



July 17, 2024

Mr. Erik Nagy  
Jensen Design and Survey  
1672 Donlon Street  
Ventura, CA 93003

Subject: Planning Director Decision Regarding Conditional Use Permit (CUP) and  
Planned Development (PD) Permit for Mircetic  
Case No. PL23-0009  
11820 Topa Vista Road, Ojai Valley  
Assessor's Parcel Number 037-0-080-115

Dear Mr. Nagy:

By the authority granted to me by the Ventura County Administrative Supplement to the California Environmental Quality Act (CEQA) Guidelines (2010, Chapters 3 and 8), Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8111-1.2 et seq. and Section 8111-4 et seq.), and based on the information provided in the staff report and at the June 20, 2024, and the supplemental memorandum for the July 3, 2024, continuance, I hereby:

1. **CERTIFY** that I have reviewed and considered the July 20, 2024, staff report, and all exhibits thereto, and the July 3, 2024, supplemental memo, and I have considered all comments received during the public comment process;
2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines.
3. **MAKE** the required findings to grant a CUP and PD Permit pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** CUP and PD Permit [Case No. PL23-0009], subject to the attached conditions of approval.
4. **GRANT** a waiver of the minimum 500-ft. setback from existing oil and gas and authorize a minimum setback of 100 ft. for a single-family dwelling and accessory dwelling unit, pursuant to NCZO § 8106-6.3 and subject to the attached conditions of approval.

County of Ventura  
Planning Commission Hearing  
Case No. PL23-0009  
Exhibit 4 - Approval Letter

HALL OF ADMINISTRATION #1740

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.

At the July 3, 2024, public hearing, a commenter raised several concerns regarding the proximity of animals to a home proposed to be constructed on the adjacent property to the south. The commenter expressed concerns related to spread of disease, noise, odor, waste management, flies, and dust, and asked that the applicant be required to set these uses back at least 400 ft. from the proposed home. Other commenters opined that the existing operation is well-managed and that they have not noticed odors or observed an excessive accumulation of waste.

To reduce the potential for conflicts, NCZO §§ 8107-2.2.2 and 8107-2.5.1 require that animal-keeping enclosures be set back a minimum of 40 ft. from an off-site residence. Additionally, the Watershed Protection District's Groundwater Section will be requiring the applicant to prepare and implement a manure management plan (see Condition No. 31), which will help lessen the potential for odors, flies, and spread of disease. If the proposed home is constructed as approved, the nearest enclosure would be approximately 63 ft. away from the home. A review of animal-keeping ordinances in other jurisdictions reveals that the minimum setback between homes and animal-keeping uses is commonly set at 30-50 ft. In consideration of common setback practices, the conditions of approval applied to this project, and the public comments received at and prior to the hearing, sufficient evidence exists in the record to support adoption of the findings and approval of the project as proposed.

In response to the US Supreme Court's recent holding in *Sheetz v. County of El Dorado*, the County has suspended collection of the Traffic Impact Mitigation Fee (TIMF). In recognition of this, Condition No. 28 has been deleted.

As stated in Ventura County NCZO Section 8111-7.3, by July 29, 2024 (i.e., within 10 calendar days of the conditional approval of the CUP / PD Permit, 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 conditional approval of this decision with the Planning Division who shall set a hearing date before the Planning Commission to review the matter.

The effective date of this decision is July 30, 2024, unless an appeal is filed within the specified appeal period.

You may file a CEQA Notice of Exemption. The filing of a Notice of Exemption is subject to a \$50.00 fee and will reduce the statute of limitations period (from 180 days to 35 days) on legal challenges to the Planning Director's determination that the project is exempt from environmental review. Please contact the case planner in order to submit the required fee to file the Notice.

Prior to release of the Notice of Violation and prior to beginning construction activities authorized by this PD Permit, you must obtain a Zoning Clearance for construction from the Resource Management Agency, Planning Division. In order to complete the Zoning Clearance process, you will be required to demonstrate compliance with the following conditions of approval for PD Permit Case No. PL23-0009:

### Prior to Issuance of Zoning Clearance

Cond. #	Condition	Responsible Agency
8	Documentation Verifying Compliance with Other Agencies' Requirements Related to this PD Permit	RMA / Planning Division
10	Recorded Notice of Land Use Entitlement	RMA / Planning Division
11	Financial Responsibility for Compliance Monitoring and Enforcement	RMA / Planning Division
16	Contact Person	RMA / Planning Division
18	Minimum Setback Between Structures	RMA / Planning Division
19	Acknowledgment of Reduced Oil / Gas Well Setback	RMA / Planning Division
20	Lighting Plan	RMA / Planning Division
21	Undergrounding of All Utilities	RMA / Planning Division
23	Tree Offsets <sup>1</sup>	RMA / Planning Division
29	Notice of Substandard Access Road	PWA / Roads and Transportation Department
30	Compliance with Stormwater Development Construction Program (CSP)	WPD / County Stormwater Program
31	Manure Management Plan	WPD / Groundwater Program
32	Water Offsets	WPD / Groundwater Program

