

**EXHIBIT 4 – CONDITIONS OF APPROVAL FOR C&M TOPSOIL SOIL AMENDMENT
AND LARGE-SCALE COMMERCIAL ORGANICS PROCESSING OPERATION
CONDITIONAL USE PERMIT (CUP)
CASE NO. PL23-0094**

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

I. Planning Division

1. Project Description

This Conditional Use Permit (CUP) is based on and limited to compliance with the project description stated in this condition below, Exhibits 2 through 13 of the Planning Commission hearing on September 19, 2024, 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 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 requests a CUP to authorize the continued use and expansion of a Soil Amendment and Commercial Organics Processing Operation for a 15-year period. The operation, which also constitutes an agricultural material composting operation subject to Title 14, Section 17856, of the California Code of Regulations, is a Large-Scale Commercial Organics Processing Operation and shall be limited to storing and processing (screening, grinding, composting, chipping, and blending) 12,500 cubic yards of soil amendment and compost materials with feedstock that includes manure, horse bedding, and green waste (tree trimmings only, no residential curbside waste). Vermiculture activities are no longer a component of the operation and not permitted with this project. Processing areas and stabilized compost/finished product areas shall be restricted to the areas depicted in the stamped and approved site plans for the project and generally located in the northeast and southwest quadrants of the project site (Exhibit 3 of the Planning Commission Hearing Staff Report on September 19, 2024). All products are sold, given away, or beneficially used within 90 days of the acceptance of the raw materials. Feedstock materials shall not be accepted at any time when the storage capacity of the site, 12,500 cubic yards of soil amendment and compost materials, would be exceeded by such delivery.

The CUP boundary is limited to 8.88 acres of a 51.85-acre parcel located at 4730 Tapo Canyon Road. Structures for the proposed project include:

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Table 1: Project Components

Component	Quantity	Total Area
(Ex) Storage Containers	5	1,000 square feet
(Ex) Portable Restroom	1	16 square feet
(P) Scale House (Portable Shipping Container with Electrical Connection)	1	120 square feet
(D) Storage Containers for Animal Husbandry (x2), Agricultural Structures (x3)	5	N/A

Ex = Existing

P = Proposed

D = Demolish

N/A = Not Applicable

Equipment for the proposed project includes a portable truck scale, screener/blender, grinder, loader, tractors, and trucks that are used to process and transport soil amendment and compost materials.

The operation employs nine staff and shall be limited to the operating hours of Monday through Friday from 7:00 AM to 4:00 PM, Saturday from 7:00 AM to 12:00 PM, and closed Sundays. The facility is open to the public and anticipates 18 truck trips per day (nine loads). A total of 21 parking spaces are provided for employees and customers including nine employee spaces and 12 customer spaces, as well as six overnight truck spaces. Of this amount, one accessible ADA parking space for disabled persons will be available for employees or customers. The proposed project does not include grading and all activities related to the operation will occur on areas of the project site previously disturbed by cattle ranching, horticultural activities, and the unlawful expansion of the soil amendment and organics processing operation. Water is provided by the City of Simi Valley. Sanitary facilities, consisting of at least one toilet with hand washing facilities (with potable water from an approved source) shall be available to personnel at or in the immediate vicinity of the site as approved by the Ventura County Environmental Health Division Local Enforcement Agency. Septage from portable toilets must be removed by a Ventura County Environmental Health Division permitted chemical pumper truck and must be properly disposed of at an approved septage disposal site pursuant to Condition Number 31 (Exhibit 4 of the Planning Commission Hearing Staff Report on September 19, 2024).

2. Days and Hours of Operation

Purpose: To be compatible with surrounding land uses it is necessary to limit the days and hours of operation of the approved use.

Requirement: The operation of the approved use shall be limited to Monday through Friday from 7:00 AM to 4:00 PM, Saturday from 7:00 AM to 12:00 PM, and closed Sundays. The Permittee shall post the hours of operation in an obvious location that can be seen by customers and vendors. The signage must be made of weatherproof and permanent material and comply with Article 10 of the Ventura County Non-Coastal Zoning Ordinance (NCZO).

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

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

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance by the Permittee with this condition consistent with the requirements of Section 8114-3 of the NCZO.

