

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director
Prepared By: Joseph Fiss, Principal Planner

DATE: March 12, 2013 (CC Meeting of 3/20/2013)

SUBJECT: Consider Resolution for Conditional Use Permit No. 2012-03 to Allow an Outdoor Recreational Vehicle Storage Facility at 4875 Spring Road on the Application of Banny Anderson (for Moorpark RV and Storage)

DB

BACKGROUND

On April 17, 2012 Banny Anderson (for Moorpark RV and Storage) submitted an application requesting a Conditional Use Permit (CUP) to allow an outdoor recreational vehicle storage facility on a 6.81 acre site at 4875 Spring Road. The public hearing for this item was opened on September 19, 2012, and the agenda item was continued with the public hearing still open on September 19, 2012, October 17, 2012, December 5, 2012, January 16, 2013, February 20, 2013, and March 6, 2013. There was one speaker on March 6, 2013, who indicated support for the continued operation of the facility. There were no other speakers at any of these meetings. The staff report from February 20, 2013 is included as Attachment No. 4. The chronology of permit activity from this report has been updated below in legislative format below to include permit activity for other potential uses that were considered on the site, as well as to address the existence and removal of underground fuel tanks from the project site. Additional information is also provided on the dump station and driveways and parking on the project site.

The following is a chronology of permit activity for this use, as well as for other potential uses of the site, based on City records.

- February 7, 1974 – The Ventura County Planning Division notified A-C Construction that the contractor's storage yard at 4875 Moorpark Road (now Spring Road) was established without a required County Development Plan Permit.
- February 11, 1974 – A-C Construction applied for Development Plan Permit No. DP-113 with the County of Ventura.

- October 2, 1974 – The Ventura County Planning Director approved DP-113 for a contractor's storage yard with a 1600 square-foot contractor's office building.
- December 18, 1979 – The County Board of Supervisors revised the Moorpark Community Plan, changing the land use designation of the site from Industrial to Medium Density Residential (3.1-5 Dwelling Units per acre). This made the existing land use and M-2 zoning inconsistent with the County General Plan.
- August 1, 1980 – A-C Construction applied for a modification to Development Plan Permit No. DP-113 in order to expand the existing 1,600 square-foot office by 2,184 square feet.
- August 19, 1980 – The County Planning Director denied the modification application based on the project's inconsistency with the County General Plan.
- October 9, 1980 – The County Board of Supervisors adopted a resolution of intention (No. 7995) to rezone the property from M-2 to R-1.
- November 20, 1980 – The County Planning Commission overturned the County Planning Director's August 19, 1980 denial of the modification application to expand the office.
- November 4, 1992 – The City of Moorpark adopted Ordinance No. 155, approving a Zoning Consistency Map for the City. The subject site is rezoned CPD (Commercial Planned Development).
- October 7, 1994 – The Community Development Director of the City of Moorpark issued Temporary Zoning Clearance No. 94-231 to allow recreational vehicle storage on the site. The permit was good for 18 months with the ability to extend the permit by 6 months. The permit was conditioned that if the applicant intends to provide recreational vehicle storage beyond the 18 month period, the applicant shall apply for a Zoning Ordinance Amendment to allow recreational vehicle storage in the CPD zone and a Planned Development Permit.
- November 28, 1994 – The Community Development Director of the City of Moorpark issued Zoning Clearance No. 94-267 to replace Zoning Clearance No. 94-231 for temporary RV storage on the property. This permit was good for 18 months and would terminate at the end of a 24-month period if the City does not approve a Zoning Ordinance Amendment and CPD permit in this time to allow this use.
- July 17, 1995 – The County of Ventura Environmental Health Division opened a case on a release from overfill/overspill/dispenser leak from an underground fuel storage tank on the project site. Three underground fuel tanks, two for regular gasoline, 4,000 and 8,000 gallons each, and one 6,500 gallon tank for diesel fuel, had been installed on the site in 1975 as part of the contractor's storage yard use. As part of the remediation action, these three fuel tanks were removed and the site was restored in 1996. The monitoring well was removed in 1997, and the County Environmental Health Division closed the case on July 22, 1997.

determining that no further action related to the underground tank release was required. A copy of the letter and case closure summary is included as Attachment No. 5.

- August 1, 1996 – An application was submitted to the Community Development Department for a Commercial Planned Development Permit for RV Storage.
- August 5, 1996 – An application was submitted to the Community Development Department for a Zoning Ordinance Amendment to allow continued recreational vehicle storage and mini-storage on the site.
- October 16, 1996 – The Moorpark City Council adopted Resolution No. 96-1237, which authorized the continuation of recreational vehicle storage on the site until 30 days after rendering a decision on the Zoning Ordinance Amendment application, not exceeding a maximum of one year from this date, unless subsequently extended by the City Council.
- February 10, 1997 – Planning Commission recommends against an amendment to allow RV storage in the CPD zone, and instead recommends an amendment to the nonconforming use section of the Zoning Ordinance to allow for a change from a nonconforming use to a use that is similar with approval of a City Council-approved Conditional Permit.
- March 5, 1997 – After holding a public hearing on the Zoning Ordinance Amendment application, the Moorpark City Council required the applicant to apply for a Conditional Use Permit for continuation of the RV storage and introduced Ordinance No. 225, which amended the provisions for nonconforming uses in the Zoning Ordinance to allow for a change from a nonconforming use to a use that is similar with approval of a City Council-approved Conditional Permit pursuant to the requirements of Chapter 17.44, provided the changed use is considered to have no greater impact than the previously existing use, is similar to the nonconforming use and is not considered as an expansion of the existing use. Conditions may be imposed, including, but not limited to time limitations, as deemed necessary for the compatibility of such nonconforming use with adjacent properties.
- March 19, 1997 – The Moorpark City Council adopted Ordinance No. 225.
- May 6, 1998 – Applicant meets with Community Development Director and City Attorney to discuss application process. It is agreed that applicant will file a Conditional Use Permit Pre-Application by June 1, 1998.
- May 27, 1998 – The applicant submitted a Conditional Use Permit Pre-Application, along with an \$860 review fee.
- July 21, 1998 – A comment letter from the Community Development Department is issued on the pre-application. Among other comments, this letter concludes by indicating that the RV Storage use requires a City Council-approved Conditional Use Permit.

- November 30, 2000 – LT Development, LLC, filed an application for a General Plan Amendment (GPA) Pre-Screening to change the planned land use of an adjacent parcel (Coast Auto Salvage) from General Commercial to Very High Density Residential.
- April 18, 2001 – The Affordable Housing/Community Development Committee (Mayor Hunter and Councilmember Harper) considered the General Plan Amendment Pre-Screening request from LT Development and recommended that the recreational vehicle storage parcel be included in any development plan of the adjacent parcel, and that the status of any violations on the RV storage site be included in the Council report together with a recommendation for resolution of the violations. The applicant's representative (John Newton) stated that the Moorpark RV property was tied up in an escrow account and would be incorporated into the development proposal.
- June 6, 2001 - The City Council considered the GPA Pre-Screening application of LT Development and authorized the processing of a GPA application for the site, including the Moorpark RV property. In the staff report, Director of Community Development Wayne Loftus provided a memo as an attachment outlining the permit status of the recreational vehicle storage yard, which indicated that the site does not possess a CUP as required for its use, and that the applicant should seek a CUP if the requested (General Plan Amendment) designation does not occur. This memo is included as Attachment No. 6. A General Plan Amendment application was never filed by LT Development and the escrow account for the Moorpark RV property was cancelled, according to Mr. Newton, and there was no further activity.
- April 3, 2002 – The City authorizes a Temporary Use Permit (TUP) for Moorpark RV and Storage to use part of the adjacent Coast Auto Salvage land for recreational vehicle storage during the construction of a Calleguas Municipal Water District pipeline on the recreational vehicle storage yard property. This application was submitted on October 2, 2002. It was approved and extended as the pipeline project was delayed. The applicant withdrew this permit request on August 26, 2003 due to the inability to finalize a lease agreement for the property.
- March 14, 2003 – Applications for a General Plan Amendment, Zone Change, Vesting Tentative Tract Map No. 5425, and Residential Planned Development Permit were filed by Shea Homes for the adjacent parcel for which a General Plan Amendment Pre-Screening application by LT Development was processed in 2000-2001. The applications did not include the Moorpark RV site. The project was approved by the City Council in 2005, and the site is currently being graded.
- July 29, 2004 – Centex Homes filed an application for a General Plan Amendment Pre-Screening to change the General Plan land use designation of the Moorpark RV site from General Commercial to Very High Density Residential

to build 48 homes. This application was subsequently amended to include adjacent commercial property used for a nail salon and a total of 66 homes were proposed.

