



## MEMORANDUM

**DATE:** June 28, 2024 [Hearing scheduled for July 3, 2024]  
**TO:** Dave Ward, AICP, Planning Director  
**FROM:** Michael Conger, Senior Planner  
**SUBJECT:** Planning Director's Hearing – July 3, 2024  
Responses to Comments and Modifications to Conditions of Approval  
Mircetic Conditional Use Permit (CUP) and Planned Development (PD)  
Permit, Case No. PL23-0009  
11820 Topa Vista Road, Upper Ojai Valley  
Assessor's Parcel Number 037-0-080-115

This memorandum supplements the June 20, 2024, staff report for the CUP / PD Permit No. PL23-0009.

### A. Continued Hearing

The June 20, 2024 hearing for CUP / PD Permit No. PL23-0009 has been continued to **Wednesday, July 3, 2024, at 11:00 am**, and will be conducted online over the Zoom platform. The meeting information is below:

<https://ventura-org-rma.zoom.us/j/87473804177>

Meeting ID: 874 7380 4177  
Passcode: 590511

Dial in: (669) 900-9128 or (669) 444-9171

### B. Applicant's Comments

#### (1) Structural Separation – Grooming Stations

Summary of Comments: The applicant requests Condition No. 18 (Minimum Setback Between Structures) be deleted because the grooming stations (Structure Nos. 12 and 13 in Table 1 of the staff report) should not be considered

“structures.” The applicant notes that the shade canopies are only in place temporarily while horses are being groomed.

Staff Response: The grooming stations are comprised of pipe corrals no taller than eight feet. Canopies are occasionally attached to the support poles to create shade during grooming. Based on these features, the Planning Division has determined that the grooming stations fit within the Non-Coastal Zoning Ordinance's (NCZO's) definition of “fence”: “An unroofed vertical structure which is intended primarily to serve... as a physical enclosure...” As fences are not considered to be “structures” as defined in the NCZO, NCZO § 8106-6.1 (Distance Between Structures on the Same Lot) would not apply. Therefore, the applicant does not need to separate the grooming structures from the shed, storage container, or each other.

The shed and the storage container are “structures” under the NCZO definition and will be required to meet the six-foot separation requirement in NCZO § 8106-6.1.

Staff Recommendation: Revise Condition No. 1 to clarify that the grooming stations are fences, not animal shade structures, and revise Condition No. 18 to remove reference to the grooming stations.

## (2) **Tree Removal Offsets**

Summary of Comments: The applicant requests deletion of Condition No. 23 (Tree Protection Plan (TPP)), as they believe the County has insufficient evidence the prior landowner removed protected trees around 2006-07 to accommodate the garage.

The applicant has provided a statement from an arborist (Scott Tomkinson) suggesting that there is reasonable doubt as to whether the removed trees were a protected species. Specifically, the arborist suggests these trees may have been ash, which is not a protected species outside of the Scenic Resource Protection (SPR) overlay zone. The arborist notes that there are other ash trees on the property and that the removed trees resemble ash trees in the historical aerial imagery.

Staff Response: The aerial imagery shows that two trees were removed between June 2006 and July 2007. In the aerial photos, the trees appear substantially similar to other trees on the property that the project biologist identifies as coast live oaks in the Initial Study Biological Assessment (ISBA). If the removed trees were coast live oaks, the canopy spread suggests that they would have met the minimum girth (9.5 inches) to qualify for protected status. Based on this the Planning Division concludes that it is probable that the prior owner removed two protected trees without the proper permits.

The Planning Division acknowledges that the prior owner planted six coast live oaks, as referenced in the ISBA. Review of aerial images suggests that these oaks are healthy and well-established. These six oaks would likely have satisfied any required offsets for unpermitted removal of the two oaks. Therefore, the Planning Division concludes that further offsets will not be necessary if the applicant can document that the introduced oaks are healthy and vigorous.

Staff Recommendation: Revise Condition No. 23 to note that the condition can be satisfied by submitting the same documentation prior to issuance of a Zoning Clearance.

## C. Public Comments

### (1) Proximity to Off-Site Residences

Summary of Comments: The commenter expressed concerns with the proximity of animal husbandry / animal keeping facilities to off-site residences. Specifically, the commenter expresses concerns about proximity to a proposed house on the property south of the subject property (see Zoning Clearance No. ZC22-1085). The commenter identified the following conditions as imposing hardship on this neighboring property:

- Noise;
- Dust;
- Odor – both from urine and manure;
- Flies; and
- Spread of disease.

Regarding the spread of disease, the commenter references the potential spread of several different strains of bacteria, viruses, fungi, and parasites.

To reduce the impact on the proposed residence, the commenter requests that any animal husbandry / animal keeping facilities be located a minimum of 400 feet from existing and proposed off-site residences. The commenter notes that there are other locations on the property where these facilities could be relocated.

Staff Response: The project is located in the RE zone, which allows animal husbandry and animal keeping as principal uses. The NCZO requires that any animal husbandry / animal keeping facilities be located no closer than 40 feet to off-site dwelling units (NCZO §§ 8107-2.2.2 and 8107-2.5.1). The County has long considered this distance to be adequate in reducing the impact that nearby animal husbandry or animal keeping operations could have on neighboring residents. The approved but as yet built single-family dwelling is approximately

63 feet south of the nearest animal husbandry use/structure. Requiring the owner to relocate animal husbandry / animal keeping facilities 400 feet from the approved dwelling would impact nearly all the existing and proposed facilities. Additionally, a wetland is located in the northern portion of the site; relocating the existing and proposed structures to the undeveloped portions of the northern boundary of the property could result in biological impacts that have not been evaluated and are presently being avoided.

(2) **Easement Location and Use**

Summary of Comments: The commenter suggests that the applicant is not accessing the site using the legally established easement. The commenter also alleges that the applicant regularly blocks the easement and overburdens the easement with traffic generated by the business.

Response: The applicant has supplied documentation to show that there is adequate legal and physical access to the property. The easement aligns with the driveway shown on the site plan (Exhibit 3). Presence of adequate legal and physical access is sufficient to support granting a CUP / PD Permit.

The commenter's concerns about trespass or misuse of the easement are civil or criminal matters that cannot be addressed through the land use permitting process.

(3) **Business Operations**

Summary of Comments: The commenter expressed concerns with the applicant running a business on the property. The commenter notes that equestrian boarding and training take place at the project site.

Staff Response: The principal use of the property is animal husbandry and animal keeping. In the RE zone, animal husbandry and keeping activities are exempt from land use permits, as long as the number of animals do not exceed what is allowed under NCZO § 8107-2. Based on the size of the parcel, the applicant would be allowed up to 11.8 animal units, which is equivalent to 11 full size horses and two smaller horses. The applicant presently has ten horses on the property (10 animal units). The definition of "animal keeping" in the NCZO includes several business activities. These include "boarding," "stabling," and "training of animals and lessons for their owners." As such, the boarding and training of horses are permissible on the property without the need for a land use permit.

(4) **Building Aesthetics and Height**

Summary of Comments: The commenter objects to the design of Animal Husbandry Structure No. 3, which they liken to gas station canopy. The commenter also objects to the height of the structures.

Staff Response: Animal Husbandry Structure No. 3 is an open shade structure with a corrugated metal roof. This type of structure is common on animal husbandry and animal keeping operations in rural areas. The tallest structure on the property is 21 feet, which is well below the maximum allowed height of 35 feet.

(5) **Gateway Entrance**

Summary of Comments: The commenter expressed concerns with the tall gateway entrance and its proximity to the power lines.

