



## Planning Director Staff Report– Hearing on July 22, 2021

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • [www.vcrma.org/divisions/planning](http://www.vcrma.org/divisions/planning)

### FINNIGAN 918 INDUSTRIAL PROJECT CONDITIONAL USE PERMIT (CUP) CASE NO. PL20-0128

#### A. PROJECT INFORMATION

1. **Request:** The applicant requests that a Conditional Use Permit (CUP) be granted to authorize the continued operation of an existing salvage yard, including automobile wrecking and sales of salvaged parts for an additional 20-year period. (Case No. PL20-0128)
2. **Property Owner/Applicant:** Tim Finnigan, 830 E. Santa Clara Street, Ventura CA 93001
3. **Applicant's Representative:** Bill Lindsay, Robert William Company, P.O. Box 1025, Santa Paula CA 93061  
(805) 525-6400
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 modified CUP.
5. **Project Site Size, Location, and Parcel Number:** The project site encompasses 7.43 acres located at 918 Mission Rock Road in the unincorporated area west of the City of Santa Paula. The Assessor's Parcel Numbers for the property that constitutes the project site is APN: 099-0-110-165; 099-0-110-185 through -255 (Exhibit 2).
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
  - a. Countywide General Plan Land Use Map Designation: Existing Community
  - b. Zoning Designation: "M3-10,000 sq. ft." (General Industrial 10,000 sf minimum lot area)

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
<b>North</b>	M3-10,000 (General Industrial 10,000 sf minimum lot area)	Auto wrecking and sales of salvaged materials
<b>South</b>	OS-80ac/MRP (Open Space, 80-acre minimum lot area, Minerals Resource Protection Overlay)	Open space with oil wells
<b>East</b>	M3-10,000 (General Industrial 10,000 sf minimum lot area)	Auto wrecking and sales of salvaged materials
<b>West</b>	M3-10,000 (General Industrial 10,000 sf minimum lot area)	Asphalt mixing plant and recycling facility.

**8. History:** Industrial uses have existed in the vicinity of the project site over the past 50 years on land that was previously in agriculture use (primarily pasture). Oil development began in the mid-1950's with the first producing oil completed in 1955. During that time period, production of sand and gravel in the Santa Clara riverbed also commenced. In 1959, an asphalt batch plant was authorized in the area south of the current Mission Rock Road Existing Community. Within the Existing Community itself, the County issued the first permit for a vehicle wrecking yard in 1962. In the 1960's and early 1970's, the County permitted more industrial uses.

On January 23, 1979, the County made an Open Space Policy Determination that permitted the filing of an application for a zone change on the subject property. On May 22, 1979, the Board of Supervisors approved Zone Change No. Z-2576, which changed the site's zoning from "R-E-1Ac" (Rural Exclusive, one-acre minimum) to "M-3" (General Industrial District). On November 13, 1980, the Planning Commission granted CUP-3916 to authorize an auto salvage yard. The Permittee was unable to satisfy conditions of approval within a 3-year period in order to obtain the required Zoning Clearance for Use Inauguration. On November 13, 1983, CUP-3916 expired and the Permittee was required to submit a new application for a CUP.

On November 15, 1984, the Planning Commission granted CUP No. 4204 (Resolution No. 80-22) to authorize the installation and operation of an auto salvage yard for a five year period ending on November 15, 1989. This facility included two, 1,000 sq. ft. modular buildings for an office, sales and storage. Although the permittee filed a renewal request in July of 1985, the application was determined to be incomplete and was not processed to a decision.

On August 30, 1990, the Planning Commission granted modified CUP No. 4204-2 (Resolution No. 90-31) to authorize the continued operation of the auto salvage and dismantling yard on Assessor's Parcel No. 099-0-110-045, subject to revised conditions of approval. At that time, the Planning Commission granted 14 land use entitlements for various industrial uses in the Mission Rock Road community, all of which were subject to the following requirements:

1. Each Permittee was required to participate in a property owners association to fund the installation and maintenance of road improvements, drainage improvements, and a water supply system for fire protection purposes, within the Mission Rock Road community; and,
2. Each entitlement was subject to site- and project-specific conditions for the uses that were permitted as part of each entitlement.

The Permittees were initially required to satisfy these requirements by August 30, 1991. However, on August 29, 1991, the Planning Commission granted a one year extension of this deadline to satisfy the requirements. The Mission Rock Road Property Owner's Association was formed in May 1992, and commenced with the community-wide improvements.

On August 29, 1992, the Planning Director granted a Permit Adjustment to all of the Mission Rock Road permits to extend the deadline to complete required improvements November 5, 1992. This action provided time for the permittees to complete the road and drainage improvements, obtain off-site easements, survey the properties, and obtain another CUP for an off-site water line from the Santa Paula Water Works. Subsequently, the Mission Rock Road Property Owner's Association requested and received seven more Permit Adjustments for short-term extensions of the applicable deadlines due to various complications related to the above tasks. The last extension expired on October 18, 1993. By that time, the three major improvements were completed to the satisfaction of County Agencies.

On April 4, 1994, Tim Finnigan, the property owner, filed an application (CUP 4204, Modification No. 3) to modify the parking and landscaping layout, office and warehouse design, and yard divisions approved as part of CUP 4204. This application was, however, terminated by the County due to an extended period of incompleteness.

On October 17, 1994, Mr. Finnigan filed an application (CUP 4204, Modification No. 4) to authorize an additional one-year extension of the deadline to obtain the final Zoning Clearance for Modification No. 2. On October 24, 1995, Mr. Finnigan withdrew this application as all conditions of Modification No. 2 had been met.

On April 8, 1999, the Planning Director granted CUP 4204-5, in order to divide the site into separate yards for auto salvage and dismantling.



operation located on East Wooley Road near the City of Oxnard. This disposal facility was subject to CUP No. 531.

Since Permit Adjustment PL12-0084 was granted, CUP 531 expired on August 6, 2018. This facility remained in operation until 2020 as an application to extend the effective term of this CUP was processed by the County. This facility was, however, permanently closed in 2020 by the State of California, Department of Conservation as it could not meet established engineering standards for subsurface disposal of oilfield wastewater. Thus, the authorization for the temporary storage of oilfield waste fluids is no longer in effect as the source of the fluids specified in the adjusted CUP LU10-0018 is no longer in operation.

The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the continued operation of the existing salvage yard, including automobile wrecking and sales of salvaged parts, and the existing contractors service and storage yard for an additional 20-year period. (Case No. PL20-0128)

**9. Project Description:** The proposed project is comprised of the continued operation of existing permitted industrial uses on the subject property for an additional 20-year period. These uses include:

- a. Operation of a salvage yard, including automobile wrecking yard, and the ancillary retail sales of salvaged materials (collectively, "Auto Recycling and Salvaged Auto Part Sales Facility"). The following activities are authorized as part of this facility:
  - o The use of the land as an automobile and truck dismantling yard, general scrap metal recycling operation (predominately vehicle scrap metal) and auto refurbishing.
  - o Wholesale and retail sales of salvaged automobile parts of vehicles.
  - o Auto auctions to licensed dealers only. These auctions shall occur, no more than once a week during day light hours. Parking of vehicles shall not exceed the amount of available parking spaces on the site.
  - o The storage, loading, and unloading of vehicles and scrap metal materials within the boundaries of the permit area.
  - o The use of portable pneumatic compaction equipment.
- b. The operation of a Contractor's Service and Storage Yard on 3.5 acres of the 7.43-acre lot. This operation includes the use of the existing buildings (C and D) as an

administrative office, truck and ancillary equipment parking, and the storage of portable tanks and bins.

- c. The operation and maintenance of a 12,000-gallon propane storage and wholesale distribution tank located adjacent to Building E.
- d. The continued use of the following five existing warehouse buildings, each of which includes interior offices:

<b>Building*</b>	<b>Floor Area (Square Feet)</b>
A	4,900
B	4,900
C	4,900
D	4,900
E	4,800

- e. The Santa Paula Water Works will continue to provide water service to the project site. Each existing building is connected to an existing on-site septic system that will continue to provide for sewage disposal.

The following plans constitute the approved plans for the project site:

<b><u>Permit Action</u></b>	<b><u>Date of Approval</u></b>	<b><u>Plan Reference</u></b>
CUP No. LU10-0018	11-15-10	Elevations, and Floor Plans of Buildings A, B, C, D, and E
CUP No. LU10-0018	1-6-2012	SP-1 (Signage Plans)
CUP No. LU10-0018	1-9-2012	A-1 (Directory Sign, Detail "A")
CUP No. LU10-0018	1-9-2012	LP-1 (As Built Landscape Plan) and attached photos
CUP Case No. PL20-0128	TBD	Site Plan Sheet A1.0 dated November 6, 2020. (Exhibit 3)

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

Pursuant to CEQA (Public Resources Code §21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, §15000 et seq.), the subject application is a "project" that is subject to environmental review.

On August 30, 1990, the Planning Commission adopted a Mitigated Negative Declaration (MND) that evaluated the environmental impacts of the operation of vehicle

salvage yards along with several contractor's service and storage operations, an oil waste water treatment plant and oil production equipment, a boarding kennel, and a concrete manufacturing plant. The MND identified potentially significant cumulative impacts related to fire protection, floodplain management, and access and circulation for the entire Mission Rock Road Community. Mitigation measures identified in the MND were imposed by the Planning Commission as conditions of approval of CUP No. 4204 in order reduce the project's contribution to the cumulative impacts to a less than significant level.

As part of the granting of CUP LU10-0018 in 2010, the Planning Director found that an Addendum to the MND prepared pursuant to Section 15164 of the CEQA Guidelines constituted adequate environmental review. Similarly, the changes in the project authorized by the Permit Adjustment (Case No. LU12-0015) granted in 2012 were evaluated for environmental effects in another Addendum to the 1990 MND.

The current proposal is comprised of only an extension of the effective period of the CUP under which the various uses previously authorized currently operate. No changes in the buildings or other physical facilities are proposed. Similarly, the ongoing operations are not proposed to change. Note, however, that the temporary storage of oil field waste and brine allowed by Permit Adjustment in 2012 (Case No. PL12-0084) is no longer occurring or authorized on the project site. This is because the specific oil field waste disposal facility associated with this activity has been closed by action of the State of California, Department of Conservation.

Given that the proposed project does not involve a change in existing facilities and is comprised of the continuation of existing authorized operations, it is eligible for exemption from further environmental review in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines.

In summary, proposed use of the project site for the continued operation of the existing automobile dismantling yard and contractor's service and storage yard does not involve any new discernable effects on the environment. The operation of these industrial uses would be compatible and in character with the surrounding industrial uses, and not change the intensity of use of the property from that previously permitted. No substantial effects on traffic, biological resources, flood hazards, noise, air quality or other environmental issues have been identified that would result from project implementation.

Based on the information provided above and in light of the whole record, staff recommends that the decision-maker find that the project is exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines.

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

The Ventura County NCZO (Section 8111-1.2.1.1.a) 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 2040 General Plan.

**LU-11.1 Location:** *The County shall encourage mixed-use, commercial, and industrial development be located within cities, existing unincorporated urban centers, or designated Existing Communities where necessary public facilities and services can be provided to serve such development. (RDR)*

Staff Analysis: The proposed project is comprised of the continuation of the operation of an existing automobile dismantling and salvage yard, and an existing contractor's service and storage yard for a 20-year period. These industrial facilities are located in the Mission Rock Road Existing Community on land zoned for such uses. Automobile salvage operations have been taking place on the project site for the past 30 years. All necessary public and private services are available to serve the existing and proposed facilities.

Based on the above discussion, the proposed project is consistent with this 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. (RDR)*

**LU-16.2 Urban Design Standards for Commercial and Industrial Development:** *The County shall require that discretionary commercial and industrial developments maintain high standards of urban design and environmental quality by incorporating compact form, maximizing pedestrian access and safety, and minimizing land use conflicts and traffic congestion.*

Staff Analysis: The proposed project is comprised of a continuation of automobile-related and other industrial uses on the project site. No change in the existing buildings or other physical facilities is proposed. A change in the appearance of the property from public view along Mission Rock Road will not result from project implementation.

Water will continue to be supplied to the subject facility by the City of Santa Paula. Sewage disposal will continue to be accommodated by existing onsite wastewater treatment systems.

In summary, the proposed uses and facilities on the project site will remain in character with the other surrounding industrial uses in the area.

Based on the above discussion, the proposed project is consistent with these policies.

**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.*

Staff Analysis: Water, road access, sewage disposal and all other necessary services will continue to be available to the project site to serve the proposed land uses.

Based on the above discussion, the proposed project is consistent with this policy.

**PFS-3.2 Fair Share of Improvement Costs:** *The County shall require development to pay its fair share of community improvement costs through impact fees, assessment districts, and other mechanisms.*

Staff Analysis: The owner of the project site was required as part of the Mission Rock Road Property Owner's Association (MRRPOA) to participate in the development of community wide road and flood control improvements in the early 1990s. These improvements are required to be maintained in accordance with conditions of approval included in the discretionary permits granted to the various uses in the area. These are included in the recommended conditions of approval for the requested modified CUP. Thus, no impact fees or other assessments are required.

Based on the above discussion, the proposed project is consistent with this 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.*

Staff Analysis: Sewer service is not available in the Mission Rock Road area. Sewage disposal for the onsite buildings and uses will continue to be accommodated through the use of existing onsite wastewater treatment systems.

Based on the above discussion, the proposed project is consistent with this 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.*

Staff Analysis: Sewage disposal for the onsite buildings and uses will continue to be accommodated through the use of existing onsite wastewater treatment systems.

These systems are operated under permits issued by the Regional Water Quality Control Board (RWQCB) and satisfy all applicable regulatory requirements.

Based on the above discussion, the proposed project is consistent with this 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.*

Staff Analysis: The proposed project does not involve a change in the area of impervious surfaces or any alteration to the existing drainage facilities on the project site. Project implementation will not require the development of new flood control facilities or improvements in existing facilities.

Based on the above discussion, the proposed project is consistent with this 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.*

Staff Analysis: The proposed project includes driveways and gated entrances to each of the onsite buildings and adjacent work areas. These gates satisfy VCFPD requirements for emergency access. The driveways, the parking lot, and Mission Rock Road will continue to provide adequate access for emergency vehicles.

Based on the above discussion, the proposed project is consistent with this 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.*

Staff Analysis: The proposed project includes driveways and gated entrances to each of the onsite buildings and adjacent work areas. These gates satisfy VCFPD requirements for emergency access. The driveways, the parking lot, and Mission Rock Road will continue to provide adequate access for emergency vehicles.

Water will continue to be provided to the project site by the City of Santa Paula in a manner that meets the fire flow standards of the VCFPD. The project site is located less than 3 miles from the nearest fire station. Thus, the available response time will meet VCFPD requirements.

Based on the above discussion, the proposed project is consistent with this 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.*

Staff Analysis: Water will continue to be provided to the project site by the City of Santa Paula. The City produces groundwater from the Santa Paula Groundwater Basin in accordance with a 2010 Amended and Restated Judgement of the 1996 Stipulated Judgement that adjudicated the water rights of this basin. The City's allocation under the 2010 judgement is 5,560 Acre-Feet per year (AFY). The County of Ventura considers service by the City in conformance with established water rights and the City's adopted 2017 Urban Water Management Plan to constitute an adequate long-term supply of water.

Based on the above discussion, the proposed project is consistent with this policy.