- September 21, 2005 – The City Council authorized the processing of a GPA application for the Centex Homes project as revised, with Councilmembers Harper and Mikos appointed to negotiate a Development Agreement.
- September 28, 2005 – Applications for a General Plan Amendment, Zone Change, Tentative Map, and Residential Planned Development Permit were submitted for a 66-unit housing project on the Moorpark RV and adjacent nail salon sites. The applications were deemed incomplete.
- March 9, 2006 – Staff rejected the applications from Centex without prejudice for lack of action on the incomplete items and the files were closed.
- December 2, 2011 – Stephen Anderson made an inquiry to staff on the permit status of the Moorpark RV property.
- January 24, 2012 – At the request of Stephen Anderson, one of the owners, Community Development staff researched the permit status of this site and determined that back in 1998, the Conditional Use Permit application required for the use had never been submitted. Staff subsequently met with the attorney representing the owner to go over the history and application submittal requirements.
- April 17, 2012 – A Conditional Use Permit application was submitted by Banny Anderson for Moorpark RV and Storage.
- February 7, 2013 – Community Development staff asked Waterworks District No. 1 staff about the permit status of the Moorpark RV and Storage dump station connection to the district's sewer. On February 15, 2013, Waterworks District No. 1 staff notified Community Development staff that the sewer connection from the dump station on the project site was not permitted and it violated district standards as the chemicals used in holding tanks (formaldehyde) are not permitted in the district's sewer system. Community Development staff reviewed building permit records and determined that the dump station was constructed without City building permits. Moorpark RV promptly locked the dump station so that it is no longer usable. Waterworks staff sent a correction letter to Moorpark RV on March 4, 2013 (Attachment No. 7).

DISCUSSION

Staff is recommending changes to three of the recommended conditions of approval related to the permitted use (Condition No. 7), the dump station (Condition No. 11) and the leasing of space in the administration building (Condition No. 17). The conditions in the draft resolution for approval have been revised in legislative format to show the changes. The legislative format would be removed in the final resolution if the City Council adopts this draft resolution.

Permitted Use:

In addition to recreational vehicles (motor homes, travel trailers, boats and personal watercraft on trailers, and off-road vehicles on trailers), approximately 7 shipping containers are located on the site, along with a few inoperable "project" cars and commercial vehicles. Some of the containers are remaining from when the site was used for construction storage, and a couple of them belong to customers, who are storing them in parking spaces. Staff is recommending in revised Condition No. 7 the removal of the containers, inoperable vehicles, and commercial vehicles within 90 days so that the yard is used only for recreational vehicle storage.

Dump Station:

As mentioned in the updated timeline, staff determined that the existing dump station was built without City permits and was connected to the sewer system without permits from Waterworks District No. 1. Condition No. 11 has been revised to require its proper removal, and that if a dump station is desired, that it be installed and managed in compliance with City regulations and NPDES stormwater requirements. A proper containment area for spills would have to be located within the RV storage area behind the gate to avoid removal of existing parking spaces. If one is installed, it would require a tank to hold the waste, to be removed and treated at a facility that accepts holding tank waste.

Office Rentals, Parking and Driveways:

The February 20, 2013 agenda report included a recommended condition that no further leasing of space in the administration building be allowed during the term of the Conditional Use Permit. Since this time, staff has reviewed information on the leasing history of the administrative building submitted by the applicant. Only one tenant, PBI Marketing, is currently leasing approximately 450 square feet of space in the administration building, and uses the office only occasionally. An additional 809 square feet in the upstairs of the administration building is vacant, and Moorpark RV and Storage is using the rest of the building. Neither the current tenant, nor any of the previous tenants have been businesses that have involved on-site customer traffic, and City staff has no record of complaints on parking at this location. In addition, with the removal of the dump station as discussed below, it appears the parking lot could be re-stripped to allow for 1-2 additional parking spaces.

The driveway leading in and out of the recreational vehicle storage yard is only 20 feet, 6 inches in width for the first 49 feet from the street, not allowing sufficient width for the passing of two recreational vehicles. It widens by an additional 8 inches adjacent to the administration building and then is constrained to approximately 19 feet adjacent to a raised planter in the parking lot. The Zoning Ordinance would require 25 feet of width for a two-way driveway for new construction, making this an existing non-conforming driveway. However, there is not sufficient room to widen the driveway to meet current standards adjacent to the administration building without modifying the building. Proposed Condition No. 17 in the draft resolution of approval has been revised to allow for continued leasing of office space in the administration building to office tenants that

do not generate on-site customer traffic. This would minimize internal circulation conflicts.

PROCESSING TIME LIMITS

Time limits have been established for the processing of development projects under the Permit Streamlining Act (Government Code Title 7, Division 1, Chapter 4.5), the Subdivision Map Act (Government Code Title 7, Division 2), and the California Environmental Quality Act Statutes and Guidelines (Public Resources Code Division 13, and California Code of Regulations, Title 14, Chapter 3). Under the applicable provisions of these regulations, the following timelines have been established for action on this project:

Date Application Determined Complete: May 25, 2012

City Council Action Deadline: August 23, 2012

City Council Action Deadline with Extensions: March 21, 2013

The applicant has agreed to an extension of the processing time limits to March 21, 2013, as is allowed by State law.

STAFF RECOMMENDATION

1. Continue to accept public testimony and close the public hearing.
2. Adopt Resolution No. 2013-____, conditionally approving Conditional Use Permit No. 2012-03.

ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. Site Plan
4. February 20, 2013 Staff Report (without Attachments)
5. July 22, 1997 Underground Tank Release Closure Letter
6. May 23, 2001 Memo on Permit Status of AC Construction Site
7. March 4, 2013 Letter from Waterworks District No. 1
8. Draft Resolution to Approve CUP with Conditions of Approval
9. Draft Resolution to Deny CUP



