



Planning Director Staff Report Hearing on June 20, 2024

County of Ventura • Resource Management Agency

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MIRCETIC CONDITIONAL USE PERMIT AND PLANNED DEVELOPMENT (PD) PERMIT CASE NO. PL23-0009

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Conditional Use Permit (CUP) and Planned Development (PD) Permit to authorize development of a single-family dwelling, an accessory dwelling unit (ADU), residential accessory structures, and structures accessory to an animal husbandry use. The PD Permit would authorize non-habitable residential accessory structures to cumulatively exceed 2,000 square feet (sq. ft.) and the development of five structures within a Surface Water Feature in the Habitat Connectivity and Wildlife Corridor (HCWC) Overlay Zone. The CUP would authorize animal husbandry accessory structures to exceed 2,000 sq. ft (Case No. PL23-0009).
2. **Applicant:** Keeley Mircetic, 11820 Topa Vista Road, Santa Paula, CA 93060
3. **Property Owner:** Neda Mircetic Revocable Trust, 8828 Tacoma Street, Ventura, CA 93004
4. **Applicant's Representative:** Erik Nagy, Jensen Design and Survey, 1672 Donlon Street, Ventura, CA 93003
5. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested CUP and PD Permit.
6. **Project Site Size, Location, and Parcel Number:** The 5.66-acre project site is located at 11820 Topa Vista Road, approximately 700 feet south of State Route 150 (Ojai-Santa Paula Road) in the unincorporated Upper Ojai Valley area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 037-0-080-115 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Rural
 - b. Ojai Valley Area Plan Land Use Map Designation: Rural Residential, 5-10 Acre Minimum Parcel Size

- c. Zoning Designation: RE-5 ac. / HCWC (Rural Exclusive, 5-Acre Minimum Parcel Size / Habitat Connectivity and Wildlife Corridor)

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	RE-5 ac. / HCWC	Single-Family Dwellings; Residential Accessory Structures; Animal Keeping
East	OS-10 ac. / HCWC ¹	Single-Family Dwellings; Residential Accessory Structures
South	RE-5 ac. / HCWC	Vacant Land
	OS-10 ac. / HCWC ¹	Single-Family Dwellings, Residential Accessory Structures
West	RE-5 ac. / HCWC	Single-Family Dwelling
	M1-10,000 sq. ft. / HCWC ²	Oil and Gas Extraction, Processing, and Storage

9. **History:** The subject property is within the boundaries of the Ojai Oil and Gas Field, the field where the first production oil in Ventura County was drilled in 1866. After the County adopted the first Zoning Ordinance (Ord. No. 412) in 1947, pre-existing oil and gas extraction operations were required to obtain a Special Use Permit, later renamed as a Conditional Use Permit (CUP). In 1948, the County issued CUP No. 15, which allowed for oil and gas extraction throughout nearly 14 square miles (sq. mi.) of the Upper Ojai Valley and Sulphur Mountain areas. CUP No. 15 encompasses more than 200 oil and gas wells, which are managed by more than two dozen operators. Some of these wells remain active; some are idle and have not produced for more than five years; others have been formally plugged and abandoned. The project site includes three wells that are covered under CUP No. 15:

- Ojai Well No. 1 – CalGEM API No. 04-111-21905. Current Status: Plugged and Abandoned. Depth, established date, and operator are unknown. Plugged 2006.
- Ojai Well No. 26 – CalGEM API No. 04-111-00943. Current Status: Plugged and Abandoned. Depth: 1,090 ft. Operated by Carbon California. Established 1909. Plugged 1985.
- Ojai Well No. 27 – CalGEM API No. 04-111-00952. Current Status: Active. Depth: 1,012 ft. Operated by Thompson Oil Co., Inc. Established 1910. CalGEM records indicate this well may have been idle since 1988.

¹ Open Space, 10-Acre Minimum Parcel Size / Habitat Connectivity and Wildlife Corridor

² Industrial Park, 10,000 Sq. Ft. Minimum Parcel Size / Habitat Connectivity and Wildlife Corridor

Twelve additional wells are within 500 ft. of the project site's boundaries. Of these, six are plugged and abandoned, four are idle, and two are active.

