



Planning Director Staff Report – Hearing on January 7, 2021

County of Ventura • Resource Management Agency • Planning Division

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

MISSION ROCK AUTOMOBILE SALVAGE PROJECT CONDITIONAL USE PERMIT (CUP) CASE NO. PL20-0058

A. PROJECT INFORMATION

1. **Request:** The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the continued operation of an existing automobile wrecking and salvage yard, and to authorize the operation of a new automobile storage yard for a 20-year period. (Case No. PL20-0058)
2. **Property Owner:** Lamar Moon, Twin-Colt Enterprises, LLC, 257 Fawn Valley Court, Simi Valley CA 93065
3. **Applicant:** John Biefuss, Tri-County Auto Dismantlers, Inc. (TCAD), 950 Mission Rock Road, Santa Paula CA 93060
4. **Applicant's Representative:** Mike Biedebach, Sespe Consulting, Inc., 374 Poli Street, Suite 200, Ventura CA 93001
5. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested CUP.
6. **Project Site Size, Location, and Parcel Number:** The project site encompasses 7.9 acres located at 950 Mission Rock Road in the unincorporated area west of the City of Santa Paula. The Assessor's Parcel Number for the property that constitutes the project site is APN: 099-0-110-105 (Exhibit 2).
7. **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)

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	M3-10,000 (General Industrial 10,000 sf minimum lot area)	Auto wrecking (“Pick the Part”)
South	OS-80 (Open Space, 80-acre minimum lot area)	Open space with oil wells
East	OS-80/MRP (Open Space, 80-acre minimum lot area, Mineral Resource Protection Overlay)	Open space and Santa Clara River
West	M3-10,000 (General Industrial 10,000 sf minimum lot area)	Industrial buildings

9. History:

Industrial uses have existed in the vicinity of the project site for over 60 years on land that was previously in agricultural use (primarily pasture). Oil development began in the mid-1950's with the first producing oil well drilled in 1955. During that time period, production of sand and gravel from the Santa Clara riverbed commenced. In 1959, an asphalt batch plant was approved in an area located to the 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 September 19, 1967, the Board of Supervisors adopted Ordinance No. 1980 to change the site's zoning to M-3 (General Industrial).

On September 19, 1974, the Planning Commission granted CUP No. 3471 (Resolution No. 74-57) to authorize the operation of an automobile and truck salvage and dismantling yard, with wholesale and retail sales of used automotive parts for a period of five years. A modified permit (CUP 3471-1) was granted on December 11, 1980 (Resolution No. 80-67) to authorize the continued operation of this facility for another 5-year period and to allow the construction of a 7,200 sq. ft. storage structure. With this action, the Planning Director was also authorized to administratively extend the effective period of CUP No. 3471 for an additional eight-year period beyond the 1985 expiration date. Note that the storage structure was never built.

On August 30, 1990, the Planning Commission granted modified CUP No. 3471-2 and approved Variance No. 4644 (Resolution No. 90-29) to authorize the continued use of the land as an auto salvage operation. Variance No. 4644 allowed the following on the subject property (APN 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 the requirement for paving the interior parking lot; and,
- (6) elimination of the overall landscaping that is required on-site.

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 the deadline to satisfy the above requirements. The Mission Rock Road Property Owner's Association was formed in May 1992 and commenced the community-wide improvement project.

The Planning Director granted a Permit Adjustment on August 29, 1992 at the request of the Mission Rock Road Property Owner's Association. This adjustment extended the expiration date of the permits by 90 days, to November 5, 1992, in order to allow additional time to complete the road and drainage improvements, obtain off-site easements, survey the properties, and, obtain another CUP to authorize the installation of an off-site water line connected to the Santa Paula Water Works.

Subsequently, the Mission Rock Road Property Owner's Association requested and were granted seven more Permit Adjustments to extend the deadline for completion of required improvements. The last permit extension expired on October 18, 1993. By that time, the three major improvements were completed to the satisfaction of County Agencies.

In January 1999, the original property owner and Permittee, William Beifuss, sold the property to Lamar Moon. After the transfer of the property, John Beifuss, the son of the original property owner, assumed the responsibility of the operation of the

salvage yard and signed a lease with Lamar Moon for his business, Tri-County Auto Dismantlers, Inc.

On April 19, 2001, the Planning Commission granted modified CUP No. 3471-3 to authorize the continued operation of the automotive salvage and dismantling yard, approved Variance No. 4644; and, imposed a set of “umbrella” conditions, which were applicable to the 14 land use entitlements in the Mission Rock Road Community. These conditions were meant to supplement project-specific conditions for each entitlement and were automatically continued for the life of the permitted land use.

On May 5, 2011, the County granted modified CUP LU10-0086 to authorize the continued operation of the existing automotive salvage and dismantling yard for a 10-year period ending on August 20, 2020.

10. Project Description:

The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the operation of an existing automotive salvage and dismantling yard, and the operation of a new separately operated automobile storage yard, for a 20-year period. The proposed project is comprised of the following components:

Automobile Salvage and Dismantling Yard:

This existing facility is currently operated by Tri-County Auto Dismantlers, Inc. on a 2.2-acre portion of the 7.9-acre project site. The operation of this facility involves three primary activities.

- Storage and loading of wrecked vehicles;
- The wholesale and retail sale of salvaged automobile parts; and,
- The storage, loading, and unloading of materials to be recycled (predominately scrap metal).

Structures on the site that will continue to be utilized include a waste staging area (80 sq. ft), an engine dismantle/oil catch canopy (736 sq. ft.), an entrance canopy (82 sq. ft.), and a storage/inventory covered area (2,605 sq. ft.). The perimeter of the facility is fenced.

This facility will continue to be open to the public on Monday through Friday, 8 a.m. to 5 p.m. and on Saturday, 8 a.m. to 2 p.m. There will be one shift with five employees.

The City of Santa Paula will continue to supply water to the project site. Sewage disposal will continue to be accommodated through the use of an onsite septic system.

Automobile Storage Yard: (Copart)

The proposed facility will operate on a 5.7-acre portion of the subject property and be limited in operation to the storage of operable motor vehicles that are marketed and sold online. No dismantling or sales of salvaged parts or other materials will take place at this site. Any vehicles that are purchased will be delivered by the operator to the customer at an offsite location. No customers will be allowed on the project site for any reason. This facility will be operated by 3 or 4 employees from Monday to Friday, 8:00am to 5:00pm. No buildings will be used as part of this facility.

The City of Santa Paula will continue to supply water to the project site. A single portable toilet will be utilized for sewage disposal and will be regularly serviced.

The existing and proposed development on the project site will be subject to Variance No. 4644, which allowed the following exceptions to NCZO requirements:

- (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 the requirement for paving the interior parking lot; and,
- (6) elimination of the overall landscaping that is required on-site.

(Refer to the project plans in 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) (Exhibit 6) that evaluated the environmental impacts of the operation of vehicle salvage yards¹ 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

¹ The 1990 adopted MND describes the use of the property as a “vehicle salvage yard;” whereas, currently, the Ventura County Non-Coastal Zoning Ordinance (April 2010; Section 8105-5, Permitted Uses in the Commercial and Industrial Zones) describes the use as “salvage yards, including automobile wrecking yards with ancillary retail sales of salvaged materials.”

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. 3471 in order reduce the project's contribution to the cumulative impacts to a less than significant level.

In 2001, the Planning Commission granted a modified CUP to authorize the continued operation of the automobile dismantling yard for a 10-year period ending in 2011. As part of that 2001 action, the Commission found that an Addendum to the MND satisfied the environmental review requirements of CEQA.

On May 5, 2011, the County granted modified CUP LU10-0086 to authorize the continued operation of the existing automotive salvage and dismantling yard for a 10-year period ending on August 20, 2020. As part of this action, the Planning Director found that the 1990 MND, augmented by an Addendum prepared pursuant to Section 15164 of the CEQA Guidelines, was adequate to evaluate the impacts of the proposed changes in the project.

The State CEQA Guidelines [§15164(b)] state that the lead agency shall prepare an addendum to an adopted MND if (1) minor changes or additions are necessary, but (2) none of the conditions described in the State CEQA Guidelines (§15162) calling for the preparation of a subsequent MND have occurred. The Addendum to the MND (Exhibit 4) includes a description of the changes or additions that are necessary to the MND and a discussion of why none of the conditions described in the State CEQA Guidelines exist, which require the preparation of an EIR or subsequent MND.

