



Planning Director Staff Report– Hearing on December 9, 2021

County of Ventura • Resource Management Agency

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HANAIEI GREENHOUSES, CONDITIONAL USE PERMIT (CUP), CASE NO. PL21-0079

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Conditional Use Permit (CUP) to authorize the operation of an existing wholesale agricultural greenhouse facility and associated support structures for a 20-year term. (Case No. PL21-0079)
2. **Applicant:** Lori Kamei, 3623 Etting Road, Oxnard, CA, 93033
3. **Property Owner:** Bryan Mimaki, 3623 Etting Road, Oxnard, CA 93033
4. **Applicant's Representative:** Lisa Woodburn, 1672 Donlon Street, Ventura, CA 93003
5. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested CUP.
6. **Project Site Size, Location, and Parcel Number:** The 46.76-acre project site is located at 3623 Etting Road, near the intersection of Etting Road and Hailes Road, near the city of Oxnard, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitute the project site is 218-0-042-355 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Agriculture
 - b. Zoning Designation: AE-40 ac (Agricultural Exclusive, 40-acre minimum lot size)
8. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE-40 ac	Agricultural row crops, Greenhouses
East	AE-40 ac	Agricultural row crops
South	AE-40 ac	Agricultural row crops
West	AE-40 ac	Agricultural row crops

- 9. History:** On March 19, 1978, the existing wholesale agricultural and greenhouse facility was authorized by the Planning Commission with the granting of CUP No. 3763 for an initial 10-year term. On June 9, 1980, the first modification of the CUP (CUP 3763-1) was granted to extend the term of the permit and to authorize minor changes in facility design. The next modification of the CUP (CUP 3763-2) was granted on March 30, 2000. This modification also authorized additional minor changes to the facility.

On December 24, 2008, the Planning Director granted a minor modification of CUP 3763 (Case No. LU08-0087) to extend the operation of an existing wholesale nursery for an additional ten years, demolish 4,540 square feet of existing structures, remove an existing septic tank and leach lines, remove a two-story office, and replace with a 2,340 square-foot modular office with bathroom.

On September 8, 2011, the Planning Manager approved a permit adjustment permit to CUP 3763 (Case No. LU11-0097) authorizing replacement of 2,340 square-foot agricultural office trailer with a new 720 square-foot office trailer. This permit adjustment permit abated Violation No. CV10-0427.

On August 23, 2017, the Planning Manager approved a permit adjustment to CUP 3763 (Case No. PL17-0099) authorizing the installation of a prefabricated 24-foot by 60-foot exterior cooler for the storage of flowers that are grown onsite and authorized 90 employees with a seasonally adjusted maximum number of 150 employees.

- 10. Project Description:** The applicant requests that a CUP be granted to authorize continued use of an existing wholesale agricultural greenhouse facility and associated support structures for a 20-year term. The following existing buildings encompass approximately 48 percent of the subject property and would continue to be used as part of the subject facility.

Structure Type	Building Area (Square feet)	Quantity	Total Building Area (Square feet)
Greenhouses Nos. 1 – 4	80,178	4	320,712
Greenhouse No. 5	425,250	1	425,250
Greenhouse No. 6	8,160	1	8,160
Shadehouses Nos. 1 and 2	93,120	2	186,240
Propagation House	24,840	1	24,840
Packing House	7,200	1	7,200
Cooler	1,200	1	1,200
Office (Modular)	1,440	1	1,440
Office (Trailer)	720	1	720
Farmworker Dwelling	1,840	1	1,840
Storage Buildings	Various	5	5,180
Ranch House	4,700	1	4,700
Shop	2,520	1	2,520

Structure Type	Building Area (Square feet)	Quantity	Total Building Area (Square feet)
Storage Containers	320	6	1,920
Storage Containers	144	2	288
Shade Structures	Various	2	2,700
Boiler Rooms	750	5	3,750
Total Coverage:			998,660

The area of the site not encumbered by buildings would continue to be used for open field agriculture (avocado orchard) and an existing onsite wastewater treatment mound system.

The number of proposed employees is 90 with a seasonally adjusted maximum of 150 employees. The proposed hours of operation for the facility is 6:00 a.m. to 5:00 p.m. Monday through Saturday and closed Sundays.

Access to the site would continue to be provided by driveways connected to the adjacent Etting Road with accommodation of 46 on-site parking spaces.

Sewage disposal would continue to be accommodated with the operation of an existing onsite wastewater treatment mound system. Water would be supplied to the facility by groundwater produced in accordance with an allocation issued by the Fox Canyon Groundwater Management Agency and two existing wells (Nos. 01N21W18Q03 and 01N21W18Q02S) (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.

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. The proposed project would not involve any substantial change in the existing agricultural activities and the associated agricultural support facilities. The continued operation of an existing agricultural and greenhouse facility on the existing developed site would not result in a significant adverse effect on the environment, would not result in damage to scenic resources within a designated scenic highway area, and is not located on an identified hazardous waste site or historical site.

Further, the project will not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2. Therefore, no further environmental review is required.

Therefore, this project is categorically exempt pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

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. LU-8.2 Land Uses Appropriate for the Agricultural Land Use Designation:** *The County shall ensure that land designated as Agricultural is used for the production of food, fiber, and ornamentals; animal husbandry and care; uses accessory to agriculture; and limited temporary or public uses which are consistent with agricultural or agriculturally related uses.*

The existing wholesale agricultural and greenhouse facility is an agricultural use suitable for and consistent with the agricultural designation of the subject property. No changes in the facility or its operation are proposed from its previously permitted authorization, and therefore, project implementation would remain consistent with the agricultural use of the property.

