



## Planning Director Staff Report Hearing on July 7, 2022

County of Ventura • Resource Management Agency

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# CEMEX INDUSTRIAL SAND PLANT

## MODIFIED CONDITIONAL USE PERMIT (CUP)

### CASE NO. PL21-0112

#### A. PROJECT INFORMATION

- 1. Request:** The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize installation and operation of an industrial sand plant at an existing aggregate surface mining facility. (Case No. PL21-0112)
- 2. Applicant/Property Owner:** CEMEX Construction Materials Pacific, LLC (CEMEX) 3990 E. Concours Street, Suite 200 Ontario, C491764
- 3. Applicant's Representative:** Doug Mason, Sespe Consulting, Inc., 374 Poli Street, Suite 200, Ventura CA 93001 (805) 275-1515
- 4. 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 modification.
- 5. Project Site Size, Location, and Parcel Number:** The 1167-acre project site is located at approximately four miles north of the City of Moorpark in unincorporated area of Ventura County. The facility address is 9035 Roseland Avenue, Moorpark, CA 93060. The following Assessor's Parcel Numbers (APNs) are assigned to the subject land: 500-0-060-1 55, 500-0-060-1 65, 500-0-1 00-250, 500-0-1 00-060, and 500-0-160-255. The proposed sand plant would be located on APN 500-0-160-255 (Exhibit 2).
- 7. Project Site Land Use and Zoning Designations (Exhibit 2):**

#### Summary of Project Site Parcels

Parcel Number	Lot size (Acres)	Zoning	General Plan Designation
500-0-060-155	146.24	AE-40ac (Agricultural Exclusive, 40-acre minimum lot size) AE-40ac/MRP (Agricultural Exclusive, 40-acre minimum lot size, Mineral Resources Protection Overlay)	Open Space
500-0-060-165	314.02	AE-40ac AE-40ac/MRP	Open Space
500-0-1 00-250	430.28	OS-160ao/MRP (Open Space, 160-acre minimum lot size, Mineral Resource Protection Overlay)	Open Space
500-0-1 00-060	158.93	AE-40ac/MRP	Open Space
<b>500-0-1 60-255*</b>	<b>119.85</b>	<b>OS-160ac/MRP</b>	<b>Open Space</b>

\*Site of proposed sand plant **8. Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE-40 and OS-160	Undeveloped
East	OS-160	Undeveloped (Happy Camp Canyon Regional Park)
South	OS-40	Developed with Single Family Dwelling (SFD) and equestrian facilities
West	OS-160 / MRP Overlay	Wayne J Sand and Gravel mining facility

**9. History:** Much of the project site has been subject to surface mining activities since 1948. In 1961, the County granted CUP 1328 to authorize a mining facility and asphalt plant. In 1975, operations at this facility ceased. In 1976, Blue Star Ready Mix, Inc., purchased the property and obtained a modified and renewed CUP 1328. Blue Star conducted mining operations until the facility was acquired by Transit Mixed Concrete Company (TMC), later to become CEMEX, in 1993. Although CUP 1328 expired in 1986, the facility continued to operate while an application for a new permit (CUP 4633) was processed. In December 1996, CUP 4633 was granted by the County of Ventura to authorize continued mining at the site in the Phase 1 and 2 areas and an increase in haul truck traffic from 810 one-way trips per day to 980 one-way trips per day.

Following the granting of CUP 4633 on December 10, 1996, the permit was modified several times as follows:

- In 1997, administrative changes were incorporated into the permit that addressed roadway maintenance, payment of traffic mitigation fees, the expiration date of the permit, and a vehicle emissions program.
- In 2009, a modification of the permit (Case No. LU04-0168) was granted that incorporated an adjacent mining facility authorized by CUP 4158 into the permit area subject to CUP 4633 (thereafter designated CUP 4633-1). This change did not result in new truck trips or an increase in material excavation. This action was taken primarily to facilitate reclamation of the western side of the CEMEX mining facility.
- In 2011, a Permit Adjustment (LU11-0025) was granted to authorize changes in the method of staking the mining excavation boundary.
- On October 9, 2017, a modified CUP PL16-0134 was granted to authorize an expansion of mining excavation into the Phase 3 area delineated in the Environmental Impact Report (EIR) certified as part of the 1996 action to grant CUP 4633. The limits on the acreage of disturbed area were also authorized to increase. The facility currently operates under the terms of CUP PL16-0134.

