

EXHIBIT 5 – CUP AND PD PERMIT FINDINGS AND SUPPORTING EVIDENCE

The Board of Supervisors must make certain findings in order to grant a Conditional Use Permit (CUP) and Planned Development (PD) Permit pursuant to Sections 8111-1.2.1.1, 8111-1.2.1.5, and 8109-4.8.3.8.c of the Ventura County NCZO. The ability to make the required findings is evaluated below.

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

Based on the information and analysis presented in Sections B and D of the Planning Commission staff report (Exhibit 1), and in Sections C and D of the June Planning Director staff report (Exhibit 2), the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

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

The 5.66-acre project site is located in the Upper Ojai Valley in an area the General Plan designates as Rural and the Ojai Valley Area Plan designates as Rural Residential with a 5-10 acre minimum parcel size. The site is zoned Rural Exclusive (RE), which is a zone intended “to provide for and maintain rural residential areas in conjunction with horticultural activities, and to provide for a limited range of institutional uses which are compatible with and complementary to rural communities.” (NCZO § 8104-2.2). The surrounding neighborhood consists primarily of rural residential development intermixed with animal husbandry and crop production. Parcel sizes vary from 0.25 to over 100 acres. Oil and gas wells are common throughout the area, and an 8.35-acre facility housing tanks, compressors, and other support facilities for oil and gas extraction is just 400 ft. west of the subject site. Oak woodlands are dominant in the higher elevations to the south up towards the Sulphur Mountain ridge, while chaparral vegetation is dominant in the Topa Topa foothills to the north.

The project site is also located in the Habitat Connectivity and Wildlife Corridor (HCWC) overlay zone, which is intended “to preserve functional connectivity for wildlife and vegetation... by minimizing direct and indirect barriers, minimizing loss of vegetation and habitat fragmentation, and minimizing impacts to those areas that are narrow, impacted, or otherwise tenuous with respect to wildlife movement.” (NCZO § 8104-7.7). The site is part of the Castaic-Sierra Madre Wildlife Corridor. An unnamed tributary to Sisar Creek runs through the northern portion of the site, and a second tributary runs just beyond the site's southern and eastern boundaries. A wildlife crossing along Sisar Creek at Koenigstein Road near State Route 150 provides connectivity between Sulphur Mountain and the Topa Topas.

The proposed project consists of legitimizing 11 structures which were constructed without the appropriate land use permits.¹ The project site is currently used for animal husbandry / keeping, a use that is exempt from land use permits pursuant to Section 8105-4 of the NCZO. The applicant is seeking to authorize an existing structure to serve as a principal single-family dwelling (SFD). Subsequently, the applicant will construct a new SFD and convert the prior SFD into an accessory dwelling unit (ADU). The project would recognize the existing structures as accessory structures in support of these principal uses. The applicant has requested a PD Permit to allow residential accessory structures to exceed a cumulative size of 2,000 sq. ft. and a CUP to exceed a cumulative size of 2,000 sq. ft. for animal husbandry accessory structures. Additionally, PD Permit approval is needed to authorize the unpermitted construction that occurred within a surface water feature.

The animal husbandry / keeping and single-family dwelling uses, and their associated accessory structures, would be compatible with surrounding development in the Upper Ojai Valley. Homes and equestrian ranches are common in the area. All structures are one story, and all but two are 15 ft. or less in height. No structure is closer than 20 ft. to any property line. The animal husbandry use satisfies the maximum allowable animal unit standard. The ADU (490 sq. ft.) and proposed single-family dwelling (1,493 sq. ft.) are smaller than average and appear aesthetically compatible with surrounding development.

The largest structure on the property is the garage, at 2,780 sq. ft. and with a height of 21 ft. This building, which is clad in corrugated steel, appears barn-like and is painted with earthtones (green and tan). The roof is low-pitched with a deep overhang. Since the garage was constructed (between 2007 and 2008), oak trees have established and grown to maturity adjacent to its north, south, and east facades. This provides partial screening when viewed from the adjacent parcels. Though the garage is relatively large, it is not uncommon to see this type of structure in the Upper Ojai Valley. For example, the neighboring parcel to the west contains a similar metal accessory building.

As discussed in Exhibit 2.5, Section No. 1 (Land Use, Design, and Community Character), the proposed project does not involve a change in use that would create land use conflicts with surrounding properties. Additionally, the project will not generate significant new traffic or introduce visually incompatible development. Therefore, the accessory structures are consistent with the rural residential character of the Upper Ojai Valley.

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

¹ Of the 13 structures constructed without permits, two do not require discretionary permit approval and are outside of the scope of this permit (see Structure Nos. 13 and 14 in Table 2 of the Board letter).

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

The development being authorized under this CUP and PD Permit is already existing and consists of uses that are permissible in the RE zone. Residential accessory structures are generally used for parking, storage, offices, art studios, recreation rooms, and other such uses that are associated with residential dwellings. Accessory structures for animal husbandry / keeping are generally used for stables, feed and tack storage, shaded paddocks, grooming, etc. Because the number of animals on the project site complies with limitations in the NCZO, and these limitations are intended to minimize the risk of nuisance conditions arising, the use of the animal husbandry buildings would not be obnoxious or harmful to neighboring properties or otherwise inhibit their use. Moreover, the applicant has agreed to relocate two structures so that animal keeping / husbandry uses would maintain a larger setback from a proposed off-site dwelling than what is otherwise required by the NCZO. The animal husbandry / keeping use will also be required to operate in compliance with a Manure Management Plan and certain vector control performance requirements (see Exhibit 6, Condition Nos. 31 and 25, respectively). Adherence to these operational requirements and the NCZO standards will ensure that neighboring properties do not experience significant health, safety, or welfare effects from the proposed project.