Staff Response: The applicant will require Zoning Clearance approval of the gateway. If the gateway can be authorized, the applicant will need to apply for a construction permit through Building and Safety. Building and Safety will evaluate any safety issues that may arise due to the proximity to power lines. It appears that gateway is more than 20 feet from the power lines.

(6) **Applicant's History of Violating the NCZO**

Summary of Comments: The commenter opines that the County would be rewarding the applicant's bad behavior by granting the CUP / PD.

Staff Response: The applicant has constructed the subject structures without the proper land use permits. To remedy this issue, the applicant has applied for this CUP / PD Permit. This request has been subject to the same permitting process and requirements as a proposal for new construction would be.

(7) **Environmental Justice**

Summary of Comments: The commenter raises environmental justice concerns, likening the Planning Division's recommendation of approval of this project to a "Redline scheme... to keep African Americans from living in areas they are not welcome." Specifically, the commenter argues that the nuisance conditions of the applicant's operations are intended to "[c]reate an unlivable situation, so that it becomes impossible for [the neighbor] to live on their property."

Staff Response: The Ventura County General Plan includes several policies that address environmental justice, in compliance with Senate Bill 1000 (2006).<sup>1</sup> These policies are intended to prevent noxious, hazardous, or nuisance land uses, or development that degrades the environment, from disproportionately occurring in “designated disadvantaged communities.” The only disadvantaged communities that have been designated in unincorporated Ventura County are El Rio, Saticoy, and Piru. The Upper Ojai Valley is not designated as a disadvantaged community.

Land use decisions are made based on a project's consistency with the General Plan and Zoning Ordinance. Race is not a factor in decisions on whether to grant a CUP / PD Permit.

#### **D. Recommended Revisions to Conditions of Approval**

Staff recommends modifications to the following conditions (please see Attachment A for details):

- Condition No. 1 (Project Description) – to clarify that the grooming stations are regulated under fencing standards rather than as animal shade structures and to clarify that the allowed use of the property is both animal husbandry and animal keeping.
- Condition No. 18 (Minimum Setback Between Structures) – to eliminate any requirement that the grooming stations maintain a six-foot separation, as these are considered fences and not animal shade structures.
- Condition No. 23 (Tree Protection Plan (TPP)) – to allow the applicant to satisfy the condition by presenting evidence from an arborist that the six introduced oaks are healthy and vigorous.

If you have any questions about this material, please contact Michael Conger at (805) 654-5038 or [Michael.Conger@ventura.org](mailto:Michael.Conger@ventura.org).

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<sup>1</sup> Refer to Policies LU-17.1 through LU-17.8 in the Land Use and Community Character Element of the Ventura County General Plan.

## **CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) AND PLANNED DEVELOPMENT PERMIT CASE NO. PL23-0009**

### **RESOURCE MANAGEMENT AGENCY (RMA)**

#### **Planning Division Conditions**

##### **1. Project Description**

This Conditional Use Permit and Planned Development Permit is based on and limited to compliance with the project description stated in this condition below, Exhibits 3, 6, 7, and 8 of the Planning Director hearing on June 20, 2024, and conditions of approval set forth below. Together, these conditions and documents describe the “Project.” Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

The project is a request for a Conditional Use Permit (CUP) and Planned Development (PD) Permit be granted to legalize the unpermitted construction of 11 structures.<sup>1</sup>

Through PD Permit approval, an existing single-family dwelling (SFD) (490 sq. ft.) would be authorized within a surface water feature in the HCWC overlay zone.<sup>2</sup> The applicant proposes to construct a new single-family dwelling of 1,493 sq. ft.<sup>3</sup> and to convert this structure to an accessory dwelling unit (ADU).<sup>4</sup> The new SFD would be located outside of the surface water feature and can be permitted through Zoning Clearance approval. Therefore, it is outside of the scope of this entitlement.

The PD Permit would also authorize non-habitable structures accessory to the single-family dwelling to exceed a cumulative total of 2,000 sq. ft.<sup>5</sup> These include a detached garage of 2,780 sq. ft., a shipping container of 160 sq. ft., and two sheds of 88 sq. ft and

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<sup>1</sup> The site would involve a total of 14 structures. The proposed SFD and two existing grooming stations are outside of the scope of this CUP and PD Permit, because these structures are permissible with a Zoning Clearance.

<sup>2</sup> See Table 1, Structure No. 2.

<sup>3</sup> See Table 1, Structure No. 1.

<sup>4</sup> For the purposes of this report, the newly proposed SFD, which is outside the scope of this permit, is referred to as the “SFD,” while the principal SFD, which will be re-designated as an ADU upon construction of the new SFD, is referred to as the “ADU.”

<sup>5</sup> See Table 1, Structure Nos. 3 through 6.

105 sq. ft. each (total 3,133 sq. ft.). All residential accessory structures are under 15 feet in height except for the garage, which has a height of 21 feet.

The CUP would authorize accessory structures for animal husbandry / keeping to exceed a cumulative total of 2,000 sq. ft. This includes six animal husbandry / keeping structures of 2,352 sq. ft., 1,320 sq. ft., 240 sq. ft., 240 sq. ft., 288 sq. ft., and 288 sq. ft., each (totaling 4,728 sq. ft.).<sup>6</sup> Two corrals (“grooming stations”) that have temporary shade canopies ~~animal shade structures~~, each of which cover an area of 208 sq. ft., were also constructed without permits.<sup>7</sup> Because these grooming stations are comprised of corrals and are only occasionally covered, they are considered “fences” as defined in the NCZO ~~Because these structures are not permanently anchored to the ground and comply with NCZO § 8017-34, they can be authorized with a Zoning Clearance~~, and are outside the scope of this entitlement. All animal husbandry / keeping accessory structures are under 15 ft. in height except for one (Animal Husbandry Accessory Structure No. 3), which is 19 ft. tall.

The project site is within the Habitat Connectivity and Wildlife Corridor (HCWC) overlay zone. The CUP and PD Permit would also legitimize the unpermitted construction of five structures within a “surface water feature”: the ADU, garage, one of the sheds, and two of the animal husbandry structures.

**Table 1: Structures to Be Permitted**

#	E/N	Label	Classification	Size (sq. ft.)	SWF	Permit Level
1	(N)	Single-Family Dwelling (SFD) <sup>8</sup>	SFD	1,493	No	ZC
2	(E)	ADU <sup>9</sup>	ADU	490	Yes	PD
Total Dwelling Area				1,983		
3	(E)	Garage	Building Not for Human Habitation, Accessory to SFD	2,780	Yes	PD
4	(E)	Shed No. 1		88	No	PD
5	(E)	Shed No. 2		105	Yes	PD
6	(E)	Shipping Container		160	No	PD
Total for Non-Habitable SFD Accessory Area				3,133		
7	(E)	Animal Husbandry Accessory Structure No. 1	Animal Husbandry Accessory <sup>10</sup>	1,320	No	CUP

<sup>6</sup> See Table 1, Structure Nos. 7 through 12.

<sup>7</sup> See Table 1, Structure Nos. 13 and 14.

<sup>8</sup> The proposed SFD is not subject to CUP or PD Permit approval, as it can be authorized through Zoning Clearance approval (NCZO § 8105-4) and is not located within the designated surface water feature.

<sup>9</sup> The proposed ADU would function as the principal SFD until the proposed SFD is constructed.

<sup>10</sup> Though these structures are proposed to be used for shade in support of the principal animal husbandry use, these structures cannot be classified as “animal shade structures” under the NCZO, because they do not meet the criteria in NCZO § 8107-34. As such, they are classified as accessory structures related to an animal husbandry use.



