



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

PINE MOUNTAIN BUDDHIST TEMPLE RETREAT CONDITIONAL USE PERMIT CASE NO. PL20-0001

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Minor Modification of Conditional Use Permit (CUP) Case No. 5104, as modified by (Case No. LU07-0028), for the continued operation of a retreat facility for a period of 20 years (Case No. PL20-0001).
2. **Applicant/Property Owner:** Reverend Seikai Luebke, 941 Lockwood Valley Road, Maricopa, CA 93252
3. **Applicant's Representative:** Jack Collings, Collings and Associates, 260 Maple Court, Suite 241, Ventura, CA 93003
4. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested CUP.
5. **Project Site Size, Location, and Parcel Number:** The project site is located at 941 Lockwood Valley Road, approximately three miles east of Highway 33, in the Maricopa community of the unincorporated area of the County of Ventura. The assessor's parcel numbers (APN) for the parcels that constitute the project site are 002-0-150-465 (southern parcel), which is 20 acres in size and contains the majority of the retreat facilities, and 002-0-150-385 (the northern parcel), which is 25 acres in size and includes a predominate statue that is used as the site's prayer monument (see Exhibit 2 for the location of the site).
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Open Space
 - b. Zoning Designation: OS-160 ac (Open Space, 160-acre minimum lot size)

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	OS-160 ac	Vacant U.S. Forest Service land
East	OS-160 ac	Vacant/undeveloped land
South	OS-160 ac	Vacant U.S. Forest Service land, Lockwood Valley Road
West	OS-160 ac	Residence and Agricultural Barn

8. History: The property is developed with an overnight retreat facility. To date, there are no open violations on the subject property.

On April 13, 2000, CUP (Case No. 5104) was approved by the Planning Commission to permit a religious retreat, known as Pine Mountain Buddhist Temple. The CUP expired on April 13, 2020.

The CUP boundary included 20 acres with four illegal parcels (APNs 002-0-160-05, 002-0-160-06, 002-0-160-07, and 002-0-160-08). These APNs were simultaneously voluntarily merged with (Case No. SD984) becoming one legal lot (APN 002-0-150-460).

On July 26, 2007, a Minor Modification (Case No. LU07-0028) to CUP 5104 was approved to extend the CUP boundary to include an adjacent 25-acre parcel (APN 002-0-150-385), creating the existing 45-acre CUP boundary. This modification also included the permitted allowance for the construction of four additional accessory structures. Case No. LU07-0028 did not modify the expiration date of April 13, 2020.

9. Project Description: The applicant requests a Minor Modification (Case No. PL20-0001) to CUP 5104 (as modified by Case No. LU07-0028) for the continued use of an existing retreat with sleeping facilities, known as Pine Mountain Buddhist Temple for a period of 20 years. No development, grading, or landscaping is proposed. The proposed project involves the continued use of existing structures.

The table below provides a summary of the existing structures on the subject property, including agricultural and residential accessory structures:

Existing Structures	Size (square feet)
Existing Sleeping Facilities	
Buddha House	1,811
Sangha House	523
Darma House	1,944
Total	4,278
Residential Accessory Structures	
Buddha House (portion not designated as sleeping)	359
Sangha House (portion not designated as sleeping)	1,097
Workshop/Carport	1,752
Meditation Hut	120
Study Room	144
Utility Shed	230
Total	3,702
Agricultural Structures	
Horse Barn	117
Barn	1,440
Total	1,557

Water for the project will be provided by an existing on-site water well, State Well Number 07N23W15P04S. Wastewater service will continue to be provided by three existing septic systems, one serving the Buddha, Dharma, and Sangha houses, respectively. The site will continue to be accessed via Lockwood Valley Road by way of a connecting private road. Parking areas are located to the South of the Buddha House and to the West of the Darma House. The proposed project will include the continued use of existing signs, with no new signage proposed.

Two full time employees are reverends who live on the property, residing in the Buddha and Dharma houses. The retreat will continue to limit sleeping accommodations for no more than 20 people including staff and guests in the Buddha, Sangha, and Darma House. The total square footage in these three buildings is 4,278 sq. ft. that is used for guest sleeping quarters. Retreat guests will be limited to a stay of no more than a total of 60 days in a calendar year. Special ceremonies for up to 60 people will continue to be limited to four times per year. Lighting for the retreat during events and nighttime activities will be directed away from neighboring properties.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

Pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, Section 15000 et seq.), the proposed project is subject to environmental review.

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. Section 15301 (Existing Facilities) of the State Guidelines for Implementation of CEQA allows for the exemption of projects, which involve existing structures and facilities that would result in negligible or no expansion of the existing use. The proposed project includes the continued use of existing structures for the ongoing operation of the existing retreat facility and would not involve an expansion of use. No new development is proposed. Further, the Project will not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2. Therefore, no further environmental review is required.

Therefore, this project is categorically exempt pursuant to Section 15301 of the CEQA Guidelines.

C. CONSISTENCY WITH THE GENERAL PLAN

The 2040 Ventura County General Plan *Goals, Policies and Programs* (2020, page 1-1) states:

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

Furthermore, the Ventura County NCZO (Section 8111-1.2.1.1.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 General Plan *Goals, Policies and Programs*.

- 1. Public Facilities, Services, and Infrastructure Availability Policy PFS-1.7:**
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.

Wastewater Connections Requirement Policy PFS-4.1: *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.*

Onsite Wastewater Treatment Systems Policy PFS-4.2: *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.

