



Planning Director Staff Report – Hearing on January 6, 2022

County of Ventura • Resource Management Agency • Planning Division

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KIWITT FARMWORKER DWELLING UNIT AND GARAGE CONDITIONAL USE PERMIT (CUP), CASE NO. PL19-0052

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of Minor Modification to Conditional Use Permit (CUP) LU08-0016 for the continued use of a Farmworker Dwelling Unit not meeting standards established by Non-Coastal Zoning Ordinance (NCZO) Section 8107-26.1 and 8107-26.2 (Case No. PL19-0052).
2. **Applicant/Property Owner:** Michael Kiwitt, 8090 Balcom Canyon Road, Somis, CA, 93066.
3. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4, Section 8105-5 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested CUP Minor Modification.
4. **Project Site Size, Location, and Parcel Number:** The 20.6-acre project site is located at 8090 Balcom Canyon Road, approximately 2,000 feet northeast of the intersection of Balcom Canyon Road and Bradley Road, near the community of Somis, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 108-0-180-035 (Exhibit 2).
5. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Open Space
 - b. Zoning Designation: AE-40 ac (Agricultural Exclusive, 40 acres minimum lot size).
6. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE-40 ac (Agricultural Exclusive, 40 acre minimum lot size)	Open Space
East	AE-40 ac (Agricultural Exclusive, 40 acre minimum lot size)	Agriculture
South	AE-40 ac (Agricultural Exclusive, 40 acre minimum lot size)	Open Space and Agriculture

Location in Relation to the Project Site	Zoning	Land Uses/Development
West	AE-40 ac (Agricultural Exclusive, 40 acre minimum lot size)	Open Space and Agriculture

7. **History:** The subject lot is Parcel D of Parcel Map Waiver (PMW) No. 568 as recorded on January 29, 1992 Instrument No. 91-015255 of Official Records.

On August 2, 2009, a CUP (Case No. LU08-0016) for a 1,797 square foot (sq. ft.) Farmworker Dwelling unit (FWD) with a 436 sq. ft. attached garage was approved by the Planning Director. The CUP was granted for 10 years to end on July 23, 2019. The CUP for the FWD was required for two reasons. First, the property did not meet Section 8107-26.1 of the NCZO which requires a minimum 40 acres of agricultural production and the property consisted of 8 acres of existing orchard at time of application for LU08-0016. Second, Section 8107-26.2 of the NCZO required the applicant to obtain a CUP if the gross floor area of the farmworker dwelling exceeds 1,800 sq. ft. since the total size of the FWD is 2,233 sq. ft. Zoning Clearance No. ZC10-0900 was issued on October 20, 2010 for the construction of the farmworker dwelling and attached garage. The associated Building Permit No. C10-1024 was completed and finalized on November 21, 2013.

The current request is to allow a farmworker dwelling for an additional 10 years. The farmworker is to maintain the avocado orchard and other maintenance activities associated with operating the farm (i.e. maintain ditches, pipes, pumps, set and fix water lines, control weeds, fertilize, water, prune, stake trees, dig up and move plants and trees, repair damage caused by the wild life and prepare land for wild fires). As detailed in the public record for CUP LU08-0016, by letter dated March 6, 2008, Mr. Kiwiit (Applicant) stated an additional five acres of Hass avocado trees would be planted to increase the size of the existing orchard. Following the approval of the FWD and attached garage, the region experienced a drought. In response to the drought, the Applicant reduced water use and the orchard succumbed to a lack of irrigation. In 2014, during a compliance review of CUP LU08-0016, the Planning Director recommended that due to the drought, the size of the orchard would be revisited in three years when the CUP is scheduled for its next condition compliance review to determine if the acreage devoted to crops warrants maintenance by a farmworker for 32 hours/week.

Currently the existing avocado orchard is approximately 1.1 acres. On July 16, 2020, the Planning Division consulted with the Agricultural Commissioner's staff to discuss a planting plan for the property. Following this consultation, maintaining 13 acres of orchard was found acceptable to warrant a farmworker, however given the challenge in obtaining trees in large quantities, a recommendation was provided, specifically, a phased planting plan that would require the applicant to plant one acre on an annual basis until a total of 13 acres is provided.

- 8. Project Description:** The applicant is requesting that Conditional Use Permit (Case No. LU08-0016) be extended for an additional 10 years for the continued use of a 1,797 sq. ft. single-story farm worker dwelling (FWD) with a 436 sq. ft. attached garage. The FWD is intended for a farmworker who will assist in the farming practices on APN 108-0-180-035. The FWD is considered an accessory use and structure to agriculture and agricultural operations (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 June 18, 2009 the Planning Director adopted a Negative Declaration (ND) that evaluated the environmental impacts of the construction of a 1,797 sq. ft. three-bedroom, single-story farmworker dwelling unit with a 426 sq. ft. attached garage. This ND is attached as Exhibit 4.

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

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 ND, and the addendum to the ND (Exhibit 4) 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*.

Land Use and Community Character

- 1. General Plan Policy LU-6.3 (Density Exceptions – Agricultural Land Use Designation):** *The County shall exclude from the Agricultural land use maximum density farmworker dwellings, and accessory dwelling units pursuant to section 65852.2 of the Government Code. (RDR)*

General Plan Policy LU-8.5 (Farmworker Housing): *The County shall support the development of safe and quality farmworker housing that facilitates a reliable labor force and promotes efficient agricultural operations. Housing units shall include a variety of housing types, including group quarters and larger dwelling units that can accommodate a family. (RDR)*

General Plan Policy LU-9.4 (Minimal Parcel Size for the Open Space Contiguous with Agricultural): *The County shall require Open Space properties contiguous with Agricultural designated land to have a minimal parcel size of 20 acres. (RDR, MPSP)*

General Plan Policy 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. (RDR)*

General Plan Policy LU-16.8 (Residential Design that Complements the Natural Environment): *The County shall encourage discretionary development that incorporates design features that provide a harmonious relationship between adjoining uses and the natural environment. (RDR)*

General Plan Policy LU-16.10 (Visual Access for Rural Development): *The County shall encourage discretionary development in rural areas to maintain views of hillsides, beaches, forests, creeks, and other distinctive natural areas through building orientation, height, and bulk. (RDR)*

As discussed in Section A (above), the property is zoned AE-40 ac and has an Open Space General Plan land use designation. The Ventura County 2040 General Plan 2040 Table 2-2 Land Use Designation General Development Standards limits Maximum Density/Intensity to one dwelling unit per parcel. The property currently includes one Single-Family Dwelling (SFD), one ADU and the existing FWD. The ADU and FWD are excluded from the General Plan maximum density limit. Additionally, the parcel is adjacent to Agricultural designated land and is at least 20 acres in area as required by the General Plan.

The FWD is larger than the allowed 1,800 sq. ft floor area limit set by the NCZO, the applicant provided a compelling reason, and the county granted the construction of a 2,233 sq. ft. FWD. The property is comprised of mostly open space with minimal agricultural crop production. Both the residential and agricultural uses are compatible with surrounding neighboring uses. The existing structures on the subject parcel are located in the flattened areas of the property and the hillside portion of the parcel remains open space and agricultural crop production. Additionally, the design, community character and adequate services is maintained since the FWD is one story structure approximately 15 ft in height, painted with natural tone colors, and the property has adequate water supply, and is served by an Onsite Wastewater Treatment System (OWTS).

Based on the discussion above, the proposed project is consistent with General Plan Policies LU-6.3, LU-8.5, LU-9.4, LU-16.1, LU-16.8, LU-16.10.

Circulation, Transportation, and Mobility

- 2. General Plan 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. (RDR)*

General Plan Policy CTM-1.3 (County Level of Service (LOS) Standards):

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 Policy CTM-1.7 (Pro Rata Share of Improvements): *The County shall require discretionary development that would generate additional traffic pays its pro rata share of the cost of added vehicle trips and the costs of necessary improvements to the Regional Road Network pursuant to the County's Traffic Impact Mitigation Fee Ordinance.*

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

General Plan Policy CTM-2.28 (Emergency Access): *The County shall ensure that all new discretionary projects are fully evaluated for potential impacts to emergency access. Mitigation of these impacts shall be handled on a project-by-project basis to guarantee continued emergency service operations and service levels.*

The subject property is accessed via easements from Balcom Canyon Road, and the access includes improved driveways up to the location of the existing FWD and SFD. As discussed in section 22 (Transportation/Circulation) of the ND, impacts related to LOS and safety of existing roads were found to be less than significant. Additionally, the Traffic Impact Mitigation Fee (TIMF) was paid by the permittee before the construction of the FWD. The project was conditioned by the Ventura County Fire Protection District (VCFPD) to provide adequate access and was found to be in compliance with those conditions prior to occupancy of the FWD. Additionally, the VCFPD has provided conditions that will be applicable for life of the project (Exhibit 5, Condition Nos. 18 through 22).

Based on the discussion above, the proposed project is consistent with General Plan Policies CTM-1.1, CTM-1.3, CTM-1.7, CTM-2.3 and CTM-2.28.

Public Facilities, Services, and Infrastructure

- 3. General Plan Policy 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.*

General Plan Policy 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.*

General Plan Policy PFS-4.2 (Onsite Wastewater Treatment Systems): *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 Policy PFS-4.3 (Onsite Wastewater Treatment System Failure Repair): *The County shall require landowners to repair or replace failing septic tanks, disposal area, and package systems that constitute a threat to water quality and public health.*

As discussed in C.2 (above) access to the property and the FWD is provided via access easements and improved driveways. The FWD was constructed with an OWTS required by the Environmental Health Division (EHD) The EHD has added a condition that requires the Permittee to maintain all OWTS components in working order to prevent system failure (Exhibit 5, Condition No. 17).

Based on the discussion above, the proposed project is consistent with General Plan Policies PFS-1.7, PFS-4.1, PFS-4.2 and PFS-4.3.

General Plan Policy 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. (RDR)*

General Plan Policy PFS-6.5 (Stormwater Drainage Facilities): *The County shall require that stormwater drainage facilities are properly designed, sited,*

constructed, and maintained to efficiently capture and convey runoff for flood protection and groundwater recharge.

General Plan Policy PFS-7.4 (Discretionary Development Utility Service Line Placement): *The County shall require discretionary development to place new utility service lines underground if feasible. If undergrounding is determined by the County to be infeasible, then new utility service lines shall be placed in parallel to existing utility rights-of-way, if they exist, or sited to minimize their visual impact.*

The Public Works Agency and Watershed Protection District conditions of approval related to drainage were fulfilled before the issuance of the Zoning Clearance for the construction of the FWD. As stated in Section A (above), the project is for the continued use of a FWD and does not include additional construction or any action that will have an impact on drainage or require an extension of utilities.

Based on the discussion above, the proposed project is consistent with General Plan Policies PFS-6.1, PFS-6.5 and PFS-7.4.

General Plan Policy PFS-11.1 (Emergency Response): *The County shall maintain adequate staffing, equipment, and facilities to provide timely and effective responses to emergencies. (FB, SO)*

General Plan Policy 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.*

General Plan Policy 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)*

As discussed in Section C.2 (above), the project was conditioned by the Ventura County Fire Protection District (VCFPD) to provide adequate access; these conditions were fulfilled prior to occupancy of the FWD. The VCFPD provided conditions that will require the applicant to maintain the property with requirements related to address numbers, private driveways, turnarounds, access road gates, and hazardous fire area (Exhibit 5, Condition Nos.18 through 22).

Based on the discussion above, the proposed project is consistent with General Plan Policies PFS-11.1 and PFS-11.4.

Conservation and Open Space

- 4. General Plan Policy COS-1.1 (Protection of Sensitive Biological Resources):** *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.*

General Plan Policy COS-1.4 (Consideration of Impacts to Wildlife Movement): *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).*

General Plan Policy COS-1.6 (Discretionary Development on Hillsides and Slopes): *The County shall require discretionary development on hillsides and slopes, which have an average natural slope of 20 percent or greater in the area where the proposed development would occur, to be sited and designed in a manner that will minimize grading, alteration of natural landforms, and vegetation removal to avoid significant impacts to sensitive biological resources to the extent feasible. (RDR, MPSP)*

General Plan Policy COS-1.12 (Discretionary Development and Landscaping): *The County shall require landscaping associated with discretionary development, or subject to the California Water Efficient Landscape Ordinance (WELo), to be water-efficient and include native, pollinator-friendly plants consistent with WELo guidelines, as applicable. The planting of invasive and watch list plants as inventoried by the California Invasive Plant Council shall be prohibited, unless planted as a commercial agricultural crop or grown as commercial nursery stock. (RDR)*

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

General Plan Policy COS-3.5 (Ridgeline and Hilltop Preservation): *The County shall ensure that ridgelines and major hilltops remain undeveloped and that discretionary development is sited and designed to remain below significant ridgelines, except as required for communication or similar facilities.*

General Plan Policy COS-3.6 (Open Space Character): *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. (RDR)*

As discussed in Section A (above), the project is for the continued use of the existing FWD, no construction or alteration of land are proposed. The property is not located within the Habitat Connectivity Wildlife Corridor or Scenic Resource Protection overlay zones. The project does not include landscaping and the FWD would not be visible from designated scenic roadways. Additionally, the 20-acre parcel, particularly the hillside portion, will remain mostly open space and agricultural production.

Based on the discussion above, the proposed project is consistent with General Plan Policies COS-1.1, COS-1.4, COS-1.6, COS-1.12, COS-3.1, COS-3.5 and COS-3.6.

General Plan Policy COS-4.2(a) (Cooperation for Cultural, Historical, Paleontological, and Archaeological Resource Preservation): *The County shall cooperate with cities, special districts, appropriate organizations and private landowners to identify known cultural, archaeological, historical, and paleontological resources to preserve identified resources within the county.*

General Plan Policy COS-4.2(b) (Cooperation for Tribal Cultural Resource Preservation): *For discretionary projects, the County shall request local tribes contact information from Native American Heritage Commission, to identify known tribal cultural resources. If requested by one or more of the identified local tribes, the County shall engage in consultation with each local tribe to preserve, and determine appropriate handling of, identified resources within the county.*

General Plan Policy COS-4.4 (Discretionary Development and Tribal, Cultural, Historical, Paleontological, and Archaeological Resource Preservation): *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.*

As discussed in in Item 9 and Item 10 of the adopted ND (Exhibit 4), impacts to paleontological and archeological resources were found to be less than significant. Additionally, the Planning Division conditioned LU08-0016 that in the case archaeological and/or paleontological artifacts were uncovered during

grading or excavation operations, the Permittee is to stop work and contact the Planning Division. No resources were found when the FWD was constructed, and the project does not include new construction. Areas proposed for crop production will not change from the areas previously cultivated.

