COUNTY of VENTURA
RESOURCE MANAGEMENT AGENCY
DAVE WARD, AICP
Planning Director

SUSAN CURTIS
Assistant Planning Director

MEMORANDUM

DATE: February 20, 2025

TO: Ventura County Planning Commission

FROM: Michael T. Conger, AICP, Case Planner

SUBJECT: Continued Public Hearing: Mircetic Conditional Use Permit (CUP) and Planned Development (PD) Permit, Case No. PL23-0009
11820 Topa Vista Road, Upper Ojai Valley
Assessor Parcel Number 037-0-080-115

SUMMARY OF PROJECT REVISIONS

On December 19, 2024, the Planning Commission considered an appeal of the Planning Director's approval of the Mircetic CUP and PD Permits. The hearing was continued to February 20, 2025, to allow the applicant an opportunity to consider whether certain unpermitted structures, including corrals, could reasonably and feasibly be relocated to reduce the prevalence of horse-keeping facilities along the southerly property line, nearest the appellant's proposed home. In addition, the Planning Commission directed Planning Division staff to verify certain information relating to waste management with the Environmental Health Division, Groundwater Program Section of the Watershed Protection District, and Ventura County Air Pollution Control District. The applicant seeks your Commission's approval of the project with a revised site plan (Exhibit 8) and revised conditions of approval (Exhibits 9 and 10).

The applicant has provided a response to the Planning Commission's feedback (Exhibit 11). The response describes the proposal to relocate two animal-keeping structures (Structure Nos. 10 and 11 (Animal Shade Structures Nos. 4 and 5)), the reasons why relocating additional structures is infeasible, and how the facility's operations are managed in a way that minimizes impacts on neighboring properties. The response also includes a document which cites scientific studies and concludes that horse manure "neither contains significant amounts of hazardous chemicals nor exhibits hazardous characteristics" and that it is "not toxic to humans."

Planning Division staff has reviewed the revised project proposal, which would relocate two 240-square-foot animal-keeping structures and their associated corrals approximately 200-300 ft. further north towards the back of the property, adjacent to an existing equestrian arena. Table 1, below, compares the original project and the revised

project relative to the distance of animal-keeping facilities from the southerly property line and the appellant's proposed house.

Table 1: Comparison of Existing Location and Revised Proposal

	Distance to Southerly Property Line			Distance to Proposed Offsite House		
Use	**Existing**	**Revised**	**+/-**	**Existing**	**Revised**	**+/-**
Nearest Animal-Keeping Structure	22'	51'	+29'	63'	112'	+49'
Nearest Corral	19'	51'	+32'	60'	112'	+52'
Structure No. 10	22'	287'	+265'	63'	339'	+276'
Structure No. 11	26'	340'	+314'	75'	413'	+338'

Planning Division staff circulated the revised site plan (Exhibit 8) and the applicant's response (Exhibit 11) to the Air Pollution Control District, Environmental Health Division, and Watershed Protection District's (WPD's) Groundwater Section for review and comment. Their responses are summarized as follows:

- **Air Pollution Control District:** Rule 51 (Nuisance), which would apply to dust or odors, does not apply to equestrian husbandry facilities. Therefore, APCD has no comments.
- **Environmental Health:** Placing manure in containers and hauling it away on a weekly basis is appropriate. Because structures are being moved, a condition of approval requiring a setback certification should also be included (see Exhibits 9 and 10, Condition No. 51).
- **WPD Groundwater Section:** The applicant's manure management plan is sufficient to prevent contamination of surface water, stormwater, or groundwater.

The project, as revised, would maintain consistency with the Non-Coastal Zoning Ordinance standards[1] and the goals and policies of the General Plan and Ojai Valley Area Plan.[2] The revised project would also remain within the parameters of a Class 3 categorical exemption from the California Environmental Quality Act (CEQA) which exempts new construction and location of small structures. (CEQA Guidelines Section 15303.)[3]

Though two structures would be relocated into the designated surface water feature, the proposed location, adjacent to the arena and two other structures, has been historically used as part of the horse-keeping operation. The proposed location is highly disturbed

[1] Refer to Section D of the Exhibit 1.1.
[2] Refer to Exhibit 1.5.
[3] Refer to Section C of the December 19, 2024, staff report.

and has little biological significance. The project biologist has reviewed the revised site plan and concurs that the findings in the Initial Study Biological Assessment (ISBA) are still applicable (Exhibit 12). Planning Division staff has reviewed the project, as revised, and has determined it is still consistent with the development guidelines set forth in Section 8109-4.8.3.8.b of the Non-Coastal Zoning Ordinance for discretionary development in the Habitat Connectivity and Wildlife Corridor overlay zone, and that the revised project meets all the applicable permit approval standards as set forth in Section D of the December 19, 2024, Planning Commission staff report.

APPEAL FEES

Pursuant to the current Board of Supervisors-adopted Planning Division Fee Schedule, the appellant is responsible for paying for costs incurred by the County to process the subject Planning Commission appeal proceeding, up to $1,000. The applicant is responsible for covering the next $1,000 in costs. Any remaining costs will be borne by the County. If an appeal is granted in full, all fees paid by the appellant shall be refunded. If your Commission sustains one or more of the grounds for appeal or grants the appeal in part, resulting in a material change to the project, your Commission may decide to refund a portion of the appeal fees paid by the appellant. For example, if your Commission grants the requested CUP and PD permits for the project, as revised, your Commission may consider what portion of the appeal fees, if any, are to be refunded to the appellant. The appellant paid a $1,000 deposit on July 29, 2024.

RECOMMENDATIONS

1. **CERTIFY** that the Planning Commission has reviewed and considered this memorandum and associated exhibits, the Planning Commission staff report of December 19, 2024, and all exhibits thereto and as revised at the Planning Commission hearing on February 20, 2025, and has considered all comments received during the public comment process;

2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15303 (New Construction and Conversion of Small Structures) of the CEQA Guidelines, and that no unusual circumstances or other factor set forth in Section 15300.2 of the CEQA Guidelines preclude use of this exemption;

3. **MAKE** the required findings to grant the requested CUP and PD Permit, pursuant to Sections 8111-1.2.1.1a, 8111-1.2.1.4, and 8109-4.8.3.8.c of the NCZO, based on the substantial evidence presented in Section D of the December 19, 2024, staff report and the entire record;

4. **GRANT** CUP and PD Permit Case No. PL23-0009, as modified by the attached revised site plan (Exhibit 8), and subject to the attached revised conditions of approval (Exhibit 10);

5. **CONSIDER** the amount of appeal fees, if any, that are to be refunded to the appellant; and

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

EXHIBITS

(Exhibits 1 through 7 are attached to the December 19, 2024, staff report)

8. Revised Site Plan
9. Revised Conditions of Approval – Legislative Copy
10. Revised Conditions of Approval – Clean Copy
11. Applicant's Response
12. Letter from Pax Environmental