



Planning Director Staff Report Hearing on July 13, 2023

County of Ventura • Resource Management Agency

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AMBUSH PAINTBALL MODIFIED CONDITIONAL USE PERMIT (CUP) CASE NO. PL21-0091

This is a continued hearing. This project was first heard at a January 12, 2023, Planning Director hearing, but the project was continued to a date uncertain. Since the January hearing, the County Planning Division worked with the applicant to make minor adjustments to clarify the accessible hours for the facility. Under the proposed change, attendees would be allowed to enter the facility beginning at 8:00 AM and required to vacate the premises by 5:00 PM. This would ensure vehicles arriving earlier than the operation times (9:00 AM-4:00 PM) can park in the parking area as opposed to on the street or circling the neighborhood.

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Major Modification to an existing Conditional Use Permit (CUP) for Periodic Outdoor Sporting Events (Case No. PL21-0091).
2. **Applicant:** Warped Paintball, LLC. c/o Glenn Forster
3. **Property Owner:** Hypericum Land Company, LLC.
4. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested modified CUP.
5. **Project Site Size, Location, and Parcel Number:** The 226.93-acre property is located at 8643 Shekell Road, near the intersection of Shekell Road and State Route 23 (Grimes Canyon Road), near the City of Moorpark, in the unincorporated area of Ventura County. The Tax Assessor's parcel numbers for the parcels that constitute the project site are 500-0-090-345, 500-0-090-235, and 500-0-090-315, and (Exhibit 2).
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Open Space
 - b. Zoning Designation: OS-20 ac (Open Space, 20-acre minimum lot size) and OS-10 ac (Open Space, 10-acre minimum lot size).

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	OS-130 ac/MRP (Open Space, 130-acre minimum lot size/Mineral Resource Protection)	Operational Sand and Rock Quarry
East	OS-160 ac (Open Space, 160-acre minimum lot size)	Grimes Canyon Road and Residential property with agricultural operations
South	AE-40 ac and OS-160 ac (Agricultural Exclusive, 40-acre minimum lot size and Open Space, 160-acre minimum lot size)	Shekell Road and agricultural operations
West	AE-40 ac and OS-160 ac	Agricultural operations

- 8. History:** The proposed project site is located at the former Egg City commercial egg processing facility which was in operation from the early 1960s to the 1980s. Remnants of the former Egg City facility include concrete pads and partially paved roads throughout the parcels which make up the subject property. There are no existing buildings or structures on site.

Ambush Paintball (Case No. LU11-0030) was originally approved on appeal by the Board of Supervisors on November 20, 2012, for the operation and maintenance of a paintball and airsoft outdoor sports facility. Prior to approval by the Board, the project was approved by the Planning Director and Planning Commission, whose decisions were both appealed. This permit was granted for a period of 10 years and was set to expire on May 29, 2022. On July 27, 2021, the applicant submitted a request for a Major Modification for the continued use and expansion of the proposed paintball and airsoft operations.

- 9. Project Description:** The applicant requests a modified CUP to extend the life of the existing permit for an additional 20-year time period, expand the current paintball and airsoft operations previously approved, and add a mud run event area.

Airsoft and Paintball Operations: Expand CUP boundary and parking facilities to increase maximum occupancy from 250 people per day to 450 people per day. Paintball/Airsoft events would not take place on days when mud run events would also be taking place. Hours of operation for Airsoft/Paintball operations would be Saturday and Sunday, 9:00 AM to 4:00 PM. People would be allowed to enter the facility after 8:00 AM and required to vacate the premises by 5:00 PM. This would ensure vehicles arriving earlier than the operation times can park in the parking area as opposed to on the street or circling the neighborhood.

Mud Run Events: Proposed addition of a mud run event area. Mud run events would be limited to a maximum of 1000 people per day, which would include staff and vendors. Participants for the mud run events would choose between 3 time

slots per day. Each time slot would be limited to a maximum of 300 participants each day. Ten employees would staff mud run events. Two Emergency Medical Technicians (EMT's) would be on site to provide medical assistance if needed. Vendors, media, and spectators would be limited to 88 per day. Hours of operation for mud run events would be Saturday and Sunday, 7:00 AM to 4:00 PM. Mud run events would be limited to a maximum of 3 per year for a total of 6 days per calendar year.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

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

County staff prepared an Initial Study (Exhibit 4.a) in accordance with the County's Initial Study Assessment Guidelines. Based on the information contained in the Initial Study, the County prepared a Mitigated Negative Declaration (MND) and made the MND available for public review and comment from September 29, 2022 to October 28, 2022. A Notice of Intent to Adopt an MND was sent to property owners within 300 feet of the project site and a notice was published in the Ventura County Star. The MND was also posted on the County Planning Division website and on the State's CEQAnet website.