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

Hazard and Safety

- 5. General Plan Policy HAZ-1.1 (Fire Prevention Design and Practices):** *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 Policy HAZ-1.2 (Defensible Space Clear Zones): *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.*

General Plan HAZ-1.4 (Development in High Fire Hazard Severity Zones and Hazardous Fire Areas): *The County shall require the recordation of a Notice of Fire Hazard with the County Recorder for all new discretionary entitlements (including subdivisions and land use permits) within areas designated as Hazardous Fire Areas by the Ventura County Fire Department or High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection (CAL FIRE).*

The VCFPD provided conditions for Case No. LU08-0016 for fire protection that were fulfilled before occupancy of the FWD. The VCFPD requires clearance of grass or brush within 100 feet prior to construction of any structure and the brush clearance area to be maintained annually in accordance with the VCFPD Ordinance.

Based on the discussion above, the project is consistent with General Plan Policies HAZ-1.1, HAZ-1.2, and HAZ-1.4.

General Plan Policy HAZ-4.13 (Design for Expansive Soils): *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 EHD conditioned Case No.LU08-0016 to obtain approval of the OWTS before the issuance of the building permit for the FWD. Additionally, the permittee acquired the required building permit to comply with the Building Code. The EHD has added a condition that requires the Permittee to maintain all OWTS components in working order to prevent system failure (Exhibit 5, Condition No. 17).

Based on the discussion above, the project is consistent with General Plan Policy HAZ-4.13.

General Plan Policy HAZ-9.2 (Noise Compatibility Standards): *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).*

The FWD is not located near highways, truck routes, heavy industrial uses or activities, railroads, airports, or relative continuous noise sources. Additionally, the project does not include new construction of any land use that will increase noise generated from the property.

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

Water Resources

6. **General Plan Policy WR-1.2 (Watershed Planning):** *The County shall consider the location of a discretionary project within a watershed to determine whether or not it could negatively impact a water source. As part of discretionary project review, the County shall also consider local watershed management plans when considering land use development.*

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

General Plan Policy WR-1.12 (Water Quality Protection for Discretionary Development): *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 Policy WR-3.2 (Water Use Efficiency for Discretionary Development): *The County shall require the use of water conservation techniques for discretionary development, as appropriate. Such techniques include low-flow plumbing fixtures in new construction that meet or exceed the California Plumbing Code, use of graywater or reclaimed water for landscaping, retention of stormwater runoff for direct use and/or groundwater recharge, and landscape water efficiency standards that meet or exceed the standards in the California Model Water Efficiency Landscape Ordinance.*

As stated in Section 23, Water Supply of the ND (Exhibit 4), the water system that will serve water to the project site is regulated by the State Department of Health and Services. The quantity of domestic water must be in compliance with applicable State drinking water standards. Design and construction of the proposed project must conform with applicable State and Building Code requirements pertaining to water systems. (Memo from Melinda Talent, Resource Management Agency, Environmental Health Division, dated March 11, 2009). The Balcom Canyon Water Well Association was considered to have the ability to provide a permanent supply of domestic water through their mutual water company wells. The project is located within the Fox Canyon Groundwater Management Agency (FCGMA), where established mitigation measures for increased ground water use are controlled by FCGMA ordinance. Although groundwater is used to supply the project needs, the well extractions are restricted to establish annual allocations or pumping limits imposed by FCGMA. Additionally, as mention in Section A (above) the project is for the continued use of an existing FWD and no new construction or additions to the existing FWD are proposed.

Based on the description above, the project is consistent with General Plan Policies WR-1.2, WR-1.11, WR-1-12, WR-3.2.

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 AE-40 ac zone district with the granting of a CUP. Upon the granting of the CUP, the proposed project will comply with this requirement.

The proposed project includes the *use* of a structure that is 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)	40 Acres	No, the parcel is 20.68 acres. The subject lot is Parcel D of Parcel Map Waiver (PMW) No. 568 as recorded on January 29, 1992 Instrument No. 91-015255 of Official Records.
Maximum Percentage of Building Coverage	5 %	1.3 %
Front Setback	20 feet	Yes
Side Setback	5 feet	Yes

Table 1 – Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	Complies?
Rear Setback	15 feet	Yes
Maximum Building Height	25 feet	14.6 feet

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].

As discussed in Section A.7 above, Section 8107-26.1 of the NCZO requires a minimum 40 acres of agricultural production and currently approximately 1.1 acres are in cultivation. The APAC determined that maintaining 13 acres of orchard would warrant a farmworker. The project has been conditioned to require the Applicant to plant a minimum of 13 acres by implementing a phased planting plan requiring one acre be planted on an annual basis until a total of 13 acres is provided (Condition of Approval 16, Exhibit 5).

Based on the information and analysis presented in Sections A, C and D of this staff report, the finding that the proposed project, a 10-year time extension for the existing FDW, 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].

As discussed in Section C (above) the property is developed with an existing Single-Family Dwelling (SFD), an ADU, the existing FWD and accessory structures. The property is adjacent to Agricultural designated land and the property is at 20 acres in area as required by the General Plan¹. The property is comprised of mostly open space and agricultural crop production. Both the residential and agricultural uses are compatible neighboring uses. The structures are located in the flattened areas of the property; the hillside remains as open space and agricultural crop production.

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

¹ General Plan Table 2-2 Land Use Designation General Development Standards: Open Space Minimum lot size 10 acres, or 20 acres contiguous with Agricultural

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].

As discussed in Section C (above), the property is accessed with easements and improved driveways. The property is not located in a Scenic Resource Protection overlay zone and the existing FWD is not be visible from designated scenic roadways. Additionally, the project does not include new construction or any land use that will increase noise generated from the property onto neighboring properties.

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].

As discussed in Section C (above), the FWD is constructed with an OWTS and the EHD has added a condition that requires the Permittee to maintain all OWTS components in working order to prevent system failure. Additionally, the property has adequate water supply and is compliant with all the required VCFPD conditions for access and vegetation brush clearance.

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].

As discussed in Section C (above), the CUP is for the continued use of a FWD. The General Plan land use designations for the general area are Open Space and Agricultural and the zoning is OS 20 acres and AE-40 acres. Existing residential and agriculture uses are compatible with these land use designations. Potential development would be subject to the Non-Coastal Zoning Ordinance and would be limited to the permitted uses for these zones.

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].

As discussed in Section A (above), the subject property is a legal lot, established as Parcel D of PMW No. 568 as recorded on January 29, 1992 Instrument No. 91-015255 of Official Records.

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 (above), on June 18, 2009 the Planning Director adopted a Negative Declaration (ND) that evaluated the environmental impacts of the construction of the FWD. An addendum to the adopted ND was prepared with a discussion of why preparation of an EIR or subsequent ND is not required in Exhibit 4.

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].

As discussed in Section C (above), the subject property does not include land designated as Prime Farmland or Farmland of Statewide Importance on the State's Important Farmland Inventory. Pursuant to Section 8107-26.1 of the NCZO, a minimum 40 acres of agricultural production is required and currently approximately 1.1 acres are in cultivation. The APAC determined that maintaining 13 acres of orchard would warrant a farmworker. The project has been conditioned to require the Applicant to plant a minimum of 13 acres by implementing a phased planting plan requiring one acre be planted on an annual basis until a total of 13 acres is provided (Condition of Approval 16, Exhibit 5). The expansion of the avocado orchard will not restrict or adversely affect agricultural resources or the viability of 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].

As discussed in Section A (above), the property is zoned AE-40 ac and has an Open Space General Plan Land Use designation and is consistent with the General Plan maximum density limit. Additionally, the parcel is adjacent to Agricultural designated land and consists of mostly open space and agricultural production. No new structures are proposed, and no agricultural production is being removed.

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 discussed in Section A (above), the project is for the continued use of an existing FWD and the property mostly consists of open space and agricultural production. No agricultural production will be removed and the property consists of areas suitable for the expansion of 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), Ventura County NCZO (Section 8111-3.1). On December 22, 2021, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On December 27, 2021, the Planning Division placed a legal ad in the *Ventura County Star*. As of the date of this document, no comments have been received

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 ND and Addendum to the ND, 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 ND have occurred;
3. **ADOPT** the Addendum to the ND (Exhibit 4);
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. PL19-0052, subject to the conditions of approval (Exhibit 5).
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 Noe Torres at (805) 654-3635 or Noe.Torres@ventura.org.

Prepared by:



Noe Torres, Case Planner
Residential Permits Section
Ventura County Planning Division

Reviewed by:



Jennifer Trunk, Manager
Residential Permits Section
Ventura County Planning Division

EXHIBITS

- Exhibit 2 Maps
- Exhibit 3 Plans
- Exhibit 4 Addendum to Negative Declaration
- Exhibit 5 Conditions of Approval



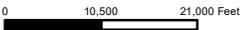
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 11-10-2021

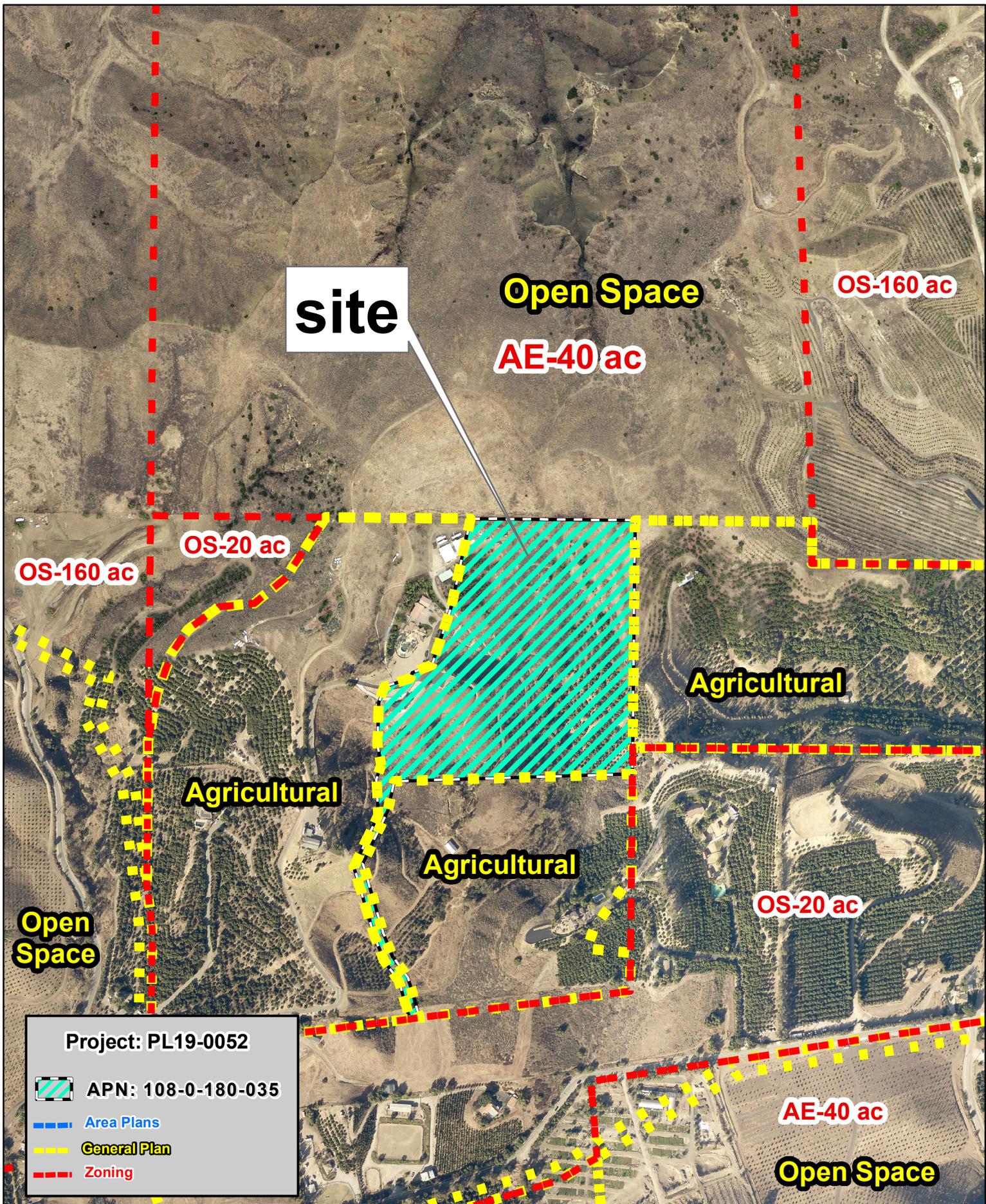


**County of Ventura
Planning Director Hearing
PL19-0052
Exhibit 2 - Maps**



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 involve a risk of economic loss or physical injury should be made in reliance thereon.





Project: PL19-0052

 **APN: 108-0-180-035**

 **Area Plans**

 **General Plan**

 **Zoning**



Ventura County
Resource Management Agency
Information Systems GIS Services
Map created on 11-10-2021
Source: Pictometry: Dec. 2019



**County of Ventura
Planning Director Hearing
General Plan & Zoning Map
PL19-0052**



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





108-0-180-035

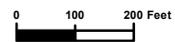
BALCOM CANYON RD



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 11-10-2021
This aerial imagery is under the
copyrights of Pictometry
Source: Pictometry, DEC 2019

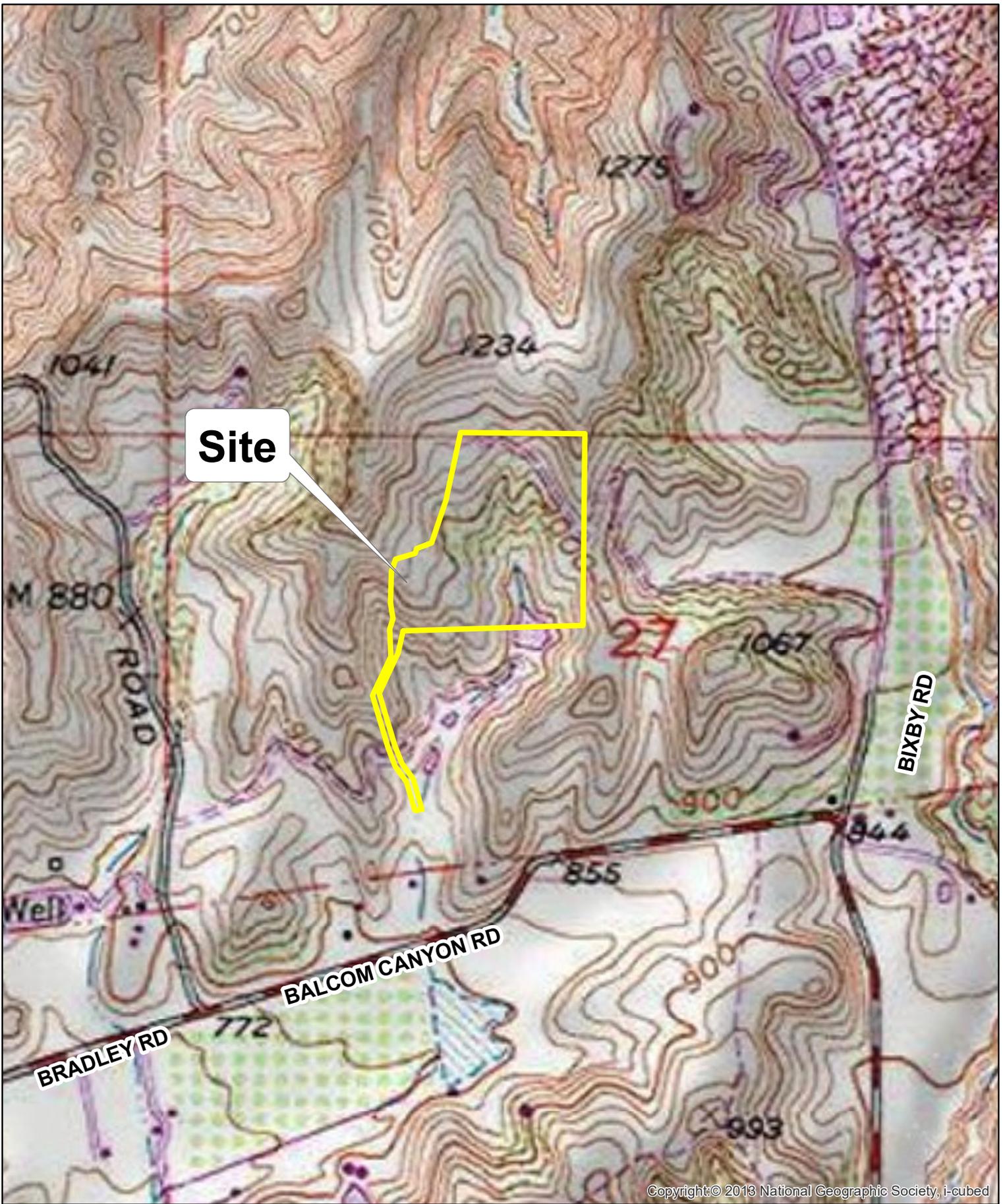


County of Ventura
Planning Director Hearing
PL19-0052
Aerial Photography



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





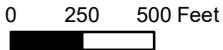
Copyright:© 2013 National Geographic Society, i-cubed