Additionally, the following conditions must be met prior to issuance of construction permits:

### Prior to Construction Permit Issuance

Cond. #	Condition	Responsible Agency
5	Construction Activities	RMA / Planning Division
26	Construction and Demolition Debris Recycling Plan	PWA / Integrated Waste Management Division
34	Private Access Road Design	Fire Protection District
35	Vertical Clearance	Fire Protection District

<sup>1</sup> Though this information was provided on July 3, 2024, you will also need to submit it as part of your Zoning Clearance application.

### Prior to Construction Permit Issuance

Cond. #	Condition	Responsible Agency
36	Turning Radius	Fire Protection District
37	Turnarounds	Fire Protection District
38	Turnouts	Fire Protection District
39	Access Road Improvements, Existing Legal Lots for Single-Family Dwellings	Fire Protection District
40	Access Road Improvement	Fire Protection District
41	Access Road Gates	Fire Protection District
42	Fire Flow	Fire Protection District
43	Fire Hydrant(s)	Fire Protection District
44	Fire Sprinklers	Fire Protection District
46	Hazardous Fire Area	Fire Protection District
47	Fire Department Clearance	Fire Protection District
48	Fire Code Permits	Fire Protection District
49	Prefabricated Sea Cargo / Metal Container	Fire Protection District

Upon satisfying the “prior to Zoning Clearance” conditions, you may obtain a Zoning Clearance from the Planning Division and apply for a Building Permit with the Resource Management Agency, Building and Safety Division. Approval of the CUP / PD Permit does not constitute approval of a Building Permit; you must submit a separate application for a Building Permit with the Building and Safety Division, following the issuance of the Zoning Clearance.

Please review the conditions of approval for the PD Permit (see enclosure) to determine the requirements of the conditions identified above. If you have any questions regarding the conditions of approval required by the other Ventura County agencies, please contact the following staff:

### Agency Contacts

Agency	Contact	Phone / Email
Air Pollution Control District	Nicole Collazo	(805) 303-3674 <a href="mailto:nicole@vcapcd.org">nicole@vcapcd.org</a>
Fire Protection District	Alan Dearden	(805) 914-4360 <a href="mailto:Alan.Dearden@ventura.org">Alan.Dearden@ventura.org</a>
Public Works Agency / Integrated Waste Management Division	Tobie Mitchell	(805) 658-4315 <a href="mailto:Tobie.Mitchell@ventura.org">Tobie.Mitchell@ventura.org</a>
Public Works Agency / Roads and Transportation	Robert Zastrow	(805) 477-7157 <a href="mailto:Robert.Zastrow@ventura.org">Robert.Zastrow@ventura.org</a>

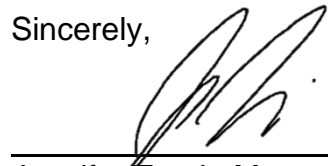
### Agency Contacts

Agency	Contact	Phone / Email
Resource Management Agency / Environmental Health Division	Roxy Cabral	(805) 654-2830 <a href="mailto:Roxy.Cabral@ventura.org">Roxy.Cabral@ventura.org</a>
Watershed Protection District / County Stormwater Program	Jill Jennings	(805) 645-1383 <a href="mailto:Jill.Jennings@ventura.org">Jill.Jennings@ventura.org</a>
Watershed Protection District / Groundwater Section	Robert Zastrow	(805) 477-7157 <a href="mailto:Robert.Zastrow@ventura.org">Robert.Zastrow@ventura.org</a>

Please refer to the County of Ventura's One Stop Permitting website for further information and guidance with completion of the "prior to Zoning Clearance" conditions. This website can be accessed at: <https://www.onestoppermits.vcrma.org/>.

If you have any questions about the information presented above, please contact Michael Conger, the case planner, at (805) 654-5038 or [Michael.Conger@ventura.org](mailto:Michael.Conger@ventura.org).

Sincerely,



for

Jennifer Trunk, Manager  
Residential Permits Section  
Ventura County Planning Division

Encl.: Approved Plans  
Final Conditions of Approval

c: Keely Mircetic – 11820 Topa Vista Road, Ojai, CA 93023 (Property Owner)  
Resource Management Agency Code Compliance Division - Frank Huerta