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

Percolation Standards for Discretionary Development Policy ED-25.1: *The County shall require discretionary development to be either served by a sewage treatment facility or an on-site septic system where the total percolate from the property to the groundwater basin does not exceed the Primary Standards - Inorganic Chemicals (Article 4, Title 22, California Code of Regulations). The County Environmental Health Division shall regulate the installation and maintenance of septic systems in accordance with the County's Sewer Policy, County Building Code and County Service Area 32.*

The proposed project involves the continued operation of Pine Mountain Buddhist Temple as an existing retreat with sleeping facilities. Water for the project will be provided by an existing on-site water well, State Well Number 07N23W15P04S. A water quality analysis was conducted on November 17, 2016 by FGL Environmental Agricultural Analytical Chemists to test the quality of the water. The Environmental Health Division (EHD) reviewed the water quality analysis and found that adequate water quantity and quality exists to serve the proposed project.

Public sewer service is not available near the rural area of Lockwood Valley and is infeasible for connection to the subject site. The proposed project would continue to be served by three private OWTS. A pumping inspection report for all of the OWTS were conducted on June 18, 2019 and submitted to EHD for review. EHD reviewed the pumping inspection reports and found that septic feasibility has been demonstrated, the OWTS would be sufficient to service the sewage disposal demand for the existing retreat, and the OWTS will comply with Ventura County Building Code requirements, EHD guidelines, and State policies that apply to OWTS.

The nearest fire station is Fire Station 21, located at 1201 Ojai Avenue approximately 42.1 miles south of the project site. However, with the current closure of Highway 33 Kern County Fire Department, Station 57, would respond through mutual aid. Additionally, the US Department of Forestry has a patrol person in the area from June through November.

No new development, grading, or ground disturbance is proposed as part of the project. There will be no increase in impervious surfaces. Therefore, the proposed project will not result in adverse impacts or result in any new impacts to water quality or quantity. As the proposed project does not include any new

development it will not create any impacts with regard to stormwater runoff (e.g. increases in pollution loading or changes in the volume or rate of runoff).

Based on the discussion above, the proposed project is consistent with General Plan Policies PFS 1.7, 4.1, 4.2, WR 1.11, and ED 25.1.

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

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

The project site is located within a high fire hazard area. Fire Station 21 is located 1201 Ojai Avenue approximately 42.1 miles south of the project site. The proposed project will comply with all applicable Federal and State regulations and the requirements of the Ventura County Building Code and Ventura County Fire Code, including but not limited to, access and brush removal. The proposed project will be subject to conditions of approval to ensure the project is in conformance with current California State Law and the Ventura County Fire Code (Exhibit 4, Condition No. 17).

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

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

The project site does not include any land located within the Scenic Resource Protection (SRP) Overlay Zone and is not visible from any lakes or reservoirs. However, the project site is visible from an Eligible Scenic Highway, Lakewood Valley Road. The closest existing structure is approximately 280 feet north of Lakewood Valley Road. Construction for this project site was completed on November 3, 2009. No new development is proposed. Therefore, the proposed project will not significantly degrade visual resources or significantly alter or obscure public views from Lakewood Valley Road.

Based on the discussion above, the proposed project is consistent with General Plan Policy Scenic Roadways Policy COS 3.1.

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

The proposed project does not include any grading or construction; and, therefore, does not have the potential to adversely affect subsurface paleontological or archaeological resources. Furthermore, there are no designated or eligible historical resources located on the subject property.

Based on the discussion above, the proposed project is consistent with General Plan Resource Preservation Policy COS 4.4.

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

1. *New noise sensitive uses proposed to be located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed CNEL 60 or Leq1H of 65 dB(A) during any hour.*
2. *New noise sensitive uses proposed to be located near railroads shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed L10 of 60 dB(A)*
3. *New noise sensitive uses proposed to be located near airports:*
 - a. *Shall be prohibited if they are in a Community Noise Equivalent Level (CNEL) 65 dB or greater, noise contour; or*
 - b. *Shall be permitted in the Community Noise Equivalent Level (CNEL) 60 dB to CNEL 65 dB noise contour area only if means will be taken to ensure interior noise levels of CNEL 45 dB or less.*
4. *New noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels*

received by the noise sensitive receptor, measured at the exterior wall of the building, does not exceed any of the following standards:

- a. *Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.;*
 - b. *Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.; and*
 - c. *Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.*
5. *Construction noise and vibration shall be evaluated and, if necessary, mitigated in accordance with the Construction Noise Threshold Criteria and Control Plan (Advanced Engineering Acoustics, November 2005).*

The proposed project includes the continued operation of an existing retreat facility. No new development, construction, or grading is proposed. The nearest noise sensitive land use, a single-family dwelling, is located approximately 350 feet to the west of the project site. The proposed project will not involve noise-generating activities that have the potential to adversely affect surrounding residential uses. To ensure that the proposed project will not adversely affect the surrounding uses, the applicant will be required to designate a contact person for the timely resolution of complaints, should they arise from outdoor activities associated with from special events (Exhibit 4, Condition No. 15).

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

6. **Onsite Wastewater Treatment Systems Policy PFS-4.2:** *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.*

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

The proposed project will not result in the expansion of public facilities. As disused in Section A.9 (above), no new development, expansion, or change in use is proposed as part of this project. The existing water well will continue to

provide water, and three existing OWTS will continue to provide wastewater disposal service for the retreat facilities.

The proposed project will not involve the installation of new utility lines, the relocation of existing utility lines, or an increase in energy demand. The required energy for the retreat will continue to be supplied from the existing electrical utility (Southern California Edison).

Furthermore, the proposed project will not expand or otherwise change the existing use of the property, thereby creating a corresponding increase in traffic generation and need for new public roadway facilities.