**Table 1: Structures to Be Permitted**

#	E/N	Label	Classification	Size (sq. ft.)	SWF	Permit Level
8	(E)	Animal Husbandry Accessory Structure No. 2		288	Yes	CUP
9	(E)	Animal Husbandry Accessory Structure No. 3		288	Yes	CUP
10	(E)	Animal Husbandry Accessory Structure No. 4		2,352	No	CUP
11	(E)	Animal Husbandry Accessory Structure No. 5		240	No	CUP
12	(E)	Animal Husbandry Accessory Structure No. 6		240	No	CUP
Total for Animal Husbandry Accessory				4,728		
13	(E)	Grooming Station No. 1	Fence Animal Shade Structure	208	No	ZC
14	(E)	Grooming Station No. 2		208	No	ZC
Total for Fenced Grooming Stations Animal Shade Structures				416		

Notes

- E/N – Indicates if structures is (E)xisting or (N)ew
- SWF – Indicates if structure is within a Surface Water Feature
- Permit Level – ZC = Zoning Clearance; PD = PD Permit; CUP = Conditional Use Permit

The single-family dwelling and ADU will be within 500 ft. of approximately 16 existing oil wells that are part of CUP No. 15. The nearest well (Ojai Well No. 24) would be approximately 169 ft. southwest of the home and approximately 261 ft. southwest of the ADU; however, this well has been plugged and abandoned.<sup>11</sup> The nearest active well (Ojai Well No. 27) would be approximately 267 ft. north of the proposed single-family dwelling and 344 ft. north of the ADU. The applicant has requested a reduced 100-ft. oil well setback pursuant to Non-Coastal Zoning Ordinance (NCZO) § 8106-6.3.

Access to the site is provided by Topa Vista Road, a private road that connects to State Route 150 (Ojai - Santa Paula Road). Sisar Mutual Water Company provides water to the project site. Wastewater will be handled through onsite wastewater treatment systems (OWTS). Earthwork is estimated to be less than 50 cubic yards. No off-site improvements are proposed. (Exhibit 3).

<sup>11</sup> CUP No. 15 remains active until 2028. During that time, an abandoned well could theoretically be redrilled and reactivated; however, because the well is within 500 ft. of the ADU and proposed SFD, this could only occur if the owner and all adult occupants of the affected dwellings grant the mineral rights holder a waiver (NCZO § 8107-5.6.25).

The development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, and the protection and preservation of resources shall conform to the project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below.

2. Required Improvements for CUP and PD

**Purpose:** To ensure the project site conforms to the plans approved at the Planning Director hearing in support of the project.

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

**Documentation:** The Permittee shall obtain Planning Division staff's stamped approval on the project plans and submit them to the County for inclusion in the Project file. The Permittee shall submit additional plans to the Planning Division for review and stamped approval (e.g., tree protection and landscape plans) for inclusion in the Project file, as necessary.

**Timing:** Prior to the issuance of a Zoning Clearance for construction the Permittee shall submit all final development plans to the Planning Division for review and approval. Unless the Planning Director and/or Public Works Agency Director allow the Permittee to provide financial security and a final executed agreement, approved as to form by the County Counsel, that ensures completion of such improvements, the Permittee shall complete all required improvements prior to occupancy or final inspection. The Permittee shall maintain the required improvements for the life of the Project.

**Monitoring and Reporting:** The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

3. Site Maintenance

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

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

the Project. Equipment and/or materials shall be stored within the garage or in compliance with the provisions of NCZO §§ 8107-1.6 (Open Storage) and 8109-4.8.3.5 (Surface Water Features – Setbacks and Permitting).

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

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

**Monitoring and Reporting:** The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

#### 4. CUP and PD Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this CUP and PD. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity in order to determine if a CUP and PD modification is required. If a CUP and PD modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and
- b. Environmental review, as required pursuant to the California Environmental Quality Act (*CEQA*; *California Public Resources Code*, §§ 21000-21178) and the State CEQA Guidelines (*California Code of Regulations*, Title 14, Chapter 3, §§ 15000-15387), as amended from time to time.

#### 5. Construction Activities

Prior to release of the Notice of Violation, the applicant shall obtain a Zoning Clearance for construction from the Planning Division and a Building Permit from the Building and Safety Division for all unpermitted structures.

#### 6. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and PD Permit and/or commencement of construction and/or operations under this CUP and PD Permit shall constitute the Permittee's formal agreement to comply with all conditions of this CUP and PD Permit. Failure to abide by and comply with any condition of this CUP and PD Permit shall

constitute grounds for enforcement action provided in the *Ventura County Non-Coastal Zoning Ordinance* (Article 14), which shall include, but is not limited to, the following:

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

The Permittee is responsible for being aware of and complying with the CUP and PD Permit conditions and all applicable federal, state, and local laws and regulations.

7. Time Limits

a. Use inauguration:

- (1) The approval decision for this CUP and PD Permit becomes effective upon the expiration of the 10 day appeal period following the approval decision, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for construction in order to initiate the land uses set forth in Condition No. 1.
- (2) This CUP and PD Permit shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for construction within one year from the date the approval decision of this CUP and PD becomes effective. The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for construction if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.
- (3) Prior to the issuance of the Zoning Clearance for construction, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for construction, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP and PD Permit.

Permit Life or Operations Period: The CUP component of this permit affects only the structures that are accessory to the animal husbandry use (i.e., Animal Shade Structure Nos. 1 through 6). The CUP will expire on **[20 years after Effective Date]**. The PD Permit, once vested, is not subject to expiration. The lack of

additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

(1) The Permittee has filed a permit modification application pursuant to § 8111-6 of the Ventura County Non-Coastal Zoning Ordinance prior to **[20 years after Effective Date]**; and

(2) The County decision-maker grants the requested modification.

The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with § 8111-2.10 of the Ventura County Non-Coastal Zoning Ordinance.

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

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

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

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

**Timing:** The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for construction.

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

9. Notice of CUP and PD Permit Requirements and Retention of CUP and PD Permit Conditions On Site

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

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

**Documentation:** The Permittee shall present to the Planning Division staff copies of the conditions, upon Planning Division staff's request.

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

**Monitoring and Reporting:** The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

10. Recorded Notice of Land Use Entitlement

**Purpose:** The Permittee shall record a "Notice of Land Use Entitlement" form and the conditions of this CUP and PD Permit with the deed for the subject property that notifies the current and future Property Owner(s) of the conditions of this CUP and PD Permit.

**Requirement:** The Permittee shall sign, have notarized, and record with the Office of the County Recorder, a "Notice of Land Use Entitlement" form furnished by the Planning Division and the conditions of this CUP and PD Permit, with the deed of the property that is subject to this CUP and PD Permit.

**Documentation:** Recorded "Notice of Land Use Entitlement" form and conditions of this CUP and PD Permit.

**Timing:** The Permittee shall record the "Notice of Land use Entitlement" form and conditions of this CUP and PD Permit prior to issuance of a Zoning Clearance for construction.

**Monitoring and Reporting:** The Permittee shall return a copy of the recorded "Notice of Land Use Entitlement" form and conditions of this CUP and PD Permit to Planning Division staff to be included in the Project file.

11. Financial Responsibility for Compliance Monitoring and Enforcement

- a. **Cost Responsibilities:** The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the Ventura County Coastal Zoning Ordinance (§ 8183-

5) related to this CUP and PD Permit. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.

- b. Billing Process: The Permittee shall pay all Planning Division invoices within 30 days of receipt thereof. Failure to timely pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of this CUP and PD Permit. The Permittee shall have the right to challenge any charge or penalty prior to payment.

## 12. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or enforcement of this CUP and PD Permit. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements, or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties.
- c. Except with respect to claims, actions, proceedings, and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County), and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings, and Liabilities arising out of, or in any way related to, the construction, maintenance, land use, or operations conducted pursuant to this CUP and PD Permit, regardless of how a

court apportions any such Liabilities as between the Permittee, the County, and/or third parties. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.