3. Required Improvements for CUP

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

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

Documentation: The Permittee shall obtain Planning Division staff's stamped approval on the project plans and submit them to the County for inclusion in the Project file. The Permittee shall submit additional plans to the responsible agency for review and stamped approval, as detailed throughout the approved conditions of approval (e.g., Landscape and Screening Plan (Condition No. 20), Sign Plan (Condition No. 23), Odor Impact and Monitoring Plan (Condition No. 27), Vector Control Plan (Condition No. 28), Operation Plan (Condition No. 29), and Stormwater Pollution Prevention Plan (Condition No. 34), for inclusion in the Project file, as necessary.

Timing: Prior to the issuance of a Zoning Clearance for use inauguration the Permittee shall submit all final development plans to the Planning Division for review and approval. The Permittee shall maintain the required improvements for the life of the Project.

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

4. Site Maintenance

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

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

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

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

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

5. CUP Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this CUP. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity 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, Sections 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387), as amended from time to time.

6. 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, including, but not limited to, as provided in the NCZO (e.g., Articles 11 and 14), which shall include, for example, 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
- 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.

7. 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 Commission 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 to initiate the land uses described 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 (NCZO Section 8111-4.7). The Planning Director may grant a one-year extension of time to the Permittee to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one-year expiration date.
3. Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning

Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date, or the County may revoke this CUP.

- b. Permit Life or Operations Period: This CUP will expire on September 19, 2039. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:
1. The Permittee has filed a permit modification application pursuant to Section 8111-6 of the NCZO prior to September 19, 2039.
 2. The County decision-maker grants the requested modification.

The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with Section 8111-2.10 of the NCZO.

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

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

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

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

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

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

9. Notice of CUP Requirements

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

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

Documentation: The Permittee shall present to Planning Division staff, the Planning Director, Property Owner, contractors, or all other parties and vendors who regularly conduct activities associated with the Project, copies of the conditions, upon request.

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

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of Section 8114-3 of the NCZO.

10. 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 for 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.

11. 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 NCZO (Section 8114-3) related to this CUP. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.
- b. Establishment of Revolving Compliance Account: Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit the following deposit and reimbursement agreement to the Planning Director:
 - 1) A payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs associated with condition compliance review, monitoring, and enforcement activities described in 11.a (above), and any duly-imposed civil administrative penalties regarding this. The Permittee shall replenish such account to the above-stated amount within 10 calendar days after receiving notice of the requirement to do so from the Resource Management Agency.
 - 2) An executed reimbursement agreement, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.
- c. Billing Process: The Permittee shall pay all Planning Division invoices within 30 days of receipt thereof. Failure to timely pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge or penalty prior to payment.

12. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or enforcement of this CUP. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.
- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements, or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action, or proceeding subject to subpart 12.a above, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties.
- c. Except with respect to claims, actions, proceedings, and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County), and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings, and Liabilities arising out of, or in any way related to, the construction, maintenance, land use, or operations conducted pursuant to this CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.
- d. Neither the issuance of this CUP, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

13. 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 Commission may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Commission shall make the determination of adequacy. 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.

14. Consultant Review of Information and Consultant Work

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

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

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 11 above, if the County hires a consultant to review any work undertaken by the Permittee or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

15. 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 conflicts 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.

16. Contact Person

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

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

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

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

Monitoring and Reporting: The Planning Division maintains the contact information provided by the Permittee in the Project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of Section 8114-3 of the NCZO.

17. Resolution of Complaints

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

- a. The Permittee shall post the telephone number for the designated Contact Person as identified pursuant to Condition No. 16 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about the Project may directly contact the Contact Person;

- b. If County staff receives a complaint about the Project, Planning Division staff may contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation; and
- c. If, following a complaint investigation by County staff, a violation of the Ventura County Code or a condition of this CUP is confirmed, County staff may initiate enforcement actions pursuant to Section 8114-3 of the NCZO.

18. Reporting of Major Incidents

Purpose: To ensure that the Planning Director is notified of major incidents associated with, or resulting from, the Project.

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

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

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

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

19. Change of Permittee/Property Owner

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

Requirement: The Permittee, and or Property Owner 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, and or Property Owner shall provide the Planning Director with final notice once the transfer of ownership and/or operational control has occurred.