**10. Project Description:** The applicant requests that a modified CUP be granted to authorize the installation and operation of an industrial sand processing and packaging facility and ancillary facilities at the existing CEMEX aggregate mining and processing facility. The proposed “sand plant” would be located within the current permit area and augment the other aggregate processing facilities currently permitted and in operation. The proposed plant would produce a variety of specialty sand mixes.

The proposed industrial sand plant would be located in the southeastern portion of the existing project site in an area historically used for material storage and be comprised of an industrial sand processing plant area and a product storage warehouse. The industrial sand processing plant would occupy an area approximately 82 feet by 108 feet (8856 square feet). The product storage warehouse would occupy an area approximately 459 feet by 175 feet (80,325 square feet). These two project components would be housed in a single building with a footprint of 98,769 square feet and a maximum height of 99 feet above grade.

At the proposed industrial sand plant, raw materials that are sourced primarily from the existing aggregate processing plant would be staged for processing in a material staging area adjacent to the new facility. The material would be loaded into the facility with a loader and/or a series of conveyors and/or bucket elevators to be dried, screened, and potentially mixed into various industrial sand products. Finished materials would then be packaged or loaded directly into on-road haul trucks for market distribution.

Also proposed is the installation of ancillary facilities including an employee parking area, a material staging area, a load staging area, a liquified natural gas tank, a fire-suppression water tank, and a detention basin.

Grading would be required to prepare the site for construction of the sand plant and warehouse building and ancillary facilities. The project site has been previously disturbed by material stockpiling and other surface mining activities. Site runoff would be conveyed from the plant area to a new detention basin and to other existing detention basins on the site.

Water for plant operation and fire suppression would be supplied through the existing facility connection to Ventura County Waterworks District No. 1. Sewage disposal would be accomplished through the installation of a new onsite septic disposal system connected to restrooms within the proposed warehouse building.

The project would not involve any change in the area where mining excavation and other surface mining activities are currently authorized and would not increase the rate at which mineral products are exported from the site. No changes in the hours of operation or the current limits on haul truck traffic are proposed. As no mining

operational changes are included in this request, the approved reclamation plan remains in effect. (Exhibit 3).

## **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

Pursuant to CEQA (Public Resources Code 521000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, 515000 et seq.), the proposed changes in the CEMEX mining facility that would be authorized with the granting of the requested modified CUP comprise a "project" that is subject to environmental review.

On December 10, 1996, the Ventura County Board of Supervisors certified an EIR (Exhibit 4b) for the subject surface mining operation (then operated by Transit Mixed Concrete Company or "TMC") that evaluated the environmental impacts of a phased mining operation that would involve a 217-acre area and would take place over a 50-year period. The mining operation was projected to produce 75-100 million cubic yards (44 to 59 million tons) of material with a maximum annual production rate of 3.4 million tons. The certified EIR identified significant impacts to biological and visual resources, as well as air quality and noise impacts. Mitigation measures requiring conformance with applicable Air Pollution Control District (APCD) regulations and maintaining an active APCD permit were imposed to address air quality impacts. The proposed surface mining activities were projected to disturb 146 acres of native vegetation, which would result in the loss of nesting or breeding habitat for several native wildlife species. To mitigate these impacts, the mine operator was required to create and implement a comprehensive revegetation, habitat management, and compensation plan. The area disturbed by excavation conducted during Phases 2 and 3 of the mining plan would be visible to surrounding communities. Thus, various aesthetic enhancements were also required to be included in the reclamation plan to address these significant visual impacts. The certified EIR also contained analysis on a proposed asphalt batch plant. While the batch plant was included in the EIR, it was later removed from the CUP. The proposed request for a sand plant is a substitution for the asphalt batch plant and the analysis and associated impacts contained in the EIR would be directly transferred to the sand plant. The proposed structure would be located in the same area of the project and of similar size and scale. The EIR identified potential odor impacts associated with the asphalt batch plant that are not applicable to the proposed sand plant.