In summary, proposed use of the project site for the continued operation of the existing automobile dismantling yard and a new separate automobile storage lot does not involve any new substantial effects on the environment. The operation of these adjacent automobile-related operations would be compatible, in character with the surrounding industrial uses, and not substantially 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 there is no substantial evidence to warrant the preparation of a subsequent MND and the Addendum to the MND (Exhibit 4) reflects the County's independent judgment and analysis.

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 yard, and a new automobile storage yard, for a 20-year period. These two 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 uses on the project site. No substantial change in the existing buildings or other facilities are proposed. The proposed use of 72 percent (5.7 acres) of the project site for automobile storage does not involve the construction of new buildings, substantial grading, or a change in the appearance of the property from public view along Mission Rock Road. Improved security fencing and a portable toilet are the only improvements proposed to accommodate the storage lot. Traffic generated by the addition of the automobile storage use would be less than significant as this operation would involve up to four employees tasked with the maintenance of stored vehicles, and the transport of vehicles to and from the site. It is estimated that only 52 new vehicle trips per day would be result from project implementation.

Water will continue to be supplied to the subject facility by the City of Santa Paula. Sewage disposal for the automobile dismantling yard. will continue to be accommodated by an existing onsite wastewater treatment system.

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 automobile dismantling yard will continue to be accommodated through the use of an existing onsite wastewater treatment system.

Sewage disposal for the proposed automobile storage yard will be addressed with a regularly serviced portable toilet.

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 automobile dismantling yard will continue to be accommodated on the project site through the use of an existing onsite wastewater treatment system. This system is operated under permit issued by the Regional Water Quality Control Board (RWQCB) and satisfies 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 two facilities. These gates will be required to satisfy VCFPD requirements for emergency access. These driveways, the existing parking lot, and Mission Rock Road will 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 two facilities. These gates will be required to satisfy VCFPD requirements for emergency access. These driveways, the existing parking lot, and Mission Rock Road will 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.

The proposed project includes driveways and gated entrances to each of the two facilities. These gates will be required to satisfy VCFPD requirements for emergency access. These driveways, the existing parking lot, and Mission Rock Road will provide adequate access for emergency vehicles.

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 uses are allowed in the M3 zone district with the granting of a CUP by the Planning Commission. Listed below are the specific categories of land use set forth in NCZO Section 8105-5 that apply to each component of the project.

Category	Project Component
<i>“Salvage yards, including automobile wrecking yards with ancillary retail sales of salvaged materials”</i>	Automobile Dismantling Yard (Tri-County Auto Dismantlers, Inc.)
<i>“Automobile impound yards, dead storage of trucks, buses and the like”</i>	Copart Automobile storage

Upon the granting of the CUP, the Permittee will be in compliance with this requirement.

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

Requirement		In conformance?
Minimum Lot Area (Gross)	10,000 sq. ft.	Yes
Maximum Percentage of Building Coverage	40%	Yes
Front Setback	10 feet	Yes. Variance 4644 allows parking in the front yard setback area.
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
Sec. 8109-3.1.1 - Undergrounding of Utilities 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
Sec. 8109-3.1.3 et seq. - Industrial Performance Standards (e.g., objectionable factors, hazardous materials, liquid and solid wastes)		Yes
Sec. 8109-3.4.1 Metal buildings, including accessory buildings, either shall have exterior surfaces constructed		Yes. Variance

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.	4644 allows the location of existing structures closer than 100 feet to the street centerline.
Sec. 8109-3.4.2 Outside storage and operations yards shall be fenced for security and public safety at the property line.	Yes. The site is surrounded by a perimeter fence.
Sec. 8109-6.4a 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. The landscaping along the frontage on Mission Rock Road is in accordance with the revised standards allowed by Variance 4644.
Sec. 8109-6.4b 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.	
Sec. 8109-6.4d At least five percent of any permit area in the M2 or M3 zone shall be landscaped.	Yes. Variance 4644 eliminated this requirement for the project site.

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 the operation of a new automobile storage facility.

These two facilities are physically compatible with each other and the surrounding industrial uses in the Mission Rock Road area. The appearance of the property from public views along Mission Rock Road will not substantially change as 90 percent of the site frontage is part of the existing automobile dismantling yard. These facilities both involve the recycling and reuse of salvaged or wrecked motor vehicles.

No substantial change in the design or use of the existing buildings and ancillary facilities on the project site are 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 operation of the proposed automobile storage facility represents a change in land use. However, the storage of salvaged vehicles at this proposed facility would have no discernible adverse effect on the neighboring properties or uses. No substantial traffic volume or safety issues would result from this component of the proposed project. The continued operation of the existing automobile dismantling yard would not result in any new effects on the environment.

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 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. No substantial change in the existing buildings or accessory facilities on the project site are proposed. No significant adverse environmental effects have been identified that would result from the operation of the proposed automobile storage facility. 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 proposed project is comprised of the continued operation of an existing automobile dismantling yard and the operation of a new automobile storage facility. These two facilities are physically compatible with each other and the surrounding industrial uses in the Mission Rock Road area. No substantial change 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].

Assessor's Parcel Number 099-0-110-105 is comprised of a legal lot shown as Parcel 2 of a parcel map recorded in Book 5, Page 72 of Parcel Maps in the Office of the County Recorder of Ventura County, and filed in compliance with the Subdivision Map Act and Ventura County Subdivision Ordinance.

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 15164 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 December 23, 2020, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On December 28, 2020, 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 Addendum to the MND (Exhibit 4) satisfies the environmental review requirements of CEQA pursuant to Section 15164 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 PL20-0058, subject to the conditions of approval (Exhibit 5).
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

If you have any questions concerning the information presented above, please contact Thomas Chaffee at (805) 654-2406 or Thomas.Chaffee@ventura.org.

Prepared by:

Reviewed by:

Thomas Chaffee

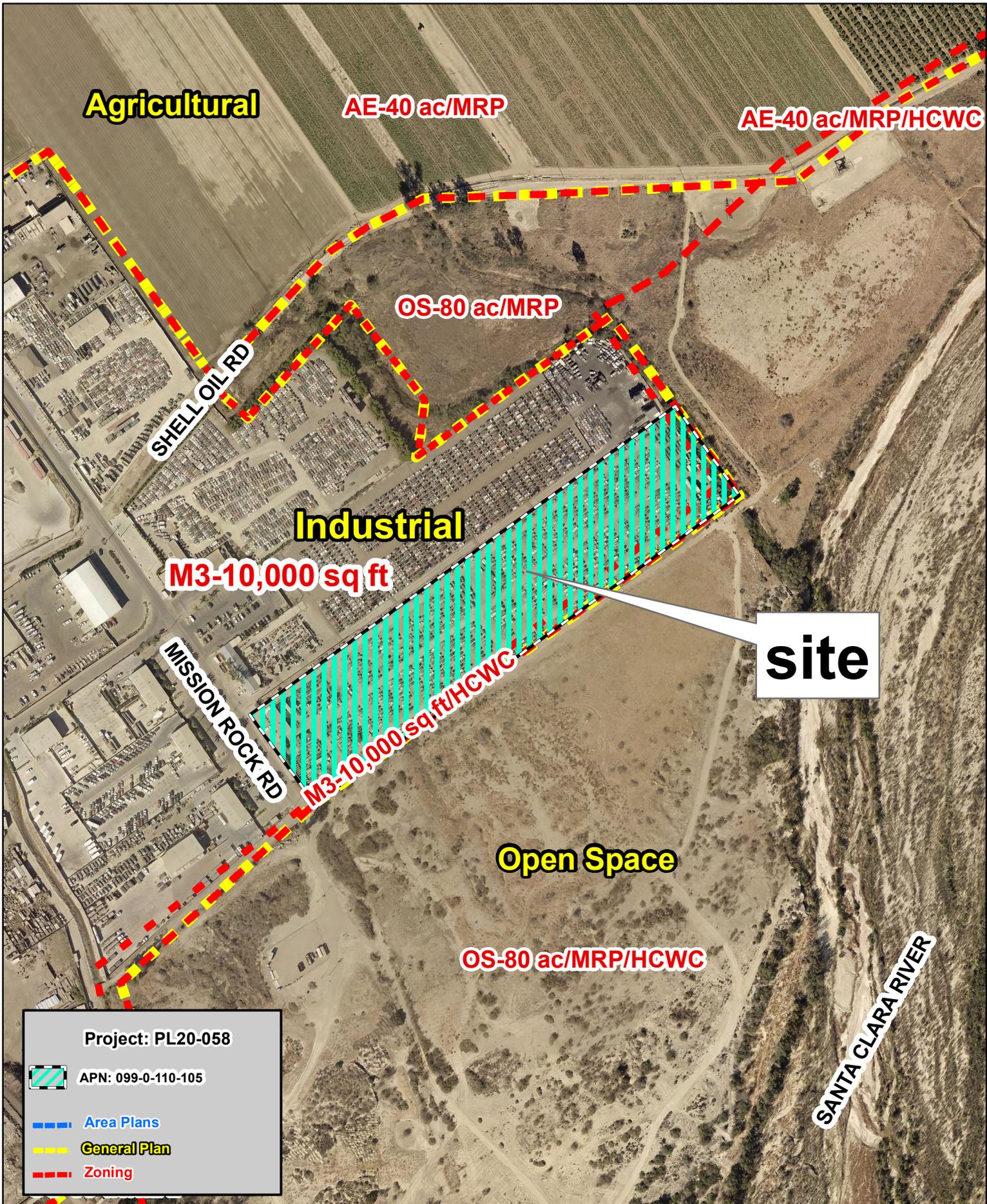
M Fogg

Thomas Chaffee, Case Planner
Commercial and Industrial Permits
Ventura County Planning Division