County of Ventura
Resource Management Agency
GIS Development & Mapping Services
Map created on 11-10-2021
Source: Moorparki U.S.G.S.
7.5 Minutes Quadrangle
Contour Interval = 20 ft



**County of Ventura
Planning Director Hearing
PL19-0052
Topo Map**



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



Mike Kiwitt
 8090 Balcom Canyon Road
 Somis, CA 93066
 APN 108-0-110-260

Existing Structures Floor Area (sq. ft.)

- Single Family Dwelling 3061
- Accessory Dwelling Unit 1,200
- Accessory structures to Dwelling
- Garage 1,500
- Shed 100
- Shed 65
- Total 1,665

Accessory Structures related to Agriculture Floor Area (sq. ft.)

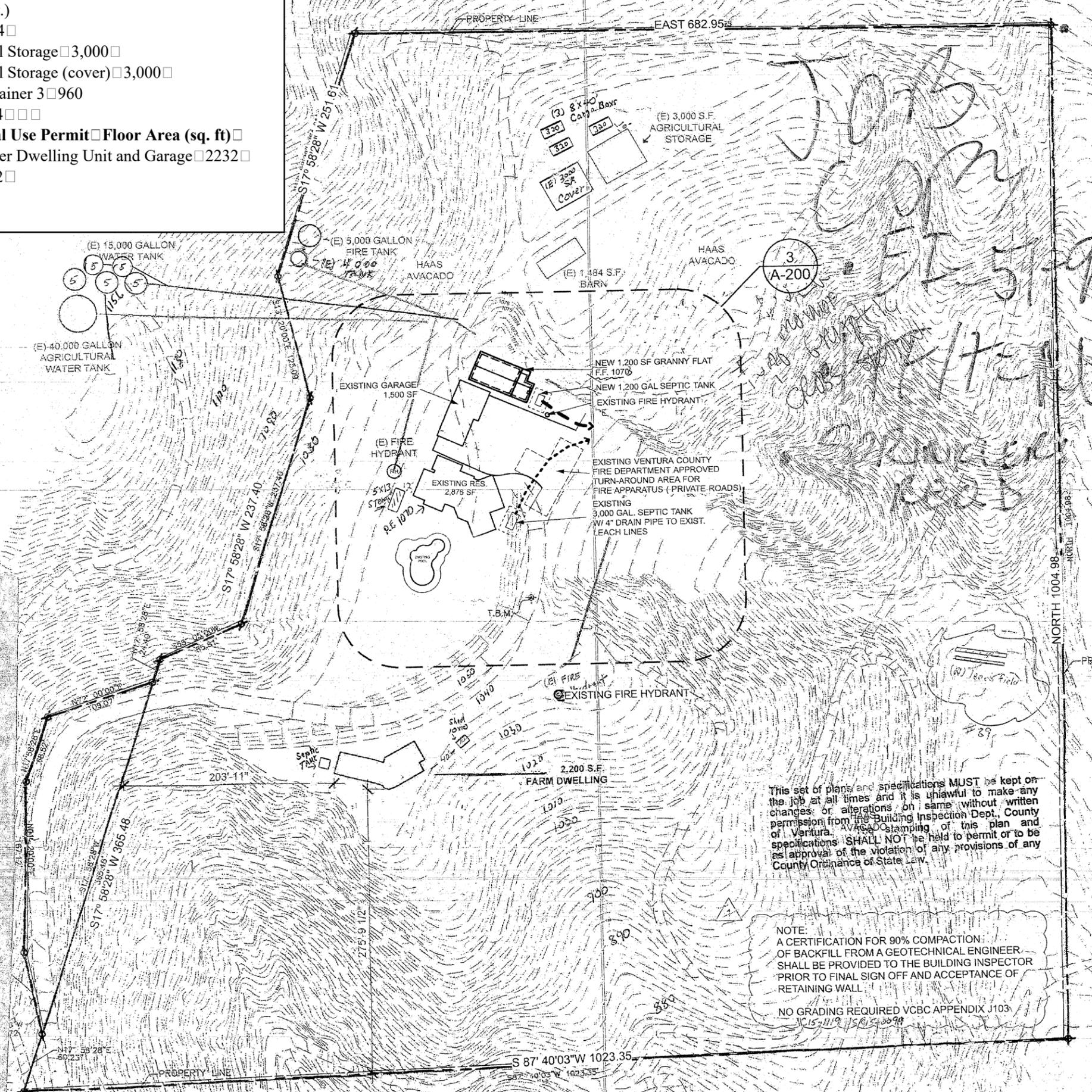
- Barn 1,484
- Agricultural Storage 3,000
- Agricultural Storage (cover) 3,000
- Cargo Container 3 960
- Total 8,444

Conditional Use Permit Floor Area (sq. ft.)

- Farm Worker Dwelling Unit and Garage 2,232
- Total 2,232

Mike Kiwitt
 8090 Balcom Canyon Rd
 Somis 93066
 APN 108-0-110-260

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This set of plans and specifications MUST be kept on the job at all times and it is unlawful to make any changes or alterations on same without written permission from the Building Inspection Dept., County of Ventura. AVACADO Stamping of this plan and specifications SHALL NOT be held to permit or to be as approval of the violation of any provisions of any County Ordinance of State Law.

NOTE:
 A CERTIFICATION FOR 90% COMPACTION OF BACKFILL FROM A GEOTECHNICAL ENGINEER SHALL BE PROVIDED TO THE BUILDING INSPECTOR PRIOR TO FINAL SIGN OFF AND ACCEPTANCE OF RETAINING WALL.
 NO GRADING REQUIRED VCBC APPENDIX J103
 10/15/11 9:15 AM 5/20/99

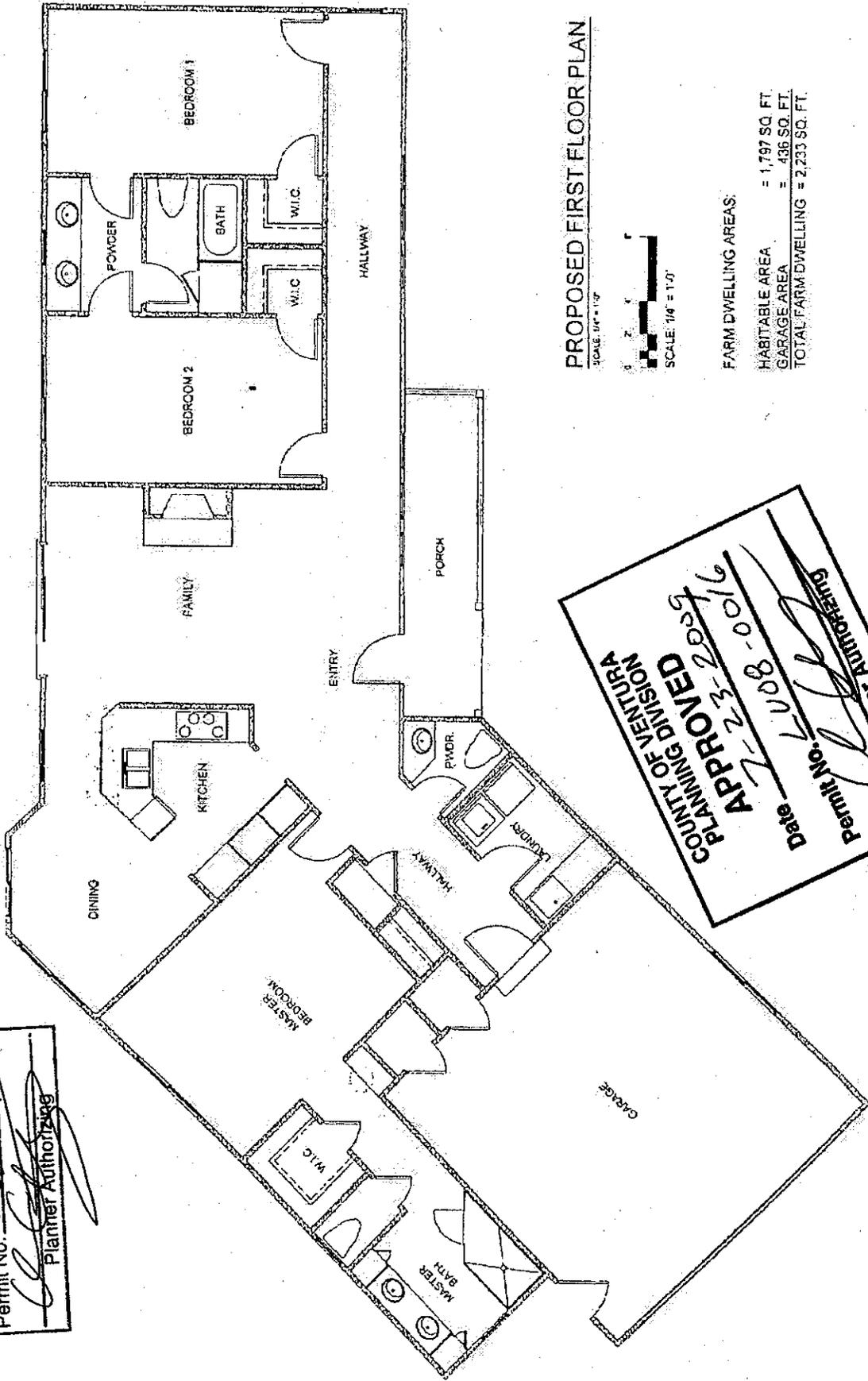
EXISTING SITE PLAN
 SCALE: NOT TO SCALE



1 SITE PLAN
 SCALE 1/8"=10'

**County of Ventura
 Planning Director Hearing
 Case No. PL19-0052
 Exhibit 3 - Plans**

COUNTY OF VENTURA
 PLANNING DIVISION
APPROVED
 Date 10-20-2010
 Permit No. 2-C10-0900
 Planner Authorizing [Signature]



FARM DWELLING AREAS:
 HABITABLE AREA = 1,797 SQ. FT.
 GARAGE AREA = 436 SQ. FT.
 TOTAL FARM DWELLING = 2,233 SQ. FT.

APPROVED
 COUNTY OF VENTURA
 PLANNING DIVISION
 Date 10-20-2010
 Permit No. 2-C10-0900
 Planner Authorizing [Signature]

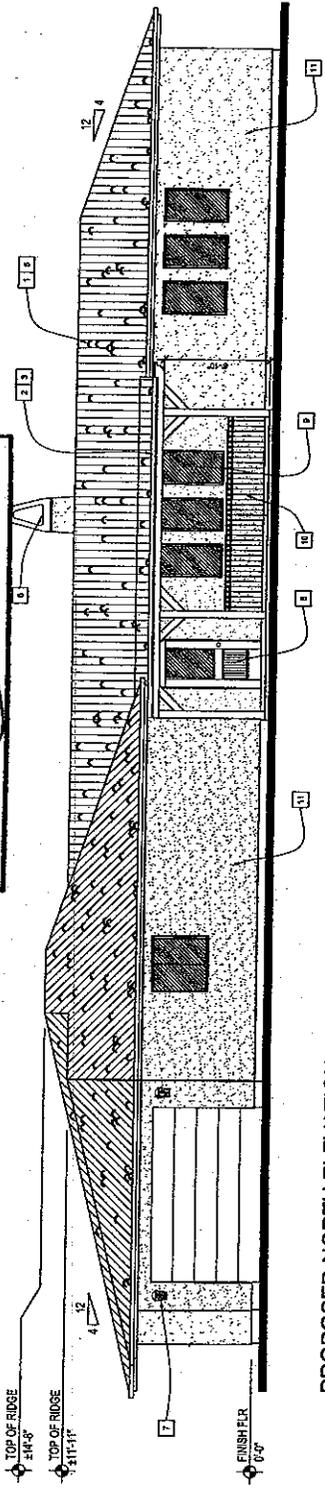
COUNTY OF VENTURA
 PLANNING DIVISION
APPROVED
 Date 7-23-2009
 Permit No. LUBB-0016
 Planner Authorizing
[Signature]

COUNTY OF VENTURA
 PLANNING DIVISION
APPROVED
 Date 10-20-2010
 Permit No. ZC10-0900
 Planner Authorizing
[Signature]

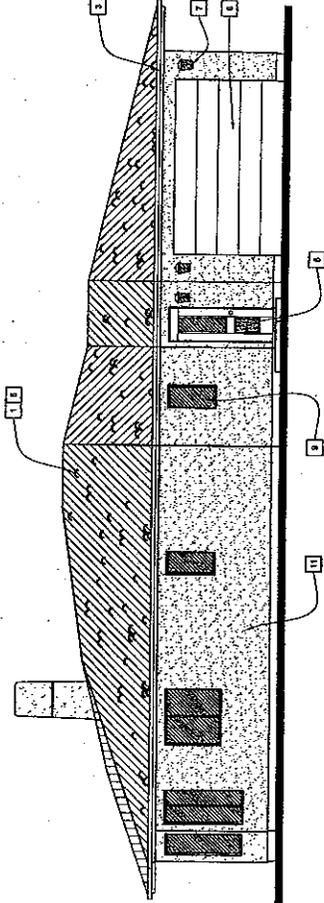
Exhibit "4"

