the existing facility will not include additional development on the project site that would be visible from Tapo Canyon Road due to existing topography and dense vegetation that screens the site from public views adjacent to this road. Therefore, the proposed project does not involve the introduction of new development that could

¹ Sper Scientific Sound Level Pen 840018

significantly degrade visual resources or significantly alter or obscure public views of visual resources from public viewing locations within Tapo Canyon Road.

Based on the discussion above, the proposed project is consistent with General Plan Policies COS-3.1, COS-3.6, and ED-3.1.

- 11. Urban Design Standards for Commercial and Industrial Development Policy LU-16.2:** *The County shall require that discretionary commercial and industrial developments maintain high standards of urban design and environmental quality by incorporating compact form, maximizing pedestrian access and safety, and minimizing land use conflicts and traffic congestion.*

The existing facility is located on a small portion (approximately 5.17 acres) of a 51.84-acre parcel, which is screened from Tapo Canyon Road. Sufficient parking and loading areas are located on site to prevent compost from spilling outside the project site onto the public roadway. In addition, in-process piles are located in the eastern section of the property, while finished piles available for pick-up by customers are located along the loop within the “corral” area to separate the public from the processing area. The facility will continue to be operated by a single, full-time employee Monday through Saturday, 7:00 a.m. to 4:00 p.m. Additionally, there will also not be any increase in the amount of composting and vermiculture that was initially granted for the CUP. As such, there will not be an increase in the days and hours of operation or the number of truck trips that would haul material to and from the project site.

The Applicant will be required to adhere to the following conditions of approval continuously throughout the life of the permit: (1) maintain, and update as needed, a Dust and Odor Control to reflect any changes in the design or operation of this site, including, but not limited to, the following: change in the method of storing feedstock, type(s) of equipment, site layout, and odor control measures. (Exhibit 6, Condition No. 21); (2) utilize Best Management Practices (BMP) to minimize and control dust and bioaerosols (Exhibit 6, Condition No. 22); and, (3) control on-site fugitive dust by the use of a watering truck or equivalent means to all unpaved roads and active portions of the site. Environmentally-safe dust control agents may be used in lieu of watering (Exhibit 6, Condition No. 45).

Based on the discussion above, the proposed project is consistent with General Plan Policy LU-16.2.

- 12. Public Facilities, Services, and Infrastructure Availability Policy PFS-1.7:** *The County shall only approve discretionary development in locations where adequate public facilities, services, and infrastructure are available and functional, under physical construction, or will be available prior to occupancy.*

The existing facility is located where adequate public services are currently available for the continued operation of the soil amendment facility. The City of

Simi Valley will continue to provide water to the project site for fire protection and dust suppression, and portable sanitary facilities will continue to provide sewage disposal services for the one on-site, full-time employee. The proposed minor modification does not include a request to expand the hours or days of operation or an increase in the total volume of material piles and will not create additional demand for public water or sewer service.

Based on the discussion above, the proposed project is consistent with General Plan Policy PFS-1.7.

- 13. Requirements Inside City Spheres of Influence Policy PFS-1.9:** *County shall only approve a discretionary development within a city's Sphere of Influence if the required public facilities and infrastructure meets or exceeds those required by the associated city.*

The project site is located within the City of Simi Valley's Sphere of Influence. On August 17, 2015, Planning Division staff requested that the City of Simi Valley review the proposed project and provide comments. As of the date of this staff report, no comments have been received.

Based on the discussion above, the proposed project is consistent with General Plan Policy PFS-1.9.

- 14. Hazardous Materials and Waste Management Policy HAZ-5.1:** *The County shall manage hazardous materials and wastes produced by County facilities and operations in such a way that waste reduction through alternative technology is the County's first priority. When not possible, the County's priorities will progress from recycling and reuse, then on-site treatment, and finally disposal as the last resort.*

Hazardous Materials and Waste Management Facilities Policy HAZ-5.2: *The County shall require discretionary development involving facilities and operations which may potentially utilize, store, and/or generate hazardous materials and/or wastes be located in areas that would not expose the public to a significant risk of injury, loss of life, or property damage and would not disproportionately impact Designated Disadvantaged Communities.*

Hazardous Waste Reduction at the Source Policy HAZ-5.5: *The County shall, as part of the discretionary review process, require that hazardous wastes and hazardous materials be managed in such a way that waste reduction through alternative technology is the first priority, followed by recycling and on-site treatment, with disposal as the last resort.*

Presence of Hazardous Wastes Policy HAZ-5.7: *Applicants shall provide a statement indicating the presence of any hazardous wastes on a site, prior to discretionary development. The applicant must demonstrate that the waste site is*

properly closed, or will be closed, pursuant to all applicable state and federal laws, before the project is inaugurated.

Solid Waste Reduction Policy ED-25.4: *The County shall require discretionary development to employ practices that reduce the quantities of solid wastes generated and to engage in recycling activities.*

The Applicant will be required to ensure that the storage, handling, and disposal of any potentially hazardous material complies with applicable state regulations. Specifically, if hazardous materials above reporting thresholds (200 cubic feet of gas, 55 gallons of liquids, and 500 pounds of solids) are stored on site, or any hazardous wastes are generated, additional permitting, monitoring, and reporting requirements from the Environmental Health Division/Certified Unified Program would apply (Exhibit 6, Condition No. 24).

The Applicant will be required to divert recyclable materials generated by this project from local landfills through recycling, reuse, or salvage by working with a with a County franchised solid waste hauler who can determine the level of service required to divert the from local landfills (Exhibit 6, Condition No. 27).

Based on the discussion above, the proposed project is consistent with General Policies HAZ-5.1, HAZ-5.2, HAZ-5.5, HAZ-5.7, and ED-25.4.

- 15. Runoff from Discretionary Development Policy HAZ-37.1:** *The County shall require discretionary development which would result in increased runoff which would contribute to flooding or erosion/siltation hazards to fund a Deficiency Study to identify existing flooding and erosion/siltation problems and, if necessary, an Improvement Plan to determine appropriate flood control and drainage facilities necessary to reduce these hazards to a less-than-significant level. If the Deficiency Study/Improvement Plan determines the need for flood control facilities, then the County shall require the discretionary development to construct and/or contribute to the construction of all necessary improvements necessary to reduce hazards to a less-than-significant level.*

The nearest agricultural use to the project site is an existing nursery operation located immediately west of the subject parcel, across Tapo Canyon Road and a watercourse/drainage located on the west side of the road. Given this distance, the proposed project would not impact water runoff on that portion of the subject parcel. Additionally, the Applicant would be required to limit erosion, dust, pests, and vehicle speed on the project site thereby limiting the potential for impacts to extend beyond the project site (Exhibit 6, Condition No. 45).

Based on the discussion above, the proposed project is consistent with General Plan Policy HAZ-37.1.

- 16. General Plan Seismic Hazards Policy HAZ-4.8:** *The County shall not allow development of habitable structures or hazardous materials storage facilities within areas prone to the effects of strong ground shaking, such as liquefaction, landslides, or other ground failures, unless a geotechnical engineering investigation is performed and appropriate and sufficient safeguards, based on this investigation, are incorporated into the project design.*

General Plan Development in Landslide/Debris Flow Hazard Areas Policy HAZ-4.10: *The County shall not allow development in mapped landslide/debris flow hazard areas unless a geologic and geotechnical engineering investigation is performed and appropriate and sufficient safeguards, based on this investigation, are incorporated into the project design.*

General Plan Alteration of Land in Landslide/Debris Flow Hazard Areas Policy HAZ-4.11: *The County shall not allow alteration of land in landslide/debris flow hazard areas, including concentration of water through drainage, irrigation or septic systems, removal of vegetative cover, and undercutting of the bases of slopes or other grading activity unless demonstrated by geologic, geotechnical, and civil engineering analysis that the project will not increase the landslide/debris flow hazard.*

General Plan Design for Expansive Soils Policy HAZ-4.13: *The County shall not allow habitable structures or individual sewage disposal systems to be placed on or in expansive soils unless suitable and appropriate safeguards are incorporated into the project design to prevent adverse effects.*

The southeast, eastern and northeastern portions of the project site are located in an earthquake-induced landslide zone. The existing facility is also located on land that includes expansive soils (RMA GIS, March 2021). As discussed in the staff report (above), the proposed project does not include any existing or proposed structures. As such, there are no structures located within these mapped areas of the project site. In addition, no portion of the existing facility is located within these areas.

Based on the discussion above, the proposed project is consistent with General Plan Policies HAZ-4.8, HAZ-4.10, HAZ-4.11 and HAZ-4.13.

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the requirements of the Ventura County NCZO (Section 8105-4), the proposed use is allowed in the AE zone district with the granting of a CUP. Upon the granting of the CUP, the proposed project will comply with the requirements of the Ventura County NCZO.

The proposed project is subject to the special use standards of the Ventura County NCZO Section 8107-36.4, Standards Relating to Organics Processing Operations (Includes Biosolids, Composting, Vermicomposting, and Chipping and Grinding) and Ventura County NCZO Section 8107-36.4.3, Commercial Organics Processing Operations, Small- and Medium-Scale. The list below includes the applicable special use standard and a description of whether the proposed project complies with the special use standards.

Standards Relating to Organics Processing Operations (Includes Biosolids Composting, Vermicomposting, and Chipping and Grinding)

1. **Ventura County NCZO Section 8107-36.4.1(a):** *No organics processing operations, other than those accessory to agricultural activities and on-site composting operations, shall be located in the AE (Agricultural Exclusive) zone on land designated as “Prime,” “Statewide Importance,” “Unique,” or “Local Importance” on the California Department of Conservation’s Farmland Mapping and Monitoring Program, Important Farmlands Maps, or on land subject to a Land Conservation Act (LCA) contract, unless the Planning Director, in consultation with the Agricultural Commissioner, determines that the land is developed or otherwise unsuitable for agricultural activities.*

The proposed project is located in the AE (Agricultural Exclusive) zone on land designated as grazing and local importance (RMA GIS; March 2021). When Case No. LU04-0145 was approved in 2005, the CUP area was mapped as “Other” soils as described in the original MND (Exhibit 4). Additionally, the project site was not in agricultural production at that time and does not currently support agricultural production. Therefore, the proposed project to allow the continued use of the existing facility would neither adversely impact agricultural soils nor would it limit agricultural production in the County.

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.1(a).

2. **Ventura County NCZO Section 8107-36.4.1(b):** *Prior to issuing a Conditional Use Permit or other discretionary entitlement for an organics processing operation, other than those accessory to agricultural activities and on-site composting operations, the applicable decision-making authority (the Planning Director, Planning Commission, and/or Board of Supervisors) shall make a finding that the proposed project, as conditioned, is compatible with adjacent agriculture, including but not limited to such factors as water runoff, siltation, erosion, dust, introductions of pests and diseases, and the potential for trespassing pilferage, or vandalism, as well as conflicts between agricultural and non-agricultural uses including but not limited to vehicular traffic and the application of agricultural chemicals to agricultural property.*

An existing nursery is located on the property west of the of the project site and Tapo Canyon Road. A watercourse/drainage is also located on the west side of this road. The project site is separated from the nursery use by the roadway and drainage; and, therefore, the proposed project would not impact water runoff. Additionally, the proposed project would be conditioned to limit erosion, dust, pests, and vehicle speed on the project site, thereby limiting the potential for impacts to extend beyond the project site (Exhibit 6, Condition No. 45).

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.1.(b).

- 3. Ventura County NCZO Section 8107-36.4.1(c):** *Prior to issuing a Conditional Use Permit or other discretionary entitlement for an organics processing operation, other than those accessory to agricultural activities and on-site composting operations, the applicable decision-making authority (the Planning Director, Planning Commission, and/or Board of Supervisors) shall make a finding that the proposed project, as conditioned, is compatible with adjacent agriculture, including but not limited to such factors as water runoff, siltation, erosion, dust, introduction of pests and diseases, and the potential for trespassing, pilferage, or vandalism, as well as conflicts between agricultural and non-agricultural uses including but not limited to vehicular traffic and the application of agricultural chemicals to agricultural property.*

As discussed in Section D.2 of this staff report above, a watercourse/drainage is located on the west side of this road separates the nursery use by the roadway and drainage; and, therefore, the proposed project would not impact water runoff. Additionally, the proposed project would be conditioned to limit erosion, dust, pests, and vehicle speed on the project site, thereby limiting the potential for impacts to extend beyond the project site (Exhibit 6, Condition No. 45).

As discussed in Sections C.1, C.3, C.8, C.11 and C.15 of this staff report above, no construction or development beyond expanding the existing use and operations with a minor expansion of the CUP boundary would occur; therefore, the proposed project will not generate air emissions in excess of what was evaluated and permitted pursuant to the original CUP. The drainage on the west side of Tapo Canyon Road assists on preventing water runoff. The Applicant will also be required to continue operation of the facility pursuant to state and local requirements for mitigation of odor and dust as it relates to public health and the mitigation measures required in CUP Case No. LU04-0145 (Exhibit 6, Condition Nos. 19 through 25) related to odor minimization and maintenance of bioaerosol levels. Finally, the Applicant will be required to maintain the project site to minimize fugitive dust, while complying with all VCAPCD regulations and permitting requirements. With the imposition of the recommended conditions of approval, the proposed project will comply with the requirements of the "Guidelines for the Preparation of Air Quality Impact Analysis."

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.1.(c).

4. **Ventura County NCZO Section 8107-36.4.1(d):** *All organics operations must provide written proof from the Ventura County Water Resources Division that the project is either not sited over the Oxnard Forebay or the North Las Posas Outcrop or that the project has been adequately designed to prevent infiltration into these sensitive areas of groundwater recharge.*

The proposed project is not located near the Oxnard Forebay or the North Los Posas Outcrop and would not impact these sensitive areas of groundwater recharge (RMA GIS, March 2021).

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.1(d).

5. **Ventura County NCZO Section 8107-36.4.19(e):** *Such facilities shall be set back a minimum of 300 feet from any agricultural production. If the applicant can demonstrate that potential impacts to the agricultural production have been adequately mitigated by design or terrain, the Planning Director, in consultation with the Agricultural Commissioner, may reduce or waive the setback.*

The CUP boundary is located more than 390 feet west from the nearest agricultural use (i.e., the neighboring nursery operation). As such, the proposed project would not result in potential impacts to agricultural production.

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.1(e).

6. **Ventura County NCZO Section 8107-36.4.1(f):** *Drainage - Drainage must be controlled so as to prevent any leachate run-off from the site; divert surface water drainage away from all piles of material; and prevent the creation of puddles and standing water in any area where organic materials are stored.*

As discussed in Section D.2 of this staff report above, a watercourse/drainage is located on the west side of this road separates the nursery use by the roadway and drainage; and, therefore, the proposed project would not impact water runoff. Additionally, the proposed project would be conditioned to limit erosion, dust, pests, and vehicle speed on the project site, thereby limiting the potential for impacts to extend beyond the project site (Exhibit 6, Condition No. 45).

As discussed in Sections C.1, C.3, C.8, C.11 and C.15 of this staff report above, the proposed project will not include any construction or development beyond

expanding the existing use and operations with a minor expansion of the CUP boundary; therefore, the proposed project will not generate air emissions in excess of what was evaluated and permitted pursuant to the original CUP. The drainage on the west side of Tapo Canyon Road assists on preventing water runoff. The Applicant will also be required to continue operation of the facility pursuant to state and local requirements for mitigation of odor and dust as it relates to public health and the mitigation measures required in CUP Case No. LU04-0145 (Exhibit 6, Condition Nos. 19 through 25) related to odor minimization and maintenance of bioaerosol levels. Finally, the Applicant will be required to maintain the project site to minimize fugitive dust, while complying with all VCAPCD regulations and permitting requirements. With the imposition of the recommended conditions of approval, the proposed project will comply with the requirements of the "Guidelines for the Preparation of Air Quality Impact Analysis."

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.1.(f).

