



## Planning Director Staff Report Hearing on January 12, 2023

County of Ventura • Resource Management Agency

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

### FARMWORKER DWELLING UNIT PLANNED DEVELOPMENT (PD), CASE NO. PL21-0110

#### A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Planned Development (PD) Permit for a Farmworker Dwelling Unit (FWD) not meeting standards established by Section 8107-41.3.2 of the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Case No. PL21-0110).
2. **Applicant/Property Owner:** Phillip M. Lee and Alice E Lee, 6501 Chagall Drive, Moorpark, CA 93021
3. **Applicant's Representative:** Karin M. Neely, 6507 Chagall Drive, Moorpark, CA, 93021
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 PD Permit.
5. **Project Site Size, Location, and Parcel Number:** The 20.23-acre project site is located at 6501 Chagall Drive, north of the intersection of Grimes Canyon Road and Meadowglade Drive, west of the city of Moorpark, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 503-0-030-320 (Exhibit 2).
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
  - a. Countywide General Plan Land Use Map Designation: Agricultural
  - b. Zoning Designation: AE-40 ac (Agricultural Exclusive, 40 acre minimum lot area)
7. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	OS-20 ac (Open Space, 20-acre minimum lot area)	Agriculture
East	AE-40 ac (Agricultural Exclusive – 40-acre minimum lot area)	Agriculture

Location in Relation to the Project Site	Zoning	Land Uses/Development
<b>South</b>	AE-40 ac (Agricultural Exclusive – 40-acre minimum lot area)	Agriculture
<b>West</b>	OS-20 ac (Open Space, 20-acre minimum lot area)	Agriculture

**8. History:** The subject lot is Parcel 42 of Parcel Map (PM) Recorded July 3, 1974 (Book 16 PM Page 82).

On August 22, 1986, Zoning Clearance (ZC) no. 43898 was issued for the construction of a 1,752 square foot (sq. ft.) single family dwelling and a 480sq. ft. detached garage.

On September 29, 2005, ZC05-1409 was issued for a 1,008 sq. ft. mobile home to be used as a second dwelling unit now considered an accessory dwelling unit (ADU).

On January 18, 2005, Conditional Use Permit Case No. LU04-0092 was approved for conversion of the existing 1,788 sq. ft. residence with a 480 sq. ft. detached garage to be used as a Farmworker Dwelling, in support of a wholesale landscape plant nursery.

On April 28, 2006, Zoning Clearance No. ZC06-0599 was issued for the construction of a new 4,968 sq. ft. single family dwelling with a 1,217 sq. ft. attached garage.

On September 15, 2016, Code Compliance staff confirmed a violation existed on the property, case no. CV14-0166. Code Violation case no. CV14-01166 was issued for the following violations:

VIOLATION 1: Operation of an animal boarding and breeding business without the required entitlements.

VIOLATION 2: Illegal occupancy of a recreational vehicle on private property.

VIOLATION 3: Excessive open storage greater than an aggregate 1000 sq. ft. Open storage included, but was not limited to, accumulated concrete rubble, tile, metal, wood, etc. adjacent to a barranca; storage of vehicles without valid registration and/or not registered to a resident; and equipment, supplies, materials not related to any permitted construction or entitlements.

VIOLATION 4: Contractors Service & Storage Yard which is not allowed to operate on Agricultural Exclusive (AE) zoned property. The property owners and/or their agent(s) are allowing or permitting businesses to operate from the property to

include, but not limited to: Sandbag Masters, Landscapes by Jeffrey, Demo Mitty Trucking, CalPortland Construction, and Chateau Landscaping.

VIOLATION 5: Cargo containers placed on the property without the required entitlement, building permit, and inspections. Approximately 11 cargo containers require zone clearance, and 3 modified cargo containers require zone clearance, building permit, and inspection.

VIOLATION 6: Animal structures erected on the property without entitlement, building permit, and inspection. The structures include 3 “chicken coop” structures constructed from a combination of metal loop frames, and permanently affixed wooden side walls with doorways.

VIOLATION 7: Recreational vehicles and vehicles used as permanent accessory structures, specifically a travel trailer used as a storage shed, a truck trailer used as a storage shed, and a semi-truck trailer used as a welding workshop.

VIOLATION 8: Accessory structures erected without entitlement, building permit, and inspection. The accessory structures include but are not limited to, a worker shade structure which is constructed of metal and wood posts with attached shade material and electrical outlets, and a wooden open patio work area.

VIOLATION 9: Unlawful electrical connections that include but are not limited to, temporary electrical power pole and service panel, electrical fixtures, junction boxes, outlets installed in cargo containers, and use of temporary electrical power cords as permanent wiring to a shed and tree work area.

VIOLATION 10: Non-Farmworker/Caretaker occupancy without a Conditional Use Permit.

VIOLATION 11: Stockpiling of construction related debris and/or fill materials for non-agricultural operations.

On March 8, 2017, a Notice of Non-Compliance was recorded (Doc No. 20170308-00033144-0) and on May 5, 2017, a Civil Administrative Penalty Lien was recorded (Doc No. 20170505-00059775-0) following the filing of Code Violation Case No. CV14-0166.

At the time of application all the violations above have been abated except violation No. 10. (CV14-0166). This application will abate violation CV14-0166. A Conditional Use Permit is no longer necessary, and this PD permit will legalize the FWD use.

- 9. Project Description:** The applicant is requesting a Planned Development Permit to change the use of an existing 1,788 square foot (sq. ft.) dwelling to a Farmworker Dwelling Unit (FWD). The FWD unit will continue to be served by an existing onsite

wastewater treatment system (OWTS) and water service from the Ventura County Waterworks District No.1 (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 project includes the continued use or an existing dwelling. The proposed project qualifies for Class I (Section 15301 – Existing Facilities) and Class 3 (Section 15303 – Conversion of Small Structures). Further, the project will not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2. Therefore, no further environmental review is required.

Therefore, this project is categorically exempt pursuant to Sections 15301 and 15303 of the CEQA Guidelines and the project complies with the requirements of the CEQA Guidelines.

## **C. CONSISTENCY WITH THE GENERAL PLAN**

The 2040 Ventura County General Plan *Goals, Policies and Programs* (page 1-1) states:

*All area plans, specific plans, subdivisions, public works projects, and zoning decisions must be consistent with the direction provided in the County's General Plan.*

Furthermore, the Ventura County NCZO (Section 8111-1.2.1.1a.) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County General Plan.

The proposed Project has been analyzed and found to be consistent with applicable provisions of the Ventura County General Plan. This analysis is presented as Exhibit 4.

## **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 AE-40 ac zone district with the granting of a PD Permit. Upon the granting of the PD Permit, the proposed project will comply with this requirement.



The proposed project includes the use of structures that are subject to the development standards of the Ventura County NCZO (Section 8106-1.1). Table 1 lists the applicable development standards and a description of whether the proposed project complies with the development standards.