Mindy Fogg, Manager
Commercial and Industrial Permits
Ventura County Planning Division

EXHIBITS

Exhibit 2 Maps
Exhibit 3 Site Plans
Exhibit 4 Addendum to the 1990 MND
Exhibit 5 Conditions of Approval



Agricultural

AE-40 ac/MRP

AE-40 ac/MRP/HCWC

OS-80 ac/MRP

SHELL OIL RD

Industrial

M3-10,000 sq ft

MISSION ROCK RD

M3-10,000 sq ft/HCWC

site

Open Space

OS-80 ac/MRP/HCWC

SANTA CLARA RIVER

Project: PL20-058

 **APN: 099-0-110-105**

 **Area Plans**

 **General Plan**

 **Zoning**



Ventura County
Resource Management Agency
Information Systems GIS Services
Map created on 12-21-2020
Source: Pictometry: 2018

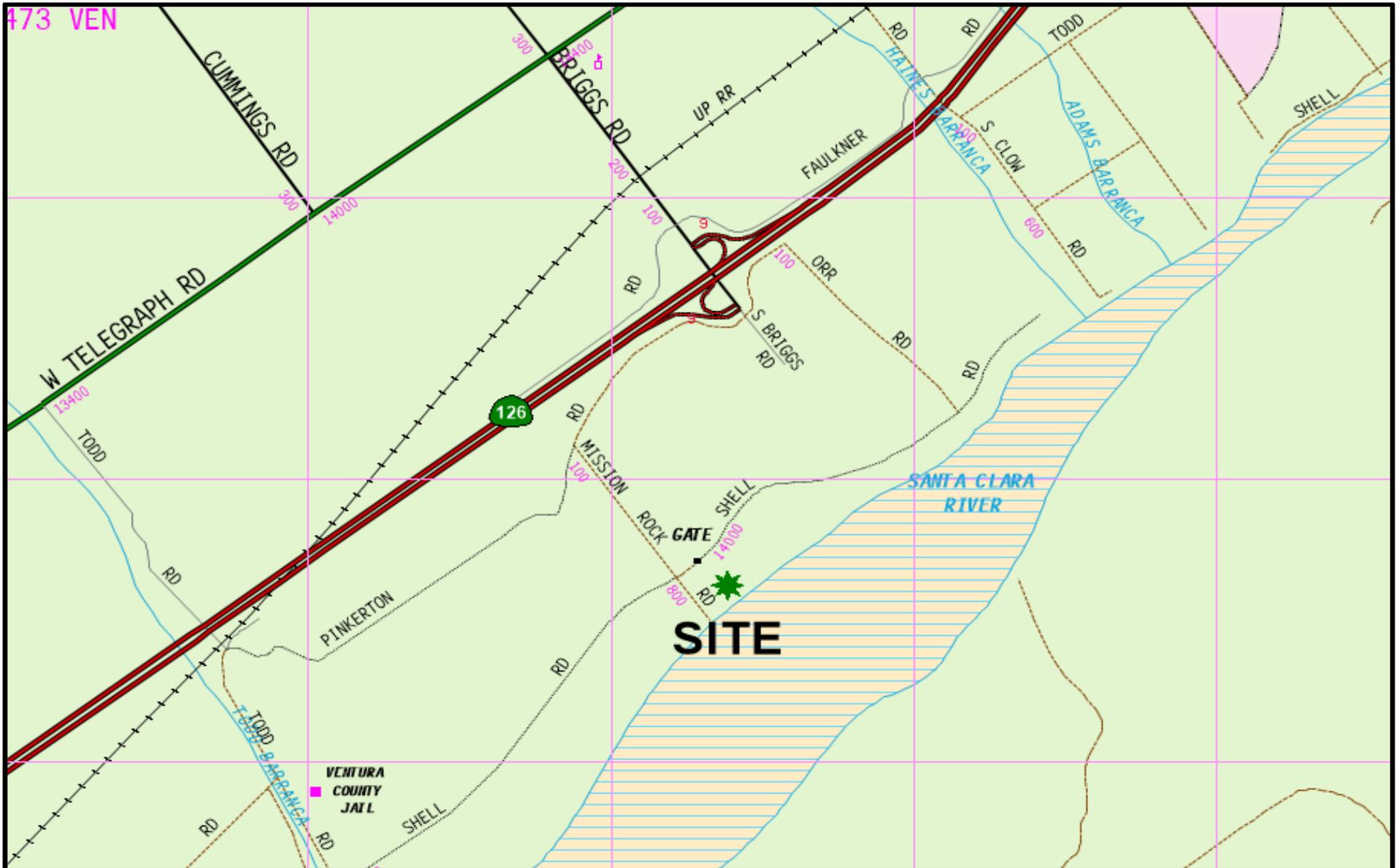


County of Ventura
Planning Director Hearing
Case No. PL20-0058
Exhibit 2 - Maps



Disclaimer: this map was created by the Ventura County Resource Management Agency Information Systems 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 therein





2008 Rand McNally & Company

County of Ventura
 Planning Director Hearing
 Case No. PL20-0058
 Exhibit 3 - Site Plans



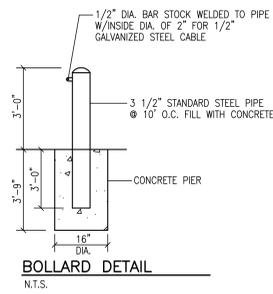
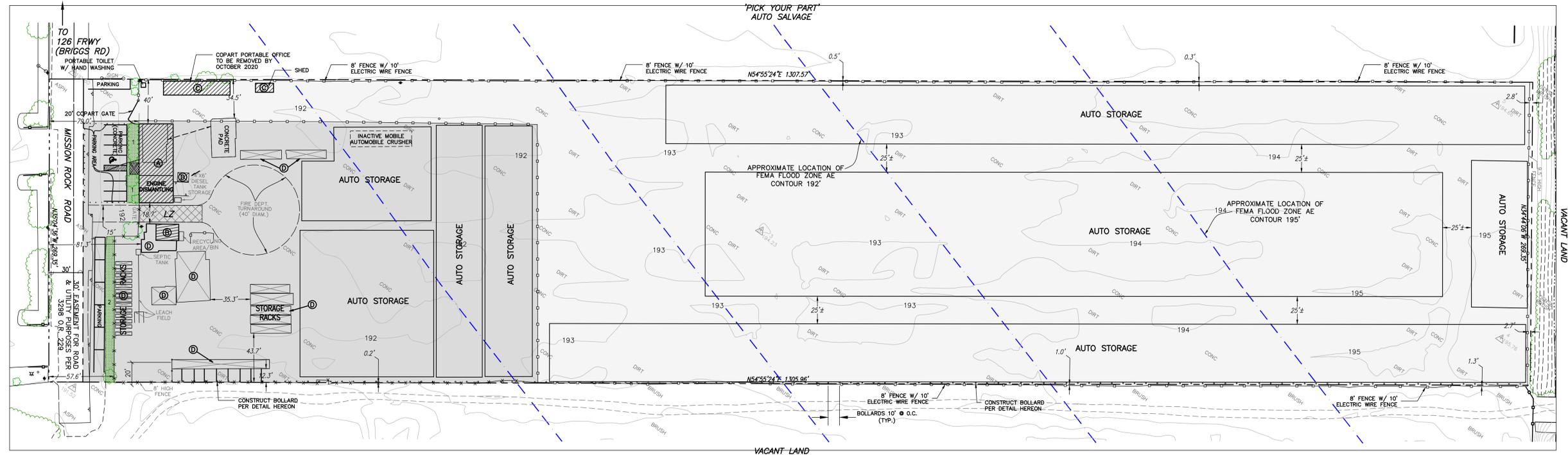
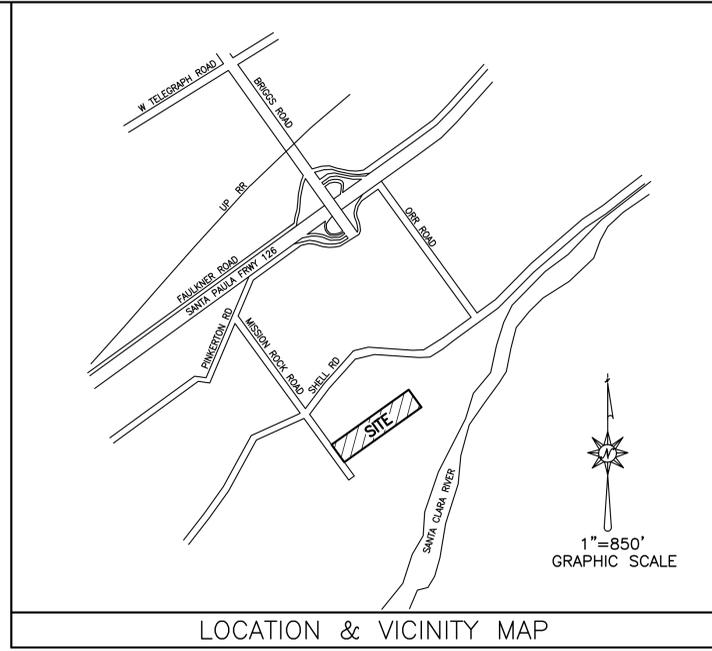
SESPE
 CONSULTING, INC.