- d. Neither the issuance of this CUP and PD Permit, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP and PD Permit serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

**13. Invalidation of Condition(s)**

If any of the conditions or limitations of this CUP and PD Permit are held to be invalid in whole or in part by a court of competent jurisdiction, that holding shall not invalidate any of the remaining CUP and PD Permit conditions or limitations. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of competent jurisdiction, or threatened to be filed therein, the Permittee shall be required to fully comply with this CUP and PD Permit, including without limitation, by remitting the fee, exaction, dedication, and/or by otherwise performing all mitigation measures being challenged. This CUP and PD Permit shall continue in full force unless, until, and only to the extent invalidated by a final, binding judgment issued in such action.

If a court of competent jurisdiction invalidates any condition in whole or in part, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP and PD Permit, at the discretion of the Planning Director, the Planning Director may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. If the Planning Director cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this CUP and PD Permit may be revoked.

**14. Consultant Review of Information and Consultant Work**

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

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



appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

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

**15. Relationship of CUP and PD Permit Conditions, Laws, and Other Entitlements**

The Permittee shall implement the Project in compliance with all applicable requirements and enactments of federal, state, and local authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any CUP and PD Permit condition contained herein is in conflict with any other CUP and PD Permit condition contained herein, when principles of law do not provide to the contrary, the CUP and PD Permit condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this CUP and PD Permit for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules, or regulations, or orders of an authorized governmental agency. Neither the approval of this CUP and PD Permit, nor compliance with the conditions of this CUP and PD Permit, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

**16. Contact Person**

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

**Requirement:** The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this CUP and PD Permit.

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

**Timing:** Prior to the issuance of a Zoning Clearance for construction, the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the Project file. If the address or phone number of the Permittee's field agent(s) should

change, or the responsibility is assigned to another person, the Permittee shall provide Planning Division staff with the new information in writing within three calendar days of the change in the Permittee's field agent.

**Monitoring and Reporting:** The Planning Division maintains the contact information provided by the Permittee in the Project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

17. Change of Permittee

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

**Requirement:** The Permittee shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). The Permittee shall provide the Planning Director with a final notice once the transfer of ownership and/or operational control has occurred.

**Documentation:** The initial notice must be submitted with the new Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new Property Owner(s), lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this CUP and PD Permit.

**Timing:** The Permittee shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

**Monitoring and Reporting:** The Planning Division maintains notices submitted by the Permittee in the Project file and has the authority to periodically confirm the information consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

18. Minimum Setback Between Structures

**Purpose:** To ensure compliance with § 8106-6.1 of the Ventura County Non-Coastal Zoning Ordinance.

**Requirement:** The distance between the exterior walls or other supports of each unattached structure shall be a minimum of six feet. This will require that the shipping container and Shed No. 1 be separated from each other ~~and from the grooming stations~~ by a minimum of six feet. The applicant shall document this separation by submitting a ~~revised~~ site plan.

**Timing:** The **revised** site plan showing compliance with NCZO § 8106-6.1 shall be submitted to the Planning Division for review and approval prior to issuance of a Zoning Clearance for construction. The structures shall be physically relocated in compliance with the approved revised site plan prior to final inspections. If the affected structures are exempt from construction permits, the structures shall be physically relocated in compliance with the approved revised site plan within 90 days of Zoning Clearance approval.

**Monitoring and Reporting:** The Planning Division maintains the approved site plan in the Project file and has the authority to periodically confirm compliance with this standard pursuant to § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

19. Acknowledgment of Reduced Oil / Gas Well Setback

**Purpose:** To comply with § 8106-6.3 of the Ventura County Non-Coastal Zoning Ordinance and to ensure that future potential purchasers have notice of the reduced oil and gas well setback.

**Requirement:** The Permittee shall record a statement, in a form acceptable to County Counsel, with the title to the property, acknowledging the presence of well sites within 500 ft. of the single-family dwelling and accessory dwelling unit (ADU). This statement may be recorded as part of the Notice of Land Use Entitlement required by Condition No. 10 (Recorded Notice of Land Use Entitlement). The statement shall further acknowledge that operations associated with these wells, including drilling and redrilling, may disturb the occupants, even though the operations are being conducted in accordance with CUP conditions, best practices, and NCZO standards.

**Timing:** The acknowledgement shall be recorded prior to issuance of a Zoning Clearance for construction. The recorded acknowledgement shall run with the title of the land.

**Monitoring and Reporting:** The Permittee shall return a recorded copy of the acknowledgement to the Planning Division for retention in the Project file.

20. Lighting Plan

**Purpose:** To ensure lighting on the subject property is provided in compliance with Section 8109-4.8.2 of the Ventura County Non-Coastal Zoning Ordinance and to ensure the following objectives are met that lighting:

- a. avoids interference with reasonable use of adjoining properties;
- b. avoids conflict with landscape features;
- c. minimizes on-site and eliminates off-site glare;
- d. provides adequate on-site lighting for security;
- e. minimizes impacts to wildlife movement;

- f. minimizes energy consumption; and
- g. includes devices that are compatible with the design of the permitted facility.
- h. complies with the general standards listed in Section 8109-4.8.2.4 for all new and replaced outdoor lighting.

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

- a. The lighting plan shall include manufacturer's specifications for each exterior light fixture type (e.g., light standards, bollards, and wall mounted packs) and a graphic or schematic depicting the fixture;
- b. The lighting plan shall identify the purpose, mounting height, lighting color / chromaticity, and maximum output for each light fixture;
- c. For security lighting, the lighting plan shall note the hours of operation and the timing for automatic shut-off.
- d. In order to minimize light and glare on the project property, all lighting must be fully shielded and downward directed, such that the lighting is projected downward onto the property and does not cast light on any natural areas, adjacent properties, or roadways; and
- e. Light emanation shall be controlled so as not to produce excessive levels of glare or abnormal light levels directed at any neighboring uses. Lighting shall be kept to a minimum to maintain the normal night-time light levels in the area, but not inhibit adequate and safe working light levels.

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

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

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

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

authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of Section 8114-3 of the Non-Coastal Zoning Ordinance.

## 21. Undergrounding of All Utilities

**Purpose:** To provide adequate utility services to the site in alignment with Ventura County General Plan Public Facilities, Services, and Infrastructure Element Policy PFS-7.4.

**Requirement:** The undergrounding of all electric, cable, phone, and gas lines shall be required. The Permittee shall submit proposed grading and building plans denoting utility service lines to the Planning Division for review and approval.

**Documentation:** Project plans submitted for the Zoning Clearance shall include an exhibit depicting the location of utility service lines, points of connection, and alignment to the structures. The Permittee shall obtain the Planning Division's stamped approval on the utilities exhibit as part of the Zoning Clearance authorization. The applicant shall submit the stamped exhibit when applying for construction and grading permits.

**Timing:** Prior to the issuance of a Zoning Clearance for construction, the Permittee shall submit to the Planning Division for review and approval final development plans showing that all electric, cable, phone, and gas lines to be undergrounded. Prior to the issuance of a Zoning Clearance for construction, the location of utility service lines shall be noted on all building and grading plans for review and approval by the Planning Division. Prior to final inspection by RMA Building and Safety Division, the project site shall be inspected by the Planning Division to ensure all electric, cable, phone, and gas lines have been undergrounded.

**Monitoring and Reporting:** The Planning Division has the authority to ensure that all electric, cable, phone, and gas lines have been undergrounded. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of NCZO § 8114-3.

## 22. Construction Noise

**Purpose:** In order for this project to comply with the Ventura County General Plan Hazards and Safety Element Policies HAZ-9.1 and HAZ-9.2.