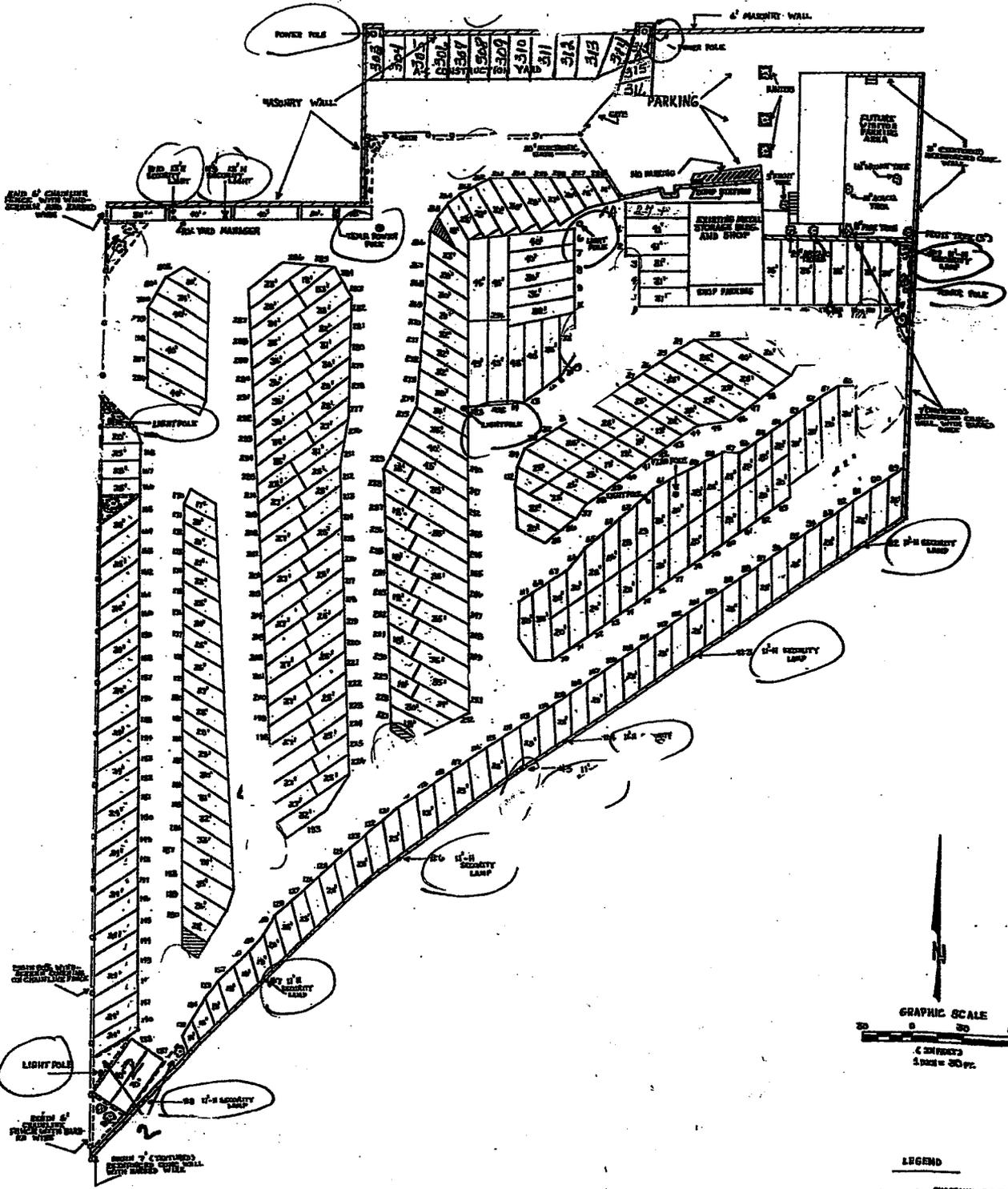
LOCATION MAP

CC ATTACHMENT NO. 1



AERIAL PHOTOGRAPH

CC ATTACHMENT NO. 2



MOORPARK RV AND STORAGE CO.
 1875 SPRING ROAD
 MOORPARK CA. 93021
 (805) 528-3246

CC ATTACHMENT 3 AS BUILT PLAN OF
 R.V. STORAGE SPACES
 AND LIGHTING

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director
Prepared By: Joseph Fiss, Principal Planner

DATE: February 13, 2013 (CC Meeting of 2/20/2013)

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SUMMARY

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BACKGROUND

The following is a chronology of permit activity for this use, based on City records.

- February 7, 1974 – The Ventura County Planning Division notified A-C Construction that the contractor's storage yard at 4875 Moorpark Road (now Spring Road) was established without a required County Development Plan Permit.
- February 11, 1974 – A-C Construction applied for Development Plan Permit No. DP-113 with the County of Ventura.
- October 2, 1974 – The Ventura County Planning Director approved DP-113 for a contractor's storage yard with a 1600 square-foot contractor's office building.
- December 18, 1979 – The County Board of Supervisors revised the Moorpark Community Plan, changing the land use designation of the site from Industrial to Medium Density Residential (3.1-5 Dwelling Units per acre). This made the existing land use and M-2 zoning inconsistent with the County General Plan.

CC ATTACHMENT 4

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- August 19, 1980 – The County Planning Director denied the modification application based on the project's inconsistency with the County General Plan.
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- October 7, 1994 – The Community Development Director of the City of Moorpark issued Temporary Zoning Clearance No. 94-231 to allow recreational vehicle storage on the site. The permit was good for 18 months with the ability to extend the permit by 6 months. The permit was conditioned that if the applicant intends to provide recreational vehicle storage beyond the 18 month period, the applicant shall apply for a Zoning Ordinance Amendment to allow recreational vehicle storage in the CPD zone and a Planned Development Permit.
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- March 5, 1997 – After holding a public hearing on the Zoning Ordinance Amendment application, the Moorpark City Council required the applicant to apply for a Conditional Use Permit for continuation of the RV storage and introduced Ordinance No. 225, which amended the provisions for nonconforming

uses in the Zoning Ordinance to allow for a change from a nonconforming use to a use that is similar with approval of a City Council-approved Conditional Permit pursuant to the requirements of Chapter 17.44, provided the changed use is considered to have no greater impact than the previously existing use, is similar to the nonconforming use and is not considered as an expansion of the existing use. Conditions may be imposed, including, but not limited to time limitations, as deemed necessary for the compatibility of such nonconforming use with adjacent properties.

- March 19, 1997 – The Moorpark City Council adopted Ordinance No. 225.
- May 27, 1998 – The applicant submitted a Conditional Use Permit Pre-Application, along with an \$860 review fee.
- July 21, 1998 – A comment letter from the Community Development Department is issued on the pre-application. Among other comments, this letter concludes by indicating that the RV Storage use requires a City Council-approved Conditional Use Permit.
- January 24, 2012 – At the request of Stephen Anderson, one of the owners, Community Development staff researched the permit status of this site and determined that back in 1998, the Conditional Use Permit application required for the use had never been submitted. Staff subsequently met with the attorney representing the owner to go over the history and application submittal requirements.
- April 17, 2012 – A Conditional Use Permit application was submitted by Banny Anderson for Moorpark RV and Storage.

DISCUSSION

Project Setting

Existing Site Conditions:

The site is generally flat and is mostly finished with a combination of asphalt and compacted gravel with the exception of a small front yard and a small amount of landscaping in the customer parking lot. Landscaping in the parking area is less than the 10 percent that would be required in a new development. There is one 3,250 square foot two-story administrative building and two attached shop buildings totaling 2,068 square feet on the eastern side of the site. The paved area is striped for designation of recreation vehicle storage areas. The property is surrounded by a block wall, with the exception of the western boundary, where a chain link fence exists. A small dump station exists in the office parking area west of the office building and east of the recreational vehicle storage area entrance. The site had been previously used for construction equipment storage, however, this use has ceased.

Previous Applications:

As mentioned above, on October 2, 1974 the Ventura County Planning Director approved DP-113 for a contractor's storage yard with a 1600 square-foot contractor's office building, and the Ventura County Planning Commission approved a 2,184 square-foot addition to this building on November 20, 1980. Although a Conditional Use Permit Pre-Application was submitted to the City on May 27, 1998, the applicant never filed a Conditional Use Permit application to entitle the existing use.

GENERAL PLAN/ZONING			
Direction	General Plan	Zoning	Land Use
Site	C-2 (General Commercial) And Floodway	CPD (Commercial Planned Development)	Recreational Vehicle and Equipment Storage
North	C-2 (General Commercial)	CPD (Commercial Planned Development)	Retail/Office
South	L (Low Density Residential)	RE (Rural Exclusive)	Single Family Dwelling
East	C-2 (General Commercial)	CPD (Commercial Planned Development)	Retail
West	VH (Very High Density Residential)	RPD (Residential Planned Development)	Unbuilt Residential Project (Canterbury Lane/Shea Homes)

General Plan and Zoning Consistency:

The purpose of the Commercial Planned Development (CPD) Zone is to encourage the development of coordinated, innovative and efficient commercial sites and to provide areas for a wide range of commercial retail and business uses, including stores, shops and offices supplying commodities or performing services for the surrounding community. Although there is an established need for recreational vehicle storage in Moorpark, it is not a permitted use in this zone. The last approved use of this site was for a contractor's storage yard and office. That is currently a nonconforming use with the site being rezoned from an industrial zone first to a zone for residential uses, then to a zone for commercial uses. The Zoning Ordinance allows for a City Council-approved Conditional Use Permit for a change from one nonconforming use to another nonconforming use when the changed use is considered to have no greater impact than the previously existing use, when it is similar to the previously existing use, and when it is not considered an expansion of the previously existing use. It is important to note

that if a Conditional Use Permit is approved, the use will still be considered a legal nonconforming use.

Proposed Project

Architecture:

The existing two-story administrative building is designed in an "Old California" residential style. The building is earth-toned with exterior stucco and a barrel tile roof. In 1975 the structure was converted from residential to a contractor's office use. One existing shop building is a non-descript metal building commonly used for storage and other light uses. The other shop building faces Spring Road and is built of frame and stucco material painted to match the administrative building.

Setbacks:

As mentioned above, the site has a block wall on the north, south, and east property lines and a chain link fence on the west property lines. Vehicles stored within the site are stored up to the walls/fence with no setback. This condition exists with the exception of the administrative building, which is set back approximately 25 feet from the Spring Road property line. The current front setback requirement for this property is 20 feet, and the existing wall and storage area is nonconforming, being within this setback south of the administrative building.

Circulation:

On-site circulation consists of two distinct areas. The first area is the customer parking lot. This area includes one driveway and two rows of parking for use while conducting business within the office area. The second area is the recreational vehicle storage area. This area is behind a gate and is accessed from the same driveway. The storage area is arranged so that vehicles can be parked "head-in", backed-in, or pulled through from one side of a space to the other. This is often preferential for large vehicles or those with trailers. This is a typical layout for recreational vehicle storage.