Based on the discussion above, the proposed project is consistent with General Plan Policies PFS 4.2 and 7.4.

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the Ventura County NCZO (Section 8105-4), the proposed use is allowed in the Open Space zone district with the granting of a CUP. Upon the granting of the CUP, the proposed project will comply with this requirement.

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

Table 1 – Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	160 acres	No, the two parcels that are included with this project are 20 acres and 25 acres which is non-conforming to the current zoning of 160 acres minimum. These parcels are legal non-conforming to the current zoning.
Maximum Percentage of Building Coverage	5 percent	Yes, Parcel No. 002-0-150-046 contains all of the retreat structures. The maximum lot coverage for that parcel

Table 1 – Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	Complies?
		is 43,560 sq. ft. and the total building coverage is 9,537 sq. ft.
Front Setback	20 feet	Yes, all structures are more than 20 feet from every property line. The structures are all one-story buildings that are under 25 feet in height.
Side Setback	10 feet	
Rear Setback	15 feet	
Maximum Building Height	35 feet	

The proposed retreat is subject to the special use standards of the Ventura County NCZO (Section 8107-18). Table 2 lists the applicable special use standards and a description of whether the proposed project complies with the special use standards.

Table 2 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
Sec. 8107-18.1 The minimum lot size for a retreat is five acres.	Yes, the minimum lot size for the two parcels are twenty and twenty-five acres.
Sec. 8107-18.2 A retreat shall not have sleeping accommodations for more than 20 people, inclusive of staff and guests.	Yes, the retreat is limited to 20 people, including staff (Condition No. 1, Project Description).
Sec. 8107-18.3 Retreat guests shall be limited to a stay of no more than 60 days in a calendar year.	Yes, the hours of operation are limited to guests staying not more than 60 days in a calendar year (Condition No. 2, Exhibit 4).
Sec 8107-18.4 Floor area is limited to 200 square feet for each overnight guest, for sleeping and restroom facilities.	No, the floor area currently used for overnight guests is 4,278 square feet which is over the 4,000 sq. ft. allowance for retreats. This retreat is non-conforming and cannot construct any additional square footage of living space to this retreat.
Sec 8107-18.4 Floor area shall be limited to a maximum 2,000 square feet for all other buildings (other than structures for animals), such as kitchen and dining areas, conference rooms, storage, and the like.	No, this retreat has 3,702 sq. ft. of additional residential and residential accessory structures that are not used for sleeping facilities. This amount is over the 2,000 sq. ft. limit. These buildings were permitted and considered non-conforming to the retreat allowance.
Sec 8107-18.5 No retreat structures shall exceed a height of twenty-five feet unless authorized by this permit	Yes, all of the retreat structures have an elevation of twenty-five feet or under.
Sec 8107-18.6 A retreat may include minor accessory recreational facilities such as horse facilities, equestrian trails, hot tubs, one swimming pool, and one tennis court.	Yes, this retreat contains two agricultural barns which total 1,557 sq. ft. of agricultural accessory structures that are permissible as part of a retreat.
Sec 8107-18.7 Structures related to a retreat shall be set back at least 100 feet from public roads.	Yes, the closest structure is 256 feet from Lockwood Valley Road.
Sec 8107-18.8 Lighting for nighttime activities shall be directed away from adjacent properties.	Yes, lighting for special events and nighttime activities shall be directed away from neighboring properties (Condition No. 15, Exhibit 4).

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 includes the continued use of the project site for a retreat with sleeping facilities. The retreat will be open year-round and can accept a maximum of 20 overnight guests (including staff) and up to 60 guests for special events that would occur up to four total times a year at the project site. The project site is located within the Maricopa community, which is characterized by a variety of land uses, including, but not limited to, undeveloped open space, and residential and agricultural uses. No new development is proposed. The proposed project does not include a change of use that has the potential to create any land use conflicts with surrounding development, generate new traffic, or introduce physical development that is incompatible with the character of the surrounding development.

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

3. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses [Section 8111-1.2.1.1.c].

The proposed project includes the continued operation of a retreat with sleeping facilities. No new development or grading is proposed. A private water well provides a potable water source and water for fire suppression. Sewer service is provided by three private septic systems. The proposed project would not be obnoxious or harmful or impair the utility of neighboring residential and agricultural land uses. The nearest noise sensitive land use, a single-family dwelling, is located approximately 350 feet to the west of the project site. The proposed project would not adversely impact air quality in the vicinity of the project. The project site has been development for over 20 years and would not be unsightly or visually incompatible with the surrounding land uses. To ensure that the proposed project will not adversely affect the surrounding uses, the applicant will be required to designate a contact person for the timely resolution of complaints, should they arise with from outdoor activities associated with from special events (Exhibit 4, Condition No. 15). With the implementation of this conditions of approval placed on the project, impacts that could be considered obnoxious or harmful have been minimized such that the proposed project will

not impair the utility of neighboring land uses. Therefore, the existing project will not be obnoxious, harmful, or impair the utility of neighboring properties or uses.

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

4. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [Section 8111-1.2.1.1.d].

The continued use and operation of the project site as a retreat with sleeping facilities is allowed in the OS-160 ac zone district with the granting of a CUP. To date, there are no open violations on file. As stated in Section C (above), the proposed project would not adversely impact local air quality, would not adversely impact water supply, and would not restrict or impair emergency response. To ensure that the proposed project will not adversely affect the surrounding community, the applicant will be required to designate a contact person for the timely resolution of complaints should they arise with the continued use and operation of the proposed project (Exhibit 4, Condition No. 15). Therefore, the proposed project will not be detrimental to the public interest, health, safety, convenience, or welfare.

