

**EXHIBIT 5 - CONSISTENCY WITH THE GENERAL PLAN AND
OJAI VALLEY AREA PLAN FOR
MIRCETIC CONDITIONAL USE PERMIT (CUP)
AND PLANNED DEVELOPMENT (PD) PERMIT, CASE NO. PL23-0009**

The Ventura County General Plan *Goals, Policies and Programs* (2020, page 1-1) states:

All area plans, specific plans, subdivisions, public works projects, and zoning decisions must be consistent with the direction provided in the County's General Plan.

Furthermore, the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8111-1.2.1.1a) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County General Plan.

The proposed project would legalize 11 structures that were constructed without the benefit of permits. The CUP and PD Permit would allow residential accessory structures to exceed 2,000 cumulative sq. ft. and animal husbandry accessory structures to exceed 2,000 cumulative sq. ft. Additionally, the CUP and PD Permit would authorize five structures to be located within a designated surface water feature in the Habitat Connectivity and Wildlife Corridor (HCWC) overlay zone.

Evaluated below is the consistency of the proposed project with the applicable policies of the General Plan *Goals, Policies and Programs*, as well as the Ojai Valley Area Plan *Goals and Policies*.

Land Use and Community Character

1. Land Use, Design, and Community Character

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

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

General Plan Policy LU-16.9 (Building Orientation and Landscaping): *The County shall encourage discretionary development to be oriented and landscaped to enhance natural lighting, solar access, and passive heating or cooling opportunities to maximize energy efficiency.*

General Plan Policy LU-16.10 (Visual Access for Rural Development): *The County shall encourage discretionary development in rural areas to maintain views of*

hillsides, beaches, forests, creeks, and other distinctive natural areas through building orientation, height, and bulk.

General Plan Policy COS-4.6 (Architectural Design to Reflect Historic and Cultural Traditions): *The County shall require discretionary development to incorporate architectural designs and features that reflect the historical and cultural traditions characteristic to the area or community.*

Ojai Valley Area Plan 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.*

Staff Analysis: The project site is in the Upper Ojai Valley and is zoned Rural Exclusive with a 5-acre minimum parcel size (RE-5 ac.). As set forth in the Non-Coastal Zoning Ordinance (NCZO), the RE zone is intended “to provide for and maintain rural residential areas in conjunction with horticultural activities, and to provide for a limited range of service and institutional uses which are compatible with and complementary to rural residential communities.” (NCZO § 8104-2.2).

The Upper Ojai Valley is a rural area consisting of homesteads, farms, and ranches. Parcels range in size from 2 acres to over 100 acres. Additionally, a small General Plan-designated Existing Community is located at the eastern end of the valley near State Route 150’s intersections with Sisar Road and Topa Lane. This area includes residential parcels as small as one-quarter acre, a market, restaurant, and elementary school. Additionally, the Existing Community includes two M1-zoned parcels, used for support facilities in association with oil and gas extraction operations in the area.

Lower elevations in the Upper Ojai Valley are dominated by grasslands and oak savannahs, with interspersed agriculture and structural development. Upper elevations are predominantly oak woodland to the south (Sulphur Mountain) and chaparral to the north (Topa Topa Mountains). Oil and gas well sites dot the landscape.

The project site is a 5.66-acre parcel, which complies with the minimum parcel size for the RE zone. Adjacent parcels in the RE zone range in size from 2 to 20 acres. These neighboring properties include both residential and animal husbandry uses. The project site is accessed from a private road. The structure and the site itself are not visible from the nearest public road, State Route 150, as a stand of oaks along the highway and another stand along the tributary’s riparian corridor provide screening.

The project consists of both a CUP and a PD Permit to authorize 11 accessory structures that were constructed without the benefit of permits.¹ The structures to be authorized include the following:

- An accessory dwelling unit (ADU),² which requires a PD Permit due to being partially within an HCWC surface water feature;
- Four detached structures not for human habitation that are accessory to a single-family dwelling (SFD), which require PD Permit approval, because (a) they cumulatively exceed 2,000 sq. ft. in size, and (b) two of these structures are within the surface water feature;
- Six structures accessory to the existing animal husbandry use, which require CUP approval, because (a) the cumulatively area exceeds 2,000 sq. ft. but is under 5,000 sq. ft., and (b) two of these structures are within the surface water feature.³

In considering aesthetics and design, the structures fall into four categories:

- *Manufactured dwellings.* The ADU (490 sq. ft.) and the SFD (1,493 sq. ft.) are both manufactured dwellings.⁴ These structures are clad with composite siding and have gable roofs with narrow overhangs. The ADU is painted brown and tan, and the plans depict the proposed SFD with a muted brown-orange color. The ADU is 10.5 ft. in height and the SFD will be 12.5 ft. in height. These dwellings are similar in size and style to other dwellings in the area. Both homes are oriented to take advantage of southern exposure.
- *Large enclosed manufactured metal structure.* The garage (2,780 sq. ft.) is a fully enclosed corrugated metal building with a height of 21 ft. It has a low-pitched gable roof with deep overhangs and is painted tan and forest green. Similar large metal barns and garages are often present on properties throughout the Upper Ojai Valley.
- *Small storage structures.* Shed No. 1 and the storage container are prefabricated fully enclosed structures. Shed No. 1 (88 sq. ft.) is 11 ft. tall and has composite cladding

¹ An additional two structures were also constructed without permits but do not require a discretionary permit, as NCZO § 8105-4 would authorize construction under a Zoning Clearance. The proposed SFD would also not require discretionary permit approval.

² As there is no SFD presently established, the ADU would function as a SFD until the future SFD is constructed. The future SFD would not be subject to discretionary permits, as the proposed location is outside of the surface water feature.

³ Pursuant to NCZO § 8109-4.8.1(d), “no additional discretionary permit... shall be required” for structures within a surface water feature which are already subject to a discretionary permit. Therefore, authorization to locate two animal husbandry accessory structures in the surface water feature may be achieved through the CUP required by NCZO § 8105-4.

⁴ The ADU does not appear to be a conventional manufactured home (i.e., designed for the purposes of habitation). It appears to be a manufactured storage building that was converted and later expanded to allow for residential occupancy.

and a shed-style roof. The 8.5-ft.-tall storage container (160 sq. ft.) is corrugated metal with a flat top and painted seafoam green. Many residential parcels in the upper Ojai Valley have storage containers and sheds that are aesthetically alike and are of similar sizes, heights, designs, and colors.

- *Open structures.* The remaining structures are unenclosed structures supported by metal poles. Of the six animal husbandry structures (totaling 4,728 sq. ft.), all but one are under 10 ft. in height, with flat or low-pitched gable roofs comprised of corrugated metal or fabric canopies. Animal Shade Structure No. 3 (2,352 sq. ft.), however, uses a low-pitched corrugated metal gable roof with a height of 19 ft. Shed No. 2 (105 sq. ft.), which also has a corrugated metal gable roof, is 8.5 ft. tall and is secured with brown metal grating on all four sides. These types of structures are commonly used in association with crop production and animal husbandry uses, both of which are common in the Upper Ojai Valley.