#### **D. ZONING ORDINANCE COMPLIANCE**

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

Pursuant to the Ventura County Non-Coastal Zoning Ordinance (§8105-5), the proposed automobile salvage uses are allowed in the M3 zone district with the granting of a CUP by the Planning Commission. The requested extension of the effective period of the existing permit constitutes a Minor Modification of CUP LU10-0088 that can be acted upon by the Planning Director pursuant to Section 8111-6.1.2 of the NCZO.

The contractors service and storage yard component of the project requires a Planned Development Permit (PD) granted by the Planning Director. The 3.5-acre area and associated facilities designated for this use are coincident with and also used for the operations subject to the CUP. For this reason, the required PD is considered a part of the requested CUP and will be subject to the same conditions of approval.

Listed below are the specific categories of land use set forth in NCZO Section 8105-5 that apply to each component of the project.

<b>Category</b>	<b>Project Component</b>	<b>Permit Required</b>
<i>"Salvage yards, including automobile wrecking yards with ancillary retail sales of salvaged materials"</i>	Automobile dismantling and salvage yard	Conditional Use Permit (CUP)

<i>“Contractors Service and Storage Yards and Buildings”</i>	Contractors service and storage yard (i.e. truck and ancillary equipment parking, and the storage of portable tanks and bins.)	Planned Development Permit (PD)
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Upon the granting of the CUP, including the incorporated PD, the Permittee will be in compliance with these requirements.

The proposed project is located in the M3 Zone and is subject to the industrial zone development standards set forth in the Ventura County Non-Coastal Zoning Ordinance (§8106-1.2, §8109-3 and 8109-6.4). Table 1 lists the applicable development standards and a description of whether the proposed project is designed in conformance with these standards.

**Table 1: Development Standards**

<b>Requirement</b>		<b>In conformance?</b>
Minimum Lot Area (Gross)	10,000 sq. ft.	Yes
Maximum Percentage of Building Coverage	40%	Yes
Front Setback	10 feet	Yes.
Side Setback	Varies: As allowed by CUP	Yes
Rear Setback	Varies: As allowed by CUP.	Yes
Maximum Building Height	Varies: As allowed by CUP	Yes
<b>Sec. 8109-3.1.1 - Undergrounding of Utilities</b> Utility lines, including electric, communications, street lighting and cable television, shall be placed underground by the applicant, who shall make the necessary arrangements with the utility companies for the installation of such facilities.		Yes
<b>Sec. 8109-3.1.3 et seq. - Industrial Performance Standards</b> (e.g., objectionable factors, hazardous materials, liquid and solid wastes)		Yes
<b>Sec. 8109-3.4.1</b> Metal buildings, including accessory buildings, either shall have exterior surfaces constructed or faced with a stainless steel, aluminum, painted, baked enamel, or similarly finished surface; or shall be reasonably screened from view from any street by other buildings or by appropriate walls, fencing, earth mounds or landscaping; or shall be located not less than 100 feet from the street centerline.		Yes
<b>Sec. 8109-3.4.2</b> Outside storage and operations yards shall be fenced for security and public safety at the property line.		Yes
<b>Sec. 8109-6.4a</b> Required yards adjacent to streets, not used for other purposes, shall be improved with appropriate permanent maintained evergreen plant material or ground cover. Such landscaping shall extend to the street curb line, where appropriate.		Yes

<p><b>Sec. 8109-6.4b</b> Trees, approved as to type, number and location by the Planning Director, shall be planted along the street line of each site. Such street trees may also be located on private property and grouped or clustered as appropriate.</p>	
<p><b>Sec. 8109-6.4d</b> At least five percent of any permit area in the M2 or M3 zone shall be landscaped.</p>	<p>Yes.</p>

In summary, the project has been designed and maintained in conformance with applicable NCZO standards, as revised with the approval of Variance 4644.

**E. 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 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 proposed project is comprised of the continued operation of an existing automobile dismantling yard and an existing contractors service and storage yard. These facilities are physically compatible with the surrounding industrial uses in the Mission Rock Road area. The appearance of the property from public views along Mission Rock Road will not change as no physical change in the existing facilities is proposed. No new effect on community character or on neighboring uses will result from project implementation.

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].**

The continued operation of the existing automobile salvage and contractors service and storage yard facilities would have no discernible new adverse effect on the neighboring properties or uses. No new environmental effect has been identified that would result from implementation of the proposed project.

In summary, no aspect of project implementation has been identified that would be obnoxious, harmful or impair the utility of neighboring property 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 proposed project would continue to serve an important function that is clearly in the public interest: the recycling and reuse of wrecked and salvaged motor vehicles. The project site has been used for this purpose for over 30 years. The contractors service and storage yard would continue to provide an appropriate location for truck parking and equipment storage for various construction operations in the County. No substantial change in the existing buildings or accessory facilities on the project site is proposed.

In summary, no aspect of project implementation has been identified that would 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, 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 primary component of the proposed project is the continued operation of an automobile dismantling and salvage yard. This facility is allowed by CUP and compatible with the surrounding industrial uses in the Mission Rock Road area. No changes in the existing buildings or accessory facilities on the project site are proposed. No aspect of project implementation has been identified that would adversely affect or be incompatible with the existing land uses in the Mission Rock Road area. Given the industrial zoning and full utilization of this remote area for industrial uses that are generally incompatible with other urban uses, a future change in zoning, General Plan designation or land use 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].**

At the time CUP LU10-0018 was granted on November 15, 2010, the subject 7.43-acre property was assigned Assessor Parcel No. (APN) 099-0-110-045. The area encompassed by this former APN comprises a legal lot created by deed recorded June 6, 1962, in Book 2160, Page 32 of Official Records of Ventura County. The lot

was created prior to regulation by the State Subdivision Map Act or the Ventura County Subdivision Ordinance. Thus, this APN is a legal lot.

Subsequent to the granting of CUP LU10-0018, a series of new APNs have been assigned to portions of the subject property. These new APNs (Listed in Section A of this staff report) do not affect the legal status of the subject lot.

Based on the above discussion, 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 Section B of this staff report, the proposed project has been reviewed in compliance with Section 15301 of the CEQA Guidelines.

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), NCZO (Section 8111-3.1). On July 7, 2021, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On July 12, 2021, the Planning Division placed a legal ad in the *Ventura County Star*. As of the date of this document, the Planning Division has not received any comments from this noticing.

**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 the proposed project is exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines.
3. **MAKE** the required findings to grant a modified CUP 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** modified CUP PL20-0128, subject to the conditions of approval (Exhibit 4).

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

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the permit has been approved, conditionally approved, or denied (or on the following workday if the 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 Thomas Chaffee at (805) 654-2406 or [Thomas.Chaffee@ventura.org](mailto:Thomas.Chaffee@ventura.org).

Prepared by:

Reviewed by:

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**Mindy Fogg**, Manager  
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**EXHIBITS**

Exhibit 2 Maps  
Exhibit 3 Site Plans  
Exhibit 4 Conditions of Approval



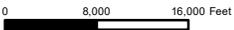
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



Ventura County, California  
 Resource Management Agency  
 GIS Development & Mapping Services  
 Map created on 06-29-2021

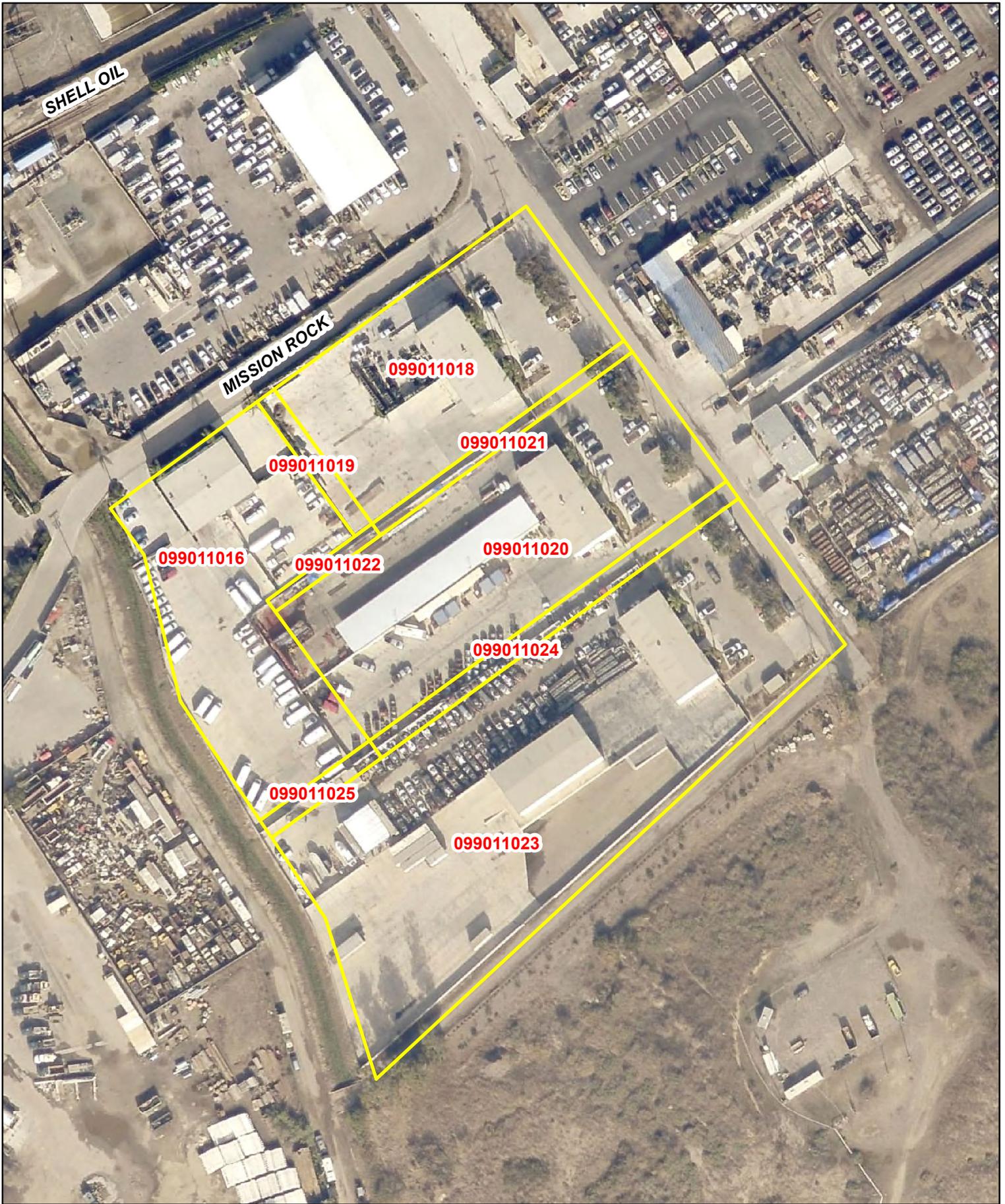


**County of Ventura  
 Planning Director Hearing  
 Case No PL20-0128  
 Exhibit 2 - Maps**



Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

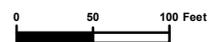




Ventura County, California  
Resource Management Agency  
GIS Development & Mapping Services  
Map Created on 06-29-2021  
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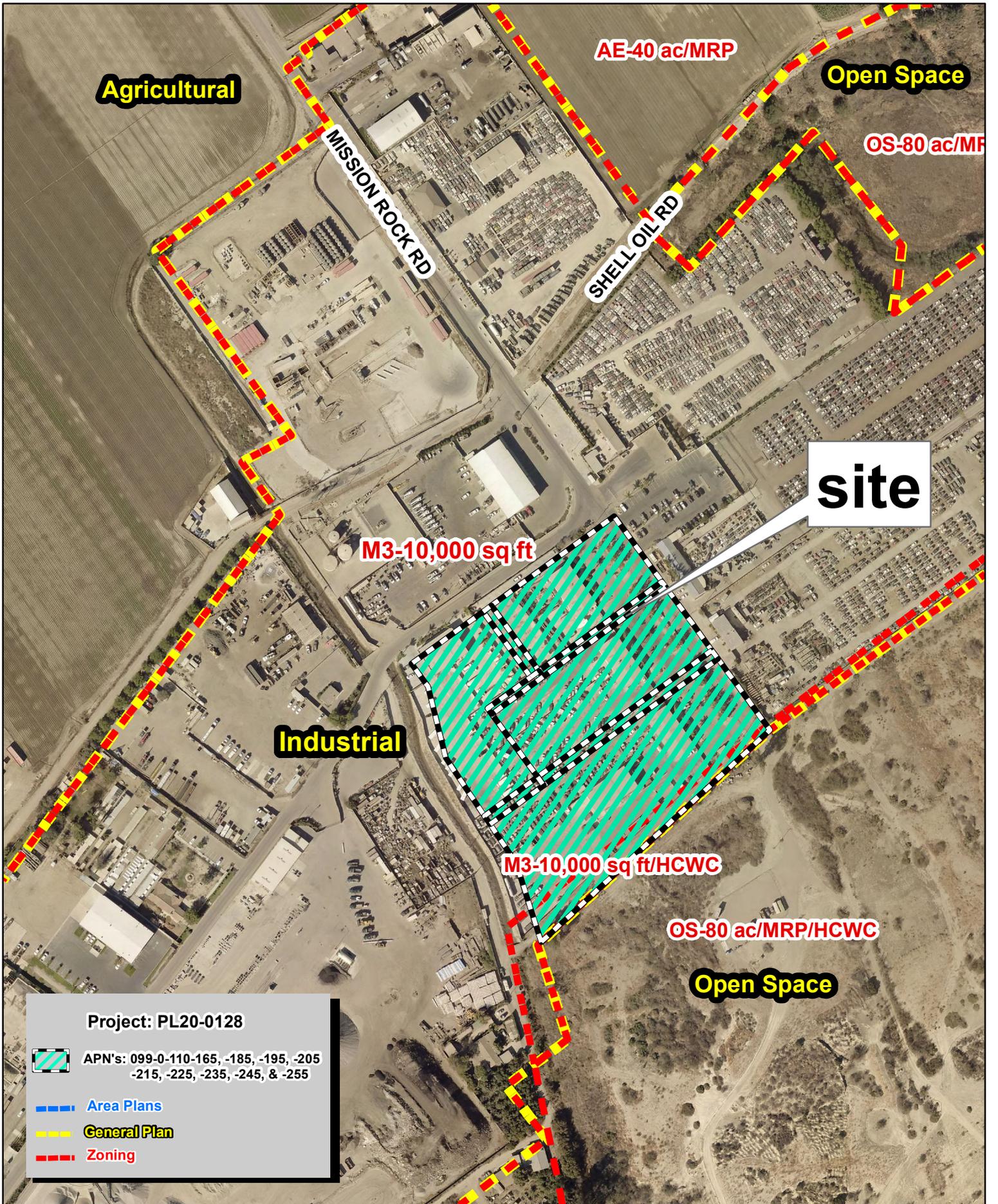


### County of Ventura Planning Director Hearing Aerial Photography PL20-0128



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**Project: PL20-0128**

 APN's: 099-0-110-165, -185, -195, -205, -215, -225, -235, -245, & -255

-  Area Plans
-  General Plan
-  Zoning



Ventura County  
Resource Management Agency  
Information Systems GIS Services  
Map created on 06-29-2021  
Source: Pictometry: 2019



**County of Ventura  
Planning Director Hearing  
General Plan & Zoning Map  
PL20-0128**



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REVISIONS	BY

C.U.P. EXTENSION  
LU10-0018 / PL12-0015  
918 MISSION ROCK ROAD  
SANTA PAULA, CA 93060-9730  
APN:099-0-110-165,185 - 255

CONDITION OF APPROVAL

DRAWN W.L.
CHECKED
DATE NOV.6, 2020
SCALE
JOB NO.
SHEET
COND 1

CUP and Permit Adjustment Case Nos. LU10-0018/PL12-0004  
CUP LU10-0018 Date of Approval: November 15, 2010 Location: 918 Mission Rock Road, Santa Paula  
LU12-0015 Permit Adjustment Date of Approval: February 23, 2012  
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Permittee: 918 MRR LLC  
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**CONDITIONS OF APPROVAL FOR ADJUSTED CONDITIONAL USE PERMIT ("CUP") NO. LU10-0018, AS MODIFIED PURSUANT TO PERMIT ADJUSTMENT ("PAJ") CASE NOS. LU12-0015 AND PL12-0084**

The construction and use of an Auto Recycling and Salvaged Auto Part Sales Facility on the subject property, as well as two other properties (Tax Assessor's Parcel Numbers 099-0-060-535, 099-0-060-045, +95, -505, -515, and -525) was originally authorized with the granting of CUP 4204. Subsequently, the Planning Director granted CUP LU10-0018, CUP LU10-0065, and CUP LU10-0066 that authorized three separate Auto Recycling and Salvaged Auto Part Sales Facilities within the area that was previously subject to CUP 4204. The following conditions apply solely to the facility subject to CUP LU10-0018 (as modified pursuant to Permit Adjustment Case Nos. LU12-0015 and PL12-0084) and not to the facilities authorized by LU10-0065 and LU10-0066.

