



## Planning Director Staff Report– Hearing on May 17, 2021

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • [www.vcrma.org/divisions/planning](http://www.vcrma.org/divisions/planning)

### **SINE QUA NON WINERY MODIFIED CONDITIONAL USE PERMIT (CUP), CASE NO. PL21-0026**

#### **A. PROJECT INFORMATION**

1. **Request:** The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the continued operation of an existing wine production facility for an additional 30-year period. (Case No. PL21-0026).
2. **Applicant / Property Owner:** Manfred Krankl and Elaine Krankl, P.O. Box 1048 Oak View, CA 93022
3. **Applicant's Representative:** Peter Goldenring, 6050 Seahawk Street, Ventura CA 93003
4. **Project Site Location and Parcel Number:** The project site is located at 10801 Santa Ana Road in the community of Oak View, within the Ojai Valley, and east of Lake Casitas. The subject facility is operated within a 2.33-acre permit area on a 36.2-acre property. The Assessor's Parcel Number (APN) of the subject property is 060-0-150-185.
5. **Project Description:**

The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the continued operation of an existing wine production facility for an additional 30-year period, ending in 2051.

The subject wine making, bottling and storage facility is comprised of a single 12,457-square foot two-story building that includes an 11,331-square foot first floor and an 1,126-square foot second floor. This building and associated access driveway are located within a 2.33-acre CUP area on a 36.2-acre agricultural property. The facility includes 12 parking spaces, including one handicap accessible space. This facility produces approximately 3,000 cases of wine per year. It is not open to the public. The property is subject to Land Conservation Act Contract 11-2.3.

The business operation of this facility is limited to six days per week (Monday through Saturday) from 6:00am to 6:30pm. Wine production activities will be conducted seven days per week, 24 hours per day. The maximum number of deliveries/loadings within the hours of business operations is limited to three truckloads per day and 20 passenger vehicle round trips per day. A maximum of 12 employees work at this facility.

Water will continue to be supplied to the project site by the Casitas Municipal Water District. Sewer service will continue to be provided by the Ojai Valley Sanitation District.

No changes in facility operations or physical changes in the existing buildings and ancillary structures are proposed.

**6. Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested modified CUP.

**7. Project Site Land Use and Zoning Designations (Exhibit 2):**

- a. Countywide General Plan Land Use Map Designation: Agricultural
- b. Ojai Valley Area Plan Designation: OS 40-ac (Open Space with a 40-acre minimum parcel size) Agricultural
- c. Zoning Designation: “AE 40-ac” (Agricultural Exclusive, 40-acre minimum parcel size)

**8. Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location	Zoning	Land Use/Development
<b>North</b>	OS 80-ac/TRU/DKS/HCWC/CWPA	Undeveloped
<b>South</b>	AE 40-ac/TRU/DKS/HCWC/CWPA	Agriculture
<b>East</b>	RPD 10du/ac	Residential
<b>West</b>	OS 80-ac/TRU/DKS/HCWC/CWPA	Undeveloped (Lake Casitas)

**9. History:**

The subject facility was originally authorized with the granting of CUP LU08-0011 on February 25, 2009. This permit remains in effect until 2029. This facility was relocated from its previous site in the City of Ventura.

On October 6, 2009, the Planning Director approved a Permit Adjustment (Case No. LU09-0120) and adopted an Addendum to the Negative Declaration to allow the construction and use of a 0.228-acre water detention basin and Condition of Approval No. 1 (Project Description) of LU08-0011 was adjusted to include this component.

## **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

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

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents.

The proposed project is eligible for an exemption from environmental review in accordance with Section 15301 of the CEQA Guidelines. This section of the Guidelines exempts the continued use or operation of existing facilities. The proposed project is comprised of the continued operation of an existing wine production facility without changes in physical facilities or operational limits.

Section 15300.2 of the State CEQA Guidelines provides exceptions to Categorical Exemptions based on location relative to mapped resources or hazards of critical concern, cumulative impacts, scenic highways, hazardous waste sites, historical resources, and where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The continued operation of an existing wine production facility on an existing developed site will not result in a significant adverse effect on the environment, will not result in damage to scenic resources within a designated scenic highway area, and is not located on an identified hazardous waste site or historical site.

Based on the above discussion, staff recommends that the decision-maker find this project to be Categorically Exempt pursuant to Section 15301 of the State CEQA Guidelines and, that none of the exceptions set forth in Section 15300.2 of the State CEQA Guidelines apply.

## **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 (§ 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*.

***LU-6.1 Agricultural Buffers*** *The County shall require non-agricultural land uses adjacent to agricultural uses to incorporate adequate buffers (e.g., fences, setbacks) to limit conflicts with adjoining agricultural operations.*

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

The existing wine production facility is an agricultural support use suitable for and consistent with the agricultural designation of the subject property. No changes in the facility or its operation are proposed that would be inconsistent with the open space and agricultural use of the property; and would continue to comply with the Land Conservation Act contract.

Based on the above discussion, the proposed project is consistent with policies LU-6.1 and LU-8.2.

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

The ongoing presence and use of the existing wine production facility will not result in any new effect on public views from Santa Ana Road (an eligible scenic highway) or any other public viewpoint. No new effect on community character will result from the project as no physical changes in the existing facilities are proposed.

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

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

Adequate access and public services will continue to be available to serve the subject facility. Water will continue to be provided by the Casitas Municipal Water

District. Sewer service will continue to be provided by the Ojai Valley Sanitation District. Fire suppression measures are incorporated into the design of the existing facility.

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

***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.*

The existing facilities at the project site include a 24-foot wide driveway connected to Santa Ana Road. This accessway and the adjoining parking lot will continue to provide adequate access to the project site (i.e. to the wine production buildings and ancillary structures) for fire suppression.

Water service will continue to be provided by Casitas Municipal Water District in a manner that meets the fire flow standards of the VCFPD. The project site is located less than 5 miles from the nearest fire station. Thus, the available response time will meet VCFPD requirements.

The VCFPD reviewed and approved the design of the subject facility at the time it was permitted in 2009 and subsequently constructed. No changes in the approved design are proposed.

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

***HAZ-9.1 Limiting Unwanted Noise*** *The County shall prohibit discretionary development which would be impacted by noise or generate project-related noise which cannot be reduced to meet the standards prescribed in Policy Haz-9.2. This policy does not apply to noise generated during the construction phase of a project. (SO)*

***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:*

*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.*

The proposed project involves the continued operation of an existing wine production facility. No new noise will be generated as a result of project implementation.

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

***AG-1.2 Agricultural Land Use Designation*** *The County shall ensure that discretionary development located on land designated as Agricultural on the General Plan Land Use Diagram and identified as Prime Farmland or Farmland of Statewide Importance on the State's Important Farmland Inventory is planned and designed to remove as little land as possible from potential agricultural production and to minimize impacts on topsoil.*

***AG-1.8 Avoid Development on Agricultural Land*** *The County shall ensure that discretionary development located on land identified as Important Farmland on the State's Important Farmland Inventory shall be conditioned to avoid direct loss of Important Farmland as much as feasibly possible.*

The proposed project involves the continued operation of an existing wine production facility. No physical changes in the existing buildings or ancillary facilities are proposed. Thus, no new development will occur on the subject property. In any case, the wine production facility is an agricultural support use appropriate for siting on agriculturally designated land.