On October 9, 2017, the Ventura County Planning Director granted modified CUP PL16-0134 to authorize an expansion of the area in which surface mining activities are authorized. As part of this action, the Planning Division prepared an addendum to the certified EIR (i.e. the "2017 Addendum"). The certified EIR combined with the 2017 Addendum evaluates the environmental impacts of each component of the currently permitted facility.

An addendum to a certified EIR satisfies the environmental review requirements of CEQA provided that none of the conditions set forth in CEQA Guidelines Section 15162 that require the preparation of a subsequent EIR have been identified to result from a

proposed project change. Section 15162 requires the lead agency to prepare a subsequent EIR if there are new significant environmental effects associated with the proposed project, or if the proposed project would increase the severity of previously identified significant environmental impacts based on project changes, new information, or a change in circumstances under which the project is undertaken.

The CEQA Guidelines [Section 15164(a)] state that the lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in the CEQA Guidelines (Section 15162) calling for the preparation of a subsequent EIR have occurred. The 2022 EIR Addendum (Exhibit 4a) prepared for the current proposal includes a description of the changes or additions that are necessary for inclusion in the certified EIR and a discussion of why none of the conditions described in the CEQA Guidelines exist which require the preparation of a subsequent EIR.

Therefore, based on the information provided above and in light of the whole record, staff recommends that the Planning Director find that there is no substantial evidence to warrant the preparation of a subsequent EIR and the addendum to the EIR (Exhibit 4a) reflects the County’s independent judgment and analysis.

**C. 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 OS zone district with the granting of a CUP. Upon the granting of the CUP, the permittee would be in compliance with this requirement.

The proposed project includes the construction and use of a building that is subject to the development standards of the Ventura County NCZO (Section 8106-1.1 and 8106-1.2). Table 1 lists the applicable development standards and a description of whether the proposed project is designed in conformance with the development standards.

**Table 1 – Development Standards Consistency Analysis**

Type of Requirement	Zoning Ordinance Requirement	In conformance?
Minimum Lot Area (Gross)	10 acres	Yes
Maximum Percentage of Building Coverage	Determined by the General Plan	Yes
Front Setback	20 feet	Yes
Side Setback	10 feet	Yes
Rear Setback	15 feet	Yes
Maximum Building Height	As authorized by a discretionary permit per NCZO Section 8106-7.4	Yes. The proposed sand plant and warehouse building would be up to 99

**Table 1 – Development Standards Consistency Analysis**

Type of Requirement	Zoning Ordinance Requirement	In conformance?
		feet in height. This building is accessory to the existing mining facility (i.e. the principal use of the site). The 99-foot height would be authorized with the granting of the requested modified CUP.

The proposed industrial sand plant building is subject to the special use standards of the Ventura County NCZO (Section 8107-9.6). Table 2 lists the applicable special use standard and a description of whether the proposed project is designed in conformance with the special use standards.

