



Planning Commission Staff Report Hearing on September 19, 2024

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009 • (805) 654-2478 • www.vcrma.org/divisions/planning

C&M TOPSOIL SOIL AMENDMENT AND LARGE-SCALE COMMERCIAL ORGANICS PROCESSING FACILITY CONDITIONAL USE PERMIT (CUP) CASE NO. PL23-0094

A. PROJECT INFORMATION

- 1. Request:** The applicant requests approval of a Conditional Use Permit (CUP) for the continued use of an existing Soil Amendment and Commercial Organics Processing Operation and expansion from a Medium-Scale to Large-Scale operation for a 15-year period (Case No. PL23-0094).
- 2. Applicant:** C&M Topsoil, Inc., C/O Cameron Ornelas, 12087 Lopez Canyon Road, Suite 40, Sylmar, CA 91342
- 3. Property Owner:** KVM Properties, LLC, C/O Kurt Mikell, 5739 Kanan Road, Suite 103, Agoura Hills, CA 91301
- 4. Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) Section 8105-4, the Planning Commission is the decision-maker for the requested CUP.
- 5. Project Site Size, Location, and Parcel Number:** The 8.88-acre project site is located on a portion of a 51.85-acre parcel addressed as 4730 Tapo Canyon Road, near the City of Simi Valley, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that includes the project site is 620-0-320-165 (Exhibit 2).
- 6. Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Open Space
 - b. Zoning Designation: AE-40 ac / HCWC (Agricultural Exclusive, 40-acre minimum lot size / Habitat Connectivity and Wildlife Corridors Overlay Zone)

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE-40 ac / HCWC	Agricultural uses and low-density residential
East	AE-40 ac / HCWC	Undeveloped open space
South	AE-40 ac / HCWC	Undeveloped open space and low density residential
West	OS-160 ac / HCWC (Open Space, 160-acre minimum lot size, Habitat Connectivity and Wildlife Corridors Overlay Zone)	Agricultural uses, open space

8. History:

On October 27, 2005, the Planning Director approved CUP Case No. LU04-0145, and a Mitigated Negative Declaration (MND) authorizing the operation of a Soil Amendment and Medium-Scale Commercial Organics Processing Operation (“operation”) for a 10-year period. Operations were limited to an approximately three-acre area and included the storing and processing of approximately 1,000 cubic yards of material. Approximately three additional contiguous acres were used for site improvements (landscaping, driveways, etc.). CUP Case No. LU04-0145 was issued to the property owner doing business as American Soil Amendment Products.

On June 8, 2021, the Planning Director approved Modified CUP Case No. PL15-0126 to authorize the continued operation of the Soil Amendment and Medium-Scale Commercial Organics Processing Operation and legalize an expansion of the CUP boundary from approximately three acres to 5.17 acres. Modified CUP Case No. PL15-0126 was issued to the property owner doing business as, American Soil Amendment Products. A Zoning Clearance for use inauguration was never issued and CUP LU04-0145, as modified by PL15-0126, is null and void. However, the operation has continued and expanded unlawfully without permits.

On February 23, 2023, the Ventura County Environmental Health Division, serving as the Lead Enforcement Agency, received an Enforcement Agency Notification pursuant to the California Department of Resources Recycling and Recovery (CalRecycle) requirements, documenting an operational transition from American Soil Amendment Products to C&M Topsoil, Inc., the applicant for CUP PL23-0094 and current operator of the facility. The existing and unpermitted Soil Amendment and Large-Scale Commercial Organics Processing Operation is currently sited on 8.88 acres and processes (screens, grinds, composts, chips and blends) and stores a maximum of 12,500 cubic yards of soil amendment and compost material with feedstock that includes manure and horse bedding. Currently, no green material feedstock is being processed or stored onsite. Accessory equipment, including a screener/blender, loaders/tractors, and trucks are used to process,

transport, and store the materials. The Planning Division received an application for the requested CUP from C&M Topsoil, Inc. to legalize and expand the operation, as detailed below in the project description, on August 31, 2023.

9. Project Description:

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

The CUP boundary is limited to 8.88 acres of a 51.85-acre parcel located at 4730 Tapo Canyon Road.