FIGURE
1

SITE LOCATION MAP
 950 Mission Rock Road
 Santa Paula, California 93060

PROJECT #:	TR05.19.02	DATE:	1/27/20
SCALE:	not to scale	DRAWN BY:	CAM

CONDITIONAL USE PERMIT LU10-0086 TO CUP 3471 EXTENSION



LEGEND

ASPH	ASPHALT
CONC	CONCRETE
+	FIRE HYDRANT
⊕	POWER POLE
⊕	SPOT ELEVATION
---	EDGE OF PAVEMENT (ASPH)
---	PROPERTY LINE
---	C.U.P. BOUNDARY
---	8' FENCE W/ 10' ELECTRIC WIRE FENCE
---	8' FENCE
---	FLOOD ZONE AE CONTOUR
---	LOADING ZONE (15'x 55')
---	LANDSCAPING
(P)	PROPOSED
---	COPART PROPERTY
---	TRI-COUNTY AUTO DISMANTLER PROPERTY

PARKING:
 REQUIRED:
 1,500 SQ. FT. OFFICE
 2,070 SQ. FT. = 5 SPACES
 TOTAL REQUIRED: 5 SPACES (ONE OF WHICH IS HANDICAP)
 9 X 20 PARKING STALLS = 13
 9 X 20 HANDICAP STALLS = 1
 TOTAL PARKING STALLS = 14

LANDSCAPING:
 LANDSCAPING AREA 1": 677 SQ. FT.
 LANDSCAPING AREA 2": 1,013 SQ. FT.
 TOTAL LANDSCAPING AREA: 1,690 SQ. FT.
 PARKING AREA: 2,520 SF
 LANDSCAPED (1)/PARKING AREA = 677/3,449 = 26.87%
 C.U.P. AREA: 343,890 SF
 LANDSCAPED (2)/C.U.P. AREA = 193/1,013/343,890 = 0.35%

PREPARED FOR:
 TRI-COUNTY AUTO DISMANTLER
 950 MISSION ROCK ROAD
 SANTA PAULA, CA. 93060
ASSESSOR PARCEL NUMBER
 099-0-110-105
APPROXIMATE LOCATION
 COORDINATES-
 LAT: N 34°18'50.23"
 LONG: W 119°05'57.52"

LEGAL DESCRIPTION
 PARCEL MAP, 5 PM 72
BENCH MARK
 FD BRASSCAP TOP OF CURB X-304 RM 1984
 VCPWA BM VCPID 24 ELEV.=217.563

GENERAL PLAN
 EXISTING COMMUNITY
AREA PLAN
 N/A
SEPTIC
 PERMITTED 1000 GALLON TANK & LEACH FIELD. SEE PUMPING REPORT.
ZONING
 M-3 GENERAL INDUSTRIAL

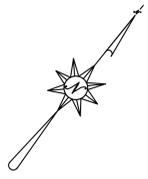
FLOOD ZONE
 EFFECTIVE FLOOD ZONE: AE
 PANEL NUMBER: 06111C0778E
 EFFECTIVE DATE: JANUARY 20, 2010
SITE VARIANCE-4644
 ELIMINATE THE FRONT SETBACK LANDSCAPING REQUIREMENT, ELIMINATE PAVING OF INTERIOR PARKING LOT, PERMIT PARKING WITHIN THE FRONT SETBACK, ELIMINATE THE PLANTING OF STREET TREES (EXCEPT FOR CONDITIONS #6 PLANTING OF TREE ROW), REDUCE THE OVERALL LANDSCAPING FROM 5% TO 1% OF THE TOTAL PERMIT AREA (EXCEPT REQUIREMENT FOR CONDITION #6 - PLANTING OF TREE ROW), AND REDUCE THE PARKING LOT LANDSCAPING REQUIREMENT FROM 10% TO LESS THAN 8% OF THE PARKING LOT AREA.

EXISTING STRUCTURES

BUILDINGS	AREA
A. OFFICE	1,350 SQ. FT.
B. GARAGE	750 SQ. FT.
C. STORAGE	400 SQ. FT.
D. COPART PORTABLE OFFICE	720 SQ. FT.
E. SHED	200 SQ. FT.
TOTAL OFFICE AREA	2,070 SQ. FT.
D. METAL FREE-STANDING MOBILE STORAGE RACKS (NOT PART OF LOT COVERAGE)	4,714 SQ. FT.
EXISTING LOT COVERAGE	3,420 SQ. FT.

TOTAL GROSS AREA = 351,970 SF/8.08 AC
 C.U.P. AREA = 343,890 SF/7.89 AC
LOT COVERAGE (GROSS AREA)
 EXISTING STRUCTURES = 3,420
 EXISTING/TOTAL = 3,420/351,970 SF = 0.97%
IMPERMEABLE AREA (C.U.P. AREA)
 149,588 SF/3.43 AC
NOTE:
 *NO STACKING OF VEHICLES. ALL ROWS WILL BE SINGLE STACKED.
OWNER REPRESENTATIVE/CONTACT:
 MIKE BIEDEBACH - PROJECT MANAGER II, PLANNING
 SESPE CONSULTING, INC.
 (805)-275-1515
 MBIEDEBACH@SESPECONSULTING.COM

* APPROVED BY WATERSHED PROTECTION

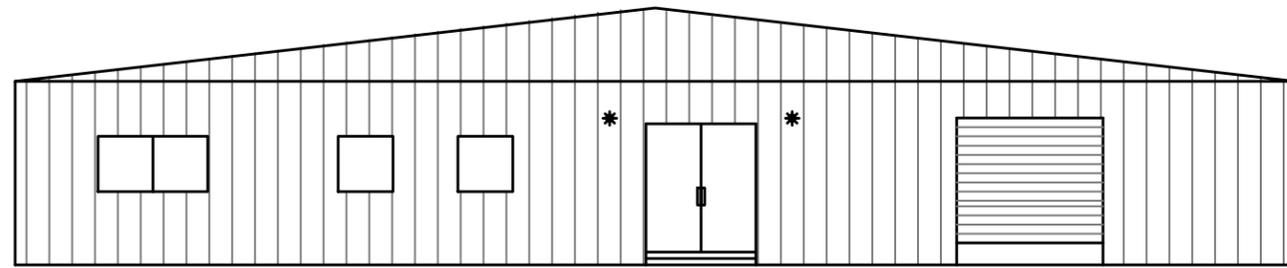


County of Ventura
 Planning Director Hearing
 Case No. PL20-0058
 Exhibit 5 - Conditions of Approval