**Requirement:** The Permittee shall limit construction activity for site preparation and development to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 9:00 a.m. to 7:00 p.m. Saturday, Sunday, and State holidays. Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions.

**Documentation:** The Permittee shall post a sign stating these restrictions in a conspicuous location on the Project site, in order so that the sign is visible to the general public. The Permittee shall provide photo documentation showing posting of the required signage to the Planning Division, prior to the commencement of grading and construction activities. The sign must provide a telephone number of the site foreman, or other person who controls activities on the jobsite, for use for complaints from the public. The Permittee shall maintain a "Complaint Log," noting the date, time, complainant's name, complaint, and any corrective action taken, in the event that the Permittee receives noise complaints. The Permittee must submit the "Complaint Log" to the Planning Division upon the Planning Director's request.

**Timing:** The Permittee shall install the sign prior to the issuance of a building permit and throughout all grading and construction activities. The Permittee shall maintain the signage on-site until all grading and construction activities are complete. If the Planning Director requests the Permittee to submit the "Complaint Log" to the Planning Division, the Permittee shall submit the "Complaint Log" within one day of receiving the Planning Director's request.

**Monitoring and Reporting:** The Planning Division reviews, and maintains in the Project file, the photo documentation of the sign and the "Complaint Log." The Planning Division has the authority to conduct site inspections and take enforcement actions to ensure that the Permittee conducts grading and construction activities in compliance with this condition.

23. Tree Offsets ~~Protection Plan (TPP)~~

**Purpose:** To comply with the County's Tree Protection Regulations (TPR) set forth in Section 8107-25 et seq. of the Ventura County *Non-Coastal Zoning Ordinance* and the *Tree Protection Guidelines* (TPG).

**Requirement:** The ~~Permittee shall offset or mitigate~~ unauthorized removal of protected trees will be considered to be offset to the satisfaction of the Planning Director through the previous planting and maintenance of six introduced coast live oaks referenced in the ISBA prepared by Pax Environmental and dated September 13, 2023.

**Documentation:** The Permittee shall submit the following documentation prepared by a qualified arborist for review and approval by the Planning Director:

- a) A letter report that identifies tree species, size (i.e., diameter at breast height), and a description of the overall health of the tree.
- b) A site plan indicating the location of the six oak trees.
- c) Photographs of the trees, cross-referenced by number/label to the site plan.

~~The Permittee shall prepare and submit to the Planning Division for review and approval, a TPP pursuant to the "Content Requirement for Tree Protection Plans" that is currently~~

~~available on-line at: <https://docs.verma.org/images/pdf/planning/tree-permits/Tree-Protection-Plan.pdf>. The TPP must include (but is not limited to) the offset or mitigation that will be provided for any trees that were removed without authorization to accommodate the structures authorized by this CUP / PD Permit.~~

~~A qualified arborist<sup>12</sup> shall prepare the TPP in conformance with the County's TPR, TPG, and "Content Requirements for Tree Protection Plans."~~

~~If in-lieu fees will be paid to a conservation agency for tree offsets/mitigation, the Permittee shall submit to the Planning Division for review and approval, a tree mitigation plan from a conservation agency that explains how the mitigation funds will be used to support the preservation of protected trees. After the Planning Division's review and approval of the tree mitigation plan, the Permittee shall provide the Planning Division with a copy of the contract between the conservation agency and the Permittee.~~

~~If a financial assurance is required for tree offsets/mitigation, the Planning Division shall provide the Permittee with a "Financial Assurance Acknowledgement" form. The Permittee shall submit the required financial assurance and the completed "Financial Assurance Acknowledgement" form to the Planning Division. The Permittee shall submit annual verification that any non-cash financial assurances are current and have not expired.~~

**Timing:** Prior to the issuance of a Zoning Clearance for construction, the Permittee shall submit the ~~TPP~~ documentation noted in this condition to the Planning Director Division for review and approval. ~~Unless otherwise approved by the Planning Director, replacement and transplant trees must be planted prior to occupancy. Other monitoring and reporting dates shall be as indicated in the approved TPP.~~

~~If in-lieu fees are required and will be paid to the Planning Division's Tree Impact Fund, the Permittee shall submit these fees prior to the issuance of a Zoning Clearance for construction.~~

~~If in-lieu fees are required and will be paid to an approved conservation agency, the Permittee shall submit these fees, along with the required tree mitigation plan and contract from the conservation organization, prior to the issuance of a Zoning Clearance for construction.~~

~~If a financial assurance is required, the Permittee shall submit the required financial assurance and the completed "Financial Assurance Acknowledgement" form prior to the issuance of a Zoning Clearance for construction. The Planning Division may release the~~

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<sup>12</sup> A qualified arborist may be either an International Society of Arboriculture certified arborist or a related professional, such as a landscape architect, with qualifying education, knowledge and experience, as determined by the Planning Director. The project arborist is the arborist who prepared the TPP and remains involved with implementation and monitoring of the Project.

~~financial assurance after receiving the report from the project arborist that verifies that the replacement trees met their final 5- or 7-year performance targets set forth in the TPP.~~

**Monitoring and Reporting:** The Planning Division maintains the [arborist's documentation](#) ~~approved TPP~~ and all supporting documentation in the Project file. ~~The Resource Management Agency Operations Division maintains copies of all financial documentation. Monitoring of any replacement trees will be conducted as set forth in the approved TPP.~~

### **Environmental Health Division (EHD) Conditions**

#### **24. Existing OWTS General Notice**

**Purpose:** To demonstrate compliance with State and local regulations related to the design and installation of an onsite wastewater treatment system (OWTS). Only domestic waste as defined in the Ventura County General Plan and the Ventura County Building Code Ordinance may be discharged into the on-site sewage disposal system.

**Requirement:** Permittee shall maintain all OWTS components in good working order to prevent system failure and creation of a public nuisance. Permittee is required to obtain the approval of the Ventura County Environmental Health Division (EHD) prior to changing and/or modifying the OWTS, repairing components of the OWTS, expanding the footprint of a structure, adding plumbing fixtures, or adding a new structure.

**Ongoing Maintenance:** Once the OWTS has been installed and finalized by EHD, it is the owner's responsibility to properly maintain the system to prevent OWTS failure or an unauthorized sewage release, and from creating a public nuisance, health concern, or impact the environment. The septic tank shall be serviced, as needed, by a septic pumper truck registered and permitted by Ventura County EHD, and all pumping activities shall be reported to EHD. All septage wastes must be disposed of in an approved manner. EHD staff will also receive and respond to any complaints related to OWTS and/or unauthorized sewage releases.

#### **25. General Vector Control – Animal Waste and Mosquito Breeding**

**Purpose:** To ensure site does not contribute to the harborage and/or breeding of potential vectors of disease or create a public nuisance.

**Requirement:** The storage, handling and disposal of animal wastes shall be in a manner that will not create or promote potential breeding and/or harborage of vectors of disease, such as flies, mosquitoes, and rodents. Ensure animal waste is stored properly and removed as often as needed to prevent fly breeding. Manage standing water onsite, including any stormwater management structures, so it will not create mosquito breeding sources.



**Timing:** The Permittee shall maintain the Project site so as not to contribute to the harborage and/or breeding of potential vectors of disease, nor the creation of a public nuisance throughout the life of the Project.

**Monitoring:** Ventura County Environmental Health Division (EHD) staff will receive and respond to vector related complaints at the site. The Division will maintain a record of vector related complaints reported to the Division.