**Table 1 – Development Standards Consistency Analysis**

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	40 acres	No – the parcel is 20.23 acres. The subject legal lot is Parcel 42 of a Parcel Map recorded July 3, 1974. (Book 16 Page 82)
Maximum Percentage of Building Coverage	5% (44,060 sq. ft.)	Yes
Front Setback	20 ft	Yes
Side Setback	5 ft	Yes
Rear Setback	15 ft	Yes
Maximum Building Height	25 ft	Yes

**E. PD PERMIT FINDINGS AND SUPPORTING EVIDENCE**

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

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 8111-1.2.1.1.b].**

The property is developed with an existing single-family dwelling, an ADU, accessory structures and an existing dwelling to be used as a farmworker dwelling. The property is surrounded by parcels that are mostly comprised of agricultural production. As discussed in Section C of this staff report, the proposed project does not include a change of use that has the potential to create any land use conflicts with the surrounding residential and agricultural development, generate new traffic, or introduce physical development that is incompatible with the surrounding development.

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 8111-1.2.1.1.c].**

The proposed farmworker dwelling will not expand the current permissible use of the subject property and will be compatible with surrounding residential uses on properties located within the vicinity of the project site. As discussed in Section C of this staff report, the proposed project will not include any new physical development that may interfere with surrounding residential or agricultural uses. The proposed project will not result in a change in traffic generation, water, or sewage disposal services. As discussed in Section D of this staff report (above), the proposed project will comply with maximum building height, maximum building coverage, and minimum side and rear setback standards for the AE zone. Additionally, the project does not include new construction or any land use that will increase noise generated from the property onto neighboring properties.

Therefore, the proposed project will 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].**

The existing dwelling is currently served by an onsite wastewater treatment system. The project has been conditioned to require the Permittee to maintain all OWTS components in working order to prevent system failure (Exhibit 5, Condition of Approval No. 16). The property will continue to be served by the Ventura County Water Works District No 1. The proposed project is compliant with all the required VCFPD conditions for access and vegetation/brush clearance. Furthermore, the proposed project will not generate new traffic. The surrounding public road network is adequate to continue serving the farmworker dwelling. Therefore, the proposed project will not be detrimental to the public interest, health, safety, convenience, or welfare.

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

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

As discussed in Section A (above), the subject parcel is a legal lot created as Parcel 42 of a Parcel Map recoded July 3, 1974 (Book 16 PM Page 82).

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

**6. The proposed development is approved in accordance with the California Environmental Quality Act and all other applicable laws.**

As discussed in Section B (above), this project is categorically exempt pursuant to Section 15301 (Existing Facilities) and Section 15303 (Conversion of Small Structures) of the CEQA Guidelines.

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

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

The property does not include land designated as Prime Farmland or Farmland of Statewide Importance on the State's Important Farmland Inventory. No agricultural production will be removed. Further the property consists of areas suitable for the expansion of agricultural production. Except for the properties to the west which are vacant open space, surrounding properties are in agricultural production. Agricultural operations on the subject property will not impact the agricultural viability of agricultural operations in the area.

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

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

An existing dwelling will be used as a FWD. No construction is required and the use of the FWD will not reduce, restrict, or adversely affect agricultural activities on site or in the area. No new structures are proposed, and no agricultural production is being removed.

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

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

The project is for the change of use of an existing dwelling (1,788 sq. ft.) to a FWD. The 20.23 acre property is mainly comprised of open space with approximately 4 acres in agricultural production. No new structures are proposed, and no agricultural production will be removed. Further, the property consists of areas suitable for the expansion of agricultural production.

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 December 23, 2022, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On December 27, 2022, the Planning Division placed a legal ad in the *Ventura County Star*. As of the date of this document,

## 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 Sections 15301 (Existing Facilities) and Section 15303 (Conversion of Small Structures) of the CEQA Guidelines.
3. **MAKE** the required findings to grant a 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** PD Permit Case No. PL21-0110, 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 Noe Torres at (805) 654-3635 or [noe.torres@ventura.org](mailto:noe.torres@ventura.org).

Prepared by:



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Residential Permits Section  
Ventura County Planning Division

Reviewed by:



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Jennifer Trunk, Manager  
Residential Permits Section  
Ventura County Planning Division

**EXHIBITS**

- Exhibit 2 Maps
- Exhibit 3 Plans
- Exhibit 4 General Plan Analysis
- Exhibit 5 Conditions of Approval



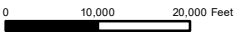
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



Ventura County, California  
Resource Management Agency  
GIS Development & Mapping Services  
Map created on 09-14-2022



County of Ventura  
Planning Director Hearing  
PL21-0110  
Exhibit 2- Maps



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503-0-030-320

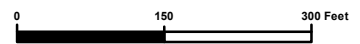
CHAGALL DR



Ventura County, California  
Resource Management Agency  
GIS Development & Mapping Services  
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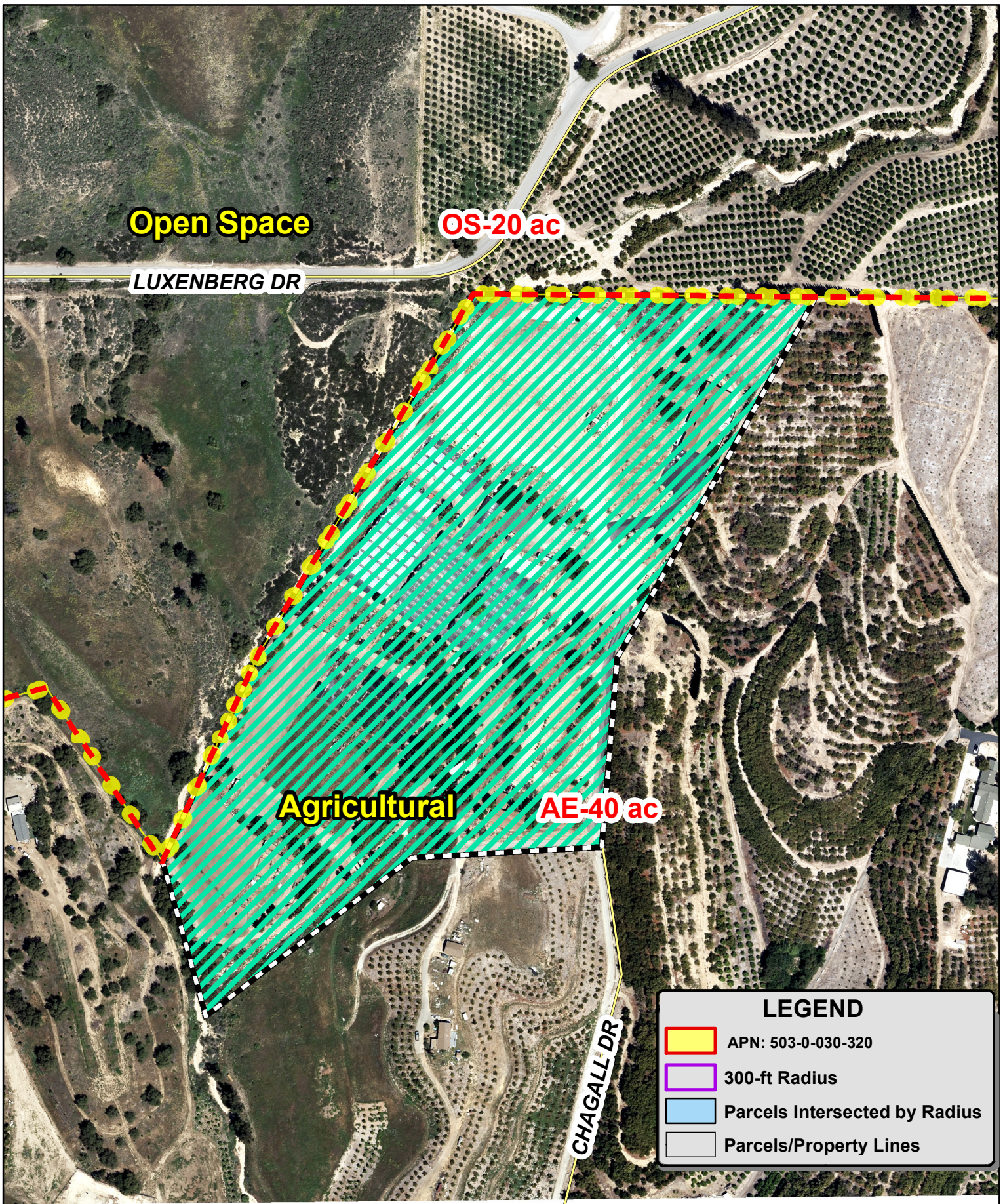
County of Ventura  
Planning Director Hearing  
PL21-0110  
Aerial Photography