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

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

Water service will continue to be provided by Casitas Municipal Water District (CMWD). The CMWD provides surface water accumulated in Lake Casitas and groundwater produced from the river gravels in the Ventura River Basin. The

County considers a connection to the CMWD to constitute an adequate long-term source of water.

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

#### **D. CONSISTENCY WITH THE OJAI VALLEY AREA PLAN**

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. The Ojai Valley Area Plan (OVAP) is part of the General Plan, and the project site is located within the OVAP boundaries.

Evaluated below is the consistency of the proposed project with the applicable policies of the OVAP.

**OV-11.2 Discretionary Review of Commercial Development:** *The County shall subject discretionary development in Commercial designated areas to either a Planned Development or a Conditional Use Permit to assure compatibility with neighboring land uses. Such review shall give careful attention to landscaping, signage, access, site and building design and size, drainage, on-site parking and circulation, operating hours, fencing, and mitigation of nuisance factors.*

The proposed project is comprised of the continued operation of an existing wine production facility in the Oak View area. The existing single building and ancillary structures will continue to be compatible with the surrounding land uses. No complaints have been received by the County since a conditional use permit was granted and the facility installed in 2009. No changes in the existing landscaping, signage, parking or other facilities are proposed. The operating hours are not proposed to change.

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

**OV-17.1 Community Compatibility:** *The County shall require all discretionary development projects to be reviewed and conditioned to ensure that they are compatible with their surroundings, are of high quality and good design, are consistent with the character of the Ojai Valley, and are beneficial to the community as a whole.*

The proposed project is comprised of the continued operation of an existing wine production facility in the Oak View area. No changes in the physical facilities or the ongoing operations are proposed. This agricultural support facility is consistent in character with surrounding uses and has proven to be compatible with the surrounding neighborhood over the last 10 years of operation.

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

**OV-20.1 Ventura River Valley Municipal Advisory Council (VRVMAC) Authority:** *The Ventura River Valley Municipal Advisory Council (VRVMAC) or successor group shall continue to be the Board of Supervisors' recognized public review group for all projects which fall within its review boundaries. All applications for discretionary development and all environmental documents for projects which would affect the Ojai Valley shall be reviewed by the VRVMAC or successor group.*

The proposed project involves the continued operation of an existing wine production facility. No physical changes in the existing buildings or ancillary facilities are proposed. Thus, no new development will occur on the subject property. On April 15, 2021, staff contacted a member of the office of Supervisorial District No. 1 to confirm that the project would not have to be reviewed by the VRVMAC and received confirmation, based on the limited scope of the project and because the existing facility is not proposing any physical or operational changes.

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

**OV-22.2 Evaluation of Level of Service (LOS) Impacts based on Land Use Changes:** *The County shall evaluate Area Plan land use designation changes, zone changes, and discretionary development for individual and cumulative impacts on existing and future roads, with special emphasis on the following:*

- a. Whether they would cause existing roads within the Regional Road Network or Local Road Network that are currently functioning at an acceptable Level of Service (LOS) to function below an acceptable LOS;*
- b. Whether they would worsen traffic conditions on existing roads within the Regional Road Network that are currently functioning below an acceptable LOS; and*
- c. Whether they could cause future roads planned for addition to the Regional Road Network or the Local Road Network to function below an acceptable LOS.*

The hours of operation and the number of employees of the existing wine production facility are not proposed to change. The business operation of this facility will continue to be limited to six days per week (Monday through Saturday) from 6:00am to 6:30pm. Wine production activities will be conducted seven days per week, 24 hours per day. The maximum number of deliveries/loadings within the hours of business operations is limited to 3 truckloads per day and 20 passenger vehicle round trips per day. A maximum of 12 employees will continue to work at this facility.

Given the continuation of the existing operation with no increase in employees or operating hours, no new effect on traffic congestion on area roadways would result from project implementation. No new Peak Hour Trips would be generated.

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

**OV-24.1 Adequate Public Facilities and Services:** *The County shall require discretionary development to demonstrate that there are adequate public facilities and services available to serve the needs of the proposed development.*

Water, road access, sewage disposal and all other necessary services are available to the project site and will continue to serve the existing facility.

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

**OV-34.1 Compliance with Fire Protection District and Sheriff's Department Requirements:** *The County shall require discretionary development to comply with the requirements of the Fire Protection District and Sheriff's Department by providing adequate access for fire, law enforcement, emergency equipment and personnel, and evacuation.*

The existing facility includes a 24-foot wide driveway connected to Santa Ana Road. This accessway and the adjoining parking lot will provide adequate access to the project site and facilities for emergency vehicles used for fire suppression, law enforcement and medical services.

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

**OV-35.1 Adequate Water for Firefighting:** *The County shall require adequate water supplies and delivery system for firefighting purposes to serve any discretionary development in accordance with the standards of the Fire Protection District (VCFPD).*

Water will continue to be provided to the project site by the Casitas Municipal Water District in a manner that meets the fire flow standards of the VCFPD. The conditions of approval (Exhibit 5) include provisions to ensure ongoing fire safety that are recommended by the VCFPD.

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

**OV-41.1 Scenic Views and Vistas from Public Roads or Publicly-owned Land:** *The County shall prohibit discretionary development/grading which will significantly degrade or destroy a scenic view or vista from public roads or publicly-owned land, unless the development/grading is a public project, or a private project for which there is a substantial public benefit, and overriding considerations are adopted by the decision-making body.*

The proposed project is comprised of the continued operation of an existing wine production facility in the Oak View area. No changes in the physical facilities or the ongoing operations are proposed. Thus, no new effect on public views will result from project implementation.

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

**E. ZONING ORDINANCE COMPLIANCE**

The wine production facility is subject to the requirements of the Ventura County NCZO.

Pursuant to the Ventura County Non-Coastal Zoning Ordinance (§8105-4), a wine production facility (i.e. “Wineries, including processing, bottling and storage”) is allowed in the AE zone district with the granting of a CUP by the Planning Director. The subject facility is currently authorized to operate until 2029 pursuant to CUP LU08-0011 as granted by the Planning Director in 2009. Upon the granting of the requested modified CUP, the Permittee will be authorized to operate this facility until 2051, or another year determined by the ultimate decision-maker. Thus, the Permittee will remain in compliance with this requirement.

The proposed project is located within the AE 40-acre Zone District and is subject to development standards set forth in Sections 8106-1.1 and 8110-5.1 of the Ventura County Non-Coastal Zoning Ordinance. Table 1 lists the applicable development standards and a description of whether the proposed project is designed in conformance with these standards.