The subject parcel was created by deed in 1954. A Certificate of Compliance has since been recorded (No. CC-23-02-1579, recorded at Instrument No. 2023-000030984). According to assessment records, a house was constructed on the property around 1960; however, the Planning Division was unable to locate permit records for it. The house was subsequently destroyed in the 2017 Thomas Fire. Zoning Clearances were issued for a porch addition in 1961 (File No. ZC 8209) and a detached accessory building in 1962 (File No. ZC 8735). Neither of these structures remain on the property.

Based on review of aerial imagery and permitting records, the Planning Division determined that several structures were established without the benefit of permits:

- Between 2006 and 2007, a 2,780 sq. ft. accessory structure was constructed in the southeast corner of the parcel.
- Between 2007 and 2008, a 1,320 sq. ft. carport or shade structure was constructed adjacent to the then-extant house.
- Between 2008 and 2009, a 105 sq. ft. shed was installed.
- Between 2012 and 2014, a 426 sq. ft. shed was installed. A 64 sq. ft. addition was made to this structure in 2022, and it was converted into a dwelling.
- In 2022, five open shade structures, totaling 3,408 sq. ft. were constructed. Additionally, an 88 sq. ft. shed, a 160 sq. ft. shipping container, and two equine grooming stations totaling 416 sq. ft. were placed on the property.

The ordinance establishing the HCWC overlay zone was adopted and took effect in 2019. The ordinance specifies that a PD Permit is required for any development occurring within a "surface water feature," which is defined to include any area within 200 ft. of streams, creeks, or wetlands. Unnamed tributaries to Sisar Creek run through the northern portion of the subject parcel and on the adjacent parcels to the south and east. As a result, approximately 64 percent (~ 3.63 acres) of the parcel lies within a designated surface water feature. Development in these areas requires PD Permit approval.

In August 2022, in response to a complaint, the Code Compliance Division issued the applicant a Notice of Violation (File No. CV22-0510) for construction of several structures³ without permits. The applicant is now seeking to abate this violation by retroactively permitting these structures.

The principal use on the project site is presently animal husbandry. The property currently accommodates ten horses, each of which measure more than 58 inches

³ The unpermitted structures are listed as Nos. 2 through 14 in Table 1, below.

at the withers.^{4,5} The NCZO classifies these horses would as “large equines,” which equate 1.0 animal units each, for a total of 10 animal units. The parcel is zoned RE and sized at 5.66 acres, which allows a maximum of 11.8 animal units before a CUP is required (see NCZO § 8107-2.5.2)⁶.

All uses and structures are clustered on the portion of the site south of the tributary to Sisar Creek. The northern 2.1 acres of the project site remains undeveloped.

10. Project Description: The applicant requests a Conditional Use Permit (CUP) and Planned Development (PD) Permit be granted to legalize the unpermitted construction of 11 structures.⁷

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.⁸ The applicant proposes to construct a new single-family dwelling of 1,493 sq. ft.⁹ and to convert this structure to an accessory dwelling unit (ADU).¹⁰ 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.¹¹ 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 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 to exceed a cumulative total of 2,000 sq. ft. This includes six animal husbandry 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.).¹² Two animal shade structures, each of 208 sq. ft., were

⁴ Sourced from an email from Keeley Mircetic, dated February 16, 2023.

⁵ NCZO § 8107-2.5.1 sets the number of animal units for each adult equine on the basis of its height “at the withers,” another term for shoulder blades. Small horses (< 36”) are 0.3 animal units. Medium horses (36” – 58”) are 0.5 animal units. Large horses (>58”) are 1.0 animal unit.

⁶ For the RE zone, a parcel may have up to 3 animal units for the first 25,000 sq. ft. in area, plus one animal unit for every additional 25,000 sq. ft. of area.

⁷ 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.

⁸ See Table 1, Structure No. 2.

⁹ See Table 1, Structure No. 1.

¹⁰ 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.”

¹¹ See Table 1, Structure Nos. 3 through 6.

¹² See Table 1, Structure Nos. 7 through 12.

also constructed without permits.¹³ 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 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) ¹⁴	SFD	1,493	No	ZC
2	(E)	ADU ¹⁵	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 ¹⁶	1,320	No	CUP
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 See Table 1, Structure Nos. 13 and 14.