The structures are compatible with the character of the Upper Ojai Valley because they are similar in size, massing, height, setbacks, and design to other accessory structures in the area. All but two of the proposed structures are under 1,500 sq. ft. in area. The two exceptions are the garage (2,780 sq. ft.), which is fully enclosed, and Animal Shade Structure No. 4 (2,352 sq. ft.), which is not. At buildout, approximately four percent of the project site would be covered with structures. This is below the maximum coverage of 25 percent. All structures are under 25 ft. in height, and all but two are under 15 ft. in height. Each structure has a minimum of 20 ft. from each property line.

The applicant has requested an adjustment to the minimum oil and gas well setback for dwellings. The ADU and future SFD do not meet the minimum required 500-ft. setback from existing oil and gas wells. The Planning Director may authorize a reduced setback of 100 ft. if the applicant records an acknowledgment on the property's title (NCZO § 8106-6.3).

An unnamed tributary stream runs west to east across the property. All structures and animal husbandry facilities are in the 3.6-acre area south of the tributary. The 2.1-acre area on the north side of the tributary remains in a natural state.

As noted, the site's residential and animal husbandry land uses are consistent with the predominant land use pattern in the Upper Ojai Valley. Furthermore, the structures are aesthetically similar to existing development on neighboring properties. The structures and uses have been clustered in an effort to maintain the riparian corridor through the property in its natural state. All structures maintain a minimum 100 ft. setback from wetlands. Additionally, the site is not visible from public locations.

Based on the above discussion, the proposed project is consistent with General Plan Land Use and Community Character Element Policies LU-16.1, LU-16.8, LU-16.9, and LU-16.10; Conservation and Open Space Policy COS-4.6; and Ojai Valley Area Plan Policy OV-17.1.

2. Preservation of Natural Features and Scenic Resources

General Plan Policy COS-3.2 (Tree Canopy): *The County shall encourage the planting of trees and the protection of existing urban forests and native woodlands, savannahs, and tree canopy throughout the county, including along State or County designated scenic roadways and in residential and commercial zones throughout the county, especially those located within designated disadvantaged communities.*

General Plan Policy COS-3.6 (Open Space Character): *The County shall require discretionary development outside of Existing Communities be planned and designed to maintain the scenic open space character of the surrounding area, including view corridors from highways. Discretionary development should integrate design, construction, and maintenance techniques that minimize the visibility of structures from public viewing locations within scenic vistas.*

General Plan Policy PFS-6.6 (Natural Drainage Courses): *The County shall retain drainage courses in their natural state to the extent feasible.*

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

Ojai Valley Area Plan 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.*

Staff Analysis: The response in Section 1 (Land Use, Design, and Community Character) describes the project site's setting and the design of the structures. That response reaches the following conclusions:

- The structures are aesthetically compatible with the established pattern of development in the Upper Ojai Valley.
- The project preserves the tributary to Sisar Creek that crosses through the site in its natural state and retains the tree canopy in the riparian corridor.
- Because the site and structures are not visible from public locations, there is no effect on scenic views.

With respect to utilities, all utility lines serving existing structures are underground. Utility service to newly proposed structures will be required to be placed underground, as well (Exhibit 4, Condition No. 21).

Based on the above discussion, the proposed project is consistent with General Plan Conservation and Open Space Element Policies COS-3.2 and COS-3.6; Public Facilities, Services, and Infrastructure Element Policies PFS-6.6 and PFS-7.4; and Ojai Valley Area Plan Policy OV-41.1.

3. Oil and Gas Operations

General Plan Policy COS-7.2 (Oil Well Distance Criteria): *The County shall require new discretionary oil wells to be located a minimum of 1,500 feet from residential dwellings and 2,500 from any school.*

General Plan Policy COS-7.3 (Compliance with Current Policies, Standards, and Conditions): *The County shall require new or modified discretionary development permits for oil and gas exploration, production, drilling, and related operations be subject to current State and County policies, standards, and conditions.*

General Plan Policy COS-7.6 (Abandoned Oil and Gas Well Identification): *The County shall evaluate discretionary development to identify any abandoned oil and gas wells on the project site.*

Staff Analysis: The project site is within the boundaries of CUP No. 15, which authorized oil and gas extraction throughout a large portion of the Upper Ojai Valley. Three existing wells are on the project site, of which two have been plugged and abandoned. There are approximately 30 wells within 1,500 ft. of the ADU and proposed house, which were legally established prior the adoption of Policy COS-7.2. CUP No. 15 is due to expire in 2028 but could be extended through a CUP Modification.

Pursuant to NCZO § 8106-6.3, dwellings are to maintain a minimum 800-ft. setback from existing oil and gas wells. If constructing a dwelling within 800 ft. of an oil or gas well is unavoidable, a minimum 500-ft. setback applies. This setback can be reduced to 100 ft. if a statement is recorded on title acknowledging the proximity of the well and the potential for operations and drilling to disturb the occupants. As proposed, the nearest dwelling would be approximately 169 ft. from the nearest plugged and abandoned oil well and approximately 267 ft. from the nearest active oil well. Therefore, the applicant will be required to record an acknowledgment to allow for the reduced setback (Exhibit 4, Condition No. 19).

Based on the above discussion, the proposed project is consistent with General Plan Conservation and Open Space Element Policies COS-7.2, COS-7.3, and COS-7.6.

Environmental Conservation

4. Wildlife Movement

General Plan Policy COS-1.3 (Wildlife Corridor Crossing Structures): *Based on the review and recommendation of a qualified biologist, the design and maintenance of road and floodplain improvements, including culverts and bridges, shall incorporate all feasible measures to accommodate wildlife passage.*

General Plan Policy COS-1.4 (Consideration of Impacts to Wildlife Movement): *When considering proposed discretionary development, County decision-makers shall consider the development's potential project-specific and cumulative impacts on the movement of wildlife at a range of spatial scales including local scales (e.g., hundreds of feet) and regional scales (e.g., tens of miles).*

General Plan Policy COS-1.5 (Development Within Habitat Connectivity and Wildlife Corridors): *Development within the Habitat Connectivity and Wildlife Corridors overlay zone and Critical Wildlife Passage Areas overlay zone shall be subject to the applicable provisions and standards of these overlay zones as set forth in the Non-Coastal Zoning Ordinance.*

Ojai Valley Area Plan Policy OV-36.6 (Wildlife Migration and Sensitive Biological Resource Impact Mitigation): *The County shall require discretionary development within 300 feet of the Ventura River, Coyote Creek, San Antonio Creek/Reeves Creek and Lion Canyon Creek, or located within the Sensitive Biological Resources Area (as illustrated on Figure OV-3) to be reviewed to determine the potential for interference with wildlife migration opportunities and potential for impact on "Endangered", "Threatened", "Rare" or "Locally Important" species and communities. The County shall deny projects which would result in significant adverse impacts to such resources unless they can be mitigated to a less-than-significant level or a statement of overriding considerations is adopted by the decision-making body per CEQA requirements.*

Staff Analysis: The project site is within the HCWC overlay zone, which is intended "to preserve functional connectivity for wildlife and vegetation throughout the overlay zone by minimizing direct and indirect barriers, minimizing loss of vegetation and habitat fragmentation, and minimizing impacts to those areas that are narrow, impacted, or otherwise tenuous with respect to wildlife movement." (NCZO § 8104-7.7). This portion of the Upper Ojai Valley is part of the Castaic-Sierra Madre wildlife corridor. A designated surface water feature, extending 200 ft. from the upper riparian extent of the two tributaries to Sisar Creek, occupies approximately 64 percent of the project site.