Documentation: The initial notice must be submitted with the new Permittee, and or Property Owner's contact information. The final notice of transfer must include the effective date and time of the transfer or sale, 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, and or Property Owner shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee, and or Property Owner 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 Section 8114-3 of the NCZO.

20. Landscaping and Screening

Purpose: To comply with the County's landscaping and screening requirements set forth in NCZO Section 8106-8.2 and General Plan Policies COS-1.12 and COS-3.6.

Requirement: The existing landscaping and screening that serves the following functions shall be maintained throughout the life of the project.

- a. Screens undesirable views, incompatible land uses, and uses in natural settings. The existing landscaping and screening shall be maintained to screen the Project from Tapo Canyon Road and viewsheds of Gillibrand Canyon.
- b. Ensures compatibility with community character. The existing landscaping and screening shall be maintained to visually integrate the Project with the character of the surrounding community.

The existing landscaping shall be maintained using water efficiently, in accordance with the water efficiency requirements of the California Department of Water Resources Model Water Efficient Landscape Ordinance, and shall achieve the following objectives:

- a. Uses available non-potable sources of water. The landscaping must integrate the harvesting and/or use of alternative, non-potable sources of water, including storm water, reclaimed water, and gray water, where feasible.
- b. Protection of Solar Access. The Permittee shall maintain landscaping to avoid the introduction of vegetation that would now or in the future cast substantial shadow on existing solar collectors or photovoltaic cells or impair the function of a nearby building using passive solar heat collection.
- c. Create viable growing environments. The landscape must be maintained to address the needs of the plants to ensure their health, long-term viability, and protection.

- d. Species diversity. The landscape must maintain the variety of plant species, heights, colors, and textures, as appropriate for the size of the landscape.

Documentation: The Permittee shall submit a landscape and screening plan, documenting the existing landscaping and irrigation methods, to the Planning Division for review and approval.

Timing: The Permittee shall obtain the Planning Division's approval of the landscape and screening plan prior to the issuance of a Zoning Clearance for use inauguration. The Permittee shall maintain the landscape and screening as approved in the landscape and screening plan for the life of the Project.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the landscape and screening plan in the project file. The Permittee shall ensure that the landscape is maintained according to the approved plan. Monitoring and enforcement shall occur according to the procedures set forth in Section 8106-8.2.8 and Section 8114-3 of the NCZO.

21. Oak Tree Protection

Purpose: To comply with the tree protection regulations set forth in Section 8107-25 et seq. of the NCZO and protect onsite oak trees.

Requirement: The Permittee shall avoid impacting protected trees to the extent feasible and shall offset or mitigate any damage to protected trees or associated impacts from such damage pursuant to Section 8107-25.

Documentation: The Permittee shall obtain an Authorization Letter or Tree Permit pursuant to the requirements outlined in Section 8107-25 of the NCZO for any activity that would impact protected trees.

Timing: Prior to undertaking any activity that would impact protected trees, the Permittee shall obtain an Authorization Letter or Tree Permit pursuant to Section 8107-25 of the NCZO.

Monitoring and Reporting: The County Building Inspector 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 Section 8114-3 of the NCZO.

22. Sign Plan

Purpose: To ensure signage on the property complies with Article 10 of the NCZO.

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

Documentation: A stamped copy of the approved sign plan.

Timing: The Permittee shall submit the Sign Plan to the Planning Division for review and approval prior to the issuance of a Zoning Clearance for construction or installation of new signage.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved sign plan in the Project file. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of Section 8114-3 of the NCZO.

23. Availability of Parking Spaces

Purpose: To ensure compliance with Section 8108-3 of the NCZO.

Requirement: The Permittee shall ensure that the required 21 motor vehicle parking spaces and six overnight truck parking spaces remain continuously available for their intended parking use and are not used for merchandise display, storage, vehicle repair, or any other unauthorized use. The Permittee shall maintain the required parking area as illustrated on the approved site plan. All accessible parking spaces shall be surfaced in accordance with the applicable standards of Title 24 of the California Code of Regulations.

Documentation: A stamped copy of the approved site plan.

Timing: The Permittee shall ensure that the required parking area, as indicated on the approved site plan, is available for their intended parking use prior to issuance of a Zoning Clearance for use inauguration. The Permittee shall maintain the required parking area as illustrated on the approved site plan for the life of the Project.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved site plan provided by the Permittee in the Project file. The Building and Safety Inspector and Planning Division staff have the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of Section 8114-3 of the NCZO.