## **PUBLIC WORKS AGENCY (PWA)**

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

#### **26. Construction and Demolition Debris Recycling Plan**

**Purpose:** Ventura County Ordinance Code (VCOC) Section 4773 et seq. requires the Permittee to divert recyclable construction and demolition (C&D) materials generated by the Project (e.g., wood, metal, greenwaste, soil, concrete, asphalt, paper, cardboard, etc.) from local landfills through recycling, reuse, or salvage.

**Requirement:** The Permittee must submit a comprehensive recycling plan to the IWMD for any proposed construction and/or demolition projects that require a building permit, unless otherwise exempt under VCOC Section 4773 4.

**Documentation:** The recycling plan must ensure recyclable C&D debris generated by the Project will be diverted from the landfill by recycling, reuse, or salvage in at least the amount outlined within the current California Green Building Standards Code. More information about requirements for the Construction and Demolition Debris Recycling Program is available at:

<https://www.vcpublicworks.org/wsd/iwmd/construction 2/>

A comprehensive list of permitted recyclers, County franchised haulers, and solid waste & recycling facilities in Ventura County is available at:

<https://www.vcpublicworks.org/wsd/iwmd/businessrecycling/#CollectorsRatesAgreements>

A list of local facilities permitted to recycle soil, wood, and greenwaste is available at:

<https://www.vcpublicworks.org/wsd/iwmd/construction/#solid waste collectors>

**Timing:** Upon Building and Safety Division's issuance of a building permit for the project, the Permittee must submit a recycling plan to the IWMD for approval.

**Monitoring & Reporting:** The Permittee is required to keep a notice of their pre-approved recycling plan until Building and Safety Division's issuance of final permit.

27. Construction and Demolition Debris Documentation

**Purpose:** VCOC Section 4773 et seq. requires the Permittee to divert recyclable construction and demolition (C&D) materials generated by their Project (e.g., wood, metal, greenwaste, soil, concrete, paper, cardboard, plastic containers, etc.) from local landfills through recycling, reuse, or salvage.

**Requirement:** The Permittee must submit original recycling facility receipts and/or documentation to the IWMD for approval prior to issuance of their final Building and Safety Division permit. Instructions are available at

[https://www.vcpublishworks.org/wsd/iwmd/construction 2/](https://www.vcpublishworks.org/wsd/iwmd/construction%20)

**Documentation:** The Permittee must submit original recycling facility receipts and/or documentation of reuse to verify recyclable C&D debris generated by their project was diverted from the landfill in at least the amount outlined within the current California Green Building Standards Code.

**Timing:** Recycling facility receipts and/or documentation or reuse, must be submitted to the IWMD for approval at the time of Building and Safety Division's issuance of final permit.

**Monitoring & Reporting:** The Permittee is required to keep a notice of their final approval until Building and Safety Division's issuance of final permit.

**Transportation Department Conditions**

28. Traffic Impact Mitigation Fee (TIMF)

**Purpose:** To address the cumulative adverse impacts of traffic on the Regional Road Network, TIMF Ordinance 4246 and County General Plan Policy CTM-1.3 require that the PWA – Transportation Department collect a TIMF.

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

- a. The TIMF due to the County would be:

Total TMF is \$225

Single Family Dwelling Unit (SFDU) is  $\$131 = 1 \text{ SFDU} \times \$131(1) / \text{SFDU}$

Other Housing (Existing 1-Bedroom Dwelling Unit) is  $\$94 = 1 \text{ Other Housing} \times \$94(2) / \text{Other Housing}$

- b. The TIMF due to the City of Ojai would be transferred to the City within 30 calendar days in accordance with the reciprocal traffic mitigation agreement between the City of Ojai and the County of Ventura.

Total TMF is \$731

Single Family Dwelling Unit (SFDU) is  $1 \text{ SFDU} \times \$430(3) / \text{SFDU} = \$430$

Other Housing (Existing 1-Bedroom Dwelling Unit) is  $1 \text{ Other Housing} \times \$301(4) / \text{Other Housing} = \$301$

**Documentation:** The Permittee shall come to the PWA – Transportation Department counter, fill out the TIMF form, and pay the TIMF.

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

**Monitoring and Reporting:** The PWA – Transportation Department will review and approve the payment of the TIMF.

## 29. Notice of Substandard Access Roads

**Purpose:** The County requires the property owner to record a Notice of Substandard Access Roads (NSSAR) when the project is near a substandard road, which may not be improved to the current County Road Standard in the future.

**Requirement:** The property owner shall provide recorded notice to successors in interest of the property that the existing road systems in the area are not considered standard; that, although such roads do not create an unreasonable risk of harm when used with due care, in a manner in which it is reasonably foreseeable that they will be used, these roads are of a rural nature with widths, grades, and other road features that would be considered substandard if such roads were being designed or built today, and that the County does not currently and also may not in the future have funds available to improve these roads. The NSSAR shall include the following:

- a) The property is served by existing private road(s) and is nearby additional public roads in Upper Ojai Valley Area that do not meet current County road standards.

- b) The owner shall acknowledge that Sulphur Mountain Road and Topa Vista Road, a private road, in the Upper Ojai Valley Area and access roads connected to these roads do not meet current County Road Standards.
- c) The private portions of these public roads and the private roads, including Topa Vista Road, a private road, are neither County-maintained nor currently eligible for any improvements at County expense.
- d) These roads are of rural nature with widths, grades, and other road features that would be considered substandard if such roads were being designed or built to current standards.
- e) These roads are to be used with due care in a manner in which it is reasonably foreseeable that they will be used.
- f) There are no current funding sources available to construct the improvements on the existing public roads in this area.

**Documentation:** The property owner shall record the NSSAR with the County Recorder. And provide the PWA - Transportation Department with a copy of the recorded Notice.

**Timing:** This condition shall be met prior to the issuance of a Building Permit.

**Monitoring and Reporting:** The PWA - Transportation Department will accept the recorded NSSAR from the Permittee in conformance with the project conditions.

### **Watershed Protection District (WPD) Conditions**

#### **County Stormwater Program Section**

##### **30. Compliance with Stormwater Development Construction Program (CSP)**

**Purpose:** To ensure compliance with the Los Angeles Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit, No. CAS004002 (Permit), the proposed project will be subject to the construction requirements for surface water quality and storm water runoff, in accordance with Part 4.F., "Development Construction Program", of the Permit.

**Requirement:** The construction of the proposed project shall meet requirements contained in Part 4.F., "Development Construction Program", of the Permit through the inclusion of an effective combination of construction best management practices (BMPs) during all ground disturbing activities.

**Documentation:** The Permittee shall submit a completed and signed SW 1 form (Best

Management Practices for Construction Less Than One Acre) to the Public Works Agency County Stormwater Program (CSP) for review and approval, a template for which can be found at

[https://www.onestoppermits.vcrma.org/departments/stormwater program.](https://www.onestoppermits.vcrma.org/departments/stormwater%20program)

**Timing:** The above listed item shall be submitted to the CSP for review and approval prior to issuance of a zoning clearance for construction.

**Monitoring and Reporting:** The CSP will review the submitted materials for consistency with the Permit. Building permit inspectors will conduct inspections during construction to ensure effective installation of the required BMPs.

#### Groundwater Program Section

##### 31. Manure Management Plan

**Purpose:** In accordance with the Ventura County General Plan Goals, Policies, and Programs Policies WR-2.1, WR-2.2, WR-2.3, WR-4.2 and WR-4.5., a MMP is required.

**Requirement:** The Permittee shall prepare and implement a MMP for all animal waste that will be generated within the project area.

**Documentation:** The MMP shall be prepared in accordance with the Ventura County Watershed Protection District – Groundwater Section Guidelines for Preparing a Manure Management Plan.

**Timing:** Prior to the Issuance of a Zoning Clearance for use inauguration, the Permittee shall submit the MMP to the WPD for review and approval.