- 7. Ventura County NCZO Section 8107-36.4.1(g):** *Dust - Dust must be controlled through watering, use of enclosures and screens, etc.*

The proposed project will be conditioned to require the Applicant to submit an updated operations plan incorporating BMPs to minimize dust and bioaerosols and comply with APCD fugitive dust regulations to include watering active piles and unpaved access roads and limiting operations during high wind events to mitigate fugitive dust (Exhibit 6, Condition Nos. 22 and 45).

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.1(g).

- 8. Ventura County NCZO Section 8107-36.4.1(h):** *Feedstock Inspection – All incoming materials shall be inspected for contaminants, such as plastic, and all contaminants shall be removed to the greatest extent feasible before processing.*

The proposed project will be conditioned to require the Applicant to submit an updated Odor Impact Monitoring Plan (Exhibit 6, Condition No. 21) to require the rejection of any feedstock load that is odorous or appears to exceed 1 percent in weight of contaminants, including excluded materials. Once a feedstock load is initially inspected and received, facility staff will sort the material and remove any remaining contaminants.

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4(h).

- 9. Ventura County NCZO Section 8107-36.4.1(i):** *Fire Prevention/Suppression -*
1. The maximum pile height of all feedstock and actively decomposing compost is 12 feet, except as allowed by a discretionary permit.

2. *There shall be a method or system to daily monitor the temperature of all piles or windrows over 6 feet tall, and all temperatures must be kept below 160 F, except as allowed by discretionary permit.*
3. *All operations must isolate potential heat sources or flammables from piles and windrows.*

The Applicant will continue to be required to ensure that compost piles do not exceed specific height, size, and temperatures to ensure that the compost piles do not create a fire hazard. The Applicant will be required to ensure that the following: (1) piles shall be a maximum of 12 feet in height, 25 feet in width, and 50 feet in length. Piles shall be separated by a minimum of 15 feet (Exhibit 6, Condition No. 41); (2) internal temperatures of all piles shall be monitored and shall not exceed 160 degrees Fahrenheit (Exhibit 6, Condition No. 42); and, (3) the Applicant will be required to provide a facility fire control and suppression procedures plan to VCFPD that indicates the dimensions and locations of the compost piles, monitoring procedures, temperature and moisture content the piles, fire methods, and a diversion plan for incoming material in the event of equipment failure or other inability to process material (Exhibit 6, Condition No. 43).

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.1(i).

10. **Ventura County NCZO Section 8107-36.4.1(j):** *General Safety – All reasonable effort shall be made to ensure that all end products, excluding discarded wastes, are innocuous and free of particles that could be harmful to human health and safety, or to agricultural production where applicable.*

As stated above, the proposed project will be subject to a condition of approval requiring the Applicant to submit an updated Odor Control Plan (Exhibit 6, Condition No. 21). The Applicant will be required to receive material that is generally free of contaminants and to direct facility staff to screen incoming material for contaminants during the sorting process.

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.1(j).

11. **Ventura County NCZO Section 8107-36.4.1(k):** *Litter and Waste – All reasonable effort shall be made to prevent litter, compost, and chipped uncomposted material from migrating off-site. The operator is responsible for keeping the site reasonably free of litter and for the daily collection of all litter that leaves the site.*

The proposed project will be subject to the site maintenance condition of approval (Exhibit 6, Condition No. 3) to ensure that the CUP area and surrounding area, as

well as the access road, are maintained in a neat and orderly manner, so as to not create any hazardous conditions or unsightly conditions.

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.1(k).

- 12. Ventura County NCZO Section 8107-36.4.1(l):** *Materials Accepted – Only separated organic (originally derived from living organisms) materials shall be accepted at organics processing operations. Asbestos- containing waste material, infections wastes, or hazardous wastes shall not knowingly be accepted.*

As stated in the project description, the proposed project will be required to continue to only accept the proposed materials, used horse bedding, and clean wood chips to ensure that only compostable materials are received at the project site.

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.1(l).

- 13. Ventura County NCZO Section 8107-36.4.1(m):** *Noise – Grinders and other power-driven equipment shall not be operated between the hours of 7:00 p.m. and 7:00 a.m. within 500 feet of property occupied for residential use or other place of overnight habitation, such as hotels or campgrounds. Noise levels near such uses shall not exceed Leq1H of 55 dB (A) or ambient noise levels plus 3 dB (A), whichever is greater, during any hour from 6:00 a.m. to 7:00p.m.*

The proposed project will continue to operate from 7:00 a.m. to 4:00 p.m., Monday through Saturday to avoid generating noise during operations that may affect nearby sensitive noise receptors (Exhibit 6, Condition No. 2).

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.1(m).

- 14. Ventura County NCZO Section 8107-36.4.19(n):** *Odors – All operations must implement management practices – such as controlling temperature, moisture, and oxygen levels in piles and windrows – to prevent offensive and noxious odors from leaving the site.*

The Applicant will be required to minimize nuisance odors impacting areas outside the CUP boundaries through mitigation measures including compost pile temperature and moisture monitoring and control (Exhibit 6, Conditions Nos. 21, and 22,). These measures would include the implementation of an updated Odor Control Plan (Exhibit 6, Condition No. 21) that would detail the facility's operational procedures for sorting out high moisture materials and monitoring windrow temperatures to ensure that would potentially contribute to nuisance odors.

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.1(n).

- 15. Ventura County NCZO Section 8107-36.4.1(o):** *Pests – All operations must implement management practices to prevent and control vectors, such as flies, rodents, and scavenging birds.*

The Applicant will be required to minimize the propagation of disease vectors through piles in such a manner that they do not become vector breeding areas through implementation of a Vector Control Plan (Exhibit 6, Condition No. 20).

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.1(o).

- 16. Ventura County NCZO Section 8107-36.4.1(p):** *Throughput – All products (e.g., compost or mulch) must be sold, given away, or beneficially used within 24 months of the facility's acceptance of the raw material. Feedstock materials shall not be accepted at any time when the storage capacity of the site would be exceeded by such delivery.*

The Applicant will be required to meet the standards for organics processing operations in the Ventura County NCZO, including the requirement that no material remains on site for longer than 24 months of the facility's acceptance of the raw material.

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.1(p).

Commercial Organics Processing Operations, Small and Medium-Scale NCZO Standards

- 17. Ventura County NCZO Organic Processing Operations Standard Section 8107-36.4.3(a):** *The minimum parcel size for all outdoor, medium- and large-scale is three acres in residential zones, and 1.5 acres in other zones.*

The existing facility is located on a 5.17-acre portion of a 51.84-acre parcel in an Agricultural Exclusive zone.

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.3(a).

- 18. Ventura County NCZO Organic Processing Operations Standard Section 8107-36.4.3(b):** *Dust producing activities shall cease during high wind events. High wind events are defined as wind of such velocity as to cause fugitive from within the site to blow off-site. At any point in time, if it is observed that fugitive dust is blowing off-site, additional dust prevention measures shall be initiated. If these*

measures are insufficient to prevent fugitive dust (i.e., during periods of extreme heat or winds), dust generating activities shall be immediately curtailed until the conditions abate.

The proposed project will be subject to an APCD-recommended condition of approval, requiring implementation of fugitive dust control measures during high wind events (Exhibit 6, Condition No. 36).

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.3(b).

- 19. Ventura County NCZO Organic Processing Operations Standard Section 8107-36.4.3(c):** *The surface slope under outdoor processing operations shall be at least one percent and no more than 15 percent.*

As shown on the site plan (Exhibit 3), the project site slopes downward from east to west on an approximately 7 percent slope.

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.3(c).

- 20. Ventura County NCZO Organic Processing Operations Standard Section 8107-36.4.3(d):** *The following standards apply to the outdoor piles and windrows over 100 cubic yards to facilitate fire control:*

-The operator shall at all times maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas within 100 feet of all windrows and piles (excludes single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from the native growth to the piles or windrows).

-A fire lane of 20 feet shall be provided along the perimeter of the area where piles and windrows are located. Windrows shall not exceed 150 feet in length unless separated by a 20-foot fire access road. Twenty-feet must be maintained between all piles and windrows, or 12 feet must be maintained between all piles and windrows alternating with a 20-foot fire access road positioned every 150 feet.

The Applicant will be required to conduct annual hazard abatement for a distance of 10 feet on each side of all on-site access roads and driveways and provide adequate on-site fire lanes in accordance with the current Ventura County Fire Protection District Fire Lane Standards. (Exhibit 6, Condition Nos. 37 and 32).

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.3(d).

21. **Ventura County NCZO Organic Processing Operations Standard Section 8107-36.4.3(e):** *Prior to issuance of a Zoning Clearance for the operation, proof from the County Fire Protection District of an approved Fire Hazard Management Plan shall have been provided to the Planning Division.*

The Applicant will be subject to a standard condition of approval that will require approval of a Fire Hazard Management Plan (Fire Hazard Abatement) prior to issuance of a Zoning Clearance for use inauguration (Exhibit 6, Condition No. 37).

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard § 8107-36.4.3(e).

22. **Ventura County NCZO Organic Processing Operations Standard Section 8107-36.4.3(f):** *Space shall be provided on-site to accommodate the anticipated peak deliveries, for the circulation of vehicles and the depositing of organic materials.*

The Applicant will be required to provide a minimum paved width of 20 feet for all on-site driveways and a minimum 20-foot access width around the perimeter of the organic piles. A minimum vertical clearance of 13 feet and 6 inches along all access roads/driveways will also be required. (Exhibit 6, Condition Nos. 29 and 30). The proposed project will provide sufficient access road widths and circulation, allowing vehicles to flow directly to the tipping area for deliveries and then along a continuous loop to the facility exit.

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.3(f).

23. **Ventura County NCZO Organic Processing Operations Standard Section 8107-36.4.3(g):** *Landscaping, walls, fences, or other screening shall be incorporated to visually screen outdoor operations from adjacent properties and public rights-of-way.*

The existing project is currently screened from public views of Tapo Canyon Road by existing vegetation and private views from adjacent properties by the surrounding topography. Therefore, no additional screening is required.

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.3(g).

24. **Ventura County NCZO Organic Processing Operations Standard Section 8107-36.4.3(h):** *All operations must deposit with the Planning Division a compliance review fee, and shall maintain such deposit with the Planning Division during the term of the land use, and shall make the site available for inspection twice a year. The inspection frequency may be increased or decreased at the*

discretion of the Planning Director, based on such factors as performance, scale of operation or neighboring uses.

The Applicant has an existing condition compliance account (CC07-0021), which required a deposit for a compliance review fee. The Applicant will be subject to a condition of approval for ongoing condition compliance review (Exhibit 6, Condition No. 11). This condition of approval will continue to be applied to the proposed project, and site inspections will continue to occur, as necessary, during the life of the proposed project.

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard § 8107-36.4.3(h).

Ventura County NCZO Organic Processing Operations Standard § 8107-36.4.3(i): *Upon completion of operations, the facility grounds, sedimentation ponds, and drainage areas shall be cleaned of all compost materials, construction scraps, and other materials related to the operations. If in the OS zone, the site shall be restored as nearly as possible to its natural or original state prior to the organics processing*

The Applicant will be subject to a standard condition of approval that will require the site to be maintained in a neat and orderly manner so as not to create any hazardous conditions or unsightly conditions which are visible from outside of the project site (Exhibit 6, Condition No. 3). As the project site is not located on the OS zone district, and organics processing has been conducted onsite since 2004, the Applicant is not required to restore the site to as to its natural or original state.

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.3(i).

- 25. Ventura County NCZO Organic Processing Operations Standard Section 8107-36.4.3(j):** *Any structures added to a site are subject to Planning Division regulations such as setback and height standards, and permit modification requirements.*

The proposed project does not include a request for the addition of any new structures, and the CUP does not include any permanent structures.

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.3(j).

- 26. Ventura County NCZO Organic Processing Operations Standard Section 8107-36.4.3(k):** *Prior to issuance of a Zoning Clearance for those operations which will use gasoline-powered engines of 50 horsepower or greater, proof of an operation's compliance with pertinent APCD requirements shall have been provided to the Planning Division.*

The Applicant will be required to obtain a current VCAPCD-issued Permit to Operate for the continued use of the diesel-powered blending machine for composting of materials (Exhibit 6, Condition No. 46).

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.3(k).

- 27. Ventura County NCZO Organic Processing Operations Standard Section 8107-36.4.3(l):** *All outdoor processing areas shall meet the setback standards listed below. However, if the applicant can demonstrate, supported by substantial evidence in the record, that potential impacts to water resources and surrounding properties, uses or roads have been adequately mitigated by design or terrain, the Planning Director may waive all or appropriate portions of this requirement.*

- 300 feet from any off-site residence or public facility;
- 100 feet from an adjoining property line;
- 100 feet from any dedicated public street or highway;
- 100 feet from any surface water, including springs, seeps, wetlands, and intermittent streams; and/or
- 200 feet from wells or other water supplies

The permitted outdoor processing areas will continue to be located approximately 415 feet from the nearest off-site residence located on the adjacent property to the north, 135 feet from the nearest adjoining property line, 180 feet from Tapo Canyon Road to the northwest, and 230 feet from the nearest drainage to the northwest. There are no wells or other water supplies located within 200 feet from the processing area.

Based on the above discussion, the proposed project is consistent with Ventura County NCZO Standard Section 8107-36.4.3(l).

E. CUP FINDINGS AND SUPPORTING EVIDENCE

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

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

The proposed project will allow the continued use of the existing organics processing facility. To date, there are no open violations for the existing CUP, and the Planning Division has not received any noise or dust complaints. The Applicant will be required to continue to maintain a designated contact person to receive and address any complaints related to the continued use of the existing facility (Exhibit 6, Condition Nos. 15 and 17).

The project site is located in a rural portion of the unincorporated area of the County and supports agricultural uses within the County by taking in horse manure and used bedding and processing that material into soil amendment material for use in cultivation. The proposed project occupies a 5.17-acre portion of a 51.84-acre parcel, and the project site is primarily screened from other nearby properties and public viewing locations, including Tapo Canyon Road, by topography and vegetation. The nearest occupied structures (residences) are located 415 feet to the north and 1,330 feet to the southwest, respectively, and are of sufficient distance to not be impacted by noise generated by project equipment. Furthermore, the facility will be conditioned to limit hours of operation in order to ensure that the facility does not generate noise impacts on surrounding noise sensitive uses (Exhibit 6, Condition No. 2).

The minor expansion of the CUP permit boundary in order to account for previously graded, disturbed areas that the Applicant currently occupies, is not expected to adversely affect the existing character of this open space community.

Finally, the proposed project will be required to update and abide by the facility's Odor Control Plan in order to prevent any odors generated on site by the proposed project from impacting off-site neighboring uses (Exhibit 6, Condition No. 21)

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

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

The existing facility is located along Tapo Canyon Road and is generally screened from public viewing locations by existing dense vegetation along that roadway. The existing facility has unloading and loading areas on site that adequately serve its needs. The existing facility is not visible from neighboring off-site uses due to the topography and existing vegetation that surround the project site. In addition, the Applicant will be required to maintain the existing hours of operation (7:00 am to 4:00 pm, Monday through Saturday) [Exhibit 6, Condition No. 2] and maintain the site in a neat and orderly manner (Exhibit 6, Condition No. 3). Finally, the Applicant will be required to update the existing Odor Control Plan (Exhibit 6, Condition No.

21). Therefore, the proposed project would not be obnoxious or harmful, or impair the utility of neighboring property or uses.

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

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

The continued operation of the existing facility does not include any new development that could result in adverse effects to the public interest, health, safety, convenience, or welfare. The proposed project will not generate noise in excess of the maximum acceptable noise levels for noise-sensitive uses, which are set forth in the Ventura County 2040 General Plan. Furthermore, given the days and hours of operation (7:00 a.m. to 4:00 p.m., Monday through Saturday), the continued use of the existing facility does not have the potential to generate nighttime lighting or glare that could adversely affect the surroundings.

The proposed project will not increase traffic along the surrounding roadways, which are adequate to support the continued organics processing operations and afford emergency access to the project site. Furthermore, the City of Simi Valley will continue to provide water to the project site for fire protection and dust suppression.