The applicant provided an Initial Study Biological Assessment (ISBA) ⁵ (Exhibit 6). The biologists preparing the ISBA conducted surveys in March, May, and July 2023. In the ISBA, the biologists note that the Sisar Creek tributaries in and adjacent to the project site “provide dispersal and migratory corridors for wildlife to access Santa Paula Creek from the upland portions of Sulphur Mountain”; however, the biologists did not observe “obvious tracks and other signs of being routinely used by medium to large mammals on a routine basis.” The biologists conclude that “the project will not affect regional level wildlife movement,” because structures are clustered in a developed area, the natural migration corridors along the two tributaries will be retained in their natural form, and a 100-ft. wetland setback will be maintained.

Therefore, the project will have a less than significant effect on habitat connectivity and wildlife movement.

The project is subject to HCWC standards (NCZO § 8109-4.8), which include standards limiting the design, intensity, color, and output of outdoor lighting. Section D of the staff report discusses the specific standards. The applicant will be required to provide an outdoor lighting plan demonstrating compliance with these requirements before the Planning Division issues a Zoning Clearance (Exhibit 4, Condition No. 21).

Based on the above discussion, the proposed project is consistent with General Plan Conservation and Open Space Element Policies COS-1.3, COS-1.4, and COS-1.5, and Ojai Valley Area Plan Policy OV-36.6.

5. Wetlands

General Plan Policy COS-1.10 (Evaluation of Potential Impacts of Discretionary Development on Wetlands): *The County shall require discretionary development that is proposed to be located within 300 feet of a wetland to be evaluated by a County-approved biologist for potential impacts on the wetland and its associated habitats pursuant to the applicable provisions of the County’s Initial Study Assessment Guidelines.*

General Plan Policy COS-1.11 (Discretionary Development Sited Near Wetlands): *The County shall require discretionary development to be sited 100 feet from wetland habitats, except as provided below. The 100-foot setback may be increased or decreased based upon an evaluation and recommendation by a qualified biologist and approval by the decision-making body based on factors that include, but may not be limited to, soil type, slope stability, drainage patterns, the potential for discharges that may impair water quality, presence or absence of endangered, threatened or rare plants or animals, direct and indirect effects to wildlife movement, and compatibility of the proposed development with use of the wetland habitat area*

⁵ Fredell, A., S. B. Tomkinson, and J. Huey (September 13, 2023). Initial Study Biological Assessment Report for APN 037-0-080-115. Ojai, CA: Pax Environmental, Inc.

by wildlife. Discretionary development that would have a significant impact on a wetland habitat shall be prohibited unless mitigation measures are approved that would reduce the impact to a less than significant level. Notwithstanding the foregoing, discretionary development that would have a significant impact on a wetland habitat on land within a designated Existing community may be approved in conjunction with the adoption of a statement of overriding considerations by the decision-making body.

Staff Analysis: As identified in the National Wetlands Inventory (NWI), there are two wetlands within the immediate vicinity of the project site, both of which are tributaries to Sisar Creek:

- *Tributary W1* runs west to east through the project site. The NWI describes it as palustrine and forested, indicating that it is dominated by trees or shrubs taller than 6 meters. The NWI also indicates that is seasonal, with the water table below ground surface for most of the year.
- *Tributary W2* runs southeast to northwest, approximately 75 ft. southeast of the project site's southeastern corner. The NWI describes it as riverine (i.e., contained in a channel) and intermittent, with "[s]urface water... present for extended periods, especially early in the growing season, but... absent by the end of the growing season in most years."⁶

The ISBA⁷ (Exhibit 6) addresses potential for impacts to wetlands. The project biologists note that both tributaries were flowing in March 2023 and dry in July 2023. In May 2023, Tributary W1 was flowing and Tributary W2 was dry. The biologists note that the tributaries' source is runoff. While five structures are within 200 ft. of the tributaries, all structures maintain the 100-ft. buffer prescribed by Policy COS-1.11. The nearest structure, the garage, is just beyond the extent of the 100-ft. buffer.

Five of the structures covered under this CUP / PD Permit are within 200 ft. of the tributaries. The nearest structure, the garage, is just over 100 ft. from Tributary No. 2. As such, all structures

Based on the above discussion, the proposed project is consistent with General Plan Conservation and Open Space Element Policies COS-1.10 and COS-1.11.

6. Sensitive Plants and Other Biological Resources

General Plan Policy COS-1.1 (Protection of Sensitive Biological Resources): *The County shall ensure that discretionary development that could potentially impact*

⁶ Federal Geographic Data Committee (August 2013). Classification of Wetlands and Deepwater Habitats of the United States. Available at: <https://www.fws.gov/sites/default/files/documents/Classification-of-Wetlands-and-Deepwater-Habitats-of-the-United-States-2013.pdf>.

⁷ Fredell et al. (2023).

sensitive biological resources be evaluated by a qualified biologist to assess impacts and, if necessary, develop mitigation measures that fully account for the impacted resource. When feasible, mitigation measures should adhere to the following priority: avoid impacts, minimize impacts, and compensate for impacts. If the impacts cannot be reduced to a less than significant level, findings of overriding considerations must be made by the decision-making body.

General Plan Policy COS-1.9 (Agency Consultation Regarding Biological Resources): *The County shall consult with the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Fish and Wildlife Service, National Audubon Society, California Native Plant Society, National Park Service for development in the Santa Monica Mountains or Oak Park Area, and other resource management agencies, as applicable during the review of discretionary development applications to ensure that impacts to biological resources, including rare, threatened, or endangered species, are avoided or minimized.*

Ojai Valley Area Plan Policy OV-36.2 (Biological Field Reconnaissance Report Requirement): *The County shall require a biological field reconnaissance report detailing the composition of species at the site, the presence of rare, threatened, endangered or candidate plant or animal species, significant wetlands, locally important plant communities, and suitable mitigation measures to be prepared by the County's biological consultant as part of the environmental assessment of all discretionary development permits involving earth movement or construction on previously undeveloped land where the natural vegetation still exists.*

Ojai Valley Area Plan Policy OV-36.4 (Biological Resource Agency Notification): *The County shall require the California Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Audubon Society, the California Native Plant Society and the Los Padres National Forest to be contacted during the initial 30-day project review period for discretionary development proposals when proposals are submitted which may adversely affect the biological resources under their purview. This policy does not apply to emergency permits.*

Ojai Valley Area Plan Policy OV-36.5 (Locally Important Plant Community Replacement): *The County shall require discretionary development which would result in a significant adverse impact to a Locally Important Plant Community to replace such Locally Important Plant Community proposed for removal on at least a 1:1 basis and will be required to monitor the success of such planting for a minimum of seven years. In lieu of replacement, developers may dedicate without compensation, acreage containing such Locally Important Plant Community to a government agency or non-profit organization (e.g., a homeowners' association, a land conservancy) provided such entity will provide assurances that the dedicated Locally Important Plant Community acreage will be retained in a permanent undeveloped state. The County shall require such dedicated lands to be at least two times the acreage of the Locally Important Plant Community which is proposed for*

removal. The form of such dedication may be fee title, conservation easement or other instrument approved by the County.