The following conditions govern the:

- Auto Recycling and Salvaged Auto Part Sales Facility that was authorized pursuant to CUP Case No. LU10-0018;
- Contractor's Service and Storage Yard that was authorized pursuant to PAJ Case No. LU12-0015; and,
- Storage of water based drilling mud and produced brine water (fluids) in portable tanks that was authorized pursuant to PAJ Case No. PL12-0084.

**Resource Management Agency Conditions**

**Planning Division**

1. **Permitted Land Uses:** The authorized uses on the subject property include the operation of a salvage yard, including automobile wrecking yards, and the ancillary retail sales of salvaged materials (collectively, "Auto Recycling and Salvaged Auto Part Sales Facility"), for a 10-year period from August 30, 2010 to August 30, 2020.

The authorized Auto Recycling and Salvaged Auto Part Sales facility encompasses 7.43 acres of land within Tax Assessor's Parcel 099-0-110-045. The following uses are hereby authorized:

- The use of the land as an automobile and truck dismantling yard, general scrap metal recycling operation (predominately vehicle scrap metal) and auto refurbishing;
- Wholesale and retail sales of salvaged automobile parts of vehicles;

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- Auto auctions to licensed dealers only. These auctions shall occur, no more than once a week during day light hours. Parking of vehicles shall not exceed the amount of available on-site parking provided;
- The storage, loading, and unloading of vehicles and scrap metal materials only within the boundaries of the permit area;
- The use of portable pneumatic compaction equipment; and,
- The operation of a Contractor's Service and Storage Yard on 3.5 acres of the 7.43 acre lot. This operation includes:
  - the use of the existing on-site buildings (C and D) as an administrative office;
  - truck and ancillary equipment parking;
  - the storage of portable tanks and bins; and,
  - the storage of water based drilling mud and produced brine water (fluids) in portable tanks

Fluids will be brought to the site via tanker trucks and will be temporarily stored in the portable tanks for up to 96 hours. During times when the East Wooley Road Facility (i.e., the facility that produces the fluids and is governed by CUP No. 531) approaches operating capacity, up to 20 trucks per day, at any time, will be accepted at the 918 Mission Rock Road site. The waste-water fluids will be transferred back to the East Wooley Road Facility when site activity is low.

The project includes the continued use of the following five existing warehouse buildings, each of which includes interior offices:

Building*	Floor Area (Square Feet)
A	4,900
B	4,900
C	4,900
D	4,900
E	4,800

The following plans constitute the approved plans for the project site:

Permit Action	Date of Approval	Plan Reference
PAJ Case No. PL12-0084	8-13-12	Site Plan Permit Adjustment for the Temporary Storage of Fluids, dated July 24, 2012
CUP No. LU10-0018	11-15-10	Exhibit 3 - Elevations, and

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CUP No.	Date	Plan Reference
CUP No. LU10-0018	1-6-2012	Floor Plans of Buildings A, B, C, D, and E
CUP No. LU10-0018	1-9-2012	SP-1 (Signage Plans)
CUP No. LU10-0018	1-9-2012	A-1 (Directory Sign, Detail "A")
CUP No. LU10-0018	1-9-2012	LP-1 (As Built Landscape Plan) and attached photos

The construction and use of a new, 12,000 gallon propane storage and wholesale distribution tank to be placed on an existing paved area adjacent to Building E is authorized.

The Santa Paula Water Works will continue to provide water service to the project site. Each existing building has its own on-site septic system and will continue to provide sewage disposal services for the project site.

2. **Acceptance of Conditions and Schedule of Enforcement Responses:** The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall be deemed to be acceptance by the Permittee of all conditions of this CUP. Failure to abide by and faithfully comply with any conditions for the granting of this CUP shall constitute grounds for the implementation of enforcement procedures as provided in the *Ventura County Non-Coastal Zoning Ordinance* (2010, Article 14), which include, but are not limited to, the following actions:

- Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- Suspension of the permitted land uses (Condition No. 1);
- Modification of the CUP conditions listed herein;
- Recording of a "Notice of Noncompliance" with the deed to the subject property;
- The imposition of administrative civil penalties; and/or
- Revocation of this CUP.

It is the Permittee's or the Permittee's successors-in-interest's responsibility to be aware of, and to comply with, the CUP conditions and the rules and regulations of all jurisdictions having authority over the uses described herein.

3. **Time Limits:**

a. **Use Inauguration:**

- The decision on this Permit becomes effective upon the expiration of the decision's appeal period, or when any appeals filed regarding the decision on this Permit are resolved. After the decision on this Permit becomes effective, the Permittee must obtain a Use

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Inauguration Zoning Clearance in order to inaugurate the uses provided in Condition No. 1 (Permitted Land Uses).

- This Permit shall expire and become null and void if the Use Inauguration Zoning Clearance has not been issued within 180 days from the granting of this Permit. The Planning Director may grant an extension of time to obtain the Use Inauguration Zoning Clearance if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the extension in writing prior to the one year expiration date.
- Prior to the issuance of the Use Inauguration Zoning Clearance, all fees and charges billed to that date by any County agency, as well as all fines, penalties, and surties, must be paid in full. After issuance of the Use Inauguration Zoning Clearance, any final billed processing fees must be paid within 30 days of the billing date or this CUP is subject to revocation.

b. **Operations Period:** The uses granted by this Permit will expire on August 30, 2020. Failure of the County to provide additional notification to the Permittee of the expiration date shall not constitute grounds for continuance of this CUP after the expiration date. The Planning Director may grant a time extension for this Permit, provided that:

- The Permittee files an application for a modification to this CUP that is deemed complete prior to the expiration date. The Permittee is encouraged to contact the Planning Division at least six months prior to the expiration date to determine the type of modification application that is required to allow the extension. If the Permittee submits an appropriate modification application prior to the expiration date, this CUP may continue in force until action is taken on the modification, and on any appeals.
- The Permittee can demonstrate that the Permittee has continuously complied with all conditions of this CUP.
- The Permittee can demonstrate that the permitted uses remain compatible with the land uses in the general area.
- The Permittee can demonstrate that the permitted uses comply with the CUP approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director.

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(5) The Planning Director reviews the modification application and provides a written determination of the decision on the requested time extension for this CUP.

4. **CUP Modification:** Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or applicable exhibits, the Permittee shall contact the Planning Director to determine if the activity requires a modification of this CUP. The Planning Director may, at the Planning Director's discretion, require that the Permittee file a written and/or mapped description of the proposed activity prior to rendering a decision on whether a CUP modification is required. If a CUP modification is required, the modification shall be subject to:

- 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,
- 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.

5. **Consolidation of All Approved Exhibits, Conditions, and Permits:** Prior to the issuance of a Use Inauguration Zoning Clearance, the Permittee shall provide the following in a form approved by the Planning Director:

- Documentation to verify that all of the requirements of the conditions/programs that are required prior to issuance of a Use Inauguration Zoning Clearance have been satisfied; and,
- Documentation to verify that all other entitlements and conditions imposed by any other agencies have been obtained or satisfied.

Within 30 days of any subsequent modifications of a permit or submission of an application for any permit, the applicable materials in revised form shall be submitted to the Planning Director.

6. **Notice of CUP Requirements and Retention of CUP Conditions On-Site:** Unless otherwise required by the Planning Director, the Owner(s) of record, the contractors, and all other parties and vendors regularly dealing with the daily operation of the permitted uses (Condition No. 1) shall be informed, in writing, by the Permittee of the pertinent conditions of this CUP. A current set of CUP conditions and exhibits shall be retained at the site; the CUP conditions and exhibits shall be provided on-site prior to issuance of a Use Inauguration Zoning Clearance and shall be maintained on-site until expiration of this CUP.

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7. **Condition Compliance, Enforcement, and Other Responsibilities:**

- Cost Responsibilities:** The Permittee shall bear the full costs of all staff time, materials costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs by establishing a revolving compliance account as described below in Condition 8.b. Specifically, the Permittee shall bear the full costs of the following:
  - Condition Compliance, which is defined herein to include, but is not limited to, the staff time, materials costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and,
  - Monitoring and enforcement costs, and any related fines or penalties assessed pursuant to the provisions of the Ventura County Ordinance Code, as it may be amended (Condition 8.c, below).
- Establishment of Revolving Compliance Accounts:** Maintenance of Revolving Compliance Account No. CC10-0059: Condition Compliance Account CC10-0059 was established pursuant to Condition No.8(a) of CUP LU10-0018, and shall be maintained until the CUP has expired and/or has been terminated (Condition 3, above). Condition Compliance Account CC10-0059 shall serve as a revolving condition compliance and enforcement account to be used by Ventura County agencies to cover costs incurred by Ventura County for Condition Compliance review, monitoring, and enforcement costs (Condition 8(a), above), and for enforcement costs and penalties assessed pursuant to the provisions of the Ventura County Ordinance Code, as it may be amended (Condition 8(c), below).

If any of the information provided in the existing reimbursement agreement for Condition Compliance Account CC10-0059 is outdated and/or incorrect, prior to issuance of a Zoning Clearance for Use Inauguration [Condition 3.a, above], the Permittee shall submit a new, signed reimbursement agreement with the updated and/or correct information. The reimbursement agreement obligates the Permittee to pay any Condition Compliance review, monitoring, and enforcement costs (Condition 8(a), above). The reimbursement agreement also grants the Permittee the right to challenge any charges for Condition Compliance review, monitoring, and enforcement costs.

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c. **Monitoring and Enforcement Costs:** The *Ventura County Non-Coastal Zoning Ordinance* (§8114-3.4) requires the Permittee, or the Permittee's successors-in-interest, to bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections, public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said fees and penalties pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (§8114-3.4), as it may be amended.

d. **Billing Process:** The Permittee shall pay any written requests to replenish the deposit made by the Planning Director or designee within 30 days of receipt of the request. If requested by the Permittee, requests for payment shall be accompanied by an accounting of how the deposited funds have been spent. Failure to pay the required amount, or to maintain the required deposit, shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge or the reasonableness of any charge prior to payment.

8. **Defense and Indemnity:**

- As a condition of issuance and use of this CUP, including adjustment, modification, or renewal of this CUP, the Permittee agrees to:
  - Defend, at the Permittee's sole expense, any action brought against the County by a third party challenging either its decision to issue this CUP or the manner in which the County is interpreting or enforcing the conditions of this CUP; and,
  - Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such action. Upon demand from the County, the Permittee shall reimburse the County for any court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such action the Permittee defended or had control of the defense of the suit. The County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.
- Neither the issuance of this CUP nor compliance with the conditions thereof shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property, nor shall the issuance of this CUP serve

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to impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.

c. Except with respect to the County's sole negligence or intentional misconduct, the Permittee shall indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, demands, costs, and expenses, including attorney's fees, judgments, or liabilities arising out of the construction, maintenance, or operations described in Condition No. 1 (Permitted Land Uses), as it may be subsequently modified pursuant to the conditions of this CUP.

9. **Invalidation of Condition(s):** If any of the conditions or limitations of this CUP are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth. In the event that any condition contained herein is determined to be in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the project sponsors in an action filed in a court of law, or threatened to be filed therein, which action is brought in the time period provided for by the Code of Civil Procedures (§1094.6), or other applicable law, this CUP shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Permittee has, in the interim, fully complied with the fee, exaction, dedication, or other mitigation measure being challenged.

If any condition is invalidated by a court of law, and said invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, the project may be reviewed, at the discretion of the Planning Director, by the Planning Commission and substitute feasible conditions/mitigation measures may be imposed to adequately address the subject matter of the invalidated condition. The determination of adequacy shall be made by the Planning Commission. If the Planning Commission 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 CUP may be revoked.

10. **Consultant Review of Information and Consultant Work:** The County and all other permitting agencies shall have the option of referring any and all special studies that may be required by these conditions to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of County staff.

# CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT CASE NO. LU10-0018 / PL120015 PAGES 1 TO 8

REVISIONS	BY

C.U.P. EXTENSION  
LV10-0018 / PL12-0015  
918 MISSION ROCK ROAD  
SANTA PAULA, CA 93060-9730  
APN: 099-0-110-165,185 - 255

CONDITION OF APPROVAL

DRAWN W.L.
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Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work for which to be contracted, as well as the costs of such work. Whenever feasible, the lowest bidder will be used. Any decisions made by staff may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Permittee may hire private consultants to conduct work required by the County, provided the consultant and the proposed scope-of-work are acceptable to the County. However, the County retains the right to hire its own consultants to evaluate any work undertaken by the operator or consultants under the contract to the operator.

11. **Relationship of CUP Conditions, Laws and Other Permits:** The design, maintenance, and operation of the CUP area and facilities thereon shall comply with all applicable requirements and enactments of Federal, State, and County authorities, as amended, (e.g., Ventura County Business License Tax Ordinance) and all such requirements and enactments shall by reference become conditions of this CUP. In the event of conflicts between various requirements, the more restrictive requirements shall apply. In the event that any CUP condition contained herein is determined to be in conflict with any other CUP condition contained herein, then where principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

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

12. **Days and Hours of Operation:** The Auto Salvage and Dismantling facilities will be open to the public Monday – Saturday, 7:00 a.m. to 6:00 p.m. (closed on Sunday). The Contractor's Service and Storage Yard will be in operation everyday, on a 24-hour basis.