The proposed project will continue to be conditioned to comply with EHD regulations including portable toilets, pest/vector control, intake of compostable materials, and odor control plan (Exhibit 6, Condition Nos. 19 through 25). Therefore, the proposed project would not be detrimental to the public health, safety, convenience, or welfare.

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

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

The project site is Zoned AE 40 acres. Surrounding land uses are also zoned AE and OS. In accordance with NCZO Section 8105-4, is a permitted use in the AE zone with a Planning Director-approved CUP. CUP Case No. LU04-0145 was approved on October 27, 2005 for the operation of a soil amendment blending operation and a medium-scale commercial organics processing operation for composting and vermiculture for a period of 10 years. To date, there are no open violations on file. The continued operation of the soil amendment facility for an additional 10 years requires the granting of a Minor Modification to CUP (Case No. PL15-0126.)

As discussed in this staff report (above), implementation of the conditions of approval placed on the project would minimize impacts to neighboring property uses, and thereby render the project compatible with existing and potential uses on neighboring parcels.

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

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

The proposed project will occur on a 51.84-acre legal lot as recorded in Certificate of Compliance No. CC18-09-1304. On December 24, 2019, the recordation of this Certificate of Compliance resulted in the contribution of a portion (27.97-acres) of the previously 79.81-acre property to the Rancho Simi Recreation and Park District.

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

7. The proposed development is approved in accordance with the California Environmental Quality Act and all other applicable laws.

As discussed in Section B of this staff report (above) and the MND (Exhibit 4) and MND Addendum (Exhibit 5), the proposed project is in compliance with CEQA. The MND identified potentially significant impacts, which included impacts to sensitive animal species (San Diego Horned Lizard [*Phrynosoma coronatum blainvillii*]) and nesting birds during ground disturbance throughout project construction and to public health associated with enforcement of state regulations and the potential for odors to escape the project site. Because physical changes to the project site would be limited to a minor expansion of the CUP boundary, the proposed project is not anticipated to exacerbate impacts to sensitive species, and no additional pre-construction surveys, which were required by a previously imposed mitigation measure, would be required to mitigate potential impacts.

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

8. 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 [Section 8111-1.2.1.2.a].

The proposed project includes the continued use of the existing facility and the minor expansion of the existing CUP boundary; however, the small expansion area neither includes an agricultural operation nor would it restrict any potential future development of agriculture on the project site.

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

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

The proposed project does not include the construction and use of any new structures on the project site and would not restrict existing or future agricultural productivity on the project site or affect agricultural development.

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

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

The proposed project does not include any lands under active agricultural production. Furthermore, the portions of the subject parcel outside of the CUP boundary are generally characterized by steep hills that are unsuitable for agricultural production. Therefore, the continued operation of the facility, along with the proposed expansion of the CUP boundary, would not remove any land from agricultural production.

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

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

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091) and Ventura County NCZO (Section 8111-3.1). On May 28, 2021, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located and on May 28, 2021, the Planning Division placed a legal ad in the *Ventura County Star*. As of the date of this document, the Planning Division has not received any comments from this noticing.

The project site is located within the City of Simi Valley's Area of Interest. Therefore, on August 17, 2015, the Planning Division notified the City of Simi Valley of the proposed project and requested the City of Simi Valley to submit any comments that the City might have on the proposed project. As of the date of this staff report, the City of Simi Valley did not respond to the County's request for comment. On May 28, 2021, Notification of the public hearing was sent to the City of Simi Valley.

On May 28, 2021, notification of the public hearing was also sent to the United States Fish and Wildlife Service and California Department of Fish and Wildlife.

G. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, including the proposed MND as augmented by the MND Addendum (Exhibits 4 and 5), Conditions of Approval and Mitigation Monitoring and Reporting Program (Exhibit 6), and has considered all comments received during the public comment process;
2. **FIND** that none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent MND have occurred;
3. **ADOPT** the MND Addendum (Exhibit 5);
4. **MAKE** the required findings to grant a Minor Modification of a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
5. **GRANT** Minor Modification of CUP Case No. LU04-0145, subject to the conditions of approval (Exhibit 6).
6. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

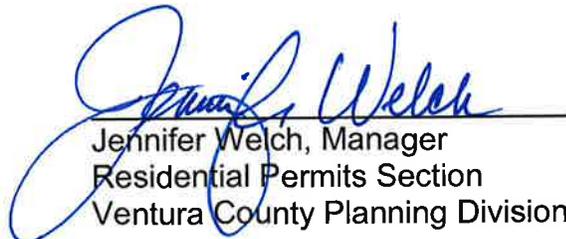
If you have any questions concerning the information presented above, please contact Kristina Boero at (805) 654-2467 or kristina.boero@ventura.org.

Prepared by:



Kristina Boero, Senior Planner
Residential Permits Section
Ventura County Planning Division

Reviewed by:



Jennifer Welch, Manager
Residential Permits Section
Ventura County Planning Division

EXHIBITS

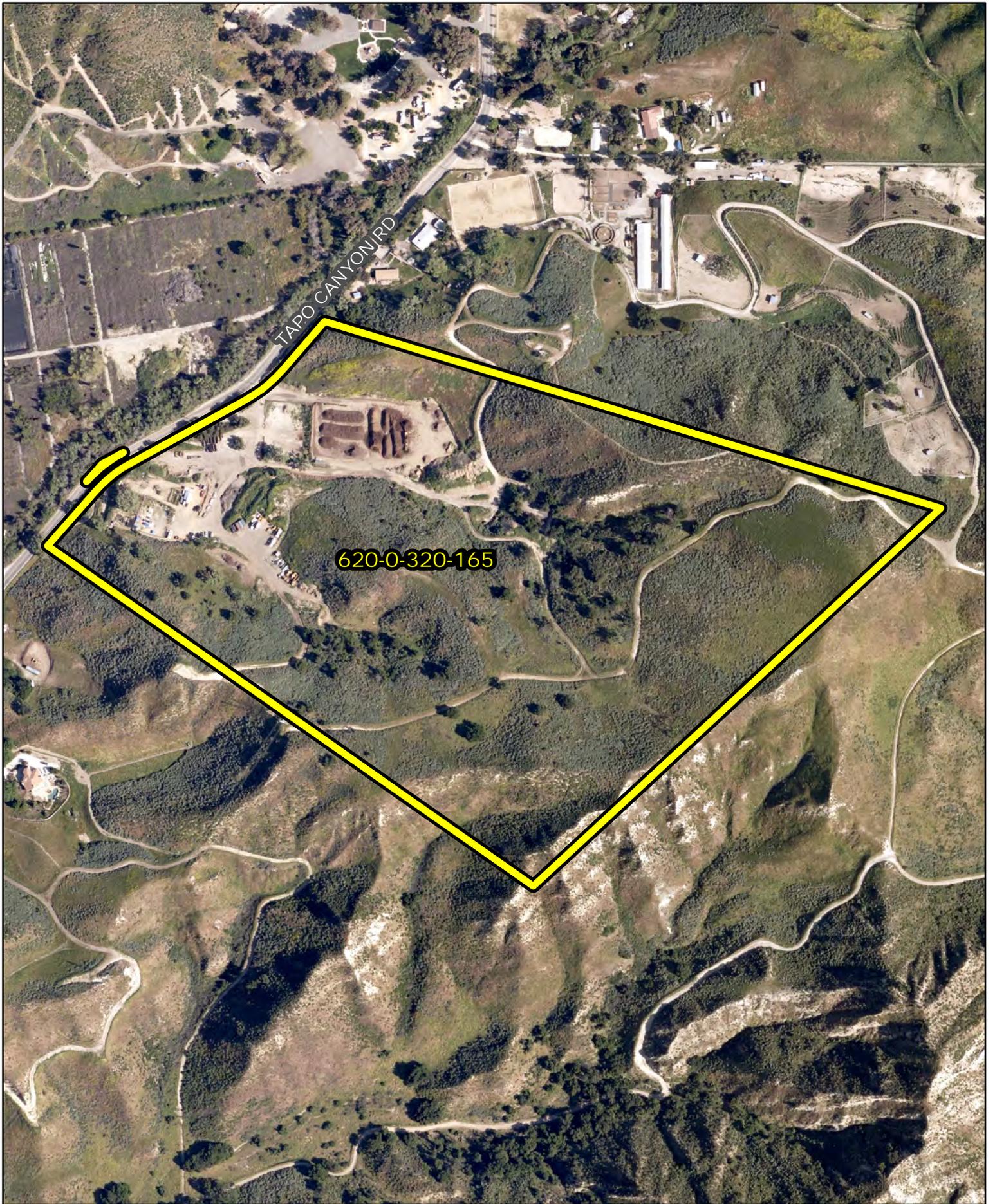
Exhibit 2 – Maps

Exhibit 3 – Site Plan

Exhibit 4 – Adopted MND (Case No. LU04-0145)

Exhibit 5 – MND Addendum

Exhibit 6 – Draft Conditions of Approval and Mitigation Monitoring and Reporting Program



TAPO CANYON RD

620-0-320-165



Ventura County
Resource Management Agency
Information Systems GIS Services
Map created on 5/18/2021
Source: Vexcel®, December 2021

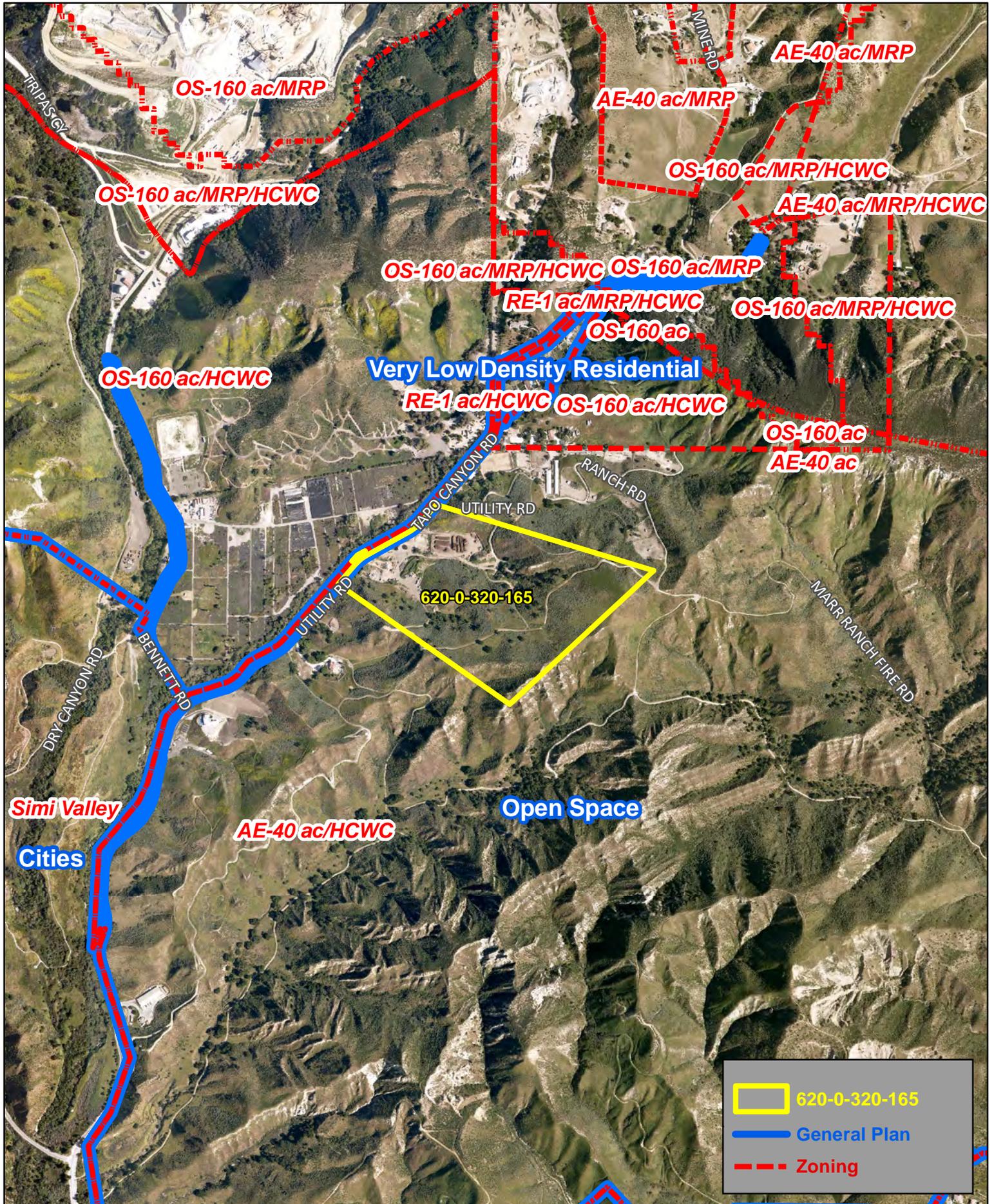


County of Ventura
Planning Director Hearing
PL15-0126
Exhibit 2 - Maps



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





620-0-320-165
 General Plan
 Zoning



Ventura County
 Resource Management Agency
 Information Systems GIS Services
 Map created on 5/18/2021
 Source: Vexcel®, December 2021



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



MITIGATED NEGATIVE DECLARATION

A. PROJECT DESCRIPTION:

1. **Entitlement:** LU 04-0145 Conditional Use Permit
2. **Applicant:** Kurt Mikell / American Soil Amendment Products & Nursery Co.
3. **Location:** Tapo Canyon Rd. (approximately one-half mile northeast of Bennett Road) in Simi Valley Area of Interest, County of Ventura
4. **Assessor Parcel No(s):** 620-0-320-095
5. **Parcel Size:** 81.42 ± acres (CUP activity area approximately 3 ± acres)
6. **General Plan Designation:** Open Space
7. **Existing Zoning:** AE-40 ac (Agriculture Exclusive, 40 acres min. lot size)
8. **Responsible and/or Trustee Agencies:**
9. **PROJECT:** Conditional Use Permit (CUP) for Soil Amendment Blending Operations (primary) and Commercial Organics Processing Operations – Medium Scale (accessory / related and subordinate use). Includes up to 1,000 cubic yards composting & vermiculture (no chipping & grinding and no green waste - organic material consists of clean wood chips and used/soiled wood chips used for horse bedding). No permanent structures are planned. A caretaker mobile home has been removed and the site is currently vacant excepted for unused cattle pens. Portable restroom facilities are to be installed for onsite workers. The CUP includes grading for improvements to onsite unpaved driveway. The parcel is 81.42 acres in size. All processing activities will take place on a 3 ± acre portion of the parcel. Improvements to landscaping, driveways, drainage, etc., will occur on an additional 3 ± contiguous acres. Includes parking for up to four (4) trucks, 1-2 front end loaders, 1-2 fork lifts and a diesel-powered blending machine. Other activities onsite will include crop production (horticulture), which does not require a land use permit in AE zoning. Includes five (5) employees onsite, Monday through Saturday, 7:00 A.M. - 4:00 P.M.

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

State law requires that an Initial Study (environmental analysis) be conducted to determine if this project could significantly affect the environment. Based on the findings contained in the attached Initial Study, it has been determined that this proposed project may have a



reduce the impacts to Less Than Significant levels. As such, a Mitigated Negative Declaration has been prepared and the applicant has agreed to implement the Mitigation Measures.

- C. **LISTING OF POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED:**
CEQA ITEM 6 A. ENDANGERED, THREATENED, OR RARE SPECIES. The potential presence of sensitive animal species (special-status species, specifically, San Diego Horned Lizard), is considered Potentially Significant but Mitigable. No listed species were observed during a field study. Mitigation Measures will reduce potential impacts to Less than Significant.
CEQA ITEM 21. PUBLIC HEALTH. The proposed project may have impacts to public health, considered Potentially Significant but Mitigable. Compliance with applicable state regulations enforced by the Environmental Health Division will reduce any impacts to a level considered Less than Significant.