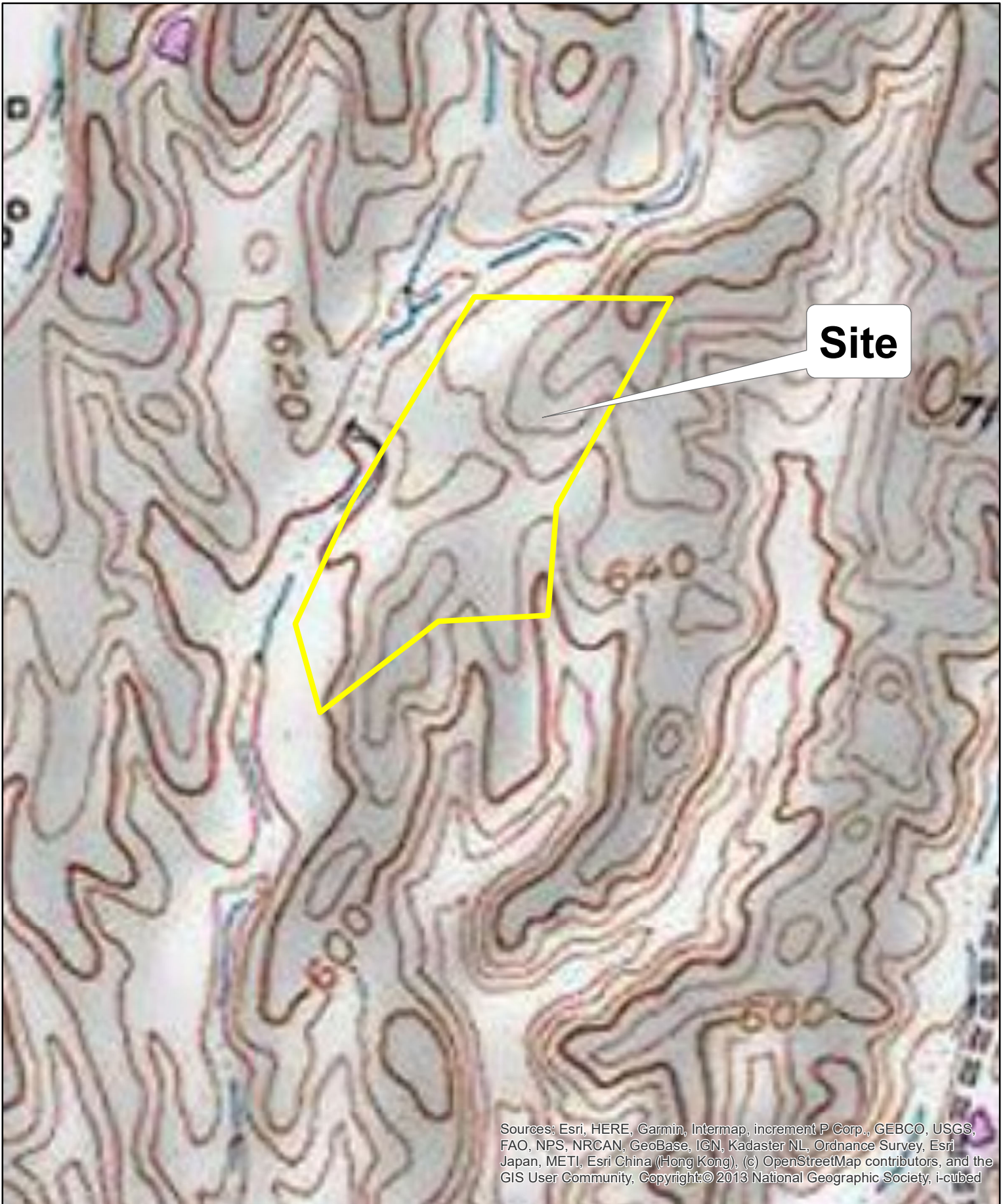
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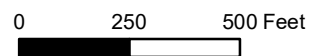
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Copyright: © 2013 National Geographic Society, i-cubed



County of Ventura  
Resource Management Agency  
GIS Development & Mapping Services  
Map created on 09-14-2022  
Source: Moorpark U.S.G.S.  
7.5 Minutes Quadrangle  
Contour Interval = 20 ft



County of Ventura  
Planning Director Hearing  
PL21-0110  
Exhibit 2- Maps



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LUXENBERG DR

Main Dwelling

Accessory Dwelling Unit

Farmworker Dwelling Unit

503-0-030-320

CHAGALL DR



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Resource Management Agency  
GIS Development & Mapping Services  
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County of Ventura  
Planning Director Hearing  
PL21-0110  
Exhibit 3 - Plans

0 150 300 Feet

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## EXHIBIT 4 General Plan Consistency Analysis

The 2040 Ventura County General Plan *Goals, Policies and Programs* (page 1-1) states:

*All area plans, specific plans, subdivisions, public works projects, and zoning decisions must be consistent with the direction provided in the County's General Plan.*

Furthermore, the Ventura County NCZO (Section 8111-1.2.1.1a.) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County General Plan.