APPROVED
 COUNTY OF VENTURA
 PLANNING DIVISION

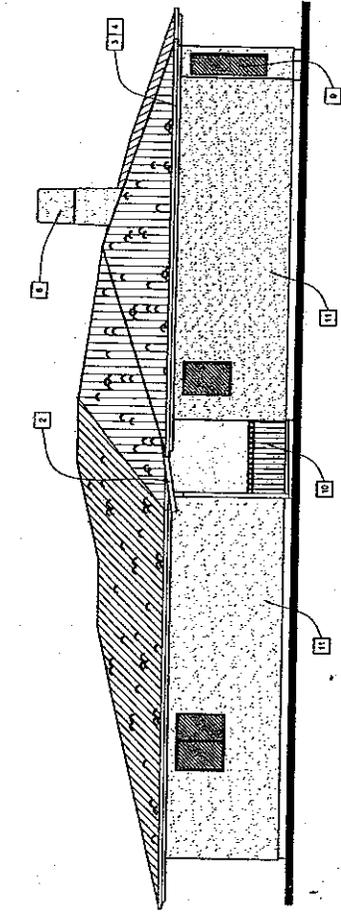
- KEY NOTES:**
1. UNLESS OTHERWISE NOTED, ALL MATERIALS SHALL BE AS SHOWN.
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 11. UNLESS OTHERWISE NOTED, ALL MATERIALS SHALL BE AS SHOWN.
- 408 EXPOSED RAFTERS - SEE DETAIL X-D-1
 BUTTER TO THE END'S COMBOUT AND CHAM
 208 RD. NO. (TREATED) PAINTED TO MATCH RAFTERS.
 CLAY VENTING TILES W/ 1/4" GRID MESH
 APPROVED SPARK ARRESTOR - PER VENTURA COUNTY.
 PROVIDE AND INSTALL NEW DECORATIVE LIGHT FEATURE
 PER OWNER SELECTION.
 COOR PER SCHEDULE.
 WINDOW PER SCHEDULE.
 DECORATIVE WOOD/STAIN FOR PER OWNER
 FINISH OVER METAL LATH AND
 #15 STEEL BARS - USE TWO (2) LAYERS OF PAPER
 BREAK WALLS



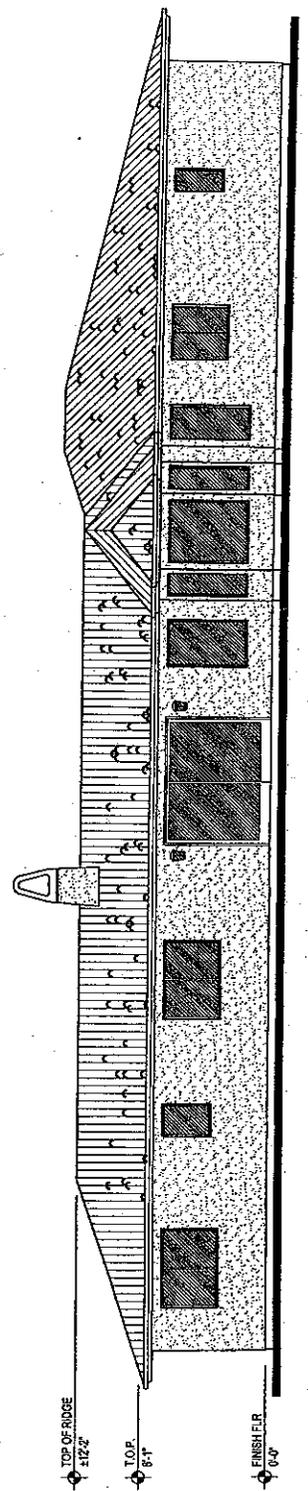
PROPOSED NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



PROPOSED EAST ELEVATION
 SCALE: 1/4" = 1'-0"



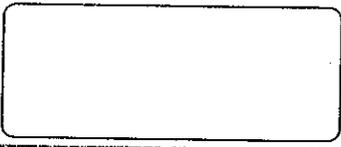
PROPOSED WEST ELEVATION
 SCALE: 1/4" = 1'-0"



PROPOSED SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"

Exhibit "4"

REVISIONS:	DATE	BY	REMARKS



Andrew David Gray
 D R A P H I C S
 700 Lake Pines Road, Suite A-2, Cotati, CA 94901
 andy@adgraphics.com (707) 386-0073 www.adgraphics.com
 3-D PRESENTATION - DRAFTING - DESIGN

PROPOSED EXTERIOR ELEVATIONS
 NEW FARM DWELLING FOR:
 MR. & MRS. MIKE KIWITT
 8690 BALCOM CANYON ROAD
 SOMES, CA 93066

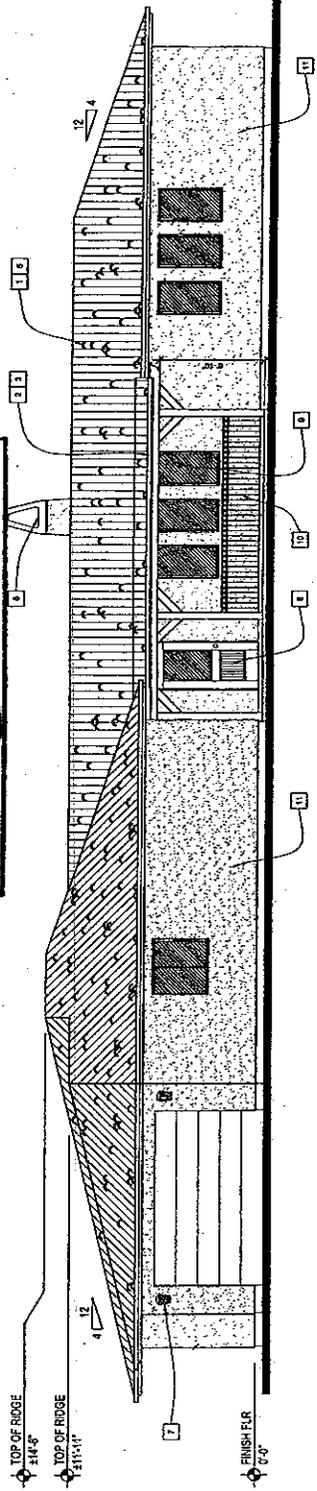
DATE: 7/23/09
 DRAWN BY: ADG
 CHECKED BY: ADG

COUNTY OF VENTURA
PLANNING DIVISION
APPROVED
Date 7-23-2009
Permit No. LV08-006
[Signature]
Planner Authorizing

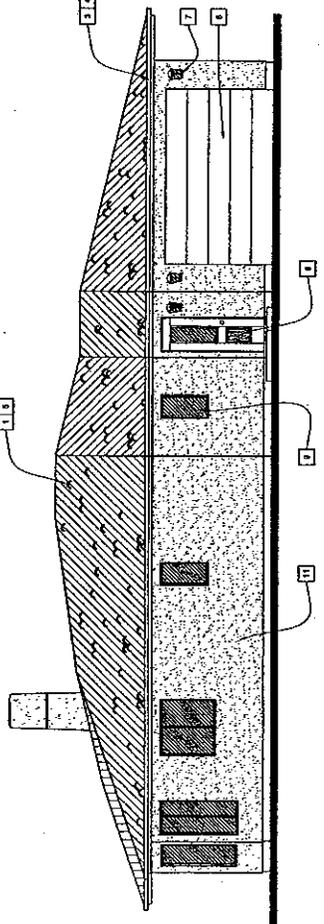
COUNTY OF VENTURA
PLANNING DIVISION
APPROVED
Date 10-20-2010
Permit No. ZC10-0700
[Signature]
Planner Authorizing

Exhibit "4"

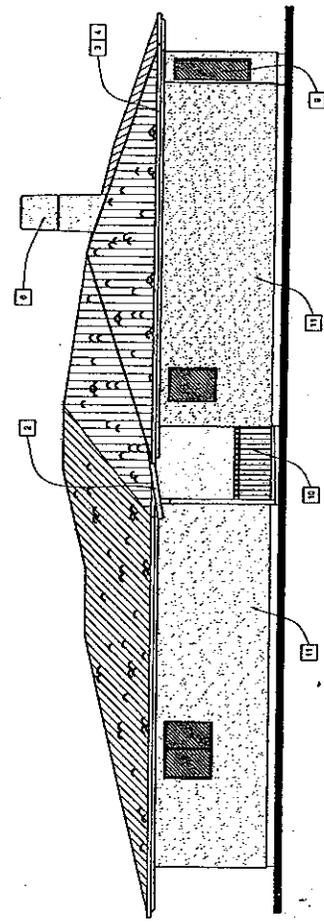
- KEY NOTES:**
- 1. WINDOW LIGHT CONC. ROOF TILES OVER TWO INCHES WIDE TO BE INSTALLED ON STRUCTURAL PRODUCT AS SHOWN - SEE DETAIL X-1.
 - 2. ALL EXPOSED MATERIALS - SEE DETAIL X-1.
 - 3. BUTTER TO THE INTERIOR DOWNPOUT AND DRAIN AT SLOPE TO STREET.
 - 4. ZONE NO. 10 (TREATED) PAINTED TO MATCH RAFTER.
 - 5. CLAY VENTING TILES W/ 1/2" BIRD NEBSH.
 - 6. APPROVED SPARK ARRESTOR - PER VENTURA COUNTY.
 - 7. PRIME AND METAL NEW DECORATIVE LIGHT FIXTURE PER OWNER'S SELECTION.
 - 8. DOOR PER SCHEDULE.
 - 9. WINDOW PER SCHEDULE.
 - 10. DECORATIVE WOOD TRIM PER OWNER.
 - 11. ROOFING MATERIALS PER SCHEDULE.
 - 12. 1/2" BIRDLAND PAPER - USE TWO PLACES OF PAPER @ SHEAR WALLS.



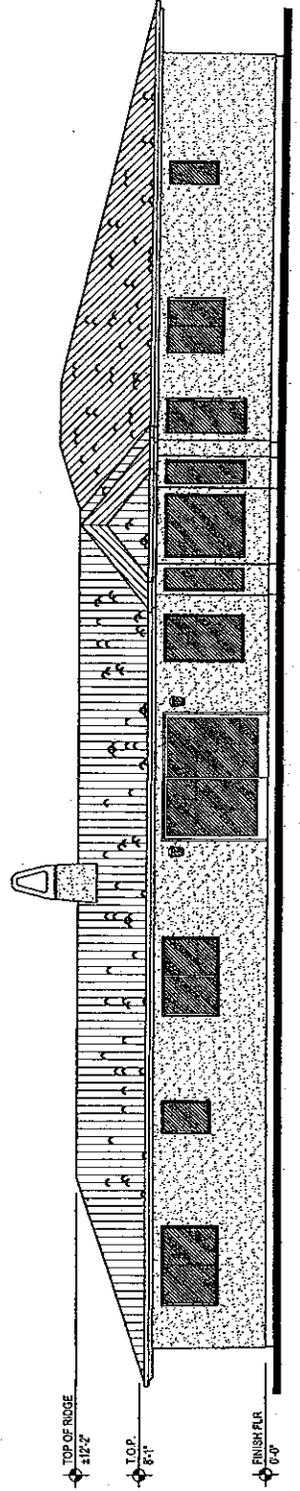
PROPOSED NORTH ELEVATION
SCALE: 1/8" = 1'-0"



PROPOSED EAST ELEVATION
SCALE: 1/8" = 1'-0"



PROPOSED WEST ELEVATION
SCALE: 1/8" = 1'-0"



PROPOSED SOUTH ELEVATION

Exhibit "4"

REVISIONS	DATE



DRAPHERS
700 Las Flores Road, Suite A-2, Chatsworth, CA 91310
909-366-0070 www.drapers.com
9-0 PRESENTATION - ORIGIN

PROPOSED EXTERIOR ELEVATIONS
NEW FARM DWELLING FOR:
MR. & MRS. MIKE KIWITT
8590 BALCON CANYON ROAD
SOMIS, CA 93065

DATE: 07/23/09
DRAWN: [Signature]



NEGATIVE DECLARATION (ND) ADDENDUM

A. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

- 1. Entitlement:** Minor Modification to Conditional Use Permit (CUP) LU08-0016 for the continued use of a Farmworker Dwelling Unit not meeting standards established by Non-Coastal Zoning Ordinance (NCZO) Section 8107-26.1 and 8107-26.2 (Case No. PL19-0052).
- 2. Applicant/Property Owner:** Michael Kiwitt, 8090 Balcom Canyon Road, Somis, CA, 93066.
- 3. Location:** 8090 Balcom Canyon Road, approximately 2,550 feet northeast of the intersection of Balcom Canyon Road and Bradley Road, near the community of Somis, in the unincorporated area of Ventura County.
- 4. Tax Assessor's Parcel Number:** 108-0-180-035
- 5. Lot Size:** 20.6-acre
- 6. General Plan Land Use Designation:** Open Space
- 7. Zoning Designation:** AE-40 ac (Agricultural Exclusive, 40 acres minimum lot size)
- 8. Project Description:** The applicant is requesting that Conditional Use Permit (Case No. LU08-0016) be extended for an additional 10 years (expiration date September 30, 2031) for the continued use of a 1,797 sq. ft. single-story farm worker dwelling (FWD) with a 436 sq. ft. attached garage. The FWD is intended for a farmworker who will assist in the farming practices on APN 108-0-180-035. The FWD is considered an accessory use and structure to agriculture and agricultural operations.

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

On June 18, 2009 the Planning Director adopted a Negative Declaration (ND) that evaluated the environmental impacts of the construction of a 1,797 sq. ft. three-bedroom, single-story farmworker dwelling unit with a 426 sq. ft. attached garage.

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

County of Ventura
Planning Director Hearing
Case No. PL19-0052
Exhibit 4 - Addendum to Negative Declaration

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

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

The proposed project would not create new environmental impacts that were not previously analyzed in the adopted ND that was prepared for the original CUP (Case No. LU08-0016). There are no changes to the project to what was approved as part of Case No. LU08-0016.

Based on the discussion above, the proposed project will not involve any new significant environmental impacts. No major revisions of the ND are required.

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

The existing baseline conditions that were used to analyze potential impacts to the environment have not changed. As stated above, no new impacts to biological resources, scenic resources, public roads and highways, or fire hazards would result from the proposed project. Furthermore, the project site and surrounding area do not exhibit any previously unknown resources that need to be analyzed as part of this project.

Ministerial Zoning Clearances have been issued to the applicant for the construction of accessory structure related to agriculture and for an Accessory Dwelling Unit (ADU).

The issuance of these permits did not create any new impacts on the environment that were not evaluated in the previous ND.

Based on the above discussion, the proposed project would not result in a new potentially significant impacts that were not previously analyzed in the ND.

- 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 ND, shows any of the following:**

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

There are no environmental resources, hazards, or public facilities located on, or in the vicinity of the project site that were previously unknown and could be substantially affected by the proposed project. No new significant effects have been identified. As stated in this Addendum (above), the proposed project will not change the analysis set forth in the previous ND. The environmental conditions that currently exist on the site are substantially the same as those that existed at the time at which the ND was prepared and adopted. Therefore, no new information of substantial importance has been discovered, and the minor modification will not result in any new environmental effects compared with those analyzed in the adopted ND.