D. **PUBLIC REVIEW:**

1. **Legal Notice Method:** Direct mailing to property owners within 300 feet of proposed project boundary and residents within 100 feet of the project boundary, and a legal notice in a newspaper of general circulation.
2. **Document Posting Period:** October 7, 2005 - October 26, 2005.
3. **Public Review:** The Initial Study prepared for this proposed project has determined that the project will not have adverse environmental impacts with implementation of Mitigation Measures. The Initial Study/Mitigated Negative Declaration is available for public review at the County of Ventura, Resource Management Agency, Planning Department, 800 South Victoria Avenue, Ventura, California from 8:00 am to 5:00 pm Monday through Friday.
4. **Comments:** The public is encouraged to submit written comments regarding this Mitigated Negative Declaration no later than 5:00 p.m. on the last day of the above posting period to: Rita Graham at the County of Ventura Resource Management Agency, Planning Department, 800 South Victoria Avenue L#1740, Ventura, CA 93009. The Planning Division's FAX number is (805) 654-2509. You may also e-mail the Case Planner at rita.graham@ventura.org.

E. **CONSIDERATION AND APPROVAL OF THE NEGATIVE DECLARATION:**

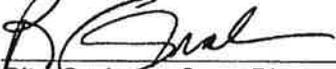
Prior to approving the project, the decision-making body of the Lead Agency must consider this Mitigated Negative Declaration and all comments received during public review. That body shall approve the Mitigated Negative Declaration if it finds that all the significant effects have been identified and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

Mitigated Negative Declaration for LU 04-0145

Date: September 30, 2005

Page 3 of 3

Prepared by:



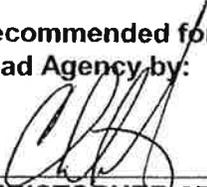
Rita Graham, Case Planner
(805)654-2467

Reviewed for Release to the Public by:



Patrick Richards, Manager
Land Use Permits Section

Recommended for Approval by
Lead Agency by:



CHRISTOPHER STEPHENS, Director
Planning Division

(K)

DRAFT MITIGATED NEGATIVE DECLARATION

SECTION A

LU 04-0145

AMERICAN SOIL AMENDMENT PRODUCTS CO., APPLICANT TAPO CANYON ROAD, SIMI VALLEY AREA

PROJECT DESCRIPTION

Project Location: Tapo Canyon Road, approximately one half-mile north of Bennett Road in unincorporated Simi Valley, Ventura County, ASSESSOR'S PARCEL NUMBER: 620-0-320-095. The parcel is not in the City of Simi Valley Sphere of Influence or City Urban Restriction Boundary (CURB). It is located within the Simi Valley Area of Interest.

Permit Area, Buildings, Utilities and Operations: Conditional Use Permit (CUP) for Soil Amendment Operations (primary) and Organics Processing Operations – Medium Scale (accessory or related and subordinate use). No permanent structures are planned. A caretaker mobile home has been removed and the site is vacant excepted for unused cattle pens. Portable restroom facilities are to be installed for onsite workers. The CUP includes grading for improvements to onsite unpaved driveway and emergency access.

Soil Amendment activity includes importation and mixing of soil and soil amendments, loading on trucks, and delivery offsite. Approximately once per month a blend of gypsum and other fertilizers are custom mixed for immediate loading and transport offsite. Under the Ventura County Zoning Ordinance, soil amendment activity is described as to type, but it is not regulated strictly as to amounts of amendment product and additives.

The Organics Processing activity includes importation of used horse stall bedding (96% wood shavings and 4% horse manure; comprising less than 1,000 cubic yards) for producing Soil Amendment. Virgin wood chips are also imported as a Soil Amendment component. There is no processing (no chip and grind); merely blending with other amendment products. A small vermiculture operation (approximately 33 cubic yards) is part of the Organics Processing activity. Under the Ventura County Zoning Ordinance, Organics Processing Operations - Medium Scale are regulated as to amounts of feedstock: From 200 cubic yards to 1,000 cubic yards of feedstock and active compost processing and vermiculture is allowed for this permit. The Zoning Ordinance does not regulate stockpiles of finished soil amendment by amounts; however, conditions of approval will be imposed on the location, heights, setbacks and other site plan considerations for the soil amendment product.

All processing activities will take place on a 3-acre (approximate) portion of an 81.42 acre parcel. (Area of improvements - landscaping, driveway improvements, drainage improvements, etc., will include 3 additional contiguous acres, approximately.) The organics processing includes import of small quantities of used horse stall bedding (96% wood shavings, 4% horse manure). Other activities onsite will include crop production (horticulture), which does not require a land use permit in AE zoning.

Five (5) full time employees will work onsite. Two of these are drivers who will import product onto and off the site. One employee will manage day-to-day activities onsite. Two other

onsite employees will perform soil amendment blending, organics processing (horse bedding) and vermicomposting. Days of operation are Monday through Saturday from 7:00 a.m. - 4:00 p.m.

Equipment to be used includes two trucks operating to transport product. An average of seven (7) to eight (8) truck trips per day are expected for all activities. A total of four (4) trucks may be parked within the 6-acre CUP site boundary. Equipment includes a blender machine. No chipping and grinding equipment is used. Gypsum and other fertilizers are blended by special request and transported promptly. Fertilizers are to be palletized and stored in water-proof bags. Conditions of approval will be imposed for storage.

History: Legally Created Lot: The subject parcel was created as Parcel 2 of Parcel Map Waiver No. PMW-1049 in 2002. Therefore the proposed project will occur on a legal lot.
Enforcement Activity: Resource Management Agency records (Permits Plus) indicate there are no open Zoning or Building & Safety violation cases against the subject property.

SECTION B
INITIAL STUDY CHECKLIST
LU 04-0145 / AMERICAN SOIL AMENDMENT PRODUCTS
TAPO CANYON ROAD (APN 620-0-320-095)
SIMI VALLEY AREA OF INTEREST

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

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

16.	AVIATION HAZARDS (AIRPORTS)	X				X			
17.	FIRE HAZARDS (FIRE)		X				X		

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

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

***DEGREE OF EFFECT:**

N = No Impact.

LS = Less than significant

PS-M = Potentially Significant Impact Unless Mitigation Incorporated.

PS = Potentially Significant Impact.

AGENCIES:

APCD - Air Pollution Control District
PWA - Public Works Agency
Plng. - Planning Division
GSA - General Services Agency
Ag. Dept. - Agricultural Department
FCD - Flood Control District

Airports - Department Of Airports
Fire - Fire Protection District
Sheriff - Sheriff's Department
EH - Environmental Health Division
Lib. Agency - Library Services Agency

SECTION "C"
INITIAL STUDY CHECKLIST
DISCUSSION OF RESPONSES
LU 04-0145/AMERICAN SOILD AMENDMENT PRODUCTS
TAPO CANYON ROAD, SIMI VALLEY AREA OF INTEREST
DRAFT MITIGATED NEGATIVE DECLARATION

1. GENERAL

Item 1. General Plan Environmental Goals and Policies

Planning Division staff prepared the Initial Study for General Plan Environmental Goals and Policies. The proposed project site has a General Plan land use designation of "Open Space" and the zoning is "AE" (Agriculture Exclusive, 40 acre minimum lot size). Staff has determined that the proposed project is in compliance with the environmental goals, policies and programs of the Ventura County General Plan, the County's Subdivision Ordinance, and the General Plan of the City of Simi Valley. The City has not extended its Sphere of Influence or City Urban Restriction Boundary (CURB) to this parcel. Therefore, **No Impacts** to General Plan environmental goals and policies are expected.

2. LAND USE

Item 2. A. Community Character

Planning Division staff prepared the Initial Study for General Plan Environmental Goals and Policies. Project Description: Conditional Use Permit (CUP) for Soil Amendment Operations and Organics Processing Operations – Medium Scale (activities only; no permanent structures are planned). A caretaker mobile home has been removed. CUP includes grading for improvements to onsite driveway and emergency access. All activities to take place on a 3-acre (approximate) portion of an 81.42 acre parcel. Improvements (landscaping, access driveway, drainage improvements) will also occur on three (3) additional contiguous acres.

The proposed project was reviewed and evaluated using the *Ventura County Initial Study Assessment Guidelines of September 2000*. Evaluation is on a case by case basis and evaluates compatibility with land uses, buildings, land use designations, zoning and parcel sizes of surrounding properties. Contiguous properties are also of large size. A residence has been built on the property immediately to the south. However, from applicant's CUP site to this dwelling is over 1,000 feet. There is no development on the newly created large lots to the north and east. A plant nursery and horticulture operation exists on the property to the west, across Tapo Canyon Road and Gillibrand Creek. A soil amendment activity and organics processing operation is in keeping with the agricultural community character of this business. Therefore, impacts to the community character will be **Less than Significant**.

Item 2. B. Housing:

Planning Division staff prepared the Initial Study for General Plan Environmental Goals and Policies. The proposed development was reviewed and evaluated for impacts to housing using the *Ventura County Initial Study Assessment Guidelines of September 2000*. One caretaker mobile home is to be removed. Five employees are to be employed on the site. These changes do not exceed the threshold criteria for significant impacts. Therefore, impacts to Housing will be **Less than Significant**.

Item 2. C. Growth Inducement:

Planning Division staff prepared the Initial Study for General Plan Environmental Goals and Policies. The proposed project was reviewed for growth inducing impacts using the *Ventura County Initial Study Assessment Guidelines of September 2000*. Analysis is on a case by case basis. No impediments to growth will be removed as a result of the project. It is consistent with existing zoning. No physical impediments will be removed because the project does not require the extension of new services. There are no policy impediments at issue. The proposed project will not result in the creation of any new parcels. The development of the parcel with a Soil Amendment use and an Organics Processing Operation is not considered to be "substantial growth". Therefore, growth inducement impacts will be **Less than Significant**.

RESOURCES

3. AIR QUALITY

Item 3. A. Regional

The Ventura County Air Pollution Control District (APCD) submitted a Revised Initial Study dated July 13, 2005. The agency stated: Based on information provided by the applicant, APCD found air quality impacts will be below the 25 pounds per day threshold for reactive organic compounds (ROG) and oxides of nitrogen (NO_x) as described in the *Ventura County Air Quality Assessment Guidelines*. Therefore, the project is expected to have a **Less than Significant** impact on regional air quality.

Item 3. B. Local

The Ventura County Air Pollution Control District (APCD) submitted an Initial Study dated July 13, 2005. The agency stated: Based on information in the project application, the subject project has the potential to generate local air quality impacts. However, through the implementation of the following project conditions, potential impacts would be minimized to a less than significant level. The proposed facility is primarily surrounded by open space, vacant land, and agricultural uses. The nearest home is approximately 1,400 feet to the north. [Planning Division Note: A residence is under construction approx. 1,000 feet to the south, currently.] Nevertheless, potential impacts could still become significant in the proposed location without proper monitoring and progressive odor management protocols being aggressively implemented. Every effort should be made to minimize any potential impacts regardless of the number of sensitive receptor potentially impacted. As Simi Valley continues to grow, the potential exists for a sizeable number of residences and/or businesses to be built

in close proximity to the proposed facility. Should this situation arise, the potential for odor complaints against the facility could increase. Currently, the Lead Enforcement Agency (LEA) responsible for odors associated with composting facilities in Ventura County is the County of Ventura's Environmental Health Division (EHD). APCD recommends that any odor control plans and conditions developed by the applicant be done so in consultation with the EHD. Project Conditions of Approval have been imposed by APCD. Through implementation of the project conditions, potential impacts would be minimized to **Less than Significant**.

4. Water Resources

Item 4. A. Ground Water Quantity

The Ventura County Water Resources Division submitted an Initial Study dated January 31, 2005. The agency stated: Groundwater Quantity is deemed **Less than Significant (LS)** because groundwater usage will be minimal.

Item 4. B. Ground Water Quality:

The Ventura County Water Resources Division submitted an Initial Study dated January 31, 2005. During processing, the applicant changed the project description to delete a caretaker dwelling unit with septic system. Applicant also submitted to Water Resources Fruit Growers Laboratory, Inc. soil sample tests from the applicant's current location to assist Water Resources in evaluating potential leachate issues at the proposed Tapo Canyon location. The agency stated: Groundwater Quality is deemed **No Impact (N)** provided applicant complies with conditions (project Conditions of Approval).

Item 4. C. Surface Water Quantity:

The Ventura County Watershed Protection District submitted an Initial Study dated October 19, 2004. The project area is a small portion of an 81.42 acre parcel. The agency stated: The proposed construction is not significant; the project will have **Less than Significant** impacts on surface water quantity.

Item 4. D. Surface Water Quality:

The Ventura County Watershed Protection District submitted an Initial Study dated October 19, 2004. The agency submitted Conditions of Approval for the project including berms, revegetation, and/or other approved methods to ensure that surrounding land and water resources are protected from erosion, gullying, sedimentation, and contamination. In addition, the agency submitted a project Condition of Approval requiring a Standard Urban Impact Mitigation Plan (SQUIMP). The agency stated: The project will have **Less than Significant** impact on surface water quality.

5. Mineral Resources

Item 5. A. Aggregate

Planning Division staff prepared the Initial Study for Mineral Resources – Aggregate. Current Resource Management Agency Mapping GIS indicates the project site is not zoned for “mineral resource protection.” The proposed project will not affect current aggregate manufacturing nor production “stream,” nor will the proposed project result in direct impacts through the use of mineral resources as described in the *Ventura County Initial Study Assessment Guidelines of September 2000*. Therefore, **No Impacts** to aggregate mineral resources are expected.

Item 5. B. Petroleum Resources

Planning Division staff prepared the Initial Study for Mineral Resources – Petroleum Resources. Current Resource Management Agency Mapping GIS indicates that the proposed project area was previously a part of CUP 491, an oil extraction permit. CUP 491 has expired. (CUP was granted on June 19, 1956 to M.H. Marr on the parent parcel APN 620-0-010-01.) The proposed permit for a Soil Amendment and Organics Processing Operation (Medium Scale) on a 3-acre portion of the 81.42 acre parcel will not preclude access to petroleum resources, nor create a demand for the use of additional resources as described in the *Ventura County Initial Study Assessment Guidelines of September 2000*. Therefore, **No Impacts** to petroleum resources are expected.

6. BIOLOGICAL RESOURCES

Consulting biologist Rincon Consultants, Inc., submitted an Initial Study for biological resources dated August 15, 2005.

ITEM 6 A. ENDANGERED, THREATENED, OR RARE SPECIES

Results of the July 2, 2005 field survey found no listed species present onsite, and many of the plants listed do not occur within the habitat found within the proposed project area. (Project area is less than 3 acres of an 81.42 acre parcel and includes approximately 3 additional acres for access improvements, drainage improvements, and landscaping.) The survey was performed during the blooming period for the plants listed as potentially present, with the exception of Rayless ragwort (*senecio aphanactis*). This plant is not anticipated within the project area due to the nature and level of disturbance within the project site. Therefore, impacts to sensitive plant species is considered **Less than Significant**. Additionally, the field survey performed on July 7, 2005 did not reveal any sensitive animal species; however, there is the potential for sensitive animal species considered **Potentially Significant but Mitigable**.

MITIGATION MEASURES

1. Sensitive Species. Not more than two weeks prior to ground disturbing activities, a preconstruction survey for special-status species, specifically San Diego Horned Lizard, shall be conducted by a qualified biologist. Any individuals found shall be captured, when possible, and transferred to adjacent appropriate habitat within the remaining property onsite.

2. Mitigation Monitoring Program. A project condition shall be imposed that prior to issuance of a Zoning Clearance, Mitigation Measure No. 1 must be satisfied. The permittee shall provide to the Case Planner a brief report by the biologist indicating a preconstruction survey

occurred, stating the date of the survey, listing any species that were captured, and describing the habitat and general location of the transfer area.

3. Nesting Birds. Land disturbing activities are recommended to occur outside the bird nesting season (March 1 - September 15). If work must occur during this period, a preconstruction survey for nesting birds is required. Any active nests must be buffered in coordination with the California Department of Fish and Game until the nests are no longer utilized.