Structures for the proposed project include:

Table 1: Project Components

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

Ex = Existing

P = Proposed

D = Demolish

N/A = Not Applicable

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

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

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

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

On October 27, 2005, the Planning Director approved a CUP (Case No. LU04-0145) and adopted a Mitigated Negative Declaration (MND) that evaluated the environmental impacts of a Soil Amendment and Medium-Scale Commercial Organics Processing Operation proposed on an approximately three-acre area of the project site (Exhibit 7). Ten mitigation measures were included in the MND to address impacts to Biological Resources and Public Health.

On June 8, 2021, the Planning Director approved a modification to CUP LU04-0145 (Case No. PL15-0126) and adopted an MND Addendum that evaluated the environmental impacts of the continued operation of the Soil Amendment and Medium-Scale Commercial Organics Processing Operation, and an unpermitted expansion of the CUP boundary from three acres to 5.17 acres (Exhibit 8). No new environmental impacts were identified, and mitigation related to impacts on Public Health were carried forward as conditions of approval for Modified CUP PL15-0126. Mitigation for Biological Resources was completed during the initial development of the project site under CUP LU04-0145 and deemed fulfilled. No new impacts to Biological Resources were identified in the MND Addendum for Modified CUP

Case No. PL15-0126. However, a Zoning Clearance for use inauguration was never issued and CUP LU04-0145, as modified by PL15-0126, is null and void.

The proposed project, CUP Case No. PL23-0094, involves the continued use and expansion of an existing Soil Amendment and Commercial Organics Processing Operation. The proposed expansion allows for a CUP boundary of 8.88 acres and for the processing and storage of 12,500 cubic yards of soil amendment and compost materials. Mitigation measures for Public Health identified in the MND for CUP Case No. LU04-0145 are ongoing and incorporated into the conditions of approval for the requested CUP, Case No. PL23-0094, as Condition Nos. 25 through 31 (Exhibit 4). Mitigation for Biological Resources was completed during the initial development of the project site under CUP LU04-0145 and deemed fulfilled.

The CEQA Guidelines (Section 15164(b)) state that the lead agency shall prepare an addendum to an adopted MND if: (1) minor changes or additions are necessary; but (2) none of the conditions described in the CEQA Guidelines (Section 15162) calling for the preparation of a subsequent Environmental Impact Report (EIR) or MND have occurred. Exhibit 6 includes a description of the changes or additions that are necessary to the MND and a discussion of why none of the conditions described in the CEQA Guidelines exist, which require the preparation of an EIR or subsequent MND.

Therefore, based on the information provided above and in light of the whole record, there is no substantial evidence to warrant the preparation of an EIR or subsequent MND. As such, Planning Division staff prepared an addendum to the October 27, 2005, adopted MND (Exhibit 6) which reflects the County's independent judgment and analysis for the proposed project.

C. CONSISTENCY WITH THE GENERAL PLAN

The proposed project has been analyzed and determined to be consistent with all applicable General Plan policies. A consistency analysis which evaluates the project's consistency with the policies of the General Plan is included as Exhibit 5a of this Staff Report.

D. ZONING ORDINANCE COMPLIANCE

The proposed project has been analyzed and determined to be consistent with all applicable development standards of the NCZO. A consistency analysis which evaluates the project's consistency with the standards set forth in the NCZO is included in Exhibit 5b of this Staff Report.

E. CUP FINDINGS AND SUPPORTING EVIDENCE

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

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

Based on the information and analysis presented in Exhibit 5 and Section D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

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

The proposed project involves the continued use and expansion of an existing Soil Amendment and Organics Processing Operation that has been operating since 2005. The project site is located in Gillibrand Canyon, immediately east of Tapo Canyon Road, near the City of Simi Valley, in the unincorporated area of Ventura County. The surrounding area is rural and sparsely developed with low-density residential, open space, and recreational uses.

The operation will occur on an 8.88-acre portion of a 51.84-acre parcel that is screened from public viewpoints by existing vegetation and landscaping adjacent to Tapo Canyon Road. Furthermore, the operation occurs in a nearly level canyon bottom and surrounded to the north, south, and east by hills that serve as a natural buffer between the operation and the closest adjacent residences located approximately 350 feet to the north and 800 feet to the south, respectively.