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

C. PUBLIC REVIEW:

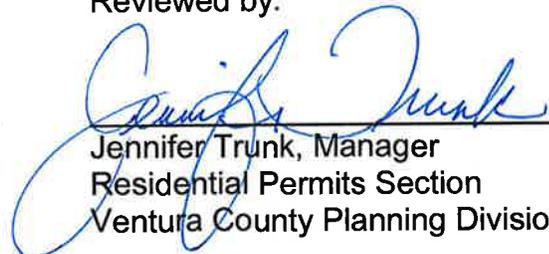
Pursuant to the CEQA Guidelines [§ 15164(c)], this addendum to the ND does not need to be circulated for public review, and shall be included in, or attached to, the adopted ND.

Prepared by:



Noe Torres, Case Planner
Residential Permits Section
Ventura County Planning Division

Reviewed by:



Jennifer Trunk, Manager
Residential Permits Section
Ventura County Planning Division

NEGATIVE DECLARATION

July 2009

A. PROJECT DESCRIPTION:

Entitlement: Conditional Use Permit, LU08-0016

Applicant: Mike Kiwitt

Location: 8090 Balcom Canyon Road, approximately 3 miles northwest of the city of Moorpark, within the unincorporated area of Ventura County known as Somis.

Assessor Parcel No(s): 108-0-180-035

Parcel Size: 20.68 acres

General Plan Designation: Agricultural and Open Space

Existing Zoning: "AE-40 ac" (Agricultural Exclusive 40 acre minimum parcel size)

Responsible and/or Trustee Agencies: Not applicable

Project Description: The applicant proposes a 1,797 sq. ft., three-bedroom, single-story farmworker dwelling unit with a 436 sq. ft. attached garage (two car). The project area consists of bare, relatively flat ground and sparse vegetation. Applicant requests to build this dwelling for a farmworker(s) who will assist in the farming of the onsite avocado orchard. Mr. Kiwitt's request is considered an Accessory Use and Structure to Agriculture, in accordance with the Ventura County Non-Coastal Zoning Ordinance, which requires a Conditional Use Permit. The proposed project meets the development standards discussed in Article 6 of the Ordinance.

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 project will not have a significant effect on the environment, and a Negative Declaration has been prepared.

C. PUBLIC REVIEW:

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

Document Posting Period: The 20-day public review period is from **May 20, 2009 to June 8, 2009.**

Exhibit "7"



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

Comments: The public is encouraged to submit written comments regarding this Negative Declaration no later than 5:00 p.m. on the last day of the above posting period, **June 8, 2009** to Chuck Anthony 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 chuck.anthony@ventura.org.

No comments were received during the Public Review period.

D. CONSIDERATION AND APPROVAL OF THE NEGATIVE DECLARATION:

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

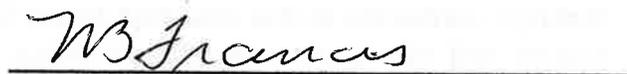
Following the review period, consideration of the project will be given at a Planning Director public hearing to be held **Thursday, June 18, 2009, at 10:00 A.M.** in Room 311 of the Hall of Administration Building, Ventura County Government Center, 800 South Victoria Avenue, Ventura, CA 93009.

Prepared by:



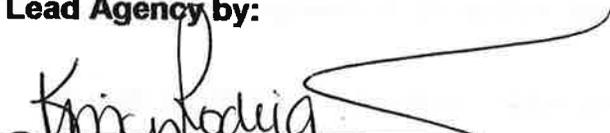
Chuck Anthony, Case Planner
(805) 654-3683

Reviewed for Release to the Public by:



Nancy Butler Francis, Manager
Land Use Permits Section

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



KIMBERLY L. RODRIGUEZ, Director

SECTION A
PROJECT DESCRIPTION

PROJECT: Conditional Use Permit Request (LU08-0016)
for Farmworker Dwelling Unit
APPLICANT: Mike Kiwitt
LOCATION: 8090 Balcom Canyon Rd., Somis

Project Location

The subject site is located at 8090 Balcom Canyon Road, approximately 3 miles northwest of the city of Moorpark, within the unincorporated area of Ventura County known as Somis. (SEE EXHIBIT "A", AERIAL LOCATION MAP).

Lot Size and Existing Physical Description

The lot size of the proposed project and the land use designations in which it will be located are as follows:

ASSESSOR'S PARCEL NO.	108-0-180-035
ACREAGE	20.68 Acres
ZONING	AE-40 ac (Agricultural Exclusive 40 acre minimum)
GENERAL PLAN LAND USE DESIGNATION	Agricultural & Open Space

The project would be built among existing structures located in the south-central portion of the subject property. The existing structures on the property include a single-family dwelling and garage, barn, small agricultural-related building, cargo box, and water tank. The topography of the 20-acre property is characterized by hills and canyons, with avocado orchards covering approx. 8 acres of the property.

The building pad is located approx. 400 feet from the nearest neighboring dwelling unit, which is located on a hill above the pad. The surrounding area is dominated by rural residential homes, active agricultural production, and animal keeping/husbandry. Neighboring parcels are similar in size. Most homes in the area are single-family detached homes, alongside which are various agriculture-related farmworker dwelling units or accessory structures.

Project Description & History

The applicant proposes a 1,797 sq. ft., three-bedroom, single-story farmworker dwelling unit with a 436 sq. ft. attached garage (two car). The project area consists of bare, relatively flat ground and sparse vegetation (SEE EXHIBIT "B", SITE PLAN). Applicant requests to build this dwelling for a farmworker(s) who will assist in the farming of the onsite avocado orchard. Mr. Kiwitt's request is considered an Accessory Use and Structure to Agriculture, in accordance with the Ventura County Non-Coastal Zoning Ordinance. The proposed project meets the development standards discussed in Article 6 of the Ordinance.

The applicant applied for the Conditional Use Permit on February 22, 2008. After applicant obtained all necessary permits for existing structures on the assessor's parcel, removed other structures, and provided the required application materials for the proposed project, the Planning Division deemed the application complete on March 31, 2009.

SECTION B INITIAL STUDY CHECKLIST

PROJECT: Conditional Use Permit Request (LU08-0016)
for Farmworker Dwelling Unit
APPLICANT: Mike Kiwitt
LOCATION: 8090 Balcom Canyon Rd., Somis

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

ISSUE (RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
	N	LS	PS- M	PS	N	LS	PS- M	PS
C. COASTAL HABITAT	X				X			
D. MIGRATION CORRIDORS	X				X			
E. LOCALLY IMPORTANT SPECIES/COMMUNITIES	X				X			
7. AGRICULTURAL RESOURCES (AG. DEPT.):								
A. SOILS	X				X			
B. WATER		X				X		
C. AIR QUALITY/MICRO-CLIMATE		X				X		
D. PESTS/DISEASES		X				X		
E. LAND USE 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		

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

ISSUE (RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
	N	LS	PS- M	PS	N	LS	PS- M	PS
C. PEDESTRIAN/BICYCLE:								
(PWA) (1) PUBLIC FACILITIES		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	X				X			
(PWA) C. SOLID WASTE MANAGEMENT		X				X		
(EHD) D. SOLID WASTE FACILITIES	X				X			
25. UTILITIES:								
A. ELECTRIC		X				X		
B. GAS		X				X		
C. COMMUNICATION		X				X		
26. FLOOD CONTROL/DRAINAGE:								
A. WPD FACILITY (WPD)	X				X			

	ISSUE (RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
		N	LS	PS- M	PS	N	LS	PS- M	PS
	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 Airports - Department Of Airports District

PWA - Public Works Agency

PIng. - Planning Division

Agency

GSA - General Services Agency

Fire - Fire Protection District

Sheriff - Sheriff's Department

EH - Environmental Health Division

WPD - Watershed Protection

Ag. Dept. - Agricultural Department

Lib. Agency - Library Services

SECTION C
INITIAL STUDY - DISCUSSION OF RESPONSES

PROJECT: Conditional Use Permit Request (LU08-0016)

for Farmworker Dwelling Unit

APPLICANT: Mike Kiwitt

LOCATION: 8090 Balcom Canyon Rd., Somis

GENERAL

1. GENERAL PLAN ENVIRONMENTAL GOALS AND POLICIES:

The *Ventura County General Plan* contains a large number of goals, policies and programs which are used to evaluate proposed projects within the unincorporated county. Many of these goals and policies do not apply to the proposed project either because of its location (i.e., it is outside the area considered by the General Plan goal or policy [coastal zone, dam inundation areas, etc.], or because the project is not a land use considered by the goal or policy. The General Plan programs are a coordinated set of measures to be implemented by County staff and other public agencies to carry out the goals and policies. As the proposed project does not violate or hinder implementation of any of these programs, the project is considered to be consistent with all the General Plan Environmental Goals and Policies.

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

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

The *Ventura County General Plan*, *General Land Use Map Figure 3.1*, designates the site as "Agricultural" and "Open Space" (the project is not located within any County Area Plan). The Assessors Parcel Number is 108-0-180-035 and the property is zoned

Agricultural Exclusive 40 acre minimum (AE-40 ac). The proposed project site is not located within the Sphere of Influence of a City or within a Greenbelt.

Based on the above designations, the proposed subdivision is considered consistent with the *Ventura County General Plan* and the *Ventura County Non-Coastal Zoning Ordinance*. This consistency results in **no adverse impacts** relative to the County General Plans.

Given the project consistency with the *Ventura County General Plan*, the project does not create any cumulative General Plan impacts.

LAND USE

2. LAND USE:

Item A - Community Character

The surrounding area in which the project is located can be identified as a patchwork of mostly large "Agricultural" and "Open Space" parcels. The area is dominated by rural residential homes, active agricultural production, and animal keeping/husbandry. The subject parcel is 20 acres (approx.) and neighboring parcels are similar in size. Most homes in the area are single-family detached homes, alongside which are various agriculture-related farmworker dwelling units or accessory structures. The proposed 1,797 sq. ft. farmworker dwelling unit and 436 sq. ft. two-car garage are similar to the design and architectural style of the other structures in the area. In addition, the proposed project is consistent with the existing General Plan land use designation and zoning. Therefore, **no adverse impacts** to community character are expected.

Source Document: *Ventura County Initial Study Assessment Guidelines; photographs of subject property; and aerial photos from Planning GIS system*

Item B - Housing

No existing housing units will be destroyed or removed as result of the proposed project. The project will employ less than 30 full-time employees, which would not cause a significant demand for housing. Construction jobs created by the project have a potential impact on the demand for additional housing; however, since construction is estimated to be of a short-term in nature (less than 18 months) construction worker demand on housing is considered **less than significant**.

Source Document: *Ventura County Initial Study Assessment Guidelines*

Item C - Growth Inducement

The proposed project does not amend or run counter to the policies or land use assumptions of the General Plan and does not remove policy impediments to growth. No agency or special district indicted that the farmworker dwelling unit would expand critical public facilities (e.g. roads, flood control facilities, etc.) that could set a precedent for additional growth. Therefore, the project is expected to have **no adverse impacts** to

growth inducement.

Source Document: Ventura County Initial Study Assessment Guidelines

RESOURCES

3. AIR QUALITY:

Item A - Regional Air Quality Impacts

Based on information provided by the applicant, the Ventura County Air Pollution Control District reviewed the proposed project and did not identify any air quality impacts. Therefore, the project will have a **less than significant** impact on regional air quality.

Source Document: Review and comments from Ventura County Air Pollution Control District (April 1, 2008)

Item B - Local Air Quality Impacts

Based on information provided by the applicant, the Ventura County Air Pollution Control District reviewed the proposed project and did not identify any air quality impacts. Therefore, the project will have a **less than significant** impact on local air quality.

Source Document: Review and comments from Ventura County Air Pollution Control District (April 1, 2008)

4. WATER RESOURCES:

Item A - Groundwater Quantity

Groundwater Quantity is deemed **Less than Significant (LS)** because the project will have a minimal net increase on groundwater production and will not create a cumulative impact on the underlying East Las Posas Groundwater Basin.

Source Document: Memo from Ventura County Watershed Protection District, Water & Environmental Resources Division (March 25, 2008)

Item B - Groundwater Quality

Groundwater Quality is deemed **Less than Significant (LS)** because the groundwater quality impacts have been identified and the project does not require conditions to mitigate groundwater quality impacts.

Source Document: Memo from Ventura County Watershed Protection District, Water & Environmental Resources Division (March 25, 2008)

Item C - Surface Water Quantity

The proposed project will not alter surface water runoff at the site. Runoff at this location will not have a significant effect on surface water quantity to the Puerta Zuela Barranca located approximately 1,200 feet west of the project site, therefore surface water quantity findings are checked **Less than Significant** (LS).

Source Document: *Email and Initial Study Checklist from Glen Luscombe, Ventura County Watershed Protection District, Water & Environmental Resources Division (March 16, 2009)*

Item D - Surface Water Quality

The Water Quality Section has reviewed the subject project and has determined that the project will have an “N” or **no impact** on surface water quality. At this time, the subject project does not propose any grading activity, new development, or significant redevelopment that is expected to result in any negative changes to storm water quality.

Source Document: *Memo from Ventura County Watershed Protection District, Water & Environmental Resources Division, Water Quality Section (August 4, 2008)*

5. MINERAL RESOURCES:

Item A - Aggregate

Aggregate resources consist of sand, gravel, and crushed rock used in the construction industry. The *Ventura County Zoning Ordinance* includes Mineral Resource Protection (MRP) overlay zones for areas where important mineral resources do or may exist and the extraction of these resources may be a compatible land use. Neither the proposed site nor the assessor's parcel are within the MRP zone, an aggregate resource area (known as MRZ-2), or adjacent to a principal access road to an existing aggregate Conditional Use Permit. As such the project is expected to have **no adverse impacts** on aggregate resources.

Source Documents: *Ventura County Initial Study Assessment Guidelines of February 2006; Planning GIS data layers*

Item B - Petroleum

Oil resources are considered a worldwide, national and statewide resource, which is beyond the scope of local governments to effectively manage or control. Therefore, no individual project could have a significant demand on these resources. Projects located in or immediately adjacent to any known petroleum resource area, or adjacent to a principal access road to an existing petroleum CUP, could potentially have an impact on the extraction of this resource. The proposed project is not located within a petroleum resource area, or within or adjacent to the boundary of an oil extraction Conditional Use Permit (CUP). Thus, the project will have **no adverse impact** on petroleum resources

Source Documents: *Ventura County Initial Study Assessment Guidelines of February 2006 and Ventura County General Plan, Resources Appendix, Figure 1.4.7*

6. BIOLOGICAL RESOURCES:

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

The proposed project area consists of bare ground and sparse ruderal vegetation that is made up of mostly non-native species, with a common native wildflower, arroyo lupine (*Lupinus succulentus*), scattered throughout. Avocado trees previously planted on the project site have been removed, and the area was recently burned. The site for the dwelling unit is surrounded by the current residence, driveway, and avocado orchards.