Staff Analysis: An ISBA⁸ was prepared for this project (Exhibit 6) to assess potential for impacts to sensitive plant communities and special-status species. Surveys were conducted in March, May, and July 2023. A survey area (11.88 acres) was designated to include all areas within 300 ft. of the structures. The project biologists note that approximately 3.67 acres (30.89 percent) of the survey area is developed or disturbed, with a further 0.57 acres (4.80 percent) comprised of ornamental plantings. The remaining area includes non-native wild oats and annual brome grasses (4.89 acres / 41.16 percent), coast live oak woodland (1.70 acres / 14.30 percent), and chamise-sage chaparral (1.06 acres / 8.92 percent). These plant communities are not considered sensitive, and no impacts are anticipated.

The project biologists observed more than 130 plant species on the site, approximately half of which were native and half of which were not. Additionally, the biologists noted 39 wildlife species. To determine potential for impacts to special-status species, the biologists assessed the likelihood of presence of 49 special status species known to occur in the area. Of these 49 species, the biologists found that 44 have little to no potential to occur on the project site. Two species had a high potential and three species had a moderate potential to be present on the site:

High Potential

- Catalina mariposa-lily (*Calochortus catilinae*), a flower that grows chaparral, grassland, woodland, and sage scrub habitats and is known to occur within five miles of the project site.
- Coastal whiptail (*Aspidosceils tigris stejnegeri*), a lizard that inhabits a variety of habitats, ranging from chaparral to riparian woodlands.

Moderate Potential

- Southern California legless lizard (*Anniella stebbinsi*), a burrowing snake-like lizard that could be present in the oak woodland.
- San Bernardino ringneck snake (*Diadophis punctatus modestus*), a snake that prefers moist habitats and could be present in the oak woodland.
- Coast horned lizard (*Phrynosoma blainvillii*), a lizard that is most common in lowlands along sandy washes with scattered low bushes.

Prior to construction of the unpermitted structures, aerial images dating to 2004 show that the area had been historically disturbed by animal husbandry activities (e.g., pastures, paddocks, open storage, etc.) and would not have provided suitable habitat for special status species. The biologists conclude that “[n]o project or cumulative impacts are anticipated to any species” or plant communities, because the structures and their fire safety fuel modification zones “[do] not include suitable habitat for sensitive species” or

⁸ Fredell et al. (2023).

“any sensitive plant communities.” No disturbance would occur to the portions of the site that have the potential to contain sensitive species (e.g., oak woodland and chaparral areas). No impacts to nesting birds are anticipated, as no new construction would occur in proximity to potential nesting habitats.

Based on the above discussion, the proposed project is consistent with General Plan Conservation and Open Space Element Policies COS-1.1 and COS-1.9, and Ojai Valley Area Plan Policies OV-36.2, OV-36.4, and OV-36.5.

7. Protected Trees

Ojai Valley Area Plan Policy OV-36.7 (Tree Protection Ordinance Compliance):

The County shall require discretionary development to be located to avoid loss or damage to protected trees as defined in the County's Tree Protection Ordinance. The County shall require the removal of protected trees to only occur after review of the necessity of such removal, and in accordance with the provisions of the County's Tree Protection Ordinance.

Staff Analysis: In the ISBA⁹ (Exhibit 6), the project biologist noted the presence of six protected oak trees within 100 ft. of the structures. The biologists believe “that these trees were planted in the past and are not natural.” Indeed, review of aerial imagery shows these trees emerging and reaching maturity after the construction of the ADU and garage. No new construction activities would occur within the protected zone of a protected tree. Therefore, the biologists conclude that no impacts to protected trees would occur.

Review of aerial imagery indicates that two protected oaks were removed in 2007 to accommodate the garage. Removal of these trees would have been permissible under a ministerial tree permit to accommodate reasonable access and would not have required offsets had a ministerial tree permit been granted (NCZO § 8107-25.6(i)). However, the NCZO requires offsets for unauthorized tree removals that cannot be retroactively legalized (NCZO § 8107-25.10(b)). As such, the applicant will be required to submit a Tree Protection Plan to offset the loss of the two protected oaks (Exhibit 4, Condition No. 23). Several other protected oaks that were historically present on the site appear to have been destroyed in the 2017 Thomas Fire.

Based on the above discussion, the proposed project is consistent with Ojai Valley Area Plan Policy OV-36.7.

8. Archaeology, Paleontology, and Tribal Cultural Resources

General Plan Policy COS-4.2(b) (Cooperation for Tribal Cultural Resource Preservation):

For discretionary projects, the County shall request local tribes contact information from Native American Heritage Commission, to identify known tribal

⁹ Ibid.

cultural resources. If requested by one or more of the identified local tribes, the County shall engage in consultation with each local tribe to preserve, and determine appropriate handling of, identified resources within the county.

General Plan Policy COS-4.4 (Discretionary Development and Tribal, Cultural, Historical, Paleontological, and Archaeological Resource Preservation): *The County shall require that all discretionary development projects be assessed for potential tribal, cultural, historical, paleontological, and archaeological resources by a qualified professional and shall be designed to protect existing resources. Whenever possible, significant impacts shall be reduced to a less-than-significant level through the application of mitigation and/or extraction of maximum recoverable data. Priority shall be given to measures that avoid resources.*

Ojai Valley Area Plan Policy OV-44.1 (Archaeological Resource Review): *The County shall require all discretionary development permits involving construction or earth movement within the Ojai Valley to be reviewed by the County's designated archaeological resource review organization.*

- a. Whenever such discretionary development requires a field reconnaissance study, the County shall require such study to be conducted by a County approved archaeologist to determine the potential for surface or subsurface cultural remains.*
- b. The County shall require a qualified archaeological monitor to be present to monitor significant trenching or earth movement at any such site if deemed to be needed by the study. If the archaeological monitor is not a Native American and Native American cultural resources are found at the site, the County shall require a Native American monitor.*
- c. In the event that artifacts of historical or archaeological significance are uncovered, the County shall empower the qualified archaeological monitor to halt construction in the immediate vicinity of such unearthed artifacts until disposition of the site has been determined by the County Planning Division.*

Staff Analysis: The Resource Management Agency's Geographic Information Systems (RMA-GIS) staff maintains maps that identify areas that have a higher potential to contain archaeological resources. These maps show the project site in an area that is "Very Sensitive" and has a "high likelihood of archaeological sites."

This CUP and PD Permit would authorize 11 structures that have already been constructed or placed on the site without the benefit of permits (refer to Table 1 in Condition No. 1). Most of these structures were constructed in 2022, but the ADU is shown on aerials since 2015 and the garage since 2007. All structures were located in areas that were previously graded or disturbed.

The project was referred to the South Central Coastal Information Center (SCCIC), which is the local repository for the California Historic Resource Information System (CHRIS).

SCCIC responded that the area is potentially sensitive and that two tar seeps were noted in the area. Additionally, several prehistoric archaeological sites are present within a one-mile radius. Though the site was subject to prior archaeological review in 1977, and no resources were identified on the site at that time, SCCIC recommended an updated survey.

The applicant submitted a Phase I archaeological evaluation, prepared by a qualified archaeologist.¹⁰ The archaeological survey “came up negative, with no cultural resources found” in the area surrounding the structures. Based on this, and the negative survey from 1977, the archaeologists concluded that “it does not seem the construction of the Mircetic property had an impact on archaeological resources,” and expressed confidence that “no archaeological impact was made.”