Based on the above discussion, the proposed project is consistent with policy LU-8.2.

- 2. LU-16.1 Community Character and Quality of Life:** *The County shall encourage discretionary development to be designed to maintain the distinctive character of unincorporated communities, to ensure adequate provision of public facilities and services, and to be compatible with neighboring uses.*

The ongoing presence and use of the existing agricultural facility would not result in any new effect on public views from the adjacent Etting Road or any other public viewpoint. No new effect on community character would result from the project as no substantial physical changes in the existing facilities are proposed.

Adequate public services (water, sewer, road access) would continue to be available to serve the subject facility.

Based on the above discussion, the proposed project is consistent with this policy.

3. **AG-1.2 Agricultural Land Use Designation:** *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.*

AG-1.8 Avoid Development on Agricultural Land: *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.*

The proposed project involves the continued operation of an existing wholesale agricultural and greenhouse facility. No physical changes in the existing buildings or ancillary facilities are proposed from previous approvals. Thus, no new development would occur on the subject property. In any case, the facility is comprised entirely of agricultural production or agricultural support uses appropriate for siting on agriculturally designated land.

Based on the above discussion, the proposed project is consistent with policies AG-1.2 and AG-1.8.

4. **PFS-1.7 Public Facilities, Services, and Infrastructure Availability:** *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.*

Water, road access, sewage disposal and all other necessary services would continue to be available to serve this existing development.

Based on the above discussion, the proposed project is consistent with this policy.

5. **PFS-4.1 Wastewater Connections Requirement:** *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.*

Sewer service is not available in the project area. Sewage disposal would continue to be accommodated through the use of an existing onsite wastewater treatment mound system.

Based on the above discussion, the proposed project is consistent with this policy.

- 6. PFS-6.1 Flood Control and Drainage Facilities Required for Discretionary Development:** *The County shall require discretionary development to provide flood control and drainage facilities, as deemed necessary by the County Public Works Agency and Watershed Protection District. The County shall also require discretionary development to fund improvements to existing flood control facilities necessitated by or required by the development.*

The proposed project would not involve a change in the area of impervious surfaces or any alteration to the existing drainage facilities on the project site. Project implementation would not require the development of new flood control facilities or improvements in existing facilities.

Based on the above discussion, the proposed project is consistent with this policy.

- 7. PFS-11.4 Emergency Vehicles Access:** *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. (RDR)*

The proposed project would not involve a change in the access to the existing facility. The existing driveways and parking lots, as well as Etting Road, would continue to provide adequate access for emergency vehicles.

Based on the above discussion, the proposed project is consistent with this policy.

- 8. PFS-12.3 Adequate Water Supply, Access, and Response Times for Firefighting Purposes:** *The County shall prohibit discretionary development in areas that lack and cannot provide adequate water supplies, access, and response times for firefighting purposes. (RDR)*

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

The proposed project would not involve a change in the access to the existing facility. The existing driveways and parking lots located on the site, as well as Etting Road would continue to provide adequate access for emergency vehicles. Water remains available to this site as provided by two existing wells (Nos. 01N21W18Q03 and 01N21W18Q02S) under the allocation limits of the Fox Canyon Groundwater Management Agency. The existing system would continue to supply water in a manner that meets the fire flow standards of the Ventura County Fire Protection District (VCFPD). The project site is located less than four miles from the nearest fire station (Station No. 8). Thus, the available response time would meet VCFPD requirements.

Based on the above discussion, the proposed project is consistent with these policies.

D. ZONING ORDINANCE COMPLIANCE

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

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

The proposed project includes the use of structures that are subject to the development standards of the Ventura County NCZO (Section 8106-1.1). Table 1 lists the applicable development standards and a description of whether the proposed project complies with the development standards.

Table 1 – Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	n/a	Yes
Maximum Percentage of Building Coverage	Five percent	Yes. This standard does not apply to greenhouses and agricultural support facilities.
Front Setback	20 feet	Yes, the existing and proposed structures would be located more than 20 feet from all property lines.
Side Setback	10 feet	
Rear Setback	15 feet	
Maximum Building Height	25 feet	Yes

E. CUP FINDINGS AND SUPPORTING EVIDENCE

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

- 1. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [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 project is comprised of a continuation of an existing but expired land use. No physical or operational changes are proposed. No new effect on community

character or on neighboring uses would result from project implementation. The existing facility would remain compatible with the character of the surrounding agricultural lands located in the Oxnard Plain area.

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 project is comprised of a continuation of an existing but expired land use. No changes in the existing agricultural buildings or accessory facilities on the project site are proposed. No aspect of project implementation has been identified that would be obnoxious, 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 project is comprised of a continuation of an existing but expired land use. No change in the existing agricultural buildings or accessory facilities on the project site are proposed. No aspect of project implementation has been identified that would be detrimental to the public interest, health, safety, convenience, or welfare.

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

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

The project is comprised of a continuation of an existing but expired land use. No change in the existing agricultural buildings, accessory facilities or uses on the project site, or in the intensity of the operation, are proposed. No aspect of project implementation has been identified that would adversely affect or be incompatible with the existing land uses in the surrounding agricultural area. Given the agricultural land use designation and agricultural zoning of the project site and surrounding lands, a future change in zoning, General Plan designation or land uses is not foreseeable at this time.