24. Notice of Fire Hazard

NOTICE IS HEREBY PROVIDED THAT THE SUBJECT PROPERTY (APN 003-0-250-200) IS WITHIN A MODERATE, HIGH, OR VERY HIGH FIRE HAZARD SEVERITY ZONE, AS DESIGNATED BY THE CALIFORNIA STATE FIRE MARSHAL, OR A LOCAL HAZARDOUS FIRE AREA, AS DESIGNATED BY THE VENTURA COUNTY FIRE DEPARTMENT.

Purpose: To comply with General Plan Policy HAZ 1.4. The policy states, "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."

Documentation: A Notice of Fire Hazard recorded with the Ventura County Recorder.

Requirement: The Permittee shall record a Notice of Fire Hazard with the Ventura County Recorder.

Timing: The Notice of Fire Hazard shall be recorded with the Ventura County Recorder prior to issuance of the Zoning Clearance for use inauguration.

Monitoring and Reporting: The Notice of Fire Hazard shall be maintained in the files of the Ventura County Recorder and a copy shall be provided to the Planning Division by the Permittee and maintained in the case file.

II. Environmental Health Division (EHD)

Mitigation measures related to potentially significant impacts to Public Health imposed by EHD on CUP Case No. LU04-0145 have been incorporated into the Conditions of Approval below. Implementation of the following Conditions of Approval (Condition Nos. 25 through 31) will ensure that potentially significant impacts to Public Health identified in the MND for CUP Case No. LU04-0145 continue to be mitigated to a less than significant level.

25. Hazardous Materials (General Notice)

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

Requirement: If hazardous materials above reporting thresholds (200 cubic feet gas, 55 gallons liquid, 500 pounds solid) are stored onsite, or any hazardous wastes are generated, additional permitting, monitoring, and reporting requirements would apply. Used batteries must be properly disposed of or recycled in accordance with state and local regulations. Additional information on the storage and handling requirements for hazardous materials and wastes may be found on the EHD/Certified Unified Program Agency website: <https://vcrma.org/cupa>

Monitoring: When applicable, the EHD issues hazardous material and hazardous waste permits and conducts site inspections.

26. Solid Waste Permit – Emergency Agency Notification

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

Requirement: Permittee shall submit an Enforcement Agency Notification (EAN) to conduct a compostable materials operation to Ventura County Environmental Health Division Local Enforcement Agency (LEA). The Permittee shall obtain a health permit issued by the LEA and remain in compliance with all requirements specified in the permit. The Permittee shall comply with all record keeping requirements specified in CCR Title 14 section 17869.

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

Timing: Prior to issuance of a Zoning Clearance for use inauguration, the Permittee shall submit an EAN and obtain a health permit issued by the LEA. Additionally, a solid waste receipt questionnaire shall be submitted to the LEA monthly.

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

27. Composting Facility or Operation – Odor Impact Monitoring Plan (OIMP)

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

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

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

Timing: Prior to issuance of a Zoning Clearance for use inauguration, the Permittee shall submit an OIMP to the EHD for review and approval. The OIMP shall be reviewed annually and updated as necessary to reflect any changes in the design or operation of this site, including but not limited to change in the method of storing feedstock, type(s) of equipment, site layout, and odor control measures. A copy of the revisions shall be provided to the LEA within 30 days of the changes.

Monitoring and Reporting: OIMP shall be submitted to the LEA for review and approval. The effectiveness of the OIMP shall be evaluated by LEA staff during site inspections.

28. Solid Waste Facility / Operation – Vector Control

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

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

Documentation: Develop and implement a vector control plan specific to site and operations.

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall submit a vector control plan to the LEA for review and approval. The vector control plan shall be evaluated and updated as needed to address site-specific vector-control issues.

Monitoring and Reporting: Effectiveness of the vector control plan shall be evaluated by LEA staff during site inspections and effectiveness/deficiencies shall be noted on inspection reports.

29. Solid Waste Facility / Operation – Dust and Bioaerosol Management

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

Requirement: Develop and implement an operation plan that utilizes Best Management Practices (BMP's) to minimize and control dust and bioaerosols.