No tribal contacts have formally requested consultation with the County. The existing structures covered by this project have already been constructed, and that construction occurred in a previously disturbed area. The project site was also subject to two archaeological surveys (1977 and 2023) that failed to yield findings. For these reasons, there is no potential for impact to tribal cultural resources.

Based on the above discussion, the proposed project is consistent with General Plan Conservation and Open Space Element Policies COS-4.2(b) and COS-4.4, and Ojai Valley Area Plan Policy OV-44.1.

9. Energy Efficiency and Greenhouse Gas Reduction

General Plan Policy COS-8.1 (Reduce Reliance on Fossil Fuels): *The County shall promote the development and use of renewable energy resources (e.g., solar, thermal, wind, tidal, bioenergy, hydroelectricity) to reduce dependency on petroleum-based energy sources.*

General Plan Policy COS-8.6 (Zero Net Energy and Zero Net Carbon Buildings): *The County shall support the transition to zero net energy and zero net carbon buildings, including electrification of new buildings.*

General Plan Policy COS-8.7 (Sustainable Building Practices): *The County shall promote sustainable building practices that incorporate a “whole systems” approach for design and construction that consumes less energy, water, and other non-renewable resources, such as by facilitating passive ventilation and effective use of daylight.*

General Plan Policy COS-10.4 (Greenhouse Gas Reductions in Existing and New Development): *The County shall reduce GHG emissions in both existing and new*

¹⁰ Novak, S., J. Peralta, and J. Huey (September 25, 2023). Phase I Archaeological Evaluation for APN 037-0-080-115. Ojai, CA: Pax Environmental, Inc.

development through a combination of measures included in the GHG Strategy, which includes new and modified regulations, financing and incentive-based programs, community outreach and education programs, partnerships with local or regional agencies, and other related actions.

General Plan Policy HAZ-11.7 (Green Building Design Features): *The County shall encourage development to include new building designs or retrofits to improve building performance through strategic building design features, including to reduce energy usage, solar-reflective white roofs, solar panels, green roofs (vegetation on roofs), and battery storage for energy.*

Staff Analysis: All structures will be subject to permitting under the 2021 Ventura County Building Code, which includes the Title 24 energy standards in the California Building Code. The Title 24 standards ensure efficiency by requiring that dwellings meet specific standards for insulation, weatherization, roofing, windows, appliances, lighting, and mechanical, plumbing, and solar systems. The Building and Safety Division ensures compliance with these standards prior to issuing a construction permit and a certificate of occupancy. Implementation of these standards will ensure that the project will reduce reliance on fossil fuels, minimize energy demand, and support the County's effort to reduce greenhouse gas emissions.

Based on the above discussion, the proposed project is consistent with General Plan Conservation and Open Space Element Policies COS-8.1, COS-8.6, COS-8.7, and COS-10.4, and Hazards and Safety Element Policy HAZ-11.7.

10. Water Conservation

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

Ojai Valley Area Plan Policy OV-64.1 (Water Conservation Techniques in New Development): *The County shall condition discretionary development to utilize all feasible water conservation techniques.*

Ojai Valley Area Plan Policy OV-64.2 (Retrofits to Limit Water Demand): *The County shall require new discretionary development to retrofit existing plumbing fixtures or provide other means so as not to add any net increased demand on the existing water supply. The County shall apply this policy until such time as a groundwater basin study is completed and it is found that the available groundwater,*

or other sources of water, could adequately provide for cumulative demand without creating an overdraft situation.

Staff Analysis: The project site overlies the Upper Ojai Groundwater Basin. The basin has 83 wells that serve a population of approximately 616 and irrigate approximately 299 acres.¹¹ Sisar Mutual Water Company (SMWC) provides water services to the project site. SMWC sources its water from two wells that draw from the Upper Ojai basin and also has a backup connection to the Casitas Municipal Water District system.¹²

An SFD had been on the project site between approximately 1960 and the 2017 Thomas Fire. Around 2015, a shed was placed on the property without permits and subsequently converted to a dwelling. The applicant now seeks to convert the unpermitted dwelling into an ADU and to build a new SFD.¹³ Of the 11 structures covered under this PD Permit and CUP, only the ADU has plumbing. All other structures lack plumbing fixtures and appliances.

To satisfy Policy OV-64.2, the applicant will be required to supply information on historical water usage and estimated water uses during all phases of construction and at full buildout. If the project will result in greater water demand, the applicant will be required to offset that increased demand (Exhibit 4, Condition No. 32). Water offsets can be accomplished through such means as off-site plumbing retrofits, irrigation retrofits, and/or replacement of landscaping.

Based on the above discussion, the proposed project is consistent with General Plan Water Resources Element Policy WR-3.2 and Ojai Valley Area Plan Policies OV-64.1 and OV-64.2.

Infrastructure and Services

11. Transportation and Circulation

General Plan Policy CTM-1.1 (Vehicle Miles Traveled (VMT) Standards and CEQA Evaluation): *The County shall require evaluation of County General Plan land use designation changes, zone changes, and discretionary development for their individual (i.e., project-specific) and cumulative transportation impacts based on Vehicle Miles Traveled (VMT) under the California Environmental Quality Act (CEQA) pursuant to the methodology and thresholds of significance criteria set forth in the County Initial Study Assessment Guidelines.*

¹¹ This data is sourced from the SGMA Basin Prioritization Dashboard, available at: <https://gis.water.ca.gov/app/bp-dashboard/final/>. The dashboard estimates a 2010 population of 616, and anticipates this will decline to 550 by 2030.

¹² Ventura County Watershed Protection District (2006). Inventory of Water Purveyors in Ventura County.

¹³ The SFD does not require PD Permit or CUP approval. Therefore, it is outside the scope of this permit.

General Plan Policy CTM-1.4 (Level of Service (LOS) Evaluation): *County General Plan land use designation changes and zone changes shall be evaluated for their individual (i.e., project-specific) and cumulative effects, and discretionary developments shall be evaluated for their individual effects, on Level of Service (LOS) on existing and future roads, to determine whether the project:*

- a. Would cause existing roads within the Regional Road Network or County-maintained roadways that are currently functioning at an acceptable LOS to function below an acceptable LOS;*
- b. Would add traffic to existing roads within the Regional Road Network or County-maintained roadways that are currently functioning below an acceptable LOS; and*
- c. Could cause future roads planned for addition to the Regional Road Network or County-maintained roadways to function below an acceptable LOS.*
- d. The Level of Service (LOS) evaluation shall be conducted based on methods established by the County.*

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

Ojai Valley Area Plan 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.*

Ojai Valley Area Plan Policy OV-31.1 (Fair Share Contributions to the Trail System): *The County shall condition discretionary development permits which may be expected to benefit from or contribute to the need for the trails system to dedicate and improve, or pay a fee for, planned trails and public trail access points, and install appropriate signs to the standards of the County of Ventura and the National Forest Service.*

Staff Analysis: The proposed project would facilitate replacement of a SFD that was destroyed in the 2017 Thomas Fire with a new SFD. It would also legitimize an ADU and several non-habitable accessory structures. Since the SFD replaces a prior SFD and the accessory structures are not associated with new trip generation, the only source of new trips would be the ADU. Applying the Institute of Traffic Engineers (ITE) formula a detached dwelling, an ADU would be expected to generate no more than 10 average daily trips. This is well below the VMT analysis screening threshold of 110 average daily trips. Therefore, consideration of VMT is not required. Additionally, the new trips this project generates would not degrade LOS on State Route 150 or any other public roads in the area.