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].

With the previous granting of CUP 3763 and its subsequent modifications, the County decision-makers determined that the subject property constituted a legal lot in accordance with the Subdivision Map Act.

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, the proposed project is exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines.

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 project is comprised of a continuation of an existing but expired land use. No change in the existing agricultural buildings or accessory facilities on the project site are proposed. No aspect of project implementation has been identified that would reduce, restrict or adversely affect agricultural resources or agricultural operations in the area.

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 project is comprised of a continuation of an existing but expired land use. No change in the existing agricultural buildings or accessory facilities on the project site are proposed, and thus, project implementation would not significantly reduce, restrict or adversely affect agricultural activities on-site or in the area.

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

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].

As the project is comprised of a continuation of an existing but expired land use with no proposed changes to the existing agricultural buildings or accessory facilities, no land for agricultural production would be removed.

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), Ventura County NCZO (Section 8111-3.1). On November 24, 2021, the Planning Division mailed notice to owners of property within 1,200 feet of the property on which the project site is located. On November 29, 2021, the Planning Division placed a legal ad in the *Ventura County Star*.

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, and has considered all comments received during the public comment process;
2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines;
3. **MAKE** the required findings to grant a 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;
4. **GRANT** CUP (Case No. PL21-0079), subject to the conditions of approval (Exhibit 4); and,
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the 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 John Kessler at (805) 654-2461 or john.kessler@ventura.org.

Prepared by:



John Kessler, Case Planner
Commercial & Industrial Permit Section
Ventura County Planning Division

Reviewed by:



Mindy Fogg, Manager
Commercial & Industrial Permit Section
Ventura County Planning Division

EXHIBITS

- Exhibit 2 Maps
- Exhibit 3 Project Plans
- Exhibit 4 Conditions of Approval



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 11-09-2021

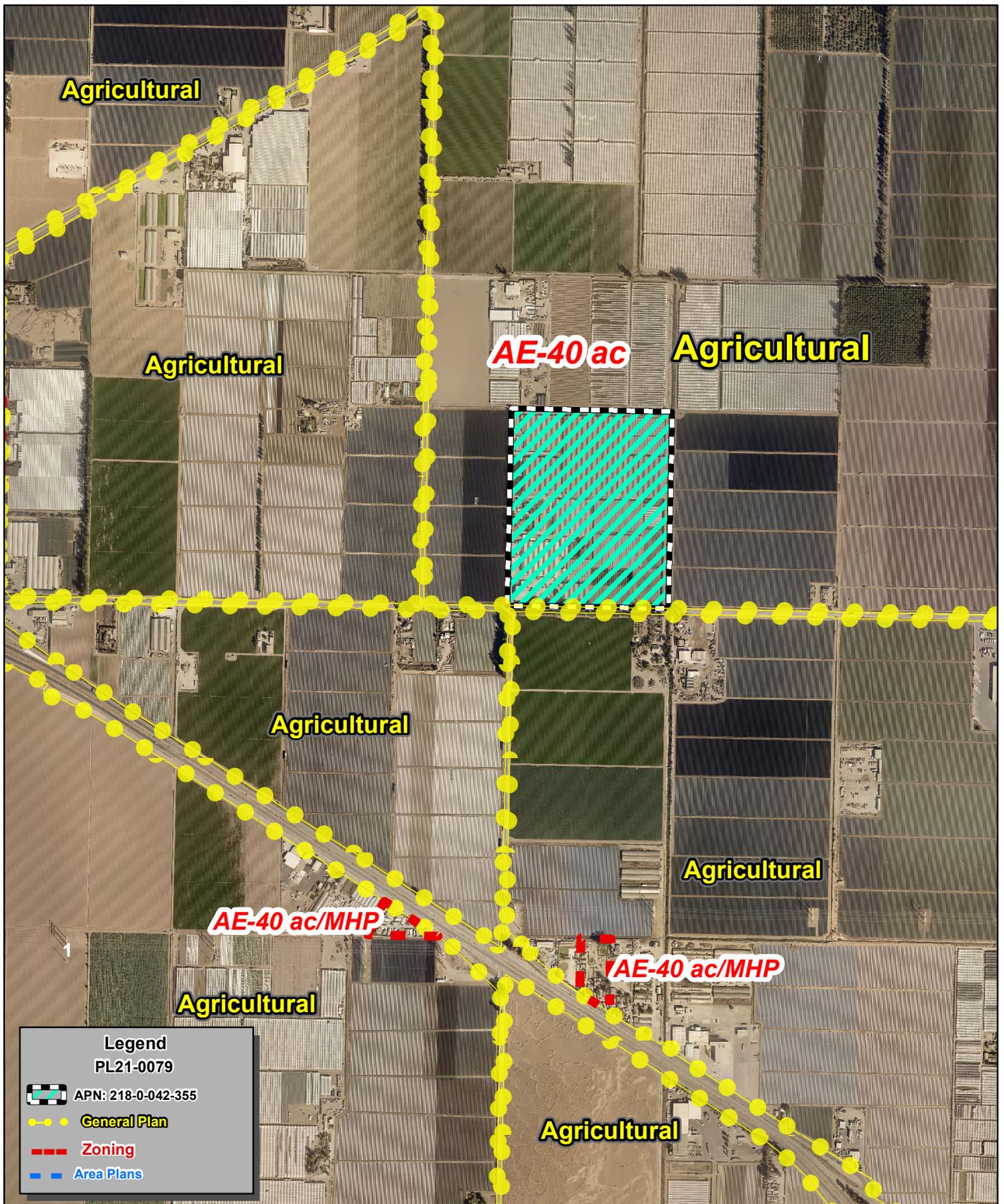


County of Ventura
Planning Director Hearing
Case No. PL21-0079
Exhibit 2 - Maps



Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map nor does it make any decision involving a risk of economic loss or physical injury should be made in reliance thereon.





Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
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County of Ventura
Planning Director Hearing
PL21-0079
General Plan & Zoning Map



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218-0-042-355

ETTING RD

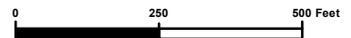
NAUMAN RD



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
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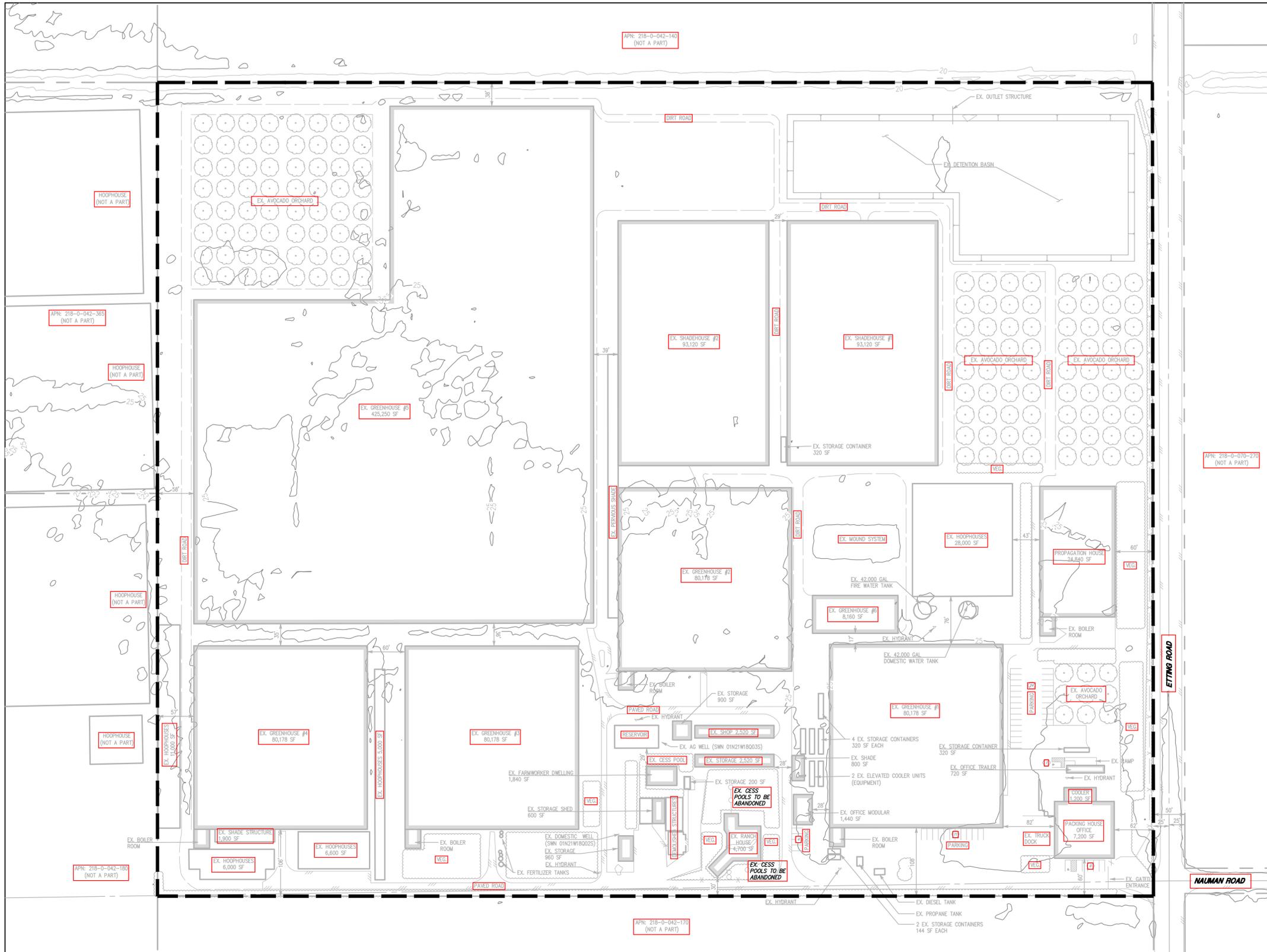


County of Ventura
Planning Director Hearing
PL21-0079
Aerial Photography



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VICINITY MAP
NOT TO SCALE

LAND USE INFORMATION

PROPERTY ADDRESS:	3623 ETTING ROAD OXNARD, CA 93033
PROPERTY OWNER:	BRYAN MIMAKI 3623 ETTING ROAD OXNARD, CA 93033
CONSULTANT/CONTACT:	JENSEN DESIGN & SURVEY, INC. 1672 DONLON STREET VENTURA, CA 93003
APN:	218-0-042-355
ZONING:	AE-40 AC
GENERAL PLAN:	AGRICULTURAL
LOT SIZE/CUP AREA:	46.76 AC (2,036,865 SF)