13. **Contact Person:** The Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, phone number, mailing and email addresses, and business and cell phone numbers) of the Permittee's field agent and other representatives who receive all orders, notices, and communications regarding matters of condition and code compliance at the CUP site. There always shall be a contact person designated by the Permittee. If deemed necessary by the Planning Director, one contact person shall be available via telecommunication, 24 hours a day, to respond to complaints by citizens and the County. If the address or phone number of the Permittee's

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c. **Liquid and Solid Wastes -** Liquid or solid wastes discharged from the premises shall be properly treated prior to discharge so as not to contaminate or pollute any watercourse or groundwater supply or interfere with bacterial processes in sewage treatment. The disposal or dumping of solid wastes, such as slag, paper and fiber wastes, or other industrial wastes shall not be permitted on any premises.

d. **Exceptions -** Exceptions to these regulations may be made during brief periods for reasonable cause, such as breakdown or overhaul of equipment, modification or cleaning of equipment, or other similar reason, when it is evident that such cause was not reasonably preventable, as determined by the Planning Director. These regulations shall not apply to the operation of motor vehicles or other transportation equipment unless otherwise specified.

21. **Parking Regulations:** In accordance with Article 8 of the *Ventura County Non-Coastal Zoning Ordinance*, the Permittee shall ensure that required parking and loading areas and associated facilities are permanently maintained in good condition as determined by the Planning Director and in compliance with the conditions of this CUP. Public and employee parking areas shall be designed and maintained at all times for safe, convenient, and easy use by vehicles and pedestrians, and shall comply with the following provisions:

a. The parking lot design and the amount of required spaces shall be in conformance with the provisions of Article 8 of the *Ventura County Non-Coastal Zoning Ordinance* (§8108-4.7) and in accordance with Exhibit 3 - Site Plan.

b. Accessible parking for disabled persons shall be provided in compliance with the California Building Standards Code (California Code of Regulations, Title 24) and the Americans with Disabilities Act.

c. Parking spaces within parking areas shall be clearly marked with paint striping or another durable, easily distinguishable marking material. Space markings shall be maintained in good condition.

d. Required parking spaces shall not be converted to other uses or used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, waste containers, merchandise, equipment, or any other use not authorized by the provisions of Article 8 of the *Ventura County Non-Coastal Zoning Ordinance*.

e. The surface of all required uncovered off-street motor vehicle parking spaces, aisles, driveways, and loading areas shall be constructed and maintained with permanent all-weather, load-bearing pervious or impervious surfacing material sufficient to prevent mud, dust, loose material, and other nuisances.

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agent should change, or the responsibility is assigned to another person or position, the Permittee shall provide the Planning Director with the new information within three calendar days.

14. **Resolution of Complaints:** The following process shall be used to resolve complaints related to the project.

a. The Permittee shall post the phone number for the designated Contact Person as identified pursuant to Condition No. 14 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about an event as it is occurring may directly contact the Contact Person.

b. If a written complaint is received by the County, Planning staff will contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation.

c. If, following a complaint investigation, a violation of the *Ventura County Ordinance Code* or a condition of this permit is confirmed, enforcement actions pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (§8114-3 et seq.) will be initiated.

15. **Reporting of Major Incidents:** The Permittee shall immediately notify the Planning Director by telephone, email, FAX, and/or voicemail of any incidents (e.g., fires, explosions, spills, landslides, or slope failures) that could pose a hazard to life or property inside or outside the CUP area. Upon request of any County agency, the Permittee shall provide a written report of any incident within seven calendar days that shall include, but not be limited to, a description of the facts of the incident, the corrective measures used, and the steps taken to prevent a recurrence of the incident.

16. **Correspondence from Other Agencies and Jurisdictions:** Copies of all correspondence, reports, or information related to land use and environmental issues covered by this CUP which are received by the Permittee from, or sent by the Permittee to, other State or local jurisdictions or agencies shall be provided to the Planning Division within five calendar days of their receipt/issuance.

17. **Implementation and Maintenance of Required Mission Rock Road Community Improvements:** The Mission Rock Road area property owners created a Property Owners Association (POA) and recorded Codes, Covenants, and Restrictions (CC&Rs) requiring the on-going implementation and maintenance of the following items:

a. The elimination of traffic related problems, pursuant to the approved "As Built" Road Improvement Plan dated August 20, 1992 (Drawing No. 62462-67);

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f. Industrial parking areas with materials loading spaces shall be designed to accommodate access and circulation movement for on-site truck circulation in accordance with the *Ventura County Non-Coastal Zoning Ordinance* (§8108-8.2.3). Loading spaces shall be located on-site, outside of any required front or side setback, near the service entrance(s) to the building(s), and either to the rear or side of the building to alleviate unsightly appearances often created by loading facilities.

g. All lights in parking areas shall comply with the *Ventura County Non-Coastal Zoning Ordinance* (§8108-5.12), and shall be extinguished at the end of the working day. Lights may be turned on no sooner than one hour before the commencement of working hours.

22. **Change of Ownership:** At least 10 calendar days prior to the effective date of the change of property ownership, or of lessee(s) or operator(s) of the permitted uses, there shall be filed, 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). A final statement that a transfer of ownership has occurred shall be provided to the Planning Director within 15 calendar days of the transfer. The statement shall include the following:

(a) Any changes in 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 company officer(s) from the initial notice;

(b) A letter from 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 CUP; and,

(c) The effective date and time of the transfer.

23. **Landscape Plan:** The Permittee shall continue to maintain the approved landscaping plan, dated November 16, 2011, prepared by Turner Design, for the project site and shall be subject to periodic inspection by the Ventura County Planning Division. The Permittee is required to remedy any defects in landscape maintenance, as indicated by the County Inspector, within two weeks of written notification of such defect. The Permittee shall bear the full cost of the County's landscape maintenance inspection and review. At a minimum, 10% of the parking area shall be landscaped and 5% of the project site shall be landscaped. Any future landscaping of the industrial site shall be in conformance with any adopted Ventura County Landscape Design Guidelines and the standards set forth in the *Ventura County Non-Coastal Zoning Ordinance* (§8109-0.6.4).

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b. An effective drainage system which will deter sheet flooding, pursuant to the approved "As Built" Drainage Improvement Plan dated September 29, 1993 (Drawing No. 62408-14, GP8613); and,

c. Adequate fire protection through the approved Fire Protection System Plans dated May 23, 1986, which include the installation and maintenance of fire hydrants and sufficient fire flow.

The Permittee shall continue to participate throughout the life of this CUP in the continued implementation and maintenance of the items noted above, as required by the POA and its CC&Rs, by providing, upon request, the Planning Director with a letter from the POA acknowledging payment of the required dues of the Permittee and showing the Permittee is in good standing with the POA and its CC&Rs.

18. **Site Maintenance:** The CUP area shall be maintained in a neat and orderly manner so as not to create any hazardous condition, or unsightly conditions which are visible from outside the CUP area on surrounding properties or from any public right-of-way. All equipment and facilities not explicitly permitted in Condition No. 1 (Permitted Land Uses) shall be removed from the site prior to the issuance of a Use Inauguration Zoning Clearance of PL12-0084. Only equipment, materials, and structures which comply with Condition No. 1 (Permitted Land Uses), are authorized by any subsequent amendments to this CUP, or are exempt from requiring a permit, shall be stored on the property during the life of this CUP. In addition, the project site shall comply with the following regulations:

a. No materials within the permit area may be piled or stored to a height greater than that of the perimeter fence, unless such materials are enclosed within a permitted building or located at least 100 feet away from the perimeter fence.

b. Only materials and equipment ancillary to the permitted use may be stored within the area that is subject to this CUP.

c. All outside storage shall be fenced for security and public safety at the property line pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (§8109-3.4.2).

d. Restrooms shall be open and available for those employed at the Auto Recycling and Salvaged Auto Part Sales Facility.

e. In accordance with the *Ventura County Non-Coastal Zoning Ordinance* (§8109-3.1.1) all new utility lines, including electric, communications, street lighting and cable television, shall be placed underground by the

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24. **Sign Regulations:** All signs on the property shall be maintained in accordance with Article 10 of the *Ventura County Ordinance Code* and pursuant to the approved sign plan for the site, dated December 11, 2011, prepared by Turner Design and the directory sign plans, dated November 21, 2011. Additionally, the following signage must be maintained on-site for the life of the permit:

a. The entrance to the project site shall be posted with a sign providing information on the permitted hours of operation, including telephone numbers for the Contact Person. (See Condition 14 – Contact Person.)

b. The Permittee shall continue to post a sign indicating that the facility shall be closed to the public during the occurrence of standing water (measured at the centerline of Mission Rock Road) of two inches or greater until such time as the water has receded.

25. **Minimizing Nuisance Impacts and Setbacks from Agricultural Uses:** The Permittee shall take whatever reasonable steps are necessary, as determined by the Planning Director, to prevent significant nuisance impacts from occurring outside the CUP area. Significant nuisance impacts include, but are not limited to, noise, dust, odors, lighting, and glare. In order to determine the significance of the nuisance, the Planning Director may consider the number and types of neighbor complaints, and conduct inspections of the site and surrounding areas. Any questions about what constitutes significant off-site nuisance levels shall be resolved by the Planning Director or other public agency (e.g., the Air Pollution Control District) as the Planning Director may designate.

**Environmental Health Division**

26. The storage, handling, and disposal of any hazardous material shall be in compliance with applicable State regulations.

27. Only domestic waste as defined in the County Building Code Ordinance shall be discharged into the on-site sewage disposal system.

28. Maintain sewage disposal fields in a natural state. Do not locate any driveway over the leach fields or cover with impervious materials.

29. Inert recyclable material (scrap metal) received shall be stored on-site for a maximum of 6 months. Processed recyclable material shall be stored on-site for a maximum of 18 months. Storage of these materials beyond the maximum time specified would require a permit through the Local Enforcement Agency of the Environmental Health Division and/or Planning Division.

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Permittee, who shall make the necessary arrangements with the utility companies for the installation of such facilities.

19. **Building Color/Material Specifications:** Pursuant to the requirements of the *Ventura County Non-Coastal Zoning Ordinance* (§8109-3.4.1) metal buildings, including accessory buildings, shall:

(a) have exterior surfaces constructed or faced with a stainless steel, aluminum, painted, baked enamel, or similarly finished surface;

(b) be reasonably screened from view from any street by other buildings or by appropriate walls, fencing, earth mounds or landscaping; or,

(c) be located at least 100 feet from the street centerline.

20. **Specific Industrial Zone Standards:** Pursuant to Article 9 of the *Ventura County Non-Coastal Zoning Ordinance*, the Permittee shall maintain that the existing Auto Recycling and Salvaged Auto Part Sales Facility in compliance with the following regulations, which also satisfy the mitigation measures identified in the original MND that are designed to reduce impacts of concentrations of pollutants from discharge into the Santa Clara outfall as a result of flood channelization:

a. **Objectionable Factors -** The following shall be maintained at levels which are appropriate for the zone and geographic area and are not objectionable at the point of measurement, as determined by the Planning Director, when the use is in normal operation:

(1) Smoke, odors, vapors, gases, acids, fumes, dust, dirt, fly ash or other forms of air pollution;

(2) Noise, vibration, pulsations or similar phenomena;

(3) Glare or heat; and,

(4) Radioactivity or electrical disturbance.

The point of measurement for these factors shall be at the lot or ownership line surrounding the use.

b. **Hazardous Materials -** Land or buildings shall not be used or occupied in any manner so as to create any fire, explosive or other hazard. All activities involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local and national safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment in compliance with Ventura County Fire Protection District's Regulations. The burning of waste materials in open fires without written approval of the Ventura County Fire Protection District is prohibited.

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**Public Works Agency (PWA) Conditions**

**Transportation Department, Traffic, Advance Planning, and Permits Division**

30. Prior to the issuance of a Building Permit for the propane storage and distribution tank, and pursuant to the Traffic Impact Mitigation Fee (TIMF) Ordinance 4246 and Ventura County General Plan (GP) Goals, Policies and Programs (2010) Policy 4.2.2-6, the Permittee shall deposit with the Transportation Department a TIMF. Based on the Permittee's traffic information, the fee due the County would be:

\*2 ADT x \$49.27 /ADT = \$98.54

\* F.11, Trip Generation, Section II-Checklist of Requirements for Discretionary Entitlement Application Plans, Subdivision Maps, and Parcel Map Waiver Sketch Maps. Two more daily trips are anticipated as part of this permit for the addition of a propane storage and distribution tank which is customarily sold to a wholesale distributor or to a retail outlet for resale to the public, primarily in Ventura County.

The Permittee may submit a Traffic Study to substantiate if a lower trip generation rate should be used to calculate the TIMF. The above fee may be subject to adjustment at the time of deposit, due to provisions in the TIMF Ordinance allowing the fee to be adjusted for inflation based on the Engineering News Record Construction Cost Index.

31. Prior to the issuance of a Building Permit for the propane storage and distribution tank, and pursuant to the Reciprocal Traffic Mitigation Agreement between the City of Santa Paula and the County of Ventura, the Permittee shall also deposit with the Transportation Department a TIMF on behalf of the City of Santa Paula, to be transferred to the City within 30 days. The applicant shall contact City of Santa Paula to determine the TIMF due to the City, and shall secure proper documentation in order for the County of Ventura to process the fee, accordingly.

The Permittee may submit a Traffic Study to substantiate if a lower trip generation rate should be used to calculate the TIMF. The above fee may be subject to adjustment at the time of deposit, due to provisions in the TIMF Ordinance allowing the fee to be adjusted for inflation based on the Engineering News Record Construction Cost Index.

31.a. **Additional Traffic Impact Mitigation Fee**  
**Purpose:** To address the cumulative adverse impacts of traffic on the Regional Road Network from the trips associated with the storage of water based drilling mud and produced brine water (fluids) that was authorized pursuant to PAJ Case No. PL12-0084,

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REVISIONS	BY

C.U.P. EXTENSION  
LU10-0018 / PL12-0015  
918 MISSION ROCK ROAD  
SANTA PAULA, CA 93060-9730  
APN: 099-0-110-165,185 - 255

CONDITION OF APPROVAL

DRAWN
W.L.
CHECKED
DATE
NOV. 6, 2020
SCALE
JOB NO.
SHEET

COND  
3

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TIMF Ordinance 4248 and the Ventura County General Plan Goals, Policies and Programs (2011) Transportation/Circulation Policy 4.2.2-6 require that the PWA – Transportation Department collect a TIMF.

**Requirement:** The Permittee shall deposit with the PWA – Transportation Department a TIMF. The trip generation rate and TIMF will be calculated based on the Permittee's information. The Permittee may choose to submit additional information or provide a Traffic Study to supplement the information currently provided to establish the trip generation rate. The TIMF may be adjusted for inflation at the time of deposit in accordance with the latest version of the Engineering News Record Construction Cost Index.

a. Based on the Permittee's information, the TIMF due to the County would be:

\$2,000 = 40 ADT x \$50\*\* / ADT  
40 ADT = 20 Trucks\* / Day x 2 Trips / Truck

b. Based on the Permittee's information and back calculating for the equivalent trip generation rate for the applicable land use, the TIMF due to the City of Santa Paula would be:

\$5,237.60 = 40 ADT\* x \$130.94\*\*\*/ADT  
\$130.94\*\*\*/ADT = \$2,095\*\*\*/TSF / (16 ADT\*\*\*/TSF)

Notes  
1) \*20 Trucks per Day per Permittee's Project Description dated June 29, 2012  
2) \*\* County TIMF for in Santa Paula District #2  
3) \*\*\* Estimated City Reciprocal TIMF for Santa Paula District #2  
4) \*\*\*\* Trip Generation Rate for Com./Ind. Land Use per Exhibit #2 of TIMF Ord. 4248  
5) The TIMF due to the City of Santa Paula will be transferred to the City within 30 calendar days in accordance with the reciprocal traffic mitigation agreement between the City of Santa Paula and the County.  
6) The trips generated by the project/development shall be used as a baseline level so that the TIMF may be computed for future increases in the trip generation. Based on the Permittee's information, the assumptions herein, the baseline level is 61 average daily trips. (TD – 4).  
61 ADT = 6 Trips / Acre\*\*\* x 3.5 Acres (CUP Boundary) + 40 ADT  
\*\*\* SANDAG Trip Generation Rate for Landfill & Recycling Center

**Documentation:** The applicant/permittee shall come to the PWA – Transportation Department counter, fill out the TIMF form, and pay the TIMF. If the applicant does not agree with the County's estimate for the City of Santa Paula Reciprocal TIMF, then the

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the project area for the life of the Permit. Under no circumstance will vehicles with liquids and petroleum products be allowed to be stored in the project area.