**Table 2 – Special Use Standards Consistency Analysis**

Special Use Standard	In conformance?
<p><b>Sec. 8107-9.6.1 - General Mining Standards</b>                      Projects shall be located, designed, operated and reclaimed so as to minimize their adverse impact on the physical and social environment, and on natural resources. To this end, dust, noise, vibration, noxious odors, intrusive light, aesthetic impacts, traffic impacts and other factors of nuisance and annoyance, erosion and flooding shall be minimized or eliminated through the best accepted mining and reclamation practices which are applicable to local conditions and incident to the exploration for and extraction of aggregate resources.</p>	<p><b>Yes.</b> The proposed sand plant constitutes an additional mineral processing facility at an existing surface mine. The current conditions of approval that address the impacts of ongoing mining operations would remain in effect with the granting of the requested modified CUP. The proposed addition of the sand plant would not result in any substantial new adverse effects.</p>
<p><b>Sec. 8107-9.6.2 - Setbacks</b>                      No processing equipment or facilities shall be permanently located, and no mining or accessory uses shall occur, within the horizontal setbacks specified below:</p> <p>a. 100 feet of any dedicated public street or highway unless the Public Works Agency determines a lesser distance would be acceptable.</p> <p>b. 100 feet of any dwelling not accessory to the project, unless a waiver is signed pursuant to Sec. 8107-9.6.13 allowing the setback to be reduced. In no case shall permanent processing facilities, equipment, or mining be located less than 50 feet from said structures.</p> <p>c. 200 feet of any institution, school or other building used as a place of public assemblage, unless a waiver is signed pursuant to Sec. 8107-9.6.13 allowing the setback to be reduced. In no case shall permanent processing facilities or equipment or mining be located less than 100 feet from said structures. Other facilities and structures shall be set back distances which are</p>	<p><b>Yes.</b> The proposed sand plant facility is designed to meet these setback standards.</p>

**Table 2 – Special Use Standards Consistency Analysis**

Special Use Standard	In conformance?
applicable for accessory structures for the zone in which the use is located.	
<b>Sec. 8107-9.6.3 - Obstruction of Drainage Courses</b> Mining operations and their accessory uses, access roads, facilities, stockpiling of mineral resources and related mining activities shall be consistent with current engineering and public works standards and in no case shall obstruct, divert, or otherwise affect the flow of natural drainage and flood waters so as to cause significant adverse impacts, except as authorized by the Public Works Agency.	<b>Yes.</b> The proposed project includes drainage facilities to convey runoff from the sand plant site in a non-erosive manner.
<b>Sec. 8107-9.6.5 - Dust Prevention</b> The project site and all roads or hauling routes located between the public right-of-way and the subject site shall be improved or otherwise treated as required by the County and maintained as necessary to prevent the emanation of dust.	<b>Yes.</b> The CEMEX facility would continue to be operated in conformance with the dust control measures included in the current CUP. No substantial dust generation is anticipated to result from sand plant installation and operation.
<b>Sec. 8107-9.6.6 - Light Emanation</b> Light emanation shall be controlled so as not to produce excessive levels of glare or abnormal light levels directed at any neighboring uses.	<b>Yes.</b> The illumination of the proposed sand plant would be limited to downward directed and hooded security lights. These lights would be located on the lower portion of the building walls and not directly visible from offsite locations.
<b>Sec. 8107-9.6.7 - Painting</b> All permanent facilities and structures on the site shall be colored so as to mask facilities visible from surrounding uses and roadways in the area. Said colors shall also take into account such additional factors as heat buildup and designation of danger areas. Said colors shall be approved by the Planning Director prior to painting of facilities.	<b>Yes.</b> The proposed sand plant and warehouse building would be painted in muted earth tones in order to blend with the surrounding hillsides. The specific colors shall be approved by the Planning Director prior to the painting of the building.
<b>Sec. 8107-9.6.9 - Reclamation Plan</b> No mining permit shall be approved without an approved reclamation plan, unless it is exempted from said reclamation plan by the State Department of Conservation.	<b>Yes.</b> The current “Approved Reclamation Plan” for the CEMEX mining facility was approved in 2017 concurrent with the granting of modified CUP (Case No. PL16-0134). The reclamation of the site of the proposed sand plant and ancillary facilities thereto is already addressed in the approved Reclamation Plan. Regrading, revegetation and the removal of structures is already required as part of the ultimate reclamation of the site upon facility closure. Thus, the current Reclamation Plan does not need to be amended to address the current proposal.
<b>Sec. 8107-9.6.10 - Removal of Equipment, Facilities and Structures</b>	<b>Yes.</b> The reclamation of the site of the proposed sand plant and