¹⁴ 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.

¹⁵ The proposed ADU would function as the principal SFD until the proposed SFD is constructed.

¹⁶ 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
13	(E)	Grooming Station No. 1	Animal Shade Structure	208	No	ZC
14	(E)	Grooming Station No. 2		208	No	ZC
Total for 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.¹⁷ 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).

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.

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. The proposed development consists of the legalization of several accessory structures that have already been constructed without permits. The project qualifies for a Class 3 (New Construction or Conversion of Small Structures) Categorical Exemption, because the proposal consists entirely of “[o]ne single-family residence, or a secondary

¹⁷ 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).

dwelling unit in a residential zone” (CEQA Guidelines § 15303(a)) and “[a]ccessory (appurtenant) structures including garages [and] carports....” (CEQA Guidelines § 15303(e)). Therefore, the project is determined not to have a significant effect on the environment pursuant to CEQA Guidelines Section 15303.

Further, the project will not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2. The project site does not include sensitive biological resources, as evidenced by the Initial Study Biological Assessment (ISBA) (see Exhibit 6). Though several of the structures are within the designated “surface water feature” the project biologist concluded that no significant environmental impact resulted for the following reasons:

- All development occurred in areas that were previously disturbed. The construction of the structures did not require a removal of native vegetation.
- No sensitive species were observed on the property, and no suitable habitat for sensitive species was present in the areas where structures were built.
- The structures do not constrain or inhibit wildlife movement along the two tributaries of Sisar Creek.
- Sufficient setbacks from wetland areas have been provided.

Considering these features, the proposed project aligns with the purpose of the HCWC overlay zone, which is to minimize impacts on wildlife migration and to preserve the integrity of surface water features (see NCZO § 8104-7.7).

No unusual circumstances are present that would suggest the potential for the project to result in a significant environmental effect. The project would not be visible from a scenic highway (e.g., State Route 150), and no historical resources or hazardous waste sites are within the vicinity of the project site. Therefore, no further environmental review is required.

Because the project falls within the Class 3 categorical exemption and the exclusions in CEQA Guidelines Section 15300.2 do not apply, this project is categorically exempt pursuant to Section 15303 of the CEQA Guidelines.

C. CONSISTENCY WITH THE GENERAL PLAN / OJAI VALLEY AREA PLAN

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

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the Ventura County NCZO Section 8105-4, the proposed use is allowed in the RE zone district with the granting of both a CUP and a PD Permit. A CUP is necessary to authorize structures accessory to an animal husbandry use with a cumulative size over 2,000 sq. ft. but no more than 5,000 sq. ft. A PD Permit is necessary to authorize detached structures accessory to a single-family dwelling that are not designated for human habitation and have a total size of more than 2,000 sq. ft. Upon the granting of the CUP and PD Permit, the proposed project will comply with the requirements of the Ventura County NCZO.

The proposed project includes the construction and use of structures that are subject to the development standards of the Ventura County NCZO Section 8106-1.1. Table 2 lists the applicable development standards and a description of whether the proposed project complies with the development standards.

Table 2 –Development Standards Consistency Analysis

Development Standard	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross) (NCZO § 8106-1)	10,000 sq. ft.	Yes. 5.66 acres
Maximum Percentage of Building Coverage (NCZO § 8106-1.4.1.1.5)	25 percent (61,637 sq. ft.)	Yes. 4 percent (9,844 sq. ft.)
Front Setback (NCZO § 8106-1)	20 ft.	Yes. The closest structure (Animal Husbandry Accessory Structure No. 2) is 23.79 ft. away.
Side Setback (NCZO § 8106-1)	5 ft.	Yes. The closest structure (Animal Husbandry Accessory Structure No. 5) is 22.51 ft. away.
Rear Setback (NCZO § 8106-1)	15 ft.	Yes. The closest structure (ADU) is 20.33 ft. away.
Minimum Setback to Non-Habitable Structure (NCZO § 8106-6.1)	6 ft.	No – Conditioned for Compliance. All structures maintain a minimum separation of 6 ft, with the following exceptions: (1) Shed No. 1 is approximately 3 ft. from Grooming Station No. 1; (2) the shipping container is approximately 3 ft. from Grooming Station No. 2; and (3) the shipping container and Shed No. 1 are approximately 5 ft. apart. To rectify this, a condition of approval will require that the structures be relocated so as to provide a minimum 6 ft. separation (see Exhibit 4, Condition No. 18).
Minimum Setback between Dwellings (NCZO § 8106-6.1)	10 ft.	Yes. The SFD and ADU would be 105 ft. apart.