The project site does not contain habitat for state or federally listed rare, threatened, or endangered plant or animal species or locally important species. The sparse, ruderal vegetation is not suitable for nesting birds protected by the Migratory Bird Treaty Act or California Department of Fish and Game Code. There are no streams, drainages, or wetlands on or near the project site. The site is located adjacent to a single-family residence, avocado orchards and human activity, and therefore it is not part of a wildlife movement corridor. Overall, the project would be constructed on previously disturbed land that does not contain significant biological resources, and therefore **no impact** to biological resources would occur.

Source Documents: *Memo from Ventura County Planning biologist (April 1, 2008); Ventura County Initial Study Assessment Guidelines*

7. AGRICULTURAL RESOURCES:

Item A – Soils

The evaluation pertains to the loss of classified farmland. The threshold of significance for “Unique” farmland soils is 10 acres in the Agricultural land use designation and 15 acres in the Open Space land use designation. It is unclear whether the proposed structures will be located in the area designated as Agricultural or Open Space. In either case, the proposed farm worker dwelling and garage will convert less than 10 acres. Therefore, direct impacts to Item 7a are deemed **No Impact**.

Cumulative Impacts. The threshold for cumulative impacts is stated in the Initial Study Guidelines as follows: “[I]n accordance with Section 15183 of the CEQA Guidelines, additional cumulative environmental analysis is not required for any project that is consistent with the General Plan.” The proposed project does not require a General Plan amendment. Therefore, the project’s contribution to cumulative impacts for Item 7a is deemed **No Impact**.

Source Document: *Memo from the Office of Agricultural Commissioner (March 25, 2008)*

Item B – Water

This evaluation pertains to water quantity and water quality. The threshold of significance is stated as follows: “Any proposed non-agricultural land use/development that is proposed to use the same water resources as agriculture will have an impact.” Individual farm worker dwellings are identified in the Ventura County Non-Coastal Zoning Ordinance as part of Agriculture and Agricultural Operations. Additionally, the quantity of water used by one additional dwelling is not considered a significant use of water resources available to agriculture. The Ventura County Public Works Agency Water Resources Division is best qualified to analyze the extent of direct project impacts to water quantity.

The evaluation also pertains to water quality. The threshold of significance is stated as: “A use that will decrease the quality of [] water available for agriculture to a level greater than 1200 mg/L TDS [Total Dissolved Solids] is considered to have a significant project and cumulative impact.” The proposed farm worker dwelling will use a septic system. The addition of one dwelling is not considered to be a potentially significant impact to water quality for agricultural water resources. The Water Resources Division and Watershed Protection District are best qualified to evaluate effects to groundwater quality from the proposed project. Unless an unusual effect is identified in the evaluations by these agencies, the Agriculture Dept. staff believes that the threshold of significance is unlikely to be exceeded by a project of the proposed type and scale. For the reasons stated above, direct impacts to Item 7b are deemed **Less than Significant**.

Cumulative Impacts. No thresholds for cumulative impacts are stated in the Initial Study Guidelines. Neither the Agricultural Policy Advisory Committee nor the Agricultural Commissioner currently has any policies limiting individual farm worker dwellings and accessory buildings for the protection of agricultural water resources. As stated above, other agencies of the county will professionally evaluate impacts to water quantity and water quality. There are no observable cumulative impacts in the area. For the reasons stated above, the project’s contribution to any cumulative impacts for Item 7b is deemed **Less than Significant**.

Source Document: *Memo from the Office of Agricultural Commissioner (March 25, 2008)*

Item C - Air Quality/Micro-Climate

This evaluation pertains primarily to effects related to dust and solar access. The threshold of significance for these items is: Any use that will cause a 10 percent or greater increase in dust on off-site adjacent agricultural parcels or impair solar access would be considered to have a significant impact. The project site is in the central to southwest portion of the parcel. There is classified “Unique” farmland on the adjacent parcel to the west. However, use of the farm worker dwelling and garage structure are not considered to be dust producing. Construction dust is likely to occur and requires control via appropriate dust suppression methods. Conditions of approval will be

imposed to control dust during construction. The building heights of the structures and their setback relative to off-site adjacent agricultural land are controlled by the zoning ordinance and will not impair solar access to off-site farmland. Therefore, direct impacts for Item 7c are deemed **Less than Significant**.

Cumulative Impacts. No thresholds for cumulative impacts for agricultural air quality/micro climate are stated in the Initial Study Guidelines. Neither APAC nor the Agricultural Commissioner has any policies that would limit farm worker dwellings and accessory garages for the benefit of agricultural air quality. With the Conditions of Approval for dust suppression, the project's contribution to cumulative impacts for Item 7c is deemed **Less than Significant**.

Source Document: *Memo from the Office of Agricultural Commissioner (March 25, 2008)*

Item D - Pests/Diseases

This evaluation pertains to the introduction of agricultural pests or diseases in an agricultural area. The threshold of significance is any use that would introduce an agricultural pest or disease or cause a substantial increase in a pest or disease infestation. Most introductions of agricultural pests and diseases occur when infected fruit or live plants are shipped from one location to another or truck tires from agricultural vehicles carry organisms from an infected field to other fields. The project does not involve the shipment of fruit or live plants. The proposed structures will have no direct access to off-site agricultural fields. Temporary construction dust can create conditions for pest infestation on off-site farmland. Conditions of approval for dust suppression will serve to reduce fugitive dust. Therefore, direct impacts for Item 7d are deemed **Less than Significant**.

Cumulative Impacts. No thresholds for cumulative impacts are stated in the Initial Study Guidelines. The proposed use is permissible in the AE zone and is considered an agricultural use. Conditions of approval will lessen dust impacts to less than significant. There are no observable cumulative impacts in the area. Therefore, the project's contribution to cumulative impacts for Item 7d is deemed **Less than Significant**.

Source Document: *Memo from the Office of Agricultural Commissioner (March 25, 2008)*

Item E - Land Use Compatibility

This evaluation pertains to incompatible effects related to the placement of non-farming uses next to existing agriculture and whether an extended setback may be appropriate. The Initial Study Guidelines state that proposed non-agricultural development may create a potential impact. However, individual farm worker dwellings are identified as part of Agriculture and Agricultural Production in the Ventura County Non-Coastal Zoning Ordinance. Further, the Agricultural Policy Advisory Committee's Agricultural/Urban Buffer Policy has not been applied to the development of individual farm worker housing. Extended setbacks and buffers are considered to be primarily for

the benefit of a farmer who must continue his or her farming cultural practices next to an urbanized setting. Occupants of any type of housing next to agriculture, including farm workers, are protected from chemical spray drift by the laws of the state, found in the California Code of Regulations. Therefore, direct impacts for Item 7e may be deemed **Less than Significant**.

Cumulative Impacts. Cumulative development exceeding the Initial Study Assessment Guidelines thresholds will normally be considered as having a substantial effect on agricultural production and cultural practices in the project area (e.g. movement of equipment, spraying of farm chemicals). The proposed project is considered part of Agricultural Operations with less than significant effects on adjacent agricultural operations in the area. Therefore, the project's contribution to cumulative impacts for Item 7e is deemed **Less than Significant**.

Source Document: *Memo from the Office of Agricultural Commissioner (March 25, 2008)*

8. VISUAL RESOURCES:

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

The subject property accesses Balcom Canyon Road, which is not a designated or eligible scenic highway. The project is not located within the Scenic Resource Protection Overlay Zone or the Scenic Highway Protection Overlay Zone. Therefore, the proposed project will have a **no impacts** on visual resources and public views.

Source Document: *Ventura County General Plan Resources Appendix, Figure 1.7.3b; Planning GIS data layers; and the Ventura County Initial Study Assessment Guidelines*

9. PALEONTOLOGICAL RESOURCES:

Maps used by the Planning Division show that the entire project site is located in an area of "Undetermined Importance" for geologic formations. Additional review indicates that the assessor's parcel is underlain by the Saugus Formation. Recently, mass grading in the Saugus Formation associated with large housing developments near Moorpark (unrelated to the proposed project) uncovered two mastodon skeletons and other Ice Age mammal specimens. However, the relatively small size of the proposed project is less likely to produce fossil remains. In addition, the project will be conditioned such that, in the unlikely event that any paleontological remains are uncovered during grading or excavation operations, the permittee shall assure the preservation of the site; shall obtain the services of a qualified paleontologist to recommend proper disposition of the site; and the permittee shall obtain the Planning Director's written concurrence of the recommended disposition before resuming development. As such, impacts to paleontological resources are considered to be **less than significant**. Given the lack of project specific paleontological impacts, the project would not have any cumulative paleontological impacts.

Source Document: *Email from E. Bruce Landers, Ph.D., paleontologist, Paleo*

10. CULTURAL RESOURCES:

Item A – Archaeological Resources and Item B – Historical Resources

A cultural resources records search was conducted by the South Central Coastal Information Center to determine whether the proposed project could impact any cultural resources that could be in the project area. The Center determined that cultural resources are likely to be in the area, and, as such, recommended a “Phase I” assessment. A Phase I assessment, which involves a surface survey and literature search, was conducted by a qualified archaeological and historical consultant. The results of the assessment indicated that no prehistoric or historic archaeological resources were encountered within the project area. Any proposed improvements to the project area will have no adverse impacts on known cultural resources. Nevertheless, should unanticipated cultural resource remains be encountered during land modification activities (any permitted action requiring earth removal within a project area using mechanical equipment or hand tools, including core sampling, soil borings, excavation for caissons or footings, landscaping, disking or grubbing), work must stop. Cultural resource remains may include artifacts, shell, bone, features, foundations, trash pits and privies, etc. Conditions will be imposed on the project such that if cultural resources are uncovered during land modification activities, such resources will be protected and the proper disposition will be made (which will include the retention of a qualified archaeologist).

If human remains are discovered during construction activities within the boundaries of the subject property, then the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. These procedures require notification of the County Coroner. If the County Coroner determines that the discovered remains are those of Native American ancestry, then the Native American Heritage Commission (NAHC) must be notified by telephone within 24 hours. Sections 5097.94 and 4097.98 of the Public Resources Code, describe the procedures to be followed after the notification of the NAHC.

The proposed project site is located in an agricultural area, and agricultural-related uses and rural-residential uses have occurred for years. All aspects of the proposed project would occur on areas previously cultivated or graded, and, as such, the proposed project would not disturb any previously undisturbed soil. In addition, the Phase I study, mentioned above, did not identify any historic resources, places, landmarks, points of interest, etc., within the project area. Thus, it is not expected that the proposed project would create any project specific historical impacts. Nevertheless, the project will be conditioned such that if historical artifacts are uncovered during grading or excavation operations, the permittee shall assure the preservation of the site; shall obtain the services of a qualified archaeologist to recommend proper disposition of the site; and shall obtain the Planning Director’s written concurrence of the recommended disposition before resuming development.

Thus, impacts potential impacts to any archaeological or historical resources that could be uncovered are considered **less than significant**. Given the lack of project specific archaeological impacts, the project would not have any cumulative archaeological or historical impacts.

Source Document: Stacy St. James, *South Central Coastal Information Center within the Department of Anthropology at California State University, Fullerton (Comments, April 13, 2009)*; Robert J. Wlodarski of the *Historical, Environmental, Archaeological, Research Team, West Hills, CA (April 2009)*; *Ventura County General Plan Section 1.8 – Paleontological and Cultural Resources*; and the *Ventura County Initial Study Assessment Guidelines*

Item C - Social or Religious Resources

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

Source Document: *Ventura County General Plan Section 1.8 – Paleontological and Cultural Resources and the Ventura County Initial Study Assessment*

11. ENERGY RESOURCES:

The project alone and cumulatively will have less than a significant impact on the renewable resources of solar, wind, and hydraulic power. The Uniform Building Code regulates construction of structures with regard to energy efficiency. Therefore, there would be **no adverse impact** as a result of this project.

Source Document: *Ventura County General Plan and the Ventura County Initial Study Assessment Guidelines*

12. COASTAL BEACHES & SAND DUNES:

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

Source Document: *Ventura County Local Coastal Plan*

HAZARDS

13. SEISMIC HAZARDS:

Item A - Fault Rupture

The Public Works Agency comments that pursuant to the Countywide General Plan, Hazards Appendix, Figure 2.2.1b, no indications of faulting were identified on the proposed project site. As no known active or potentially active faults project into or appear to cross through the property, the potential for fault rupture on the proposed project site is considered very low.

Therefore, there would be **no adverse** impacts relating to fault rupture.

Source Document: *Memo from Brian J. Trushinski, Public Works Agency, Development & Inspection Services Division, dated July 1, 2008*

Item B - Ground Shaking

The property will be subject to moderate to strong ground shaking from seismic events on local and regional fault systems. The Uniform Building code will require any proposed structures to be designed to withstand this ground shaking. The requirements of the Building Code will reduce the effects of ground shaking to less than significant.

Therefore, the adverse impacts, relating to ground shaking would be considered to be **less than significant**.

Source Document: *Memo from Brian J. Trushinski, Public Works Agency, Development & Inspection Services Division, dated July 1, 2008*

Item C - Tsunamis and Item D - Seiches

Pursuant to the Countywide General Plan, Hazards Appendix, Figure 2.6, the proposed project is not located in a Tsunami Zone or a Seiche Zone

Therefore, there would be **no adverse impacts** relating to Tsunamis and Seiches.

Source Document: *Memo from Brian J. Trushinski, Public Works Agency, Development & Inspection Services Division, dated July 1, 2008*

Item E - Liquefaction

The subject property is located in a liquefaction hazard zone as delineated by the State of California as part of the Seismic Hazards Mapping Act. A site specific study to evaluate the liquefaction potential and mitigate any associated hazards may be necessary to be conducted as part of the building permit application process. This report will address the liquefaction potential and provide mitigation recommendations such that the potential hazard resulting from liquefaction will be less than significant. In this regard the potential hazards resulting from liquefaction are considered to be less

than significant.

Therefore, the adverse impacts, relating to liquefaction would be considered to be **less than significant**.

Source Document: *Memo from Brian J. Trushinski, Public Works Agency, Development & Inspection Services Division, dated July 1, 2008*

14. GEOLOGIC HAZARDS:

Item A – Subsidence

The Public Works Agency comments that if subsidence is to take place the majority of settlement would occur during construction and be minimal. Prior to construction, the expansive nature of the soils would be taken into consideration for the design of the foundations.

Therefore, there would be **no adverse impacts** relating to subsidence.

Source Document: *Memo from Brian J. Trushinski, Public Works Agency, Development & Inspection Services Division, dated July 1, 2008*

Item B - Expansive Soils

Future development of the site will be subject to the requirements of the Uniform Building Code that require mitigation of potential adverse effects of expansive soils and in this regard, the hazard associated with adverse impacts is considered to be less than significant.

Therefore, the adverse impacts, relating to expansive soils would be considered to be **less than significant**.