The operation is also compatible with agricultural resources as detailed in the memorandum dated May 20, 2024, from the AWM (Exhibit 9). Furthermore, the applicant indicates that approximately 75% of the intake material is derived from Ventura County agricultural wastes, including manure, horse bedding, and green waste. Approximately 50% of the finished product, including a variety of compost and soil blends, is purchased by Ventura County agricultural operations to enhance soil health and bolster production. In summary, the operation provides a benefit to agricultural operations in the area by providing a local facility that processes agricultural wastes and creates a variety of compost and soil blends used by Ventura County agricultural producers.

The expansion of the CUP boundary to 8.88 acres occurs on areas of the project site, previously disturbed by cattle ranching, horticultural activities, and the unlawful expansion of the soil amendment and organics processing operation.

Given the limited number of staff (nine), minimal customer trips (approximately 20 per day), and minimal truck trips (approximately 18 trips / nine loads per day), the expanded operation will continue to remain compatible with the rural nature of the surrounding, legally established development. Finally, the proposed project is conditioned to be compatible with the surrounding development. These conditions of approval require that the existing landscaping is maintained, the operation is conducted in compliance with an Odor Impact Monitoring Plan and Vector Control Plan, and includes a process for reporting and resolving complaints (Exhibit 4, Condition Nos. 17, 20, 27, and 28)

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

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

The project site is located on Tapo Canyon Road and effectively screened from public viewpoints by existing vegetation and the surrounding topography. Additionally, all outdoor processing areas are sited in compliance with the setback standards for Large-Scale Commercial Organics Processing Operations set forth in NCZO Section 8107-36.4.4.f. Finally, the project is conditioned to alleviate potential impacts on surrounding properties. These conditions of approval include restrictions on the hours of operation, identifying a contact person for the timely resolution of complaints, and operating in compliance with an Odor Impact Monitoring Plan, Vector Control Plan, and Operation Plan (Exhibit 4, Condition Nos. 2, 16, 17, 27, 28, and 29).

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

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

The proposed project is conditioned to ensure the operation would not be detrimental to the public interest, health, safety, convenience, or welfare. These conditions of approval include requirements to operate in compliance with Ventura County Air Pollution Control District Rule 51, which requires that discharge of air contaminants (non-compost related odors, dust, etc.) that may result from site operations are minimized, a Solid Waste Permit, State General Industrial Stormwater Permit, and Fire Permit (Exhibit 4, Condition Nos. 26, 33, 35 and 37).

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

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

The proposed project will continue to be compatible with existing land uses as discussed in Finding No. 2 (above). Additionally, given the rural nature of the surrounding area, zoning designations, General Plan land use designations, and development challenges related to fire hazards and topography, land uses in the area are unlikely to change.

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

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

The proposed project will occur on an 8.88-acre portion of a 51.84-acre legal lot described in Certificate of Compliance No. CC18-09-1304 recorded on December 24, 2019, with the Ventura County Recorder.

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

7. The proposed development is approved in accordance with the California Environmental Quality Act and all other applicable laws [Section 8111-1.2.1.1a.g].

As discussed in Section B of this staff report (above), the MND Addendum (Exhibit 6) satisfies the environmental review requirements of CEQA.

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

8. The establishment or maintenance of this use will not significantly reduce, restrict or adversely affect agricultural resources or the viability of agricultural operations in the area [Section 8111-1.2.1.2.a].

While the subject site and adjacent properties are zoned for agricultural uses, there are no properties with active agricultural operations in the immediate vicinity of the project site. Additionally, the operation was determined to be compatible with agricultural resources, as detailed in the memorandum dated May 20, 2024, from the AWM (Exhibit 9). Furthermore, the operation provides a benefit to agricultural operations in the area by providing a local facility that processes agricultural wastes and creates a variety of compost and soil blends used by Ventura County agricultural producers.

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

9. The structures will be sited to minimize conflicts with agriculture, and other uses will not significantly reduce, restrict or adversely affect agricultural activities on-site or in the area, where applicable [Section 8111-1.2.1.2.b].

The proposed project involves the installation and use of portable structures that will be sited on areas of the project site previously disturbed by cattle ranching, horticultural activities, and the unlawful expansion of the soil amendment and organics processing operation. Since there are no agricultural activities occurring on the project site or in the area, the proposed project will not significantly reduce, restrict or adversely affect agricultural activities on-site or in the area. Furthermore, the proposed project is compatible with agricultural resources (Exhibit 9).