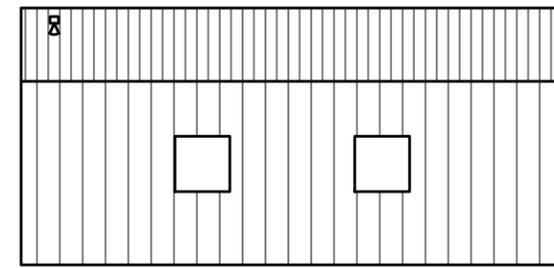
#	REVISIONS	DATE
1.	UPDATE FOR PERMIT ADJ.	02/27/2013
2.	SESPE SITE PLAN UPDATE	03/13/2020

SESPE CONSULTING, INC.
 374 Poli Street, Suite 200, Ventura, CA 93001
 (805) 275-1515 WWW.Sespeconsulting.com

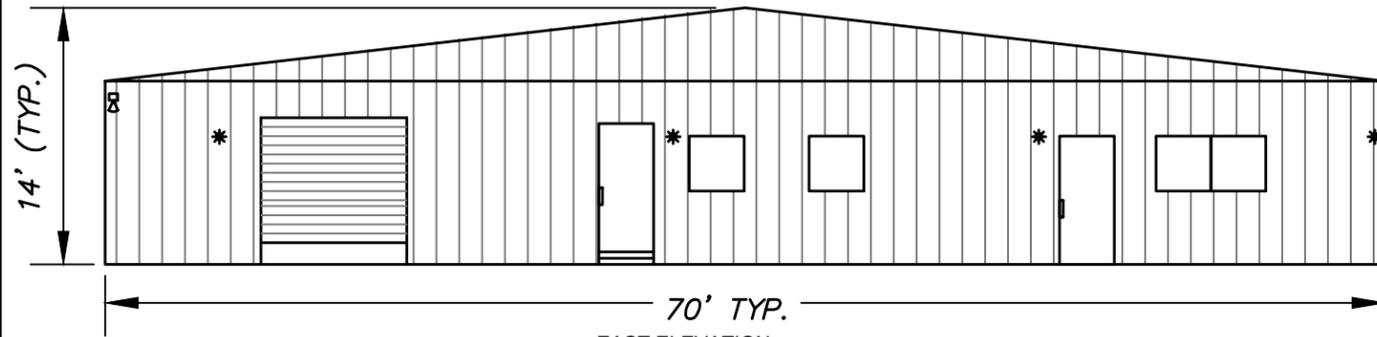
COUNTY OF VENTURA
 APN: 099-0-110-105
 TRI-COUNTY AUTO DISMANTLER
 950 MISSION ROCK ROAD
 DRAWN BY / DATE: REV: GC MARCH, 2020
 CHECKED BY / DATE: REV: MB MARCH, 2020
FIGURE 2



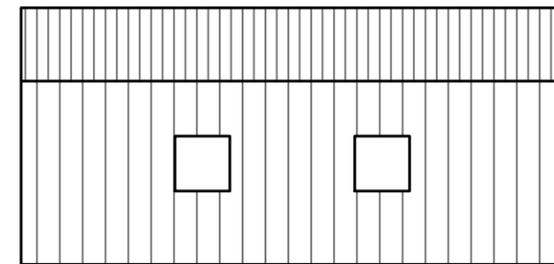
WEST ELEVATION



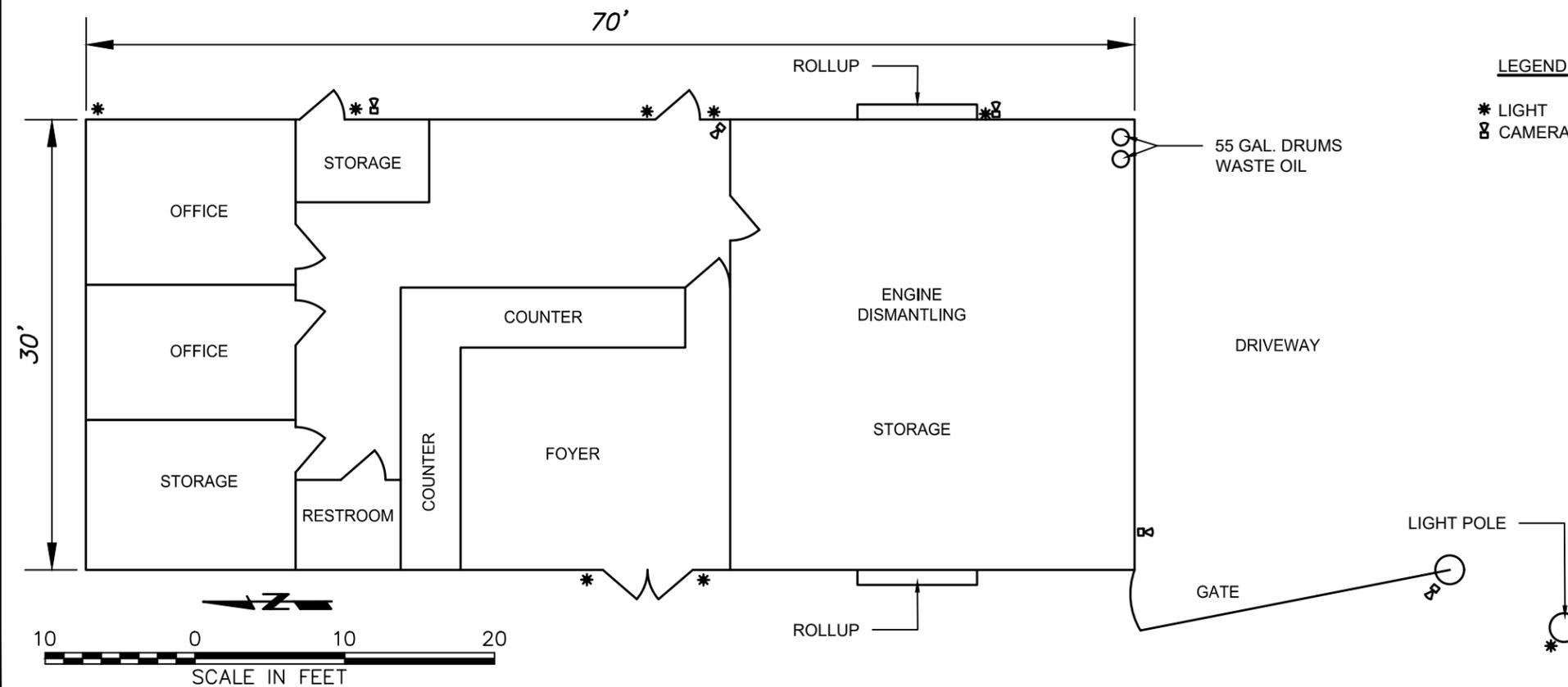
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



LEGEND

- * LIGHT CAMERA
- ⊗ CAMERA

SESPE CONSULTING, INC. 374 Poli Street, Suite 200 • Ventura, CA 93001 (805) 275-1515 • www.sespeconsulting.com	TRI-COUNTY AUTO DISMANTLER BUILDING FLOOR PLAN 950 MISSION ROCK ROAD SANTA PAULA, CA. 93060	
	SCALE: HORIZ AS SHOWN VERT AS SHOWN	FIGURE NUMBER 3
DRAWN BY: G.CAMUS CHECKED BY: BS	DATE: MARCH 2020	

Last Revised 12-28-20

MITIGATED NEGATIVE DECLARATION ADDENDUM

**Mission Rock Automobile Salvage Project,
CUP Case No. PL20-0058**

A. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

1. **Request:** The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the continued operation of an existing automobile wrecking and salvage yard, and to authorize the operation of a new automobile storage yard for a 20-year period. (Case No. PL20-0058)
2. **Applicant:** John Biefuss, Tri-County Auto Dismantlers, Inc.
3. **Property Owner:** Lamar Moon, Twin-Colt Enterprises, LLC, 257 Fawn Valley Court, Simi Valley CA 93065
4. **Location and Assessor's Parcel Number:** 950 Mission Rock Road, Santa Paula; 099-0-110-105
5. **Lot Sizes:** 8.08 acres [351,970 square feet ("sq. ft.")]
6. **General Plan Land Use Designation:** The lot on which the proposed project site is located is designated as Existing Community.
7. **Zoning Designation:** The lot on which the proposed project site is located is zoned "M3-10,000" (General Industrial, 10,000 square feet minimum lot area).
8. **Project Description:**

The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the operation of an existing automotive salvage and dismantling yard, and the operation of a new separately operated automobile storage yard, for a 20-year period ending on August 30, 2040. The proposed project is comprised of the following components:

Automobile Salvage and Dismantling Yard:

This existing facility is currently operated by Tri-County Auto Dismantlers, Inc. on a 2.2-acre portion of the 7.9-acre project site. The operation of this facility involves three primary activities.