Parking:

There are 8 customer parking spaces on site in the parking lot adjacent to the administration building. Similar to a private mini-storage facility, these spaces are only used for conducting brief business related to the facility. A dump station that connects to the sewer system is provided adjacent to these parking spaces. The applicant has informed City staff that there has historically been one additional business that has sublet part of the administration building for office use. This tenant's use is unrelated to both the recreational vehicle storage use and the previous contractor's storage yard use. The parking calculation is the same as for the office use for the recreational vehicle storage yard and is included in the required parking calculation below.

Under the current code, a new recreational vehicle storage yard would require one parking space per 300 square feet of office plus one space for every 50 storage spaces. In this case, 17 parking spaces would be required $((3250 \text{ sq. ft.}/300) + (300 \text{ spaces}/50) = 17)$. Parking is discussed in the analysis section below.

Landscaping:

The front yard of administrative building is landscaped with a lawn and several trees. There are a few trees in the customer parking lot. The remainder of the site (the recreational vehicle storage area) is completely paved and is not landscaped. There is an unpaved strip of land between the perimeter wall and the sidewalk that is not landscaped. Landscaping is discussed further in the analysis section below.

Site Improvements and National Pollution Discharge Elimination Standards Requirements (NPDES):

Public Works staff has determined that no stormwater permit is required for the proposed use. A recommended condition of approval (Special Condition No. 10) would prohibit washing or maintenance of vehicles.

ANALYSIS

Issues

Staff analysis of the proposed project has identified the following areas for Planning Commission consideration in their recommendation to the City Council:

- Parking
- Perimeter Landscaping
- Razor/Barbed Wire
- Lighting
- Setbacks
- Duration of Conditional Use Permit

Parking:

The Municipal Code allows changes of use to a similar use, with the same or reduced parking requirements and type of permit allowed in the same zone, provided that current requirements for parking can be met. Where parking cannot meet the current requirement for the new use, as in this case, the required permit under this title must be obtained (in this case, a City Council approved Conditional Use Permit). In such cases, the parking requirements shall be determined to the satisfaction of the Planning Division (Community Development Director) and be specified by the permit. The parking specified under the permit shall not be considered conforming.

The Community Development Director has reviewed the operation of this facility and found that the 8 existing parking spaces are sufficient to meet the needs of the use. A condition of approval is recommended to prevent further leasing of space from the administration building for unrelated office uses. This would prevent the need for additional parking that is not available.

Perimeter Landscaping:

As mentioned above, there is an unpaved strip of land between the perimeter wall and the sidewalk that is not landscaped. Parkways, whether or not in the public right-of-way are required to be maintained by the adjacent property owner. In this case, although the area has been kept clear of weeds, and graffiti has been painted over, it would be appropriate for this area to be landscaped and irrigated. A recommended condition of approval (Special Condition No. 7) has been added to this effect. This landscaping could either be ground cover, or tall shrubs to screen the razor/barbed wire if it is allowed to remain as is discussed further in the section below.

Razor/Barbed Wire:

Currently, the fencing surrounding the entire storage area is topped with barbed wire strands and razor wire. This fencing had existed for many years, and it has been repaired and replaced recently. The Zoning Ordinance restricts the use of barbed wire strands, razor wire, and concertina wire (coiled razor or barbed wire) to industrial-zoned property not adjacent to or across the street from residentially zoned property and where it cannot be visible from a public street. It must have a minimum vertical clearance of six (6) feet above grade and must be maintained in a safe condition.

This site is currently zoned for commercial use, is partially adjacent to a vacant residentially-zoned property that is being graded for development, and is adjacent to two additional commercially-zoned parcels. The razor/barbed wire is visible from Spring Road. The applicant has indicated a need for this type of fencing for this use at this time as the property had a large number of break-ins before the fencing was recently repaired. Three conditions of approval are recommended regarding the razor and barbed wire. The first recommended condition of approval (Special Condition No. 7) requires either landscaping along Spring Road to screen the razor and barbed wire adjacent to the street, or replacement of this section of razor/barbed wire with a material that complies with the current Zoning Ordinance, such as wrought iron. To be effective, this would require plants on substantial size with appropriate spacing. The second recommended condition of approval (Special Condition No. 13) would require the removal of the razor and barbed wire adjacent to the residential property to the west when it is developed. The third recommended condition of approval (Special Condition No. 14) would require the removal of all razor and barbed wire at the end of the term of the CUP or when the use is vacated, whichever occurs first.

Lighting

The recreational vehicle storage yard currently has several pole-mounted lights that are aimed at an angle to provide for high-level security lighting on the site. This lighting does not conform to current standards, which requires decorative lights that are aimed downward. With the staff's recommendation to limit the duration of this permit, this lighting would be brought into conformity when the recreational vehicle storage use is removed from the site.

Setbacks

The wall for the storage yard at the Spring Road frontage is approximately 10 feet from the back of the sidewalk. While the site has not been surveyed, so the exact distance from the right-of-way is not known, the wall is clearly within the 20-foot required setback. The proposed limit on the term of this use would allow for this wall to be brought into compliance with current setbacks when the next use occupies the site.

Duration of Conditional Use Permit:

As shown in the timeline above, the use of this property for outdoor storage has existed since 1974. It has operated as a recreational vehicle storage use since 1994 and has been unpermitted since 1998. In order to amortize this use, it is appropriate to place a finite time limit on the permit. A five-year time limit (to February 20, 2018) would be sufficient time to allow the property owner to process an application and obtain permits for a new and conforming use, since the recreational vehicle storage business has already been operating for some 18 years. A condition of approval has been added to this effect.

Options

1. Denial of the Conditional Use Permit

If the City Council determines that the change of nonconforming use from contractor's storage yard to a nonconforming recreational vehicle storage yard does not meet the findings per Section 17.52.060(C)(2) of the Zoning Ordinance, which require the new use to have no greater impact than the previously existing use, be similar to the previously existing use, and not be considered an expansion of the previously existing use, or any of the proposed findings per Section 17.44 for a Conditional Use Permit outlined in the section below, with conditions of approval, the Conditional Use Permit should be denied. Under Section 17.52.060(A) of the Zoning Ordinance, uses not involving permanent structures shall be terminated not later than 3 years after such use becomes nonconforming. In this case, the recreational vehicle storage yard has been nonconforming (and unpermitted) for many years, while the office use on the property is a permitted use in the CPD zone. A minimum 6 month notice from the director would be required for the recreational vehicle storage use to be terminated if the CUP is denied. In the event that City Council is unable to make all of the findings for approval of the proposed continuation of the recreational vehicle storage yard use, an alternate resolution for denial of the CUP application is attached.

2. Impose Conditions on Recreational Vehicle Storage Yard to Ensure Compatibility with Adjacent Properties

Section 17.52.060(C)(2) allows for conditions of approval to be imposed on a change in nonconforming use, including but not limited to time limitations, as deemed necessary for the compatibility of such nonconforming use with adjacent properties. The conditions in the attached resolution to approve the use are recommended to accomplish this provision of the Zoning Ordinance related to the change from one nonconforming use to another nonconforming use. A term of 5 years with a provision to

allow for one 5-year extension is recommended with these conditions of approval to ensure that the nonconforming use is temporary.

3. Consider Additional Conditions of Approval

Other conditions that could be considered by the City Council that have not been included in the draft resolution for approval are:

- Removal of all razor/barbed wire as this is only permitted in the industrial zone
- Relocation of the wall along Spring Road, as it is currently in the 20-foot front setback, and landscaping of this area.
- Reconstruction of the wall and open fencing all around the property to be an 8-foot high decorative masonry wall as is required when outside storage is allowed.
- Upgrade of all on-site lighting to meet current lighting standards.
- Upgrade of on-site drainage to comply with most recent stormwater quality requirements.
- Provision of interior landscaping to meet current standards.
- Provision of additional parking to meet current standards.

These additional conditions have not been included in the recommendation as a term of 5 years with one possible 5-year extension is proposed. If the site would be used for recreational vehicle storage any longer than this, staff recommends that these conditions be added to address issues that are otherwise temporary in nature.