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

10. The use will be sited to remove as little land from agricultural production (or potential agricultural production) as possible [Section 8111-1.2.1.2.c].

Since the project site is not used for agricultural production, the proposed project will not remove land from agricultural production. Furthermore, the proposed project is compatible with agricultural resources (Exhibit 9). Finally, the proposed project does not involve permanent structures. Thus, the project site is largely undeveloped and could potentially be converted to agricultural production with little effort.

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

11. Development within any overlay zone having specific development standards must comply with such standards [Section 8111-1.2.1.4 and Article 9].

The proposed project complies with the standards of the Habitat Connectivity and Wildlife Corridors Overlay Zone as described in Exhibit 5b, Table 4.

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

12. The development, including any resulting fuel modification required by VCFPD pursuant to VCFPD Ordinance 30, as may be amended, is sited and conducted in a manner that is consistent with the development guidelines set forth in Sec. 8109-4.8.3.8.b to the extent feasible [Section 8109-4.8.3.8.c].

The proposed project is consistent with the development guidelines of the Habitat Connectivity and Wildlife Corridors Overlay Zone as described in Exhibit 5b, Table 4.

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

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

The Planning Division provided public notice regarding the Planning Commission hearing in accordance with the Government Code (Section 65091) and NCZO (Section 8111-3.1). On September 6, 2024, the Planning Division mailed notice to owners of property within 1,000 feet of the property on which the project site is located. On September 8, 2024, the Planning Division placed a legal ad in the *Ventura County Star*.

The project site is located within the City of Simi Valley's Area of Interest. Therefore, on March 25, 2024, the Planning Division notified the City of Simi Valley of the proposed project and requested the City of Simi Valley to submit any comments that the City might have on the proposed project. On March 27, 2024, Sean Gibson, Simi Valley's Deputy Environmental Services Director, stated the City of Simi Valley had no concerns with the proposed project (Exhibit 11).

H. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Planning Commission has reviewed and considered this staff report and all exhibits thereto, including the proposed Addendum (Exhibit 6) to the previously adopted MND dated October 27, 2005 (Exhibit 7), and has considered all comments received during the public comment process;
2. **APPROVE** the proposed Addendum to the MND (Exhibit 6) and **FIND** that the County's approval of CUP Case No. PL23-0094 does not require any changes or revisions to the MND and that none of the conditions described in CEQA Guidelines section 15162 requiring the preparation of a supplemental or subsequent MND for the subject project have occurred;
3. **MAKE** the required findings to grant a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **WAIVE** the requirements set forth in NCZO Sec. 8108-4.2, Sec. 8108-5.1, Sec. 8108-5.9, Sec. 8108-5.10, Sec. 8108-5.12, Sec. 8108-5.13, and Sec. 8108-5.14.4 based on the substantial evidence presented in Exhibit 5b, Table 5;
5. **GRANT** CUP Case No. PL23-0094, subject to the conditions of approval (Exhibit 4).

6. **SPECIFY** that the Clerk of the Planning Commission is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

County Counsel has reviewed this Staff Report.

If you have any questions concerning the information presented above, please contact AJ Bernhardt at (805) 654-3136 or AJ.Bernhardt@ventura.org.

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EXHIBITS

- Exhibit 2 Maps
- Exhibit 3 Site Plan
- Exhibit 4 Conditions of Approval
- Exhibit 5a Consistency with the General Plan
- Exhibit 5b Consistency with the NCZO
- Exhibit 6 Proposed MND Addendum for PL23-0094
- Exhibit 7 MND for CUP LU04-0145, dated October 27, 2005
- Exhibit 8 MND Addendum for PL15-0126, dated June 8, 2021
- Exhibit 9 Ventura County Department of Agriculture/Weights and Measures Memo, dated May 20, 2024
- Exhibit 10 Email from Ventura County Public Works Agency Groundwater Quality Section, dated March 20, 2024
- Exhibit 11 Email from City of Simi Valley, dated March 27, 2024
- Exhibit 12 Initial Study Biological Assessment (ISBA), dated November 6, 2023
- Exhibit 13 ISBA Peer Review Memo, dated December 20, 2023