**Table 1: Development Standards**

Requirement		In conformance?
Minimum Lot Area (Gross)	No requirement	Yes
Maximum Percentage of Building Coverage	5 percent (from General Plan)	Yes
Front Setback	20 feet	Yes, the existing and proposed structures will be located more than five feet from all property lines.
Side Setback	10 feet	
Rear Setback	15 feet	
Maximum Building Height	25 feet (or 35 feet if each side yard is at least 15 feet in width)	Yes
<u>Section 8110-5.1:</u> <b>Attached Sign:</b> One sign allowed. Area of sign limited to 20 square feet.		Yes. This existing signs in use on the project site are in compliance with these requirements.
<u>Section 8110-5.1:</u> <b>Freestanding sign:</b> Limit of one sign with size limited to the lesser of 20 square feet or the length of the street frontage divided by 20. The maximum sign height is 5 feet.		

In summary, the project has been designed in conformance with applicable NCZO standards.

## **F. CUP FINDINGS AND SUPPORTING EVIDENCE**

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

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

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

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

The proposed project is comprised of the continued operation of an existing wine production facility in the Lake Casitas/Oak View area. No changes in the existing physical facilities or the ongoing operations are proposed. No aspect of this existing use has been identified that is incompatible with the surrounding land uses or structures.

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

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

The proposed project is comprised of the continued operation of an existing wine production facility in the Lake Casitas/Oak View area. No changes in the existing physical facilities or the ongoing operations are proposed.

All necessary public and private services are available to serve the proposed facilities. Water service will continue to be provided by Casitas Municipal Water District and sewer service will be provided by the Ojai Valley Sanitation District.

In summary, no aspect of project implementation has been identified that would be obnoxious, harmful or impair the utility of neighboring property or uses.

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

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

The proposed project will not result in any new effect on traffic congestion as no changes in the operation are proposed.

All necessary public and private services are available to serve the proposed facilities. Water service will continue to be provided by Casitas Municipal Water District and sewer service will be provided by the Ojai Valley Sanitation District.

The project site is located in an area for which emergency services are available with adequate response time.

In summary, no aspect of project implementation has been identified that would be detrimental to the public interest, health, safety, convenience, or welfare.

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

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

The proposed project is comprised of the continued operation of an existing wine production facility in the Lake Casitas/Oak View area. No changes in the existing physical facilities or the ongoing operations are proposed.

The existing wine production building and associated ancillary structures on the project site are compatible and in character with the agricultural and open space uses that existing north, south and west of the site. These facilities are also compatible with the residential uses located more than 400 feet east of the CUP area in the community of Oak View.

Given the Open Space and Agricultural designation and zoning of the project site and most of the surrounding lands, and the fully developed character of the nearby portion of the Oak View community, a future change in zoning, OVAP designation or land use is not foreseeable at this time.

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

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

Assessor's Parcel Number 060-0-150-1855 (the project site) when combined with assessor parcels numbers 060-0-150-215 and -255 comprise one legal lot shown as Parcel "A" of Lot Line Adjustment No. 293 which was recorded on June 18, 1986,

Document No. 86-76064 of Official Records. This lot was created in compliance with the State Subdivision Map Act and the Ventura County Subdivision Ordinance.

Based on the above discussion, the finding that the proposed development will occur on a legal lot 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 this staff report, and the entire record, the proposed project has been reviewed in compliance with CEQA and all other applicable laws.

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), NCZO (Section 8111-3.1). On May 3, 2021, the Planning Division mailed 15 notice's to owners of property within 300 feet of the property on which the project site is located. On May 7, 2021, the Planning Division placed a legal ad in the *Ventura County Star* and *Ojai Valley News*. As of the date of this document, the Planning Division has not received any comments from this noticing.

**G. RECOMMENDED ACTIONS**

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that the project is exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines;
3. **MAKE** the required findings to grant a modified CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** modified CUP PL21-0026, subject to the conditions of approval (Exhibit 5); and,

5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

If you have any questions concerning the information presented above, please contact John Kessler at (805) 654-2461 or [John.Kessler@ventura.org](mailto:John.Kessler@ventura.org).

Prepared by:



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John Kessler, Case Planner  
Commercial and Industrial Permits  
Ventura County Planning Division

Reviewed by:



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Mindy Fogg, Manager  
Commercial and Industrial Permits  
Ventura County Planning Division

#### EXHIBITS

- Exhibit 2 Maps
- Exhibit 3 Site Plan
- Exhibit 4 Notice of Exemption
- 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  
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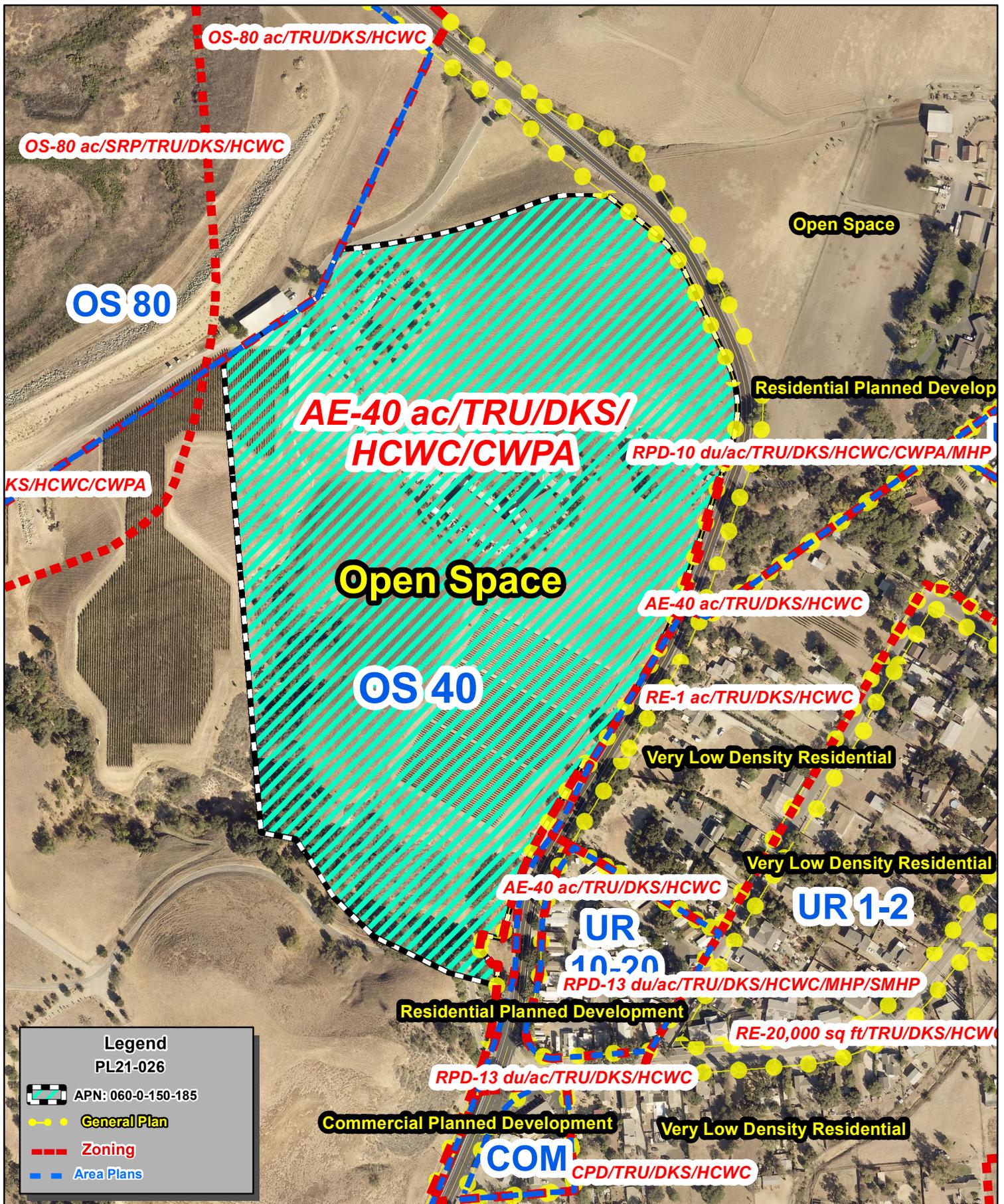