- Storage and loading of wrecked vehicles;

County of Ventura Planning Director Hearing Case No. PL20-0058 Exhibit 4 - Addendum to the 1990 MND
--

- The wholesale and retail sale of salvaged automobile parts; and,
- The storage, loading, and unloading of materials to be recycled (predominately scrap metal).

Structures on the site that will continue to be utilized include a waste staging area (80 sq. ft), an engine dismantle/oil catch canopy (736 sq. ft.), an entrance canopy (82 sq. ft.), and a storage/inventory covered area (2,605 sq. ft.). The perimeter of the facility is fenced.

This facility will continue to be open to the public on Monday through Friday, 8 a.m. to 5 p.m. and on Saturday, 8 a.m. to 2 p.m. There will be one shift with five employees.

The City of Santa Paula will continue to supply water to the project site. Sewage disposal will continue to be accommodated through the use of an onsite septic system.

Automobile Storage Yard: (Copart)

The proposed facility will operate on a 5.7-acre portion of the subject property and be limited in operation to the storage of operable motor vehicles that are marketed and sold online. No dismantling or sales of salvaged parts or other materials will take place at this site. Any vehicles that are purchased will be delivered by the operator to the customer at an offsite location. No customers will be allowed on the project site for any reason. This facility will be operated by 3 or 4 employees from Monday to Friday, 8:00am to 5:00pm. No buildings will be used as part of this facility.

The City of Santa Paula will continue to supply water to the project site. A single portable toilet will be utilized for sewage disposal and will be regularly serviced.

The existing and proposed development on the project site will be subject to Variance No. 4644, which allowed the following exceptions to NCZO requirements:

- (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 the requirement for paving the interior parking lot; and,
- (6) elimination of the overall landscaping that is required on-site.

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

On August 30, 1990, the Planning Commission adopted a Mitigated Negative Declaration (MND) that evaluated the environmental impacts of the operation of vehicle salvage yards¹ 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. 3471 in order reduce the project's contribution to the cumulative impacts to a less than significant level.

In 2001, the Planning Commission granted modified CUP No. 3471-3 to authorize the continued operation of the automobile dismantling yard for a 10-year period ending in 2011. As part of that 2001 action, the Commission found that an Addendum to the MND satisfied the environmental review requirements of CEQA.

On May 5, 2011, the County granted modified CUP LU10-0086 to authorize the continued operation of the existing automotive salvage and dismantling yard for a 10-year period ending on August 20, 2020. As part of that action, the Planning Director found that the 1990 MND, augmented by an Addendum prepared pursuant to Section 15164 of the CEQA Guidelines, was adequate to evaluate the impacts of the proposed changes in the project.

Section 15164(b) of the State CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3) states that the decision-making body may adopt an addendum to an adopted MND if: (1) only minor technical changes or additions are necessary; and, (2) none of the conditions described in Section 15162 of the State CEQA Guidelines calling for the preparation of a subsequent environmental impact report (EIR) or negative declaration have occurred.

The conditions described in Section 15162 of the State CEQA Guidelines which require the preparation of a subsequent MND are provided below, along with a discussion as to why a subsequent MND is not required:

- 1. Substantial changes are proposed in the project which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§15162(a)(1)];**

¹ The 1990 adopted MND describes the use of the property as a "vehicle salvage yard;" whereas, currently, the Ventura County Non-Coastal Zoning Ordinance (April 2010; Section 8105-5, Permitted Uses in the Commercial and Industrial Zones) describes the use as "salvage yards, including automobile wrecking yards with ancillary retail sales of salvaged materials."

Evidence: The project site is currently subject to the terms and conditions of CUP LU10-0086. This permit authorizes the operation of an automobile dismantling yard. In addition to this ongoing use, the Permittee and the property owner recently leased 5.7 acres of the 8-acre property for use as an automobile storage yard. This storage yard is currently in operation without the benefit of permit and would be legalized if the requested modified CUP is granted.

The operation of these adjacent automobile-related operations would be compatible with each other, in character with the surrounding industrial uses, and not substantially change the intensity of use of the property from that previously permitted. No new buildings would be constructed, and no grading is proposed. The change of use is comprised of the storage of salvaged vehicles in an area previously used to stockpile wrecked vehicles that were dismantled and scavenged for saleable parts.

The estimated traffic that would be generated by the proposed project is summarized in the following table.

Estimated Traffic

Vehicle type	Auto Dismantling Yard (TCAD)		Automobile storage (Copart)	
	Vehicles per day	Average Daily Trips (ADT)	Vehicles per day	Average Daily Trips (ADT)
Staff vehicle	5	10	4	8
Visitors	12	24	0 ¹	0
Tow trucks	2	4	0	0
Inbound Delivery trucks	1	2	12	24
Vehicle sales deliveries	N/A	N/A	10	20
Freight trucks	0.13	0.26	0	0

¹ Note: The proposed automobile storage yard will not have visitors (i.e. customers) on the site because there will be no office and retail sales of automobiles is not an allowed use in the M3 zone district.

The estimated traffic volume of the auto dismantling yard is part of the existing environmental setting and not an impact of the proposed project. The traffic associated with the automobile storage lot constitutes a new effect and an impact resulting from the proposed project. The traffic generated by this proposed storage facility is estimated to total 52 average daily trips (ADT). This volume of traffic is equivalent to 6 trips per hour or one trip every 10 minutes over a 9-hour workday. This level of increased traffic would not have a substantial effect on traffic circulation or safety on Mission Road Rock Road from the Briggs Avenue offramp on State Highway 126. This conclusion is based on the adequate design of both the

public and private segments of this road and the far greater existing traffic volume generated by the other 14 industrial projects that utilize this roadway.

As recently amended, the California Environmental Quality Act (CEQA) requires that a project's contribution to traffic volumes to be evaluated in terms of vehicle miles traveled (VMTs). The proposed automobile storage yard project is designed to receive and store salvaged vehicles (i.e. vehicles declared a total loss by an insurance company) while awaiting their sale through an online transaction. It is expected that such vehicles would be delivered to the nearest storage facility to minimize transportation costs. Absent the proposed facility, salvaged vehicles would likely be transported to another facility located at a greater distance. Thus, the proposed project would likely result in a net reduction in vehicle miles travelled.

Based on the above discussion, traffic impacts would be less than significant.

No substantial effects on biological resources, flood hazards, noise, air quality or other environmental issues have been identified that would result from project implementation.

All of the proposed uses would be located within areas that were previously analyzed in the original MND. These areas are currently authorized to be used as an automobile dismantling yard. The proposed storage facility represents a less intense use than what was previously authorized and operated. Thus, the proposed project would not create any new significant environmental impacts that were not identified in the previous MND.

The 1990 MND identified potentially significant but mitigable impacts relating to fire protection, floodplain management, and access and circulation. As a mitigation measure and condition of approval for all permits in the Mission Rock Road Community, a Property Owners Association was created to implement a community-wide approach to fire protection issues, flooding problems, and traffic access and circulation problems which exist within the Mission Rock Road Community. To mitigate the significant cumulative environmental impacts, the Mission Rock Road Property Owners Association ("MRR POA") formed and recorded Codes, Covenants, and Restrictions ("CC&Rs") which require the implementation and maintenance of the approved Road Improvement Plan, Drainage Improvement Plan and fire protection facilities. The required community improvements are continuing to be maintained and implemented in order to effectively reduce the significant cumulative environmental impacts. CUP PL20-0058 will be subject to conditions to ensure that the property owner continues to participate in the MRR POA to ensure that the roadways, drainage and fire protection facilities are maintained pursuant to the requirements of the mitigation measures in the MND. Therefore, the proposed project would not increase the severity of these impacts.

The Ventura County Fire Protection District (VCFPD) reviewed the proposed project and determined that it will not result in any new significant impacts or increase the severity of impacts on fire protection as identified in the MND. The VCFPD determined that the proposed project will have no significant effect on emergency response (tactical access), since the public roads and driveways that provide access to the project site meet current Fire Department Access Standards. In addition, the Permittee will be required to obtain Fire clearance prior to obtaining a building permit for any new structures or additions to verify that they meet all current Fire requirements.