39. **Battery Storage Area:** All removed batteries shall continue to be stored in a suitable storage area on the project site for the life of the Permit. WPD shall review and approve a site plan showing where specifically these batteries will be stored, an estimate of the maximum amount of accumulated batteries at any one time and information on the planned frequency for legal disposal offsite.

40. **Containment Area for Hazardous Materials:** All hazardous materials and chemicals shall continue to be stored in a building properly designated and equipped for the safe storage of the hazardous materials and chemicals for the life of the permit. WPD shall review and approve the location of all hazardous materials and chemicals.

**Water Quality Section**

41. Prior to the issuance of a Use Inauguration Zoning Clearance for permit Adjustment Case No. PL12-0084 and by July 1<sup>st</sup> of each year, the Permittee shall submit a Notice of Intent (NOI) for the NPDES General Industrial Permit to the Ventura County Watershed Protection District Surface Water Quality Section, and a copy of the Annual Report under the NPDES Permit.

**Permit Section**

42. A Watercourse Permit is required for any work in, on, over, under, and across the bed, banks, and overflow area of Cummings Road Drain.

**Floodplain Management Section**

43. Prior to the issuance of a Building Permit and/or a Grading Permit, the Permittee shall obtain a Floodplain Development Permit from the Public Works Agency for any development or redevelopment proposed within the 1% annual chance floodplain during the 10-year CUP time extension.

**Air Pollution Control District (APCD) Conditions**

44. All project construction and site preparation operations shall comply with all applicable Ventura County Air Pollution Control District Rules and Regulations which include but is not limited to Rule 10 (Permits Required), Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust).

**Ventura County Fire Protection District (VCFPD) Conditions**

45. **Address Numbers:**  
**Purpose:** To ensure proper premise identification to expedite emergency response.

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applicant/permittee shall contact the City of Santa Paula and pay the TIMF. The applicant shall provide the County with proof of payment of the City Reciprocal TIMF.

**Timing:** This condition shall be met prior to the issuance of the Zoning Clearance for a Use Inauguration of the Permit Adjustment PL12-0084.

**Monitoring and Reporting:** The PWA – Transportation Department will review and approve the payment of the TIMF. (TD – 1)

**Integrated Waste Management Division**

32. **Waste Diversion & Recycling Requirement**  
**Purpose:** To ensure the project complies with Ordinance No. 4445. Ordinance 4445 pertains to the diversion of recyclable materials generated by this project (e.g., paper, cardboard, wood, metal, greenwaste, soil, concrete, plastic containers, beverage containers) from local landfills through recycling, reuse, or salvage. Ordinance 4445 can be reviewed at www.wasteless.org/ord4445.  
**Requirement:** Ordinance 4445, Sec 4770-2.3, requires the Permittee to work with a County-franchised solid waste hauler who will determine the level of service required to divert recyclables generated by their project from local landfills. For a complete list of County-franchised solid waste haulers, go to: www.wasteless.org/commercialhaulers.  
**Documentation:** The Permittee must maintain copies of bi-monthly solid waste billing statements for a minimum of one year. The address on the billing statement must match the address of the permitted business.  
**Timing:** Upon request, the Permittee must provide the IWMD with a copy of a current solid waste billing statement to verify compliance with this condition.

**Monitoring and Reporting:** Upon request, the Permittee shall allow IWMD staff to perform a free, on-site, waste audit to verify recyclable materials generated by their business are being diverted from the landfill. (IWMD -1)

33. **Collection and Loading Areas for Refuse and Recyclables**  
**Purpose:** To comply with the California Solid Waste Reuse and Recycling Access Act of 1991 (CA Public Resources Code 42000-42001).  
**Requirement:** The Permittee shall adhere to the County's Space Allocation Guidelines which include minimum space requirements for refuse and recycling bins and recommend aesthetic, gated, trash enclosures. Please review the County's Space Allocation Guidelines at: www.wasteless.org/spaceallocationguidelines.  
**Documentation:** The Permittee shall submit a site plan to the IWMD indicating the location of a trash enclosure, or a designated area on the property, with sufficient space to accommodate refuse and recycling bins necessary to meet the needs of the project.  
**Timing:** The site plan for PL12-0084, dated July 24, 2012, prepared by Sespe Consulting, Inc., indicates the location of a trash enclosure or designated area on the property for siting refuse and recycling bins for the entire 918 Mission Rock Road

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**Requirement:** The Permittee shall install 10 inch address numbers.  
**Documentation:** Provide documentation that identifies the installation of address numbers at this location.  
**Timing:** The Permittee shall submit an address plan to the Fire Prevention Bureau for approval before use of the storage yard.  
**Monitoring and Reporting:** A copy of the approved address shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that all structures are addressed according to the approved plans. (VCFPD-41)

46. **Access Driveway Design, Auto Salvage Yards:** Access driveways (aisles) shall comply with the following based upon the number of stacked layers of auto storage within the yard:  
Single Layer Storage or Crushed Storage up to 8 feet:  
• Maximum pile size shall not exceed 150,000 square feet of area.  
• Maximum travel distance within each pile to a minimum 20 foot wide main aisle shall not exceed 150 feet.  
• Piles shall be separated by main aisles or a minimum 15 foot wide cross-aisle based upon pile size and travel distance.  
Main aisles shall be constructed to an All-Weather Surface as approved by the VCFPD.

47. **Turnarounds**  
**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.  
**Requirement:** The Permittee shall provide an approved turnaround area for fire apparatus where dead-end Fire Department access roads / driveways exceed 150 feet. Required turnaround areas shall be designed such:  
a. Does not exceed a 5% cross-slope in any direction.  
b. Located within 150 feet of the end of the access road / driveway  
c. Posted as fire lanes in accordance with Ventura County Fire Protection District Standards.  
d. Kept free of obstructions at all times.  
Documentation: A stamped copy of the approved access plan.  
**Documentation:** The Permittee shall submit access plans for review and approval by the VCFPD. The plans shall indicate all access road/driveway locations and proposed turnaround location and design.  
**Timing:** The Permittee shall submit access plans to the Fire Prevention Bureau for

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facility. For Special Events: Prior to any scheduled Special Event, the Permittee shall arrange for temporary trash and recycling containers.

**Monitoring & Reporting:** Upon request, the Permittee shall allow IWMD staff to verify a trash enclosure has been constructed on the premises. (IWMD-4)

34. **Commercial Vehicles and Equipment - Used Oil Recycling**  
**Purpose:** To ensure the recycling of motor oil and oil filters, and the removal of antifreeze from commercial vehicles and equipment.  
**Requirement:** The Permittee shall ensure compliance with state and federal hazardous waste regulations. See: http://www.calrecycle.ca.gov/UsedOil/PolicyLaw/default.htm. The Permittee shall contract with a registered hazardous waste transporter to ensure motor oil, oil filters, and antifreeze generated by their business is taken to a registered used oil recycling facility. A list of registered hazardous waste transporters is available at: http://www.dtscc.ca.gov/database/Transporters/Trans000.cfm. A list of registered used oil recycling facilities is available at: www.calrecycle.ca.gov/UsedOil/Reports/CenterSearch/Default.aspx?lang=en-US.  
**Documentation:** The Permittee shall maintain original billing statements generated by their registered hazardous waste transporter(s) to verify compliance with this condition.  
**Timing:** Original billing statements shall be kept on file for a minimum of three years.  
**Monitoring and Reporting:** Upon request, the Permittee shall provide IWMD with copies of their current billing statements to verify that used motor oil, oil filters, and antifreeze generated by vehicles and equipment permitted for use by this CUP are properly recycled. (IWMD-5)

35. **Automobile & Truck Tire Diversion - Reuse or Recycling**  
**Purpose:** Ordinance 4445 requires the Permittee to divert recyclable materials (e.g., tires, wood, metal, greenwaste, soil, concrete, paper, cardboard, plastic containers, etc.) from local landfills through recycling, reuse, or salvage. Please review Ordinance 4445 at: www.wasteless.org/ord4445. A list of facilities authorized to recycle tires is available at: www.calrecycle.ca.gov/tires/facilities/search/default.asp.  
**Requirement:** The Permittee shall ensure waste tires from this project are not disposed at a landfill when tire recycling and/or salvage options exist, and the cost of tire recycling and/or salvage does not exceed the cost of landfill disposal.  
**Documentation:** The Permittee shall submit a quarterly report to the IWMD that includes the following information:  
a. The number of tires removed from salvaged vehicles and sold for reuse in the previous quarter based on sales receipts.  
b. The weight of waste tires recycled in the previous quarter based on registered waste tire hauler manifests or tire recycling facility receipts.  
c. The weight of tires disposed at a landfill in the previous quarter based on landfill receipts.

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approval before issuance of building permits. All required turnarounds shall be installed before the start of combustible construction.  
**Monitoring and Reporting:** A copy of the approved access plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection ensure that turnaround areas are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the turnaround areas for the life of the development. (VCFPD-14)

48. **Vertical Clearance:** All access roads/driveways shall have a minimum vertical clearance of 13 feet 6 inches.

49. **Access Road Gates**  
**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Standards.  
**Requirement:** The Permittee shall design and install all gates along required fire access roads / driveways consistent with Fire Protection District Standards.  
**Documentation:** The Permittee shall submit access road gate plans for review and approval by the VCFPD.  
**Timing:** The Permittee shall submit gate plans to the Fire Prevention Bureau for approval before the installation of any access gates. The submittal shall include a copy of zoning clearance issued by the Planning Department.  
**Monitoring and Reporting:** A copy of the approved gate plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that access gates are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the gates for the life of the development. (VCFPD-30)

50. **Cargo Containers:** Any and all cargo containers without a building permit shall be in compliance with the VCFPD, Fire Prevention Bureau Administrative Ruling 12.8 for Sea Cargo/Metal Containers and Ventura County Building and Safety, Policies and Interpretations Policy No. 1996-B001, Sea Cargo Containers Policy Revised 9-26-08. If not in compliance with these policies, then the cargo containers shall be regulated as new structures and be conditioned for all fire access, fire water and automatic fire sprinkler system in accordance with current VCFPD Ordinance prior to obtaining the required building permit. The Permittee shall obtain VCFPD Form #126 "Requirements for Construction" prior to obtaining a building permit to legalize office and storage containers not in compliance with the policies mentioned above.

51. **Tire Storage:** Tire storage shall be in accordance with the Fire Code as currently adopted and amended.

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d. The jurisdiction of origin of all tires disposed at a landfill.  
e. Copies of receipts from registered waste tire haulers, sales receipts, and/or landfill receipts must be included in the Permittee's quarterly report to the IWMD to verify reuse, recycling, or landfill disposal of waste tires occurred.

**Timing:** A quarterly report must be received by the IWMD no later than 30 days after the close of the previous quarter.

**Monitoring & Reporting:** Upon request, the Permittee shall allow IWMD staff to perform a free, on-site, waste audit to ensure waste tires generated by this project are salvaged for reuse, recycled, or disposed in a landfill. (IWMD-6)

**Watershed Protection District Conditions**

The following WPD conditions will satisfy the mitigation measures identified in the original MIND designed to reduce impacts of concentrations of pollutants from discharge into the Santa Clara River outfall as a result of flood channelization. Monitoring of the mitigation measures shall consist of annual inspections, responding to complaints, and the issuance of, and compliance with, the required WPD permits. The Ventura County Planning Division will verify that the Permittee has obtained the required WPD permits and will ensure compliance with Condition Nos. 39 through 48, through inspection and monitoring activities conducted pursuant to Condition No. 8 and the *Ventura County Non-Coastal Zoning Ordinance* (Section 8114-3.5).

**Groundwater Section**

36. **Containment Area for Liquid Removal:** The project site shall continue to maintain a containment area which consists of a covered (roof or canopy), concrete pad with berm designed to prevent runoff and to collect all spilled liquids into a sump for legal disposal offsite for the life of the Permit. The concrete shall be underlain by a cemented and lapped 80-mil HDPE liner turned up on the edges to prevent leakage. The installation of any new containment areas shall be submitted with detailed plans (i.e. site plan, plan view, and elevation views) of each containment area to the Watershed Protection District (WPD) for review and approval.

37. **Containment Area for Liquid Waste and Petroleum Products:** All waste liquid and petroleum products located at the project site shall continue to be stored in proper containers and stored only in pre-approved or designated containment areas for the life of the Permit. If waste products will be stored in an alternate temporary location, the Permittee shall provide detailed plans of impermeable area with the same construction as containment areas and shall submit information to the WPD for review and approval.

38. **Batteries, Liquids and Petroleum Removal:** All vehicles shall continue to have their batteries, liquids and petroleum products removed prior to being stored in

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52. **Outside Storage of Combustible Materials:** Outside storage of combustible materials shall not be located within 10 feet of a property line, shall not be stored beneath a building or structure, and shall not exceed 20 feet in height when stored in the open.

53. **Trash Dumpster Locations:** Commercial trash dumpsters and containers with an individual capacity of 1.5 cubic yards or greater shall not be stored or placed within 5 feet of openings, combustible walls, or combustible roof eave lines unless protected by approved automatic fire sprinklers.

54. **Fire Extinguishers:** Fire extinguishers shall be installed in accordance with the International Fire Code. The placement of extinguishers shall be subject to review by the VCFPD.

55. **Fire Code Permits**  
**Purpose:** In order to minimize fire hazards, the project shall be constructed in conformance with the requirements of the Ventura County Fire Code.  
**Requirement:** The Permittee and/or tenant shall obtain all applicable Fire Code permits.  
**Documentation:** The Permittee shall submit a Fire Code permit application along with required documentation/plans to the Fire Prevention Bureau for review and approval.  
**Timing:** Prior to final occupancy clearance, installation or use of any required item or system, the Permittee must obtain approval of all necessary Fire Code permits.  
**Monitoring and Reporting:** A copy of the approved Fire Code permits shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the requirements of the Fire Code permit are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the conditions of the Fire Code permit for the life of the development. (VCFPD-53)

56. **Fire Department Clearance**  
**Purpose:** To inform the Permittee of all fire department requirements applicable to the proposed project.  
**Requirement:** The Permittee shall complete a VCFPD Form #126 "Requirements for Construction" for any new structures or additions to existing structures before issuance of building permits.  
**Documentation:** The Permittee shall submit to the VCFPD a signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction."  
**Timing:** Prior to the issuance of building permits, the submitted VCFPD Form #126 Application must be approved by the Fire Prevention Bureau.

# CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT CASE NO. LU10-0018 / PL12-0015 PAGES 17 TO 24

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**Monitoring and Reporting:** A copy of the completed VCFPD Form #126 shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau will conduct a final on-site inspection of the project to ensure compliance with all conditions and applicable codes / ordinances.