Applicants are generally required to pay a Traffic Impact Mitigation Fee (TIMF) to offset a project's contribution towards cumulative increases in demand on County roads. The TIMF is assessed on a per-unit basis. Government Code § 66324(b) and (c)(1) prohibit the County from treating an ADU as a separate unit for the purposes of calculating fees. Therefore, no TIMF need be paid.

The nearest trail to the project site (Sisar Canyon Trail) is 0.6 miles north. Additional trails are available near Thomas Aquinas College, which is approximately 2.5 miles east of the project site. The project does not have any particular features that suggest it would receive a specific benefit from the public trail system or create an excessive demand.

Based on the above discussion, the proposed project is consistent with General Plan Circulation, Transportation, and Mobility Element Policies CTM-1.1, CTM-1.4, and CTM-1.7, and Ojai Valley Area Plan Policies OV-22.2 and OV-31.1.

12. Public Utilities, Facilities, and Services

General Plan Policy PFS-1.7 (Public Facilities, Services, and Infrastructure Availability): *The County shall only approve discretionary development in locations where adequate public facilities, services, and infrastructure are available and functional, under physical construction, or will be available prior to occupancy.*

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

Ojai Valley Area Plan 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.*

Staff Analysis: The project site is located in the rural Upper Ojai Valley. Sisar Mutual Water Company (SMWC) supplies the site with domestic water. SMWC provided a will-serve letter dated June 6, 2022, which indicates that it can and will serve the existing ADU

and the proposed SFD. SMWC notes that its system has capacity to also accommodate up to 138 additional connections. As discussed in Section 10 (Water Conservation), above, SMWC sources its waters from wells that draw from the Upper Ojai Groundwater Basin. The Ventura County General Plan Background Report notes that the Upper Ojai basin has an estimated budget of 1,320 acre-feet per year (AFY) and past extractions of 700 AFY, suggesting that that additional growth can be sustained without causing overdraft.

Wastewater is handled with individual onsite wastewater treatment systems (OWTS). Access to the site is provided from a private driveway to Topa Vista Road, a private road. Topa Vista Road intersects with State Route 150, providing access to the Regional Road Network. Electric service from Southern California Edison is available to the project site. Southern California Gas Company does not serve the property. An existing propane tank serves the ADU.

The project site is in the boundaries of the Ojai Unified School District. Summit School, which offers an independent study program is approximately 0.3 miles northwest of the project site. Conventional K-12 schools are located in Ojai, approximately 10 miles west of the project site. Nearby parks include Dennison Park (four miles west) and Steckel Park (five miles southeast). The nearest libraries are in Ojai and Santa Paula, each of which is eight miles away. The public facilities, services, and utilities available to the project site is appropriate for a rural area. The nearest fire station is Ventura County Fire Department Station No. 29 in Santa Paula (nine miles southeast) and the nearest Sheriff's station is the Ojai Patrol Station (nine miles west).

Based on the above discussion, the proposed project is consistent with General Plan Public Facilities, Services, and Infrastructure Element Policy PFS-1.7, Water Resources Element Policy WR-1.11, and Ojai Valley Area Plan Policy OV-24.1.

13. Onsite Wastewater Treatment Systems (OWTS)

General Plan Policy PFS-4.2 (Onsite Wastewater Treatment Systems): *The County may allow the use of onsite wastewater treatment systems that meet the state Water Resources Control Board Onsite Wastewater Treatment System Policy, Ventura County Sewer Policy, Ventura County Building Code, and other applicable County standards and requirements.*

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

General Plan Policy PFS-4.4 (Groundwater Resource Protection): *The County shall encourage wastewater treatment facilities to provide the maximum feasible protection and enhancement of groundwater resources.*

Ojai Valley Area Plan Policy OV-26.1 (Sewer System Connections Requirement):

The County shall require discretionary development within the service boundaries of the Ojai Valley Sanitation District to either connect directly to the existing sewer system or install necessary off-site pipelines to connect with the sewer system.

Ojai Valley Area Plan Policy OV-26.2 (County Sewer Plan Compliance):

The County shall require new development that generates sewage in aquifer recharge areas to comply with the County Sewer Policy.

Ojai Valley Area Plan Policy OV-26.3 (Private Septic Systems Installation and Regulations Requirement):

The County shall require private septic systems outside of the Ojai Valley Sanitation District boundaries to be installed and regulated in accordance with the County Environmental Health Division regulations.

Ojai Valley Area Plan Policy OV-26.4 (Private Sewage Disposal Systems):

The County shall require existing homes and businesses with private sewage disposal systems that function improperly to make necessary modifications or to convert to a sewer system in compliance with the County Sewer Policy.

Staff Analysis: The existing ADU is served by a 1,500-gallon septic tank with a 55-ft. leach line. Under the proposal, a second 55-ft. leach line would be added to the ADU's OWTS. The new SFD would be served by a new OWTS with a 1,000-gallon septic tank and two 83-ft. leach lines. Additionally, a leach field expansion area would be designated. The applicant has provided a Septic Tank Pumping Inspection Report dated March 7, 2023 indicating that the ADU's system is functional and not damaged.

The applicant also provided a geotechnical report¹⁴ (Exhibit 7), which assessed the site's suitability for OWTS. The soils report noted that leach fields are an appropriate means of wastewater disposal, as there are alluvial strata at a depth of 4.5 ft., high groundwater is at a depth of more than 40 ft., and percolation rates were faster than 60 minutes per inch. Based on this, the project's OWTS would operate within the parameters of the Basin Plan and would not significantly impact water quality.

Based on the above discussion, the proposed project is consistent with General Plan Public Facilities, Services, and Infrastructure Element Policies PFS-4.2, PFS-4.3, and PFS-4.4, and Ojai Valley Area Plan Policies OV-26.1, OV-26.2, OV-26.3, and OV-26.4.

¹⁴ Sivas, J., CEG and S. Simon, RCE (February 28, 2022). Soils Engineering Report, Proposed Single-Family Residence, 11820 Topa Vista Road, Upper Ojai, Ventura County, California. Ventura, CA: Solid Soils and Geologic Consultants, Inc.