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

5. The proposed development, 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 in the OS zone and includes the continued use and operation of a retreat with sleeping facilities. Retreats are a permissible land use in the OS zone with the granting of a CUP (Ventura County NCZO Section 8105-4). Existing land uses include livestock grazing and single-family dwellings. To ensure events taking place at the facility are compatible with the surrounding land uses, the project has been conditioned requiring the applicant to notify surrounding property owners and residents of events at the facility and the designation of an on-site contact person to resolve complaints (Exhibit 4, Condition Nos. 15). Therefore, the proposed project will be compatible with existing and potential land uses where the proposed project is located.

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

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

The existing property consists of two legal lots, identified as Parcel A of Parcel Map Waiver 984 and Parcel 2 of 5 of Parcel Map 24.

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

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

As discussed in Section B of this Staff Report (above), the proposed project is categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. The continued use and operation of the proposed project will not have any physical effects on the environment. No new development and no changes to the existing structures are proposed. The project will not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2. Therefore, the proposed project will be approved in accordance with CEQA.

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

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

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), Ventura County NCZO (Section 8111-3.1). On December 23, 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, no comments have been received.

G. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.
3. **MAKE** the required findings to grant a Minor Modification of Conditional Use Permit (CUP) Case No. 5104, as modified by Case No. LU07-0028, 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** Minor Modification of CUP Case No. 5104, as modified by Case No. LU07-0028 (Case No. PL20-0001), subject to the conditions of approval (Exhibit 4).

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

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

If you have any questions concerning the information presented above, please contact Angela Georgeff at (805) 654-5097 or Angela.Georgeff@ventura.org.

Prepared by:

Reviewed by:

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Residential Permits Section
Ventura County Planning Division

Jennifer Welch, Manager
Residential Permits Section
Ventura County Planning Division

EXHIBITS

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

002-0-150-460

LOCKWOOD VALLEY RD



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 10-08-2020
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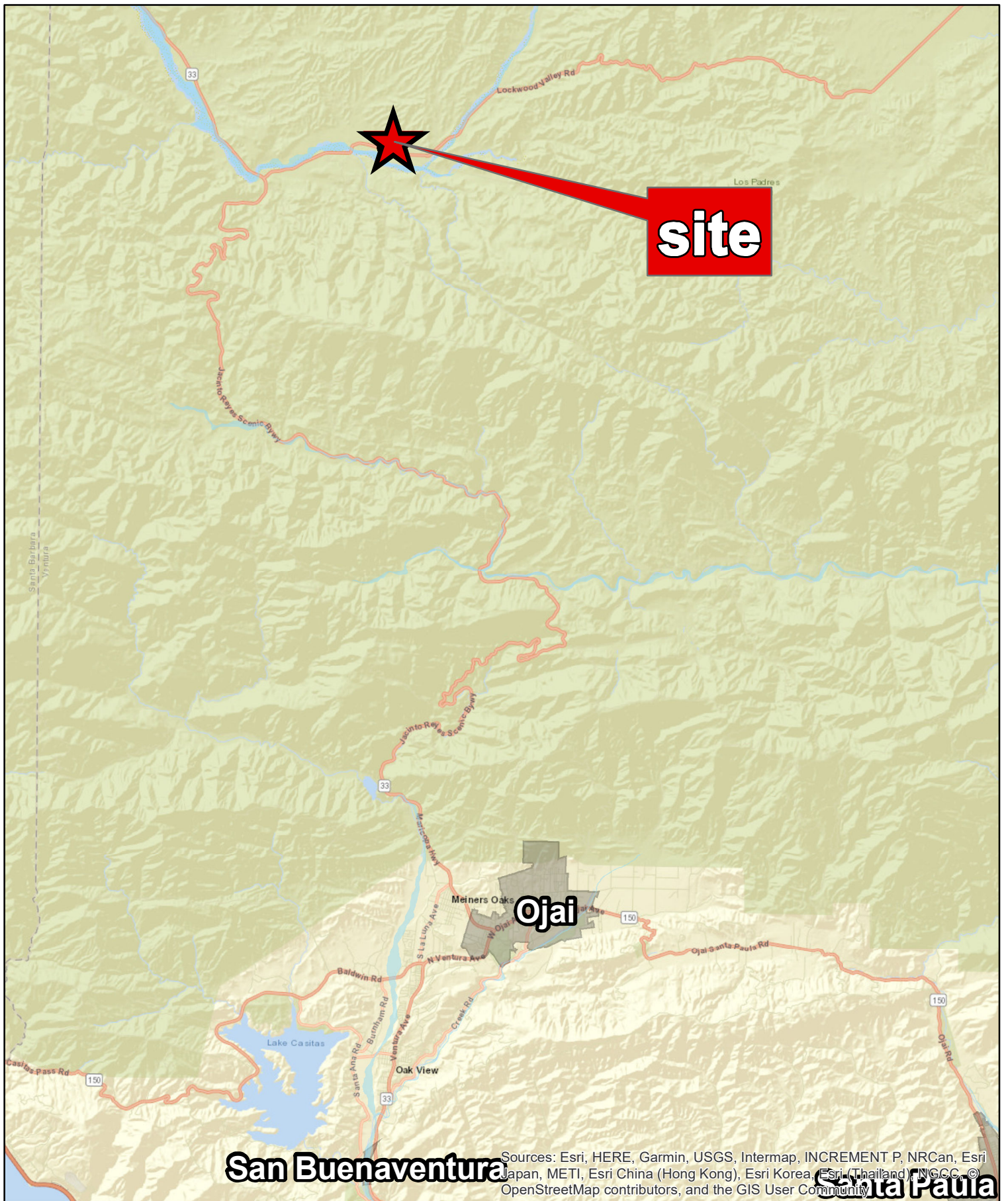