EXISTING STRUCTURES

STRUCTURE	BUILDING AREA (SQUARE FOOTAGE)	QUANTITY	TOTAL BUILDING AREA
GREENHOUSES #1-4	80,178 SF	4	320,712 SF
GREENHOUSE #5	425,250 SF	1	425,250 SF
GREENHOUSE #6	8,160 SF	1	8,160 SF
SHADEHOUSES #1-2	93,120 SF	2	186,240 SF
PROPAGATION HOUSE	24,840 SF	1	24,840 SF
PACKING HOUSE	7,200 SF	1	7,200 SF
COOLER	1,200 SF	1	1,200 SF
OFFICE MODULAR	1,440 SF	1	1,440 SF
OFFICE TRAILER	720 SF	1	720 SF
FARMWORKER DWELLING	1,840 SF	1	1,840 SF
STORAGE BUILDINGS	VARIOUS	5	5,180 SF
RANCH HOUSE	4,700 SF	1	4,700 SF
SHOP	2,520 SF	1	2,520 SF
STORAGE CONTAINERS	320 SF	6	1,920 SF
STORAGE CONTAINERS	144 SF	2	288 SF
SHADE STRUCTURES	VARIOUS	2	2,700 SF
BOILER ROOMS	750 SF	5	3,750 SF
TOTAL:			998,660 SF

PARKING

EX. STANDARD SPACES:	44
EX. ADA SPACES:	2
TOTAL:	46

LEGEND

	PROPERTY LINE		CUP BOUNDARY
	CENTERLINE		
	BUILDING		
	VEGETATION		
	DIRT ROAD		
	PAVED ROAD		
	FIRE HYDRANT		
	FENCE		

County of Ventura
Planning Director
Hearing
Case No. PL21-0079
Exhibit 3 - Project Plans

NOTE:
INFORMATION SHOWN HEREON, SUCH AS ASSESSOR'S PARCEL LINES & NUMBERS ARE PROVIDED BY THE COUNTY OF VENTURA GEOGRAPHIC INFORMATION SYSTEMS AND IS NOT BASED ON A FIELD SURVEY. ADDITIONAL EASEMENTS OF RECORD NOT SHOWN ON THIS MAP MAY EXIST AS A TITLE REPORT WAS NOT PROVIDED FOR THIS PROJECT. THIS DATA IS FOR CONCEPTUAL AND VISUAL PURPOSES ONLY AND IS NOT TO BE USED FOR MAPPING AND/OR FINAL DESIGN.



1672 DONLON STREET
VENTURA CALIF 93003
PHONE 805/654-6977
FAX 805/654-6979

SCALE: 1" = 80'
DATE: 7/15/2021

J.N.: KAM026298
DWG. NAME: 6298 CUP SITE PLAN.dwg

CUP SITE PLAN
FOR
HANAIE INVESTMENTS LLC

3623 Etting Road
City of Oxnard
COUNTY OF VENTURA STATE OF CALIFORNIA

SHEET
1
OF 1

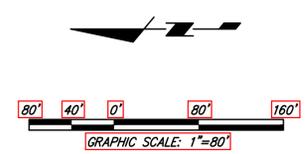


EXHIBIT 4

DRAFT CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT PL21-0079 HANAIEI OXNARD GREENHOUSES

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

I. Planning Division Conditions

1. Project Description

This Conditional Use Permit (CUP) is based on and limited to compliance with the project description stated in this condition below, Exhibits 2 – 4 of the Planning Director hearing on December 9, 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:

A CUP is authorized for a wholesale agricultural greenhouse facility and associated support structures for a 20-year term. The following existing buildings encompass approximately 48 percent of the subject property and may continue to be used as part of the subject facility.

Structure Type	Building Area (Square feet)	Quantity	Total Building Area (Square feet)
Greenhouses Nos. 1 – 4	80,178	4	320,712
Greenhouse No. 5	425,250	1	425,250
Greenhouse No. 6	8,160	1	8,160
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Farmworker Dwelling	1,840	1	1,840
Storage Buildings	Various	5	5,180
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Storage Containers	320	6	1,920
Storage Containers	144	2	288
Shade Structures	Various	2	2,700

County of Ventura Planning Director Hearing Case No. PL21-0079 Exhibit 4 - Conditions of Approval
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Structure Type	Building Area (Square feet)	Quantity	Total Building Area (Square feet)
Boiler Rooms	750	5	3,750
Total Coverage:			998,660

The area of the site not encumbered by buildings may continue to be used for open field agriculture (avocado orchard) and an existing onsite wastewater treatment mound system.

The number of employees is 90 with a seasonally adjusted maximum of 150 employees. The authorized hours of operation for the facility is 6:00 a.m. to 5:00 p.m. Monday through Saturday and closed Sundays.

Access to the site shall continue to be provided by driveways connected to the adjacent Etting Road with accommodation of 46 on-site parking spaces.

Sewage disposal shall continue to be accommodated with the operation of an existing onsite wastewater treatment mound system. Water shall be supplied to the facility by groundwater produced in accordance with an allocation issued by the Fox Canyon Groundwater Management Agency and two existing wells (Nos. 01N21W18Q03 and 01N21W18Q02S).