Conditional Use Permit Findings

1. The proposed continuation of the recreational vehicle storage use as conditioned is consistent with the provisions of the general plan, zoning ordinance, and any other applicable regulations in that the City Council has determined that this use will have no greater impact than the previous nonconforming contractor's storage yard use, is similar to the previous nonconforming contractor's storage yard use, is not considered as an expansion of the previous nonconforming contractor's storage yard use, and is conditioned to have a term of 5 years with one possible 5-year extension;
2. The proposed continuation of the recreational vehicle storage use as conditioned is compatible with both existing and permitted land uses in the surrounding area in that conditions of approval including landscaping and removal and/or screening of razor wire and barbed wire have been included to mitigate impacts on neighboring land uses;
3. The proposed continuation of the recreational vehicle storage use as conditioned is compatible with the scale, visual character, and design of surrounding properties in that there will be no changes to the site as a result of the application other than enhanced landscaping and removal and/or screening of razor wire and barbed wire, which would improve the compatibility of the proposed use with the scale, visual character, and design of surrounding properties;

4. The proposed continuation of the recreational vehicle storage use as conditioned would not be obnoxious or harmful, or impair the utility of neighboring property or uses in that conditions of approval have been included so that the barbed wire and razor wire will be removed when the adjacent residential property west of the project site is developed and the barbed wire and razor wire along the Spring Road frontage will either be removed or screened from view; and
5. The proposed continuation of the recreational vehicle storage use without any vesting right to the use beyond the termination date with conditions of approval including a maximum 5-year term with one possible 5-year extension, enhanced landscaping, and removal and/or screening of the barbed wire and razor wire with removal at the end of the use ensure that the use would not be detrimental to the public health, safety, convenience, or welfare.

PROCESSING TIME LIMITS

Time limits have been established for the processing of development projects under the Permit Streamlining Act (Government Code Title 7, Division 1, Chapter 4.5), the Subdivision Map Act (Government Code Title 7, Division 2), and the California Environmental Quality Act Statutes and Guidelines (Public Resources Code Division 13, and California Code of Regulations, Title 14, Chapter 3). Under the applicable provisions of these regulations, the following timelines have been established for action on this project:

Date Application Determined Complete: May 25, 2012

City Council Action Deadline: August 23, 2012

City Council Action Deadline with Extensions: February 20, 2013

The applicant has agreed to an extension of the processing time limits to February 20, 2013, as is allowed by State law.

ENVIRONMENTAL DETERMINATION

In accordance with the City's environmental review procedures adopted by resolution, the Community Development Director determines the level of review necessary for a project to comply with the California Environmental Quality Act (CEQA). Some projects may be exempt from review based upon a specific category listed in CEQA. Other projects may be exempt under a general rule that environmental review is not necessary where it can be determined that there would be no possibility of significant effect upon the environment. A project which does not qualify for an exemption requires the preparation of an Initial Study to assess the level of potential environmental impacts.

Based upon the results of an Initial Study, the Director may determine that a project will not have a significant effect upon the environment. In such a case, a Notice of Intent to Adopt a Negative Declaration or a Mitigated Negative Declaration is prepared. For many projects, a Negative Declaration or Mitigated Negative Declaration will prove to be

sufficient environmental documentation. If the Director determines that a project has the potential for significant adverse impacts and adequate mitigation cannot be readily identified, an Environmental Impact Report (EIR) is prepared.

The Director has reviewed this project and found it to be Categorically Exempt in accordance with Section 15301 (Class 1, Existing Facilities) of the California Code of Regulations (CEQA Guidelines). No further environmental documentation is required.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

1. Continue to accept public testimony and close the public hearing.
2. Adopt Resolution No. 2013-____, conditionally approving Conditional Use Permit No. 2012-03.

ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. Site Plan
4. Draft Resolution to Approve CUP with Conditions of Approval
5. Draft Resolution to Deny CUP

REMEDIAL ACTION COMPLETION CERTIFICATION

July 22, 1997

Mr. Victor Anderson
A-C Construction
4875 Spring Road
Moorpark, CA 93021

VCEHD File #95164

Site Name/Address: A-C Construction, 4875 Spring Road, Moorpark, California

This letter confirms the completion of a site investigation and remedial action for the underground storage tank(s) formerly located at the above-described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the former underground storage tank(s) are greatly appreciated.

Based on information in the above-referenced file and with the provision that the information provided to this agency was accurate and representative of site conditions, no further action related to the underground tank release is required. A copy of the Case Closure Summary for this site is enclosed for your records.

This notice is issued pursuant to a regulation contained in Section 2721(e) of Title 23 of the California Code of Regulations.

If you have any questions regarding this matter, please contact K. Craig Klein of the LUFT Program staff at (805) 662-6510.


Robert Williamson for
DONALD W. KOEPP, DIRECTOR
ENVIRONMENTAL HEALTH DIVISION
RESOURCE MANAGEMENT AGENCY

DWK/sg/7ac-enn.slo

Enclosure

c: David Bacharowski, Los Angeles Regional Water Quality Control Board
Mike Mosbacher, State Water Resources Control Board
Owen Weyers, O.E. Associates

800 South Victoria Avenue, Ventura, CA 93009-1730 (805) 654-3518 FAX (805) 654-2480

CC ATTACHMENT 5

Case Closure Summary

Leaking Underground Fuel Storage Tank Program

I. Agency Information

Agency name: Ventura County Environmental Health Div	Date: 2/10/97
City/State/ZIP: Ventura, CA 93009-1730	Address: 800 South Victoria Avenue
Responsible staff person: K. Craig Klein	Phone: (805) 662-6510
	Title: Project Manager

II. Case Information

Site facility name: AC Construction			
Site facility address: 4875 Spring Rd. Moorpark CA 93024			
RB LUSTIS Case No:	Local Case No: C95164	LOP Case No: C95164	
URF filing date: 07/12/95	SWEEPS No:		
Responsible Parties		Addressee	
Victor Anderson / AC Construction	4875 Spring Rd	Moorpark CA	Phone Number (805) 529-3220

Tank No	Size in Gal	Contents	Closed In-place/Removed?	Date
1	6,500	Diesel	Removed	01/10/96
2	4,000	Gasoline	Removed	01/10/96
3	8,000	Gasoline	Removed	01/10/96

III. Release and Site Characterization Information

Cause and type of release: Overfill / overspill dispenser leak			
Site characterization complete?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Date approved by oversight agency: 1/10/97	
Monitoring Wells installed?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Number: 1	Proper screened interval? <input checked="" type="radio"/> Yes <input type="radio"/> No
Highest GW depth below ground surface:	39.7 ft.	Lowest depth:	33.7 ft. Flow direction:
Most sensitive current use: None			
Are drinking water wells affected?	Yes <input type="radio"/> No <input checked="" type="radio"/>	Aquifer name: Unconfined permeable lenses in basement Pleistocene alluvium	
Is surface water affected?	Yes <input type="radio"/> No <input checked="" type="radio"/>	(Nearest) affected SW name: Arroyo Simi	
Off-site beneficial use impacts (addresses/locations): None			
Report(s) on file?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Where is report(s) filed? VCE4D	

Treatment and Disposal of Affected Material

Material	Amount (Include Units)	Action (Treatment or Disposal w/Destination)	Date
Tank	1 - 6500 gal. 1 - 4000 gal. 1 - 8000 gal.	Transported to Standard Ind. in Salinas CA for recycling	01/11/96
Piping			
Free Product			
Soil			
Groundwater			
Barrels			

III. Release and Site Characterization Information (Continued)

Maximum Documented Contaminant Concentrations - - Before and After Cleanup									
Contaminant	Soil (ppm)		Water (ppm)		Contaminant	Soil (ppm)		Water (ppm)	
	Before	After	Before	After		Before	After	Before	After
TPH (Gas)	ND	ND	ND	ND	Xylene	0.050	ND	ND	ND
TPH (Diesel)	260	—	ND	ND	Ethylbenzene	0.015	ND	ND	ND
Benzene	0.007	ND	ND	ND	Oil & Grease				
Toluene	0.036	ND	ND	0.3	Heavy metals				
Other					Other Lead	8	2	0.003	ND

Comments (Depth of Remediation, etc.): Tank excavation to 13 ft in depth, samples collected at this depth. Boring through tank pit showed no evidence of contamination at greater depth.

IV. Closure

Does completed corrective action protect existing beneficial uses per the Regional Board Basin Plan? Yes No

Does completed corrective action protect potential beneficial uses per the Regional Board Basin Plan? Yes No

Do cleanup levels exceed Regional Board requirements? Yes No Identify:

Rationale for exceeding RB requirements:

Does corrective action protect public health for current land use? Yes No

Site management requirements:

Should corrective action be reviewed if land use changes? Yes No

Monitoring wells Decommissioned: Yes No Number Decommissions: 0 Number Retained: 1

List enforcement actions taken:

List enforcement actions rescinded:

V. Local Agency Representative Data

Name: K. Craig Klein Title: Project Manager

Signature: [Signature] Date: 2/10/97

VI. RWQCB Notification

Date Submitted to RB Executive Officer: _____ RB Response: _____

RWQCB Staff Name: _____ Title: _____ Date: _____

Additional Comments, Data, Etc.