County of Ventura
Planning Director Hearing
Case No. PL20-0001
Exhibit 2 - Maps



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





San Buenaventura

Santa Paula

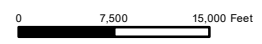
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Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 10-08-2020

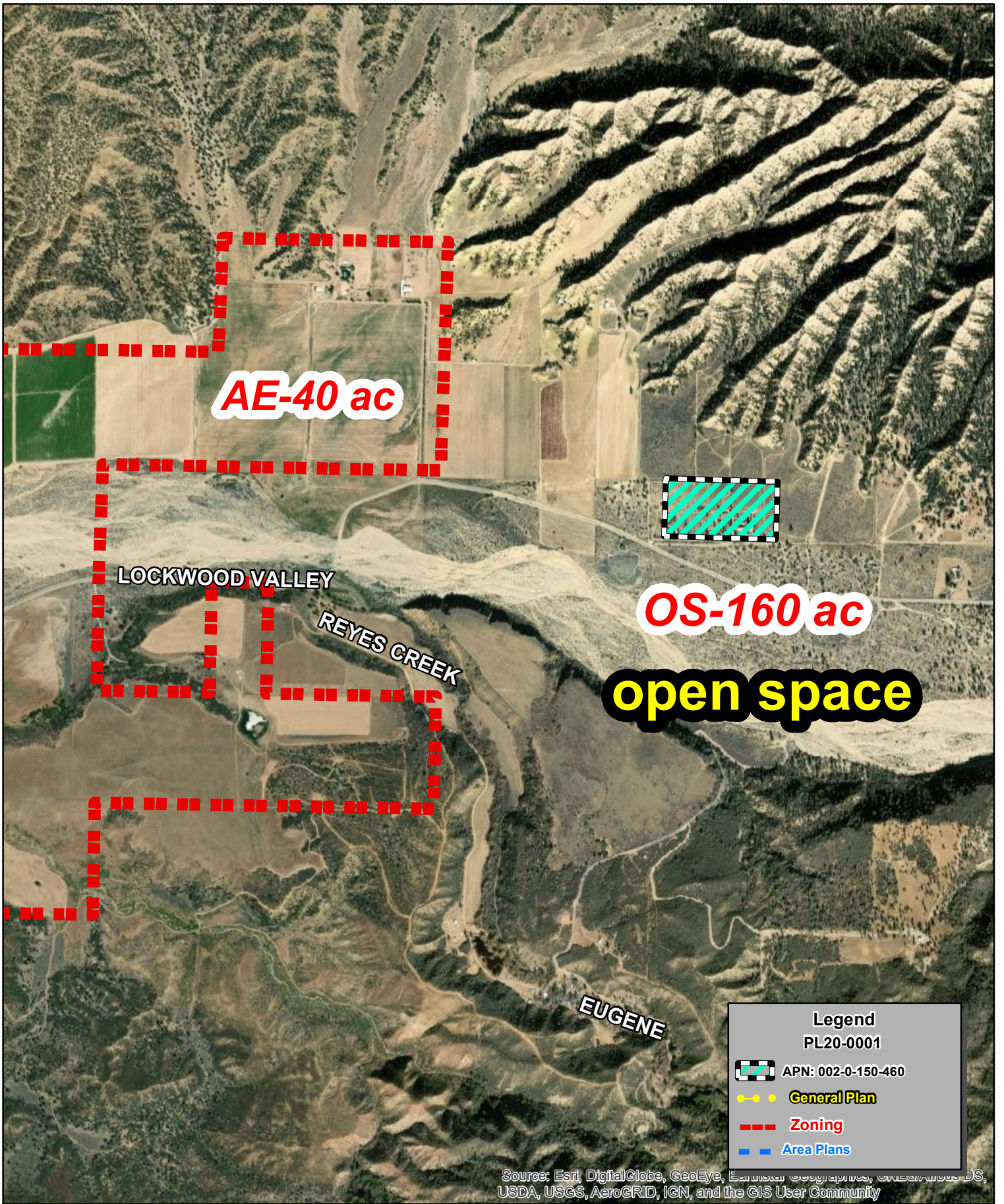


County of Ventura
Planning Director Hearing
PL20-0001
Location Map



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Ventura County, California
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County of Ventura
Planning Director Hearing
PL20-0001
General Plan & Zoning Map

0 650 1,300 Feet

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Plot Plan for Pine Mountain Buddhist Temple

CUP #5104: 20-year Renewal Application

02/21/2020

**For purposes of: Religious Retreat, Meditation,
Prayer and Religious Ceremonial**

Location: 941 Lockwood Valley Rd.

(3 miles east of Hwy 33 & LVR)