**56.a On-site Driveways Widths with One-Way Traffic, Multi-Family, Commercial or Industrial**

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide a minimum paved driveway width of 20 feet. Parking shall be prohibited on the required width of the driveway.

**Documentation:** The Permittee shall submit access plans for review and approval by the VCFPD.

**Timing:** The Permittee shall submit an access plan to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before any materials are brought onto the site.

**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the access for the life of the development. (VCFPD-6)

**56.b Access Driveways Design, Contractor Storage Yards**

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide drive aisles having a minimum clear width of 25 feet.

- a. Without buildings in the yards, installation shall comply with:
- i. Main access road into the site shall be asphalt or concrete or approved all-weather surface
  - ii. Remainder of drive aisles to each storage yard shall meet residential standards or beyond and be engineered to support additional expected loads based upon use of the yards
  - iii. No requirements within each storage yard when access from all points within the yard is located within 250 feet of an approved surface drive aisle. Larger yards may need additional alternate surface access within the yard
  - iv. Hazardous operations and hazardous material storage may require full paved access.

b. With buildings in the yards, installation shall comply with:

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- i. Full paved access to within 150 feet of all portions of the exterior walls of each building.

**Documentation:** The Permittee shall submit access plans for review and approval by the VCFPD.

**Timing:** The access plan shall be approved prior to issuance of building permits. All required access shall be installed before the start of construction/business operations.

**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the access for the life of the project. (VCFPD-8)

**56.c Turning Radius**

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide a minimum 40 foot inside turning radius at all turns along the access roads/driveways.

**Documentation:** The Permittee shall submit access plans for review and approval by the VCFPD.

**Timing:** The Permittee shall submit an access plan to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before the start of combustible construction.

**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the access for the life of the development. (VCFPD-11.b)

**56.d Inspection Authority**

**Purpose:** To ensure on-going compliance with all applicable codes, ordinances and project conditions.

**Requirement:** The Permittee, by accepting these project conditions of approval, shall acknowledge that the fire code official (Fire District) is authorized to enter at all reasonable times and examine any building, structure or premises subject to this project approval for the purpose of enforcing the Fire Code and these conditions of approval.

**Documentation:** The Permittee shall provide a letter to the VCFPD to agree with the above requirements.

**Timing:** The Permittee shall allow on-going inspections by the fire code official (Fire District) for the life of the project.

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**Monitoring and Reporting:** A copy of the approved entitlement conditions shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall ensure ongoing compliance with this condition through on-site inspections. (VCFPD-60)

**Ventura County Sheriff's Department Conditions**

57. The Permittee shall provide adequate security lighting (e.g., parking lots to be well lighted with a minimum 1 foot candle of light at ground level, lighting devices to be protected from the elements and constructed of vandal resistant materials and located high enough to discourage anyone on the ground from tampering with them).

58. The Permittee shall avoid installing landscaping which interferes with police surveillance (e.g., landscaping must not cover any exterior door or window, landscaping at entrances and exits or at any parking lot intersection must not block or screen the view of a seated driver from another moving vehicle or pedestrian, and trees must not be placed underneath any overhead light fixture which would cause a loss of light at ground level).

CONDITIONS OF APPROVAL FOR  
 CONDITIONAL USE PERMIT CASE NO.  
 LU10-0018 / PL12-0015 PAGES 25 TO 27

REVISIONS	BY

C.U.P. EXTENSION  
 LU10-0018 / PL12-0015  
 918 MISSION ROCK ROAD  
 SANTA PAULA, CA 93060-9730  
 APN: 099-0-110-165,185 - 255

CONDITION OF APPROVAL

DRAWN
W.L.
CHECKED
DATE
NOV. 6, 2020
SCALE
JOB NO.
SHEET
COND
3

**Finnigan 918 Industrial Project**  
**CONDITIONAL USE PERMIT PL20-0128**  
**Conditions of Approval**

*The following conditions apply to the facility previously subject to CUP LU10-0018 (as modified pursuant to Permit Adjustment Case No. LU12-0015).*

*The following conditions govern the:*

- *Auto Recycling and Salvaged Auto Part Sales Facility that was authorized pursuant to CUP Case No. LU10-0018.*
- *Contractor's Service and Storage Yard that was authorized pursuant to PAJ Case No. LU12-0015.*

*The following conditions of approval supersede and replace all conditions imposed with the permits previously granted to authorize uses on the project site, including the "umbrella" conditions imposed on all discretionary projects located within the Mission Rock Road Community.*

**Resource Management Agency Conditions**

**Planning Division**

**1. Project Description (Permitted Land Uses):**

This permit authorizes the continued operation of existing permitted industrial uses on the subject property for an additional 20-year period ending on August 30, 2040. These uses include:

- A.** Operation of a salvage yard, including automobile wrecking yard, and the ancillary retail sales of salvaged materials (collectively, "Auto Recycling and Salvaged Auto Part Sales Facility"). The following activities are authorized as part of this facility:
- The use of the land as an automobile and truck dismantling yard, general scrap metal recycling operation (predominately vehicle scrap metal) and auto refurbishing.
  - Wholesale and retail sales of salvaged automobile parts of vehicles.

County of Ventura  
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Exhibit 4 - Conditions of Approval

- Auto auctions to licensed dealers only. These auctions shall occur, no more than once a week during day light hours. Parking of vehicles shall not exceed the amount of available parking spaces on the site.
- The storage, loading, and unloading of vehicles and scrap metal materials within the boundaries of the permit area.
- The use of portable pneumatic compaction equipment.

**B.** The operation of a Contractor’s Service and Storage Yard on 3.5 acres of the 7.43-acre lot. This operation includes the use of the existing buildings (C and D) as an administrative office, truck and ancillary equipment parking, and the storage of portable tanks and bins.

**C.** The operation and maintenance of a 12,000-gallon propane storage and wholesale distribution tank located adjacent to Building E.

**D.** The continued use of the following five existing warehouse buildings, each of which includes interior offices:

<b>Building*</b>	<b>Floor Area (Square Feet)</b>
A	4,900
B	4,900
C	4,900
D	4,900
E	4,800

**E.** The Santa Paula Water Works will continue to provide water service to the project site. Each existing building is connected to an existing on-site septic system that will continue to provide for sewage disposal.

The following plans constitute the approved plans for the project site:

<b><u>Permit Action</u></b>	<b><u>Date of Approval</u></b>	<b><u>Plan Reference</u></b>
CUP No. LU10-0018	11-15-10	Elevations, and Floor Plans of Buildings A, B, C, D, and E
CUP No. LU10-0018	1-6-2012	SP-1(Signage Plans)
CUP No. LU10-0018	1-9-2012	A-1(Directory Sign, Detail “A”)
CUP No. LU10-0018	1-9-2012	LP-1 (As Built Landscape Plan) and attached photos
CUP Case No. PL20-0128	TBD	Site Plan Sheet A1.0 dated November 6, 2020. (Condition of Approval 60)

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the conditions of approval below

## **2. Acceptance of Conditions and Schedule of Enforcement Responses:**

The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall be deemed to be acceptance by the Permittee of all conditions of this CUP. Failure to abide by and faithfully comply with any conditions for the granting of this CUP shall constitute grounds for the implementation of enforcement procedures as provided in the *Ventura County Non-Coastal Zoning Ordinance* (2010, Article 14), which include, but are not limited to, the following actions:

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

It is the Permittee's or the Permittee's successors-in-interest's responsibility to be aware of, and to comply with, the CUP conditions and the rules and regulations of all jurisdictions having authority over the uses described herein.

## **3. Time Limits:**

### **a. Use Inauguration:**

- (1) The decision on this CUP becomes effective upon the expiration of the appeal period, or when any appeals filed regarding the decision on this CUP are resolved. After the decision on this CUP becomes effective, the Permittee must obtain a Zoning Clearance for Use Inauguration in order to effectuate this permit and inaugurate the uses specified in Condition of Approval No. 1.
- (2) This CUP shall expire and become null and void if a Zoning Clearance for Use Inauguration has not been issued within one year the decision becomes effective. The Planning Director may extend the deadline to obtain a Use Inauguration Zoning Clearance by up to one year if the

Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the extension in writing prior to the one-year expiration date.

- (3) Prior to the issuance of a Zoning Clearance for Use Inauguration, all fees and charges billed to that date by any County agency, as well as all fines, penalties, and sureties, must be paid in full. After issuance of a Zoning Clearance for Use Inauguration, any final processing fees must be paid within 30 days of the billing date or this CUP is subject to revocation.
- b. Operations Period: The term of this CUP will expire on **TBD**. Failure of the County to provide additional notification to the Permittee of the expiration date shall not constitute grounds for continuance of the uses authorized by this CUP after the expiration date. The Planning Director may extend the effective term of this CUP provided that:
- (1) The Permittee files an application for a modification of this CUP that is deemed complete prior to the CUP expiration date. While this application is processed by the County, this CUP will continue in force and effect until a final action is taken on the application by the County decision-makers.
  - (2) The Permittee can demonstrate that the authorized facilities will continue to operate in compliance with the terms and conditions of this CUP.
  - (3) The Permittee can demonstrate that the authorized uses remain compatible with the land uses in the general area.
  - (4) The Permittee can demonstrate that the required findings of approval specified in the Ventura County Ordinance Code in effect at the time the application is considered can be made by the County decision-makers.

#### **4. CUP Modification:**

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

- a. The CUP 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 (Title 14, California Code of Regulations, Chapter 3, §15000-15387), as amended from time to time.

## **5. Consolidation of All Approved Exhibits, Conditions, and Permits:**

Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall provide the following in a form approved by the Planning Director:

- a. Documentation to verify that all of the actions required to be taken by the Permittee prior to the issuance of the Zoning Clearance for Use Inauguration have been completed; and,
- b. Documentation to verify that all other entitlements and conditions imposed by any other agencies have been obtained or satisfied.

Within 30 days of any subsequent modifications of a permit or submission of an application for any permit, the applicable materials in revised form shall be submitted to the Planning Director.

## **6. Notice of CUP Requirements and Retention of Conditions On-Site:**

Unless otherwise required by the Planning Director, the Owner(s) of record, the contractors, and all other parties and vendors regularly dealing with the daily operation of the proposed activities shall be informed, in writing, by the Permittee of the pertinent conditions of this CUP. A current set of CUP conditions and exhibits shall be retained at the site; the CUP conditions and exhibits shall be provided on-site prior to issuance of a Use Inauguration Zoning Clearance and shall be maintained on-site until expiration of this CUP.

## **7. Recorded “Notice of Land Use Entitlement:**

Prior to the issuance of a Use Inauguration Zoning Clearance, and in accordance with the *Ventura County Non-Coastal Zoning Ordinance* (2010, §8111-8.3), the Permittee and property owner of record 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, for each legal parcel within the project site. The “Notice of Land Use Entitlement” is to inform the present and future owners of the property on which the CUP site is located that: the affected real property has been granted a CUP which contains certain conditions for the operation and maintenance of the property; and, the purchaser of the real property should be aware of those conditions. The Permittee shall

submit a copy of the recorded "Notice of Land Use Entitlement" to the Planning Division to be filed with, and made part of, the case file.

## **8. Condition Compliance, Enforcement, and Other Responsibilities:**

a. Cost Responsibilities: The Permittee shall bear the full costs of all staff time, materials costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs by maintaining revolving Condition Compliance Account CC06-0046 as described below in Condition 8.b. Specifically, the Permittee shall bear the full costs of the following:

- (1) Condition Compliance, which is defined herein to include, but is not limited to, the staff time, materials costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and,
- (2) Monitoring and enforcement costs, and any related fines or penalties assessed pursuant to the provisions of the Ventura County Ordinance Code, as it may be amended. (Refer to Condition 9.c, below.)

b. Maintenance of Revolving Condition Compliance Account CC06-0046: Condition Compliance Account CC06-0046 was established pursuant to Umbrella Conditions (Part 1 of 2), Condition No. 9 of CUP 3471-3, and shall be maintained until this CUP expires (Condition 3, above). Condition Compliance Account CC06-0046 shall serve as a revolving condition compliance and enforcement account to be used by Ventura County agencies to cover costs incurred by Ventura County for Condition Compliance review, monitoring, and enforcement costs (Condition 8.a, above), and for enforcement costs and penalties assessed pursuant to the provisions of the Ventura County Ordinance Code, as it may be amended (Condition 8.c, below.)

If any of the information provided in the existing reimbursement agreement for Condition Compliance Account CC06-0046 is outdated and/or incorrect, prior to issuance of a Zoning Clearance for Use Inauguration, the Permittee shall submit a new, signed reimbursement agreement with the updated and/or correct information. The reimbursement agreement obligates the Permittee to pay any Condition Compliance review, monitoring, and enforcement costs (Condition 8.a, above). The reimbursement agreement also grants the Permittee the right to challenge any charges for Condition Compliance review, monitoring, and enforcement costs.

c. Monitoring and Enforcement Costs: The *Ventura County Non-Coastal Zoning Ordinance* (§8114-3.4) requires the Permittee, or the Permittee's successors-in-

interest, to bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections, public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said fees and penalties pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (§8114-3.4) as it may be amended.

- d. Billing Process: The Permittee shall pay any written requests made by the Planning Director or designee within 30 days of receipt of the request. If requested by the Permittee, requests for payment shall be accompanied by an accounting of how the deposited funds have been spent. Failure to pay the required amount, or to maintain the required deposit, shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge or the reasonableness of any charge prior to payment.

## 9. Defense and Indemnity:

- a. As a condition of approval for the granting of this CUP, including the subsequent granting of any adjustment or modification of this CUP, the Permittee agrees to:
- (1) Defend, at the Permittee's sole expense, any action brought against the County by a third party challenging either its decision to issue this CUP or the manner in which the County is interpreting or enforcing the conditions of this CUP; and,
  - (2) Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such action. Upon demand from the County, the Permittee shall reimburse the County for any court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such action the Permittee defended or had control of the defense of the suit. The County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.
- b. Neither the issuance of this CUP nor compliance with the conditions thereof shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property, nor shall the issuance of this CUP serve to impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.

- c. Except with respect to the County's sole negligence or intentional misconduct, the Permittee shall indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, demands, costs, and expenses, including attorney's fees, judgments, or liabilities arising out of the construction, maintenance, or operations described in Condition No. 1, as it may be subsequently modified pursuant to the conditions of this CUP.

## **10. Invalidation of Condition(s):**

If any of the conditions or limitations of this CUP are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth. In the event that any condition contained herein is determined to be in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the project sponsors in an action filed in a court of law, or threatened to be filed therein, which action is brought in the time period provided for by the Code of Civil Procedures (§1094.6), or other applicable law, this CUP shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Permittee has, in the interim, fully complied with the fee, exaction, dedication, or other mitigation measure being challenged.

If any condition is invalidated by a court of law, and said invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, the project may be reviewed, at the discretion of the Planning Director, by the Planning Commission and substitute feasible conditions/mitigation measures may be imposed to adequately address the subject matter of the invalidated condition. The determination of adequacy shall be made by the Planning Commission. If the Planning Commission 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 CUP may be revoked.

## **11. Consultant Review of Information and Consultant Work:**

The County and all other permitting agencies shall have the option of referring any and all special studies that may be required by these conditions to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work for which to be contracted, as well as the costs of such work. Whenever feasible, the lowest bidder will be used. Any decisions made by staff may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Permittee may hire private consultants to conduct work required by the County, provided the consultant and the proposed scope-of-work are acceptable to the County. However, the County retains the right to hire its own consultants to evaluate any work undertaken by the operator or consultants under contract with the operator.