**Monitoring and Reporting:** A copy of the approved MMP will be maintained in the case file. Upon request, the Permittee shall provide to the WPD copies of all manifested animal waste solids hauled to a legal off site receiving facility if applicable and in accordance with the approved MMP.

##### 32. Water Offsets

**Purpose:** To ensure compliance with Ojai Valley Area Plan Policy OV-64.2 and to mitigate potentially significant impacts to surface water and groundwater quantity to less-than significant levels.

**Requirement:** The Permittee shall submit historical water usage quantities and estimated water usage during all phases of construction and at full project build-out to the WPD for review and approval. If water demand for the proposed project will be greater than existing demand, the Permittee shall submit a water offset post-implementation report to the WPD for review and approval prior to the issuance of a Zoning Clearance for

construction. The post-implementation report shall include a water savings analysis to offset the total calculated water demand required to service the permitted use within the Sulphur Mountain Pipeline Association or Casitas Municipal Water District service area.

**Documentation:** Documentation of existing and projected water demand and a copy of the post-implementation water offset report.

**Timing:** Prior to the issuance of a Zoning Clearance for construction, the Permittee shall submit water usage quantities and, if necessary, the post-implementation water offset report.

**Monitoring and Reporting:** The Planning Division maintains copies of the approved water offset plan and post-implementation water offset report.

## **OTHER VENTURA COUNTY AGENCIES**

### **Ventura County Air Pollution Control District (APCD) Conditions**

#### 33. Dust Control for Construction

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

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

**Documentation:** The project applicant shall ensure compliance with the following provisions:

- I. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust;
- II. Pre grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water should penetrate sufficiently to minimize fugitive dust during grading activities;
- III. All trucks shall cover their loads as required by California Vehicle Code §23114.
- IV. Fugitive dust throughout the construction site shall be controlled by the use of a watering truck or equivalent means (except during and immediately after rainfall). Water shall be applied to all unpaved roads, unpaved parking areas or staging areas, and active portions of the construction site. Environmentally safe dust control agents may be used in lieu of watering.
- V. Graded and/or excavated inactive areas of the construction site shall be monitored at least weekly for dust stabilization. Soil stabilization methods, such

as water and roll compaction, and environmentally safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over four days.

- VI. Signs shall be posted onsite limiting traffic to 15 miles per hour or less.
- VII. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., wind speed sufficient to cause fugitive dust to be a nuisance or hazard to adjacent properties). During periods of high winds, all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by onsite activities and operations from being a nuisance or hazard, either offsite or onsite.
- VIII. All off road construction equipment shall have an EPA diesel rating of at least Tier 3.

**Timing:** Throughout the construction phases of the project.

**Reporting and Monitoring:** Monitoring and enforcement of dust related provisions shall be conducted by APCD staff and is complaint driven.

#### **Ventura County Fire Protection District (VCFPD) Conditions**

**NOTICE IS HEREBY PROVIDED THAT THE SUBJECT PROPERTY APN 037-0-080-115 IS WITHIN A VERY HIGH FIRE HAZARD SEVERITY ZONE, AS DESIGNATED BY THE CALIFORNIA STATE FIRE MARSHALL.**

Pursuant to General Plan Policy HAZ-1.4, Development in High Fire Hazard Severity Zones and Hazardous Fire Areas, as determined by the Ventura County Fire Protection District or California Department of Forestry and Fire Protection (CAL FIRE), require the recordation of a Notice of Fire Hazard with the County Recorder for all new discretionary entitlements (including subdivisions and land use permits). To satisfy this requirement, the above notice, along with the Notice of Land Use Entitlement condition must be included in your conditions of approval document.

#### **34. Private Access Road Design**

**Purpose:** To ensure that adequate fire department access is provided and to comply with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall design all new private roads in accordance with Public Road Standards and any additional design requirements outlined in the conditions of approval for the project below, unless modified by the Fire District. All required Fire Access Roads and Driveways, along with cross section(s), shall be shown on the final map or parcel map

**Documentation:** A stamped copy of the approved access plan.

**Timing:** The Permittee shall submit a copy of the proposed access plan to the Fire Prevention Bureau for approval before issuance of building permits. All required access shall be installed before the start of combustible construction.

**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the access for the life of the development.

### 35. Vertical Clearance

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide a minimum vertical clearance of 13 feet 6 inches (13'-6") along all access roads/driveways.

**Documentation:** A stamped copy of the approved access plan.

**Timing:** The Permittee shall submit an access plan to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before the start of combustible construction.

**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the access for the life of the development.

### 36. Turning Radius

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide a minimum [40] foot inside turning radius at all turns along the access roads/driveways.

**Documentation:** A stamped copy of the approved access plan.

**Timing:** The Permittee shall submit an access plan to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before the start of combustible construction.

**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection



to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the access for the life of the development.

### 37. Turnarounds

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide an approved turnaround area for fire apparatus where dead-end Fire Department access roads / driveways exceed 150 feet. Required turnaround areas shall be designed such:

- a. Does not exceed a 5% cross-slope in any direction.
- b. Located within 150 feet of the end of the access road / driveway
- c. Posted as fire lanes in accordance with Ventura County Fire Protection District Standards.
- d. Kept free of obstructions at all times.
- e. Located within a common lot or easement that is 5 feet wider than the required driveway and turnaround area widths (2 ½ feet on each side)

**Documentation:** A stamped copy of the approved access plan.

**Timing:** The Permittee shall submit access plans to the Fire Prevention Bureau for approval before issuance of building permits. The plans shall indicate all access road/driveway locations and proposed turnaround location and design. All required turnarounds shall be installed before the start of combustible construction.

**Monitoring and Reporting:** A copy of the approved access plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection ensure that turnaround areas are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the turnaround areas for the life of the development.

### 38. Turnouts

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide approved turnouts along the access road(s) at locations as required by the Ventura County Fire Protection District. Required turnouts shall be designed such:

- a. Posted as fire lanes in accordance with Ventura County Fire Protection District Standards
- b. Kept free of obstructions at all times
- c. Located within the right-of-way, a common lot or easement

**Documentation:** A stamped copy of the approved access plan.

**Timing:** The Permittee shall submit access plans to the Fire Prevention Bureau for approval before issuance of building permits. The plans shall indicate all access road/driveway locations and proposed turnout locations and design. All required turnouts shall be installed before the start of combustible construction.

**Monitoring and Reporting:** A copy of the approved access plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection ensure that turnout areas are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the turnout areas for the life of the development.

39. Access Road Improvements, Existing Legal Lots for Single-Family Dwellings

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall design access road(s)/driveway(s) in accordance with Fire District access standards. On-site access road/driveway serving one (1) lot shall have a minimum width of 12 feet (minimum 15 feet wide in Hazardous Fire Areas and Wildland Urban Interface Areas). Access road/driveways serving two (2)- four (4) lots shall have a minimum paved width of 15 feet plus 2.5 foot graded and compacted (95%) shoulders each side for a total minimum width of 20 feet.

**Documentation:** A stamped copy of the approved access plan.

**Timing:** The Permittee shall submit an access plan to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before occupancy.

**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans prior to start of combustible construction. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the access for the life of the development.

#### 40. Access Road Improvement

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide a minimum 20-foot wide paved (asphalt or concrete) access road along the property frontage of [Enter the location of the access improvements]. All access road improvements shall be within the recorded access easements or upon this parcel or within newly created and recorded access easements. Parking is prohibited on the required access road.

**Documentation:** A stamped copy of the approved access plan.

**Timing:** The Permittee shall submit an access plan and proof of recorded access easements to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before occupancy.

**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans prior to start of combustible construction. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the access for the life of the development.