Hazards and Safety

14. Air Quality

General Plan Policy HAZ-10.1 (Air Pollutant Reduction): *The County shall strive to reduce air pollutants from stationary and mobile sources to protect human health and welfare, focusing efforts on shifting patterns and practices that contribute to the areas with the highest pollution exposures and health impacts.*

General Plan Policy HAZ-10.2 (Air Quality Management Plan Consistency): *The County shall prohibit discretionary development that is inconsistent with the most recent adopted Air Quality Management Plan (AQMP), unless the Board of Supervisors adopts a statement of overriding considerations.*

General Plan Policy HAZ-10.3 (Air Pollution Control District Rule and Permit Compliance): *The County shall ensure that discretionary development subject to Ventura County Air Pollution Control District (VCAPCD) permit authority complies with all applicable APCD rules and permit requirements, including the use of Best Available Control Technology (BACT) as determined by the VCAPCD.*

General Plan Policy HAZ-10.12 (Conditions for Air Quality Impacts): *The County shall require that discretionary development that would have a significant adverse air quality impact shall only be approved if it is conditioned with all feasible mitigation measures to avoid, minimize or compensate (offset) for the air quality impact. The use of innovative methods and technologies to minimize air pollution impacts shall be encourage in project design.*

General Plan Policy HAZ-10.13 (Construction Air Pollutant Best Management Practices): *Discretionary development projects that will generate construction-related air emissions shall be required by the County to incorporate best management practices (BMPs) to reduce emissions. These BMPs shall include the measures recommended by VCAPCD in its Air Quality Assessment Guidelines or otherwise to the extent applicable to the project.*

General Plan Policy HAZ-10.14 (Fugitive Dust Best Management Practices): *The County shall ensure that discretionary development which will generate fugitive dust emissions during construction activities will, to the extent feasible, incorporate appropriate BMPs to reduce emissions to be less than applicable thresholds.*

Staff Analysis: The proposed project has been reviewed by the Ventura County Air Pollution Control District (APCD). The APCD has determined that this project would have less than significant effects on air quality. Additionally, the project will be subject to a standard condition of approval requiring that certain best practices be employed to control the emission of fugitive dust (Exhibit 4, Condition No. 33).

Based on the above discussion, the proposed project is consistent with General Plan Hazards and Safety Element Policies HAZ-10.1, HAZ-10.2, HAZ-10.3, HAZ-10.12, HAZ-10.13, and HAZ-10.14.

15. Drainage, Stormwater, and Soil Erosion

General Plan Policy COS-5.1 (Soil Protection): *The County shall strive to protect soil resources from erosion, contamination, and other effects that substantially reduce their value or lead to the creation of hazards.*

General Plan Policy COS-5.2 (Erosion Control): *The County shall encourage the planting of vegetation on soils exposed by grading activities, not related to agricultural production, to decrease soil erosion.*

General Plan Policy HAZ-4.5 (Soil Erosion and Pollution Prevention): *The County shall require discretionary development be designed to prevent soil erosion and downstream sedimentation and pollution.*

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

General Plan Policy PFS-6.5 (Stormwater Drainage Facilities): *The County shall require that stormwater drainage facilities are properly designed, sited, constructed, and maintained to efficiently capture and convey runoff for flood protection and groundwater recharge.*

General Plan Policy WR-2.2 (Water Quality Protection for Discretionary Development): *The County shall evaluate the potential for discretionary development to cause deposition and discharge of sediment, debris, waste, and other contaminants into surface runoff, drainage systems, surface water bodies, and groundwater. In addition, the County shall evaluate the potential for discretionary development to limit or otherwise impair later reuse or reclamation of wastewater or stormwater. The County shall require discretionary development to minimize potential deposition and discharge through point source controls, storm water treatment, runoff reduction measures, best management practices, and low impact development.*

General Plan Policy WR-3.3 (Low-Impact Development): *The County shall require discretionary development to incorporate low impact development design features and best management practices, including integration of stormwater capture facilities, consistent with County's Stormwater Permit.*

Staff Analysis: The developed portion of the project site naturally drains by sheet flow to the north into the tributary to Sisar Creek that bisects the project site. From there, drainage heads east to Sisar Creek, then on to Santa Paula Creek and the Santa Clara River. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the area, Panel No. 06111C0592F, places the project site in Zone 'X' (unshaded), which indicates a less than 0.2 percent chance of flooding in any given year. As noted in the drainage report¹⁵ (Exhibit 8), no changes to the existing drainage pattern are proposed.

The 11 accessory structures covered under this CUP / PD Permit have already been constructed. Of these, the garage and three of the animal shade structures were constructed in areas with pre-existing impervious surfaces. The proposed SFD would be located within the footprint of the prior SFD that was destroyed in the 2017 Thomas Fire. Under the proposal, impervious surfaces would increase in area from 53,454 sq. ft. to 57,131 sq. ft., an increase of 3,676 sq. ft.

The Watershed Protection District's (WPD's) Stormwater Program is charged with ensuring the County's compliance with the National Pollutant Discharge Elimination System (NPDES). NPDES implements the Federal Clean Water Act by requiring stormwater discharges not pollute downstream waters. Projects involving ground disturbance can cause soils to be carried away in stormwater runoff, causing pollution. To avoid this issue, the County Stormwater Program requires that applicants implement Best Management Practices (BMPs) during the construction phase of a project. The applicant will be required to submit the required forms to WPD to demonstrate that appropriate BMPs will be incorporated into the project during construction (Exhibit 4, Condition No. 30). Examples of common BMPs include silt fences, straw wattles, and check dams, which are designed to capture loose soil before it enters the storm drain system. Post-construction BMPs would not be necessary, as the project adds less than 10,000 sq. ft. of impervious surfaces and is located outside of a high-risk or urban area.

Based on the above discussion, the proposed project is consistent with General Plan Conservation and Open Space Element Policies COS-5.1 and COS-5.2; Hazards and Safety Element Policy HAZ-4.5; Public Facilities, Services, and Infrastructure Policies PFS-6.1 and PFS-6.5; and Water Resources Element Policies WR-2.2 and WR-3.3.

16. Geologic Hazards

General Plan Policy HAZ-4.3 (Structural Design): *The County shall require that all structures designed for human occupancy incorporate engineering measures to reduce the risk of and mitigate against collapse from ground shaking.*

¹⁵ Cunicelli, D., PE (September 11, 2023). Drainage Report, Single-Family Residence, 11820 Topa Vista Road, Ojai, CA 93060. Ventura, CA: Jensen Design and Survey, Inc.

General Plan Policy HAZ-4.8 (Seismic Hazards): *The County shall not allow development of habitable structures or hazardous materials storage facilities within areas prone to the effects of strong ground shaking, such as liquefaction, landslides, or other ground failures, unless a geotechnical engineering investigation is performed and appropriate and sufficient safeguards, based on this investigation, are incorporated into the project design.*

Ojai Valley Area Plan Policy OV-52.1 (Seismic and Geologic Hazards): *The County shall require developers to provide all necessary information relative to seismic and geologic hazards which may affect their project. The County shall require the developer to specify how they intend to alleviate any and all identified hazards.*

Staff Analysis: The proposed project has been sited and designed in a manner that ensures stability and structural integrity. It would neither create nor contribute to geologic instability or destruction of the site or surrounding areas. As described in the geotechnical report¹⁶ (Exhibit 7), the project site is comprised of silty sand with clay and gravel in the first one to two feet. In the developed area of the site, Monterey formation bedrock lies below this layer, which can be described as a “clayey, silty sandstone.” The designated leach field area is instead underlain by older alluvium, described as “silty, gravelly sand with clay” and cobbles between 2.5 and 6 inches across.

No active or potentially active faults exist on or near the project site; however, an unnamed inactive fault shown on County maps crosses through the project site. This fault is not depicted on California Geologic Survey (CGS) maps, though these maps do show the Lion Canyon fault running parallel and south of the project site. CGS does not show the site as being within an Alquist-Priolo fault zone (i.e., within 50 ft. of certain faults), a liquefaction hazard zone, or a landslide hazard zone. As Southern California is a seismically active area, however, the project site “will be subjected to moderate to strong ground shaking” in the event of an earthquake.