## **12. Relationship of CUP Conditions, Laws and Other Permits:**

The design, maintenance, and operation of the CUP area and facilities thereon shall comply with all applicable requirements and enactments of Federal, State, and County authorities, as amended (e.g., County Business License Tax Ordinance), and all such requirements and enactments shall by reference become conditions of this CUP. In the event of conflicts between various requirements, the more restrictive requirements shall apply. In the event that any CUP condition contained herein is determined to be in conflict with any other CUP condition contained herein, then where principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

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

A business tax certificate [and regulatory licenses] shall be obtained for operation of the automotive salvage and dismantling yard.

## **13. Days and Hours of Operation:**

The Auto Salvage and Dismantling facilities will be open to the public Monday – Saturday, 7:00 a.m. to 6:00 p.m. (closed on Sunday). The Contractor's Service and Storage Yard will be in operation every day of the week on a 24-hour basis.

## **14. Contact Person:**

Prior to the issuance of a Use Inauguration Zoning Clearance, the Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, phone number, mailing and email addresses, and business and cell

phone numbers) of the Permittee's field agent and other representatives who receive all orders, notices, and communications regarding matters of condition and code compliance at the CUP site. There always shall be a contact person designated by the Permittee. If deemed necessary by the Planning Director, one contact person shall be available via telecommunication, 24 hours a day, to respond to complaints by citizens and the County. If the address or phone number of the Permittee's agent should change, or the responsibility is assigned to another person or position, the Permittee shall provide the Planning Director with the new information within three calendar days.

## **15. Resolution of Complaints:**

The following process shall be used to resolve complaints related to the project:

- a. The Permittee shall post the phone number for the designated Contact Person as identified pursuant to Condition No. 14 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about an event as it is occurring may directly contact the Contact Person.
- b. If a written complaint is received by the County, Planning staff will contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation.
- c. If, following a complaint investigation, a violation of the Ventura County Ordinance Code or a condition of this permit is confirmed, enforcement actions pursuant to the Ventura County Non-Coastal Zoning Ordinance (§8114-3 et seq.) will be initiated.

## **16. Reporting of Major Incidents:**

The Permittee shall immediately notify the Planning Director by telephone, email, FAX, and/or voicemail of any incidents (e.g., fires, explosions, spills, landslides, or slope failures) that could pose a hazard to life or property inside or outside the CUP area. Upon request of any County agency, the Permittee shall provide a written report of any incident within seven calendar days that shall include, but not be limited to, a description of the facts of the incident, the corrective measures used, and the steps taken to prevent a recurrence of the incident.

## **17. Correspondence from Other Agencies and Jurisdictions:**

Copies of all correspondence, reports, or information related to land use and environmental issues covered by this CUP which are received by the Permittee from, or sent by the Permittee to, other State or local jurisdictions or agencies shall be provided to the Planning Division within five calendar days of their receipt/issuance.

## **18. Change of Ownership:**

At least 10 calendar days prior to the effective date of the change of property ownership, or of lessee(s) or operator(s) of the permitted uses, there shall be filed, 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). A final statement that a transfer of ownership has occurred shall be provided to the Planning Director within 15 calendar days of the transfer. The statement shall include the following:

- (a) Any changes in 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 company officer(s) from the initial notice;
- (b) A letter from 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 CUP; and,
- (c) The effective date and time of the transfer.

## **19. Implementation and Maintenance of Required Mission Rock Road Community Improvements**

The Mission Rock Road area property owners created a Property Owners Association (POA) and recorded Codes, Covenants, and Restrictions (CC&Rs) requiring the on-going implementation and maintenance of the following items:

- a. The elimination of traffic related problems, pursuant to the approved "As Built" Road Improvement Plan dated August 20, 1992 (Drawing No. 62462-67);
- b. An effective drainage system which will deter sheet flooding, pursuant to the approved "As Built" Drainage Improvement Plan dated September 29, 1993 (Drawing No. 62408-14, GP8613); and,
- c. Adequate fire protection through the approved Fire Protection System Plans dated May 23, 1986, which include the installation and maintenance of fire hydrants and sufficient fire flow.

The Permittee shall continue to participate throughout the life of this CUP in the continued implementation and maintenance of the items noted above, as required by the POA and its CC&Rs, by providing, upon request, the Planning Director with a letter from the POA acknowledging payment of the required dues of the Permittee and showing the Permittee is in good standing with the POA and its CC&Rs.

*This condition of approval is imposed in order to implement mitigation measures that were identified in the Mitigated Negative Declaration (1990, Section III, Environmental Impacts and Mitigation Measures, B. Implementation and Enforcement), which was adopted for projects within the Mission Rock Road Community.*

## **20. Site Maintenance:**

The CUP area shall be maintained in a neat and orderly manner so as not to create any hazardous condition, or unsightly conditions which are visible from outside the CUP area on surrounding properties or from any public right-of-way. All equipment and facilities not explicitly permitted in Condition No. 1 (Permitted Land Uses) shall be removed from the site prior to the issuance of a Zoning Clearance for Use Inauguration. Only equipment, materials, and structures which are in conformance with Condition No. 1, or are authorized by any subsequent amendments of this CUP, shall be stored on the property during the life of this CUP. In addition, the authorized facilities shall be operated in conformance with the following regulations:

- No materials within the permit area may be piled or stored to a height greater than that of the perimeter fence, unless such materials are enclosed within a permitted building.
- Only materials and equipment ancillary to the authorized uses shall be stored within the area that is subject to this CUP.
- All outside storage shall be fenced for security and public safety at the property line pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (§8109-3.4.2).
- Restrooms shall be open and available for those employed at the Automobile Dismantling Yard.
- A regularly serviced portable toilet shall be available for use by the employees of the authorized automobile storage facility.
- In accordance with the *Ventura County Non-Coastal Zoning Ordinance* (§8109-3.1.1) all new utility lines, including electric, communications, street lighting and cable television, shall be placed underground by the Permittee, who shall make the necessary arrangements with the utility companies for the installation of such facilities.

## **21. Building Color/Material Specifications:**

Pursuant to the requirements of the *Ventura County Non-Coastal Zoning Ordinance* (§8109-3.4.1) metal buildings, including accessory buildings, shall:

- have exterior surfaces constructed or faced with a stainless steel, aluminum, painted, baked enamel, or similarly finished surface;
- be reasonably screened from view from any street by other buildings or by appropriate walls, fencing, earth mounds or landscaping; or,
- be located at least 100 feet from the street centerline.

## **22. Specific Industrial Zone Standards:**

Pursuant to Article 9 of the *Ventura County Non-Coastal Zoning Ordinance*, the Permittee shall maintain and operate the authorized facilities in conformance with the following requirements. In addition to ordinance compliance, these requirements implement mitigation measures identified in the original 1990 MND and designed to reduce the concentration of pollutants discharged into the Santa Clara River.

Objectionable Factors: The following shall be maintained at levels which are appropriate for the zone and geographic area and are not objectionable at the point of measurement, as determined by the Planning Director, when the authorized uses are in normal operation:

- Smoke, odors, vapors, gases, acids, fumes, dust, dirt, fly ash, or other forms of air pollution;
- Noise, vibration, pulsations, or similar phenomena;
- Glare or heat; and,
- Radioactivity or electrical disturbance.

The point of measurement for these factors shall be at the lot or ownership line surrounding the use.

Hazardous Materials: Land or buildings shall not be used or occupied in any manner so as to create any fire, explosive or other hazard. All activities involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local and national safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment in compliance with Ventura County Fire Protection District's Regulations. The burning of waste materials in open fires without written approval of the Ventura County Fire Protection District is prohibited.

Liquid and Solid Wastes: Liquid or solid wastes discharged from the premises shall be properly treated prior to discharge so as not to contaminate or pollute any watercourse or groundwater supply or interfere with bacterial processes in sewage treatment. The

disposal or dumping of solid wastes, such as slag, paper, and fiber wastes, or other industrial wastes shall not be permitted on any premises.

*Exceptions: Exceptions to these regulations may be made during brief periods for reasonable cause, such as breakdown or overhaul of equipment, modification or cleaning of equipment, or other similar reason, when it is evident that such cause was not reasonably preventable, as determined by the Planning Director. These regulations shall not apply to the operation of motor vehicles or other transportation equipment unless otherwise specified.*

### **23. Parking Regulations:**

In accordance with Article 8 of the *Ventura County Non-Coastal Zoning Ordinance*, the Permittee shall ensure that required parking and loading areas are permanently maintained in good condition as determined by the Planning Director and in conformance with the approved site plan (Condition of Approval No. 59). Public and employee parking areas shall be designed and maintained at all times for safe, convenient, and easy use by vehicles and pedestrians, and in conformance with the following provisions:

- Accessible parking for disabled persons shall be provided in compliance with the California Building Standards Code (California Code of Regulations, Title 24) and the Americans with Disabilities Act.
- Parking spaces within parking areas shall be clearly marked with paint striping or another durable, easily distinguishable marking material. Space markings shall be maintained in good condition.
- Required parking spaces shall not be converted to other uses or used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, waste containers, merchandise, equipment, or any other use not authorized by the provisions of Article 8 of the *Ventura County Non-Coastal Zoning Ordinance*.
- The surface of all required uncovered off-street motor vehicle parking spaces, aisles, driveways, and loading areas shall be constructed and maintained with permanent all-weather, load-bearing pervious or impervious surfacing material sufficient to prevent mud, dust, loose material, and other nuisances.
- Industrial parking areas with materials loading spaces shall be designed to accommodate access and circulation movement for on-site truck circulation in accordance with the *Ventura County Non-Coastal Zoning Ordinance* (§8108-8.2.3). Loading spaces shall be located on-site, outside of any required front or side setback, near the service entrance(s) to the building(s), and either to the

rear or side of the building to alleviate unsightly appearances often created by loading facilities.

- All lights in parking areas shall comply with the *Ventura County Non-Coastal Zoning Ordinance* (§8108-5.12), and shall be extinguished at the end of the working day. Lights may be turned on no sooner than one hour before the commencement of working hours.

## 24. Landscaping

Purpose: The purpose of this condition is to ensure that the Permittee maintains the project site in compliance with Variance No. 4644 (Variance for Required Landscaping) and the County's landscaping requirements for the M3 zone.

Requirement: Pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (§8109-0.6.4) projects in the M3 zone shall have at least five percent of the permit area landscaped, required yards adjacent to streets shall be improved with appropriate permanently maintained evergreen plant material or ground covers, and trees shall be planted along the street line of each site.

Approved Variance for Required Landscaping: Variance No. 4644 allows the following on Tax Assessor's Parcel No. 099-0-110-105: (1) a reduction in required landscaping— from 10% to less than 8% of the parking lot area; (2) elimination of the front setback landscaping requirement; (3) elimination of the required planting of street trees; (4) elimination of the front setback requirement for required parking; (5) elimination of requirement for paving interior parking lot; and, (6) elimination of the overall landscaping that is required on-site.

Monitoring and Reporting: The Permittee shall continue to maintain the existing landscaping located in the parking lot area in conformance with the variance requirements for the project site and shall be subject to periodic inspection by the Ventura County Planning Division. The Permittee is required to remedy any defects in landscape maintenance, as indicated by the County inspector, within two weeks of written notification of such defect. The Permittee shall bear the full cost of the County's landscape maintenance inspection and review. Any future landscaping of the industrial site shall be in conformance with any adopted Ventura County Landscape Design Guidelines and the standards set forth in the *Ventura County Non-Coastal Zoning Ordinance* (§8109-0.6.4).

## 25. Sign Regulations and Plan:

Prior to the issuance of the Zoning Clearance for Use Inauguration, all signs that are not currently in conformance with Chapter 1, Article 10 of the *Ventura County Non-Coastal Zoning Ordinance* shall be removed.

Two copies of a Sign Plan shall be submitted to the Planning Division for review and approval by the Planning Director for any proposed signs. The Sign Plan shall be designed in conformance with Chapter 1, Article 10 of the Ventura County Ordinance Code. The Sign Plan shall include the proposed size, colors, materials, and lighting details. The Permittee shall bear the total cost of such review and approval. All elements of the Sign Plan shall be installed, inspected and approved by the Planning Division prior to issuance of the Zoning Clearance for Use Inauguration.

In addition, the following signage must be maintained on-site for the life of the permit:

- a. The entrance to the project site shall be posted with a sign providing information on the permitted hours of operation, including telephone numbers for the Contact Person. (See Condition 14 – Contact Person.)
- b. In the event of a rain storm, the Permittee shall post a sign indicating that the facility shall be closed to the public during the occurrence of standing water (measured at the centerline of Mission Rock Road) of two inches or greater until such time as the water has receded.

*Note: The sign plan for the site (dated December 11, 2011) and the directory sign plans (dated November 21, 2011) prepared by Turner Design were approved by the County in 2012 and remain in effect.*

## **26. Minimizing Nuisance Impacts and Setbacks from Agricultural Uses:**

The Permittee shall take whatever reasonable steps are necessary, as determined by the Planning Director, to prevent significant nuisance impacts from occurring outside the CUP area. Significant nuisance impacts include, but are not limited to, noise, dust, odors, lighting, and glare. In order to determine the significance of the nuisance, the Planning Director may consider the number and types of neighbor complaints, and conduct inspections of the site and surrounding areas. Any questions about what constitutes significant off-site nuisance levels shall be resolved by the Planning Director or other public agency (e.g., the Air Pollution Control District) as the Planning Director may designate.

### **Environmental Health Division**

## **27. Hazardous Materials:**

The storage, handling, and disposal of any potentially hazardous material shall be accomplished in conformance with applicable state regulations.

### **28. Septic Effluent Disposal Limitation:**

Only domestic waste as defined in the County Building Code Ordinance shall be discharged into the on-site sewage disposal system.

### **29. Disposal Field Maintenance:**

The septic effluent disposal fields shall be maintained in a natural state. Driveways or impervious materials shall be placed over the leach fields.

### **30. Recyclable Material Storage:**

Inert recyclable material (scrap metal) received shall be stored on-site for a maximum of 6 months. Processed recyclable material shall be stored on-site for a maximum of 18 months. Storage of these materials beyond the maximum time specified would require a permit through the Local Enforcement Agency of the Environmental Health Division and the Planning Division.

### **Public Works Agency (PWA) Conditions**

#### **Transportation Department**

*Note: Traffic Impact Mitigation Fees were collected for all of the uses and facilities authorized by this permit at the time Permit Adjustment PL12-0084 was granted in 2012. No new traffic-generating uses are authorized by this permit. Thus, no additional traffic fees are required at this time.*

#### **Integrated Waste Management Division**

### **31. Waste Diversion & Recycling Requirement:**

Per Ventura County Ordinance 4308, commercial customers are required to divert recyclable materials (e.g., paper, cardboard, tires, metal, wood, concrete, greenwaste, and soil) from local landfills through recycling, reuse, or salvage. Review Ordinance 4308 at: [www.wasteless.org/landfills/ordinances](http://www.wasteless.org/landfills/ordinances).