Evaluated below is the consistency of the proposed project with the applicable policies of the General Plan *Goals, Policies and Programs*.

### Land Use and Community Character

- 1. General Plan Policy LU-6.3 (Density Exceptions – Agricultural Land Use Designation):** *The County shall exclude from the Agricultural land use maximum density farmworker dwellings, and accessory dwelling units pursuant to section 65852.2 of the Government Code.*

**General Plan Policy LU-8.5 (Farmworker Housing):** *The County shall support the development of safe and quality farmworker housing that facilitates a reliable labor force and promotes efficient agricultural operations. Housing units shall include a variety of housing types, including group quarters and larger dwelling units that can accommodate a family.*

**General Plan Policy LU-16.1 (Community Character and Quality of Life):** *The County shall encourage discretionary development to be designed to maintain the distinctive character of unincorporated communities, to ensure adequate provision of public facilities and services, and to be compatible with neighboring uses.*

**General Plan Policy LU-16.8 (Residential Design that Complements the Natural Environment):** *The County shall encourage discretionary development that incorporates design features that provide a harmonious relationship between adjoining uses and the natural environment.*

**General Plan Policy LU-16.10 (Visual Access for Rural Development):** *The County shall encourage discretionary development in rural areas to maintain views of hillsides, beaches, forests, creeks, and other distinctive natural areas through building orientation, height, and bulk.*

The property is zoned AE-40 ac (Agricultural Exclusive – 40-acre minimum lot area) and has an Agricultural General Plan land use designation. The Ventura County 2040 Table 2-2 Land Use Designation General Development Standards limits Maximum Density/Intensity to one dwelling unit per parcel. The property currently includes a 6,180 sq. ft. Single-Family Dwelling (SFD), a 1,008 sq. ft. Accessory Dwelling Unit (ADU) and an existing 1,788 sq. ft. dwelling to be converted into Farmworker Dwelling (FWD). The ADU and FWD are excluded from the General Plan maximum density limit.

The property is approximately 20.23 acres and is comprised of mostly open space with approximately 4 acres dedicated to agricultural crop production. Adjacent properties are in agricultural production and open space. Both the residential and agricultural uses are compatible with surrounding neighboring uses. The SFD is located in the northeast portion of the property at an elevation of 680 feet above sea level, the FWD is located in the southeast portion of the property at an elevation of 647 feet above sea level and the ADU is located 110 feet northwest of the FWD at a lower elevation of 620 feet above sea level. The SFD, ADU and FWD are one story structures that are not visible from Stockton Road and Grimes Canyon Road due to the topography, existing vegetation and farm production in the area. The FWD is painted with natural tone color and the roof was constructed with natural tone materials. The property is currently served by private onsite wastewater treatment systems (one for each dwelling unit) and water service is provided by Ventura County Waterworks District No. 1.

Based on the discussion above, the proposed project is consistent with General Plan Policies LU-6.3, LU-8.5, LU-16.1, LU-16.8, LU-16.10.

## **Circulation, Transportation, and Mobility**

- 2. General Plan Policy CTM-1.1 (Vehicle Miles Traveled (VMT) Standards and CEQA Evaluation):** *The County shall require evaluation of County General Plan land use designation changes, zone changes, and discretionary development for their individual (i.e., project-specific) and cumulative transportation impacts based on Vehicle Miles Traveled (VMT) under the California Environmental Quality Act (CEQA) pursuant to the methodology and thresholds of significance criteria set forth in the County Initial Study Assessment Guidelines.*

**General Plan Policy CTM-1.3 (County Level of Service (LOS) Standards):**  
*The County shall maintain LOS standards for use as part of the County's transportation planning including the traffic impact mitigation fee program, and the County's review and consideration of proposed land use legislation and discretionary development. For purposes of County transportation planning and*

*review and consideration of proposed land use legislation and discretionary development, the County shall use the following minimum acceptable Level of Service (LOS) for road segment and intersection design standards within the Regional Road Network and all other County-maintained roadways:*

- a. LOS-'C' for all Federal functional classification of Minor Collector (MNC) and Local roadways (L); and*
- b. LOS-'D' for all Federal functional classifications except MNC and L, and Federal and State highways in the unincorporated area, except as otherwise provided in subparagraph (c and d);*
- c. LOS-'E' for State Route 33 between the northerly end of the Ojai Freeway and the city of Ojai, Santa Rosa Road, Moorpark Road north of Santa Rosa Road, State Route 34 north of the city of Camarillo, and State Route 118 between Santa Clara Avenue and the city of Moorpark;*
- d. LOS 'F' for Wendy Drive between Borchard Drive to Lois Avenue; and*
- e. The LOS prescribed by the applicable city for all federal highways, state highways, city thoroughfares and city-maintained local roads located within that city, if the city has formally adopted and is implementing a General Plan policy, ordinance, or a reciprocal agreement with the Count regarding development in the city that is intended to improve the LOS of County-maintained local roads and federal and state highways located within the unincorporated area of the county.*
- f. At any intersection between two or more roads, each of which has a prescribed minimum acceptable LOS, the lower LOS of the roads shall be the minimum acceptable LOS for that intersection.*

**General Plan Policy CTM-1.7 (Pro Rata Share of Improvements):** *The County shall require discretionary development that would generate additional traffic pays its pro rata share of the cost of added vehicle trips and the costs of necessary improvements to the Regional Road Network pursuant to the County's Traffic Impact Mitigation Fee Ordinance.*

**General Plan Policy CTM-2.3 (County Road Access):** *The County shall require discretionary development with access onto a County road to have the access point(s) designed and built to County standards.*

**General Plan Policy CTM-2.28 (Emergency Access):** *The County shall ensure*

*that all new discretionary projects are fully evaluated for potential impacts to emergency access. Mitigation of these impacts shall be handled on a project-by-project basis to guarantee continued emergency service operations and service levels.*

The property is accessed via State Highway 118, to Grimes Canyon Road, to Meadowglade Drive, and then to Chagall Drive. The project is the conversion of an existing dwelling to a FWD. The Traffic Impact Mitigation Fee (TIMF) was paid prior to the construction of this dwelling. Adequate fire flow, access, and response times exist for fire protection purposes. At the time dwelling was constructed, the Ventura County Fire Protection District (VCFPD) reviewed the residential uses and conditioned the original residential permit request to comply with the applicable standards of the Ventura County Fire Code and VCFPD ordinances.

Based on the discussion above, the proposed project is consistent with General Plan Policies CTM-1.1, CTM-1.7, CTM-2.3 and CTM-2.28.