The Public Works Agency, Watershed Protection District (WPD) reviewed the proposed project and determined that although the project site is located within the 100-Year Floodplain, the risk of flood impact on the subject property will be less than significant since any new development and any possible future development would be required to be designed and constructed to mitigate the flood hazard using the latest available hydrological and hydraulic data, and through the review of construction drawings, issuance of Floodplain Development Permits, and implementation of standard engineering design and construction measures that address flood protection.

The Public Works Agency (PWA) reviewed the proposed project and determined that any potential change to the amount of traffic generated by the automobile storage use will be less than significant. Pursuant to the Traffic Impact Mitigation Fee Ordinance 4246, the applicant is required to pay a Traffic Impact Mitigation Fee to mitigate project specific impacts, and the project's contribution to cumulative traffic impacts.

In summary, the proposed project will not result in any new significant environmental impacts or an increase in the severity of the potentially significant environmental impacts that were identified in the MND and will not require major revisions to the MND.

- 2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§15162(a)(2)]; or,**

Evidence: The environmental conditions that existed at the project site at the time the County prepared the MND have not changed to the extent that the proposed continued operation of the existing Auto Dismantling Facility and the proposed adjoining automobile storage yard would require major revisions to the MND. No new reasonably foreseeable, recently approved, or possible future projects exist within the Mission Rock Road area that either were not analyzed in the MND or would result in the project making a potentially significant

contribution to a cumulative impact that was not analyzed in the MND. Furthermore, the project site and surrounding area do not exhibit any previously unknown resources that need to be analyzed as part of this project.

In summary, the circumstances under which the proposed project is undertaken have not substantially changed since the 1990 MND was adopted.

Based on the above discussion, major revisions of the MND are not required.

- 3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Planning Commission adopted the previous MND shows that the project will have one or more significant effects not discussed in the previous MND [§15162(a)(3)(A)];**

Evidence: No new information or mitigation measures that were unknown and could not have been known when the MND was adopted have been identified. The environmental conditions that currently exist on the project site, and in the Mission Rock Road area, are substantially the same as those that existed at the time at which the MND was prepared and adopted.

Based on the above discussion, major revisions of the MND are not required.

In conclusion, based on the information provided above, there is no substantial evidence to warrant the preparation of a subsequent MND. The proposed project would not: result in any new environmental impacts that were not previously addressed in the MND, increase the severity or change the significance of any impacts that were identified in the MND, or require major revisions of the MND.

The Planning Director shall consider this Addendum to the MND prior to making a decision on the project.

C. PUBLIC REVIEW:

Pursuant to the State CEQA Guidelines [§15164(c)], this addendum to the MND does not need to be circulated for public review, and shall be included in, or attached to, the adopted MND.

Prepared by:

Thomas Chaffee

Thomas Chaffee, Case Planner

Reviewed by:

Mindy Fogg

Mindy Fogg, Manager

EXHIBIT 5

Conditional Use Permit PL20-0058

CONDITIONS OF APPROVAL

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

1. Project Description:

This permit authorizes the operation of an automotive salvage and dismantling yard, and the operation of a separately operated automobile storage yard, for a 20-year period ending on August 30, 2040. The approved project is comprised of the following components:

Automobile Salvage and Dismantling Yard:

This facility is currently operated by Tri-County Auto Dismantlers, Inc. on a 2.2-acre portion of the 7.9-acre project site. The operation of this facility involves three primary activities.

- Storage and loading of wrecked vehicles;
- The wholesale and retail sale of salvaged automobile parts; and,
- The storage, loading, and unloading of materials to be recycled (predominately scrap metal).

Structures on the site that will continue to be utilized include a waste staging area (80 sq. ft), an engine dismantle/oil catch canopy (736 sq. ft.), an entrance canopy (82 sq. ft.), and a storage/inventory covered area (2,605 sq. ft.). The perimeter of the facility is fenced.

This facility will be open to the public on Monday through Friday, 8 a.m. to 5 p.m. and on Saturday, 8 a.m. to 2 p.m. There will be one work shift with five employees.

County of Ventura Planning Director Hearing Case No. PL20-0058 Exhibit 5 - Conditions of Approval
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The City of Santa Paula will continue to supply water to the project site. Sewage disposal will continue to be accommodated through the use of an onsite wastewater treatment system.

Automobile Storage Yard: (Copart)

This facility will operate on a 5.7-acre portion of the subject property and be limited in operation to the storage of operable motor vehicles that are marketed and sold online. No automobile dismantling or sales of salvaged parts or other materials will take place at this site. Any vehicles that are purchased will be delivered by the operator to the customer at an offsite location. No customers will be allowed on the project site for any reason. This facility will be operated by up to 4 employees from Monday to Friday, 8:00am to 5:00pm. No buildings will be used as part of this facility.

The City of Santa Paula will continue to supply water to the project site. A single portable toilet will be utilized for sewage disposal and will be regularly serviced.

The existing and proposed development on the project site will be subject to Variance No. 4644, which allowed the following exceptions to NCZO requirements:

- (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 the requirement for paving the interior parking lot; and,
- (6) elimination of the overall landscaping that is required on-site.

(Refer to the approved project plans in Condition of Approval No. 58.)

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 August 30, 2040. 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 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 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. 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.

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. 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.

18. 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.

19. 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. 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.

20. 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.

21. 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.

22. 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. 58). 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.

23. 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).

24. 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 13 – 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.

25. Archaeological and Paleontological Resources:

In the event that archaeological or paleontological remains or artifacts are encountered during ground disturbance or construction activities, the Permittee shall implement the following procedures:

- (a) If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities, the Permittee shall:
 - (1) Cease operations and assure the preservation of the area in which the discovery was made;
 - (2) Notify the Planning Director in writing, within three days of the discovery;
 - (3) Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site; and,
 - (4) Obtain the Planning Director's written concurrence of the recommended disposition before resuming development.

- (b) If any human burial remains are encountered during ground disturbance or construction activities, the Permittee shall:
 - (1) Cease operations and assure the preservation of the area in which the discovery was made;
 - (2) Immediately notify the Sheriff and the Planning Director;
 - (3) Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site; and,
 - (4) Obtain the Planning Director's written concurrence of the recommended disposition before resuming development on-site.

- (c) If any paleontological remains are uncovered during ground disturbance or construction activities, the Permittee shall:
 - (1) Cease operations and assure the preservation of the area in which the discovery was made;
 - (2) Notify the Planning Director in writing, within three days of the discovery;
 - (3) Obtain the services of a County-approved paleontologist who shall assess the find and provide recommendations on the proper disposition of the site; and,

- (4) Obtain the Planning Director's written concurrence of the recommended disposition before resuming development.

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.

27. Hazardous Materials:

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

28. Waste Discharge Requirements:

Prior to the issuance of a Zoning Clearance for Construction, the Permittee shall obtain a Waste Discharge Report/determination of exemption for the sewage disposal system (septic system) from the Los Angeles Regional Water Quality Control Board or written authorization from the Los Angeles Regional Water Quality Control Board for the Ventura County Environmental Health Division to issue appropriate permits.

Public Works Agency Conditions

29. Traffic Mitigation Fee (County):

Prior to the issuance of the Zoning Clearance for Use Inauguration, and pursuant to the TIMF Ordinance, the Permittee shall deposit with the Transportation Department a TIMF. Based on the Permittee's information, the fee due the County would be:

$$4.435 \text{ TSF}^* (\text{General Industrial}) \times \$158^{**} / \text{TSF} (\text{General Industrial}) = \underline{\$700.73}$$

* Buildings to be Permitted ("B", "C", "D", and "E") and Building Demolished ("F")
(2,605 SF + 82 SF + 736 SF + 80 SF – 1,456 SF = 4,435 SF = 4.435 TSF)

** TIMF for Santa Paula Traffic Impact District #2 Unincorporated Area General Ind.

The Permittee may submit a Traffic Study to substantiate if a lower trip generation rate should be used to calculate the TIMF. The TIMF 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.