The development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, and parking areas shall conform to the project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below.

2. Days and Hours of Operation

Purpose: In order to comply with previous approvals and as requested, it is necessary to limit the days and hours of operation of the approved use.

Requirement: The facility shall be limited to the hours of 6:00 a.m. to 5:00 p.m. Monday through Saturday and closed Sundays. The Permittee shall post the hours of operation in an obvious location that can be seen by customers, vendors, 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. Required Improvements for the CUP

Purpose: To ensure the project site conforms to the plans approved at the Planning Director hearing in support of the project.

Requirement: The Permittee shall ensure that all required off-site and on-site improvements for the Project, including structures, paving and parking are completed in conformance with the approved plans stamped as hearing Exhibit 3. The Permittee shall prepare and submit all final building and site plans for the County's review and approval in accordance with the approved plans.

Documentation: The Permittee shall obtain Planning Division staff's stamped approval on the project plans and submit them to the County for inclusion in the Project file. The Permittee shall submit additional plans to the Planning Division for review and stamped approval (e.g., tree protection and landscape plans) for inclusion in the Project file, as necessary.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall submit all final development plans to the Planning Division for review and approval. Unless the Planning Director and/or Public Works Agency Director allow the Permittee to provide financial security and a final executed agreement, approved as to form by the County Counsel, that ensures completion of such improvements, the Permittee shall complete all required improvements prior to final inspection. The Permittee shall maintain the required improvements for 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. 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.

5. 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.

6. Construction Activities

Prior to any construction, the Permittee shall obtain a Zoning Clearance for construction from the Planning Division, and a Building Permit from the Building and Safety Division. Prior to any grading, the Permittee shall obtain a Grading Permit from the Public Works Agency.

7. 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.

8. 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 CUP.

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

Documentation: The Permittee shall provide this documentation to 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.

9. 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 maintain a current set of CUP conditions and exhibits at the project site.

Timing: Prior to issuance of a Zoning Clearance for Use Inauguration and 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.

10. 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 date on which the Planning Director, 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 [insert date]. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

- (1) The Permittee has filed a permit modification application pursuant to § 8111-6 of the Ventura County Non-Coastal Zoning Ordinance prior to [insert date]; and

(2) The County decision-maker grants the requested modification.

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

11. 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.

12. 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.

b. Establishment of Revolving Compliance Account:

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit the following deposit and reimbursement agreement to the Planning Director:

- (1) A payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs associated with condition compliance review, monitoring, and enforcement activities described in 12.a (above), and any duly-imposed civil administrative penalties regarding this. The Permittee shall replenish such account to the above-stated amount within 10 calendar days after receiving notice of the requirement to do so from the Resource Management Agency.
- (2) An executed reimbursement agreement, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.

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

13. 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 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.

14. 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.

15. 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. 15 (above), if the County hires a consultant to review any work undertaken by the Permittee or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

16. Relationship of CUP 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.

17. 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.

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 § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

18. 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.

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.

II. Environmental Health Division

19. Hazardous Materials / Waste Management (CUPA Permit Required)

Purpose: To comply with the California Code of Regulations Title 22, Division 4.5, California Health and Safety Code chapter 6.95; and Ventura County Ordinance Code, and to ensure the safe storage, handling, and disposal of any potentially hazardous material and/or waste.

Requirement: The Permittee shall submit a Hazardous Materials Business Plan (HMBP) to the Environmental Health Division/Certified Unified Program Agency

(Ventura CUPA) for storage of hazardous materials above reporting thresholds (200 cubic feet gas, 55 gallons liquid, 500 pounds solid). If hazardous wastes are generated, an EPA ID number issued by the California Department of Toxic Substances Control must be obtained and maintained in active status. Wastes identified as "non-hazardous" may require waste determination analysis to confirm if wastes are listed hazardous wastes, exhibits a hazardous characteristic through testing, or application of general knowledge.

Documentation: A completed HMBP must be submitted to the Ventura CUPA electronically through the California Environmental Reporting System (CERS). Maintain all records of hazardous waste determination testing and disposal and make available for review by this Ventura CUPA staff upon request.

Timing: HMBP must be submitted through CERS annually, and whenever there is a change to the type, quantity, or location of the hazardous materials. EPA ID number must be renewed annually.

Monitoring and Reporting: Verification of hazardous materials inventory as well as ongoing compliance with requirements shall be accomplished through field inspection by Ventura CUPA staff. Additional information on the storage and handling requirements for hazardous materials and wastes may be found on the Ventura County Environmental Health Division/Certified Unified Program Agency website: <https://vcrma.org/cupa>.

20. General Vector Control – Mosquito Breeding

Purpose: To ensure site does not contribute to the harborage and/or breeding of potential vectors of disease or create a public nuisance.

Requirement: Manage standing water onsite so it will not create mosquito breeding sources.

Timing: The Permittee shall maintain the Project site so as not to contribute to the harborage and/or breeding of mosquitos, nor the creation of a public nuisance throughout the life of the Project.

Monitoring and Reporting: Ventura County Environmental Health Division (EHD) staff respond to, and maintain records of, any complaints received which relate to mosquito breeding at the site.

21. Employee Portable Toilets

Purpose: To ensure employees are provided with toilet facilities which are clean and sanitary, and to prevent a public health concern. To ensure septage from portable toilets is disposed of in accordance with California Health and Safety Code sections 117400-117450.