4. Mitigation Monitoring Program. A project condition shall be imposed that prior to issuance of a Zoning Clearance during the period March 1 - September 15, Mitigation Measure No. 3 must be satisfied. The permittee shall provide to the Case Planner a brief report by the biologist indicating a preconstruction survey for nesting birds occurred, stating the date of the survey, listing any species observed, and describing the type and extent of buffers used. The report shall include a description of the type of coordination required by the California Department of Fish and Game, as required by that agency.

Responsibility for Mitigation:

The responsibility for implementation and success of the mitigation is the property owner's. Failure to comply with the requirements of the mitigation shall result in the delay in construction and/or final signoff for Building Permit final check.

Therefore, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the mitigation conditions imposed to protect biological resources and agreed to by the property owner. Therefore, the proposed project will have a less than significant impact on biological resources.

ITEM 6 B. WETLAND HABITAT

No wetland habitats were observed in the proposed project area and none are expected. **No Impact.**

ITEM 6 C. COASTAL HABITAT

The proposed project area is located within the Non-Coastal Zone of the Ventura County General Plan. Therefore, the project would not impact coastal resources. **No Impact.**

ITEM 6 D. MIGRATION CORRIDORS

The proposed project area and the surrounding property of parcel APN 620-0320-05 are not located within any recognized wildlife corridor. Several important wildlife linkages occur along Highway 118; however, these are more than 3.5 miles from the project area. Additionally, the eastern boundary of the property is adjacent to a County designated landscape linkage; however, this is approximately one-half mile from the project area. Due to the small size and nature of the proposed project, and its distance from a recognized wildlife corridor or landscape linkage, any species passing through the project site would still be able to utilize other areas of the site and adjacent open lands for passage. Therefore, the project would not introduce a significant barrier to migration and project impacts to migration corridors are considered **Less than Significant**. The project is not anticipated to contribute to cumulative impacts on

migration corridors and no mitigation is required.

ITEM 6 E. LOCALLY IMPORTANT SPECIES/COMMUNITIES

A CNDDDB search found several communities of special concern that may exist within the project vicinity (Cismontane Alkali Marsh, Southern Coast Live Oak Riparian Forest, Southern Mixed Riparian Forest, Southern Sycamore Alder Riparian Woodland, and Southern Riparian Scrub). None of the above listed communities was observed in the project area. Therefore, impacts related to communities of special concern are considered **Less than Significant**.

7. Agricultural Resources

Items 7. A. through 7. E.:

A request for project review was forwarded to the Agricultural Commissioner's Office. Due to unavailability of staff in that office, the Planning Division prepared the Initial Study for Agricultural Resources. The project site is designated "Other" on the California Department of Conservation Farmland Mapping and Monitoring Program, *Important Farmlands Maps*, and does not contain agricultural soils. The project site is not in agricultural production, nor located in proximity to properties in agricultural production. Therefore, the project will not result in (1) the removal of agricultural soils; (2) the diversion of ground or surface water that is currently used to irrigate crops to other uses, or adverse impacts to ground or surface water quality that would affect agricultural production; (3) increased dust or the prohibition of solar access that would adversely affect agricultural operations; (4) the introduction of pests or diseases that would be harmful to agricultural operations; and (5) the creation of land use conflicts with agricultural operations. Impacts are **Less than Significant**.

8. Visual Resources

Item 8. A. and 8. B.

Planning Division staff prepared the Initial Study for Visual Resources. The project site borders Tapo Canyon Road which is an eligible scenic highway as described in the *Ventura County Initial Study Assessment Guidelines of September 2000*. The project site (CUP boundary) is within one half-mile of the resource, the distance at which visibility from the resource is anticipated to have some impact. The Planning Division has imposed Conditions of Approval for landscaping along the western boundary of the property to screen the view of project activities from the road. With these conditions, the project impacts area expected to be **Less Than Significant**.

9. Paleontological

Item 9. Paleontological Resources

Planning Division staff prepared the Initial Study for Paleontological Resources using the criteria and methodology set forth in the *Ventura County Initial Study Assessment Guidelines (2000)*. The project site is not in an area known for Paleontological Resources according to the Resource Management Agency Planning GIS database. Paleontological Resources are

fossilized remains of plant and animal life. There are no important exposed geological formations in the project area. The *Guidelines* recommend a standard Condition of Approval for instructing work crews in the unlikely event a Paleontological Resource is unearthed during activities: *If fossil remains are found during construction, construction activities should halt in the area of disturbance. An approved paleontological consultant shall be called to the site immediately to assess the site and determine further mitigation measures, as appropriate.* Therefore, the project is expected to have **No Impact**.

10. Cultural Resources

Item 10. A. Archaeology

Planning Division staff prepared the Initial Study for Cultural Resources – Archaeology, using a prior study conducted by RBF Associates, Inc. in 2002 for the subject parcel and its parent parcel (Case File PMW-1049). Archaeologist Dan Larson performed a field inspect of the project area in 2002 for the Mitigated Negative Declaration prepared for Parcel Map Waiver No. PMW-1049, which created APN 620-0-320-095, the subject parcel. A records search indicated that no prehistoric or historic archaeological sites have been recorded. During the field survey the entire project area was thoroughly inspected for surface indications of cultural resource remains. The results of the Phase 1 archaeological study indicated that no prehistoric and no historic archaeological resources were encountered within the project area. Any proposed improvements or modifications within the project area will have **No Impact** on known cultural resources.

Item 10. B. Historical Resources:

Planning Division staff prepared the Initial Study for Cultural Resources – Historical Resources, using a prior study on the site conducted by RBF Associates, Inc. in 2002 for Parcel Map Waiver No. 1049. A records search indicated that no historic archaeological sites have been recorded. No National Register properties exist. No significant California State Historical Resources Inventory properties exist. No California Historical Landmarks (1990) have been identified. No California Points of Historical Interest (1992) are recorded. (Historical resources are objects, buildings, structures, sites, areas, places, records or manuscripts recorded or determined to be historically significant.) Therefore, **No Impacts** to historical resources are expected.

Item 10. C. Ethnic, Social or Religious:

Planning Division staff prepared the Initial Study for Cultural Resources – Ethnic, Social or Religious, using a prior study on the site conducted by RBF Associates, Inc. in 2002 for Parcel Map Waiver No. 1049. Based on the study, the proposed project site does not contain any known resources of ethnic, social or religious significance. (This category includes unique material or organizational expression of ethnic and group values; places of worship, shrines, etc.) Therefore, **No Impacts** to historical, ethnic, social or religious resources are expected.

11. Energy Resources

Planning Division staff prepared the Initial Study for Energy Resources (defined as solar,

petroleum, wind, and hydraulic power). Almost all projects will directly or indirectly use energy. The proposed Soil Amendment and Organics Processing Operations will use energy resources – a small amount of petroleum for trucks and electricity for small tools and equipment. No individual project is considered as having a significant impact because emergency sources are either renewable or covered separately (petroleum). Therefore, impacts to energy resources will be **Less than Significant**.

12. Coastal Beaches and Sand Dunes

The Ventura County Public Works Engineering Services Department submitted an Initial Study dated October 13, 2004. The agency stated: The project site is not located on the coast; therefore there will be **No Impacts** to coastal beaches or sand dunes.

13. Seismic Hazards

Item 13. A. Fault Rupture

The Ventura County Public Works Engineering Services Department submitted an Initial Study dated October 13, 2004. The agency stated: 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 Impacts** relating to fault rupture.

Item 13. B. Ground Shaking

The Ventura County Public Works Engineering Services Department submitted an Initial Study dated October 13, 2004. The agency stated: 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 economical 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. Therefore, the adverse impacts, relating to ground shaking, would be considered to be **Less than Significant**.

Item 13. C. Tsunamis and Item 13. D. Seiches

The Ventura County Public Works Engineering Services Department submitted an Initial Study dated October 13, 2004. The agency stated: Pursuant to the Countywide General Plan, Hazards Appendix, Figure 2.6, the proposed project is not located in a Tsunami and/or Seiches Zone. Therefore, there would be **No Impacts** relating to tsunamis and/or seiches.

Item 13. E. Liquefaction

The Ventura County Public Works Engineering Services Department submitted an Initial Study dated October 13, 2004. The agency stated: Pursuant to the Countywide General Plan, Hazards Appendix, Figure 2.6, the proposed project is located in a Liquefaction Zone.

However, the project does not involve habitable structures at this time. The Building Code requires an evaluation for structures that meet certain criteria. Therefore, the potential hazard from liquefaction should be considered negligible. Therefore, the potential hazard due to liquefaction should be considered negligible. Therefore, the adverse impact, relating to liquefaction, would be considered to be **Less than Significant**.

14. Geologic Hazards

Items 14. A. Subsidence and Item B. Expansive Soils

The Ventura County Public Works Engineering Services Department submitted an Initial Study dated October 13, 2005. The agency stated: If subsidence were to take place the majority of settlement would occur during construction. The subsidence should be minimum post construction settlement. Therefore, the adverse impacts, relating to settlement, would be considered to be less than significant. Pursuant to the Countywide General Plan, Hazards Appendix, Figure 2.8, the proposed project is located in an Expansive Soils Zone. The expansive nature of the soils would be addressed through the County's Building Code. No new structure construction is proposed. Therefore, the adverse impacts relating to expansive soils would be considered to be **Less than Significant**.

Item 14. C. Landslides/Mudslides

The Ventura County Public Works Engineering Services Department submitted an Initial Study dated October 13, 2004, and a clarification memo dated July 20, 2005. The agency stated: The slopes adjacent to the project are considered susceptible to landslides and mudslides; however, the project does not involve habitable structures. The identification of landslides and mudslides will be required as part of any grading or building permit submittal. In this regard, the impacts from landslides and mudslides are considered to be **Less than Significant**.

15. Hydraulic Hazards

Item 15. A. Erosion/Siltation

The Ventura County Watershed Protection District submitted an Initial Study dated October 19, 2004. The agency stated: The project will have less than significant impact on erosion and siltation. Surface runoff and drainage from all activities shall be controlled by berms, revegetation, and/or other approved measures to ensure that surrounding land and water resources are protected from erosion, gulying, sedimentation, and contamination. The agency has imposed project Conditions of Approval including a Standard Urban Impact Mitigation Plan (SQUIMP) to address post-development stormwater runoff impacts.

On October 13, 2004, the Ventura County Engineering Services Department submitted an additional review memo. The agency stated: 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 Ventura County Building Code and the Uniform Building Code require storm damage prevention measures to reduce this potential adverse impact. Therefore, there would be **No Impacts** relating to erosion/siltation.

Item 15. B. Flooding

The Ventura County Watershed Protection District submitted an Initial Study dated October 19, 2004. The agency stated: The project is not located in an area of known flood hazard. Therefore, the project will have **Less than Significant** impact on flooding.

The Ventura County Engineering Services Department submitted an additional review memo. The agency stated: Due to the inland location and elevation of the site, and since all the proposed building sites are at a sufficient elevation to mitigate potential storm induced flooding, there would be **No Impact** relating to flooding.

16. AVIATION HAZARDS (AIRPORTS)

Planning Division staff prepared the Initial Study for Aviation Hazards. Only projects located within a two-mile radius of a county airport (Oxnard, Camarillo) may be a potential hazard to aviation. The subject property is not located within two miles of either facility. Therefore, there will be **No Impacts** to or from airports.

17. FIRE HAZARDS

The Ventura County Fire Protection District submitted an Initial Study dated October 12, 2004. The agency stated: This proposed project will be required to comply with the Uniform Fire code 2000 ed. Ad adopted and amended by VCFPD Current Ordinance for Fire Hazard Abatement and also the Uniform Building Code for required building standards. The proposed project will have a **Less than Significant** impact.

18. HAZARDOUS MATERIALS/ WASTE

Item 18. A. Above-Ground Hazardous Materials:

The Ventura County Fire Protection District submitted an Initial Study dated October 12, 2004. The agency stated: The project will have less than significant impact as long as the organic processing is monitored and maintained in accordance with the fire safety requirements. Any hazardous material use and storage will be required to comply with the Uniform Fire code 2000 ed., Article 80 as adopted and amended by the VCFPD Current Ordinance. The proposed project will have a **Less than Significant** impact.

Item 18. B. Hazardous Materials:

The Ventura County Environmental Health Division submitted an Initial Study dated May 4, 2005. The agency stated: The proposed project does not include the use of hazardous materials. Therefore, the project will have **No Impacts** relative to hazardous materials.

Item 18. C. Hazardous Wastes:

The Ventura County Environmental Health Division submitted an Initial Study dated May 4,

2005. The agency stated: The proposed project may have impacts to public health. Compliance with applicable state regulations enforced by the Environmental Health Division will reduce any impacts to a level considered **Less than Significant**.

19. NOISE AND VIBRATION

Planning Division staff prepared the Initial Study for Noise and Vibration impacts. Based on a site visit and information provided by the applicant, the topography of the Assessor Parcel consists of a semi-circle of hillsides, such that noise and vibration from the proposed Soil Amendment and Organics Processing Operations is unlikely to be heard or noticed on neighboring properties to the north, east, or south. The distance from the CUP site to the north boundary will be over 200 feet. The distance to the nursery/horticulture operations across Tapo Canyon Road to the west will be approximately 400 feet, with distances to any agricultural buildings over 1,000 feet. The distance from the CUP site to the south boundary will be over 500 feet. Currently, the closest structures (a home to the south and agricultural buildings to the west) are all over 1,000 feet from the proposed project site, approximately.

Only the agricultural/horticulture operation to the west is open topographically to the flow of noise and vibration. The project description excludes chipping and grinding, which is typically the greatest noise producer in Organics Processing. The only noise producing equipment will be the blending machine, one loader and one forklift. The Planning Division will impose Conditions of Approval for operations and activities that will reduce the impacts of noise and vibration to **Less Than Significant**.

20. GLARE

Planning Division staff prepared the Initial Study for Glare. Based on the information presented in the project description, no light which would directly illuminate or intensely reflect upon adjacent property or be seen by motorists or persons located within sight of the project will occur. The project description includes no new structures that would cause glare, nor will the blending machine, trucks, and earth-moving equipment to be used cause any significant glare. Therefore, impacts from Glare will be **Less Than Significant**.

21. PUBLIC HEALTH

The Ventura County Environmental Health Division submitted an Initial Study dated May 4, 2005. The agency stated: The proposed project may have impacts to public health. Compliance with applicable state regulations enforced by the Environmental Health Division will reduce any impacts to a level considered less than significant. **Potentially Significant but Mitigable**.

MITIGATION MEASURES

1. Prior to issuance of a Zoning Clearance, the applicant shall contact the Hazardous Materials section of the Environmental Health Division to obtain all necessary permits.
2. Prior to issuance of a Zoning Clearance, the applicant shall submit to the Local

Enforcement Agency of the Environmental Health Division an Enforcement Agency Notification and Odor Impact Minimization Plan pursuant to Public Resources Code, Title 14, Section 18100 et seq. and 17863.4.

3. Prior to issuance of a Zoning Clearance, the applicant shall submit to the Environmental Health Division for review and approval an odor control plan to prevent nuisance and migration of odors off-site. Information in the odor control plan may also be included in the Odor Impact Minimization Plan submitted with the Enforcement Agency Notification. The detailed plan should include but not be limited to:
 - a. A description of design factors and operating procedures that will be used to prevent odors from leaving the project boundary.
 - b. A description of local weather conditions affecting migration of odors and/or transport of odor-causing material off-site, including wind patterns and direction.
 - c. An odor monitoring protocol that describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors.
 - d. Procedures for measurement of odors and standards or levels of odors that will not be exceeded.
 - e. A complaint response protocol.
 - f. Additional measures may be required as determined by the Environmental Health Division.
4. If the odor control plan is not adequately preventing a nuisance condition or the plan is not adhered to, as determined by the Environmental Health Division, the odor control plan must be revised and submitted for review and approval to the Environmental Health Division.
5. Bioaerosol levels shall not exceed levels, determined by the State of California Department of Health Services (DHS) to present a public health risk, at any time, at the property line.
6. Prior to construction of an occupied structure within 500 feet of the composting facility, the applicant may be required to submit a program for monitoring bioaerosol levels to the Environmental Health Division (EHD) for review and approval. If the Director of EHD determines bioaerosol monitoring is required, it shall be requested of the permittee in writing. Within 30 calendar days of the date of the writing, the permittee shall submit a proposed bioaerosol monitoring program along with a deposit (to be determined by EHD) to cover the costs of staff to review, coordinate and evaluate the proposed program.