Table 2 –Development Standards Consistency Analysis

Development Standard	Zoning Ordinance Requirement	Complies?
Minimum Setback to Existing Oil/Gas Well Site (NCZO § 8106-6.3)	500 ft.	No – Reduction Requested. The nearest existing oil wells would be 169 ft. (plugged and abandoned) and 267 ft. (active) from the proposed SFD. A reduced setback of 100 ft. is allowed if the applicant records an acknowledgement of the reduced setback on title. Recordation of this acknowledgement is a condition of approval (see Exhibit 4, Condition No. 19).
Maximum Height – SFD (NCZO § 8106-1)	25 ft. ¹⁸	Yes. The proposed dwelling would have a maximum height of 12.5 ft.
Maximum Height – Accessory Structures (NCZO §§ 8106-1; 8106-7.4)	15 ft. ¹⁹	Yes. All accessory structures would have a maximum height of 15 ft., except for the Garage (21 ft.) and Animal Husbandry Accessory Structure No. 1. (19 ft.). Both structures are at least 20 ft. from all property lines and are under the maximum allowable height for a principal structure (i.e., 25 feet).

The proposed ADU, animal husbandry, and animal shade structure uses, and the removal of protected trees to accommodate these structures are subject to the special use standards of the Ventura County NCZO § 8107-2. Table 3 lists the applicable special use standards and a description of whether the proposed project complies with each standard.

Table 3 –Special Use Standards Consistency Analysis

Special Use Standard	Zoning Ordinance Requirement	Complies?
ADUs		
Minimum Side and Rear Setback (NCZO § 8107-1.7.5(e)(2))	4 ft.	Yes. The ADU's closest setback is 20.33 ft. from the rear property line.
Maximum Size (NCZO § 8107-1.7.5(g)(2))	1,200 sq. ft.	Yes. 490 sq. ft.
Maximum Height (NCZO § 8107-1.7.5(d)(1)(a))	16 ft.	Yes. 10.5 ft.

¹⁸ The height limit can be increased to 35 ft. for structures that are set back at least 20 ft. from all property lines.

¹⁹ Pursuant to NCZO § 8106-7.4, the maximum height of an accessory structure may be increased up to the maximum allowable height of the principal structure if the accessory structure maintains a minimum 20-ft. setback from all property lines. Through discretionary permit approval, such structures may be authorized to exceed the height of the principal structure as well.

Table 3 –Special Use Standards Consistency Analysis

Special Use Standard	Zoning Ordinance Requirement	Complies?
Animal Husbandry		
Maximum Animal Units (NCZO § 8107-2.5.2)	11.8 units	Yes. The animal husbandry use involves 10 large equines, which amounts to 10.0 animal units.
Animal Keeping – Minimum Setback from Off-Site Dwellings (NCZO §§ 8107-2.2.2; 8107-2.5.1)	40 ft.	Yes. The closest off-site residence is 172 ft. from Animal Husbandry Accessory Structure No. 3.
Animal Shade Structures²⁰		
Anchoring (NCZO § 8107-34)	Must not be anchored in the ground or attached to a structure that is.	Yes. The Grooming Station shade structures are not anchored in the ground and can be easily disassembled. They are not attached to other structures. The open shade structures that are anchored are treated as animal husbandry accessory structures.
Mobilehomes and Manufactured Housing		
Construction Year (NCZO § 8107-1.3.1)	1976 or later.	Yes. The existing ADU and the proposed SFD are both manufactured after 1976.
Exterior Siding (NCZO § 8107-1.3.3)	Siding extends to ground or top of foundation.	Yes. The siding on the existing ADU extends, and the SFD's siding will extend, to the top of foundation.
Tree Protection Regulations		
Ministerial Tree Permit (NCZO § 8107-25..6(i))	Up to 3 oaks may be removed to accommodate reasonable access.	Yes. Review of aerial imagery indicates that two protected oaks were removed in 2007 to accommodate construction of the garage. No prior tree permits to accommodate reasonable access have been issued for this property.
Offsets (NCZO § 8107-25..10(b))	Required for discretionary tree permits or for any tree removal or alteration that cannot be retroactively legalized.	Yes. Because the unauthorized removal of protected trees to accommodate construction of an unpermitted structure cannot be legalized under the Tree Protection Regulations, the applicant will be required to offset the removal through replacement or payment of in-lieu fees (Exhibit 4, Condition No. 23).