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 employees to supplement existing restrooms. Septage from portable toilets must be removed by a Ventura County Environmental Health Division (EHD) permitted pumper truck and must be disposed of properly at an approved septage disposal site.

Documentation: Permittee shall maintain copies of the portable toilet service provider contract and septage disposal receipts for review upon request.

Monitoring and Reporting: EHD staff ensures chemical pumper truck companies are under permit and that septage from portable toilets is properly disposed of at an approved septage disposal site.

22. Connection to Existing OWTS Mound System Required

Purpose: To demonstrate compliance with State and local regulations related to the design and installation of an onsite wastewater treatment system (OWTS) and the proper removal/abandonment of septic tanks and/or cesspools. Only domestic waste as defined in the Ventura County General Plan and the Ventura County Building Code Ordinance is allowed to be discharged into the on-site sewage disposal system.

Requirement: Permittee shall abandon all cesspools and connect all structures that generate domestic wastewater to the existing OWTS mound system and shall obtain the approval of the Ventura County Environmental Health Division (EHD) prior to changing/modifying the OWTS, including, but not limited to, cesspool/septic tank abandonment, septic tank replacement, connection to the mound dispersal area, adding additional plumbing fixtures and/or adding additional bedroom equivalents.

Documentation: Submit all applicable documentation, including permit to construct application, site plan, bedroom and fixture unit equivalent worksheet, etc., to EHD for review and approval.

Timing: The Permittee shall obtain EHD approvals, including a Full Certification and Permit to Construct (if needed), to connect the ranch house and farmworker dwelling to the existing OWTS mound system, prior to issuance of the Zoning Clearance for Use Inauguration.

Monitoring and Reporting: To assure compliance with this condition, EHD staff shall review and approve the OWTS design and permit application, and conduct site inspections during construction.

Ongoing Maintenance: Once the OWTS has been installed and finalized by EHD, it is the owner's responsibility to properly maintain the system to prevent OWTS failure or an unauthorized sewage release, and from creating a public nuisance, health concern, or impact the environment. The septic tank shall be serviced, as needed, by a septic pumper truck registered and permitted by Ventura County EHD, and all pumping

activities shall be reported to EHD. All septage wastes must be disposed of in an approved manner. EHD staff will also receive and respond to any complaints related to OWTS and/or unauthorized sewage releases.

PUBLIC WORKS AGENCY (PWA) CONDITIONS

III. Groundwater Water Quality Condition

23. Containment Area for Liquid Waste and Petroleum Products

Purpose: In accordance with Ventura County General Plan Goals, Policies, and Programs Policies 1.3.2 2 and 4, Containment Area for Liquid Waste and Petroleum Products is required.

Requirement: All liquid waste and petroleum products shall be stored in proper containers and stored in pre-approved or designated containment areas only. If waste products will be stored in an alternate temporary location, Permittee shall provide detailed plans of impermeable area with same construction as containment areas. Specifically describe where these waste products will be stored, an estimate of the amount of accumulated waste at any one time and information on the planned frequency for disposal.

Documentation: A copy of the approved Containment Area for Liquid Waste and Petroleum Products site plan.

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall submit a Containment Area for Liquid Waste and Petroleum Products site plan to the WPD for review and approval.

Monitoring and Reporting: A copy of the approved Containment Area for Liquid Waste and Petroleum Products site plan will be maintained in the case file. The Permittee shall allow the WPD to inspect the Containment Area for Liquid Waste and Petroleum Products upon request.

24. Containment Area for Hazardous Materials

Purpose: In accordance with the Ventura County General Plan Goals, Policies, and Programs Policies 1.3.2 2 and 4, a containment area for hazardous materials is required.

Requirement: The Permittee shall submit a site plan to the WPD that shows all hazardous materials, fertilizers and chemicals are stored in a Containment Area properly designated and equipped for the safe storage of the hazardous materials, fertilizers and chemicals.

Documentation: A copy of the approved containment area for hazardous materials site plan.

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall submit the containment area for hazardous materials site plan to the WPD for review and approval.

Monitoring and Reporting: A copy of the approved containment area for hazardous materials site plan will be maintained in the case file. The Permittee shall allow WPD to inspect the Containment Area for Hazardous Materials upon request.

OTHER VENTURA COUNTY AGENCY CONDITIONS

IV. Air Pollution Control District Conditions

25. To ensure that fugitive dust and particulate matter that may result from site operations are minimized to the greatest extent feasible.

Purpose: To ensure that fugitive dust and particulate matter that may result from site operations are minimized to the greatest extent feasible.

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 Permittee shall ensure compliance with the following provisions:

- I. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust;
- II. All trucks shall cover their loads as required by California Vehicle Code §23114.
- III. Fugitive dust throughout the 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, unpaved parking areas or staging areas, and active portions of the construction site. Environmentally safe dust control agents may be used in lieu of watering.
- 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 be a nuisance or hazard to 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.
- V. No person shall cause or allow the emissions of fugitive dust from any applicable source such that the dust remains visible beyond the midpoint (width) of a public street or road adjacent to the property line of the emission source or beyond 50 feet from the property line if there is not an adjacent public street or road.
- VI. The permittee shall either operate or ensure that all on-site vehicles travel

at speeds not to exceed 15 miles per hour.

Timing: Throughout the lifetime of the CUP.

Reporting and Monitoring: Monitoring and enforcement of dust-related provisions shall be conducted by APCD staff on a complaint-driven basis.