#### 41. Access Road Gates

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Standards.

**Requirement:** The Permittee shall design and install all gates along required fire access roads/driveways consistent with Fire Protection District Standards.

**Documentation:** A stamped copy of the approved gate plans.

**Timing:** The Permittee shall submit gate plans to the Fire Prevention Bureau for approval before the installation of any access gates. The submittal shall include a copy of zoning clearance issued by the Planning Department.

**Monitoring and Reporting:** A copy of the approved gate plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that access gates are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the gates for the life of the development.

#### 42. Fire Flow

**Purpose:** To ensure that adequate water supply is available to the project for firefighting purposes.

**Requirement:** The Permittee shall verify that the water purveyor can provide the required volume and duration at the project. The minimum required fire flow shall be determined as specified by the current adopted edition of the Ventura County Fire Code and the applicable Water Manual for the jurisdiction (whichever is more restrictive). Given the present plans and information, the required fire flow is approximately [Enter the flow per the IFC] gallons per minute at 20 psi for a minimum [Enter the duration per the IFC] hour duration. A minimum flow of [Enter the flow per hydrant per VCFD Standard] gallons per minute shall be provided from any one hydrant. Note: For Commercial, Industrial, Multi-family buildings, a minimum fire flow of 1,000 GPM shall be provided from each hydrant when multiple hydrants are flowing at the same time.

**Documentation:** A signed copy of the water purveyor's fire flow certification.

**Timing:** Prior to map recordation, the Permittee shall provide to the Fire District, verification from the water purveyor that the purveyor can provide the required fire flow. If there is no map recordation, the Permittee shall submit a signed copy of the water purveyor's certification to the Fire Prevention Bureau for approval before the issuance of building permits.

**Monitoring and Reporting:** A copy of the fire flow certification shall be kept on file with the Fire Prevention Bureau.

#### 43. Fire Hydrant(s)

**Purpose:** To provide fire hydrants capable of meeting the required fire flow and duration.

**Requirement:** The Permittee shall provide fire hydrant(s) per the current adopted edition of the Ventura County Fire Code, Appendix C. Design and installation shall conform to the minimum standard of the [Enter the appropriate jurisdiction] Water Works Manual.

**Documentation:** A stamped copy of the approved fire hydrant location plan.

**Timing:** The Permittee shall submit a site plan to the Fire Prevention Bureau for fire hydrant placement and approval before the issuance of building permits. The plans shall indicate all existing fire hydrants located within 500 feet of the project site, the type of hydrant (i.e. wet or dry barrel) and the number and size of outlets. All required fire hydrants shall be installed per the approved plans and in-service before the start of construction.

**Monitoring and Reporting:** A copy of the approved fire hydrant plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct on-site

inspections to ensure that the fire hydrants are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the fire hydrants for the life of the development.

44. Fire Sprinklers

**Purpose:** To comply with current California Codes and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall be responsible to have an automatic fire sprinkler system installed in all structures as required by the VCFPD. The fire sprinkler system shall be designed and installed by a properly licensed contractor under California State Law.

**Documentation:** A stamped copy of the approved fire sprinkler plans.

**Timing:** The Permittee shall submit fire sprinkler plans to the Fire Prevention Bureau for approval before the installation of the fire sprinkler system.

**Monitoring and Reporting:** A copy of the approved fire sprinkler plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct on-site inspections to ensure that the fire sprinkler system is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the fire sprinkler system for the life of the development.

45. Address Numbers (Single-Family Homes)

**Purpose:** To ensure proper premise identification to expedite emergency response.

**Requirement:** The Permittee shall install a minimum of 4-inch (4") address numbers that are a contrasting color to the background and readily visible at night. Brass or gold-plated numbers shall not be used. Where structures are setback more than 150 feet (150') from the street, larger numbers will be required so that they are distinguishable from the street. In the event the structure(s) is not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post.

**Documentation:** A stamped copy of an approved addressing plan or a signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction".

**Timing:** The Permittee shall install approved address numbers before final occupancy.

**Monitoring and Reporting:** A copy of the approved addressing plan and/or signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction" shall be kept on file with the Fire Prevention Bureau. The Fire Prevention

Bureau shall conduct a final inspection to ensure that all structures are addressed according to the approved plans/form.

46. Hazardous Fire Area

**Purpose:** To advise the Permittee that the project is located within a Hazardous Fire Area and ensure compliance with California Building and Fire Codes.

**Requirement:** The Permittee shall construct all structures to meet hazardous fire area building code requirements.

**Documentation:** A stamped copy of the approved building plans to be retained by the Building Department.

**Timing:** The Permittee shall submit building plans to the Building Department for approval before the issuance of building permits.

**Monitoring and Reporting:** The Fire Prevention Bureau shall conduct a final inspection to ensure that the structure is constructed according to the approved hazardous fire area building code requirements. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the approved construction for the life of the structure.

**Notice:** For purposes of these conditions and application of Building and Fire Codes, the term "Hazardous Fire Area" includes the following as referenced in the CBC and VCFPD Ordinance: State SRA - Fire Hazard Severity Zone, Local Agency - Very-High Fire Hazard Severity Zone, Local Agency - Wildland-Urban Interface Fire Area (WUI Area), Local Agency - Hazardous Fire Area.

47. Fire Department Clearance

**Purpose:** To provide the Permittee a list of all applicable fire department requirements for their project.

**Requirement:** The Permittee shall obtain VCFD Form #126 "Requirements for Construction" for any new structures or additions to existing structures before issuance of building permits.

**Documentation:** A signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction."

**Timing:** The Permittee shall submit VCFPD Form #126 Application to the Fire Prevention Bureau for approval before issuance of building permits.

**Monitoring and Reporting:** A copy of the completed VCFPD Form #126 shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau will conduct a final

on-site inspection of the project to ensure compliance with all conditions and applicable codes / ordinances.

**48. Fire Code Permits**

**Purpose:** To comply with the requirements of the Ventura County Fire Code.

**Requirement:** The Permittee shall obtain all applicable Fire Code permits.

**Documentation:** A signed copy of the Fire Code permit(s).

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

**Monitoring and Reporting:** A copy of the approved Fire Code permits shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the requirements of the Fire Code permit are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the conditions of the Fire Code permit for the life of the development.

**49. Prefabricated Sea Cargo / Metal Containers**

**Purpose:** To ensure a reasonable degree of life and property protection is provided.

**Requirement:** The Permittee shall comply with Ventura County Building Department and Ventura County Fire Protection District Standards or shall meet requirements as a new building under the Building and Fire Codes.

**Documentation:** A signed copy of the project plans with Fire Prevention Bureau's approval

**Timing:** The Permittee shall submit documentation indicating that the proposed containers met the requirements of Ventura County Fire Protection District standards to the Fire Prevention Bureau for approval before use of any container.

**Monitoring and Reporting:** A copy of the approval shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the prefabricated sea cargo/metal storage containers are installed according to the approval. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the approved use and installation of the prefabricated sea cargo/metal storage containers for the life of the project.

50. Inspection Authority

**Purpose:** To ensure on-going compliance with all applicable codes, ordinances and project conditions.

**Requirement:** The Permittee, by accepting these project conditions of approval, shall acknowledge that the fire code official (Fire District) is authorized to enter at all reasonable times and examine any building, structure or premises subject to this project approval for the purpose of enforcing the Fire Code and these conditions of approval.

**Documentation:** A copy of the approved entitlement conditions.

**Timing:** The Permittee shall allow on-going inspections by the fire code official (Fire District) for the life of the project.

**Monitoring and Reporting:** A copy of the approved entitlement conditions shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall ensure ongoing compliance with this condition through on-site inspections.