²⁰ These standards apply only to the two Grooming Station structures (Nos. 13 and 14 in Table 1). Pursuant to NCZO § 8107-34, structures that do not meet these standards may still be constructed under other use categories in NCZO § 8105-4. Based on this, the other shade structures (Nos. 7 through 12 in Table 1), which have permanent foundations and supporting members, are being permitted as accessory structures in support of the animal husbandry use.

The proposed project is located within a Habitat Connectivity and Wildlife Corridor (HCWC) Overlay Zone and, therefore, is subject to the standards of the Ventura County NCZO § 8109-4.8. The following are applicable HCWC Overlay Zone standards and a description of whether the proposed project complies with those standards.

1. **Outdoor Lighting:** *The following standards apply to outdoor lighting:*

- a. **Prohibited Lighting** (NCZO § 8109-4.8.2.3): *Blinking, flashing, rotating lights; luminaires along a lot's perimeter (other than security lighting); and uplighting of landscapes is prohibited.*
- b. **Shielding and Direction** (NCZO § 8109-4.8.2.4(b)(1)): *Lighting is to be "fully shielded and directed downward in a manner that avoids trespass of light onto adjacent properties."*
- c. **Maximum Height** (NCZO § 8109-4.8.2.4(b)(2)): *Maximum heights of outdoor lighting fixtures are as follows:*
 - *Attached to structure: 15 ft.*
 - *Attached to fence: fence height*
 - *Freestanding – Along walkway: 2 ft.*
 - *Freestanding – Other: 20 ft.*
- d. **Lighting Color / Chromaticity** (NCZO § 8109-4.8.2.4(b)(3) and (5)): *"The correlated color temperature of all outdoor lighting shall not exceed 3,000 Kelvin," except for security lighting "[i]f required for proper functioning of a security camera."*
- e. **Maximum Output** (NCZO §8109-4.8.2.4(b)(4) and (5)): *"All outdoor lighting... shall have a maximum output of 850 lumens per luminaire," except the following maximum output standards apply to the following types of lighting fixtures:*
 - *Driveway and walkway lighting: 100 lumens per luminaire*
 - *Security lighting: 2,600 lumens per luminaire, with deactivation by motion sensor after 10 minutes (5 minutes within a surface water feature).*

Staff Analysis: The applicant has not provided details on existing or proposed outdoor lighting. Existing lighting appears to consist of four wall-mounted lights on the ADU, a wall-mounted light on the garage, two lights on the pillars of a masonry wall, and string lighting adjacent to the storage container. As a condition of project approval, the applicant will be required to supply a lighting plan that shows the location, image/schematic, mounting height, purpose, hours of operation, lighting output, and lighting color for each outdoor luminaire (Exhibit 4, Condition No. 20). By applying this condition, the project will comply with the HCWC outdoor lighting standards.

2. **Wildlife Impermeable Fencing** (NCZO § 8109-4.8.3.6): *“Wildlife impermeable fencing that forms an enclosed area on lots zoned Open Space (OS) or Agricultural Exclusive (AE)” shall “not exceed 10 percent of the gross lot area.”*

Staff Analysis: The project site is zoned RE and is not subject to the 10 percent limitation on enclosure by wildlife impermeable fencing. Therefore, this standard is inapplicable.

3. **HCWC Guidelines** (NCZO § 8109-4.8.3.8(b)): *“The following shall apply whenever a discretionary permit... is required to authorize development pursuant to” the HCWC standards.”*

- a. **Location:** *“Development should be sited outside [surface water features and wildlife crossing structure buffer zones] to the extent feasible.”*

Staff Analysis: The proposed project would legalize 13 existing structures that were constructed without the benefit of permits. All but five of the structures are located outside of the designated surface water feature. Additionally, the proposed single-family dwelling would also be outside of the surface water feature. All structures are more than 200 ft. from a wildlife crossing structure, the nearest of which (Koenigstein Road at Sisar Creek) is approximately 2,000 ft. east of the project site.