Water is supplied by Sistar Mutual Water Company and wastewater is handled with OWTS. As discussed in Exhibit 2.5, Section Nos. 10 (Water Conservation), 11 (Transportation and Circulation), and 19 (Noise), the project has been analyzed for impacts to groundwater, transportation, and noise. No new significant impacts were identified. The project does not interfere with surrounding residential uses and will not result in a significant increase in traffic generation. Existing public services are adequate to serve the project along with pending and approved developments in the Upper Ojai Valley area. As discussed in Section D of the Planning Director Hearing staff report (Exhibit 2), the project will comply with building coverage and property line setback standards for the RE zone. Therefore, the project would not be obnoxious, harmful, or impair the utility of neighboring properties or uses.

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

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

As discussed in Exhibit 2.5, Section No. 12 (Public Utilities, Facilities, and Services), adequate public resources and infrastructure are available to serve the proposed project. Fire flow and emergency response times are adequate. The Ventura County Fire Protection District (VCFPD) reviewed this project and requested that it be conditioned to require compliance with applicable fire safety standards (Exhibit 6, Condition Nos. 34 through 50).

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

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

Though the residential accessory structures do not require CUP approval, the animal husbandry accessory structures do. As discussed in Finding 2 (above) and in Exhibit 2.5, Section No. 1 (Land Use, Design, and Community Character), animal husbandry / keeping is a common use on rural residential properties in the Upper Ojai Valley. All animal husbandry- or keeping-oriented structures and facilities are sufficiently set back from off-site residences, with the nearest existing home being over 150 ft. away from the nearest animal husbandry accessory structure / corral and the nearest proposed home being approximately 112 feet away. As noted in Section D of the Planning Director Hearing staff report (Exhibit 2), the animal husbandry / keeping use complies with NCZO § 8107-2 (Standards Relating to Animal Keeping).² Additionally, the applicant will be required to manage animal waste in a manner that prevents attraction or breeding of vectors (Exhibit 6, Condition No. 25). The site has been used for animal husbandry / keeping for several years and does not have a history of code compliance issues regarding the equestrian operation.

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

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

The subject parcel was created by deed in 1958, at a time when subdivision by deed was legal. The parcel's legality has been documented through the recordation of a Certificate of Compliance (No. CC-23-02-1579; Instrument No. 2023-000030984).

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 8111-1.2.1.1.g].

As discussed in Section C of the Planning Commission staff report (Exhibit 1), and Section C of the Planning Director Hearing staff report (Exhibit 2), the proposed project meets the criteria for a Class 3 Categorical Exemption (New Construction or Conversion of Small Structures), which applies to construction of an SFD, as well as to accessory structures. Exceptions to the categorical exemptions do not

² The two structures conditioned for compliance with the minimum six-foot setback between buildings are residential accessory structures and are not subject to CUP approval.

apply to the project site. As the project is categorically exempt from CEQA, there is no need for any further environmental review.

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

8. Development within any overlay zone having specific development standards must comply with such standards [Section 8111-1.2.1.5 and Article 9].

As discussed in Section D of the Planning Director Hearing staff report (Exhibit 2), the project complies with all applicable standards for the HCWC overlay zone. The applicant will be required to submit a lighting plan prior to Zoning Clearance to document consistency with the HCWC outdoor lighting standards (Exhibit 6, Condition No. 20). Wildlife impermeable fencing standards do not apply, as the project site is zoned RE. The project aligns with the guidelines for discretionary permits in the HCWC overlay zone, as set forth in NCZO § 8109-4.8.3.8(b). Therefore, as conditioned, the project will satisfy all applicable HCWC overlay zone requirements.

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

9. The development, including any resulting fuel modification required by VCFPD pursuant to VCFPD Ordinance 30, as may be amended, is sited and constructed in a manner 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].

As set forth in Section D, Item 3 (HCWC Guidelines) of the Planning Director Hearing staff report (Exhibit 2), the project complies with all HCWC guidelines set forth in NCZO section 8109-4.8.3.8(b). The project was reviewed by a qualified biologist, who prepared an Initial Study Biological Assessment (Exhibit 2.6) and supplemental letter (Exhibit 1.8). With the incorporation of standard conditions pertaining to nesting birds and protected trees (Exhibit 6, Condition Nos. 51 and 23, respectively), no significant biological impacts are anticipated. The biologist's assessment considered not only the project development, but also the fuel modification zones, driveways, and utility lines.

The development has been located outside of surface water features and wildlife crossing buffer zones to the extent feasible, because most development is focused in areas outside of the surface water feature that were previously disturbed. Even though some of the structures are within the surface water feature, the biologist concluded that the 100-ft. wetland setback provides an adequate buffer. Though two structures will be relocated into the surface water feature buffer, these structures will be at least 100 ft. from wetland areas and would be placed in a location where ground disturbance has historically occurred as part of the equestrian operation. Additionally, this location contains no significant biological resources (see Exhibit 1.8). The development minimizes biological impacts,

because each structure was sited in a previously disturbed area and the biologist concluded that they would have minimal impact on wildlife movement. Additionally, the structures are generally clustered towards the southern portion of the site, allowing a large contiguous undeveloped area north of the wetland undisturbed. Finally, the existing fencing does not form any large, enclosed wildlife-impermeable areas. No new fencing is proposed, aside from the corrals for the grooming stations, which are permeable to wildlife. Therefore, the project complies with all HCWC guidelines.

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