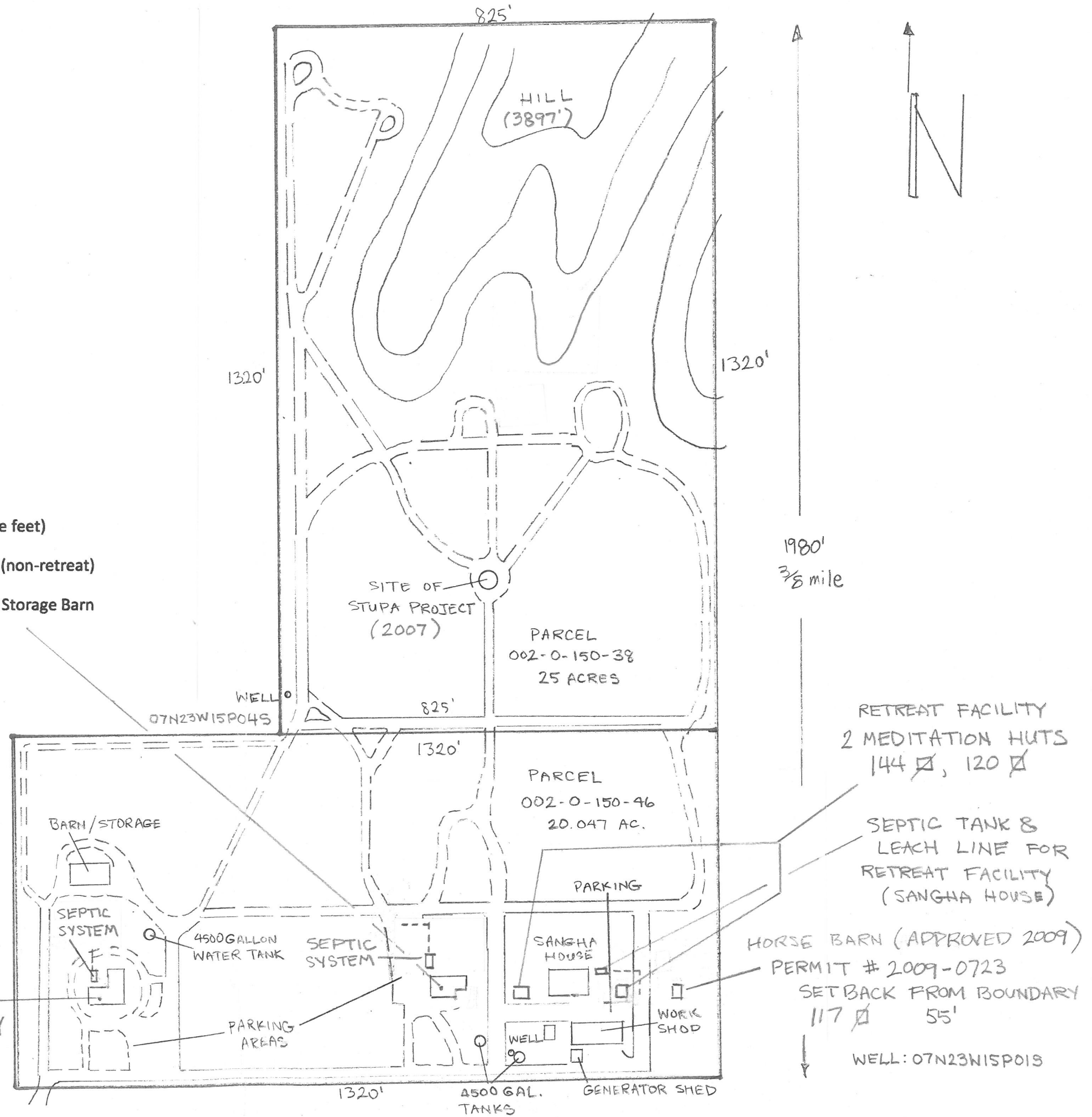
Maricopa, CA 93252

Dharma House (1944 square feet)

Single Family Dwelling Unit (non-retreat)

Two Accessory structures = Storage Barn

And Work Shop



County of Ventura
Planning Director Hearing
Case No. PL20-0001
Exhibit 3 - Plans

LOCKWOOD - OZENA ROAD

**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) CASE NO.
5104 AS MODIFIED BY CASE NOS. MODIFICATION LU07-0028
CASE NO. PL20-0001**

RESOURCE MANAGEMENT AGENCY (RMA)

Planning Division Conditions

1. Project Description

This Conditional Use Permit is based on and limited to compliance with the project description stated in this condition below, Exhibit 3 of the Planning Director hearing on January 7, 2021 and conditions of approval set forth below. Together, these conditions and documents describe the "Project." Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

The applicant requests a Minor Modification (Case No. PL20-0001) to CUP 5104 (as modified by Case No. LU07-0028) for the continued use of an existing retreat with sleeping facilities, known as Pine Mountain Buddhist Temple for a period of 20 years. No development, grading, or landscaping is proposed. The proposed project involves the continued use of existing structures.

County of Ventura
Planning Hearing Director
Case No. PL20-0001
Exhibit 4 - Conditions of Approval

The table below provides a summary of the existing structures on the subject property, including agricultural and residential accessory structures:Existing Structures	Size (square feet)
Existing Sleeping Facilities	
Buddha House	1,811
Sangha House	523
Darma House	1,944
Total	4,278
Residential Accessory Structures	
Buddha House (portion not designated as sleeping)	359
Sangha House (portion not designated as sleeping)	1,097
Workshop/Carport	1,752
Meditation Hut	120
Study Room	144
Utility Shed	230
Total	3,702
Agricultural Structures	
Horse Barn	117
Barn	1,440
Total	1,557

Water for the project will be provided by an existing on-site water well, State Well Number 07N23W15P04S. Wastewater service will continue to be provided by three existing septic systems, one serving the Buddha, Dharma, and Sangha houses, respectively. The site will continue to be accessed via Lockwood Valley Road by way of a connecting private road. Parking areas are located to the South of the Buddha House and to the West of the Darma House. The proposed project will include the continued use of existing signs, with no new signage proposed.

Two full time employees are reverends who live on the property, residing in the Buddha and Dharma houses. The retreat will continue to limit sleeping accommodations for no more than 20 people including staff and guests in the Buddha, Sangha, and Darma House. The total square footage in these three buildings is 4,278 sq. ft. that is used for guest sleeping quarters. Retreat guests will be limited to a stay of no more than a total of 60 days in a calendar year. Special ceremonies for up to 60 people will continue to be limited to four times per year. Lighting for the retreat during events and nighttime activities will be directed away from neighboring properties.