26. To ensure that discharge of air contaminants (odor, dust, etc.) that may result from site operations are minimized to the greatest extent feasible.

Purpose: To ensure that discharge of air contaminants (odor, dust, etc.) that may result from site operations are minimized to the greatest extent feasible.

Requirement: Permittee shall operate in accordance with the Rules and Regulations of the Ventura County Air Pollution Control District, with emphasis on Rule 51, Nuisance, stated below:

- I. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endangers the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

Documentation: No documentation is required for the purposes of this condition.

Timing: Throughout the life of the permit.

Reporting and Monitoring: Monitoring and enforcement of nuisance provision is enforceable by APCD on a complaint-driven basis.

V. Ventura County Fire Protection District (VCFPD) Conditions

(*All VCFPD Conditions [27 through 42, below] have been satisfied under PL17-0099)

27. **On Site Access** - An onsite access road width of 20 feet with two-way traffic and off street parking shall be provided.
28. **Access Road Certification**- The access road(s)/driveways(s) shall be certified by a registered civil engineer as having an all weather surface in conformance with Public Works and/or Fire District standards. Certification shall be submitted to the Fire District for review and approval.
29. **Access Road Location**- The access / driveway shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building and shall be in accordance with Fire District access standards. Where the access

roadway cannot be provided, approved fire protection system or systems shall be installed as required and acceptable to the Fire District.

30. **Vertical Clearance-** All access roads / driveways shall have a minimum vertical clearance of 13 feet 6 inches (13' 6").
31. **Turnarounds-** Approved turnaround areas for fire apparatus shall be approved provided when dead-end Fire Department access roads / driveways exceed 150 feet. Turnaround areas shall not exceed a 2.5% cross slope in any direction and shall be located within 150 feet of the end of the access road / driveway.
32. **Parking Prohibited-** The property owner(s) are hereby advised that parking on access roads is prohibited. In addition to access roads/driveways, there shall be no parking in fire department turnaround areas.
33. **Fire Lanes-** Fire lanes shall be posted "NO PARKING-FIRE LANE-TOW AWAY" in accordance with California Vehicle Code, the Uniform Fire Code and current VCFPD Fire Lane Standards. All signs and or Fire Lane markings shall be within recorded access easements.
34. **Access Gates-** Any gates to control vehicle access are to be located to allow a vehicle waiting for entrance to be completely off the intersecting roadway. A minimum clear open width of 20 feet shall be provided. If gates are to be locked, a Knox system shall be installed.
35. **Address Numbers (Commercial / Industrial)-** Address numbers, a minimum of 10 inches (10") high, shall be installed prior to occupancy, shall be of contrasting color to the background, and shall be readily visible at night. Brass or gold plated numbers shall not be used. Where structures are set back more than 150 feet from the street, larger numbers will be required so that they are distinguishable from the street. In the event a structure(s) is not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post.
36. **Fire Hydrant(s) Required-** Fire hydrant(s) shall be provided in accordance with current adopted edition of the Fire Code, Appendix -B and adopted amendments. On-site fire hydrants may be required as determined by the Fire District.
37. **Fire Hydrant Design-** Fire hydrants shall be installed and in service prior to combustible construction and shall conform to the minimum standard of the County of Ventura Water Works Manual and the following.
 - a. Each hydrant shall be a 6 inch wet barrel design and shall have (1) 4 inch and (2) 2 1/2 inch outlet(s).
 - b. The required fire flow shall be achieved at no less than 20-psi residual pressure.
 - c. Fire hydrants shall be spaced 300 feet on center and so located that no structure will be farther than 150 feet from any one hydrant.

- d. Fire hydrants shall be set back in from the curb face 24 inches on center.
 - e. No obstructions, including walls, trees, light and sign posts, meter, shall be placed within three (3) feet of any hydrant.
 - f. A concrete pad shall be installed extending 18 inches out from the fire hydrant.
 - g. Ground clearance to the lowest operating nut shall be between 18 to 24 inches.
38. **Fire Flow-** The minimum fire flow required shall be determined as specified by the current adopted edition of the International Fire Code Appendix B with adopted Amendments and the applicable Water Manual for the jurisdiction (with ever is more restrictive). Given the present plans and information, the required fire flow is approximately 1250 gallons per minute at 20 psi for a minimum 2 hour duration. A minimum flow of 1250 gallons per minute shall be provided from any one hydrant. The applicant shall verify that the water purveyor can provide the required volume and duration at the project prior to obtaining a building permit.
39. **Alternate Water Supply-** If the water purveyor certifies that the system cannot provide the required fire flow and duration and approves the use of a private water system, or there is no water purveyor, automatic fire sprinklers shall be installed in all buildings hereafter constructed and an approved water storage tank for fire protection shall be provided with an approved drafting hydrant(s) accessible to the Fire District. Water tanks and drafting hydrants shall be installed prior to combustible construction.
40. **Fire Sprinklers-** All new structures shall be provided with an approved automatic fire sprinkler system.
41. **Fire Extinguishers-** Fire extinguishers shall be installed in accordance with the Fire Code. The placement of extinguishers shall be subject to review by the Fire District.
42. **Hazard Abatement-** All grass or brush exposing any structure(s) to fire hazards shall be cleared for a distance of 100 feet prior to construction of any structure and shall be maintained in accordance with VCFPD Ordinance.