7. Prior to issuance of a Zoning Clearance, the applicant shall submit a detailed operational plan incorporating Best Management Practices for controlling dust, including bioaerosols, to the Environmental Health Division for review and approval.
8. Mitigation Reporting Program. Compliance with applicable state regulations enforced by the Environmental Health Division will reduce any impacts to a level considered **Less Than Significant**. Prior to issuance a Zoning Clearance for use inauguration, the Case Planner will verify that Mitigation Measures # 1, # 2, # 3 and # 7 of this section have met the requirements of the Environmental Health Division. Concurrent with issuance of the Zoning Clearance, the Case Planner shall note on the Zoning Clearance that Mitigation Measures # 4, # 5, and # 6 are required for ongoing condition compliance. The Environmental Health Division makes inspections at times, and under conditions, stated in state statutes.

Responsibility for Mitigation:

The responsibility for implementation and success of the mitigation is the property owner's. Failure to comply with the requirements of the mitigation shall result in the delay in use inauguration permit (Zoning Clearance) or code enforcement action.

Therefore, although the proposed project could have a **Potentially Significant** effect on the environment, there will be a Less than Significant effect in this case because of the mitigation conditions imposed to protect biological resources and agreed to by the property owner. Therefore, the proposed project will have a **Less than Significant** impact on Public Health.

PUBLIC FACILITIES AND SERVICES

22. TRANSPORTATION/ CIRCULATION

Item 22. A. Public Roads and Highways: (1) Level of Service and (2) Safety / Design:

The Ventura County Transportation Department submitted an Initial Study dated November 18, 2004. The agency stated: To address the cumulative adverse impacts of traffic on the Regional Road Network, Ventura County Traffic Impact Mitigation Fee Ordinance 42426 and General Plan Policy 4.2.2 require that the Transportation Department of the Public Works Agency collect a Traffic Impact Mitigation Fee from developments. With payment of the Traffic Impact Mitigation Fee(s), the Level of Service and safety of the existing roads would remain consistent with the County's General Plan. The amount of Traffic Impact Mitigation Fee is based on type of projects proposed by the applicant. The fee will be payable at the time of building permit application. Therefore, adverse traffic impacts relating to level of service & safety-design/ will be **Less Than Significant**.

Item 22. A. (3) Public Roads -Tactical Access :

Ventura County Fire Protection District submitted an Initial Study dated October 12, 2004. The agency stated: The access for this project is less than significant since the main access to the

site off Tapo Canyon Road already meets fire district standards. The agency imposed Conditions of Approval and deemed this item **Less Than Significant**.

Item 22 B. Private Roads and Driveways: (1) Safety /Design and Item B. (2)Tactical Access:

The Ventura County Fire Protection District submitted an Initial Study dated October 12, 2004. The agency stated: The project shall meet current Fire District Access standards, which may require on site road improvements. On site access shall be maintained at no less than 20 feet in width and extend around the perimeter of all organic processing piles. The agency imposed Conditions of Approval and deemed this item **Less Than Significant**.

Item 22. C. Pedestrian/ Bicycle (1) Public Facilities

The Ventura County Transportation Department submitted an Initial Study dated November 18, 2004. The agency stated: The Transportation Department comments that the existing roads in the proximity of the proposed project site do not have provided adequate facilities pursuant to the County's Road Standards and the State Department of Transportation (Caltrans). However, the proposed project (Soil Amendment and Organics Processing activities) may not plan to generate significant pedestrian and bicycle traffic. Therefore, the Transportation Department considers that the adverse impacts relating to the supplementary addition of pedestrians and bicycles into the area would be **Less Than Significant**.

Item 22. D. Off-Street Parking:

Planning Division staff prepared the Initial Study for Transportation/Circulation: Parking. The project includes parking that meets the Zoning Ordinance requirements. Adequate access and ample space is available to accommodate all anticipated vehicles. A condition of approval will be imposed to require adequate parking for employees, work equipment, and occasional visitors. Therefore, **Less than Significant** impacts from off-street parking are expected.

Item 22. E. Bus Transit:

Planning Division staff prepared the Initial Study for Transportation/Circulation: Bus Transit. The project will add only five (5) employees to the site. Under the *Ventura County Initial Study Assessment Guidelines of September 2000*, this would not create a substantial increase in the need for bus transit. Therefore, **Less than Significant** impact to bus transit is expected.

Item 22. F. Railroads:

Planning Division staff prepared the Initial Study for Transportation/Circulation: Railroads. No rail facilities are in the vicinity of the project site. The proposed project will not substantially interfere with existing railroad facilities or operations or affect a rail line or crossing per the *Ventura County Initial Study Assessment Guidelines of September 2000*. Therefore, **No Impacts** to railroads are expected.

Item 22. G. Airports:

Planning Division staff prepared the Initial Study for Transportation/Circulation: Airports. The

proposed project site is not within two (2) miles of a county-operated airport. Accordingly, the proposed project will not impact airports as defined in the threshold criteria for airports in the *Ventura County Initial Study Assessment Guidelines of September 2000*. Therefore, impacts to airports will be **Less than Significant**.

Item 22. H. Harbors:

Planning Division staff prepared the Initial Study for Transportation/Circulation: Harbors. The project site is not located near any harbor, and will not impact harbors as described in the threshold criteria for harbors in the *Ventura County Initial Study Assessment Guidelines of September 2000*. Therefore, there will be **No Impacts** to harbors.

Item 22. I. Pipelines:

Planning Division staff prepared the Initial Study for Transportation/Circulation: Pipelines. As per the County "UMS" Maps there are no oil or gas pipelines on this parcel nor will this project interfere with the operations of existing pipelines as per the threshold criteria for pipelines in the *Ventura County Initial Study Assessment Guidelines of September 2000*. Therefore, there will be **No Impacts** to pipelines.

23. WATER SUPPLY

Item 23. A. Quality

The Ventura County Environmental Health Division submitted an Initial Study dated May 4, 2005. The agency stated: The proposed project will be provided with domestic water from existing on-site water well. Water quality analysis submitted with the application indicates the water quality is in compliance with 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 drinking water standards will reduce any impacts to a level considered **Less than Significant**.

Item 23. B. Quantity

The Ventura County Water Resources Division submitted an Initial Study dated March 3, 2005. The agency stated: Water Supply Quantity is deemed **No Impact (N)** because the applicant has provided a well test that shows that the well can supply a permanent source of domestic water.

Item 23. C. Fire Flow:

The Ventura County Fire Protection District submitted an Initial Study dated October 12, 2004. The agency stated: Water supply for fire protection will be required to meet VCFPD Current Ordinance. The project will have less than significant affect since there are existing hydrants off Tapo Canyon Road. This project will be required to provide fire hydrants for fire protection on site. If a dedicated water supply cannot meet the required fire flow, any future buildings shall be fire sprinklered. The agency imposed Conditions of Approval and deemed

this item **Less than Significant**.

24. WASTE TREATMENT AND DISPOSAL

Item 24. A. Individual Sewage Disposal System:

The Ventura County Environmental Health Division submitted an Initial Study dated May 4, 2005. The agency stated: Individual sewage disposal systems (septic systems) will be utilized for sewage disposal. Soils information provided for review indicates septic system feasibility on the project site. 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**.

Item 24. B. Sewage Collection/Treatment Facilities.

The Ventura County Environmental Health Division submitted an Initial Study dated May 4, 2005. The agency stated: The project site is not within a sewer district and will rely on an individual sewer service for sewage disposal. However there is no development proposed with this project. Therefore, the project will not create any adverse environmental impacts relative to sewage collection or treatment facilities. **No Impact**.

Item 24. C. Solid Waste Management:

The Ventura County Environmental and Energy Resources Division submitted an Initial Study dated January 6, 2005. The agency stated: The Countywide Siting Element, adopted in June of 2001, confirms that Ventura County has 15 plus years of disposal capacity available for waste generated by in-county projects. Accordingly, based on the current solid waste disposal capacity available to Ventura County, the waste generated by this project will fall below the EERD's threshold of significance. This project is "**Less Than Significant**."

Item 24.D. Solid Waste Facilities:

The Ventura County Environmental Health Division submitted an Initial Study dated May 4, 2005. The agency stated: The proposed project does not include a solid waste facility. Therefore, the project will not create any adverse impacts relating to solid waste facilities. **No Impact**.

25. UTILITIES

Item 25 A. Electric:

The Planning Division prepared the Initial Study for Utilities – Electric. Based on information provided by the applicant, the project site is currently served by existing electrical facilities. Therefore, the project is considered to have **No Impact** to Utilities – Electric.

Item B. Gas :

The Planning Division prepared the Initial Study for Utilities – Gas. Based on information provided by the applicant, the completed project will not use natural gas. Therefore, the project is considered to have **No Impact** to Utilities – Gas.

Item C. Communications:

The Planning Division prepared the Initial Study for Utilities - Communications. Based on information provided by the applicants, no communications facilities requiring a separate Conditional Use Permit are planned. Therefore, the project is considered to have **No Impact** to for from Utilities – Communications.

26. FLOOD CONTROL AND DRAINAGE

Items 26 A. FCD Facility

The Ventura County Watershed Protection District submitted an Initial Study dated October 19, 2004. The agency stated: The subject property does not encroach into any District easements, rights-of-way, or jurisdictional watercourses. The property is adjacent to Gillibrant Canyon and Tapo Canyon, both District jurisdictional watercourses. Any direct drainage connections to District watercourses requires District permitting and approval. This project will have **Less than Significant** impact on flood control facilities.

Item B. Other Facilities:

The Ventura County Public Works Engineering Services Department submitted an Initial Study dated October 13, 2004. The agency stated: The proposed project site grading would take into account the potential surface water run-off on the site. The surrounding existing drainage facilities adequately protect the site from flooding from street run-off. Therefore, there would be **No Impacts** relating to flooding induced by drainage facilities not under the regulatory authority of the Flood Control District.

27. LAW ENFORCEMENT/ EMERGENCY SERVICES

Item 27. A. Personnel / Equipment and Item B. Facilities:

The Planning Division prepared the Initial Study for impacts to Law Enforcement/Emergency Services based on the criteria and methodology in the *Ventura County Initial Study Assessment Guidelines (2000)*. The threshold of significance for residential projects is ten units. The proposed project is a single-family dwelling. Therefore, with respect to personnel, equipment and facilities and emergency services the project is deemed **No Impact**.

28. FIRE PROTECTION DISTRICT

Item 28. A. Distance / Response Time and Item B. Personnel / Equipment / Facilities:

The Ventura County Fire Protection District submitted an Initial Study dated October 12, 2004. The agency stated: The distance from full-time, paid fire station is less than

significant and is adequate. The project does not indicate that a new fire station or additional equipment is required. The agency deemed this item **Less Than Significant**.

29. EDUCATION

Items 29. A. Schools and Item B. Libraries:

The Planning Division prepared the Initial Study for Education – Schools and Libraries. The project is non-residential and is not located adjacent to a school or library; therefore, under the *Ventura County Initial Study Assessment Guidelines (2000)* criteria and methodology, the demand for schools and libraries is deemed **No Impact**.

30. RECREATION

Items 30. A. Local Parks/Facilities, B. Regional Parks/Facilities and C. Regional Trails/ Corridors

The Planning Division prepared the Initial Study for Recreation. The project is non-residential and would have no impact on the demand for recreation. The project site is not adjacent to any local or regional facilities or trails. Therefore, the demand for recreation is deemed **No Impact**.

SECTION D

MANDATORY FINDINGS OF SIGNIFICANCE

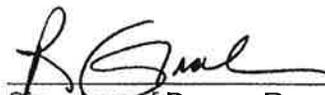
PROJECT: LU 04-0145 APN 620-0-320-095

Location: TAPO CANYON RD., UNINCORPORATED SIMI VALLEY

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

SECTION E
DETERMINATION OF ENVIRONMENTAL DOCUMENT
PROJECT: LU 04-0145 APN 620-0-320-095
LOCATION: TAPO CANYON RD., UNINCORPORATED SIMI VALLEY

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


 Signature of Person Responsible
 For Administering the Project
 Rita Graham, Planning Division

9-30-05
 Date

END OF MITIGATED NEGATIVE DECLARATION
FOR LU 04-0145 APN 620-0-320-095
TAPO CANYON RD., UNINCORPORATED SIMI VALLEY
APPLICANT, MIKELL/AMERICAN SOIL AMENDMENT PRODUCTS CO.



MITIGATED NEGATIVE DECLARATION (MND) ADDENDUM MINOR MODIFICATION CASE NO. PL16-0126 TO CONDITIONAL USE PERMIT (CUP) CASE NO. LU04-0145

AMERICAN SOIL AMENDMENT PRODUCTS

A. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

1. **Entitlement:** The Applicant requests approval of a Minor Modification to a Conditional Use Permit (CUP) No. LU04-0145 for the continued use of a soil amendment facility (Case No. PL15-0126).
2. **Applicant/Property Owner:** American Soil Amendment Products, Kurt Mikell
3. **Applicant's Representative:** Nichole Garner, Jensen Design and Survey, 1672 Donlon Street, Ventura, CA 93303
4. **Location:** 4730 Tapo Canyon Road, approximately 0.31 miles north of the intersection of Tapo Canyon Road and Bennett Road, near the city of Simi Valley, in the unincorporated area of Ventura County
5. **Tax Assessor's Parcel Number:** 620-0-320-165
6. **Lot Size:** 51.84 acres (CUP area is approximately 5.17 acres)
7. **General Plan Land Use Designation:** Open Space
8. **Zone District:** AE-40ac/HCWC (Agricultural Exclusive, 40-acre minimum lot size/Habitat Connectivity Wildlife Corridor Overlay Zone)
9. **Project Description:** The Applicant requests a Minor Modification to CUP Case No. LU04-0145 to authorize the continued use and operation of a soil amendment blending operation and medium-scale commercial organics processing and vermiculture facility (soil amendment facility), known as American Soil Amendment Products, for a period of 10 years. The soil amendment facility manages up to 1,000 cubic yards of composting. The facility composts organic materials consisting of clean wood chips and used horse bedding. The facility does not accept chipping, grinding, or green waste. There will not be any increase in the amount of composting and vermiculture. There are no existing structures on site, and no structures are proposed. A diesel-powered blending machine, two front-end loaders, and two forklifts provide automated support to move product around the facility. The proposed project also includes the minor expansion of the southwest portion of the CUP boundary from approximately 3.59 acres to approximately 5.17 acres. The expanded CUP boundary will account for previously

graded, disturbed areas that the Applicant currently occupies. There will not be any increase in the amount of composting and vermiculture.

The facility is operated by a single, full-time employee Monday through Saturday, 7:00 a.m. to 4:00 p.m. The City of Simi Valley will continue to provide water to the project site for fire protection and dust suppression, and portable restroom facilities will continue to provide sewage disposal.

All processing activities will take place on approximately 5.17 acres of a 51.84-acre lot. In-process piles will be located in the eastern portion of the CUP area; finished piles available for pick-up by customers will be located within the center of the corral area, in the northwestern portion of the CUP area, to separate the public from the processing area and to allow for vehicle turnaround. Unpaved on-site parking (consisting of compacted soil and asphalt chips) will be available for up to four trucks, one to two front-end loaders, one to two forklifts, and a diesel-powered blending machine.