2. Days and Hours of Operation

Purpose: In order to remain in compliance with the Non-Coastal Zoning Ordinance (Sec. 8107-18) it is necessary to limit the days and hours of operation of the approved use.

Requirement: There are no limits on hours of operation for daily retreat activities of no more than 20 persons. Retreat guest shall be limited to a stay of no more than 60 days in a calendar year. Special ceremonies for up to 60 people are limited to four times per year. There can only be one ceremony in any one calendar month, and they are to be held on weekends only (Saturday and Sunday) from 8:00am to 8:00pm. The Permittee shall post the hours of operation in an obvious location that can be seen by guests. The signage must be made of weatherproof and permanent material and comply with the Ventura County Non-Coastal Zoning Ordinance (Article 10)/Coastal Zoning Ordinance (§ 8175-5.13).

Documentation: The Permittee shall provide the Planning Division with photographic documentation that the hours of operation have been posted as required pursuant to this condition.

Timing: The Permittee shall post the hours of operation prior to the issuance of Zoning Clearance for use inauguration and the Permittee shall maintain the posted hours of operation for the life of the permit.

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

3. Site Maintenance

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

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

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

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

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

4. CUP Modification

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

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

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

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

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

6. Time Limits

a. Use inauguration:

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

b. Permit Life or Operations Period: This CUP will expire on January 7, 2041. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

- (1) The Permittee has filed a permit modification application pursuant to § 8111-6 of the Ventura County Non-Coastal Zoning Ordinance prior to April 13, 2020; and
- (2) The County decision-maker grants the requested modification.

The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with § 8111-2.10 of the Ventura County Non-Coastal Zoning Ordinance.

7. Documentation Verifying Compliance with Other Agencies' Requirements Related to this CUP

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

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

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

Timing: The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for use inauguration.

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

8. Notice of CUP Requirements and Retention of CUP Conditions On Site

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

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

Documentation: The Permittee shall maintain a current set of CUP conditions and exhibits at the project site.

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

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

9. Recorded Notice of Land Use Entitlement

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

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

Documentation: Recorded “Notice of Land Use Entitlement” form and conditions of this CUP.

Timing: The Permittee shall record the “Notice of Land use Entitlement” form and conditions of this CUP, prior to issuance of a Zoning Clearance for use inauguration.

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

10. Financial Responsibility for Compliance Monitoring and Enforcement

- a. **Cost Responsibilities:** The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the Ventura County Non-Coastal Zoning Ordinance (§ 8114-3) related to this CUP. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.
- b. **Establishment of Revolving Compliance Account:** Pursuant to the requirements of CUP 5104 (as modified by Case No. LU07-0028), the Resource Management Agency created Condition Compliance Case No. CC06-0209 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly-imposed civil administrative penalties, regarding CUP 5104 (as modified by Case No. LU07-0028). The Planning Division will continue to use Condition Compliance Case No. CC06-0209 to cover the costs associated

with condition compliance review, monitoring, and enforcement activities described in subsection 12.a (above), and any duly imposed civil administrative penalties regarding this CUP.

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit a new, updated, and completed reimbursement agreement for Condition Compliance Case No. CC06-0209, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.

- c. Billing Process: The Permittee shall pay all Planning Division invoices within 30 days of receipt thereof. Failure to timely pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge or penalty prior to payment.

10a. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or enforcement of this CUP. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements, or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties.
- c. Except with respect to claims, actions, proceedings, and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County), and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings, and Liabilities arising out of, or in any way related to, the construction, maintenance, land use, or operations conducted pursuant to this CUP, regardless of how a court apportions

any such Liabilities as between the Permittee, the County, and/or third parties. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.

- d. Neither the issuance of this CUP, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

11. Invalidation of Condition(s)

If any of the conditions or limitations of this CUP are held to be invalid in whole or in part by a court of competent jurisdiction, that holding shall not invalidate any of the remaining CUP conditions or limitations. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of competent jurisdiction, or threatened to be filed therein, the Permittee shall be required to fully comply with this CUP, including without limitation, by remitting the fee, exaction, dedication, and/or by otherwise performing all mitigation measures being challenged. This CUP shall continue in full force unless, until, and only to the extent invalidated by a final, binding judgment issued in such action.

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

12. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for the Project have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or resources 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 to be contracted, as well as the estimated costs of such work. Whenever feasible, the County will use the lowest responsible bidder or proposer. Any decisions made by County staff in reliance on consultant or contractor work 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, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 12 above, if the County hires a consultant to review any work undertaken by the Permittee, or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

13. Relationship of CUP Conditions, Laws, and Other Entitlements

The Permittee shall implement the Project in compliance with all applicable requirements and enactments of federal, state, and local authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any CUP condition contained herein is in conflict with any other CUP condition contained herein, when 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.

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, lawful rules, or regulations, or orders of an authorized governmental agency. Neither the approval 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.

The Permittee shall retain a business tax certificate annually and any required regulatory licenses, as needed, for the operation of the retreat.

14. Change of Permittee

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

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

Documentation: The initial notice must be submitted with the new Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new Property Owner(s), lessee(s), and/or operator(s)

of the permitted uses acknowledging and agreeing to comply with all conditions of this CUP.

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

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

15. Resolution of Noise Complaints at Retreat Events and During Retreat Operations

Purpose: To resolve noise complaints during retreat events and minimize noise-related impacts and to designate a person responsible for responding to complaints.