Source Document: *Memo from Brian J. Trushinski, Public Works Agency, Development & Inspection Services Division, dated July 1, 2008*

Item C - Landslides/Mudslides

The Public Works Agency comments that pursuant to the Countywide General Plan, Hazards Appendix, Figure 2.9, the proposed project is not located in a landslides and/or mudslide Zone.

Therefore, there would be **no adverse impacts** relating to landslides/ mudslides.

Source Document: *Memo from Brian J. Trushinski, Public Works Agency, Development & Inspection Services Division, dated July 1, 2008*

15. HYDRAULIC HAZARDS:

Item A - Erosion/Siltation

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

Therefore, there would be **no adverse impacts** relating to erosion/siltation.

Source Document: Memo from Brian J. Trushinski, Public Works Agency, Development & Inspection Services Division, dated July 1, 2008

Item B – Flooding

The Public Works Agency comments that pursuant to the Flood Insurance Rate Map, the proposed project is not located in the 100 year floodplain.

Therefore, there would be **no adverse impacts** relating to flooding.

Source Document: Memo from Brian J. Trushinski, Public Works Agency, Development & Inspection Services Division, dated July 1, 2008

16. AVIATION HAZARDS:

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

Source Document: Ventura County General Plan and the Ventura County Initial Study Assessment Guidelines of October 15, 2008

17. FIRE HAZARDS:

The proposed project will have **less than significant impact**, any future construction will be required to comply with the International Fire Code 2006 ed. as adopted and amended by VCFPD Current Ordinance for Fire Hazard Abatement and also the International Building Code for required building standards.

Source Document: Memo from John Dodd, Ventura County Fire Protection District, dated March 26, 2008

18. HAZARDOUS MATERIALS/WASTE:

Item A - Above-ground Hazardous Materials

The proposed project will have **less than significant impact**. Any hazardous material use and storage will be required to comply with the International Fire Code 2006 ed., as adopted and amended by the VCFPD Current Ordinance.

Source Document: *Memo from John Dodd, Ventura County Fire Protection District, dated March 26, 2008*

Item B - Below-ground Hazardous Materials

The proposed project does not include the use of hazardous materials. Therefore, the project will **not have any impacts** relative to hazardous materials.

Source Document: *Memo from Melinda Talent, Resource Management Agency, Environmental Health Department, dated March 11, 2009*

Item C - Hazardous Waste

The proposed project is not considered an activity that produces hazardous waste. Therefore, the project will **not have any impacts** relative to hazardous wastes.

Source Document: *Memo from Melinda Talent, Resource Management Agency, Environmental Health Department, dated March 11, 2009*

19. NOISE/VIBRATION:

Noise is defined as “any unwanted sound that is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying.”

The methodology used in determining whether or not a project will result in a significant noise impact is to determine if the proposed use is “Noise Sensitive Use” or a “Noise Generator.” Noise sensitive uses are dwellings, schools, hospitals, nursing homes, churches and libraries. Therefore, this project is not considered a noise sensitive use.

Activities related to the earth moving and construction of the proposed project could result in an increase in noise and vibration; however, these increases would be temporary during construction of the project. Once these structures are completed and occupied, significant construction noise or vibration is not likely to occur.

Based on the above analyses, the project would not be located near highways, truck routes, heavy industrial activities, railroads, airports, or other relatively continuous noise sources. Therefore, the proposed project is considered to have a **less than significant** impact from noise and vibration.

Source Document: *Ventura County General Plan Section 2.16 – Noise (Policy 2.16.2.1) and Ventura County Initial Study Assessment Guidelines, October 15, 2008*

20. GLARE:

Glare is defined as “a continuous or periodic intense light that may cause eye discomfort or be blinding to humans”. The design of the proposed farmworker dwelling unit includes standard windows and concrete roof tiles. The nearest neighboring residential unit is approx. 425 feet away, located on a hill above the project site. Thus, the project is expected to have **no adverse impacts** from on-site generated glare.

Source Document: Ventura County Initial Study Assessment Guidelines; photographs of subject property; and aerial photos from Planning GIS system

21. PUBLIC HEALTH:

The proposed project may have impacts to public health. Compliance with applicable state regulations enforced by the Environmental Health Division will reduce potential impacts to a level considered **less than significant**.

Source Document: Memo from Melinda Talent, Resource Management Agency, Environmental Health Department, dated March 11, 2009

PUBLIC FACILITIES/SERVICES

22. TRANSPORTATION/CIRCULATION:

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

The Transportation Department comments that the proposed project is in the SR 118 Impact Area, and will generate additional traffic on the Regional Road Network and on SR 118.

Discretionary developments located within the Hwy 118 traffic impact area generating one or more peak-hour trips will be considered as having a potentially significant impact on the SR 118/34 intersection, which is currently operating at LOS F. There is no fully funded project approved or anticipated to be implemented within a reasonable period of time that will improve the level of service (LOS) of this intersection to LOS E or better. Projects generating one or more peak-hour trips will have to demonstrate how these impacts can be mitigated to a less than significant level or the project will be recommended for denial in accordance with General Plan (GP) Policy § 4.2.2. The peak hours on SR 118 are currently 6:30 – 9:30 a.m. and 3:30 – 6:30 p.m.

However, the Traffic Evaluation by Interwest dated July 11, 2008, concludes that the project traffic will not cause a significant impact to the intersection during the morning or afternoon peak hours. Further, the study provides that the dwelling unit proposed to be built exceeds the size threshold for a second dwelling, and is considered as a single family dwelling for traffic analysis purposes.

To address the cumulative adverse impacts of traffic on the Regional Road Network, Ventura County Traffic Impact Mitigation Fee (TIMF) Ordinance 4246 and GP Policy 4.2.2 require that the Transportation Department collect a TIMF from developments. This project is subject to this Ordinance. With payment of the TIMF, the LOS and safety of the existing roads would remain consistent with the County's GP.

Therefore, adverse traffic impacts relating to LOS and safety/design will be a **Less Than Significant**.

Source Document: *Memo from Nazir Lalani, Public Works Agency, Transportation Department, July 31, 2008*

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

This is a **Less Than Significant Impact**. The project shall meet current Fire District Access standards, which will require a minimum 15 feet of access width with turnouts every 800 feet along the access road. Access shall be all weather certified and include a minimum 13'6" vertical clearance.

Source Document: *Memo from John Dodd, Ventura County Fire Protection District, dated March 26, 2008*

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

The Transportation Department comments that the existing roads in the proximity of the proposed project site do not have adequate facilities pursuant to the County's Road Standards and the State Department of Transportation (Caltrans). However, the proposed project 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 a **Less Than Significant**.

Source Document: *Memo from Nazir Lalani, Public Works Agency, Transportation Department, dated July 31, 2008*

Item D - Parking

The Initial Study Assessment Guidelines state that, for the construction phase a project, if there is sufficient space on-site to park construction vehicles, then the project would have a less-than-significant impact. The applicant states there are at least two acres available for construction vehicle parking. For the operation phase, if the project includes parking that meets the Zoning Ordinance requirements (Article 8), then the project would have a less-than-significant impact. The applicant will provide a two-car garage (21' x 20'), meeting the minimum parking standards for this project. Therefore, impacts related to parking are considered **less than significant**. Additionally, by adequately accommodating its own parking needs, the project does not contribute to a cumulative parking impact.

Source Document: *Email from applicant dated April 29, 2009; Ventura County Non-Coastal Zoning Ordinance; and Ventura County Initial Study Assessment Guidelines, February 2006*

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

The propose project will not interfere with or cause a substantial demand for impact existing bus, railway, airport, or harbor facilities or activities. Therefore, the project will have **no adverse impact** on these facilities.

Source Document: *Ventura County General Plan and the Ventura County Initial Study Assessment Guidelines*

Item I - Pipelines

The County Planning GIS mapping system indicates that the proposed project is not located over or near existing pipelines. Therefore, the proposed project will have **no adverse impacts** to pipelines.

Source Document: *CA Dept of Conservation Division of Mines & Geology, February 2008 located on the Planning GIS mapping system*

23. WATER SUPPLY:

Item A – Quality

The public water system that will serve domestic water to this project is regulated by the State Department of Health Services. The quality of domestic water must be in compliance with applicable State drinking water standards. Design and construction of the proposed project must conform with applicable State and Building Code requirements pertaining to water systems. Therefore, the project **will not adversely impact** the quality of water supplied by the public water system.

Source Document: *Memo from Melinda Talent, Resource Management Agency, Environmental Health Department, dated March 11, 2009*

Item B - Quantity

Water Supply Quantity is deemed **Less than Significant (LS)** because water service will be obtained by the Balcom Canyon Water Well Association. Balcom Canyon Water Well Association is considered to have the ability to provide a permanent supply of domestic water through their mutual water company wells. The project is located within the Fox Canyon Groundwater Management Agency (FCGMA), where established mitigation measures for increased groundwater use are controlled by FCGMA ordinance. Although groundwater is used to supply the project needs, the well extractions are restricted to established annual allocations or pumping limits imposed by the FCGMA.

Source Document: *Memo from Ventura County Watershed Protection District, Water & Environmental Resources Division (March 25, 2008)*

Item C - Fire Flow

The proposed project will have a **less than significant impact**. Water supply for fire protection will be required to meet VCFPD Current Ordinance. Private water systems shall be installed per VCFPD standards with hydrants located along access road/driveway to the structures no less than 50 feet from structures.

Source Document: *Memo from John Dodd, Ventura County Fire Protection District,*

dated March 26, 2008

24. WASTE TREATMENT/DISPOSAL:

Item A - Individual Sewage Disposal System

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

Source Document: *Memo from Melinda Talent, Resource Management Agency, Environmental Health Department, dated March 11, 2009*

Item B - Sewage Collection/Treatment Facilities

Future development on the proposed project site will not connect to a sewage treatment facility. The proposed farmworker dwelling unit will utilize an on-site septic system. Therefore, there will be **no impact** to sewage collection/treatment facilities.

Source Document: *Ventura County Initial Study Assessment Guidelines*

Item C - Solid Waste Management

The Integrated Waste Management Division (IWMD) has reviewed the application received on March 14, 2008 for LU 08-0016 and has determined the degree of effect to permitted solid waste disposal facilities in Ventura County from this project to be "**Less Than Significant.**"

Pursuant to the IWMD's factors determining the significance of project impacts to solid waste facilities within Ventura County, any discretionary development project generating solid waste will impact the County's remaining solid waste disposal capacity. Additionally, as required by California Public Resources Code (PRC) 41701, Ventura County's Countywide Siting Element (CSE), adopted in June of 2001 and updated annually, confirms Ventura County has at least 15 years of disposal capacity available for waste generated by in-County projects. Therefore, because the County currently exceeds the minimum disposal capacity required by state PRC, no individual project of this type and magnitude will significantly impact the County's remaining solid waste disposal capacity.

Source Document: *Memo from Frank Kiesler, Ventura County Public Works Agency, Integrated Waste Management Division, dated March 18, 2008*

Item D - Solid Waste Facilities

The proposed project does not include a solid waste facility. Therefore, the project will **not create any adverse impacts** relating to solid waste facilities.

Source Document: Memo from Melinda Talent, Resource Management Agency, Environmental Health Department, dated March 11, 2009

25. UTILITIES:

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

Existing electrical, gas and communication facilities will adequately serve the proposed project. Therefore, impacts to these facilities will be **less than significant**.

Source Document: Email from Mike Kiwitt, applicant, dated May 6, 2009; Ventura County Initial Study Assessment Guidelines

26. FLOOD CONTROL/DRAINAGE:

Item A – Watershed Protection District (WPD) Flood Control/Drainage Facilities

There are no adverse impacts relating to flood control/ drainage from our areas of responsibility.

Therefore, there would be **no adverse impacts** related to drainage.

Source Document: Memo from Brian J. Trushinski, Public Works Agency, Development & Inspection Services Division, dated July 1, 2008

Item B - Other Facilities

Less than Significant, provided Applicant proceeds with construction and completion of required detention facility as provided in the drainage study by RJR Engineering (dated October 1, 2008).

Source Document: Robin Jester for Larry Tanouye, PWA, Watershed Protection District, Planning & Regulatory Section (memo March 12, 2009)

27. LAW ENFORCEMENT/EMERGENCY SERVICES:

Item A - Personnel/Equipment and Item B - Facilities

Due to the size and nature of the proposed project, there will be no significant impact on the functions of the Ventura County Sheriff's Department. As such, the project will have **less than significant impacts** on the enforcement/emergency services provided for the area.

Source Document: Ventura County General Plan and Ventura County Initial Study Assessment Guidelines

28. FIRE PROTECTION:

Item A – Distance/Response Time and Item B – Personnel/Equipment/Facilities

The proposed project will have **less than significant impact** on response times. Distance from full-time, paid fire station is adequate and project does not indicate that a new fire station or additional equipment is required.

Source Document: *Memo from John Dodd, Ventura County Fire Protection District, dated March 26, 2008*

29. EDUCATION:

Item A - Schools

The *Ventura County Non-Coastal Zoning Ordinance* categorizes the proposed project as an "Accessory Structure Related to Agriculture" rather than a "Dwelling." (Dwellings would include single-family, multi-family, etc., units.) The Planning Division considers the proposed project to be a non-residential project. The farmworker dwelling is not adjacent to a school facility and/or operations. In accordance with the *Ventura County Initial Study Assessment Guidelines*, the project will therefore have **no impacts** on demand for or operation of schools.

Source Document: *Ventura County Initial Study Assessment Guidelines*

Item B - Libraries

The *Ventura County Non-Coastal Zoning Ordinance* categorizes the proposed project as an "Accessory Structure Related to Agriculture" rather than a "Dwelling." (Dwellings would include single-family, multi-family, etc., units.) The Planning Division considers the proposed project to be a non-residential project. Also, because of the project's remote location, distance from public libraries, and small size, it is not expected to interfere with public library facilities. In accordance with the *Ventura County Initial Study Assessment Guidelines*, the project will therefore have **no impacts** on demand for or operation of libraries.

Source Document: *Ventura County Initial Study Assessment Guidelines*

30. RECREATION:

Item A - Local Parks/Facilities, Item B - Regional Parks/Facilities, and Item C - Regional Trails/Corridors

Based on the information presented in the project description, the proposed development is not expected to create any significant new or additional demands on recreational needs. In accordance with the Initial Study Assessment Guidelines, County of Ventura General Services Agency (Recreation Services Department) was notified of the project and did not identify impacts resulting from the project. Also, the project is not located

in an area where it would impede future development of Recreation facilities. Therefore, the proposed is considered to have a **less than significant impact** on recreation.