### **32. Collection and Loading Areas for Refuse and Recyclables:**

This project is subject to the County's *Space Allocation Guidelines*. These guidelines outline the requirements for collection and loading areas for refuse and recyclables referenced in Public Resources Code 42900-42901, the Solid Waste Reuse and Recycling Access Act of 1991. The *Space Allocation Guidelines* may be reviewed at: [www.wasteless.org/spaceallocationguidelines](http://www.wasteless.org/spaceallocationguidelines). Contact the IWMD, at (805) 658-4321, for assistance in meeting this condition.

### **33. Private Passenger & Commercial Vehicles/Equipment - Used Oil Recycling:**

The Permittee must comply with all local, state, and federal hazardous waste regulations, and arrange for the collection and recycling of discarded recyclable materials (e.g., used motor oil, used oil filters, batteries, and antifreeze) removed from private passenger, and commercial vehicles and equipment stored, maintained, and/or repaired onsite during the operational phase of this project. Contact the IWMD, at (805) 658-4321, for assistance in meeting this condition.

### **34. Automobile & Truck Tire Diversion - Reuse or Recycling:**

The Permittee must ensure waste tires from this property are not disposed at a landfill whenever tire recycling or salvage (reuse) options exist and the cost of tire recycling or salvage does not exceed the cost of disposal. The Permittee must submit a quarterly report to the IWMD that includes the following information:

- A. The number of tires removed from salvaged vehicles and sold for reuse in the previous quarter (based on sales receipts).
- B. The weight of waste tires recycled in the previous quarter (based on registered waste tire hauler manifests or tire recycling facility receipts).
- C. The weight of tires disposed at landfills in the previous quarter (based on landfill receipts). If tires are disposed, the Permittee must track the jurisdiction of origin and include this information in their quarterly report.

Copies of receipts and/or documentation must be included in the quarterly report submitted to the IWMD to verify that reuse, recycling, or disposal of waste tires occurred. Contact the IWMD, at (805) 658-4321, for assistance in meeting this condition.

For a complete list of registered waste tire haulers and tire recycling facilities, please review the following websites:

[www.calrecycle.ca.gov/Tires/Haulers/Haulers.asp](http://www.calrecycle.ca.gov/Tires/Haulers/Haulers.asp)

[www.calrecycle.ca.gov/tires/facilities/search/default.asp](http://www.calrecycle.ca.gov/tires/facilities/search/default.asp)

## **Watershed Protection District Conditions**

The following WPD conditions will satisfy the mitigation measures identified in the original MND designed to reduce impacts of concentrations of pollutants from discharge into the Santa Clara River outfall as a result of flood channelization. Monitoring of the mitigation measures shall consist of annual inspections, responding to complaints, and the issuance of, and compliance with, the required WPD permits. The Ventura County Planning Division will verify that the Permittee has obtained the required WPD permits and will ensure compliance with Condition Nos. 35 through 42, through inspection and monitoring activities conducted pursuant to Condition No. 8 and the *Ventura County Non-Coastal Zoning Ordinance* (Section 8114-3.5).

### **Groundwater Section**

#### **35. Containment Area for Liquid Removal:**

The project site shall continue to maintain a containment area which consists of a covered (roof or canopy), concrete pad with berm designed to prevent runoff and to collect all spilled liquids into a sump for legal disposal offsite for the life of the Permit. The concrete shall be underlain by a cemented and lapped 80-mil HDPE liner turned up on the edges to prevent leakage. The installation of any new containment areas shall be submitted with detailed plans (i.e. site plan, plan view, and elevation views) of each containment area to the Watershed Protection District (WPD) for review and approval.

#### **36. Containment Area for Liquid Waste and Petroleum Products:**

All waste liquid and petroleum products located at the project site shall continue to be stored in proper containers and stored only in pre-approved or designated containment areas for the life of the Permit. If waste products will be stored in an alternate temporary location, the Permittee shall provide detailed plans of impermeable area with the same construction as containment areas and shall submit information to the WPD for review and approval.

#### **37. Batteries, Liquids and Petroleum Removal:**

All vehicles shall continue to have their batteries, liquids and petroleum products removed prior to being stored in the project area for the life of the Permit. Under no circumstance will vehicles with liquids and petroleum products be allowed to be stored in the project area.

#### **38. Battery Storage Area:**

All removed batteries shall continue to be stored in a suitable storage area on the project site for the life of the Permit. WPD shall review and approve a site plan showing

where specifically these batteries will be stored, an estimate of the maximum amount of accumulated batteries at any one time and information on the planned frequency for legal disposal offsite.

### **39. Containment Area for Hazardous Materials:**

All hazardous materials and chemicals shall continue to be stored in a building properly designated and equipped for the safe storage of the hazardous materials and chemicals for the life of the permit. WPD shall review and approve the location of all hazardous materials and chemicals.

## **Water Quality Section**

### **40. NPDES Permit**

Prior to the issuance of a Zoning Clearance for Use Inauguration of this permit, and by July 1<sup>st</sup> of each year, the Permittee shall submit a Notice of Intent (NOI) for the NPDES General Industrial Permit to the Ventura County Watershed Protection District Surface Water Quality Section, and a copy of the Annual Report required by the NPDES Permit.

*Note: This is an ongoing requirement that has been satisfied by the applicant since 2013.*

## **Permit Section**

### **41. Watercourse Permit:**

A Watercourse Permit is required for any work in, on, over, under, and across the bed, banks, and overflow area of Cummings Road Drain.

## **Floodplain Management Section**

### **42. Floodplain Development Permit:**

Purpose: To comply with the Ventura County Floodplain Management Ordinance and Ventura County General Plan policies HAZ-2.1, HAZ-2.2, HAZ-2.3 and HAZ-2.5.

Requirement: The Permittee shall obtain a Floodplain Development Permit from the Ventura County Public Works Agency Floodplain Manager.

Documentation: A Floodplain Development Permit issued by the Public Works Agency Floodplain Manager.

Timing: The Floodplain Development Permit shall be obtained by the Applicant prior to Zoning Clearance for Use Inauguration.

Monitoring and Reporting: A copy of the approved Floodplain Development Permit shall be provided to the Building and Safety Department as well as maintained in the case file by the Public Works Agency.

### **43. Elevation Certificate**

Purpose: To comply with the Ventura County Floodplain Management Ordinance and Ventura County General Plan policies HAZ-2.2 and HAZ-2.5 by obtaining an elevation certificate.

Requirement: The Permittee shall provide a Traditional Elevation Certificate.

Documentation: Traditional Elevation Certificate prepared by a licensed Civil Engineer or Licensed Public Land Survey.

Timing: The Traditional Elevation Certificate shall be prepared prior to Prior to Occupancy.

Monitoring and Reporting: A copy of the approved Traditional Elevation Certificate shall be provided to the Building and Safety Department as well as maintained in the case file by the Public Works Agency.

### **Air Pollution Control District (APCD) Conditions**

#### **44. APCD Rules**

All project construction and site preparation operations shall comply with all applicable VCAPCD Rules and Regulations which include but is not limited to Rule 10 (Permits Required), Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust).

### **Ventura County Fire Protection District (VCFPD) Conditions**

#### **45. Address Numbers:**

**Purpose:** To ensure proper premise identification to expedite emergency response.

**Requirement:** The Permittee shall install 10-inch tall address numbers.

**Documentation:** Provide documentation that identifies the installation of address numbers at this location.

**Timing:** The Permittee shall submit an address plan to the Fire Prevention Bureau for approval before use of the storage yard.

**Monitoring and Reporting:** A copy of the approved address shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that all structures are addressed according to the approved plans.

*Note: This condition has been satisfied by the Permittee.*

#### **46. Access Driveway Design, Auto Salvage Yards:**

Access driveways (aisles) shall be designed in conformance with the following based upon the number of stacked layers of auto storage within the yard:

Single Layer Storage or Crushed Storage up to 8 feet:

- Maximum pile size shall not exceed 150,000 square feet of area.
- Maximum travel distance within each pile to a minimum 20 foot wide main aisle shall not exceed 150 feet.
- Piles shall be separated by main aisles or a minimum 15 foot wide cross-aisle based upon pile size and travel distance.

Main aisles shall be constructed to an All-Weather Surface as approved by the VCFPD.

#### **47. Turnarounds**

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide an approved turnaround area for fire apparatus where dead-end Fire Department access roads / driveways exceed 150 feet. Required turnaround areas shall be designed such:

- a. Does not exceed a 5% cross-slope in any direction.
- b. Located within 150 feet of the end of the access road / driveway
- c. Posted as fire lanes in accordance with Ventura County Fire Protection District Standards.
- d. Kept free of obstructions at all times.

Documentation: A stamped copy of the approved access plan.

**Documentation:** The Permittee shall submit access plans for review and approval by the VCFPD. The plans shall indicate all access road/driveway locations and proposed turnaround location and design.

**Timing:** The Permittee shall submit access plans to the Fire Prevention Bureau for approval before issuance of building permits. All required turnarounds shall be installed before the start of combustible construction.

**Monitoring and Reporting:** A copy of the approved access plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection ensure that turnaround areas are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the turnaround areas for the life of the development.

#### **48. Vertical Clearance:**

All access roads/driveways shall have a minimum vertical clearance of 13 feet 6 inches.

#### **49. Access Road Gates**

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Standards.

**Requirement:** The Permittee shall design and install all gates along required fire access roads / driveways consistent with Fire Protection District Standards.

**Documentation:** The Permittee shall submit access road gate plans for review and approval by the VCFPD.

**Timing:** The Permittee shall submit gate plans to the Fire Prevention Bureau for approval before the installation of any access gates. The submittal shall include a copy of zoning clearance issued by the Planning Department.

**Monitoring and Reporting:** A copy of the approved gate plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that access gates are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the gates for the life of the development.

#### **50. Cargo Containers:**

Any and all cargo containers without a building permit shall be in compliance with the VCFPD, Fire Prevention Bureau Administrative Ruling 12.8 for Sea Cargo/Metal Containers and Ventura County Building and Safety, Policies and Interpretations Policy No. 1996-B001, Sea Cargo Containers Policy Revised 9-26-08. If not in compliance with these policies, then the cargo containers shall be regulated as new structures and be conditioned for all fire access, fire water and automatic fire sprinkler system in accordance with current VCFPD Ordinance prior to obtaining the required building

permit. The Permittee shall obtain VCFPD Form #126 "Requirements for Construction" prior to obtaining a building permit to legalize office and storage containers not in compliance with the policies mentioned above.

### **51. Tire Storage:**

Tire storage shall be in accordance with the Fire Code as currently adopted and amended.

### **52. Outside Storage of Combustible Materials:**

Outside storage of combustible materials shall not be located within 10 feet of a property line, shall not be stored beneath a building or structure, and shall not exceed 20 feet in height when stored in the open.

### **53. Trash Dumpster Locations:**

Commercial trash dumpsters and containers with an individual capacity of 1.5 cubic yards or greater shall not be stored or placed within 5 feet of openings, combustible walls, or combustible roof eave lines unless protected by approved automatic fire sprinklers.

### **54. Fire Extinguishers:**

Fire extinguishers shall be installed in accordance with the International Fire Code. The placement of extinguishers shall be subject to review by the VCFPD.

### **55. Fire Code Permits**

**Purpose:** In order to minimize fire hazards, the project shall be constructed in conformance with the requirements of the Ventura County Fire Code.

**Requirement:** The Permittee and/or tenant shall obtain all applicable Fire Code permits.

**Documentation:** The Permittee shall submit a Fire Code permit application along with required documentation/plans to the Fire Prevention Bureau for review and approval.

**Timing:** Prior to final occupancy clearance, installation or use of any required item or system, the Permittee must obtain approval of all necessary Fire Code permits.

**Monitoring and Reporting:** A copy of the approved Fire Code permits shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the requirements of the Fire Code permit are installed

according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the conditions of the Fire Code permit for the life of the development. (VCFPD-53)

## **56. Fire Department Clearance**

**Purpose:** To inform the Permittee of all fire department requirements applicable to the proposed project.

**Requirement:** The Permittee shall complete a VCFPD Form #126 "Requirements for Construction." for any new structures or additions to existing structures before issuance of building permits.

**Documentation:** The Permittee shall submit to the VCFPD a signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction."

**Timing:** Prior to the issuance of building permits, the submitted VCFPD Form #126 Application must be approved by the Fire Prevention Bureau.

**Monitoring and Reporting:** A copy of the completed VCFPD Form #126 shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau will conduct a final on-site inspection of the project to ensure compliance with all conditions and applicable codes / ordinances.

### **57a. On-site Driveways Widths with One-Way Traffic: Multi-Family, Commercial or Industrial**

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide a minimum paved driveway width of 20 feet. Parking shall be prohibited on the required width of the driveway.

**Documentation:** The Permittee shall submit access plans for review and approval by the VCFPD.

**Timing:** The Permittee shall submit an access plan to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before any materials are brought onto the site.

**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the access for the life of the development.

## **57b. Access Driveways Design, Contractor Storage Yards**

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide drive aisles having a minimum clear width of 25 feet.

- a. Without buildings in the yards, installation shall comply with:
  - i. Main access road into the site shall be asphalt or concrete or approved all-weather surface
  - ii. Remainder of drive aisles to each storage yard shall meet residential standards or beyond and be engineered to support additional expected loads based upon use of the yards
  - iii. No requirements within each storage yard when access from all points within the yard is located within 250 feet of an approved surface drive aisle. Larger yards may need additional alternate surface access within the yard
  - iv. Hazardous operations and hazardous material storage may require full paved access.
  
- b. With buildings in the yards, installation shall comply with:
  - i. Full paved access to within 150 feet of all portions of the exterior walls of each building.

**Documentation:** The Permittee shall submit access plans for review and approval by the VCFPD.

**Timing:** The access plan shall be approved prior to issuance of building permits. All required access shall be installed before the start of construction/business operations.

**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the access for the life of the project.

## **57c. Turning Radius**

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide a minimum 40 foot inside turning radius at all turns along the access roads/driveways.

**Documentation:** The Permittee shall submit access plans for review and approval by the VCFPD.

**Timing:** The Permittee shall submit an access plan to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before the start of combustible construction.

**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and the Permittee's successors in interest, shall maintain the access for the life of the development.

#### **57d. Inspection Authority**

**Purpose:** To ensure on-going compliance with all applicable codes, ordinances and project conditions.

**Requirement:** The Permittee, by accepting these project conditions of approval, shall acknowledge that the fire code official (Fire District) is authorized to enter at all reasonable times and examine any building, structure or premises subject to this project approval for the purpose of enforcing the Fire Code and these conditions of approval.

**Documentation:** The Permittee shall provide a letter to the VCFPD to agree with the above requirements.

**Timing:** The Permittee shall allow on-going inspections by the fire code official (Fire District) for the life of the project.

**Monitoring and Reporting:** A copy of the approved entitlement conditions shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall ensure ongoing compliance with this condition through on-site inspections. (VCFPD-60)

#### **Ventura County Sheriff's Department Conditions**

#### **58. Security Lighting:**

The Permittee shall provide adequate security lighting (e.g., parking lots to be well lighted with a minimum 1 foot candle of light at ground level, lighting devices to be protected from the elements and constructed of vandal resistant materials and located high enough to discourage anyone on the ground from tampering with them).

#### **59. Landscaping Limitations:**

The Permittee shall avoid installing landscaping which interferes with police surveillance (e.g., landscaping must not cover any exterior door or window, landscaping at entrances and exits or at any parking lot intersection must not block or screen the view of a seated driver from another moving vehicle or pedestrian, and trees must not be placed underneath any overhead light fixture which would cause a loss of light at ground level).