An MND is a written statement briefly describing the reasons that a proposed project will not have a significant effect on the environment and, therefore, does not require the preparation of an Environmental Impact Report. The Initial Study identified one potentially significant effect on the environment related to "Transportation and Circulation." However, proposals agreed to by the applicant before the MND was released for public review would mitigate the effects to a point where no significant effect on the environment would occur. More specifically, Ventura County Public Works has applied a mitigation measure for the requirement of a County-approved Traffic Control Plan and Encroachment Permit prior to the proposed Mud Run events.

Initial Study Section	Potential impact
27a(2)-a	Potential to alter level of safety of roadways and intersections near the project.

- Findings for Adoption of an MND:** The CEQA Guidelines [Section 15074(b)] state that an MND shall only be adopted by a decision-making body if there is no substantial evidence, in light of the whole record, that the proposed project may have a significant adverse effect on the environment and that the MND reflects the Lead Agency's independent judgment and analysis.

The proposed final MND, including written comments on the MND, are attached as Exhibit 4. In summary, no substantial evidence has been identified that the proposed project would result in a significant adverse effect on the environment.

Therefore, based on the information provided above and in light of the whole record, staff recommends that the County decision-maker adopt the MND (Exhibit 4) as reflecting the County's independent judgment and analysis, and find that there is no substantial evidence that the proposed project may have a significant adverse effect on the environment.

- 2. Mitigation Monitoring and Reporting Program (MMRP):** The CEQA Guidelines [Section 15091(d)] state that, when approving a project for which an MND has been prepared, the agency shall also adopt a program for reporting on, or monitoring, the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

Mitigation measures for Public Works-Transportation include monitoring and reporting components that constitute the MMRP for this project. These mitigation measures are incorporated into the permit conditions of approval (Exhibit 5, Condition Nos. 25 and 26).

Therefore, an MMRP has been prepared in compliance with the CEQA Guidelines.

Comments on the MND (Exhibit 4.d) were received from nearby property owners related to traffic, fire hazards, water, and solid waste. Planning Division staff has reviewed all comments received and ensured that they are addressed in the Conditions of Approval and MMRP (Exhibit 5) and General Plan Consistency Analysis (Exhibit 6) of this Staff Report.

C. CONSISTENCY WITH THE GENERAL PLAN

The proposed project has been analyzed to and determined to be consistent with all applicable General Plan policies. A consistency analysis which evaluates the project's consistency with the policies of the General Plan is included as Exhibit 6 of this Staff Report.

D. ZONING ORDINANCE COMPLIANCE

The proposed project is subject to the requirements of the Ventura County NCZO.

Pursuant to the requirements of the Ventura County NCZO Section 8105-4, the proposed use is allowed in the OS zone district with the granting of a CUP. Upon the granting of the CUP, the proposed project will comply with the requirements of the Ventura County NCZO.

The proposed project includes uses that are subject to the development standards of the Ventura County Non-Coastal Zoning Ordinance (§8106-1.1). Table 1 lists the applicable

development standards and a description of whether the proposed project complies with the development standards.

Table 1 – Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	20 acres	Yes
Maximum Percentage of Building Coverage	5%	Yes
Front Setback	20 feet	Yes
Side Setback	10 feet	Yes
Rear Setback	15 feet	Yes
Maximum Building Height	15 feet	Yes. The sea cargo containers are temporary structures and are less than 15 feet in height.

E. CUP FINDINGS AND SUPPORTING EVIDENCE

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

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

Based on the information and analysis presented in Section D and Exhibit 6 of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

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

The proposed expansion to the paintball facility and addition of a mud run event area would not be out of character with the agricultural and open space uses surrounding the site. The facility and parking area would be located on a previously disturbed area of the 57.11-acre lot. The play areas will be setback more than 50 feet from any agricultural activity and more than 500 feet from any residence. To ensure impacts to surrounding agriculture is minimized, the proposed project has been conditioned (Exhibit 5, Condition No. 48) to require that the applicant notify the owner(s) of each agriculturally zoned property located within 300 feet of the project parcel of all temporary events to be held at the proposed facility. In addition, the playfield areas would not be visible from Grimes Canyon Road. A portion of the proposed sea cargo containers located at the entrance to the facility would be visible from Shekell Road. The project has been conditioned to require that the containers be painted a light tan color to blend in with the surrounding landscape.