Five structures were constructed within the surface water feature without the benefit of permits. The locations where these structures were placed had historically been used for animal husbandry purposes and were devoid of native vegetation. All structural development has been clustered on the south side of the tributary to Sisar Creek that bisects the property. The area north of the tributary remains in its natural state. As a result, the project biologist has concluded that there would be no significant effect on wildlife migration.

Because the locations of the structures were historically subject to disturbance and are sufficiently setback from wetland areas, the development being authorized is generally compatible with the purpose of the HCWC overlay zone. The HCWC standards are intended to minimize development impacts on wildlife migration and to preserve the functions of surface water features: i.e., providing wildlife habitat and serving as migration corridors.

The affected structures have already been constructed in locations which do not impair wildlife movement. There are no alternative locations on the subject property that would be more appropriate for these structures with respect to the objectives of the HCWC overlay zone. Based on these factors, it would be infeasible to require that the structures be moved.

Therefore, the project aligns with this guideline.

- b. **Impact Minimization:** *“Development should be sited to minimize disturbance to biological resources, landscaping, and undeveloped areas.”*

Staff Analysis: All the structures on the site are located in areas that have been subject to ground disturbance for more than 20 years. Review of aerial imagery shows that these locations were historically used for pastures, grazing, and other animal husbandry activities. Based on this, the construction of these structures would have resulted in minimal disturbance to biological resources or landscaping.

Of the five structures located within the surface water feature, two (Garage and Shed No. 2) have been on the site for more than 15 years. Similarly, the ADU (originally constructed as a shed) has been on the site for approximately nine years. As discussed in the ISBA (see Exhibit 6), the continued existence and use of these structures would not result in disturbance of biological resources. Animal Husbandry Accessory Structure Nos. 1 and 2 were more recently constructed. These structures are unenclosed and would not interfere with wildlife movement.

Therefore, the project aligns with this guideline.

- c. **Open Space:** *“Development should be sited to provide the largest possible contiguous undeveloped portion of land.”*

Staff Analysis: Upon completion of the project, the site’s principal uses will include animal husbandry and a single-family dwelling. Several accessory structures are also associated with these uses. As the site accommodates horses, additional area is dedicated to associated facilities such as paddocks and open arenas. All uses and structures are concentrated in the southern 3.6 acres of the project site, leaving the northern 2.1 acres of the parcel undeveloped.

Therefore, the project aligns with this guideline.

- d. **Wildlife Movement:** *“Wildlife impermeable fencing should be sited and designed to minimize potential impacts to wildlife movement.”*

Staff Analysis: The project site includes a mix of fencing, some of which is permeable and some of which is impermeable to wildlife, as defined in the NCZO. Only one small area, an approximately 850 sq. ft. yard adjacent to the ADU, is fully enclosed by wildlife impermeable fencing. The remainder of the property is either enclosed by permeable fencing or only partially enclosed with impermeable fencing. Present fencing consists of the following:

Wildlife Impermeable Fencing

- A six-foot-tall masonry wall on both sides of the front gate along the western property line. It was constructed between 2012 and 2014, prior to the adoption of the HCWC ordinance.

- A five-foot-tall wire mesh fence along the entire southern property line. This fence appears to have been in place for more than 20 years.
- A five-foot-tall masonry wall, constructed between 2012 and 2014 to form a partially enclosed yard area for the original home (since destroyed in the 2017 Thomas Fire). Though this wall is impermeable, it does not form an enclosure, as there are multiple gaps.

Wildlife Permeable Fencing

- A five-foot-tall pipe fence consisting of three segments: (1) along the eastern property line from the southern property line up to the tributary; (2) along the western property line from the southern property line to the wall near the front gate; and (3) along the western property line from the wall near the front gate to the northern property line.
- Several pipe corrals within the property, which are used for animal husbandry purposes and are no taller than five feet.

The northern property line and the eastern property line north of the tributary are not fenced. No new fencing is proposed as part of this project.