This document and the related CASE CLOSURE LETTER, shall be retained by the lead agency as part of the official site file.

CITY OF MOORPARK
COMMUNITY DEVELOPMENT DEPARTMENT
MEMORANDUM

TO: Honorable City Council

FROM: Wayne Loftus, Director of Community Development *WL*

DATE: May 23, 2001

SUBJECT: Status Report Related to the A.C. Construction Site and Its Incorporation Within the L.T. Development Proposal for Affordable Housing Development.

BACKGROUND

At the April 18, 2001, meeting of the Affordable Housing/Community Development Committee there was a recommendation that the construction yard/recreational vehicle storage yard property be incorporated into the General Plan Amendment request filed by L.T. Development. The site is approximately 6.82 acres and is currently zoned CPD.

DISCUSSION

The A.C. Construction site has been the subject of numerous discussions related to issues of zoning violations and jurisdictional actions. This site has also been the subject of concern by adjacent residential property owners. The following chronology and explanatory material is intended to provide a summary of the issues that have been dealt with concerning the subject property.

A. The original use, a contractor's facility yard, was initiated without approval of a Development Plan Permit (DP) as required under then applicable County Zoning ordinance criteria in 1974. The owner applied for the DP in February 1974 and it was granted in October 1974. This established the contractor facility under the M-2 Zone existing on the property at the time.

B. The Ventura County Board of Supervisors adopted a land use change for the property on December 18, 1979, which established the designation as Medium Density Residential.

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The contractor storage facility became a legal non-conforming use as a result. Subsequently, the property was rezoned to CPD, which permits recreational vehicle sales and services, subject to a Planning Commission approved Conditional Use Permit.

C. The Director of Community Development granted a Zone Clearance to permit a temporary RV storage facility on November 28, 1994, (ZC 94-0267) finding that the portion of the site dedicated to this use was not a change in use that would be substantially different than the contractor's storage yard. The permission for the temporary RV storage was subject to conditions, including a sunset clause, causing the permit to expire (May 28, 1996), 18 months from the date of issuance.

D. In August 1996, the owner applied for a Zoning Ordinance Amendment (ZOA 96-1) to permit a Recreational Vehicle storage yard within the CPD Zone subject to an approved Conditional Use Permit. The result of that application process was the adoption of Ordinance No. 225 which modified the Non-conforming Use provisions of Section 17.52.060 C.2. of the Zoning Ordinance. That change allowed conversion from one non-conforming use to another non-conforming use provided that the City approve a Conditional Use Permit (CUP) and that the proposed substitute use would not result in any expansion of the non-conformity. Also, the code section as amended permitted City Council to condition the issuance of the required CUP.

E. Section 17.52.060.C.2 a proposed Zoning Ordinance amendment was considered by the Planning Commission and recommended to the City Council on November 13, 2000. The Commission consideration would allow changes in non-conforming uses subject to a Director approved Administrative Permit. City Council has not considered this recommended ordinance change.

The site does not possess a Conditional Use Permit as required by current zoning code provisions. A Conditional Use Permit is necessary to allow the continuation of the RV storage use should the site remain in a CPD zone and the Planning Commission recommendation concerning Section 17.52.060.C.2 not be considered and adopted. Should the site become a portion of the proposed General Plan Amendment (Pre-screening GPA 2000-03/LT

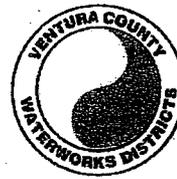
Development) proposing a change from commercial to residential, the contractor facility yard and RV storage should be removed from the site within a reasonable period of time. It is suggested that this area should be incorporated within the first phase of development to insure that a change occurs. Should the requested redesignation not occur, the applicant should be required to apply for the appropriate permit (CUP) to provide for the RV use. At such time as the RV use is approved, the contractor facility should cease to have legal status and all related activity to that non-conforming use should be vacated.

RECOMMENDATIONS

1. That any application for a formal General Plan Amendment be accompanied by an application for Conditional Use Permit to permit the RV storage yard within the CPD zone on the site, and that the applicant concurs that conditions such as landscaping, public improvements, and operational standards may be required as part of the permit.
2. That the property considered herein be incorporated into phase one of the proposed LT development plan.
3. That any and all violations of code that exist upon the property are removed prior to construction of phase one of the development project on-site, including but not limited to removal of the barbed/razor wire on the perimeter fencing.

C: Steve Kueny, City Manager
Code Enforcement Division
John Libiez, Planning Manager
File

VENTURA COUNTY WATERWORKS DISTRICTS



COUNTY OF VENTURA
PUBLIC WORKS AGENCY
JEFF PRATT
Agency Director

Representing: Ventura County Waterworks Districts No. 1, 16, 17 & 19

Water & Sanitation Department
R. Reddy Pakala
Director

March 4, 2013

Dennis Orrock
Moorpark RV Storage
788 N. Victoria Avenue
Ventura, CA 93003

Eric Keller
Operations,
Planning, &
Development

Cefe Munoz
Design &
Construction

Anne Dana
Administration

Subject: Moorpark RV Storage Dump Station
4875 Spring Road, Moorpark, CA 93003
Unauthorized Sewer Connection, Charges and Prohibitions
Ventura County Waterworks District No. 1 (District)

Mr. Orrock:

Thank you for meeting on February 27, 2013 with Mr. Al Sexton and myself from our office and David Bodardt, Community Development Director, City of Moorpark, in regard to the history, operation, current, and future intended uses of the RV dumping station located at 4875 Spring Road in Moorpark California. As was discussed in the meeting, this connection to the sewer system is an unauthorized sewer connection that must cease operations immediately regardless of frequency of use and volumes discharged into the sewer collection system.

Background:

The City of Moorpark (City), on February 2, 2013, asked if the District was aware of any RV dumping station at subject address. After further investigation and inspection of the site by District staff on February 12, 2013, it was confirmed that an unauthorized RV dumping station was connected to the existing sewer lateral on the property. It was discussed with site manager Ms. Sandie Graham that the dump station at a minimum needs to be locked or secured in a fashion that would prevent the dumping of wastes. The District does not allow sewer connections for these types of chemical wastes associated with RV discharges due to presence of formaldehydes, which are known to interfere with the wastewater treatment process. These findings were given to the City on February 15, 2013.

The volume of past years' unauthorized discharges was discussed and provided in an e-mail from you dated February 25, 2013. During a typical

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year, dumping has occurred 5 to 8 times per month from September to May and 20 times per month from June to August. Each dumping event may range from 40 to more than 100 gallons. The dump site has been active since 1999. Disposal cost for chemical toilet wastewater is charged \$0.18 per gallon by Southern California Wastewater, a primary receiver of pumped sewage in Ventura County. Based on the volume of discharges for the past four (4) years, it was determined for the purpose of calculating back charges that the disposal cost would range from \$3,800 to \$9,500. Considering only a disposal of 40 gallons per dumping event, the District is assessing the \$3,800 for back charges. The District is also assessing a tampering penalty of \$250 for the unauthorized connection.

Based on the information you provided to our office and staff discussions, Moorpark RV Storage shall perform the following immediate actions:

Immediate Actions:

1. Discontinue and cease any and all RV and/or other dumping activities into the RV dumping station by tenants of the business and the public.
2. Ensure the RV dump station is not operational by securing and locking the station to prohibit any dumping activities.
3. Provide to the District proof of non-operation of the RV dumping station.
4. Pay a tampering penalty of \$250.00.
5. Pay for previously discharged sewage in the amount of \$3,800.00.

Moorpark RV Storage must contact our office if they plan to request a variance for the connection, installation and operation of a dumping station that is designed, constructed and installed to current plumbing code and District standards. Requesting a variance does not guarantee an approval from this office for this type of connection to the District's sewer collection system. If you have any questions regarding these items, please contact me at (805) 378-3015.