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

On October 27, 2005, the Planning Director adopted a Mitigated Negative Declaration (MND) that evaluated the environmental impacts of a soil amendment blending operation and a medium-scale commercial organics processing operation for composting and vermiculture (no chipping and grinding, no green waste, and organic materials would consist of clean wood chips and used horse bedding only) (Exhibit 4 of the June 7, 2021 Staff Report). No permanent structures were authorized as part of the CUP, and the CUP included grading improvements to on-site unpaved parking areas. Ten mitigation measures were included in the MND and included to address impacts to biological resources (San Diego Horned Lizard and nesting bird pre-construction surveys and on-site fencing types) and public health impacts (hazardous materials, Odor Impact Minimization, odor control, Bioaerosol level maintenance and Best Management practices for dust suppression and bioaerosol minimization). With the implementation of mitigation measures, potentially significant impacts to biological resources (special-status animal species) and public health were reduced to less than significant. All of the biological resource mitigation measures were successfully completed prior to the submittal of the subject modification request. The public health mitigation measures were implemented prior to the submittal of the subject modification request but include mitigation components that are ongoing for the life of the permit. These mitigation measures have been carried forward into the modified permit as a revised Mitigation Monitoring and Reporting Program (Exhibit 6 of the June 7, 2021 Planning Director Staff Report, Condition Nos. 19 through 25).

Section 15164(b) of the CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3) states that the decision-making body may adopt an addendum to an adopted MND if: (1) only minor technical changes or additions are necessary; and

(2) none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent Environmental Impact Report (EIR) or MND have occurred.

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

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

The proposed project includes a request to extend the life of the subject CUP for an additional ten years and increase the CUP boundary from approximately 3.59 acres to approximately 5.17 acres. No new construction, grading, or ground disturbance is proposed. The facility is limited to a maximum of 1,000 cubic yards of composting and vermiculture on site, which will not change as part of the proposed project. No changes to the total pile volumes and soil amendment blending or compost operations are proposed. The expanded CUP boundary will account for previously graded, disturbed areas that the Applicant currently occupies. The overall operation of the facility and intensity of the use would not change from the previously permitted uses under CUP Case No. LU04-0145.

The MND identified potentially significant impacts to sensitive wildlife species, specifically the San Diego Horned Lizard (*Phrynosoma coronatum blainvillii*) and nesting birds. The original CUP (Case No. LU04-0145) included grading to improve the on-site unpaved driveway. The Applicant was required to conduct pre-construction surveys prior to earth disturbing activities. Additionally, the Applicant was required to comply with state and local ordinances as enforced by the Ventura County Environmental Health Division (EHD). Pre-construction surveys were completed, and the mitigation measure was satisfied. The expansion of the CUP boundary will not result in any new ground disturbance or activities associated with the soil amendment facility; therefore, no additional pre-construction surveys for the San Diego Horned Lizard and nesting birds are required.

Potentially significant but mitigable impacts to public health will continue to occur with the continued operation of the proposed project. Continued implementation of the existing EHD mitigation measures (which are included as conditions of approval) related to public health will continue to remain in effect as they require compliance for the life of the project (Exhibit 6 of the June 7, 2021 Staff Report, Condition Nos. 19 through 25). The proposed project does not result in any major changes to the underlying approved CUP Permit.

The proposed project would not require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

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

As stated in Item No. 1 (above), the request includes the continued use of an existing facility for a period of 10 years and a minor expansion of the existing CUP boundary. No substantial changes to the project are proposed. No major revisions of the previous MND are required, and there are no new significant environmental impacts associated with this project. The existing baseline conditions that were used to analyze potential impacts to the environment have not changed to the extent such that the proposed revisions to the project would require revisions to the MND. No new reasonably foreseeable future or recently approved projects existing within the Tapo Canyon area that, in conjunction with approval of the proposed project, would result in a potentially significant contribution to a cumulative impact that was not previously analyzed in the original MND.

No changes to the CUP are requested that would result in alterations to the mitigation measures included in the original MND, and the public health-related measures will be carried forward as conditions of approval throughout the life of the CUP (Exhibit 6 of the June 7, 2021 Staff Report, Condition Nos. 19 through 25).

No substantial changes have occurred with respect to the circumstances under which the project is undertaken which require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Planning Director adopted the previous MND, shows any of the following:

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

The proposed modifications will not change the analysis set forth in the previous MND. The proposed project will not result in any significant effects that were not already discussed in the previous MND. No new information or mitigation measures that were unknown and could not have been known when the MND was adopted have become available. As stated in this Addendum (above), the proposed project does not change the purpose and intent of the mitigation measures adopted for CUP

Case No, LU04-0145. The proposed project will not create new significant impacts to biological resources or public health.

As discussed in Section B of this staff report (above) and in the MND (Exhibit , and this MND Addendum, the proposed project is in compliance with CEQA. The MND identified potentially significant impacts, which included impacts to sensitive animal species (San Diego Horned Lizard [*Phrynosoma coronatum blainvillii*]) and nesting birds during ground disturbance throughout project construction and to public health associated with enforcement of state regulations and the potential for odors to escape the project site. Because physical changes to the project site would be limited to a minor expansion of the CUP boundary and no additional grading or construction activities will occur, the proposed project is not anticipated to exacerbate impacts to sensitive species, and no additional pre-construction surveys, which were previously required as a mitigation measure for CUP Case No, LU04-0145, would be required to mitigate potential impacts.

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

E. PUBLIC REVIEW:

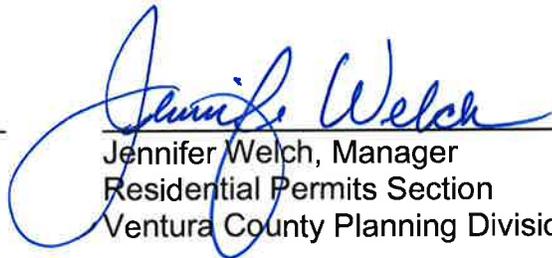
Pursuant to the CEQA Guidelines [§ 15164(c)], this addendum to the MND does not need to be circulated for public review, and shall be included in, or attached to, the adopted MND.

Prepared by:



Kristina Boero, Senior Planner
Residential Permits Section
Ventura County Planning Division

Reviewed by:



Jennifer Welch, Manager
Residential Permits Section
Ventura County Planning Division

**EXHIBIT 6- DRAFT CONDITIONS OF APPROVAL AND
MITIGATION MONITORING AND REPORTING PROGRAM
FOR CONDITIONAL USE PERMIT (CUP) NO. LU04-0145,
AS MODIFIED BY CASE NO. PL15-0126**

RESOURCE MANAGEMENT AGENCY (RMA)

Planning Division Conditions

1. Project Description

This Conditional Use Permit is based on and limited to compliance with the project description stated in this condition below, Exhibit 3 of the Planning Director hearing on June 7, 2021 and conditions of approval set forth below. Together, these conditions and documents describe the "Project." Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

The Project is a minor modification to CUP Case No. LU04-0145 to authorize the continued use and operation of a soil amendment blending operation and medium-scale commercial organics processing and vermiculture facility (soil amendment facility), known as American Soil Amendment Products, for a period of 10 years. The soil amendment facility manages up to 1,000 cubic yards of composting. The facility composts organic materials consisting of clean wood chips and used horse bedding. The facility does not accept chipping, grinding, or green waste. There will not be any increase in the amount of composting and vermiculture. There are no existing structures on site, and no structures are proposed. A diesel-powered blending machine, two front-end loaders, and two forklifts provide automated support to move product around the facility. The project also includes the minor expansion of the southwest portion of the CUP boundary from approximately 3.59 acres to approximately 5.17 acres. The expanded CUP boundary will account for previously graded, disturbed areas that the Applicant currently occupies. There will not be any increase in the amount of composting and vermiculture.

The facility is operated by a single, full-time employee Monday through Saturday, 7:00 a.m. to 4:00 p.m. The City of Simi Valley will continue to provide water to the project site for fire protection and dust suppression, and portable restroom facilities will continue to provide sewage disposal.

All processing activities will take place on approximately 5.17 acres of a 51.84-acre lot. In-process piles will be located in the eastern portion of the CUP area; finished piles available for pick-up by customers will be located within the center of the corral area, in the northwestern portion of the CUP area, to separate the public from the processing area and to allow for vehicle turnaround. Unpaved on-site parking (consisting of compacted soil and asphalt chips) will be available for up to four trucks, one to two front-end loaders, one to two forklifts, and a diesel-powered blending machine.

2. Days and Hours of Operation

Purpose: In order to ensure that the facility conforms to Ventura County 2040 General Plan Noise Policy HAZ-9.2, with regard to noise generation and compatibility with surrounding noise-sensitive properties, it is necessary to limit the days and hours of operation of the approved use.

Requirement: The soil amendment facility operations, including material drop-off/pick-up, sales, and processing shall be limited to Monday through Saturday, 7:00 a.m. to 4:00 p.m. The Permittee shall post the hours of operation in an obvious location that can be seen by customers, and/or truck hauling operators. The signage must be made of weatherproof and permanent material and comply with the Ventura County Non-Coastal Zoning Ordinance (Article 10).

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

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

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

3. Site Maintenance

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

Requirement: The Permittee shall maintain the Project site in a neat and orderly manner, and in compliance with the Project description set forth in Condition No. 1. Only equipment and/or materials which the Planning Director determines to substantially comply with the Project description shall be stored within the Project site during the life of the Project.

Documentation: The Permittee shall maintain the Project site in compliance with Condition No. 1 and the approved plans for the Project.

Timing: The Permittee shall maintain the Project site in a neat and orderly manner and in compliance with Condition No. 1 throughout the life of the Project.

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

4. CUP Modification

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

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

5. Acceptance of Conditions and Schedule of Enforcement Responses

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

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

- f. Revocation of this CUP.

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

6. Time Limits

- a. Use inauguration:

- (1) The approval decision for this CUP becomes effective upon the expiration of the 10 day appeal period following the approval decision, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration in order to initiate the land uses set forth in Condition No. 1.
- (2) This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year from the date the approval decision of this CUP becomes effective. The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.
- (3) Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.

- b. Permit Life or Operations Period: This CUP will expire on [Planning Director Decision Date, 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 § 8111-6 of the Ventura County Non-Coastal Zoning Ordinance prior to [Planning Director Decision Date, 2031]; and
- (2) The County decision-maker grants the requested modification.

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

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

Purpose: To ensure compliance with, and notification of, federal, state, and/or local government regulatory agencies that have requirements that pertain to the Project (Condition No. 1, above) that is the subject of this PD and the completion of Mitigation and Monitoring Reporting Program.

Requirement: Upon the request of the Planning Director, the Permittee shall provide the Planning Division with documentation (e.g., copies of permits or agreements from other agencies, which are required pursuant to a condition of this CUP) to verify that the Permittee has obtained or satisfied all applicable federal, state, and local entitlements and conditions that pertain to the Project.

Documentation: The Permittee shall provide this documentation to Planning Division staff in the form that is acceptable to the agency issuing the entitlement or clearance, to be included in the Planning Division Project file.

Timing: The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for use inauguration or as dictated by the respective agency.

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Permittee in the respective Project file. In the event that the federal, state, or local government regulatory agency prepares new documentation due to changes in the Project or the other agency's requirements, the Permittee shall submit the new documentation within 30 days of receipt of the documentation from the other agency.

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

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

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

Documentation: The Permittee shall present to the Planning Division staff copies of the conditions, upon Planning Division staff's request.

Timing: Prior to issuance of a Zoning Clearance for use inauguration and throughout the life of the Project.

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.

9. Recorded Notice of Land Use Entitlement

Purpose: The Permittee shall record a “Notice of Land Use Entitlement” form and the conditions of this CUP with the deed for the subject property that notifies the current and future Property Owner(s) of the conditions of this CUP.

Requirement: The Permittee 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 and the conditions of this CUP, with the deed of the property that is subject to this CUP.

Documentation: Recorded “Notice of Land Use Entitlement” form and conditions of this CUP.

Timing: The Permittee shall record the “Notice of Land use Entitlement” form and conditions of this CUP, prior to issuance of a Zoning Clearance for use inauguration.

Monitoring and Reporting: The Permittee shall return a copy of the recorded “Notice of Land Use Entitlement” form and conditions of this CUP to Planning Division staff to be included in the Project file.

10. Financial Responsibility for Compliance Monitoring and Enforcement

- a. Cost Responsibilities: The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the Ventura County Non-Coastal Zoning Ordinance (§ 8114-3) related to this CUP. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.

Conditions for CUP Case No. LU04-0145, As Modified by Case No. PL15-0126

Date of Planning Director Hearing: June 7, 2021

Permittee: American Soil Amendment Products

Date of Approval: TBD

Location: 4730 Tapo Canyon Road, Simi Valley

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- b. Pursuant to the requirements of CUP Case No. LU04-0145, the Resource Management Agency created Condition Compliance Case No. CC07-0021 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly-imposed civil administrative penalties, regarding CUP Case No. LU04-0145. The Planning Division will continue to use Condition Compliance Case No. CC07-0021 to cover the costs associated with condition compliance review, monitoring, and enforcement activities described in subsection 11.a (above), and any duly-imposed civil administrative penalties regarding this CUP.

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit a new, updated, and completed reimbursement agreement for Condition Compliance Case No. CC07-0021, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.

- c. Billing Process: The Permittee shall pay all Planning Division invoices within 30 days of receipt thereof. Failure to timely pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge or penalty prior to payment.

11. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the 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

Conditions for CUP Case No. LU04-0145, As Modified by Case No. PL15-0126

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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.

12. Invalidation of Condition(s)

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

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

13. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for the Project 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 resources 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 estimated costs of such work. Whenever feasible, the County will use the lowest responsible bidder or proposer. 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. 10, 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.

14. Relationship of CUP Permit Conditions, Laws, and Other Entitlements

The Permittee shall implement the Project in compliance with all applicable requirements and enactments of federal, state, and local authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any CUP condition contained herein is in conflict with any other CUP condition contained herein, 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 approval 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.

The Permittee shall retain a business tax certificate and regulatory licenses for the operation of the soil amendment facility.

15. Contact Person

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

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

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

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

16. Change of Permittee

Purpose: To ensure that the Planning Division is properly and promptly notified of any change of Permittee.

Requirement: The Permittee shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). The Permittee shall provide the Planning Director with a final notice once the transfer of ownership and/or operational control has occurred.

Documentation: The initial notice must be submitted with the new Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new Property Owner(s), lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this CUP Permit.

Timing: The Permittee shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

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

17. Resolution of Complaints

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

- a. The Permittee shall post the telephone number for the designated Contact Person as identified pursuant to Condition No. 16 in a visible location on the

site. The Contact Person shall be available via telephone during business hours;

- b. If County staff receives a written complaint about the Project, Planning Division staff may contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation; and

If, following a complaint investigation by County staff, a violation of the Ventura County Code or a condition of this CUP is confirmed, County staff may initiate enforcement actions pursuant to: § 8114-3 of the Non-Coastal Zoning Ordinance.

18. Sign Plan

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

Requirement: The Permittee shall submit two copies of a sign plan to the Planning Division for review and approval prior to the issuance of a Zoning Clearance for use inauguration. The sign plan shall include the proposed size, colors, materials, and lighting details. The Permittee shall bear the total cost of such review and approval. The Permittee also shall be responsible for obtaining a Zoning Clearance for any new or replacement sign to ensure that the signage for the Project continues to comply with the approved sign plan.

Documentation: A stamped copy of the approved sign plan.

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

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved sign plan in the Project file. 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.

Environmental Health Division (EHD) Conditions

Updated mitigation measures related to potentially significant impacts to public health imposed by EHD on CUP Case No. LU04-0145 have been incorporated as conditions of approval below. Implementation of the following conditions of approval (Condition Nos. 19 through 25) will ensure that the potentially significant impacts identified in the MND continue to be mitigated to a less than significant level.