County of Ventura  
 Planning Director Hearing  
 Case No. PL21-0026  
 Exhibit 2 - Maps



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 Resource Management Agency  
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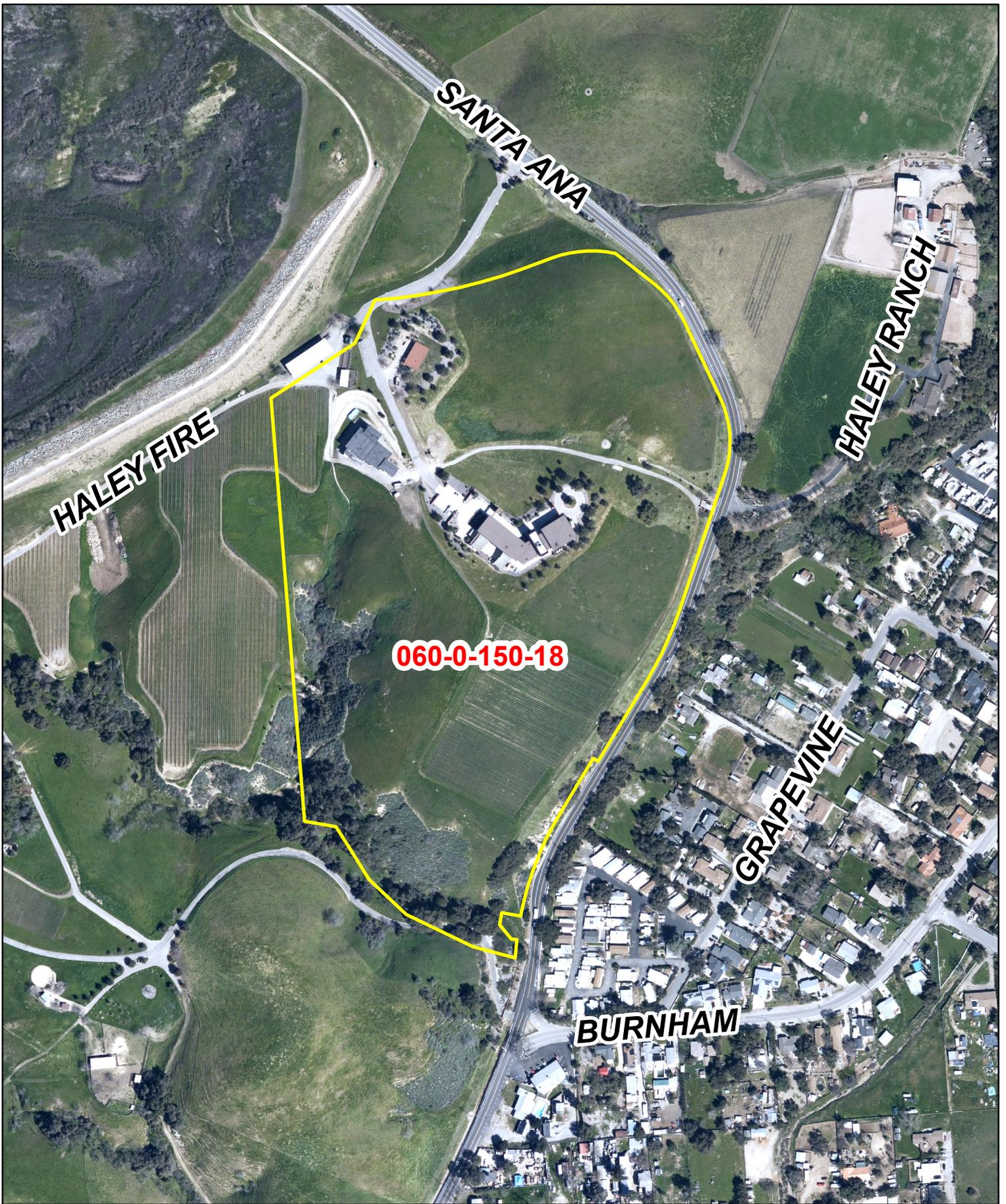


County of Ventura  
 Planning Director Hearing  
 PL21-0026  
 General Plan & Zoning Map



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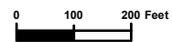
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Ventura County, California  
Resource Management Agency  
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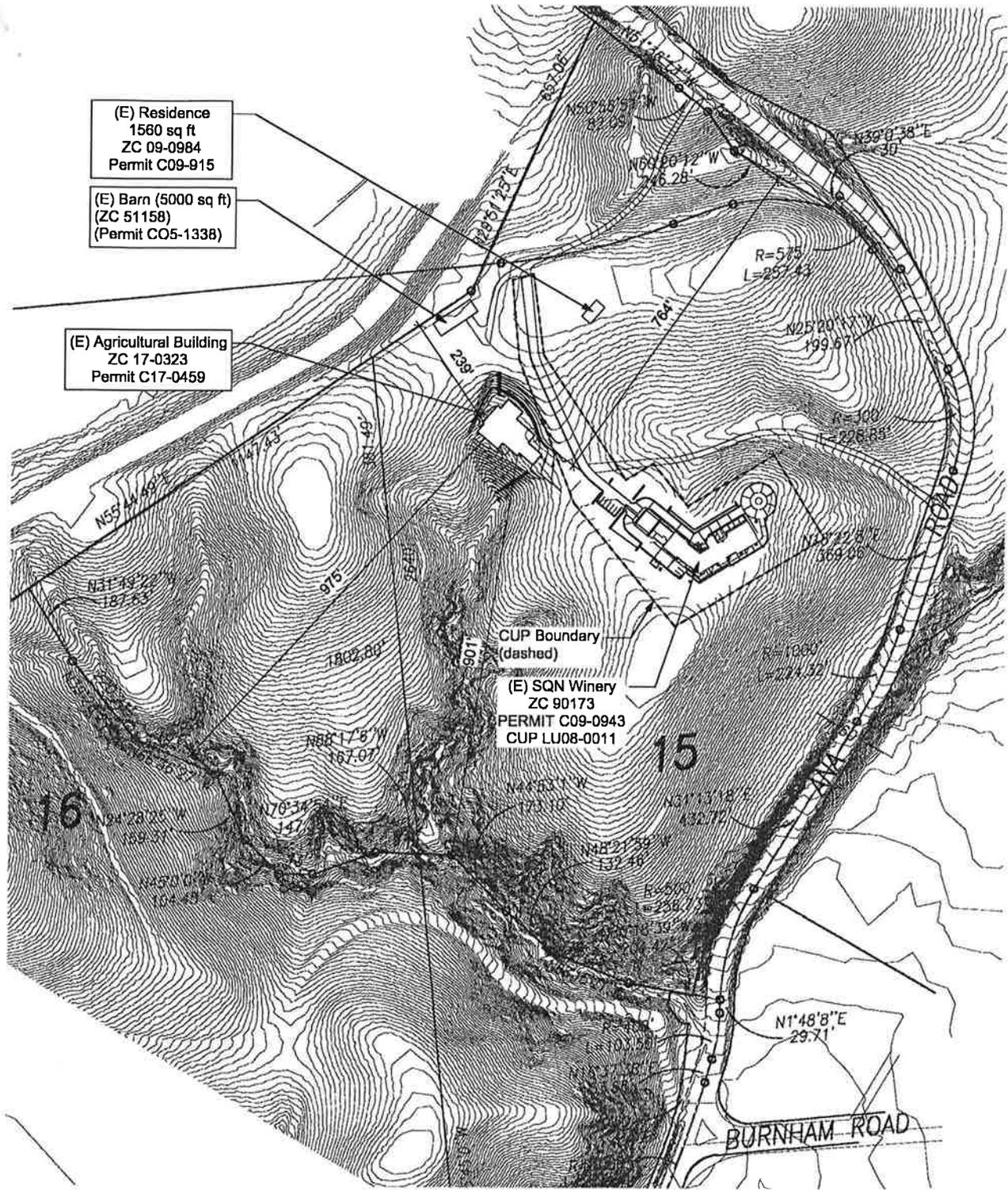