Documentation: The Permittee shall submit an operation plan that incorporates BMP's for minimizing and controlling dust and bioaerosols through watering, use of enclosures, and screens to the LEA for review and approval. Additionally, a combination of engineering controls, work practices, and personal protective equipment shall be employed.

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall submit an operation plan to the LEA for review and approval. The Permittee shall minimize and control dust and bioaerosols at all times in accordance with the approved operation plan.

Monitoring and Reporting: The LEA shall conduct routine inspections/reviews and respond to complaints associated with dust and bioaerosols generated at the site.

30. Composting Operations – Report of Waste Discharge

Purpose: To comply with State Water Resources Control Board Order WQ 2020-0012-DWQ, General Waste Discharge Requirements for Composting Operations.

Requirement: New composting facilities and operations shall obtain a Waste Discharge Requirement (WDR) from the Regional Water Quality Control Board (Regional Board). Existing composting facilities and operations shall file a complete Notice of Intent (NOI), filing fee, and technical report with the Regional Board.

Timing: Existing composting operations and facilities must submit the NOI within one year of adoption of Order 2020-0012-DWQ. New composting operations and facilities must obtain a WDR at time of permit issuance. Any changes to the composting operation or facility will require a new NOI and/or amendments to the WDR.

Monitoring and Reporting: Provide proof of compliance with this condition to LEA staff.

31. Solid Waste Facility / Operation – Portable Toilet Facilities

Purpose: To comply with California Code of Regulations, Title 14, section 17409.2.

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

Timing: These requirements apply anytime personnel is at the site.

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

PUBLIC WORKS AGENCY (PWA) CONDITIONS

I. Integrated Waste Management Division

32. Refuse, Organic Waste, and Recycling Requirement

Purpose: To ensure the project complies with Division 4, Chapter 7, Article 3 of the Ventura County Ordinance Code pertaining to the diversion of recyclables and organic waste materials generated by this Project from local landfills through recycling, reuse, salvage, or compost.

Requirement: Ventura County Ordinance Code section 4770-4 requires the Permittee to work with a County-franchised solid waste hauler who will determine the level of service required to divert recyclables and organic waste generated by their project from local landfills. For a complete list of County-franchised solid waste haulers, go to: <https://www.vcpublicworks.org/wsd/iwmd/businessrecycling/>.

Documentation: The Permittee must maintain copies of bi-monthly solid waste billing statements for a minimum of one year. The address on the billing statement must match the address of the permitted business.

Timing: Upon request, the Permittee must provide Ventura County Public Works Agency's Water & Sanitation Department, Integrated Waste Management Division (Water & Sanitation) with a copy of a current solid waste billing statement to verify compliance with this condition.

Monitoring and Reporting: Upon request, the Permittee shall allow Water & Sanitation staff to perform a free, on-site, waste audit to verify recyclable materials and organic waste generated by their business are being diverted from the landfill.

II. Water Quality Section

33. State General Industrial Stormwater Permit No. CAS000001 Requirements

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

Requirement: Proper filing of all compliance documents required under the IGP.

Documentation: The Permittee shall prepare and submit the following items to the Public Works Agency - County Stormwater Program (CSP) for review:

- 1) A current notice of intent (NOI), in accordance with the State Water Resources Control Board requirements under the IGP; or
- 2) Verification of payment for the current coverage year, whichever is more recent;
- 3) A copy of the project Stormwater Pollution Prevention Plan (SWPPP); and
- 4) A copy of the most recent annual report, if applicable.

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

Monitoring and Reporting: CSP staff will review the submitted materials for consistency with the IGP. The current and site-specific SWPPP shall be kept on-site for periodic review by CSP inspectors.

III. Roads and Transportation Department (VCPWA-RT)

34. Traffic Impact Mitigation Fee

Purpose: To address the cumulative adverse impacts of traffic on the Regional Road Network, it is required that the County collect the City Traffic Impact Mitigation Fee (TIMF) in accordance with the Reciprocal Agreement with the City and County.