Therefore, the project aligns with this guideline.

E. PD PERMIT AND CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a CUP and PD Permit pursuant to Section 8111-1.2.1.1a 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 8111-1.2.1.1a.a].**

Based on the information and analysis presented in Sections C and 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 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.²¹ The project site is currently used for animal husbandry. The applicant is seeking to authorize an existing structure to serve as a principal SFD. Subsequently, the applicant will construct a new SFD and convert the prior SFD into an 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 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. The building, which is clad in corrugated steel, appears barn-like and is

²¹ 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 1, above).

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 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.

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 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 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.

Water is supplied by Sisar Mutual Water Company and wastewater is handled with OWTS. As discussed in Exhibit 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 this staff report, 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 8111-1.2.1.1a.d].

As discussed in Section C of this staff report, 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 4, 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 8111-1.2.1.1a.e].

Though the residential accessory structures do not require CUP approval, the animal husbandry accessory structures do. As discussed in Finding E.1 and in Section C of this staff report (see Exhibit 5, Section No. 1 – Land Use, Design, and Community Character), animal husbandry is a common use on rural residential properties in the Upper Ojai Valley. All animal husbandry-oriented structures and facilities are sufficiently set back from off-site residences, with the nearest such home being over 150 ft. away from the nearest animal husbandry accessory structure / corral. As noted in Section D of this report, the animal husbandry use complies with NCZO § 8107-2 (Standards Relating to Animal Keeping).²² Additionally, the applicant will be required to manage animal waste in a manner that prevents attraction or breeding of vectors (Exhibit 4, Condition No. 25). The site has been used for animal husbandry for several years without any documented complaints or concerns about the use.

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 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.

²² 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.

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 report, 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 apply to the project site. As the project is categorically exempt from CEQA, there is no need to prepare an Initial Study.

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 8111-1.2.1.4 and Article 9].

As discussed in Section D of this report, 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 4, 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.

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

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), Ventura County NCZO (Section 8111-3.1). On June 4, 2024, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On June 7, 2024, the Planning Division placed a legal ad in the *Ventura County Star* and the *Ojai Valley News*.

G. RECOMMENDED ACTIONS

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

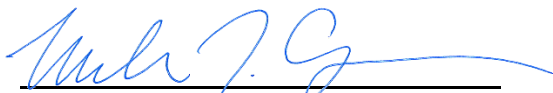
1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;

2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines.
3. **MAKE** the required findings to grant a CUP and PD Permit 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. **GRANT** CUP and PD Permit [Case No. PL23-0009], subject to the conditions of approval (Exhibit 4).
4. **GRANT** a waiver of the minimum 500-ft. setback from existing oil and gas and authorize a minimum setback of 100 ft. for a single-family dwelling and accessory dwelling unit, pursuant to NCZO § 8106-6.3 and subject to the conditions of approval (Exhibit 4).
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

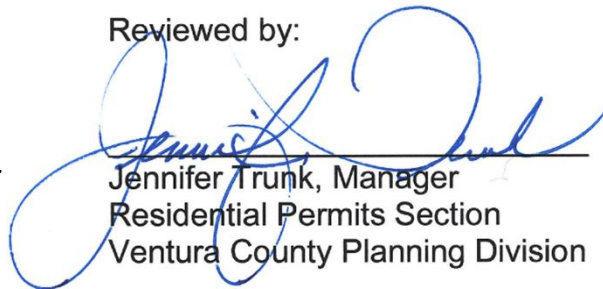
If you have any questions concerning the information presented above, please contact Michael Conger at (805) 654-5038 or Michael.Conger@ventura.org.

Prepared by:



Michael T. Conger, AICP, Case Planner
Residential Permits Section
Ventura County Planning Division

Reviewed by:



Jennifer Trunk, Manager
Residential Permits Section
Ventura County Planning Division

EXHIBITS

- | | |
|-----------|--|
| Exhibit 2 | Maps |
| Exhibit 3 | Plans |
| Exhibit 4 | Conditions of Approval |
| Exhibit 5 | General Plan Consistency Analysis |
| Exhibit 6 | Initial Study Biological Assessment (ISBA) |
| Exhibit 7 | Geotechnical Report |
| Exhibit 8 | Drainage Report |