### **Public Facilities, Services, and Infrastructure**

- 3. General Plan Policy PFS-1.7 (Public Facilities, Services, and Infrastructure Availability):** *The County shall only approve discretionary development in locations where adequate public facilities, services, and infrastructure are available and functional, under physical construction, or will be available prior to occupancy.*

**General Plan Policy PFS-4.1 (Wastewater Connections Requirement):** *The County shall require development to connect to an existing wastewater collection and treatment facility if such facilities are available to serve the development. An onsite wastewater treatment system shall only be approved in areas where connection to a wastewater collection and treatment facility is deemed unavailable.*

**General Plan Policy PFS-4.2 (Onsite Wastewater Treatment Systems):** *The County may allow the use of onsite wastewater treatment systems that meet the state Water Resources Control Board Onsite Wastewater Treatment System Policy, Ventura County Sewer Policy, Ventura County Building Code, and other applicable County standards and requirements.*

**General Plan Policy PFS-4.3 (Onsite Wastewater Treatment System Failure Repair):** *The County shall require landowners to repair or replace failing septic tanks, disposal area, and package systems that constitute a threat to water quality and public health.*

The proposed project will be served by the Ventura County Waterworks District No.1.

The proposed project is a conversion of an existing dwelling to a FWD. No new construction is proposed. The dwelling complies with the California Plumbing Code and the California Building Code in effect at the time the dwelling was permitted (2005).

The project site does not have access to a sewer system. For wastewater disposal, the dwelling will continue to use an on-site wastewater treatment system (OWTS) The applicant has provided a septic tank pumping inspection report, which demonstrate that the septic system design will function properly on the project site in accordance with applicable regulations. The Environmental Health Division (EHD) has conditioned the project to require the Permittee to maintain all OWTS components in working order to prevent system failure (Exhibit 5, Condition No. 16).

Based on the discussion above, the proposed project is consistent with General Plan Policies PFS-1.7, PFS-4.1, PFS-4.2 and PFS-4.3.

**General Plan Policy PFS-6.1 (Flood Control and Drainage Facilities Required for Discretionary Development):** *The County shall require discretionary development to provide flood control and drainage facilities, as deemed necessary by the County Public Works Agency and Watershed Protection District. The County shall also require discretionary development to fund improvements to existing flood control facilities necessitated by or required by the development.*

**General Plan Policy PFS-6.5 (Stormwater Drainage Facilities):** *The County shall require that stormwater drainage facilities are properly designed, sited, constructed, and maintained to efficiently capture and convey runoff for flood protection and groundwater recharge.*

**General Plan Policy PFS-7.4 (Discretionary Development Utility Service Line Placement):** *The County shall require discretionary development to place new utility service lines underground if feasible. If undergrounding is determined by the County to be infeasible, then new utility service lines shall be placed in parallel to existing utility rights-of-way, if they exist, or sited to minimize their visual impact.*

As stated in Section A of the staff report, the project is for the change of use of an existing dwelling to a FWD and does not include additional construction or any action that will have an impact on drainage or require an extension of utilities.



Based on the discussion above, the proposed project is consistent with General Plan Policies PFS-6.1, PFS-6.5 and PFS-7.4.

**General Plan Policy PFS-11.1 (Emergency Response):** *The County shall maintain adequate staffing, equipment, and facilities to provide timely and effective responses to emergencies.*

**General Plan Policy PFS-11.4 (Emergency Vehicles Access):** *The County shall require all discretionary development to provide, and existing development to maintain, adequate access for emergency vehicles, including two points of access for subdivisions and multifamily developments.*

**General Plan Policy PFS-12.3 (Adequate Water Supply, Access, and Response Times for Firefighting Purposes):** *The County shall prohibit discretionary development in areas that lack and cannot provide adequate water supplies, access, and response times for firefighting purposes.*

Adequate fire flow, access, and response times exist for fire protection purposes. As discussed in Section 2 (above), at the time the dwelling was constructed, the VCFPD reviewed the residential uses and conditioned the original residential permit request to comply with the applicable standards of the Ventura County Fire Code and VCFPD ordinances. The VCFPD reviewed the current proposal to convert an existing dwelling to a FWD and had no conditions.

Based on the discussion above, the proposed project is consistent with General Plan Policies PFS-11.1, PFS-11.4 and PFS-12.3.

## **Conservation and Open Space**

- 4. General Plan Policy COS-1.1 (Protection of Sensitive Biological Resources):** *The County shall ensure that discretionary development that could potentially impact sensitive biological resources be evaluated by a qualified biologist to assess impacts and, if necessary, develop mitigation measures that fully account for the impacted resource. When feasible, mitigation measures should adhere to the following priority: avoid impacts, minimize impacts, and compensate for impacts. If the impacts cannot be reduced to a less than significant level, findings of overriding considerations must be made by the decision-making body.*

**General Plan Policy COS-1.4 (Consideration of Impacts to Wildlife Movement):** *When considering proposed discretionary development, County decision-makers shall consider the development's potential project-specific and*

*cumulative impacts on the movement of wildlife at a range of spatial scales including local scales (e.g., hundreds of feet) and regional scales (e.g., tens of miles).*

**General Plan Policy COS-1.6 (Discretionary Development on Hillsides and Slopes):** *The County shall require discretionary development on hillsides and slopes, which have an average natural slope of 20 percent or greater in the area where the proposed development would occur, to be sited and designed in a manner that will minimize grading, alteration of natural landforms, and vegetation removal to avoid significant impacts to sensitive biological resources to the extent feasible.)*

**General Plan Policy COS-1.12 (Discretionary Development and Landscaping):** *The County shall require landscaping associated with discretionary development, or subject to the California Water Efficient Landscape Ordinance (WELo), to be water-efficient and include native, pollinator-friendly plants consistent with WELo guidelines, as applicable. The planting of invasive and watch list plants as inventoried by the California Invasive Plant Council shall be prohibited, unless planted as a commercial agricultural crop or grown as commercial nursery stock.*

**General Plan Policy COS-3.1 (Scenic Roadways):** *The County shall protect the visual character of scenic resources visible from state or County designated scenic roadways.*

**General Plan Policy COS-3.5 (Ridgeline and Hilltop Preservation):** *The County shall ensure that ridgelines and major hilltops remain undeveloped and that discretionary development is sited and designed to remain below significant ridgelines, except as required for communication or similar facilities.*

**General Plan Policy COS-3.6 (Open Space Character):** *The County shall require discretionary development outside of Existing Communities be planned and designed to maintain the scenic open space character of the surrounding area, including view corridors from highways. Discretionary development should integrate design, construction, and maintenance techniques that minimize the visibility of structures from public viewing locations within scenic vistas.*

As stated in Section A of the staff report, the project is for the change of use of an existing dwelling to a FWD. No construction or alteration of land are proposed. The property is not located within the Habitat Connectivity Wildlife Corridor or Scenic Resource Protection overlay zone. The project does not include landscaping. The

FWD would not be visible from designated scenic roadways. Additionally, the 20-acre parcel, will remain mostly open space and agricultural production.