Requirement: The Permittee shall deposit with the VCPWA-RT a TIMF. The trip generation rate and TIMF will be calculated based on the Permittee's information. The Permittee may choose to submit additional information or provide a Traffic Study to supplement the information currently provided to establish the trip generation rate. The TIMF may be adjusted for inflation at the time of deposit in accordance with the latest version of the Engineering News Record Construction Cost Index. Based on the Permittee's information:

Total Net ADT: 78 ADT = 112 ADT – 34 ADT

Existing Employees + Trucks: 34 ADT = (5 employees X 2 trips/day) + [8(B) truck trips X 3(D)]

Proposed Project Employees + Trucks + Customers: 112 ADT = 18 employee trips(A) + [18(A) truck trips X 3(D)] + 40 customer trips (A)

The TIMF due to the City of Simi Valley would be \$8,871.72 to be transferred to the City within 30 calendar days.

- (A) Per 11/30/23 "Response to Determination of Application Incompleteness" by Jensen Design and Survey, Inc.
- (B) Existing Truck ADT per Lisa Woodburn 12/21/23 email
- (C) Per City of Simi Valley Justin Link 10/10/23 email

(D) Car equivalent

Documentation: The Permittee shall come to the VCPWA-RT counter, fill out the TIMF form, and pay the TIMF. The Permittee may pay the TIMF remotely via the internet at <https://www.vcpwaworks.org/rt-applications>. Under "Additional Links..." choose and then fill out the TIMF Questionnaire Application and email any inquiries and form to pwa.transpermits@ventura.org. Upon approval of the fee amount, the Permittee will have the option to pay the fee with a credit card through Accela Citizen Access.

Timing: This condition shall be met prior to the issuance of the Zoning Clearance for use inauguration.

Monitoring and Reporting: The VCPWA-RT will review and approve the payment of the TIMF.

ADDITIONAL CONDITIONS FROM OTHER AGENCIES

I. Ventura County Air Pollution Control District (VCAPCD)

35. Complaint-Driven Nuisance for Discharge of Air Pollutants

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

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

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

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

Timing: Throughout the life of the permit.

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

36. Dust Control for Clearing / Construction Activities

Purpose: To ensure that fugitive dust and particulate matter that may result from any site preparation or construction activities are minimized to the greatest extent feasible.

Requirement: The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust).

Documentation: The Permittee shall ensure compliance with the following provisions:

- 1) The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust;
- 2) All trucks shall cover their loads as required by California Vehicle Code Section 23114.
- 3) Fugitive dust throughout the construction site shall be controlled by the use of a watering truck or equivalent means (except during and immediately after rainfall). Water shall be applied to all unpaved roads, unpaved parking areas or staging areas, and active portions of the construction site. Environmentally safe dust control agents may be used in lieu of watering.
- 4) Temporary signs shall be posted onsite limiting construction traffic speeds to 15 miles per hour or less.
- 5) All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., wind speed sufficient to cause fugitive dust to be a nuisance or hazard to adjacent properties). During periods of high winds, all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by onsite activities and operations from being a nuisance or hazard, either offsite or onsite.

Timing: Throughout the construction phases of the Project.

Monitoring and Reporting: Monitoring and enforcement of VCAPCD's Fugitive Dust rule is enforceable by VCAPCD on a complaint-driven basis.

II. Ventura County Fire Protection District (VCFPD)

37. Fire Permits for Composting and Mulch Operations

Purpose: To ensure safe procedures for the storage and processing of organic materials.

Requirement: The Permittee shall obtain a Fire Code Permit that complies with Standard 516 (Attachment 1), as may be amended, for storage, processing, and application of compost, mulch and raw products produced from yard waste, debris and recycling. Additionally, the Permittee shall obtain an Operational Permit pursuant to Section 105.5 of the Ventura County Fire Code.

Documentation: A signed copy of the Fire Code Permit and Operational Permit as specified above.

Timing: The Permittee shall submit a Fire Code Permit and Operational Permit application along with required documentation/plans to the VCFPD for approval before final occupancy, installation, and/or use of any item/system requiring a VCFPD permits.

Monitoring and Reporting: A copy of the approved VCFPD permits shall be kept on file with the VCFPD. The VCFPD shall conduct on-site inspections to ensure that the requirements of the VCFPD permits are maintained according to the approved plans. Unless a modification is approved by the VCFPD, the Permittee, and their successors in interest, shall maintain the conditions of the VCFPD permits for the life of the development.

Attachments:

Attachment 1: VCFPD Standard 516 – Composting Mulch and Organics Processing