**Table 2 – Special Use Standards Consistency Analysis**

Special Use Standard	In conformance?
All equipment, except that which is required to complete the reclamation plan, and all facilities and structures on the project site, except those approved for retention in support of the authorized "end use", shall be removed from the site in accordance with the reclamation plan, within 180 days after the termination of the use, unless a time extension is approved by the Planning Director.	ancillary facilities thereto is already addressed in the approved Reclamation Plan. Regrading, revegetation and the removal of structures is already required as part of the ultimate reclamation of the site upon facility closure. The annual update of the Financial Assurance held by the County and State Department of Conservation would be required to reflect the cost of sand plant removal and site restoration consistent with the terms of the approved Reclamation Plan.

The proposed project is located within a Mineral Resource Protection (MRP) Overlay Zone and, therefore, is subject to the standards of the Ventura County NCZO (Section 8104-7.2). Table 3 lists the applicable MRP Overlay Zone standards and a description of whether the proposed project is designed in conformance with those standards.

**Table 3 – Mineral Resource Protection Overlay Zone Standards Consistency Analysis**

Overlay Zone Standard	In conformance?
<p><b>Sec. 8104-7.2 - Mineral Resources Protection (MRP) Overlay Zone</b>                      The purposes of this zone are:</p> <ul style="list-style-type: none"> <li>a. To safeguard future access to an important resource.</li> <li>b. To facilitate a long-term supply of mineral resources within the County.</li> <li>c. To minimize land use conflicts.</li> <li>d. To provide notice to landowners and the general public of the presence of the resource.</li> <li>e. The purpose is not to obligate the County to approve use permits for the development of the resources subject to the MRP Overlay Zone.</li> </ul>	<p><b>Yes.</b> The proposed project involves the installation and operation of a materials processing facility at an existing surface mining operation. Implementation of the project would serve to enhance the supply of mineral products in a manner that would minimize potential land use conflicts. The proposed project would not involve an increase in the existing level of mining excavation, mineral production and haul truck traffic.</p>

## **D. CUP FINDINGS AND SUPPORTING EVIDENCE**

The Planning Director must make certain findings in order to grant a CUP pursuant to Section 8111-1.2.1.1 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 C and Exhibit 6 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 8111-1.2.1.1.b].**

The CEMEX mining facility has been in operation since 1996 at a site that was previously mined by other companies beginning in 1948. Thus, portions of the site have been disturbed by mining activities for at least the past 60 years. This facility is located in a remote mountainous area away from dense residential uses. Upon the completion of mining excavation, the site would be reclaimed to an open space use.

The proposed project involves the addition of a sand processing plant to the existing mining facility. This change in the existing facility would not have any discernible substantial effect on the character of the area or any other developed properties in the vicinity. The new facility would only be partially visible from public viewpoints located more than 2,000 feet away (Visual Resources Analysis, Sespe Consulting, Inc. August 30, 2021). The sand plant would be required to be painted in muted earth tones to match the surrounding landscape, all lighting would be shielded and downward facing and the plant would be sited in a location so as not to silhouette against the sky. The location of the plant is in a previously disturbed area that would not result in the removal of native vegetation. As a result, no substantial environmental effects have been identified that would result from plant installation and operation.

Given these factors, the proposed addition of a sand processing plant to the existing mining operation is compatible with the character of surrounding development.

Based on the above discussion, 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 8111-1.2.1.1.c].**

No aspect of the proposed project has been identified that would be obnoxious or harmful or impair the use of any neighboring properties. The intensity of the operation, including the material production rate and the volume of haul truck traffic, is not proposed to change. The operation of a sand processing plant would have no discernible effect on the adjacent Wayne J Sand and Gravel mining facility. The proposed sand plant is consistent in character and use with the existing permitted 1,197-acre CEMEX mining facility.

Based on the above discussion, 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].**

No aspect of the proposed project has been identified that would be detrimental to the public interest, health, safety, convenience or welfare. The proposed sand plant is consistent in character and use with the existing permitted 1,197-acre CEMEX mining facility. The operation of this plant at the existing mining site would have the public benefit of increasing the availability of specialty sand products for industrial use.