County of Ventura  
Planning Director Hearing  
PL21-0026  
Aerial Photography



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(E) Residence  
 1560 sq ft  
 ZC 09-0984  
 Permit C09-915

(E) Barn (5000 sq ft)  
 (ZC 51158)  
 (Permit C05-1338)

(E) Agricultural Building  
 ZC 17-0323  
 Permit C17-0459

CUP Boundary  
 (dashed)

(E) SQN Winery  
 ZC 90173  
 PERMIT C09-0943  
 CUP LU08-0011

PLOT PLAN  
 Scale: 1:2400



# SITE IMPROVEMENTS

Manfred & Elaine Krankl Trust - 805-649-8901  
 10801 SANTA ANA RD. - APN: 060-0-150-185  
 FEBRUARY 20, 2021

County of Ventura  
 Planning Director Hearing  
 Case No. PL21-0026  
 Exhibit 3 - Site Plan



## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) NOTICE OF EXEMPTION

To:  **County Clerk**  
County of Ventura  
800 South Victoria Ave., L#1210  
Ventura, CA 93009

From: **County of Ventura**  
RMA, Planning Division  
800 South Victoria Ave., L#1740  
Ventura, CA 93009

**Office of Planning and Research**  
1440 Tenth Street, Room 121  
Sacramento, CA 95814  
*(Only if State discretionary approval is required)*

### A. Project Description:

- Entitlement:** Minor Modification of Conditional Use Permit Case No. LU08-0011 (Case No. PL21-0026)
- Applicant's Name:** Manfred Krankl and Elaine Krankl
- Applicant's Address:** P.O. Box 1048 Oak View, CA 93022
- Location:** 10801 Santa Ana Road, Oak View, Ventura County
- Assessor Parcel No.:** 060-0-150-185
- Project Description:** The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the continued operation of an existing wine production facility for an additional 30-year period.

### B. Lead Agency Contact:

- Public Agency Approving Project:** County of Ventura, Resource Management Agency, Planning Division
- Contact Person:** John Kessler, Case Planner
- Telephone No.:** (805) 654-2461
- E-mail Address:** john.kessler@ventura.org

### C. Exempt Status: Categorical Exemption (Sec. 15301)

Type: Class 1 (Existing Facilities)

### D. Justification for Exemption:

Minor Modification of Conditional Use Permit (CUP) Case No. LU08-0011 (Case No. PL21-0026) is exempt pursuant to CEQA Guidelines Section 15301 because the

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Exhibit 4- Notice of Exemption

proposed project is comprised of the continued operation of an existing wine production facility without changes in physical facilities or operational limits.

**Project Approval:** [insert date]

**Prepared by:** John Kessler, Case Planner

**Reviewed by:**

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Mindy Fogg, Manager  
Commercial and Industrial Permits Section  
Ventura County Planning Division

## EXHIBIT 5

# CONDITIONS OF APPROVAL FOR SINE QUA NON WINERY CONDITIONAL USE PERMIT (CUP) NO. PL21-0026

*The subject facility shall be maintained and operated in conformance with the following conditions of approval and approved project plans. Any change in the project must be reviewed by the County Planning Division for conformance with the terms of this permit. A change in the project may require a modification of this permit and additional environmental review in accordance with CEQA. A project change implemented without County approval may constitute a violation of this permit and applicable law.*

### **Resource Management Agency Conditions**

#### **Planning Division**

1. **Project Description:**

This permit authorizes the continued operation of an existing wine production facility for a 30-year period ending in 2051.

The subject wine making, bottling and storage facility is comprised of a single 12,457-square foot two-story building that includes an 11,331-square foot first floor and an 1,126-square foot second floor. This building and associated access driveway are located within a 2.33-acre CUP area on a 36.2-acre agricultural property. The facility includes 12 parking spaces, including one handicap accessible space. This facility produces approximately 3,000 cases of wine per year. It is not open to the public. The subject property is subject to Land Conservation Act Contract 11-2.3.

The business operation of this facility is limited to six days per week (Monday through Saturday) from 6:00am to 6:30pm. Wine production activities will be conducted seven days per week, 24 hours per day. The maximum number of deliveries/loadings within the hours of business operations is limited to 3 truckloads per day and 20 passenger vehicle round trips per day. A maximum of 12 employees work at this facility.

Water will continue to be supplied to the project site by the Casitas Municipal Water District. Sewer service will continue to be provided by the Ojai Valley Sanitation District.

No changes in facility operations or physical changes in the existing buildings and ancillary structures are authorized by this permit.

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Exhibit 5 - Conditions of Approval

2. Acceptance of Conditions and Schedule of Enforcement Responses: The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall be deemed to be acceptance by the Permittee of all conditions of this CUP. Failure to abide by and faithfully comply with any conditions for the granting of this CUP shall constitute grounds for the implementation of enforcement procedures as provided in the *Ventura County Non-Coastal Zoning Ordinance* (2010, Article 14), which include, but are not limited to, the following actions:

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

It is the Permittee's or the Permittee's successors-in-interest's responsibility to be aware of, and to comply with, the CUP conditions and the rules and regulations of all jurisdictions having authority over the uses described herein.