30. Traffic Mitigation Fee (City of Santa Paula):

Prior to issuance of a Use Inauguration Zoning Clearance, 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 fee due the City would be:

$$4.435 \text{ TSF}^* (\text{General Industrial}) \times \$1,146^{**}/\text{TSF}(\text{General Industrial}) = \underline{\$5,082.51}$$

* Buildings to be Permitted (“B”, “C”, “D”, and “E”) and Building Demolished (“F”) (2,605 SF + 82 SF + 736 SF + 80 SF – 1,456 SF = 4,435 SF = 4.435 TSF)

** TIMF for Santa Paula Traffic Impact District #2 Incorporated Area General Ind.

The Permittee may submit a Traffic Study to substantiate if a lower trip generation rate should be used to calculate the TIMF. The TIMF 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. 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.

32. Construction & Demolition Debris Recycling Plan:

Permittees, whose proposed construction and/or demolition projects require a building permit, must submit a comprehensive recycling plan (*Form B-Recycling Plan*) to the IWMD for approval. The *Recycling Plan* must ensure a minimum of 60% of the recyclable construction and demolition (C&D) debris generated by the project will be diverted from the landfill by recycling, reuse, or salvage. A copy of IWMD’s *Form B – Recycling Plan* is available at: www.wasteless.org/recycling/greenbuildingCD. For a comprehensive list of permitted recyclers, haulers, and solid waste and recycling facilities in Ventura County, see: www.wasteless.org/construction&demolitionrecyclingresources. A list of local facilities authorized to recycle soil, wood, and greenwaste is available at: www.wasteless.org/greenwasterecyclingfacilities. Contact the IWMD, at (805) 658-4321, for assistance in meeting this condition.

The following information must be printed on the construction plans: “This project must recycle, reuse, and/or salvage a minimum of 60%, by weight, of the recyclable construction debris it generates. The following materials must be deposited in appropriate recycling bins, or set aside for reuse and/or salvage: (the list must include the recyclable construction debris identified in the project’s approved *Form B – Recycling Plan*).”

33. Construction & Demolition Debris Recycling Report:

The Permittee must submit a *Form C – Reporting Form* to the IWMD for approval prior to Building & Safety’s final approval of their permit. The *Form C - Reporting Form* must be submitted with original recycling facility receipts and/or documentation of reuse attached to verify recycling occurred. Contact the IWMD, at (805) 658-4321, for assistance in meeting this condition. A copy of *Form C – Reporting Form* is available at: www.wasteless.org/recycling/greenbuildingCD.

34. 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. Contact the IWMD, at (805) 658-4321, for assistance in meeting this condition.

35. 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.

36. 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

www.calrecycle.ca.gov/tires/facilities/search/default.asp

The following conditions (Nos. 37 – 44) are required to implement mitigation measures that were identified in the Mitigated Negative Declaration (1990, Section III, Environmental Impacts and Mitigation Measures, B. Implementation and Enforcement). The mitigation measures are required in order to mitigate potential flooding impacts.

37. Containment Area for Batteries, Waste Liquids and Petroleum Product Removal:

The containment area shall consist of a covered (roof or canopy) constructed on a concrete pad. The Permittee shall remove the batteries, liquids, and petroleum products from all automobiles prior to storing the automobiles in the project area. The Permittee shall store all waste liquids and petroleum products in proper containers within the containment areas only. Under no circumstance will vehicles with liquids and petroleum products be allowed to be stored in the project area. All removed batteries shall be stored in a suitable storage area. All accumulated wastewater from this area, including any wash water, shall be collected and stored for removal by a company licensed to transport the resulting materials to an authorized disposal or treatment site.

38. Containment Area for Hazardous Materials:

All hazardous materials and chemicals shall be stored in a building properly designated and equipped for the safe storage of the hazardous materials and chemicals.

39. General Industrial Stormwater Permit Requirement:

As an ongoing condition of this CUP, the Permittee shall maintain the project site and authorized facilities in compliance with all water quality provisions of the NPDES

General Permit (No. CAS000001), State Water Resources Control Board Water Quality Order No. 97-03-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Industrial Activities. In order to demonstrate compliance, upon request, the Permittee shall provide the Watershed Protection District – Surface Water Quality Section with proof of coverage in the form of a current Notice of Intent (NOI) and a copy of the most recent Annual Report for Stormwater Discharges Associated with Industrial Activities.

40. Drain Setback:

Any proposed change in use that could result in the construction of permanent improvements must be set back from the channel banks of the Briggs Road Drain as required by the County Watershed Protection District. The typical setback established by the WPD is projecting a 2:1 slope from the toe of the slope to the top of bank plus an additional 25 feet.

41. WPD Permits

Any activity in, on, over, under, or across any jurisdictional red line channel will require a permit from the WPD. In addition, a project cannot impair, divert, impede, or alter the characteristics of the flow of water running in any jurisdictional red line channel.

42. Floodplain Development Permit:

The Permittee shall obtain a Floodplain Development Permit from the Public Works Agency for structures situated within the 100-year Floodplain Boundary, in order to mitigate the impacts from flooding of the Mission Rock Road area from the Santa Clara River and sheet flooding from agricultural lands to the north.

Prior to the issuance of the Zoning Clearance for Use Inauguration, the Permittee shall obtain a Floodplain Development Permit from the Public Works Agency to address flood mitigation measure(s) for the entire perimeter of the subject property. As part of the Permit application, the applicant's California-licensed Civil Engineer shall submit drawings and engineering calculations demonstrating that the flood mitigation measures meet design criteria (i) through (vi), inclusive, as follows:

- (i) the normal operation/function of the flood mitigation measure(s) must be able to satisfactorily withstand (i.e., collapse) the hydrodynamic and hydrostatic loadings imposed by the 1% annual chance storm event from the Santa Clara River;
- (ii) the structural integrity of the flood mitigation measure(s) needs to address impact loads;

- (iii) the flood mitigation measure(s) must not become undermined (scouring) by the 1% annual chance flood waters;
- (iv) any 1% annual chance flood waters that are deflected/diverted from the property must not create an adverse impact elsewhere on the subject property as well as to adjacent properties;
- (v) the flood mitigation measure(s) must be constructed with flood proof/flood resistant materials; and,
- (vi) the final design calculations and drawings of the flood mitigation measure(s) must be sealed/ stamped and signed by a California-licensed Civil Engineer.

43. Flood Mitigation

Prior to the issuance of the Zoning Clearance for Use Inauguration, the Permittee shall install the approved flood mitigation measure(s) for the entire perimeter of the subject property, to the satisfaction of the WPD.

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. Access Driveway Design:

Access driveways (aisles) shall be designed based upon number of stacked layers of auto storage within the yard. Main aisles and turnarounds shall be constructed and maintained as an All-Weather Surface as approved by the VCFPD:

Single Layer Storage:

- 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 minimum 15- foot wide cross-aisles based upon pile size and travel distance.

46. Turnarounds:

Approved turnaround areas for fire apparatus shall be provided and maintained when dead-end VCFPD access roads/driveways exceed 150 feet.

47. Parking Prohibited:

The property owner(s) are hereby advised that parking on access roads/driveways and VCFPD turnarounds is prohibited.

48. Access Road Gates:

Any gates to control vehicle access are to be located to allow a vehicle waiting for entrance to be completely off the intersecting roadway. A minimum clear open width of 15 feet in each direction shall be provided for separate entry/exit gates and a minimum 20 for combined entry/exit gates. If gates are to be locked, a Knox system shall be installed. The method of gate control, including operation during power failure (battery back-up), shall be subject to review by the Fire Prevention Division. Gate plan details shall be submitted to the VCFPD for approval prior to installation. A final acceptance inspection by the VCFPD is required prior to placing any gate into service.

49. Hazard Abatement:

All grass and brush shall be cleared around buildings, fences, access roads/driveways, and cars.

50. Address Numbers:

Building address numbers, a minimum of 10" high, shall be installed and maintained. Numbers shall be of contrasting color to the background, and shall be readily visible at night. Brass or gold-plated numbers shall not be used.

51. Prefabricated Sea Cargo/Metal Storage Containers:

Prefabricated Sea Cargo/ Metal Storage Containers shall be designed and used in accordance with the Resource Management Agency Building and Safety Division's and VCFPD's Standards or shall meet requirements as a new building under the Building and Fire Codes.

52. Fire Extinguishers:

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

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 Department Clearance:

The Permittee shall obtain VCFPD Form #126 "Requirements for Construction" prior to obtaining a building permit for any new structures or additions to existing structures.

55. Fire Code Permits:

The Permittee shall obtain all applicable International Fire Code (IFC) permits prior to occupancy or use of any system or item requiring an IFC permit.

Ventura County Sheriff's Department Conditions

56. 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).

57. 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).

Approved Plans

58. Approved Site Plan(s)

[Insert]