Source Document: *Ventura County Initial Study Assessment Guidelines Oct. 15, 2008*

SECTION D
MANDATORY FINDINGS OF SIGNIFICANCE

PROJECT: Conditional Use Permit Request (LU08-0016)
for Farmworker Dwelling Unit

APPLICANT: Mike Kiwitt

LOCATION: 8090 Balcom Canyon Rd., Somis

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 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: Conditional Use Permit Request (LU08-0016)

for Farmworker Dwelling Unit

APPLICANT: Mike Kiwitt

LOCATION: 8090 Balcom Canyon Rd., Somis

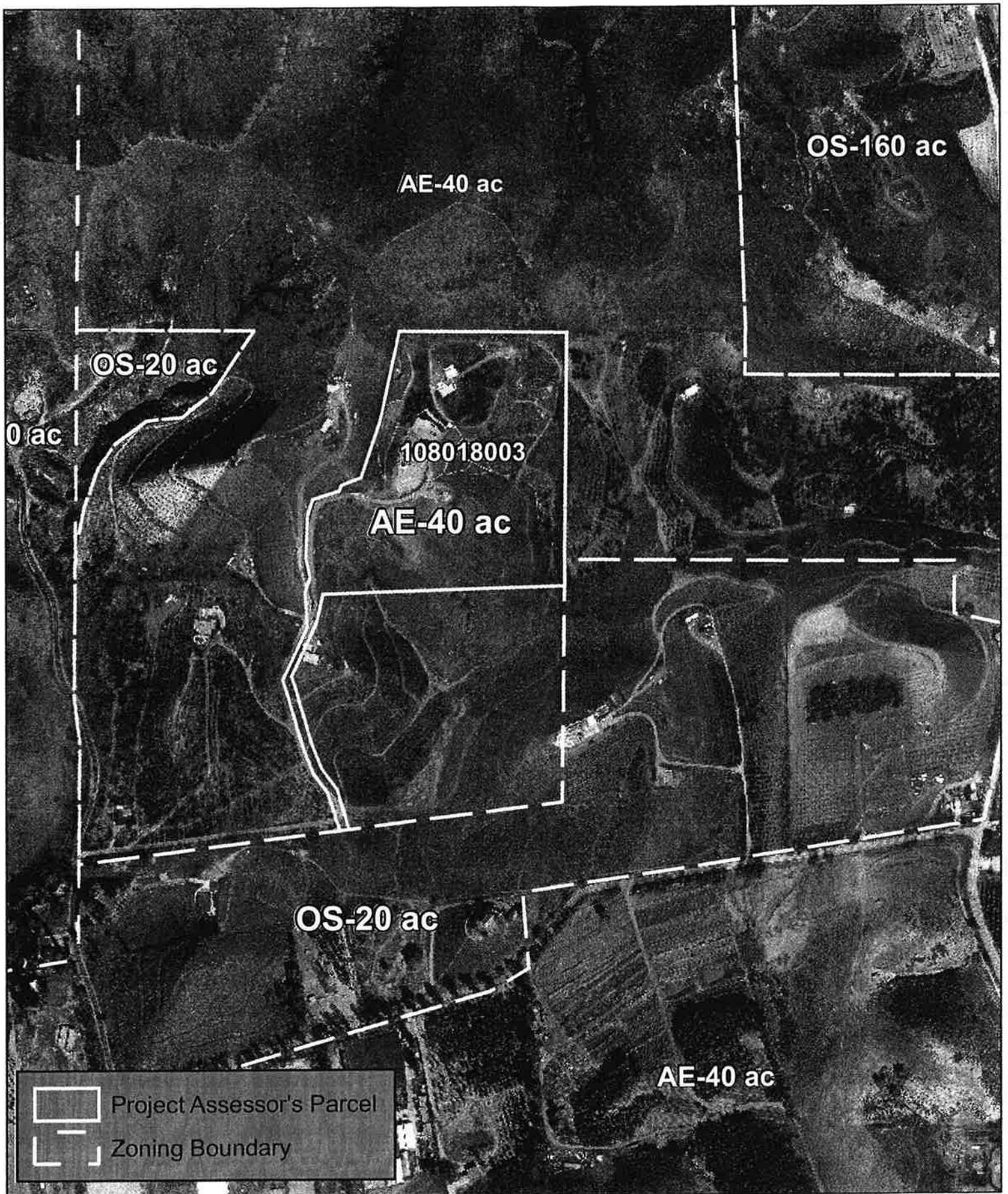
E.	DETERMINATION OF ENVIRONMENTAL DOCUMENT
	On the basis of this initial evaluation:
<input checked="" type="checkbox"/>	I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.
<input type="checkbox"/>	I find that although the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



 Chuck Anthony, Planner III

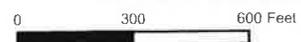
7-23-09

 Date



 Project Assessor's Parcel
 Zoning Boundary

Exhibit "A"
Aerial Location Map
LU08-0016
Mike Kiwitt



Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 This aerial imagery is under the
 copyrights of Pictometry
 Source: Pictometry, January, 2008



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

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

I. Planning Division (PL) 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, Exhibit 3 of the Planning Director hearing on January 6, 2022, 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 applicant is requesting that Conditional Use Permit (Case No. LU08-0016) be extended for an additional 10 years for the continued use of a 1,797 sq. ft. single-story farm worker dwelling (FWD) with a 436 sq. ft. attached garage. The FWD is intended for a farmworker who will assist in the farming practices on APN 108-0-180-035. The FWD is considered an accessory use and structure to agriculture and agricultural operations.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures shall conform to the project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below. (PL-1)

2. Site Maintenance

Purpose: To ensure that the 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. (PL-4)

3. CUP Modification

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

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

4. Acceptance of Conditions and Schedule of Enforcement Responses

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

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

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

5. Time Limits

a. Use inauguration:

- (1) The approval decision for this CUP becomes effective upon the expiration of the 10 day appeal period following the approval decision/date on which the Planning Director rendered the decision on the Project, 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 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 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 _____. 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 _____; and
- (2) The County decision-maker grants the requested modification.

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

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

Purpose: To ensure compliance with, and notification of, federal, state, 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. (PL-9)

7. 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 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. (PL-10)

8. 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. (PL-11)

9. 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 Coastal Zoning Ordinance (§ 8183-5) 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:**

Pursuant to the requirements of CUP Case No. LU08-0016, the Resource Management Agency created Condition Compliance Case No. CC10-0013 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly-imposed civil administrative penalties, regarding CUP Case No. LU08-0016. The Planning Division will continue to use Condition Compliance Case No. CC10-0013 to cover the costs associated with condition compliance review, monitoring, and enforcement activities described in

subsection 9.a (above), and any duly-imposed civil administrative penalties regarding this CUP.

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit a new, updated, and completed reimbursement agreement for Condition Compliance Case No. CC10-0013, 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. (PL-12)

10. 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.
- a. 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.
- b. 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. (PL-13a)

11. 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. (PL-14)

12. 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.

13. Contact Person

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

Requirement: The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this CUP.

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. (PL-17)

14. 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. (PL-20)

Farmworker and Animal Caretaker Dwelling Units

15. Annual Verification of Employment

Purpose: In order to comply with § 8107-8 of the Ventura County Non-Coastal Zoning Ordinance.

Requirement: The Permittee shall submit an annual Employment Verification Declaration for the farmworker unit in the form made available by the Planning Director, in order to demonstrate that the farmworker(s) and/or animal caretaker(s) residing in the farmworker dwelling unit meet(s) the employment criteria established in § 8107-26.3 of the Non-Coastal Zoning Ordinance.

Documentation: The Permittee must submit an annual “Employment Verification Declaration” form for the farmworker unit in the form made available by the Planning Director.

Timing: The Permittee shall submit the “Employment Verification Declaration” form and supporting documents by May 15th of each year to the Planning Division.

Monitoring and Reporting: The Planning Division maintains the annual declarations provided by the Permittee in the Project file. The Planning Division has the authority to ensure ongoing compliance with this condition pursuant to § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance. (PL-81)

16. Agricultural Planting Plan

Purpose: To ensure the farmworker dwelling unit is provided to persons who are employed as farmworkers by the property owner of the lot upon which the dwelling unit is located in compliance with § 8107-26.3 of the Ventura County Non-Coastal Zoning Ordinance.

Requirement: The Permittee shall submit an agricultural planting plan for review and approval by the Planning Division. The Permittee shall obtain a Commercial Agricultural Permit (i.e. a Pesticides Restricted Materials Permit or an Operator ID Permit) from the Ventura County Agricultural Commissioner’s Office.

The agricultural planting plan must comply with the following:

- a. A total of 13 acres shall be planted. A minimum of one acre shall be planted annually. The areas to be cultivated shall be graphically shown on an agricultural planting plan. Each area shall have a notation that includes the date identifying when the area will be planted and the orchard tree/crop to be planted. The Permittee shall bear the total cost of the review and approval of the agricultural planting plan. The Permittee shall implement and maintain the agricultural planting plan in accordance with the approved plan.
- b. Modifications to the approved agricultural planting plan must be provided in writing to the Planning Division for review and approval. A modification shall be processed in accordance with § 8111.1.2 of the Ventura County Non-Coastal Zoning Ordinance.

Documentation: The Permittee shall submit to the Planning Division the following: (1) two copies of the agricultural planting plan; (2) a copy of the required Commercial Agricultural Permit; (3) on or before December 30 annual photographic documentation of each newly planted area with a brief narrative of the area that was planted and the completion date; and, (4) copies of the receipts confirming payment of orchard trees/crops and irrigation. Any modifications to the approved agricultural planting plan shall include a written statement of the orchard tree/crop to be replaced, the orchard tree/crop that will be planted, and when the area will be replanted. Photographic documentation shall be provided for all modified planted areas following the planting of those areas.

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall submit two copies of the approved agricultural planting plan and a copy of the Commercial Agricultural Permit. The first acre of the approved planting plan shall be planted within one year following the date the zoning clearance for use inauguration has been issued. The Permittee shall submit the required documentation (photographic - documentation of the newly planted area; a brief narrative of the area that was planted and the completion date; and receipts confirming payment of orchard trees/crops and irrigation), to the Planning Division for review and approval annually on or before December 30 until all 13 acres have been planted (or more if all areas have not been planted by _____). The Permittee shall maintain the orchard trees/crops approved in the agricultural planting plan for the life of the Project.

Monitoring and Reporting: The Planning Division maintains all required documentation, including a stamped copy of the approved agricultural planting plan and the required permit from the Ventura County Agricultural Commissioner's Office, in the Project file. The Permittee shall ensure that the orchard trees/crops are planted and maintained according to the approved agricultural planting plan. Planning Division staff 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.

II. Environmental Health Division (EHD) Conditions

17. Existing OWTS General Notice

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

Requirement: Permittee shall maintain all OWTS components in good working order to prevent system failure and creation of a public nuisance. Permittee is required to obtain the approval of the Ventura County Environmental Health Division (EHD) prior to changing and/or modifying the OWTS, repairing components of the OWTS, expanding the footprint of a structure, adding plumbing fixtures, or adding a new structure.

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.

OTHER VENTURA COUNTY AGENCIES

18. Address Numbers (Single-Family Homes)

Purpose: To ensure proper premise identification to expedite emergency response.

Requirement: The Permittee shall install a minimum of 4 inch (4") address numbers that are a contrasting color to the background and readily visible at night. Brass or gold plated numbers shall not be used. Where structures are setback more than 150 feet (150') from the street, larger numbers will be required so that they are distinguishable from the street. In the event the structure(s) is not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post.

Documentation: A stamped copy of an approved addressing plan or a signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction".

Timing: The Permittee shall install approved address numbers before final occupancy.

Monitoring and Reporting: A copy of the approved addressing plan and/or signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for

Construction” shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that all structures are addressed according to the approved plans/form. (VCFPD-41a)

19. Private Driveway Widths, Single Family Dwellings (Up to Four Parcels)

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 design all private driveways in accordance with Ventura County Fire Protection District access standards. Driveways serving one (1) R-3 structures shall be a minimum paved width of 12 feet (a minimum paved width of 15 feet shall be provided in Hazardous Fire Areas and Wildland-Urban Interface Areas). Driveways serving three to four (3-4) R-3 structures shall be a minimum paved width of 20 feet. Private driveways and required fire access turnarounds serving 2 or more lots shall be located in a common area lot or easement. The common area lot or easement shall be a minimum of 5 feet wider than the required driveway and turnaround area widths (2-1/2 feet each side).

Signs prohibiting obstruction and parking along the shared driveway shall be posted at the discretion of the Fire Department. The Permittee shall install the required access improvements, or provisions to guarantee the installation, shall be completed prior to map recordation. If the improvements are bonded for, all improvements shall be installed prior to occupancy of any structure within the development. Note: Improvements only serving one (1) lot are required to be installed at time of development of that lot. No bond is required for improvement(s) serving only one (1) lot. Parking is prohibited within the required width of access driveways and Fire Department turnarounds.

Documentation: A stamped copy of the approved access plan.

Timing: The access plan shall be approved prior to issuance of building permits. All required access shall be installed before the start of combustible construction.

Monitoring and Reporting: A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the access for the life of the development. (VCFPD-11)

20. Turnarounds

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 an approved turnaround area for fire apparatus where dead-end Fire Department access roads / driveways exceed 150 feet. Required turnaround areas shall be designed such:

- a. Does not exceed a 5% cross-slope in any direction.
- b. Located within 150 feet of the end of the access road / driveway
- c. Posted as fire lanes in accordance with Ventura County Fire Protection District Standards.
- d. Kept free of obstructions at all times.

Documentation: A stamped copy of the approved access plan.

Timing: The Permittee shall submit access plans to the Fire Prevention Bureau for approval before issuance of building permits. The plans shall indicate all access road/driveway locations and proposed turnaround location and design. All required turnarounds shall be installed before the start of combustible construction.

Monitoring and Reporting: A copy of the approved access plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection ensure that turnaround areas 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 turnaround areas for the life of the development. (VCFPD-14)

21. Access Road Gates

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

Requirement: The Permittee shall design and install all gates along required fire access roads/driveways consistent with Fire Protection District Standards.

Documentation: A stamped copy of the approved gate plans.

Timing: The Permittee shall submit gate plans to the Fire Prevention Bureau for approval before the installation of any access gates. The submittal shall include a copy of zoning clearance issued by the Planning Department.

Monitoring and Reporting: A copy of the approved gate plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection

to ensure that access gates 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 gates for the life of the development. (VCFPD-30)

22. Hazardous Fire Area

Purpose: To advise the Permittee that the project is located within a Hazardous Fire Area and ensure compliance with California Building and Fire Codes.

Requirement: The Permittee shall construct all structures to meet hazardous fire area building code requirements.

Documentation: A stamped copy of the approved building plans to be retained by the Building Department.

Timing: The Permittee shall submit building plans to the Building Department for approval before the issuance of building permits.

Monitoring and Reporting: The Fire Prevention Bureau shall conduct a final inspection to ensure that the structure is constructed according to the approved hazardous fire area building code requirements. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the approved construction for the life of the structure. (VCFPD-46)

Notice: For purposes of these conditions and application of Building and Fire Codes, the term "Hazardous Fire Area" includes the following as referenced in the CBC and VCFPD Ordinance: State SRA - Fire Hazard Severity Zone, Local Agency - Very-High Fire Hazard Severity Zone, Local Agency - Wildland-Urban Interface Fire Area (WUI Area), Local Agency - Hazardous Fire Area.