3. Time Limits:

a. Use Inauguration:

- (1) The decision on this CUP becomes effective upon the expiration of the decision's appeal period, or when any appeals filed regarding the decision on this CUP are resolved. After the decision on this CUP becomes effective, the Permittee must obtain a Zoning Clearance for Use Inauguration in order to effectuate this permit and inaugurate the uses provided in Condition No. 1 (Project Description).
- (2) This CUP shall expire and become null and void if the Use Inauguration Zone Clearance has not been issued within one year [(see the *Ventura County Non-Coastal Zoning Ordinance* (2010, 8111-4.7) from the granting of this CUP. The Planning Director may grant a one year extension of time to obtain the Use Inauguration Zoning Clearance if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the extension in writing prior to the one year expiration date.



5. Notice of CUP Requirements and Retention of CUP Conditions On-Site: Unless otherwise required by the Planning Director, the Owner(s) of record, the contractors, and all other parties and vendors regularly dealing with the daily operation of the proposed activities shall be informed, in writing, by the Permittee of the pertinent conditions of this CUP. A current set of CUP conditions and exhibits shall be retained at the site; the CUP conditions and exhibits shall be provided on-site prior to issuance of a Use Inauguration Zoning Clearance and shall be maintained on-site until expiration of this CUP.
6. Recorded "Notice of Land Use Entitlement": Prior to the issuance of a Use Inauguration Zoning Clearance, and in accordance with the *Ventura County Non-Coastal Zoning Ordinance* (2010, §8111-8.3), the Permittee and property owner of record shall sign, have notarized, and record with the Office of the County Recorder, a "Notice of Land Use Entitlement" form furnished by the Planning Division, for each legal parcel within the project site. The "Notice of Land Use Entitlement" is to inform the present and future owners of the property on which the CUP site is located that: the affected real property has been granted a CUP which contains certain conditions for the operation and maintenance of the property; and, the purchaser of the real property should be aware of those conditions. A copy of the recorded "Notice of Land Use Entitlement" shall be returned to the Planning Division to be filed with, and made part of, the case file.
7. Condition Compliance, Enforcement, and Other Responsibilities:
  - a. Cost Responsibilities: The Permittee shall bear the full costs of all staff time, materials costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs by establishing a revolving compliance account as described below in Condition 8.b. Specifically, the Permittee shall bear the full costs of the following:
    - (1) Condition Compliance, which is defined herein to include, but is not limited to, the staff time, materials costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and,
    - (2) Monitoring and enforcement costs, and any related fines or penalties assessed pursuant to the provisions of the Ventura County Ordinance Code, as it may be amended (Condition 8.c, below).
  - b. Pursuant to the requirements of CUP LU08-0011, the Resource Management Agency created Condition Compliance Case No. CC09-0010 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly-imposed civil administrative

penalties, regarding CUP LU08-0011. The Planning Division will continue to use Condition Compliance Case No. CC09-0010 to cover the costs associated with condition compliance review, monitoring, and enforcement activities described in subsection 7.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. CC09-0010, 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.

8. Defense and Indemnity:

- a. As a condition of issuance and use of this CUP, including adjustment, modification, or renewal of this CUP, the Permittee agrees to:
  - (1) Defend, at the Permittee's sole expense, any action brought against the County by a third party challenging either its decision to issue this CUP or the manner in which the County is interpreting or enforcing the conditions of this CUP; and,
  - (2) Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such action. Upon demand from the County, the Permittee shall reimburse the County for any court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such action the Permittee defended or had control of the defense of the suit. The County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.
- b. Neither the issuance of this CUP nor compliance with the conditions thereof 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 County of Ventura, its officers, or employees for injury or damage to persons or property.

- c. Except with respect to the County's sole negligence or intentional misconduct, the Permittee shall indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, demands, costs, and expenses, including attorney's fees, judgments, or liabilities arising out of the construction, maintenance, or operations described in Condition No. 1 (Permitted Land Uses), as it may be subsequently modified pursuant to the conditions of this CUP.
9. Invalidation of Condition(s): If any of the conditions or limitations of this CUP are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth. In the event that any condition contained herein is determined to be in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

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

If any condition is invalidated by a court of law, and said invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, the project may be reviewed, at the discretion of the Planning Director, by the Planning Commission and substitute feasible conditions/mitigation measures may be imposed to adequately address the subject matter of the invalidated condition. The determination of adequacy shall be made by the Planning Commission. If the Planning Commission 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.

10. Consultant Review of Information and Consultant Work: The County and all other permitting agencies shall have the option of referring any and all special studies that may be required by these conditions to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of County staff.

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

The Permittee may hire private consultants to conduct work required by the County, provided the consultant and the proposed scope-of-work are acceptable to the County. However, the County retains the right to hire its own consultants to evaluate any work undertaken by the operator or consultants under the contract to the operator.

11. Relationship of CUP Conditions, Laws and Other Permits: The design, maintenance, and operation of the CUP area and facilities thereon shall comply with all applicable requirements and enactments of Federal, State, and County authorities, as amended, and all such requirements and enactments shall by reference become conditions of this CUP. In the event of conflicts between various requirements, the more restrictive requirements shall apply. In the event that any CUP condition contained herein is determined to be in conflict with any other CUP condition contained herein, then where 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, as determined by the Planning Director.

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, or any lawful rules or regulations or orders of an authorized governmental agency. Neither the issuance of this CUP nor compliance with the conditions of this CUP shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

12. Days and Hours of Operation: Business operations (i.e. receiving materials and export of product) are authorized to be conducted six days per week, Monday through Saturday, between the hours of 6:00am to 6:30pm. Wine production activities are authorized to be conducted 24 hours per day, 7 days per week. The facility shall not be open to the public for sales, wine tasting, or other activities.
13. Traffic Limitations: A maximum of 6 one-way truck trips per day are authorized for material delivery and product export. These truck trips shall occur during the authorized hours of business operations. A maximum of 40 one-way passenger vehicle trips per day are authorized.
14. Contact Person: Prior to the issuance of the Use Inauguration Zoning Clearance, the Permittee shall provide the Planning Director with the contact information (e.g.,

name and/or position title, address, phone number, mailing and email addresses, and business and cell phone numbers) of the Permittee's field agent and other representatives who receive all orders, notices, and communications regarding matters of condition and code compliance at the CUP site. There always shall be a contact person designated by the Permittee. If deemed necessary by the Planning Director, one contact person shall be available via telecommunication, 24 hours a day, to respond to complaints by citizens and the County. If the address or phone number of the Permittee's agent should change, or the responsibility is assigned to another person or position, the Permittee shall provide the Planning Director with the new information within three calendar days.

15. Resolution of Complaints: The following process shall be used to resolve complaints related to the project:
  - a. The Permittee shall post the phone number for the designated Contact Person as identified pursuant to Condition No. 14 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about an event as it is occurring may directly contact the Contact Person.
  - b. If a written complaint is received by the County, Planning staff will contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation.
  - c. If, following a complaint investigation, a violation of Ventura County Code or a condition of this permit is confirmed, enforcement actions pursuant to Section 8114-3 of the Non-Coastal Zoning Ordinance will be initiated.
16. Correspondence from Other Agencies and Jurisdictions: Copies of all correspondence, reports, or information related to land use and environmental issues covered by this CUP which are received by the Permittee from, or sent by the Permittee to, other State or local jurisdictions or agencies shall be provided to the Planning Division within five calendar days of their receipt/issuance.
17. Site Maintenance: The CUP area shall be maintained in a neat and orderly manner so as not to create any hazardous condition, or unsightly conditions which are visible from outside the CUP area on surrounding properties or from any public right-of-way. All equipment and facilities not explicitly permitted in Condition No. 1 (Permitted Land Uses) shall be removed from the site prior to the issuance of a Use Inauguration Zoning Clearance. Only equipment, materials, and structures which comply with Condition No. 1 (Permitted Land Uses), or are authorized by any subsequent amendments to this CUP, shall be stored on the property during the life of this CUP.