19. Solid Waste Facility or Operation – Portable Toilet Facilities

Purpose: To comply with California Code of Regulations Title 14 Section 17409.2

Requirement: Sanitary facilities, consisting of an adequate number of toilets and hand washing facilities (with potable water from an approved source) shall be available to personnel at or in the immediate vicinity of the site as approved by the Ventura County Environmental Health Division Local Enforcement Agency (LEA). Septage from portable toilets must be removed by a Ventura County Environmental Health Division permitted chemical pumper truck and must be properly disposed of at an approved septage disposal site.

Timing: These requirements apply anytime personnel are on site.

Monitoring: LEA staff will verify the availability and condition of sanitary facilities during field inspections.

20. Solid Waste Facility or Operation – Vector Control Plan

Purpose: To comply with California Code of Regulations Title 14 Section 17867(a)(3), and Ventura County Ordinance Code Section 4706(c).

Requirement: The Permittee shall maintain the site and operate in a manner that will not promote harborage and/or breeding of any vectors, including but not limited to birds, rodents, flies, mosquitoes, or harmful insects. The storage and management of feedstock shall be in a manner which will not create or promote potential harborage and/or breeding. All water impoundments shall be maintained in a manner which will not create mosquito breeding sources.

Documentation: The Permittee shall develop a Vector Control Plan specific to the site and operations.

Timing: The Permittee shall maintain the Project site so as to neither contribute to the harborage and/or breeding of mosquitos nor the creation of a public nuisance throughout the life of the Project.

Monitoring: Effectiveness of the vector control methods shall be evaluated and noted by Ventura County Environmental Health Division LEA staff during routine site inspections and/or complaint investigations.

21. Solid Waste Facility or Operation – Odor Impact Monitoring Plan (OIMP)

Purpose: To comply with California Code of Regulations Title 14 Section 17867(a)(2), CCR Title 14 Section 17863.4 and Ventura County Ordinance Code Section 4719.

Requirement: To minimize odors migrating offsite and creating a public nuisance.

Documentation: Develop and implement an OIMP specific to the site and operations.

Timing: Initial OIMP shall be developed prior to the issuance of a zoning clearance. The OIMP shall be reviewed annually and updated as necessary to reflect any changes in the design or operation of this site, including but not limited to: change in the method of storing feedstock, type(s) of equipment, site layout, and odor control measures. A copy of the revisions shall be provided to the Ventura County Environmental Health Division Local Enforcement Agency within 30 days of the changes.

Monitoring: OIMP shall be submitted to the LEA for review and approval. Effectiveness of the OIMP shall be evaluated by Ventura County Environmental Health Division LEA staff during site inspections.

22. Solid Waste Facility or Operation – Dust and Bioaerosol Management

Purpose: To ensure dust and bioaerosols (i.e., airborne particles of biological origin including bacteria, fungi and yeasts, pollens, and organic matter) generated onsite do not present a public health risk.

Requirement: To utilize Best Management Practices (BMP) to minimize and control dust and bioaerosols.

Documentation: Develop and implement an operation plan, incorporating BMPs for minimizing and controlling dust and bioaerosols. A combination of engineering controls, work practices, and personal protective equipment should be employed.

Timing: Permittee shall minimize and control dust and bioaerosols at all times.

Monitoring: The Ventura County Environmental Health Division Local Enforcement Agency shall conduct routine inspections/reviews and respond to complaints associated with dust and bioaerosols generated at the site.

23. Composting Operations – Report of Waste Discharge

Purpose: To comply with State Water Resources Control Board (RWQCB) Order WQ 2015-0121-DWQ, General Waste Discharge Requirements (WDR) for Composting Operations.

Requirement: Existing composting operations must enroll in the WDR program.

Documentation: Existing composting operations shall file a complete Notice of Intent (NOI), filing fee, and technical report within one year of adoption of the General Order. The technical report shall include a proposed schedule for full compliance and must be as short as practicable but may not exceed 6 years from the date of the NOI. The Regional Water Board will issue a Notice of Applicability that, at a minimum, confirms the Discharger's Tier, timeline for compliance, monitoring requirements and monitoring methods.

Timing: Within one year of adoption of Order 2015-0121-DWQ.

Monitoring: Provide proof the NOI has been received by the LARWQCB to Ventura County Environmental Health Division, Local Enforcement Agency.

24. Hazardous Materials/Water Management (General Notice)

Purpose: To ensure the storage, handling, and disposal of any potentially hazardous material complies with applicable state regulations.

Requirement: If hazardous materials above reporting thresholds (200 cubic feet gas, 55 gallons liquid, 500 pounds solid) are stored onsite, or any hazardous wastes are generated, additional permitting, monitoring, and reporting requirements would apply.

Monitoring: Ventura County Environmental Health Division/Certified Unified Program Agency issues hazardous material and hazardous waste permits in Ventura County.

25. Solid Waste Health Permit Required – Enforcement Agency Notification

Purpose: To comply with all applicable requirements in California Code of Regulations (CCR) Title 14 and Title 27, as well as Ventura County Ordinance Code Section 4702. All site conditions and operations must conform to State solid waste laws and regulations.

Requirement: Permittee shall submit an Enforcement Agency Notification to conduct a compostable materials operation to Ventura County Environmental Health Division Local Enforcement Agency (LEA). Permittee shall obtain a health permit issued by the LEA, and remain in compliance with all requirements specified in the permit. Per CCR Title 14 Section 18100, the Permittee shall notify the LEA within thirty (30) days of any proposed change to the operation or its boundaries. The written notification must be legible and shall be mailed to the LEA "return receipt request." Furthermore, a new Enforcement Agency Notification (EAN) shall be submitted when an operator proposes a significant change in operation, a change in land owner(s) takes place, or if the LEA determines that the EAN and/or the operation are not consistent with one another. Permittee shall comply with all record keeping requirements specified in CCR Title 14 Section 17869.

Documentation: Permittee shall maintain and make available for review to the LEA, all applicable records of 5 years. Permittee shall submit a solid waste receipt questionnaire to report the volume and/or tonnage of waste received.

Timing: Waste Receipt Questionnaire shall be submitted to the LEA monthly.

Monitoring: Ongoing compliance shall be accomplished through field inspection by EHD LEA staff.

PUBLIC WORKS AGENCY (PWA)

Engineering Services Department Conditions

26. Grading Permit

Purpose: In order to ensure the Permittee performs all grading outside of the CUP boundaries 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 for any grading activities outside the CUP boundaries. If a grading permit is required, a State licensed civil engineer must prepare and submit the grading plans, geotechnical and hydrology reports as necessary, 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 detailed on Public Works Agency Grading Permit Submittal Checklist, must be submitted to Development and Inspection Services Division for review and approval.

Timing: All applicable documentation, as specified above, must be submitted for review prior to conducting any grading activities outside of the CUP.

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 (IWMD) Conditions

27. Water 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.vcpublicworks.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:

<http://pwaportal.ventura.org/WSD/Businesses/Commercial%20Recycling%20&%20Disposal/Construction%20&%20Demolition%20Debris%20Management/docs/Construction%20%20Demolition%20Debris%20030217.pdf>

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 Integrated Waste Management Division staff to perform a free, on-site, waste audit to verify recyclable materials generated by their business are being diverted from the landfill.

Watershed Protection District (WPD) Conditions

County Stormwater Program (CSP) Section

28. State General Industrial Stormwater Permit No. CAS000001 Requirements

Purpose: To ensure the project maintains compliance with all water quality provisions in accordance with NPDES General Permit (No. CAS000001), Waste Discharge Requirements for Discharges of Stormwater Runoff Associates with Industrial Activities.

Requirement: Proper filing of all compliance documents required under the NPDES General Industrial Stormwater Permit (No. CAS000001).

Documentation: The Permittee shall prepare and submit the following items to the Watershed Protection District – County Stormwater Program Section (CSWP) for review:

- i. Current Notice of Intent (NOI) in accordance with the State Water Resources Control Board requirements under the NPDES General Industrial Stormwater Permit (No. CAS000001); or
- ii. Verification of payment for current coverage year, whichever is more recent;
- iii. Copy of the project Stormwater Pollution Prevention Plan (SWPPP); and,
- iv. Copy of the most recent Annual Report, if applicable.

Timing: The above listed items shall be submitted to the CSWP for review prior to the issuance of a Zoning Clearance for use inauguration.

Monitoring and Reporting: CSWP staff will review the submitted materials for consistency with the General Industrial Stormwater Permit. Current and site-specific SWPPP shall be kept on-site for periodic review by the CSWP inspectors.

OTHER VENTURA COUNTY AGENCIES

Ventura County Fire Prevention District (VCFPD) Conditions

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

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

Requirement: The Permittee shall provide a minimum paved width of 20 feet for all on-site driveways. A minimum 20 foot access width shall be maintained around the perimeter of the organic piles.

Documentation: The Permittee shall submit an access plan to the Fire Prevention Bureau for review and approval.

Timing: All required access shall be installed prior to the issuance of the Zoning Clearance for use inauguration.

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 their successors in interest, shall maintain the access for the life of the development.

30. Vertical Clearance

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

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

Documentation: A stamped copy of the approved access plan.

Timing: The Permittee shall submit an access plan to the Fire Prevention Bureau for approval prior to the issuance of the Zoning Clearance for use inauguration.

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 their successors in interest, shall maintain the access for the life of the development.

31. Turning Radius

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

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

Documentation: A stamped copy of the approved access plan.

Timing: The Permittee shall submit an access plan to the Fire Prevention Bureau for approval prior to issuance of the Zoning Clearance for use inauguration.

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 their successors in interest, shall maintain the access for the life of the development.

32. Fire Lanes

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 post all fire lanes in accordance with California Vehicle Code, the International Fire Code and current Ventura County Fire Protection District Fire Lane Standards. All fire lane markings / signs shall be located within recorded access easements. The Permittee shall maintain all required fire lane markings/signs to be clearly visible.

Documentation: A stamped copy of the approved fire lane plan.

Timing: The Permittee shall submit two (2) copies of the site plan to the Fire Prevention Bureau for approval prior to issuance of the Zoning Clearance for use inauguration.

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

33. Fire Hydrant(s)

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

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

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

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

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

34. Hydrant Location Markers

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

Requirement: The Permittee shall install blue reflective fire hydrant location markers on the access road per Ventura County Fire Protection District Standards. Hydrant location signs shall be affixed to all hydrants with a minimum 4-inch high letters stating, "Water for Fire Department Use Only".

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

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

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

35. Fire Flow

Purpose: To ensure that adequate water supply is available to the project for firefighting purposes.

Requirement: The Permittee shall verify that the water purveyor can provide the required volume and duration at the project. The minimum required fire flow shall be determined

as specified by the current adopted edition of the Ventura County Fire Code and the applicable Water Manual for the jurisdiction (whichever is more restrictive). Given the present plans and information, the required fire flow is approximately 1,500 gallons per minute at 20 psi for a minimum 2 hour duration. A minimum flow of 1,250 gallons per minute shall be provided from any one hydrant.

Documentation: A signed copy of the water purveyor's fire flow certification. The Permittee shall submit a signed copy of the water purveyor's certification to the Fire Prevention Bureau.

Timing: Prior to the issuance of the Zoning Clearance for use inauguration, the Permittee shall provide to the Fire District, verification from the water purveyor that the purveyor can provide the required fire flow.

Monitoring and Reporting: A copy of the fire flow certification shall be kept on file with the Fire Prevention Bureau.

36. Alternative Water Supply

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

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

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

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

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

37. Hazard Abatement

Purpose: To ensure compliance with Ventura County Fire Protection District Ordinance.

Requirement: The Permittee shall have all grass or brush adjacent to structure's footprint cleared for a distance of 100 feet or to the property line if less than 100 feet. All grass and brush shall be removed a distance of 10 feet on each side of all access road(s)/driveway(s) within the project. The Fire District may require the entire parcel to be cleared. Note: A Notice to Abate Fire Hazard may be recorded against the parcel.

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

Timing: The Permittee shall remove all grass and brush as outlined by the Ventura County Fire Protection District's Fire Hazard Reduction Program guidelines annually for the life of the permit.

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

38. Trash Dumpster Locations

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

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

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

Timing: The Permittee shall submit site plans indicating all commercial trash dumpster and container locations to the Fire Prevention Bureau for approval prior to issuance of Zoning Clearance for use inauguration.

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

39. Fire Code Permits

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

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

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

Timing: The Permittee shall submit a Fire Code permit application along with required documentation/plans to the Fire Prevention Bureau for approval prior to issuance of the Zoning Clearance for use inauguration.

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 their successors in interest, shall maintain the conditions of the Fire Code permit for the life of the development.

40. Fire Department Clearance

Purpose: To provide the Permittee a list of all applicable fire department requirements for their 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 the Zoning Clearance for use inauguration.

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.

41. Compost Piles

Piles shall be a maximum of 12 feet in height, 25 feet in width and 50 feet in length. Piles shall be separated by a minimum of 15 feet. Grid piles shall not exceed 500 feet by 500 feet, separated by a minimum 50-foot wide clear space. Push out areas shall be maintained to allow for the largest pile to be spread put at a depth of 2 feet.

42. Internal Compost Temperatures

Internal temperatures of all piles shall be monitored daily. Piles under 6 feet in height shall be monitored at least once every 7 days. If temperatures exceed 160 degrees Fahrenheit,

action shall be taken immediately to reduce and maintain the temperature below 160 degrees Fahrenheit.

43. Facility Fire Control/Suppression Procedures

The facility shall provide to VCFPD for review and approval fire control/suppression procedures. Plans shall include the following:

- Scaled and dimensioned site plan (including property lines with city and county boundaries, location of piles, structures, access and hydrants)
- Monitoring procedures, temperature and moisture content.
- Fire suppression methods
- Thresholds for calling 911
- Equipment and resources available
- Employee training
- Diversion plan, for incoming material in the event of equipment failure or other inability to process material.

44. Area Clear Area

Adequate clear area shall be maintained at all times to allow for the largest pile to be spread out to a depth of 2 feet. Area shall be identified on site plan.

Ventura County Air Pollution Control District (APCD)

45. APCD Rules and Regulations

Purpose: To ensure that fugitive dust and particulate matter that may result from site preparation, construction activities, and activities on the site 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. All trucks shall cover their loads as required by California Vehicle Code Section 23114.
- ii. Fugitive dust throughout the construction site shall be controlled by the use of a watering truck or equivalent means (except during and immediately after rainfall). Water shall be applied to all unpaved roads and active portions of the site. Environmentally-safe dust control agents may be used in lieu of watering.
- iii. Signs shall be posted onsite limiting traffic to 15 miles per hour or less.
- iv. 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). During periods of high winds, all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by onsite activities and operations from being a nuisance or hazard, either offsite or onsite. APCD inspectors will require that the site superintendent and/or supervisor halt all such activities if they determine the fugitive dust is impacting adjacent properties.
- v. Signs displaying the APCD Complaint Line Telephone number for public complaints shall be posted in a prominent location visible off the site. (805) 645-1400 during business hours and (805) 654-2797 after hours.

Timing: Throughout the life of the permit.

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

46. APCD Rules and Regulations for Equipment Permitting

Purpose: To ensure that operations are conducted in compliance with all applicable VCAPCD Rules and Regulations, in particular Rule 10 (Permits Required) certain types of new and modified equipment and operations may require APCD permits to installation¹.

Requirement: The Permittee shall obtain an Authority to Construct prior to installation and a Permit to Operate prior to operation for such equipment

Documentation: An approved Authority to Construct and an approved Permit to Operate, only if needed in the future.

Timing: The Permittee shall submit the appropriate applications and supporting documentation to APCD for review and approval prior to beginning construction or installation or prior to beginning operation. The Permittee shall provide the Planning Division these APCD permits, or written confirmation from APCD that the permits are not needed, prior to the issuance of a Zoning Clearance for use inauguration.

Reporting and Monitoring: A copy of both the approved Authority to Construct and a 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.

¹ If any piece of equipment is rated greater than 50 horsepower, and APCD Permit or California Air Resources Board Certification will be required. Examples of typical equipment requiring a permit or certification at a composting facility are tub grinders and trommel screens.