The project will be subject to the 2021 Ventura County Building Code, which incorporates the seismic standards in the California Building Code. These standards are designed to minimize risk of damage resulting from earthquakes. The applicant will need to demonstrate compliance with the building code standards and the recommendations in the geotechnical report to receive a construction permit.

Based on the above discussion, the proposed project is consistent with General Plan Hazards and Safety Element Policies HAZ-4.3 and HAZ-4.8, and Ojai Valley Area Plan Policies OV-52.1.

¹⁶ Sivas and Simon (2022).

17. Fire Safety

General Plan Policy HAZ-1.1 (Fire Prevention Design and Practices): *The County shall continue to require development to incorporate design measures that enhance fire protection in areas of high fire risk. This shall include but is not limited to incorporation of fire-resistant structural design, use of fire-resistant landscaping, and fuel modification around the perimeter of structures.*

General Plan Policy HAZ-1.2 (Defensible Space Clear Zones): *The County shall require adherence to defensible space standards, or vegetation “clear zones*

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

General Plan Policy HAZ-1.5 (Discouragement of Home-Building in Very High Fire Severity Zones): *The County should discourage the building of homes in Very High Fire Severity Zones.*

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

General Plan Policy PFS-12.4 (Consistent Fire Protection Standards for New Development): *The County, in coordination with local water agencies and the Fire Protection District, shall require new discretionary development to comply with applicable standards for fire flows and fire protection.*

Ojai Valley Area Plan 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.*

Ojai Valley Area Plan 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.*

Ojai Valley Area Plan Policy OV-47.1 (Fire Protection District Road Standards Compliance): *The County shall require all roads to meet or exceed the standards of the Fire Protection District.*

Ojai Valley Area Plan Policy OV-48.1 (Adequate Water and Access for Firefighting): *The County shall condition discretionary development permits to provide adequate water and access for firefighting purposes as determined by the Fire Protection District. The County shall require adequate access and fire flow improvements to be completed prior to combustible construction.*

Ojai Valley Area Plan Policy OV-48.2 (Fuel Modification Zone Requirement): *The County shall require a Fire Protection District approved fuel modification zone (fuel break) of at least 100 linear feet to be provided around all combustible structures located in “high” or “very high” fire hazard areas.*

Ojai Valley Area Plan Policy OV-49.1 (High Fire Hazard Area Requirements): *The County shall require discretionary development within high fire hazard areas to be reviewed with attention to the environmental impact of required brush clearance to biological resources, particularly on moderate to steep slopes. The County shall encourage brush clearance that reduces fuel volumes while allowing the selective retention of native shrubs a minimum of 20 feet apart, as permitted by the Ventura County Fire Protection District.*

Ojai Valley Area Plan Policy OV-49.3 (Roofing Material Requirement for High and Very High Fire Hazard Area): *The County shall require fire-retardant roofing materials for new construction in “high” and “very high” fire hazard areas.*

Staff Analysis: The project site is located in a State Responsibility Area and Very High Fire Hazard Severity Zone (VHFHSZ). Additionally, several structures on the property were destroyed in the 2017 Thomas Fire. The Upper Ojai Valley area, which consists of scattered residential development intermixed with natural areas, can be described as a Wildland-Urban Interface (WUI) area. Because of the site’s potential fire hazard, the project will be subject to requirements in the Ventura County Building Code to minimize risks associated with wildfire. Common requirements include the use of fire-resistant building materials, sprinklers, and tempered glass in doors and windows.

The Ventura County Fire Protection District (VCFPD) has reviewed the project for consistency with fire safety standards. Based on this review, VCFPD recommended that certain conditions of approval be applied to the project. The conditions address road and driveway access, fire flow, hydrants, sprinklers, address numbers, building code standards, fire safety clearance review, and storage containers (Exhibit 4, Condition Nos. 34 through 50).

Based on the above discussion, the proposed project is consistent with General Plan Hazards and Safety Element Policies HAZ-1.1, HAZ-1.2, HAZ-1.4, and HAZ-1.5; Public

Facilities, Services, and Infrastructure Element Policies PFS-12.3 and PFS-12.4; and Ojai Valley Area Plan Policies OV-34.1, OV-35.1, OV-47.1, OV-48.1, OV-48.2, OV-49.1, and OV-49.3.

18. Hazardous Materials

General Plan Policy HAZ-5.7 (Presence of Hazardous Wastes): *Applicants shall provide a statement indicating the presence of any hazardous wastes on a site, prior to discretionary development. The applicant must demonstrate that the waste site is properly closed, or will be closed, pursuant to all applicable state and federal laws, before the project is inaugurated.*

Staff Analysis: The applicant has provided a statement indicating that no hazardous materials were historically present on the site. The project site and adjacent properties were not included on any Hazardous Waste Substances Sites (Cortese) Lists, as published by the Department of Toxic Substance Control and State Water Board.

Based on the above discussion, the proposed project is consistent with General Plan Hazards and Safety Element Policy HAZ-5.7.

19. Noise

General Plan Policy 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.*

General Plan Policy HAZ-9.2 (Noise Compatibility Standards): *The County shall review discretionary development for noise compatibility with surrounding uses. The County shall determine noise based on the following standards:*

- 1. New noise sensitive uses proposed to be located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed CNEL 60 or Leq1H of 65 dB(A) during any hour.*
- 2. New noise sensitive uses proposed to be located near railroads shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed L₁₀ of 60 dB(A)*
- 3. New noise sensitive uses proposed to be located near airports:*

- a. *Shall be prohibited if they are in a Community Noise Equivalent Level (CNEL) 65 dB or greater, noise contour; or*
 - b. *Shall be permitted in the Community Noise Equivalent Level (CNEL) 60 dB to CNEL 65 dB noise contour area only if means will be taken to ensure interior noise levels of CNEL 45 dB or less.*
4. *New noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor, measured at the exterior wall of the building, does not exceed any of the following standards:*
 - a. *Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.;*
 - b. *Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.; and*
 - c. *Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.*
5. *Construction noise and vibration shall be evaluated and, if necessary, mitigated in accordance with the Construction Noise Threshold Criteria and Control Plan (Advanced Engineering Acoustics, November 2005).*

Staff Analysis: The project would legalize an ADU (to temporarily serve as a principal SFD) and facilitate the future development of a SFD. Residential uses are considered noise sensitive. The only identified noise source in the area is State Route 150, which is approximately 800 sq. ft. north of the proposed SFD. All structures on the project site are beyond the 60 db(A) noise contour for State Route 150, indicating that the dwellings and outdoor use areas will meet the noise thresholds in Policy COS-9.2.

The accessory uses and the proposed SFD would not be considered to be significant generators of noise. Nonetheless, noise from construction activities could disturb neighboring residents. To reduce the potential for noise disturbances during nighttime hours, a condition of approval would limit construction to between the hours of 7:00 am and 7:00 pm during the weekdays, with a later start time of 9:00 am on the weekends (Exhibit 4, Condition No. 22).

Based on the above discussion, the proposed project is consistent with General Plan Hazards and Safety Element Policies HAZ-9.1 and HAZ-9.2.