Based on the discussion above, the proposed project is consistent with General Plan Policies COS-1.1, COS-1.4, COS-1.6, COS-1.12, COS-3.1, COS-3.5 and COS-3.6.

**General Plan Policy COS-4.2(a) (Cooperation for Cultural, Historical, Paleontological, and Archaeological Resource Preservation):** *The County shall cooperate with cities, special districts, appropriate organizations and private landowners to identify known cultural, archaeological, historical, and paleontological resources to preserve identified resources within the county.*

**General Plan Policy COS-4.2(b) (Cooperation for Tribal Cultural Resource Preservation):** *For discretionary projects, the County shall request local tribes contact information from Native American Heritage Commission, to identify known tribal cultural resources. If requested by one or more of the identified local tribes, the County shall engage in consultation with each local tribe to preserve, and determine appropriate handling of, identified resources within the county.*

**General Plan Policy COS-4.4 (Discretionary Development and Tribal, Cultural, Historical, Paleontological, and Archaeological Resource Preservation):** *The County shall require that all discretionary development projects be assessed for potential tribal, cultural, historical, paleontological, and archaeological resources by a qualified professional and shall be designed to protect existing resources. Whenever possible, significant impacts shall be reduced to a less-than-significant level through the application of mitigation and/or extraction of maximum recoverable data. Priority shall be given to measures that avoid resources.*

As stated in Section A of the staff report, the project is for the change of use of an existing dwelling to a FWD and does not include additional construction or ground disturbance. The property is not identified by Ventura County GIS as an archaeological sensitive area. The proposed FWD will not have an impact on drainage or require an extension of utilities.

Based on the discussion above, the project is consistent with General Plan Policy COS-4.2(a), COS-4.2(b) and COS-4.4.

## **Hazard and Safety**

- 5. General Plan Policy HAZ-1.1 (Fire Prevention Design and Practices):** *The County shall continue to require development to incorporate design measures that enhance fire protection in areas of high fire risk. This shall include but is not limited to incorporation of fire-resistant structural design, use of fire-resistant landscaping, and fuel modification around the perimeter of structures.*

**General Plan Policy HAZ-1.2 (Defensible Space Clear Zones):** *The County shall require adherence to defensible space standards, or vegetation “clear zones,” for all existing and new structures in areas that are designated as Hazardous Fire Areas by the Ventura County Fire Protection District and High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection.*

**General Plan HAZ-1.4 (Development in High Fire Hazard Severity Zones and Hazardous Fire Areas):** *The County shall require the recordation of a Notice of Fire Hazard with the County Recorder for all new discretionary entitlements (including subdivisions and land use permits) within areas designated as Hazardous Fire Areas by the Ventura County Fire Department or High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection (CAL FIRE).*

The property is not located within County Hazardous Fire Areas or Cal Fire High Hazard Severity Zone. Adequate fire flow, access, and response times exist for fire protection purposes. As discussed in Section 2 (above), at the time the dwelling was constructed, the VCFPD reviewed the residential uses and conditioned the original residential permit request to comply with the applicable standards of the Ventura County Fire Code and VCFPD ordinances. The VCFPD requires clearance of grass or brush within 100 feet of any structure and the brush clearance area to be maintained annually in accordance with the VCFPD Ordinance.

Based on the discussion above, the project is consistent with General Plan Policies HAZ-1.1, HAZ-1.2, and HAZ-1.4.

**General Plan Policy HAZ-4.13 (Design for Expansive Soils):** *The County shall not allow habitable structures or individual sewage disposal systems to be placed on or in expansive soils unless suitable and appropriate safeguards are incorporated into the project design to prevent adverse effects.*

For wastewater disposal, the project proposes an on-site wastewater treatment system (OWTS) The applicant has provided a pumping report (Advanced Sanitation dated March 17, 2020), which demonstrate that the septic system design will function properly on the project site in accordance with applicable

regulations. The Environmental Health Division (EHD) has conditioned the project to require the Permittee to maintain all OWTS components in working order to prevent system failure (Exhibit 5, Condition No. 16).

Based on the discussion above, the project is consistent with General Plan Policy HAZ-4.13.

**General Plan Policy HAZ-9.2 (Noise Compatibility Standards):** *The County shall review discretionary development for noise compatibility with surrounding uses. The County shall determine noise based on the following standards:*

1. *New noise sensitive uses proposed to be located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed CNEL 60 or Leq1H of 65 dB(A) during any hour.*
2. *New noise sensitive uses proposed to be located near railroads shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed L10 of 60 dB(A)*
3. *New noise sensitive uses proposed to be located near airports:*
  - a. *Shall be prohibited if they are in a Community Noise Equivalent Level (CNEL) 65 dB or greater, noise contour; or*
  - b. *Shall be permitted in the Community Noise Equivalent Level (CNEL) 60 dB to CNEL 65 dB noise contour area only if means will be taken to ensure interior noise levels of CNEL 45 dB or less.*
4. *New noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor, measured at the exterior wall of the building, does not exceed any of the following standards:*
  - a. *Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.;*
  - b. *Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.; and*

- c. *Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.*
5. *Construction noise and vibration shall be evaluated and, if necessary, mitigated in accordance with the Construction Noise Threshold Criteria and Control Plan (Advanced Engineering Acoustics, November 2005).*

The FWD is not located near highways, truck routes, heavy industrial uses or activities, railroads, or airports. Additionally, the project does not include new construction that will increase noise generated from the property.

Based on the discussion above, the project is consistent with General Plan Policy HAZ-9.2.

## **Water Resources**

6. **General Plan Policy WR-1.2 (Watershed Planning):** *The County shall consider the location of a discretionary project within a watershed to determine whether or not it could negatively impact a water source. As part of discretionary project review, the County shall also consider local watershed management plans when considering land use development.*

**General Plan Policy WR-1.11 (Adequate Water for Discretionary Development):** *The County shall require all discretionary development to demonstrate an adequate long-term supply of water.*

**General Plan Policy WR-1.12 (Water Quality Protection for Discretionary Development):** *The County shall evaluate the potential for discretionary development to cause deposition and discharge of sediment, debris, waste and other pollutants into surface runoff, drainage systems, surface water bodies, and groundwater. The County shall require discretionary development to minimize potential deposition and discharge through point source controls, storm water treatment, runoff reduction measures, best management practices, and low impact development.*

**General Plan Policy WR-3.2 (Water Use Efficiency for Discretionary Development):** *The County shall require the use of water conservation techniques for discretionary development, as appropriate. Such techniques include low-flow plumbing fixtures in new construction that meet or exceed the California Plumbing Code, use of graywater or reclaimed water for landscaping, retention of stormwater runoff for direct use and/or groundwater recharge, and landscape water efficiency*

*standards that meet or exceed the standards in the California Model Water Efficiency Landscape Ordinance.*

Water service to the property is provided by the Ventura County Waterworks District No.1. As stated in Section A the staff report, the project is for the change of use of an existing dwelling to a FWD and no new construction is proposed.