18. Parking Requirements

- a. Parking areas shall be designed and maintained at all times for safe, convenient, and easy use by vehicles and pedestrians in accordance with Article 8 of the Zoning Ordinance.
- b. A minimum of eleven (11) paved parking spaces shall be provided as shown on the approved project plans (Condition of Approval 35).
- c. One paved handicapped parking space and ramp shall be provided to serve all buildings, and it shall be appropriately marked.
- d. No portion of a parking space shall be located within ten (10) feet of a driveway entrance or exit.
- e. One-lane curb cuts and driveways shall be a minimum of 16 feet wide, and two-lane curb cuts and driveways shall be a minimum of 25 feet wide.
- f. Parking spaces shall be surfaced and maintained with asphalt or concrete, and shall include striping, wheel blocks, or curbs in parking areas adjacent to landscaped areas.
- g. Loading ramps, docks, etc. shall be clearly marked.

19. Change of Ownership: At least 10 calendar days prior to the effective date of the change of property ownership, or of lessee(s) or operator(s) of the permitted uses, there shall be filed, 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). A final statement that a transfer of ownership has occurred shall be provided to the Planning Director within 15 calendar days of the transfer. The statement shall include the following:

- (a) Any changes in 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 company officer(s) from the initial notice;
- (b) A letter from 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; and,
- (c) The effective date and time of the transfer.

20. Lighting Plan:

**Purpose:** To ensure lighting on the subject property is provided in compliance with § 8106-8.6 and 8109-4.7 of the Ventura County Non-Coastal Zoning Ordinance and to ensure the following objectives are met:

- a. avoids interference with reasonable use of adjoining properties;
- b. avoids conflict with landscape features;
- c. minimizes on-site and eliminates off-site glare;
- d. provides adequate on-site lighting for security;
- e. minimizes impacts to wildlife movement;
- f. minimizes energy consumption;
- g. includes devices that are compatible with the design of the permitted facility; and,
- h. Complies with the general standards listed in Section 8109-4.7.4 for all new and replaced outdoor lighting.

**Requirement:** The Permittee shall submit two copies of a lighting plan to the Planning Division for review and approval prior to implementing such plan. The lighting plan must comply with the following:

- a. the lighting plan shall be prepared by an electrical engineer registered by the State of California;
- b. the lighting plan shall include a photometric plan and manufacturer's specifications for each exterior light fixture type (e.g., light standards, bollards, and wall mounted packs). The Permittee shall also include the lighting color and maximum lumens for each light fixture;
- c. the lighting plan shall provide illumination information for all exterior lighting such as parking areas, walkways/driveways, streetscapes, and open spaces proposed throughout the development;
- d. in order to minimize light and glare on the project property, all parking lot lighting, exterior structure light fixtures, and freestanding light standards must be a cut-off type, fully shielded, and downward directed, such that the lighting is projected downward onto the property and does not cast light on any adjacent property or roadway;

- e. the outdoor lighting shall maintain the maximum light trespass levels identified in Table 1 of NCZO Section 8109-4.7.4.

The Permittee shall bear the total cost of the review and approval of the lighting plan. The Permittee shall install all exterior lighting in accordance with the approved lighting plan.

**Documentation:** The Permittee shall submit two copies of a lighting plan to the Planning Division for review and approval.

**Timing:** The Permittee shall obtain the Planning Division's approval of the lighting plan prior to the issuance of a Zoning Clearance for Use Inauguration. The Permittee shall maintain the lighting as approved in the lighting plan for the life of the Project.

**Monitoring and Reporting:** The Planning Division maintains a stamped copy of the approved lighting plan in the Project file. The Permittee shall ensure that the lighting is installed according to the approved lighting plan prior to occupancy. The Building and Safety Inspector and Planning Division staff have the authority to ensure that the lighting plan is installed according to the approved lighting 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 Non-Coastal Zoning Ordinance.

21. Sign Plan: Prior to the issuance of a Zoning Clearance for Use Inauguration, two copies of a Sign Plan shall be submitted to the Planning Division for review and approval by the Planning Director. The Sign Plan shall comply with Chapter 1, Article 10 of the Ventura County Ordinance Code and applicable Area Plan. The Sign Plan shall include the proposed size, colors, materials, and lighting details. The Permittee shall bear the total cost of such review and approval. All elements of the Sign Plan shall be installed according to the Sign Plan, and inspected and approved prior to issuance of a Zoning Clearance for Use Inauguration.

*Note: This condition was satisfied at the time CUP LU08-0011 was granted in 2009. Any changes in site signage must be in conformance with this condition.*

22. Archaeological and Paleontological Resources: In the event that archaeological or paleontological remains or artifacts are encountered during ground disturbance or construction activities, the Permittee shall implement the following procedures:
  - (a) If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities, the Permittee shall:
    - (1) Cease operations and assure the preservation of the area in which the discovery was made;

- (2) Notify the Planning Director in writing, within three days of the discovery;
    - (3) Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site; and,
    - (4) Obtain the Planning Director's written concurrence of the recommended disposition before resuming development.
  - (b) If any human burial remains are encountered during ground disturbance or construction activities, the Permittee shall:
    - (1) Cease operations and assure the preservation of the area in which the discovery was made;
    - (2) Immediately notify the Sheriff and the Planning Director;
    - (3) Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site; and,
    - (4) Obtain the Planning Director's written concurrence of the recommended disposition before resuming development on-site.
  - (c) If any paleontological remains are uncovered during ground disturbance or construction activities, the Permittee shall:
    - (1) Cease operations and assure the preservation of the area in which the discovery was made;
    - (2) Notify the Planning Director in writing, within three days of the discovery;
    - (3) Obtain the services of a County-approved paleontologist who shall assess the find and provide recommendations on the proper disposition of the site; and,
    - (4) Obtain the Planning Director's written concurrence of the recommended disposition before resuming development.
23. Proprietary Information: Proprietary information and/or trade secrets which are required to be submitted shall be so identified by the Permittee, submitted separately from the other required materials, and confidentially maintained by the public agencies having access to it. Such information shall be requested on an as needed basis only by the applicable County agency or department head. Use Inauguration "*Proprietary information*" means information which the County determines would reveal such things as production, reserves, manufacturing processes and patented formulas, or rate of depletion of the operations of the Permittee. Any information which is not proprietary is a matter of public record.

24. Business License: Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall demonstrate to the satisfaction of the Planning Director that the Permittee has a temporary or permanent Ventura County Business License Tax Certificate or is exempt from such requirements. The Permittee shall maintain a current Tax Certificate and prominently display it at the place of business until this CUP expires.