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

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

The proposed project, as conditioned, will not be obnoxious or harmful, or impair the utility of neighboring property or uses. The proposed facility would not generate substantial noise during scheduled paintball and airsoft games, nor during the daytime mud run events. The facility would be entirely contained within designated playfield areas within the 57-acre lot. As noted above, the play areas will be setback from any agricultural activity. In addition, the applicant will be required to notify the owner(s) of each agriculturally zoned property located within 300 feet of the project parcel of all temporary events to be held at the proposed facility (Exhibit 5, Condition No. 32). Additionally, the proposed project will be conditioned (Exhibit 5, Condition No. 16) to include a contact person for the timely resolution of complaints. Finally, the proposed paintball fields slope inward towards the existing drainage channel, not outwards to adjacent agricultural fields. Since drainage from the site flows to an interior drainage channel and not onto adjacent agricultural lands, runoff from the project would not harm or impair the utility of neighboring property or uses.

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

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

The subject outdoor sporting event property has been in existence since 1988 and is located on an approximately 227-acre property. No new effect on the character of the area would result from the continued operation and expansion of the subject facility. Given that the facility is located more than 500 feet from the nearest residential use, it would continue to be compatible with the character of the surrounding development.

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

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

As discussed under findings 2 and 3 above, the proposed facility would not generate substantial noise during scheduled paintball and mud run events. The facility would be entirely contained within designated playfield areas within the 57-acre lot. As noted above, the play areas will be setback from any agricultural activity. In addition, the applicant is required to notify the owner(s) of each agriculturally zoned property located within 300 feet of the project parcel of all

temporary events to be held at the proposed facility (Exhibit 5, Condition No. 32). The facility would not be out of character or incompatible with surrounding uses. The open space designation of the subject property and the agricultural designation of the surrounding properties is not anticipated to change in the foreseeable future. Thus, the facility would also be compatible with anticipated future land uses in the area.

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

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

Assessor Parcel Nos. 500-0-090-345, 500-0-090-235, and 500-0-090-315 is comprised of a legal lot shown as Parcel A on a Map recorded in Book 3, Page 94 of Parcel Maps in the office of the County Recorder of Ventura County, in compliance with the Subdivision Map Act and Ventura County Subdivision Ordinance.

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

7. The proposed development is approved in accordance with the California Environmental Quality Act and all other applicable laws.

The potential environmental effects of the proposed project are evaluated in accordance with CEQA and the CEQA Guidelines in the MND attached as Exhibit 4.

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

F. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), Ventura County NCZO (Section 8111-3.1). On June 26, 2023 the Planning Division e-mailed a courtesy notice to interested parties. On June 30, 2023, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. Also on June 30, 2023, the Planning Division placed a legal ad in the *Ventura County Star*.

G. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, including the proposed MND (Exhibit 4), Mitigation Measures

and Mitigation Monitoring and Reporting Program (Exhibit 5), and has considered all comments received during the public comment process;

2. **FIND**, based on the whole of the record before the Planning Director, including the Initial Study and any comments received, that upon implementation of the project revisions and/or mitigation measures there is no substantial evidence that the project will have a significant effect on the environment and that the MND reflects the Planning Director's independent judgment and analysis;
3. **ADOPT** the MND (Exhibit 4) and Mitigation Monitoring Program (Exhibit 5);
4. **MAKE** the required findings to grant a modified CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
5. **GRANT** modified CUP Case No. PL21-0091, subject to the conditions of approval (Exhibit 5).
6. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

If you have any questions concerning the information presented above, please contact Thomas Chaffee at (805) 654-2406 or Thomas.Chaffee@ventura.org.

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EXHIBITS

- Exhibit 2 Maps (Location, Aerial, and General Plan and Zoning Designations Maps)
Exhibit 3 Site Plans

- Exhibit 4.a Initial Study-Mitigated Negative Declaration for PL21-0091
- Exhibit 4.b Traffic Study for PL21-0091
- Exhibit 4.c Previously Adopted Negative Declaration for LU11-0030
- Exhibit 4.d Public Comments on PL21-0091
- Exhibit 5 Conditions of Approval and Mitigation Monitoring and Reporting Program
- Exhibit 6 General Plan Consistency Analysis