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].**

The CEMEX mining facility has been in operation since 1996 at a site that was previously mined by other companies beginning in 1948. Thus, portions of the site have been disturbed by mining activities for at least the past 60 years. This facility is located in a remote mountainous area away from dense residential uses. Upon the completion of mining excavation, the site would be reclaimed to an open space use.

The proposed project involves the addition of a sand processing plant to the existing mining facility. This change in the existing facility would not have any discernible substantial effect on the character of the area or any other developed properties in the vicinity. The new facility would only be partially visible from public viewpoints located more than 2,000 feet away (Visual Resources Analysis, Sespe Consulting, Inc. August 30, 2021). No substantial environmental effects have been identified that would result from plant installation and operation.

The project site and surrounding lands are designated as Open Space in the County General Plan and subject to a Mineral Resource Protection Overlay Zone. Immediately to the west of the site are two major mining facilities (Grimes Rock and Wayne J Sand and Gravel). To the east of the project site is the Happy Camp Canyon Regional Park. Given these circumstances, a future change in land use in this area is not foreseeable at this time'

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

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

The proposed sand plant would be located on Assessor's Parcel Number 500-0-160-255. This parcel constitutes a legal lot as it was created through the recordation of a Lot Line Adjustment (OR 990194175).

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.**

As discussed in the Addendum to the certified EIR (Exhibit 4b), the proposed installation and operation of a sand plant has been reviewed in accordance with CEQA. The existing CEMEX facility would continue to operate under the authority of a CUP granted by the County of Ventura and the 2017 Approved Reclamation Plan prepared in accordance with the California Surface Mining and Reclamation Act.

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

**8. Discretionary permits shall not be granted within areas with an "MRP" overlay zone designation if the use will significantly hamper or preclude access to, or the extraction of, a mineral resource, except where one or more of the following findings can be made:**

- a. Such use is primarily intended to protect life or property.
- b. Such use provides a significant public benefit.
- c. The resource is not present at the site.
- d. Extraction of the resource is not technically or economically feasible.
- e. Extraction of the resource is not feasible due to limitations imposed by the County.

The existing CEMEX surface mining facility is located within the Mineral Resource Protection Overlay Zone. This facility is operated to extract, process and export to market mineral resources. The proposed addition of the industrial sand plant would augment the range of mineral products to be sold by this facility. The operation of the CEMEX facility is entirely consistent with the State designation of the subject land as a Mineral Resource Zone and the MRP Overlay Zone applied by the County.

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

#### **E. 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 27, 2022, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On June 24, 2022, the Planning Division placed a legal ad in the *Ventura County Star*.

#### **F. 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, including the proposed addendum to the EIR (Exhibit 4a) and the certified EIR (Exhibit 4b), and has considered all comments received during the public comment process;
2. **FIND** that none of the conditions have occurred or exist as set forth in CEQA Guidelines section 15162 to require the preparation of a supplemental or subsequent EIR for the subject project, and that the addendum to the certified EIR (Exhibit 4a) satisfies the environmental review requirements of CEQA;
3. **FIND** that, as discussed in Exhibit 6 and Sections C and D of this staff report, in accordance with NCZO section 8111-1.2.1.1, the CUP Modification is consistent with and hereby approved in accordance with the General Plan and Ventura County NCZO;
4. **APPROVE** the requested CUP modification (PL21-0112), subject to the conditions of approval (Exhibit 5).
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 10<sup>th</sup> 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 Justin Bertoline at (805) 654-2466 or [justin.bertoline@ventura.org](mailto:justin.bertoline@ventura.org).

Prepared by:



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Reviewed by:

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#### EXHIBITS

- Exhibit 2 Maps
- Exhibit 3 Project plans
- Exhibit 4a EIR Addendum
- Exhibit 4b Certified EIR and 2017 EIR Addendum
- Exhibit 5 Conditions of Approval and Mitigation Monitoring and Reporting Program
- Exhibit 6 Consistency with the Ventura County General Plan