Based on the description above, the project is consistent with General Plan Policies WR-1.2, WR-1.11, WR-1-12, WR-3.2.

## **Agriculture**

### **7. General Plan Policy AG-1.2 Agricultural Land Use Designation**

*The County shall ensure that discretionary development located on land designated as Agricultural on the General Plan Land Use Diagram and identified as Prime Farmland or Farmland of Statewide Importance on the State's Important Farmland Inventory is planned and designed to remove as little land as possible from potential agricultural production and to minimize impacts on topsoil.*

### **General Plan Policy AG-1.8 Avoid Development on Agricultural Land**

*The County shall ensure that discretionary development located on land identified as Important Farmland on the State's Important Farmland Inventory shall be conditioned to avoid direct loss of Important Farmland as much as feasibly possible.*

The property does not include land designated as Prime Farmland or Farmland of Statewide Importance on the State's Important Farmland Inventory. As stated in Section A of the staff report, the property is zone AE-40 ac and has an Agriculture General Plan Land Use designation. Existing development and the conversion of a residential dwelling to a FWD is consistent with the General Plan maximum density limits. No construction is being proposed as part of this project.

## CONDITIONS OF APPROVAL FOR PD PERMIT CASE NO. PL21-0110

### RESOURCE MANAGEMENT AGENCY (RMA)

#### Planning Division Conditions

##### 1. Project Description

This Planned Development Permit is based on and limited to compliance with the project description stated in this condition below, Exhibit 3 of the Planning Director hearing on January 12, 2023, and conditions of approval set forth below. Together, these conditions and documents describe the "Project." Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

The applicant is requesting a Planned Development Permit to change of use an existing 1,788 square feet (sq. ft.) dwelling to a Farmworker Dwelling Unit (FWD). The FWD unit will continue to be served by an existing onsite wastewater treatment system (OWTS) and water service from the Ventura County Waterworks District no. 1 (Exhibit 3).

The use, maintenance of the property, arrangement, location of structures, and the protection and preservation of resources shall conform to the project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below.

##### 2. Site Maintenance

**Purpose:** To ensure that the Project site is maintained in a neat and orderly manner so as not to create any hazardous conditions or unsightly conditions which are visible from outside of the Project site.

**Requirement:** The Permittee shall maintain the Project site in a neat and orderly manner, and in compliance with the Project description set forth in Condition No. 1. Only equipment and/or materials which the Planning Director determines to substantially comply with the Project description shall be stored within the Project site during the life of the Project.

**Documentation:** The Permittee shall maintain the Project site in compliance with Condition No. 1 and the approved plans for the Project.



**Timing:** The Permittee shall maintain the Project site in a neat and orderly manner and in compliance with Condition No. 1 throughout the life of the Project.

**Monitoring and Reporting:** The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

### 3. PD Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this PD. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity in order to determine if a PD modification is required. If a PD modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and
- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, §§ 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §§ 15000-15387), as amended from time to time.

### 4. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this PD Permit and/or commencement of construction and/or operations under this PD Permit shall constitute the Permittee's formal agreement to comply with all conditions of this PD Permit. Failure to abide by and comply with any condition of this PD Permit shall constitute grounds for enforcement action provided in the Ventura County Non-Coastal Zoning Ordinance (Article 14), which shall include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- b. Suspension of the permitted land uses (Condition No. 1);
- c. Modification of the PD Permit conditions listed herein;
- d. Recordation of a "Notice of Noncompliance" on the deed to the subject property;
- e. The imposition of civil administrative penalties; and/or
- f. Revocation of this PD Permit.

The Permittee is responsible for being aware of and complying with the PD Permit conditions and all applicable federal, state, and local laws and regulations.

5. Time Limits

a. Use inauguration:

- (1) The approval decision for this PD Permit becomes effective upon the expiration of the 10 day appeal period following the approval date on which the planning director rendered the decision on the Project, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration in order to initiate the land uses set forth in Condition No. 1.
- (2) This PD Permit shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for inauguration within one year from the date the approval decision of this PD becomes effective. The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.
- (3) Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date, or the County may revoke this PD Permit.

6. Documentation Verifying Compliance with Other Agencies' Requirements Related to this PD Permit

**Purpose:** To ensure compliance with, and notification of, federal, state, and/or local government regulatory agencies that have requirements that pertain to the Project (Condition No. 1, above) that is the subject of this PD Permit.

**Requirement:** Upon the request of the Planning Director, the Permittee shall provide the Planning Division with documentation (e.g., copies of permits or agreements from other agencies, which are required pursuant to a condition of this PD Permit) to verify that the Permittee has obtained or satisfied all applicable federal, state, and local entitlements and conditions that pertain to the Project.

**Documentation:** The Permittee shall provide this documentation to Planning Division staff in the form that is acceptable to the agency issuing the entitlement or clearance, to be included in the Planning Division Project file.

**Timing:** The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for use inauguration or as dictated by the respective agency.

**Monitoring and Reporting:** The Planning Division maintains the documentation provided by the Permittee in the respective Project file. In the event that the federal, state, or local government regulatory agency prepares new documentation due to changes in the Project or the other agency's requirements, the Permittee shall submit the new documentation within 30 days of receipt of the documentation from the other agency.

7. Notice of PD Permit Requirements and Retention of PD Permit Conditions On Site

**Purpose:** To ensure full and proper notice of these PD Permit conditions affecting the use of the subject property.

**Requirement:** Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and vendors who regularly conduct activities associated with the Project, of the pertinent conditions of this PD Permit.

**Documentation:** The Permittee shall [maintain a current set of PD Permit conditions and exhibits at the project site.

**Timing:** Prior to issuance of a Zoning Clearance for use inauguration and throughout the life of the Project.

**Monitoring and Reporting:** The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

8. Recorded Notice of Land Use Entitlement

**Purpose:** The Permittee shall record a "Notice of Land Use Entitlement" form and the conditions of this PD Permit with the deed for the subject property that notifies the current and future Property Owner(s) of the conditions of this PD Permit.

**Requirement:** The Permittee shall sign, have notarized, and record with the Office of the County Recorder, a "Notice of Land Use Entitlement" form furnished by the Planning Division and the conditions of this PD Permit, with the deed of the property that is subject to this PD Permit.

**Documentation:** Recorded "Notice of Land Use Entitlement" form and conditions of this PD Permit.

**Timing:** The Permittee shall record the "Notice of Land use Entitlement" form and conditions of this PD Permit, prior to issuance of a Zoning Clearance for use inauguration.

**Monitoring and Reporting:** The Permittee shall return a copy of the recorded "Notice of Land Use Entitlement" form and conditions of this PD Permit to Planning Division staff to be included in the Project file.