Requirement: The Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the Project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide Planning Division staff with the new information in writing within three calendar days of the change in the Permittee's field agent.

The Permittee shall provide the Planning Director and all residents within 1500 feet of the parcel boundary with the name, title, address, office phone number and emergency 24 hour mobile phone number of the Permittee, or Permittee's designee, who will be responsible for ensuring condition and code compliance during retreat events at the project site. The retreat facility website shall be amended to include this contact information in a prominent location.

The Permittee, or the Permittee's designee, must use the following process to resolve noise complaints received during retreat events:

- a. Immediately investigate the complaint and take the following actions (as applicable) to abate the noise complaint:
 - (1) lower speaker volumes of public address (PA) systems and/or amplified music below the maximum allowed (90 dBA at 50 feet from the source or amplified music);
 - (2) discontinue the use of PA systems;
 - (3) discontinue the use of amplified music and replace with acoustical music; and/or

- (4) alter the timing and sequence of event activities to comply with the maximum noise standards.
- b. Report back to the complaining party by telephone about the findings of the investigation and the abatement actions taken, if any, as soon as possible, but no later than 15 minutes after receiving the complaint, unless otherwise agreed to by the complainant.
- c. Provide written notification to the Planning Director of the complaint, within 10 days of receiving a noise complaint. The notice shall indicate: (1) the date and time of the complaint(s); (2) a description of the complaint; (3) resolution actions taken to abate the noise; and (4) the name, address, and phone number of the complainant(s).

The Permittee shall take all reasonable actions to prevent noise from adversely affecting nearby residents. If the problem persists, the Planning Director may initiate actions to prevent further complaints, including (but not limited to) the use of a noise consultant, at the Permittee's expense, to monitor the event noise and implement measures to achieve compliance with the maximum noise levels (90 dBA at 50 feet from the source of amplified music). If the Permittee's actions fail to curtail noise complaints, the Planning Director may modify this CUP to disallow event activities that adversely affect nearby sensitive receptors.

Documentation: The Permittee must maintain current contact information for the Permittee, or Permittee's designee, and supply the current contact information to the Planning Division.

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, and annually on June 1st thereafter, the Permittee shall provide the Planning division updated contact information for the individual who will be responsible for ensuring condition and code compliance during retreat events at the Project site. The Permittee, or Permittee's designee, shall be available for contact during events. If the contact information should change prior to the mandatory annual update, the Permittee shall provide the residents and Planning Director with the new information prior to the next event. The Permittee shall notify the Planning Director in writing within 10 days of receiving a noise complaint.

Monitoring and Reporting: The Planning Division maintains the Permittee's, or Permittee's designee's, contact information in the Project file. The Permittee shall provide the Planning Division notice of any complaints associated with the events to be maintained in the Project file. In the event that complaints go on unabated, the Planning Director has the authority to review any complaints received by the Planning Division to determine whether this CUP should be modified or revoked. The Planning Division has the authority to conduct site inspections and take enforcement actions to ensure that the

Permittee conducts retreat events in compliance with the condition, consistent with the requirements of NCZO Section 8114-3.

OTHER VENTURA COUNTY AGENCIES

Integrated Waste Management Division (IWMD) Conditions

16. Waste Diversion & Recycling Requirement

Purpose: To ensure the project complies with Ordinance No. 4445. Ordinance 4445 pertains to the diversion of recyclable materials generated by this project (e.g., paper, cardboard, wood, metal, green waste, soil, concrete, plastic containers, beverage containers) from local landfills through recycling, reuse, or salvage. Ordinance 4445 can be reviewed at

<https://www.vcpublicworks.org/wsd/iwmd/businessrecycling/#GreenWasteProcessing>

Requirement: Ordinance 4445, Sec 4770-2.2, requires the Permittee to work with a County-franchised solid waste hauler who will determine the level of service required to divert recyclables generated by their project from local landfills. For a complete list of County-franchised solid waste haulers, go to:

<https://www.vcpublicworks.org/wsd/iwmd/construction/#solid-waste-collectors>.

Documentation: The Permittee must maintain copies of bi-monthly solid waste billing statements for a minimum of one year. The address on the billing statement must match the address of the permitted business.

Timing: Upon request, the Permittee must provide the IWMD with a copy of a current solid waste billing statement to verify compliance with this condition.

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

Ventura County Fire Protection District (VCFPD) Conditions

17. Hazard Abatement

Purpose: To ensure compliance with Ventura County Fire Protection District Ordinance.

Requirement: The Permittee shall have all grass or brush adjacent to structure's footprint cleared for a distance of 100 feet or to the property line if less than 100 feet. All grass and brush shall be removed a distance of 10 feet on each side of all access road(s)/driveway(s) within the project. The Fire District may require the entire parcel to be cleared.] Note: A Notice to Abate Fire Hazard may be recorded against the parcel.

Documentation: A signed copy of the Ventura County Fire Protection District's Form

Conditions for CUP Case No. PL20-0001

Date of Public Hearing: January 7, 2021
Date of Approval:

Permittee: Pine Mountain Buddhist Temple
Location: 941 Lockwood Valley Road
Page 14 of 14

#126 “Requirement for Construction” or the “Notice to Abate” issued under the Fire District’s Fire Hazard Reduction Program.

Timing: The Permittee shall remove all grass and brush as outlined by the Ventura County Fire Protection District’s Fire Hazard Reduction Program guidelines before the start of construction on any structure.

Monitoring and Reporting: The Fire Prevention Bureau shall conduct on-site inspections to ensure compliance with this condition.

END OF CONDITIONS