### **Environmental Health Division**

25. Hazardous Materials  
The storage, handling, and disposal of any potentially hazardous material shall be in compliance with applicable state regulations.
26. Water Impoundments  
All water impoundment(s) shall be maintained in a manner, which will not create mosquito breeding sources.

### **Public Works Agency Conditions**

#### **Transportation Department**

27. Traffic Impact Mitigation Fee – County of Ventura

To address the cumulative adverse impacts of traffic on the Regional Road Network, Ventura County TIMF Ordinance 4246 and GP Policy 4.2.2 require that the Transportation Department of the Public Works Agency collect a TIMF. Prior to issuance of a Zoning Clearance to initiate a new use or to increase an existing use, and pursuant to the TIMF Ordinance, the permittee shall deposit with the Transportation Department a TIMF. Based on the permittee's information, the fee due the County would be:

$$12,457 \text{ TSF of Building X } \$27/\text{TSF (General Industrial)} = \$336.69$$

The above fee may be subject to adjustment at the time of deposit, due to provisions in the TIMF Ordinance allowing the fee to be adjusted for inflation based on the Engineering News Record Construction Cost Index. If the project cumulative impacts are not mitigated by payment of a TIMF, current GP policy will require County opposition to this project.

*Note: This condition of approval was satisfied at the time CUP LU08-0011 was granted in 2009.*

28. Traffic Impact Mitigation Fee – City of Ojai

Prior to issuance of a Zoning Clearance to initiate a new use or to increase an existing use, and pursuant to the Reciprocal Traffic Mitigation Agreement between

the City of Ojai and the County of Ventura, the permittee shall also deposit with the Transportation Department a TIMF on behalf of the City of Ojai, to be transferred to the City within 30 days. The fee due the City would be:

$$12,457 \text{ TSF of Building X } \$115/\text{TSF (General Industrial)} = \$1,432.56$$

The above fees may be subject to adjustment at the time of deposit, due to provisions in the TIMF Ordinance allowing the fee to be adjusted for inflation based on the Engineering News Record Construction Cost Index. If the project cumulative impacts are not mitigated by payment of a TIMF, current GP policy will require County opposition to this project.

*Note: This condition of approval was satisfied at the time CUP LU08-0011 was granted in 2009.*

### **Integrated Waste Management Division (IWMD)**

29. Waste Diversion and Recycling Requirement

Per Ventura County Ordinances 4308 and 4357, commercial customers are required to divert recyclable materials (e.g., plastic containers, soil, paper, cardboard, concrete, wood, metal, greenwaste) from the landfill. Both Ordinances may be reviewed at: [www.wasteless.org/landfills/ordinance\\_4357](http://www.wasteless.org/landfills/ordinance_4357).

30. Collection and Loading Areas for Refuse and Recyclables

This project is subject to the County's *Space Allocation Guidelines*. These guidelines outline the requirements for collection and loading areas for refuse and recyclables referenced in Public Resources Code 42900-42901, the Solid Waste Reuse and Recycling Access Act of 1991. The *Space Allocation Guidelines* may be reviewed at: [www.wasteless.org/spaceallocationguidelines](http://www.wasteless.org/spaceallocationguidelines). Contact the IWMD, at (805) 658-4315, for assistance in meeting this condition.

Trash disposal areas shall be screened from view with a six (6) foot high solid wall or fence designed in accordance with the County's Guidelines - Space Allocation for Recycling and Refuse Collection. Prior to issuance of the Zoning Clearance for Construction, the design of the trash enclosure shall be approved by the Planning Director.

*Note: This condition of approval was satisfied at the time CUP LU08-0011 was granted in 2009.*

31. Grape solids, Green material, Wood & soil Recycling and Reuse

Ordinance #4308 specifies that all organic materials on the Director's List of Commercial Recyclables must be recycled. Grape solids generated on an on-going basis by this business must be recycled/managed in accordance with all applicable regulations. All wood waste and green material generated by land-clearing and construction in the course of the project development must be recycled. This can be

accomplished by on-site chipping and reuse, or by transporting the wood and green material to one of the County's authorized and permitted greenwaste facilities. Any excavated soil not used on site during the construction, landscaping, or operational phases of the project must be reused - landfilling as Municipal Solid Waste is prohibited.

### **PWA Flood Control District**

32. All surface runoff and drainage from any activities shall be controlled by berms, revegetation, and/or other approved methods to ensure that surrounding land and water resources are protected from erosion, gulying, sedimentation, and contamination.

### **PWA Watershed Protection District**

33. Within the entire project area all hazardous materials, chemicals or fertilizers shall be stored in a building properly designated and equipped for the safe storage of the hazardous materials, chemicals and fertilizers. No vehicle maintenance or refueling operations shall be conducted within the project area.

### **Fire Protection District**

34. The authorized facility shall be designed, constructed and operated in accordance with the following Ventura County Fire Protection District standards:

Access Road Width: Where one-way traffic and off-street parking occurs, a 20-foot street width shall be provided.

Construction Access: Prior to combustible construction, an all-weather access road / driveway suitable for use by a 20-ton Fire District vehicle shall be installed.

Turning Radius: The access road shall be of sufficient width to allow for a 40 foot outside turning radius at all turns in the road.

Vertical Clearance: All access roads / driveways shall have a minimum vertical clearance of 13 feet 6 inches (13' 6').

Turnarounds: Approved turnaround areas for fire apparatus shall be provided when dead-end Fire Department access roads I driveways exceed 150 feet. Turnaround areas shall not exceed a 5% cross slope in any direction and shall be located within 150 feet of the end of the access road / driveway. Turnaround areas shall not be used for parking and shall be kept free of obstructions at all times. Turnaround areas shall be posted as Fire Lanes in accordance with Fire District Fire Lane Standards.

Address Numbers (Commercial, Industrial): Building address numbers, a minimum of 6 inches (6") high, shall be installed prior to occupancy, shall be of contrasting color to the background, and shall be readily visible at night. Brass or gold-plated numbers shall not be used. Where structures are set back more than 150 feet from the street, larger numbers will be required so that they are distinguishable from the street. In the event a structure(s) is not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post. individual unit numbers shall be a minimum of 4 inches in height and shall be posted at the front and rear entrance to each unit. Additional address directional signs may be required at common building entrances and stairways.

Fire Hydrant Plan: Prior to construction, the applicant shall submit plans to the Fire District for placement of fire hydrants. On plans, show existing hydrants within 300 feet of the development. indicate the type of hydrant, number and size of outlets.

Fire Flow Verification: Prior to obtaining a building the applicant shall provide to the Fire District, verification from the water purveyor that the purveyor can provide the required fire flow of 1500 gallons per minute at 20 psi for a minimum 4-hour duration.

Alternate Water Supply: If the water purveyor certifies that the system cannot provide the required fire flow and duration and approves the use of a private water system, or there is no water purveyor, automatic fire sprinklers shall be installed in all buildings hereafter constructed and adequate water storage for fire protection shall be provided prior to construction in accordance with Fire District standards.

*Note: This condition of approval was satisfied at the time CUP LU08-0011 was granted, and the facility constructed, in 2009.*