9. Financial Responsibility for Compliance Monitoring and Enforcement

a. **Cost Responsibilities:** The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the Ventura County Non-Coastal Zoning Ordinance § 8114-3 related to this PD Permit. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.

b. **Establishment of Revolving Compliance Account:**

Within 10 calendar days of the effective date of the final decision approving this PD Permit, the Permittee shall submit the following deposit and reimbursement agreement to the Planning Director:

(1) A payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs associated with condition compliance review, monitoring, and enforcement activities described in 9.a (above), and any duly-imposed civil administrative penalties regarding this. The Permittee shall replenish such account to the above-stated amount within 10 calendar days after receiving notice of the requirement to do so from the Resource Management Agency.

(2) An executed reimbursement agreement, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.

c. **Billing Process:** The Permittee shall pay all Planning Division invoices within 30 days of receipt thereof. Failure to timely pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of

this PD Permit. The Permittee shall have the right to challenge any charge or penalty prior to payment.

10. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or enforcement of this PD Permit. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements, or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties.
- c. Except with respect to claims, actions, proceedings, and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County), and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings, and Liabilities arising out of, or in any way related to, the construction, maintenance, land use, or operations conducted pursuant to this PD Permit, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.
- d. Neither the issuance of this PD Permit, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this PD Permit serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

11. Invalidation of Conditions

If any of the conditions or limitations of this PD Permit are held to be invalid in whole or in part by a court of competent jurisdiction, that holding shall not invalidate any of the remaining PD Permit conditions or limitations. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of competent jurisdiction, or threatened to be filed therein, the

Permittee shall be required to fully comply with this PD Permit, including without limitation, by remitting the fee, exaction, dedication, and/or by otherwise performing all mitigation measures being challenged. This PD Permit shall continue in full force unless, until, and only to the extent invalidated by a final, binding judgment issued in such action.

If a court of competent jurisdiction invalidates any condition in whole or in part, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this PD Permit, at the discretion of the Planning Director, the Planning Director, may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. If the Planning Director, cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition, and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this PD Permit may be revoked.

#### 12. Relationship of PD Permit Conditions, Laws, and Other Entitlements

The Permittee shall implement the Project in compliance with all applicable requirements and enactments of federal, state, and local authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any PD Permit condition contained herein is in conflict with any other PD Permit condition contained herein, when principles of law do not provide to the contrary, the PD Permit condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this PD Permit for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules, or regulations, or orders of an authorized governmental agency. Neither the approval of this PD Permit, nor compliance with the conditions of this PD Permit, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

#### 13. Contact Person

**Purpose:** To designate a person responsible for responding to complaints.

**Requirement:** The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this PD Permit.

**Documentation:** The Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, business and cell phone numbers, and email addresses) of the Permittee's field agent who receives all orders, notices, and communications regarding matters of condition and code compliance at the Project site.

**Timing:** Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the Project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide Planning Division staff with the new information in writing within three calendar days of the change in the Permittee's field agent.

**Monitoring and Reporting:** The Planning Division maintains the contact information provided by the Permittee in the Project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

#### 14. Change of Permittee

**Purpose:** To ensure that the Planning Division is properly and promptly notified of any change of Permittee.

**Requirement:** The Permittee shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). The Permittee shall provide the Planning Director with a final notice once the transfer of ownership and/or operational control has occurred.

**Documentation:** The initial notice must be submitted with the new Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new Property Owner(s), lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this PD Permit.

**Timing:** The Permittee shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

**Monitoring and Reporting:** The Planning Division maintains notices submitted by the Permittee in the Project file and has the authority to periodically confirm the information consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

### **Agricultural Worker Housing**

#### 15. Annual Verification of Employment

**Purpose:** In order to comply with § 8107-41 of the Ventura County Non-Coastal Zoning Ordinance.

**Requirement:** The Permittee shall submit an annual Employment Verification Declaration and supporting documentation for the farmworker dwelling unit in the form made available by the Planning Director, in order to demonstrate that the farmworker(s) residing in the farmworker dwelling unit meet(s) the employment criteria established in § 8107-41.2 of the Non-Coastal Zoning Ordinance.

**Documentation:** The Permittee must submit an annual "Employment Verification Declaration" form for the farmworker unit in the form made available by the Planning Director. The completed verification declaration and supporting documentation shall require the property owner to meet all the following requirements:

- a. Verify and provide evidence that any permanent agricultural worker housing was occupied by a farmworker during the preceding calendar year;
- b. Declare that any permanent agricultural worker housing will be occupied by a farmworker during the current calendar year; and,
- d. Provide proof of qualifying employment for occupants or agricultural worker housing, upon request by the County, by using a combination of at least two of the documents listed in Sec. 8107-41.2.2(f).
  - (1) Employee's income tax return;
  - (2) Employee's pay receipts;
  - (3) Employer's DE-34 form;
  - (4) Employer's ETA 790 form;
  - (5) Employee's W-2 form;
  - (6) Employer's DLSE-NTE form;
  - (7) A documents signed by both the employer and the employee, which states that the occupant of the agricultural worker housing is employed in the agriculture, and includes a description of the employee's job duties; or.
  - (8) Other proof approved in writing by the Planning Director or his/her designee.

**Timing:** The Permittee shall submit the "Employment Verification Declaration" form and supporting documents by May 15<sup>th</sup> of each year to the Planning Division.

**Monitoring and Reporting:** The Planning Division maintains the annual declarations provided by the Permittee in the Project file. The Planning Division has the authority to ensure ongoing compliance with this condition pursuant to § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance. (PL-81)

### **Environmental Health Division (EHD) Conditions**

#### 16. Existing OWTS General Notice

**Purpose:** To demonstrate compliance with State and local regulations related to the



design and installation of an onsite wastewater treatment system (OWTS). Only domestic waste as defined in the Ventura County General Plan and the Ventura County Building Code Ordinance may be discharged into the on-site sewage disposal system.

**Requirement:** Permittee shall maintain all OWTS components in good working order to prevent system failure and creation of a public nuisance. Permittee is required to obtain the approval of the Ventura County Environmental Health Division (EHD) prior to changing and/or modifying the OWTS, repairing components of the OWTS, expanding the footprint of a structure, adding plumbing fixtures, or adding a new structure.

**Ongoing Maintenance:** Once the OWTS has been installed and finalized by EHD, it is the owner's responsibility to properly maintain the system to prevent OWTS failure or an unauthorized sewage release, and from creating a public nuisance, health concern, or impact the environment. The septic tank shall be serviced, as needed, by a septic pumper truck registered and permitted by Ventura County EHD, and all pumping activities shall be reported to EHD. All septage wastes must be disposed of in an approved manner. EHD staff will also receive and respond to any complaints related to OWTS and/or unauthorized sewage releases.

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