Eric J. Keller

Eric J. Keller, P.E.
Deputy Director Water and Sanitation Department

EK:AS:ec

cc: David Bobardt, Community Development Director, City of Moorpark

David Bobardt

From: Eric Keller <Eric.Keller@ventura.org>
Sent: Tuesday, March 12, 2013 5:59 PM
To: Dennis Orrock
Cc: David Bobardt; sam arsht Arsht; Reddy Pakala
Subject: Re: Moorpark RV

Dennis,

After further review, the District will accept a total of \$2500.00 in payment for past dumping and the tampering fee. Acceptance is however conditional that Moorpark RV will in fact not be pursuing any future use of the site for RV waste dumping, and that the existing dump station is physically removed and the sewer later capped below grade, backfilled over for no future access, with a final inspection from the District to verify the work has been done.

Please confirm in writing that Moorpark RV will meet these requirements, pay the \$2500.00, and provide our office a schedule of when the abandonment work will be completed for inspection.

Thank you,

Eric

Eric Keller, P.E.
Deputy Director

County of Ventura
Water & Sanitation Department
6767 Spring Rd.
P.O. Box 250
Moorpark, CA 93020-0250
(805) 378-3015 Ph
(805) 529-7542 Fax>>> "Dennis Orrock" <dennis.orrock@gmail.com> 3/9/2013 9:37 AM >>>

Mr. Keller

I received your letter of 3/4/13. Thank you for the information. I believe your letter fairly outlines the issue and the responsibility of Moorpark RV in regard to the RV dump site.

As you may know I represent Moorpark RV and the Trustee of the Stephen R. Anderson Trust. On behalf of the Trust and the heirs I would ask that the total assessment be reduced to a total of \$2,500.00 instead of the assessment of \$4,050.00 I ask for this reduction because the heirs had nothing to do with the installation of the dump site, and has taken corrective action as soon as the estate was aware of the problem.

I would continue to inform you that the site has been closed down. It has been locked and notice of the cessation of the use has been posted. You may feel free to stop by and review the site for compliance.

Thank you for your continued help in trying to resolve this matter.

R. Dennis Orrock for Moorpark RV

RESOLUTION NO. 2013-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 2012-03 TO ALLOW AN OUTDOOR RECREATIONAL VEHICLE STORAGE FACILITY AT 4875 SPRING ROAD, ON THE APPLICATION OF BANNY ANDERSON (FOR MOORPARK RV AND STORAGE)

WHEREAS, at a duly noticed public hearing held on September 19, 2012, October 17, 2012, December 5, 2012, January 16, 2013, February 20, 2013, March 6, 2013, and March 20, 2013, the City Council considered Conditional Use Permit (CUP) No. 2012-03 on the application of Banny Anderson (for Moorpark RV and Storage) to allow an outdoor recreational vehicle storage facility at 4875 Spring Road; and

WHEREAS, at its meetings of September 19, 2012, October 17, 2012, December 5, 2012, January 16, 2013, February 20, 2013, March 6, 2013, and March 20, 2013, the City Council considered the agenda report and any supplements thereto and written public comments; opened the public hearing and took and considered public testimony both for and against the proposal; closed the public hearing and reached a decision on this matter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. ENVIRONMENTAL DOCUMENTATION: The Community Development Director has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies under the Class 1 exemption under State CEQA Guidelines Section 15301 (existing facilities) because CUP No. 2012-03 and related approvals allows for the continuation of an existing recreational vehicle storage use of the property with no expansion or addition to the use or its operation on the property. In addition, there is no substantial evidence that the project will have a significant effect on the environment. The City Council has reviewed the Community Development Department's determination of exemption, and based on its own independent judgment, concurs in staff's determination of exemption.

SECTION 2. CHANGE OF NONCONFORMING USE FINDINGS: Based upon the information set forth in the staff report(s), accompanying studies, and oral and written public testimony, the City Council finds in accordance with City of Moorpark, Municipal Code Section 17.52.060(C)(2) that the existing recreational vehicle storage yard use, with no changes in proposed operations and with special and standard conditions of approval incorporated as shown in Exhibit A, would have no greater impact than the previous nonconforming contractor's storage yard, that it is similar in

CC ATTACHMENT 8

use to the contractor's storage yard, and it is not considered an expansion of the previous contractor's storage yard.

SECTION 3. CONDITIONAL USE PERMIT FINDINGS: Based upon the information set forth in the staff report(s), accompanying studies, and oral and written public testimony, the City Council makes the following findings in accordance with City of Moorpark, Municipal Code Section 17.44.040:

1. The proposed continuation of the recreational vehicle storage use as conditioned is consistent with the provisions of the general plan, zoning ordinance, and any other applicable regulations in that the City Council has determined that this use will have no greater impact than the previous nonconforming contractor's storage yard use, is similar to the previous nonconforming contractor's storage yard use, is not considered as an expansion of the previous nonconforming contractor's storage yard use, and is conditioned to have a term of 5 years with one possible 5-year extension;
2. The proposed continuation of the recreational vehicle storage use as conditioned is compatible with both existing and permitted land uses in the surrounding area in that conditions of approval including landscaping and removal and/or screening of razor wire and barbed wire have been included to mitigate impacts on neighboring land uses;
3. The proposed continuation of the recreational vehicle storage use as conditioned is compatible with the scale, visual character, and design of surrounding properties in that there will be no changes to the site as a result of the application other than enhanced landscaping and removal and/or screening of razor wire and barbed wire, which would improve the compatibility of the proposed use with the scale, visual character, and design of surrounding properties;
4. The proposed continuation of the recreational vehicle storage use as conditioned would not be obnoxious or harmful, or impair the utility of neighboring property or uses in that conditions of approval have been included so that the barbed wire and razor wire will be removed when the adjacent residential property west of the project site is developed and the barbed wire and razor wire along the Spring Road frontage will either be removed or screened from view; and
5. The proposed continuation of the recreational vehicle storage use without any vesting right to the use beyond the termination date with conditions of approval including a maximum 5-year term with one possible 5-year extension, enhanced landscaping, and removal and/or screening of the barbed wire and razor wire

with removal at the end of the use ensure that the use would not be detrimental to the public health, safety, convenience, or welfare.

SECTION 4. CITY COUNCIL APPROVAL: the City Council hereby approves Conditional Use Permit No. 2012-03 for a five (5) year period ending March 20, 2018, with the right for the applicant to apply for another five (5) year extension, subject to the Standard and Special Conditions of Approval found in Exhibit A attached.

SECTION 5. EFFECTIVE DATE: The City Council's Approval of Conditional Use Permit No. 2012-03 shall not become effective unless and until the applicant signs an Affidavit of Acceptance of the terms and conditions of Conditional Use Permit No. 2012-03. If the applicant does not sign and submit to the City a signed and notarized Affidavit of Acceptance within thirty (30) days of City Council approval of Conditional Use Permit No. 2012-03, the City Council approval action becomes null and void.

SECTION 6. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 20th day of March, 2013.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Standard and Special Conditions of Approval

EXHIBIT A

**STANDARD AND SPECIAL CONDITIONS OF APPROVAL FOR
CONDITIONAL USE PERMIT (CUP) No. 2012-03**

STANDARD CONDITIONS OF APPROVAL

The applicant shall comply with Standard Conditions of Approval for Conditional Use Permits as adopted by City Council Resolution No. 2009-2799 (Exhibit B), except as modified by the following Special Conditions of Approval. In the event of conflict between a Standard and Special Condition of Approval, the Special Condition shall apply.

SPECIAL CONDITIONS

1. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit is deemed to be acceptance of all conditions of this permit.
2. The Conditions of Approval of this permit, City of Moorpark Municipal Code and adopted city policies at the time of the permit approval supersede all conflicting notations, specifications, dimensions, typical sections and the like which may be shown on plans.
3. Conditions of this entitlement may not be interpreted as permitting or requiring any violation of law or any unlawful rules or regulations or orders of an authorized governmental agency.
4. Nothing in this permit or its Conditions of Approval precludes the City from enforcing the Municipal Code with respect to any violations which may occur on the property affected by this permit.
5. The applicant shall defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, or employees concerning the permit, which claim, action or proceeding is brought within the time period provided therefore in California Code of Civil Procedure Section 1094.6 or California Government Code Section 65009, whichever is shorter. The City will promptly notify the applicant of any such claim, action or proceeding, and if the City should fail to do so or should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify and hold harmless the City or its agents, officers and employees pursuant to this condition.

- a. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding, if both of the following occur:
 - i. The City bears its own attorney fees and costs;
 - ii. The City defends the claim, action or proceeding in good faith.
 - b. The applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the applicant. The applicant's obligations under this condition shall apply regardless of whether a building permit is ultimately obtained, or final occupancy is ultimately granted with respect to the permit.
6. If any of the conditions or limitations of this approval are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth.
7. The development must be in substantial conformance with the plans presented in conjunction with the application for Conditional Use Permit No. 2012-03, except any modifications as may be required to meet specific Code standards or other conditions stipulated herein. Any future changes to the parking or vehicle storage layout shall require review and approval by the Community Development Director. Storage in the yard shall be limited to recreational vehicles, including motor homes, travel trailers, boats and personal watercraft on trailers, and off-road vehicles on trailers intended for personal (non-commercial) use. Storage containers not used for the operation and maintenance of the recreational vehicle storage yard, inoperable vehicles, and commercial vehicles shall be removed from the site within one-hundred and eighty (180) days of the issuance of this Conditional Use Permit.
8. Landscaping shall be provided and continuously maintained in the area between the wall adjacent to Spring Road and the sidewalk. If the razor/barbed wire along the Spring Road frontage is to be maintained by the applicant for the duration of this permit, plant materials shall be of sufficient size and spacing to provide rapid screening of the razor wire and barbed wire so that it would not be visible from the public right-of-way. If the razor wire and barbed wire is removed in this area, only ground cover is necessary between the wall and sidewalk. Within thirty (30) days of approval, a landscaping plan showing landscaping in the area between the perimeter wall and the sidewalk on Spring Road, shall be submitted for review and approval by the Community Development Director. Such landscaping shall be installed within sixty (60)~~thirty (30)~~ days of approval of the plan.
9. A separate sign permit application is required for all proposed signs.

10. All exterior areas of the site, including landscaping and parking areas must be maintained free of litter and debris at all times.
11. There shall be no maintenance of recreational vehicles, including washing or changing of propane tanks, on site. The existing dump station is the only location where holding tanks may be emptied may not be used at any time under this permit and must be capped and removed with all necessary permits by the City and Waterworks District No. 1 and all fees and fines for its prior operation paid to Waterworks District No. 1 within thirty (30) days of approval of this Conditional Use Permit. A new dump station that complies with all current standards and permitting requirements is allowed under this Conditional Use Permit provided that all necessary building permits are obtained and the facility is constructed and operated in compliance with NPDES standards. An operational plan is required to demonstrate proper maintenance prior to issuance of a Zoning Clearance for construction of a new dump station.
12. Conditional Use Permit No. 2012-03 may be revoked or its use suspended by the City, if any of the causes listed in Section 17.44.080.B of the Zoning Code are found to apply, including if the use for which the permit was granted has not been exercised for at least twelve (12) consecutive months, has ceased to exist, or has been abandoned. The discontinuance for a period of one hundred eighty (180) or more days of a nonconforming use or a change of nonconforming use to a conforming use constitutes abandonment and termination of the nonconforming status of the use.
13. The City of Moorpark reserves the right to modify, suspend or revoke for cause this conditional use permit consistent with Chapter 17.44 of the Moorpark Municipal Code or as may be amended in the future.
14. If the easterly wall on the adjacent residential property west of the subject site is constructed prior to the expiration of this Conditional Use Permit, any barbed wire strands, razor wire, and/or concertina wire (coiled barbed wire) adjacent to the residential development shall be removed by the applicant within thirty (30) days of notification by the Community Development Director.
15. At the end of the term of this CUP or if use is vacated earlier, whichever comes first, all barbed wire strands, razor wire, and/or concertina wire (coiled barbed wire) shall be removed within thirty (30) days of notification by the Community Development Director. Any razor or barbed wire that is removed may only be replaced by fencing that conforms with the standards of the Zoning Ordinance at the time of installation.

16. No vested right to any use or uses allowed by this permit shall apply or exist beyond the termination date of this permit as follows. All recreational vehicle and outdoor storage allowed by this Conditional Use Permit must cease by February 20, 2018, and the site must be restored or converted to a conforming use by this date. The City Council may extend the term of this Conditional Use Permit by one additional five (5) year period to February 20, 2023 if upon receipt of an application for extension from the operator not less than sixty (60) days prior to expiration, the City Council finds the use to be in conformance with all conditions of approval.
17. Leasing of the administration building for other uses during the term of this Conditional Use Permit is limited to office uses that do not generate on-site customer traffic to the satisfaction of the Community Development Director. A Zoning Clearance and a Business Registration Permit are required for each tenant use prior to occupancy.~~No additional tenant space in the administration building and storage building shall be leased during the term of this permit beyond that leased at the time of approval of this permit. Within thirty (30) days of permit approval, the applicant shall provide information on the current leased space in these buildings to the Community Development Director.~~

-END-

RESOLUTION NO. 2013-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, DENYING CONDITIONAL USE PERMIT NO. 2012-03 TO ALLOW AN OUTDOOR RECREATIONAL VEHICLE STORAGE FACILITY AT 4875 SPRING ROAD, ON THE APPLICATION OF BANNY ANDERSON (FOR MOORPARK RV AND STORAGE)

WHEREAS, at a duly noticed public hearing held on September 19, 2012, October 17, 2012, December 5, 2012, January 16, 2013, February 20, 2013, March 6, 2013, and March 20, 2013, the City Council considered Conditional Use Permit (CUP) No. 2012-03 on the application of Banny Anderson (for Moorpark RV and Storage) to allow an outdoor recreational vehicle storage facility at 4875 Spring Road; and

WHEREAS, at its meetings of September 19, 2012, October 17, 2012, December 5, 2012, January 16, 2013, February 20, 2013, March 6, 2013, and March 20, 2013, the City Council considered the agenda report and any supplements thereto and written public comments; opened the public hearing and took and considered public testimony both for and against the proposal; closed the public hearing and reached a decision on this matter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. ENVIRONMENTAL DOCUMENTATION: The Community Development Director has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies under the Class 1 exemption under State CEQA Guidelines Section 15301 (existing facilities) because CUP No. 2012-03 and related approvals allows for the continuation of an existing recreational vehicle storage use of the property with no expansion or addition to the use or its operation on the property. In addition, there is no substantial evidence that the project will have a significant effect on the environment. The City Council has reviewed the Community Development Department's determination of exemption, and based on its own independent judgment, concurs in staff's determination of exemption.

SECTION 2. CHANGE OF NONCONFORMING USE FINDINGS: Based upon the information set forth in the staff report(s), accompanying studies, and oral and written public testimony, the City Council finds the existing recreational vehicle storage yard does not meet the findings of City of Moorpark, Municipal Code Section 17.52.060(C)(2), in that that the existing recreational vehicle storage yard use has a greater impact than the previous nonconforming contractor's storage yard, that it is not similar in use to the contractor's storage yard, and that it is considered an expansion of the previous contractor's storage yard.

CC ATTACHMENT 9

SECTION 3. CONDITIONAL USE PERMIT FINDINGS: Based upon the information set forth in the staff report(s), accompanying studies, and oral and written public testimony, the City Council makes the following findings in accordance with City of Moorpark, Municipal Code Section 17.44.040:

1. The proposed continuation of the recreational vehicle storage use is not consistent with the provisions of the general plan, zoning ordinance, and any other applicable regulations in that the City Council has determined that this use will have a greater impact than the previous nonconforming contractor's storage yard use, is not similar to the previous nonconforming contractor's storage yard use, and is considered an expansion of the previous nonconforming contractor's storage yard use;
2. The proposed continuation of the recreational vehicle storage use is not compatible with both existing and permitted land uses in the surrounding area in that zoning for the property has been changed to Commercial Planned Development (CPD) by Ordinance No. 155 in 1992 to encourage the development of coordinated innovative and efficient commercial sites and to provide areas for a wide range of commercial retail and business uses, including stores, shops and offices supplying commodities or performing services for the surrounding community and the permitted uses in the CPD zone do not include recreational vehicle storage uses;
3. The proposed continuation of the recreational vehicle storage use is not compatible with the scale, visual character, and design of surrounding properties in that the visible storage of recreational vehicles and the use of razor wire and barbed wire are not permitted in the CPD zone;
4. The proposed continuation of the recreational vehicle storage use would be obnoxious or harmful, or impair the utility of neighboring property or uses in that the storage of recreational vehicles and the use of barbed wire and razor wire are visible from adjacent properties and the Spring Road right-of-way and are not in keeping with the purpose of the CPD zone to encourage the development of coordinated innovative and efficient commercial sites and to provide areas for a wide range of commercial retail and business uses, including stores, shops and offices supplying commodities or performing services for the surrounding community.

SECTION 4. CITY COUNCIL DENIAL: the City Council hereby denies the application for Conditional Use Permit No. 2012-03 based on the findings above.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 20th day of March, 2013.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk